

September 12, 2013

SPECIAL CALLED COUNCIL MEETING:

With proper notice being given the Rainsville City Council met in Special Session on September 12, 2013, at 6:00 pm at the Rainsville Fire Hall with the following members present: Mayor Pro Tem: Rodger Lingerfelt. Councilmembers: Brandon Freeman, Joey Graham, David Holt and Melissa Ledbetter. Absent: Mayor Nick Jones.

This special called council meeting was for a due process hearing for Police Chief Charles Centers.

Mayor Pro-Tem Roger Lingerfelt called the meeting to order and called the roll.

Mayor Pro-Tem Lingerfelt asked Chief Centers if he wanted this hearing in an open meeting or in an executive session. Jayson Carroll, attorney representing Chief Centers said that they would like for the hearing to be in an open meeting.

Mayor Pro-Tem Lingerfelt asked Councilmember Holt who serves as the liaison to the police department to present the complaint filed against Chief Centers. Councilmen Holt read an email that was sent to the councilmembers from the city clerk notifying them of the write up and violation.

Jayson Carroll addressed the council on behalf of Chief Centers and stated that it is our position that the burden is on the city to prove the charges that have been explained and in the absent of the mayor or someone for the city presenting evidences to prove the charges, we ask the council to dismiss the recommended disciplinary action.

Councilmen Holt stated it is not the common practice that a tag be placed on a car that you don't own and he asked that that not take place in the future.

Councilmember Ledbetter stated according to Section 11-43-230 Section (a) of the Code of Alabama, Chief Centers cannot be put on leave without pay prior to a disciplinary hearing and she contacted the City Treasurer and the City Accountant to pay him.

Councilmen Graham read Section 40-12-250 Section (a) of the Code of Alabama. He stated that his understanding was that the Chief had agreed upon a price with the dealer, per this law, and I am not a Lawyer but in my opinion the city had presumed ownership and applying an open municipal tag was both legal and required, and he believes that Chief Centers did nothing wrong. Councilman Holt added that he ask Charles to bring the car to the council work session for everyone to look at and that it would be brought up to be purchased at the next regular council meeting.

A motion was made by Holt and seconded by Freeman to reinstate Chief Centers to regular duty at full pay and remove the write up from his personnel file. Mayor Pro-Tem Lingerfelt called for a vote. Voting Yea: Freeman, Graham, Holt, Ledbetter and Lingerfelt. Voting Nay: None. Motion carried unanimously.

A motion was made by Holt and seconded by Freeman that there was no factual basis for the suspension. Mayor Pro-Tem Lingerfelt called for a vote. Voting Yea: Freeman, Graham, Holt, Ledbetter and Lingerfelt. Voting Nay: None. Motion carried unanimously.

A motion was made by Holt and seconded by Freeman to adjourn at 6:15 pm. Motion carried with all in favor.

Rodger Lingerfelt, Mayor Pro-Tem

Judy Lewis, City Clerk