

GEORGIA PUBLIC DEFENDER STANDARDS COUNCIL

Minutes of Regular Meeting

January 13, 2009

***Official Transcript Available for Review at Central Office*

The regular meeting of the Georgia Public Defender Standards Council was held on January 13, 2009 at the GPDSC office.

Council members present in person were Wilson DuBose (Chairman), David Dunn (Secretary), Don Oliver, Lee Morris, Jerry Word, Mike Berg and Wyc Orr. Council members present by telephone were Ron Cross, Dr. Paul Kurtz, Judge Willie Lockette, Judge Mark Anthony Scott and Tony Thaw.

CALL TO ORDER

Council Chairman Wilson DuBose declared a quorum and called the meeting to order at 2:00 p.m. Chairman DuBose announced that the meeting was called for the purpose of going into executive session to discuss personnel and litigation matters. He added there was not business having been noticed for the meeting.

Director Mack Crawford made an announcement prior to moving into executive session the central staff member Robert Bailey had passed away. He noted that the donation to his family would list the Council on the card.

Chairman DuBose then entertained a motion to go into executive session. Mike Berg made a motion to go into executive session. Lee Morris seconded, and the motion carried unanimously.

EXECUTIVE SESSION

The Council went into executive session at 2:15.

RESUMPTION OF PUBLIC SESSION

The Council went back into public session at 2:30 p.m. with Chairman DuBose asking GPDSC counsel DeBraé Kennedy of the Attorney General's Office what it was that the Council could not discuss in executive session and asked for confirmation that the meeting notice said personnel matters would be discuss.

Emily Pattillo confirmed that the notice said the executive session would include personnel and litigation matters.

Mike Berg shared his observation that, as a member of the Dawson County Commission, he understood the only personnel that could be discussed in executive session would be personnel who worked for the commission. In this instance, he added, the discussion could only be of personnel who worked for the Council.

Chairman DuBose agreed, but said he thought since Sarah Haskin worked for the Council that they could discuss what her role with them would be.

Ms. Kennedy advised that they could discuss Ms. Haskin as a candidate for a position, but that in this case they were talking about creating two new positions. She added that the new positions were not something that could be discussed in executive session.

David Dunn asked if there would be a distinction between creating a new position versus simply taking the duties of an existing employee and modifying them.

Ms. Kennedy opined that what would be discussed in that situation would be in open session. She stated that the specific language that can close a meeting “when discussing or deliberating upon the appointment, employment, compensation, hiring, disciplinary action or dismissal” must include “evaluations or a rating of a public officer or employee.”

Chairman DuBose countered that the situation before the Council was not that Ms. Kennedy has described. Instead, he said, the situation was that Ms. Haskin was coming back [from maternity leave], and the Council needed to discuss her role in the Council.

Ms. Kennedy responded that as soon as this intention was announced, the next occurrence was the distribution of a handout described as “the new position that we would like to created for Sarah.” Ms. Kennedy noted that would mean Ms. Haskin would be going from being under the director to being in a new position created wherein she is a liaison with new job duties and a Council employee.

Wyc Orr then inquired whether the Council was properly convened and whether required notice had been given to have an open session now on the subject of Ms. Haskin’s proposed new position.

Ms. Kennedy expressed the opinion that it was not an ideal situation. She noted there is a provision [in the Open Meetings Act] allowing an agenda to be amended when something unexpected comes up, but she thought it could be challenged in court under these circumstances.

Don Oliver then stated his position that all staff members, other than Director Crawford work for the Council. Therefore, he said, he respectfully disagreed with Ms. Kennedy that Ms. Haskin’s proposed employment by the Council was something that could only be discussed in executive session.

Mr. Berg suggested that to err on the side of caution that the discussion of the new position for Ms. Haskin be postponed until the meeting previously set for January 23, 2009.

RESUMPTION OF EXECUTIVE SESSION

At 2:40 p.m. the Council members went back into executive session.

The date for next regular meeting is January 23, 2009 at the University of Georgia in Athens.

These minutes are respectfully submitted and adopted this _____, 2009.

David Dunn, Secretary