

WESTON WAMP
COUNTY MAYOR

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HAMILTON COUNTY, TENNESSEE

OFFICE OF THE COUNTY AUDITOR

To: County Mayor Weston Wamp
Chairman Chip Baker
Hamilton County Board of Commissioners

From: Jenneth Randall *Jenneth*

Date: December 7, 2022

Subject: Review of Professional Services – *County Attorney's Office*

Hamilton County Procurement Rules, Section 3.20, state "all awards from authorized purchasing methods of \$25,000 or greater will be presented by Resolution to the Board of Commissioners..." Procurement Rules, Section 2.4.2, state "all contracts and/or contract renewals in excess of \$25,000 or more shall only be executed by the County Mayor."

Recently, we identified certain expenditures for professional services in the County Attorney's Office exceeding the purchasing threshold of \$25,000 (see **Appendix I**), which have not been approved by resolution nor have contracts been executed by the County Mayor.

AUDITOR'S RECOMMENDATION:

In compliance with Hamilton County Procurement Rules, submit a resolution for approval to the Board of Commissioners listing those professional services vendors expected to exceed \$25,000 in fiscal year 2023, along with the affiliated contract for execution by the County Mayor.

COUNTY ATTORNEY'S RESPONSE:

Per Resolution No. 1022-33, the Commission ratified all contracts, obligations, and agreements entered during the previous administrations (which would include my various contracts with outside legal counsel). Therefore, it is the opinion of this office that all those contracts have been approved by the Commission, and require no further action by the Commission (see **Appendix II**).

AUDITOR'S CONCLUSION:

Resolution 1022-33 states that 'all obligations of Hamilton County Government be honored and enforced, executed or undertaken in any manner by the prior commissions, and not otherwise expired or terminated by this body as of September 1, 2022, shall continue going forward pursuant to the terms and conditions thereof'. We are not aware of approvals by the County Commission of the contract awards or the contracts for the professional services engagements entered into by the County Attorney's Office for fiscal year 2023 services (or similar services contracted in fiscal years 2020, 2021 or 2022). We continue to believe that the County Procurement Rules require the County Attorney (as well as any other County department) to submit a resolution to the Board of Commissioners requesting approval of professional services contracts expected to be greater than \$25,000 and authorizing the County Mayor to execute such contracts.

We want to thank the County Attorney and Hamilton County Procurement Department for their cooperation and assistance. If you have any questions, please call me at 209-6210.

cc: Rheubin Taylor, County Attorney
Claire McVay, Chief of Staff
Lee Brouner, Finance Administrator
Vonda Patrick, Assistant Finance Administrator
Jerald Carpenter, Director of Procurement & Fleet Management
Patricia Mitchell, Legislative Administrator

Hamilton County, Tennessee

Contract Legal and Legislative Expenditures - County Attorney's Office

FY's 2020 - 2022 and 5 months FY2023

Professional Services vendors:	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>	<u>YTD FY 2023 (July-Nov)</u>
Chambliss, Bahner & Stophel P.C.	\$ 130,711	\$ 94,715	\$ 56,806	\$ 1,440
J Micah Guster III	76,190	218,163	172,718	30,625
Amicus Inc.	56,774	57,568	61,115	19,841
Tidwell & Izell, P.C.	88,004	317,440	344,692	113,964
Totals	<u>\$ 351,679</u>	<u>\$ 687,886</u>	<u>\$ 635,331</u>	<u>\$ 165,870</u>

STATE OF TENNESSEE
Hamilton County



October 19, 2022
Date (Month, Day, Year)

Hamilton County Board of Commissioners RESOLUTION

No. 1022-33

A RESOLUTION ENSURING THE CONTINUITY OF GOVERNMENT AND CONTINUATION OF ANY AND ALL COUNTY GOVERNMENT FUNCTIONS, OBLIGATIONS, CONTRACTS, AGREEMENTS, etc.

WHEREAS,

It has been and remains the intention of this body to honor and protect all prior and ongoing obligations, which it intends to continue unabated through the transfer of authority between the terms of the previous and all subsequent commissions;

NOW THEREFORE, BE IT RESOLVED BY THIS COUNTY LEGISLATIVE BODY IN SESSION ASSEMBLED:

That it always was, and continues to be, the intention of this body as constituted on September 1, 2022, that all obligations of Hamilton County Government be honored and enforced, executed or undertaken in any manner by the prior commissions, and not otherwise expired or terminated by this body as of September 1, 2022, shall continue going forward pursuant to the terms and conditions thereof, respectively.

BE IT FURTHER RESOLVED THAT RESOLUTION TAKE EFFECT FROM AND AFTER ITS PASSAGE, THE PUBLIC WELFARE REQUIRING IT.

CERTIFICATION OF ACTION

Approved: ☒

Rejected: ☐

W F Knowles By
Brooke Weaner,
Chief Deputy
County Clerk

Approved: ☐

Vetoed: ☒

Wesley W. F.
County Mayor

October 19, 2022

Date