



## **MINUTES**

### **CITY COUNCIL MEETING - EMERGENCY SESSION**

**FRIDAY, MAY 05, 2023 at 3:00 PM**

**Bonifay City Hall Council Meeting Room – 301 J Harvey Etheridge St.**

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#### **I. CALL TO ORDER**

Meeting called to Order by Mayor McCann at 3:00PM

##### **PRESENT**

Mayor Emily McCann

Vice-Mayor Sierra Smith

Council Member Larry Cook

Council Member James Sellers (Phone)

Council Member Shelley Carroll

#### **II. NEW BUSINESS**

##### **A. Accept resignation of City Police Chief Christopher Wells**

Motion made by Council Member Cook to accept the resignation, Seconded by Vice-Mayor Smith.

Voting Yea: Mayor McCann, Vice-Mayor Smith, Council Member Cook, Council Member Sellers, Council Member Carroll.

Mayor McCann advised that she had spoken with Holmes County Sheriff John Tate and that he stated he would work with the City to cover the weekend and to provide a quote for service to the City until the City makes the decisions necessary to move forward, and that she hopes to have a draft agreement ready for the Regular Session Meeting on Monday, May 8, 2023.

City Attorney Michelle Blankenship-Jordan asked what date the resignation was effective, and Clerk Callahan advised May 19, 2023. Mayor McCann advised that he wished to be paid through May 19, 2023.

Motion by Council Member Cook to accept the resignation effective May 5, 2023 and pay his time. Seconded by Council Member Sierra Smith.

Voting Yea: Mayor McCann, Vice-Mayor Smith, Council Member Cook, Council Member Sellers, Council Member Carroll.

**B. Recommendation to Terminate Jody Long, City of Bonifay Police Department**

Mayor McCann then told the Council she needed to make them aware of a situation with Officer Jody Long. She advised that the Council would be looking at a portion of a bodycam provided by the Holmes County Sheriff's Department of an incident that occurred during an arrest by Officer Jody Long. After watching the bodycam video Mayor McCann advised the Council that on April 28, 2023 Officer Jody Long was charged for this incident which occurred on March 27, 2023. She also advised that she did not become aware of the charges filed against Officer Jody Long until earlier in the day today, (May 5, 2023). She stated that she became aware of the incident on April 3, 2023, and immediately requested the bodycam footage from the Holmes County Sheriff's Department. She then stated that she received the video requested on April 6, 2023, and upon viewing the video, she notified Chief of Police Chris Wells to place Officer Jody Long on Administrative Leave with pay, without loss of leave or benefits, effective April 6, 2023, pending an internal investigation. She stated that after Chief Wells conducted his preliminary review that he anticipated possible criminal charges being pending, so he referred the investigation to FDLE. As stated earlier, she said she was advised today that charges have been filed as of April 28, 2023. Council Member Cook asked if Chief Chris Wells knew of the charges the date they were filed, and why there was a delay in notifying her, to which the Mayor replied that she did not know the date he was aware. She provided for the Council a copy of an email she sent to Chief Wells dated May 2, 2023 asking for any and all information related to this incident. The Chief indicated that he knew about the charges on Monday, May 1, 2023. Mayor McCann stated, "Based on the information I have been provided today, it would be my recommendation to terminate Officer Jody Long effective immediately". Council Member Cook asked if the City has an internal investigation, to which City Attorney Michelle Blankenship Jordan replied, "There was one underway". Council Member Cook then asked, "Is it wise to terminate him while the internal investigation is going on?" And City Attorney Blankenship-Jordan replied, "Yes, we got an outside legal opinion this afternoon on proceeding with termination based on the filing of criminal charges". Council Member Cook said, "Okay, so we are not violating his rights by not giving him due process with an internal investigation", to which the City Attorney replied "Correct".

City Attorney Blankenship-Jordan also stated, "Just for the record, due to not having a Police Chief at this time, you all are the decision-makers on the internal affairs investigation. So you've got the criminal complaint, you've seen the footage, and you all have to make the determination that Mr. Long violated your Standard Operating Procedures, which in this case is Excessive Use of Force".

