

**TOWN OF MOUNT PLEASANT, SOUTH CAROLINA  
POLICE, JUDICIAL & LEGAL COMMITTEE  
Tuesday, June 5, 2018**

**Municipal Complex, Committee Meeting Room, 3<sup>rd</sup> Floor  
100 Ann Edwards Lane  
Mount Pleasant, SC 29464**

**Minutes**

Present: Mayor Will Haynie, Chair, Gary Santos, Joe Bustos, G.M. Whitley  
Staff: Eric DeMoura, LeVica Kirvin, Stan Gragg

Mayor Haynie called the meeting to order at 10:12am.

**1. Approval of Minutes from the April 3, 2018 meeting**

Mayor Haynie asked that the minutes from April 3, 2018 meeting be approved.

*Mr. Bustos made the motion for approval; seconded by Mr. Santos. All in favor.*

**2. Public Comments**

There were no public comments.

**3. Employee years of service recognition**

Mayor Haynie recognized Ms. Christine Barrett for 10 years of service. He explained that Ms. Barrett has the responsibility of working with the nine council members on a day-to-day basis. Mayor Haynie stated some of Ms. Barrett's duties include working on the agendas for the council meetings along with scheduling their event appearances and making their travel arrangements. Mayor Haynie stated Ms. Barrett is a very cheerful

person and a great presence to have around and thanked her for her 10 years.

Mr. DeMoura stated Ms. Barrett is a joy to be around. He stated she is dependable and very competent. Mr. DeMoura added Ms. Barrett is a valuable part of the management team and a wonderful person to be around. He congratulated Ms. Barrett on her 10 years of service.

Deputy Chief Gragg recognized Officer Brandon Montano for 5 years of service. Deputy Chief Gragg stated Officer Montano started out as a patrol officer. He added Officer Montano is very involved with the community and the youth in the community. Deputy Chief Gragg stated with the Police Department's recent reorganization to put officers in each of the town's schools, Officer Montano was placed at Oceanside Academy and is a vital member as a School Resource Officer there. Deputy Chief thanked Officer Montano for his 5 years of very valuable service.

Ms. Kirvin recognized Mr. Steve Cale for 10 years of service. She explained Mr. Cale is the court clerk and is involved in every court session that takes place. Ms. Kirvin stated Mr. Cale is very dedicated and conscientious in all his duties in and out of the court room. She stated he is always willing to go above and beyond to complete his work even if that requires him to come in early, stay late or put in some time over the weekend. Ms. Kirvin stated hiring Mr. Cale was one of the best decisions she has ever made. She congratulated Mr. Cale for his 10 years of service.

Mr. Santos stated he has known Mr. Cale since the first or second grade. He added it is great to see that he has done such a good job at the town.

#### **4. Police matters**

No agenda items.

Mayor Haynie stated he wanted the Police Department to be acknowledged for their performance handling the recent Wando Bridge

closure. Mayor Haynie stated the Police Department handled the situation extremely well and he could not be prouder.

Mr. DeMoura stated when the extra lane was being created on the Ravenel bridge leading to Highway 26, he received a few calls saying Deputy Chief Stan Gragg was seen out on the bridge placing safety cones. He added that same day Deputy Chief was also spotted on the other side of the bridge lending a hand coming back into Mount Pleasant. Mr. DeMoura stated it was great to see Deputy Chief involved, directing and leading the troops.

## **5. Judicial matters**

### **a. Reappointment of Municipal Judges**

Ms. Kirvin stated Judge David Michel, Judge Thomas Hesse and Judge Tanya Staubes were up for reappointment. She stated she believed all three of the judges submitted letters to council asking to be reappointed. Ms. Kirvin stated they are asking the committee for their approval.

Mayor Haynie stated there were three applicants for three positions and added it would be up to this committee to discuss and take action.

Mr. Santos stated he previously served on the Police, Judicial and Legal Committee. He stated the judges are the only individuals that really do not have an evaluation process. He stated the judges write a letter and then council approves or disapproves their reappointment. Mr. Santos stated he does not have an issue right now but moving forward he would like to see a committee appointed for this purpose made up of individuals from the Police, Prosecutor's office, Planning Department and Court office. He stated the committee could give council an evaluation form or some evaluation recommendations, so council could have something to refer to. Mr. Santos stated every other position, such

as the Administrator, Fire and Police Chief are all evaluated and thinks it is important to have one. He stated maybe some of the criteria used could be how many cases they have had; how many have been found guilty or how many cases have been deferred. He added it is important to have some type of committee to handle those evaluations. Mr. Santos stated the committee should be comprised of individuals who work day-to-day with the court.

