

March 6, 2026

Mayor Joe Carr
joecarr@rutherfordcountyttn.gov

RE: Application of T.C.A. § 5-6-106(c) to the Solid Waste Director Appointment

Mayor Carr:

Recent public statements and press releases from your office, without any communication to me or the Commission, have indicated that a unanimously approved resolution relating to alternate appointments to the Ethics Committee was “unlawful,” on the grounds that it conflicted with T.C.A. § 5-6-106(c), and that you believed it necessary to veto the resolution. These comments have understandably drawn attention to how T.C.A. § 5-6-106(c) is interpreted and applied in Rutherford County.

As you know, that same statute provides that, except as otherwise provided by general law or special or private act, “the county mayor shall appoint members of county boards and commissions and *county department heads*. Such appointees shall be *subject to confirmation by the county legislative body*, and in so doing, the legislative body may express its views fully and freely and shall vote for or against confirmation.” You have publicly emphasized your commitment to transparency and to following the processes required by state law, and Commissioners likewise believe that adherence to those processes is important to maintaining public confidence.

You appointed Mr. Matt Davis as Director of Solid Waste for Rutherford County, effective March 1, 2026, without submitting that appointment to the County Commission or any of its committees for confirmation, even though Mr. Davis had previously been serving in an interim capacity. When a County Mayor publicly characterizes a Commission action as “unlawful” and invokes T.C.A. § 5-6-106(c) in connection with a veto but then makes a department-head appointment / hiring decision without submitting that appointment for Commission confirmation under the same statute, it understandably creates questions about how the statute is being interpreted and applied.

Commissioners have an obligation to the taxpayers of Rutherford County to ensure that state law is applied consistently and that questions of statutory interpretation are addressed openly. For that reason, I believe it is appropriate to discuss these matters publicly. In that regard, I would welcome your attendance at the March 12, 2026 Board of Commissioners meeting for the purpose of:

- Explaining why the appointment of Mr. Davis as Director of Solid Waste was not submitted to the Commission or any of its committees for confirmation under that statute.
- Clarifying how your office interprets and intends to apply T.C.A. § 5-6-106(c) with respect to county boards, commissions, and department heads going forward so that the statute is applied consistently.

I have also received your recent communication sent earlier today stating that “As a result of the veto of the resolution expanding the Ethics Committee, the Mayor’s Office rediscovered T.C.A. § 5-6-106(c) and, as a result, made the appointment of Matt Davis on March 3, 2026” and requesting that the County Commission take up his confirmation at its earliest opportunity. First, it is true that the first time you advised the Commission of your appointment of Mr. Davis was on March 3, 2026; however, you indicated that such appointment was already effective on March 1, 2026. Second, while the Commission will address your request through its normal procedures, the circumstances surrounding the appointment raise serious questions regarding the application of the statute. Only days earlier, you publicly asserted that the Commission had acted “unlawfully” under T.C.A. § 5-6-106(c), even citing the language of the statute in your press release. In light of those statements, Commissioners reasonably expect that the same statutory requirements will be observed with equal diligence when you make department head appointments, yet you did not follow those requirements in this instance.

This situation also reflects a broader concern that has arisen repeatedly during the current administration. Although the County Mayor serves as an ex officio member of the County Commission and its standing committees, the Mayor’s Office rarely participates in those meetings, and issues affecting the Commission’s statutory responsibilities are often raised only after actions have already been taken. The appointment of the Solid Waste Director without first presenting the matter for confirmation is the most recent example. Greater participation and communication from the Mayor’s Office would help ensure that statutory requirements are addressed in advance and that avoidable conflicts regarding process and authority do not continue to arise.

I wish to emphasize that these concerns relate solely to the process by which the appointment was made and the interpretation of the governing statute. They do not reflect any criticism of Mr. Davis personally, who appears to have been placed in the middle of this procedural dispute through no fault of his own.

My intent is not to engage in personalities or politics, but rather to clarify how T.C.A. § 5-6-106(c) is being interpreted and applied by the Mayor’s Office so that both the Commission and the Mayor’s Office can move forward with a shared understanding of the law. Addressing these questions publicly will help ensure transparency and confidence that the County’s actions remain

consistent with applicable law. Resolving these issues promptly will also allow the Commission and the Mayor's Office to devote their full attention to the many important matters affecting Rutherford County and avoid unnecessary distractions from the work of serving our citizens. The citizens of Rutherford County deserve nothing less.

Respectfully,

A handwritten signature in black ink that reads "Jeff Phillips". The signature is written in a cursive, flowing style.

Jeff Phillips
County Commission Chairman

cc: Rutherford County Board of Commissioners