Council Member Carroll asked if the charges were Felony and the City Attorney advised that it is misdemeanor at this time. Council Member Carroll also asked if there were any previous incidents in Officer Long's personnel file, and the Mayor stated she had checked his file, and it is empty as it relates to any kind of disciplinary action. Council Member Carroll stated that she is not saying that she agrees with the act, but this is a long-time Officer who does not have anything negative in his file. Council Member Cook stated that there was a lawsuit in the past that included Officer Long that had to be settled out of court on the advice of the attorneys with the City's insurance carrier. "So there is an incident, even if was not in his file, it did occur". City Attorney Blankenship-Jordan added that the attorneys had problems defending the lawsuit because there was no documentation in the file, causing the recommendation to settle out

of court. Council Member Smith asked who should have put that documentation in the file, to which City Attorney Blankenship-Jordan replied "The Chief". Council Member Cook asked if there was anything positive in Officer Long's personnel file and the Mayor stated there was nothing besides his application, insurance enrollments, and raises documented in the file.

Motion made by Council Member Cook, Seconded by Vice-Mayor Smith.

Voting Yea: Mayor McCann, Vice-Mayor Smith, Council Member Cook, Council Member Sellers

Voting Nay: Council Member Carroll

Attorney Blankenship-Jordan advised that there would need to be a decision at Monday night's meeting (05/08/2023) regarding the current officers with the Bonifay Police Department, as they would not be able to work under the Sheriff. Mayor McCann advised that a decision would need to be made at Monday's meeting on whether the Bonifay Police Department would continue as a Department, or turn the law enforcement within the City over to the Holmes County Sheriff's Department. Mayor McCann advised the Council that the City has two options regarding the current officers: #1 - Lay them off in the interim, and if we choose to, come back, fill the top three positions, and then resume, or #2 - Outsource law enforcement services for the City to the Sheriff's Department, and also added that the Sheriff would be happy to have all three existing officer apply with his department, as we do not have enough personnel to run the Department currently.

The Mayor's recommendation is to outsource law enforcement services to the Holmes County Sheriff's Department in the interim. Council Members Sellers asked if the HCSD is prepared to take over in the interim. The Mayor stated that he is open to it, and that she will be meeting with him later in the afternoon to discuss it.

The Council then discussed what could be done to help our three full-time officers during the interim, until a decision is made. City Attorney Blankenship-Jordan advised that the three officers could be assigned to other duties within the City. The Mayor stated that she did not want to see the full-time officers leave this afternoon and that be it, and that she is open to them being re-assigned. The Mayor then suggested to put the three current officers on Administrative Leave with Pay until Monday night, when a decision can be made beyond the immediate need.

Motion made by Council Member Sellers, Seconded by Council Member Cook.

Voting Yea: Council Member Cook, Council Member Sellers, Council Member Carroll, Vice Mayor Smith, Mayor McCann.

They Mayor will meet with the Sheriff immediately following this meeting to proceed with covering the City.

Locks will be changed on the Police Department Building immediately, and we will start the process of having Police Department property being returned to the City with the help of the Sheriff's Department.

Paid Administrative Leave will not include part-time officers.

Clerk Callahan, with the Council's assistance will contact the part-time officers and advise them of the decision of the Council and the need for them to return police department property in their possession.

Full time officers are: Chuck White, Betty Sims, and George Record.

Motion by Council Member Cook to also include Ruthie Sallas in the Administrative Leave with Pay, Seconded by Council Member Carroll.

Voting Yea: Council Member Cook, Council Member Sellers, Council Member Carroll, Vice-Mayor Smith, Mayor McCann.

### **III. ADJOURN**

Meeting adjourned at 3:32 PM by Mayor McCann.

**Persons with disabilities needing special accommodations to participate in this proceeding should contact City Hall at (850) 547-4238, at least five days prior to the proceedings.**