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Office of the Attorney General
P.O. Box 300152
Montgomery, AL 36130-0152

Honorable Attorney General Luther Strange,

My Macon County Commission has been deliberately recessing and not advertising meetings to discuss and vote on controversial issues, most recently the county budget.

Last month the commission recessed from a 6:30 p.m. general meeting on Monday, September 14, 2015¹ to a 10:00 a.m. meeting on Tuesday, September 22, 2015² and recessed yet again to another meeting on Tuesday, September 29, 2015³ at 10:00 a.m. where they approved the budget.

At the conclusion of the September 14, 2015 and September 22, 2015 meetings, I heard a commissioner say to the effect that “by recessing advertisements are not needed.” All Macon County government meetings are recorded on a cassette tapes – I do not have a copy of these meetings but if you desire one I will request them beneath the Open Records Act. To be honest, if time is vital, a request from your office will cause the tapes to be released sooner.

Enclosed are the four editions of The Tuskegee News for the month of September 2015: September 3, 2015⁴, September 10, 2015⁵, September 17, 2015⁶, and September 24, 2015⁷. The only advertisement for the three meetings was on page 3 of the September 10 edition for the September 14 meeting.

My concerns for transparency has been written of and spoken before the commission many times – see my column on page 5 in the September 24, 2015 edition – yet the commission continues to choose to do their thing.

I was out of town for the September 29 continuation meeting, but contracted to have the entire meeting recorded because of the budget vote. I do not yet have the copy of the video recording but will forward you the link as soon as the video is published if you would like.

Recessing and subsequently holding unadvertised meetings for important and controversial county business when the least number of the public are able to attend is not uncommon.

¹ Agenda and meeting minutes – September 14, 2015

² Agenda and meeting minutes – September 22, 2015

³ Meeting minutes – September 29, 2015

⁴ The Tuskegee News – September 3, 2015

⁵ The Tuskegee News – September 10, 2015, see page 3

⁶ The Tuskegee News – September 17, 2015

⁷ The Tuskegee News – September 24, 2015

Continuation meetings within the last 12 months include an additional eight meetings: August 14, 2015⁸, July 20, 2015⁹, March 17, 2015¹⁰ (The commission introduced, discussed, and voted for two new taxes and to strengthen one existing tax in approximately 30 minutes with only a news reporter in the audience. I have missed only a few work and general sessions over several years and do not recall these taxes being publically discussed.), December 22, 2014¹¹, December 19, 2014¹², November 17, 2014¹³, October 27, 2014¹⁴, October 20, 2014¹⁵.

I received an email from Chairman Louis Maxwell dated September 27, 2014 stating I was “missed [as] our meeting was empty without your presence, we did not have a non-employee at our meeting while we discussed the annual budget.”¹⁶ This 2014 meeting was the final continuation meeting similar to recent budget hearings.

I bring your attention to the letterhead of the meetings recessed being categorized as “Continuation Meetings.”

I feel the definition and advertisement of “meetings” as required by state code is being ignored or worse. I request the Office of the Attorney General to look into my observations and compliant of possible violation of our Open Meetings Act.

I look forward to reading the outcome of your investigation including, if appropriate, how the commissioners will personally held accountable for their actions.

Please feel free to call me at 334-740-4217 if I may assist you.

Respectfully,

Frank Dillman HMC 8404 USN-Retired

⁸ Agenda – August 14, 2015

⁹ Agenda and meeting minutes – July 20, 2015

¹⁰ Meeting minutes – March 17, 2015

¹¹ Meeting minutes – December 22, 2014

¹² Meeting minutes – December 19, 2014

¹³ Agenda and meeting minutes – November 17, 2014

¹⁴ Meeting minutes – October 27, 2014

¹⁵ Meeting minutes – October 20, 2014

¹⁶ Email from Chairman of the Macon County Commission, Louis Maxwell