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April 15, 2020

Chairman Louis Maxwell
Commissioner Mike Berry
County Attorney Bridgett Gray
Macon County Commission
101 E. Rosa Parks Avenue
Tuskegee, AL 36083

Re: April 13, 2020 County Meeting – Executive Session

Dear Chairman Maxwell, Commissioner Mike Berry, and Attorney Bridgett Gray:

The county has for months in recent times discussed overtime policies, as stated by the Chair and confirmed by commissioners during the April 13, 2020 segment of the meeting on Lee's overtime submission. However, none of it has been finalized. This discussion was concentrated on his eligibility for overtime—exempt or non-exempt, circumstances of Lee being responsible to determine his hours as prescribed by exempt or non-exempt, source of funding, federal reimbursement for his Coronavirus related overtime, and federal provisions. The Chair on a couple occasions asserted that this conversation had nothing to do with his work behavior.

As we understand, an Executive Session is not to be invoked to review salary. It may however be applied to consider good name and character.

During the closing minutes of the meeting after I privately asked both Commissioner Berry and the County Attorney if an Executive Session is justified for examination of his salary. The Attorney asked the chair if this Session was performance related and the Chair answered "yes." This was a complete turnaround of his position minutes earlier.

The Chair worked hard to secure a second for Commissioner Robinson's motion to recess into the Session. After soliciting for the motion's second, Commissioner Huffman complied, which culminated in the expected vote, a unanimous vote. Robinson, only minutes earlier, mentioned this conversation should be during the next meeting, but he yielded to what was obvious, this was not for public eyes.

Concluding the Commission is unwilling to follow through on previous overtime discussions, It is my point of view the activities of this commission, orchestrated by the Chair, was an abuse of power and was non-compliant with the Open Meetings Act as it pertains to Executive Sessions to keep the discussion from the public.

Respectfully,

Frank Dillman HMC 8404 USN-Retired

CC: Attorney General Steve Marshall
EMA Director Frank Lee
The Tuskegee News