Mr. Bustos stated he appreciates Mr. Santos comments but has to disagree. He stated the reason being judicial independence; the slightest hint of them telling the judges they let too many go or maybe they convicted too many of those type of cases. Mr. Bustos stated that is why the Supreme Court is totally independent and they are appointed for life. He stated they are not appointing anyone for life at this level. Mr. Bustos stated if a judge is not doing their job they would hear about it. He stated he does not know how they would find criteria for the evaluation.

Mr. Santos stated the judges would be evaluated by the committee, not by council. He stated the evaluations would be received by council, they would not complete the evaluation. Mr. Santos stated everyone else is evaluated and he did not know why one segment was not. He stated he did not see how it would hurt anything.

Mayor Haynie responded because it is judicial. He stated he did not know how judges were evaluated at the state level, but they could inquire. Mayor Haynie wanted Ms. Whitley's opinion on the item as she was the only attorney on the committee.

Ms. Whitley stated there could be some criteria pertaining to items of them doing their job, for example if they are showing up on time. She stated judging them based on how many they convict or how many they defer is not a good way to proceed.

Mr. Santos stated that was just a thought, he was not hung up on that being part of the criteria.

Ms. Whitley stated questions of whether or not they are performing their job to the satisfaction of the town is something they could ask. She stated she does not know if there has to be a formal evaluation or if it could be something as basic as if they are showing up for their job and if they are doing their job and is the town satisfied with their performance. She added that could come from the people managing the courts.

Mr. Santos stated he agrees with Ms. Whitley's suggestions.

Mayor Haynie asked how long a reappointment is. Ms. Kirvin explained they are every two years. Ms. Kirvin stated there are three judges that are up for reappointment now and two that will be up for reappointment in December. She stated when a cap was in place they lost two very experienced judges at one time so that is why there are three up for reappointment in July and two in December.

Ms. Whitley asked if the vacancies are publicized so that there are opportunities for others to apply.

Ms. Kirvin indicated that they are not publicized.

Mr. DeMoura stated approximately eight years ago the selection process changed from caps and an open process to allowing current judges who were performing to be able to reapply and be selected.

Ms. Whitley asked if under that process would their term be indefinite.

Mr. DeMoura stated it would unless council did not reappoint an individual and decided to seek applicants.

Ms. Whitley asked if these were part-time positions.

Mr. DeMoura confirmed they are.

Ms. Whitley stated the process was interesting and favored whoever is already in place. She asked if the caps referred to how many terms could be served.

Ms. Kirvin confirmed it did.

Ms. Whitley stated she understood there not being any caps, allowing individuals who have the experience to serve long term and continue to serve but does not know why it would not be an open process. She stated there are other attorneys that could potentially do a good job or have an opportunity to apply for this rather than it be a foregone conclusion that until a judge chooses to leave the same people remain indefinitely. Ms. Whitley stated she would be in favor of the positions being publicized, that these opportunities are out there and added it favors the incumbent but still would like there to be an open process.

Mayor Haynie asked if they could receive some information on the reasons why it became less of a public process. He stated they would all like to know why it is not as public as it once was. Mayor Haynie asked if the position is being called a vacancy when there is no one in the seat or is it being called a vacancy when someone's term comes up and they have to be reappointed to fill it.

Ms. Kirvin stated it is called a vacancy when there is no one in that seat.

Mr. Santos stated he was on council when the change regarding caps took place and it was political. He stated he agreed with Ms. Whitley's comments.

Mayor Haynie stated once they receive the requested information they can discuss this item again at the next committee meeting.

Ms. Whitley asked when their position is up for reappointment and if they need to reappoint at this meeting. Ms. Kirvin stated they did need to approve the reappointment at this meeting and if approved the judges would be sworn in at the July council meeting.

*Mr. Santos made a motion to approve the reappointments of the three judges; seconded by Ms. Whitley. All in favor.*

## **6. Legal matters**

### **a. Review of the process for answering Freedom of Information Act (FOIA) requests.**

Mayor Haynie stated item number 6 (a) was done at the request of one of the council members who is also a committee chairman because it was affecting his committee. Mayor Haynie explained the council member was unable to attend and asked that the item be deferred. Mayor Haynie stated that since it was put on the agenda to help a fellow council member in their duties as a committee chairman he asked for a motion that they defer item 6 (a).

*Mr. Bustos moved to defer item 6 (a); seconded by Ms. Whitley. All in favor.*

## **7. Adjourn**

There being no further business, the meeting was adjourned at 10:31am.

Minutes submitted by:

Laurie Wilson

06/06/2018

