



FINANCE COMMITTEE APRIL 28, 2021

MINUTES

CALL TO ORDER

A special meeting of the City of Clarksville Finance Committee was called to order by Chairperson Streetman on Wednesday, April 28, 2021, at 4:30 p.m. in the City Hall Conference Room, 1 Public Square, Clarksville, Tennessee.

This meeting was conducted in person and via Zoom.

ATTENDANCE

PRESENT: Travis Holleman, Jason Knight, Stacey Streetman

VIA ZOOM: Karen Reynolds

ABSENT: Wallace Redd

APPROVAL OF ELECTRONIC MEETING

In order to comply with the technical aspects of the Governor's Executive Order regarding holding open meetings in a forum other than in the open and in public, the Finance Committee determines that meeting electronically is necessary to protect the health, safety, and welfare of its citizens due to the COVID-19 outbreak.

Councilperson Knight made a motion to approve the electronic meeting. The motion was seconded by Councilperson Holleman. The following vote was recorded:

AYE: Holleman, Knight, Reynolds, Streetman

The motion to approve the electronic meeting passed.

RECESS

Members agreed to a brief recess to wait for the arrival of Councilperson Wanda Allen, sponsor of the only item on the agenda.

HIRING OUTSIDE COUNSEL

ORDINANCE 93-2020-21 (First Reading; Postponed by City Council April 1st)
Amending the Official Code relative to hiring outside counsel

Councilperson Holleman made a motion to forward this ordinance to the City Council with a recommendation of approval. The motion was seconded by Councilperson Knight. Councilperson Allen presented her proposed ordinance. City Attorney Lance Baker responded to each section of the recommended legislation. He expressed concern that the purpose of this legislation was a result of the expenditures incurred for the Robinson v. City Cased which he said was not a typical municipal government lawsuit. He said this case spanned five years due to the strategy used by the Plaintiff's attorney. He expressed concern that the City Council could deny his request for funds for expert counsel and the responsibility would fall on the City Attorney's staff who would not be qualified. Mr. Baker said the city staff may possibly violate the Rules of Professional Responsibility if they could not represent the City adequately.

Councilperson Allen suggested Mr. Baker consult with the City Purchasing Department when considering hiring outside attorneys. In response to Councilperson Allen's question, Mr. Baker said the Finance Committee and/or the City Council had several opportunities to settle the Robinson case and noted all expenditures are accounted for in the Internal Service Fund. He said hiring additional staff would not solve the issue of outside attorney fees because affordable attorneys would not have experience or expertise necessary in specialized cases. Also responding to Councilperson Allen, Mr .Baker said outside attorneys are hired by retainer which defines the scope of work. He said he prefers to operate under the policies and procedures currently in place.

Gas & Water General Manager Mark Riggins said the Mayor hires department heads who are experts in their fields. He said the GWS Department must hire outside counsel tangs, engineers, and surveyors who have specialized expertise to perform necessary services for utility projects.

Councilperson Reynolds felt the City needed a new process for hiring outside counsel. In response to her question, Mr. Baker said all outside firms provide invoices showing attorneys involved with their rate, number of hours, and tasks performed. He said his department does not track hours worked on cases.

Councilperson Knight made a motion to postpone action on this vote to the next meeting of the Finance Committee. The motion was seconded by Councilperson Holleman. Mr. Baker reminded members this ordinance would be presented to the full City Council the following day. The following vote was recorded:

NAY: Holleman, Knight, Reynolds, Streetman

The motion to postpone failed.

ADJOURNMENT

The meeting was adjourned at 7:11 p.m.

ADOPTED: May 25, 2021