

The Russell County Commission
Meeting Minutes
January 28, 2009
9:30 A.M. EST.

An adjourned meeting of the Russell County Commission was called to order. Commissioner present were Gentry Lee, Tillman Pugh, Peggy Martin, Ronnie Reed, Mervin Dudley and Larry Screws, Cattie Epps was absent. Also present were the County Attorney Kenneth Funderburk and the County Administrator LeAnn Horne who kept the minutes.

A quorum was established.

Chairman Dudley requested an approval of the agenda. Commissioner Martin motioned to approve the agenda and was seconded by Commissioner Reed. The vote was unanimous.

The invocation was given by Reverend Raymond Cochran, Pastor of Franchise Missionary Baptist Church.

The Pledge of Allegiance was led by Commissioner Screws.

Chairman Dudley welcomed elected officials, department heads, media and guest and announced the moving of county offices the week of February 17th through 20th.

Chairman Dudley requested a motion for the approval of the January 14th, 2009 meeting minutes. Commissioner Martin motioned to approve the meeting minutes and was seconded by Commissioner Reed. The vote was unanimous.

Martin Luther King Pride Month Clean-Up Drive was read by the County Administrator LeAnn Horne. Commissioner Lee motioned to approve the resolution. Seconded by Commissioner Martin. The vote was unanimous. The resolution was presented to Lonya Jackson Sarden, coordinator of the MLK Drive. (Resolution on file in the Commission Office.)

A resolution honoring O.H. "Buddy" Sharpless was presented by Commissioner Reed. Commissioner Lee motioned to approve the resolution and was seconded by Commissioner Martin. The vote was unanimous. (Resolution is on file in the Commission Office.)

Chairman Dudley briefly discussed complaints about the placement of the emergency sirens in the county and why they had been placed at particular locations. Kathy Russell coordinator of EMA announced the testing schedule of the sirens are at noon on Saturdays for 1 minute and then only in the case of an emergency when citizens need to be warned to take protective action. This project is not finished; sirens are being place in large populated areas and areas where growth is expected.

Micheil O'Rourke-Cole presented a Stimulus package for Russell County. Mrs. Cole explained: This package is an immediate package it is not district specific, nor is it absolute. These are projects that have not been published or approved yet. If the stimulus package is passed at the federal level there will be an interest all across the nation, in all fifty states and in all communities in these states to see what will happen in Washington. The total projects at this time are 11 with the estimated cost of eleven million dollars. The time table varies with the package, but there is 120 day launch. I am requesting the Commissioners to approve the projects in this package to present to Lee-Russell Council of Governments for continued processing to begin the first step. Commissioner Lee motioned to send the stimulus package to the Lee-Russell Council of Governments. Seconded by Commissioner Reed.

Commissioner Pugh motioned to amend the motion to have the stimulus package to include sewage for Cocogalechee Creek Road and Hwy 169. Commissioner Lee seconded. The vote was unanimous. This amendment was added to the stimulus package and the vote for sending the package with the inclusion of Cocogalechee Creek and Hwy 169 corridor to Lee-Russell Council of Governments was unanimous.

Kathy Russell, coordinator of EMA, stated: The Homeland Security/EMA received a grant from MMRS System in Montgomery in the amount of \$1,600.00 this is to improve our ability to respond to any public health incident in Russell County. Another grant was received from the Association of County Commissions in the amount of \$4,000.00 upon completion of the department's of the Pandemic Flu and Mass Fatality Plan for this county. Mrs. Russell requested the budget amendment as follows:

Increase	001	44741	810	State Grants	\$5,600.00
Increase	001	52300	219	Other Miscellaneous Supplies	\$5,600.00
Decrease	001	52300	265	Registration and Training	\$750.00
Increase	001	52300	219	Other Miscellaneous Supplies	\$750.00

Commissioner Martin motioned to accept the budget adjustment. Seconded by Commissioner Lee. The vote was unanimous.

Chairman Dudley presented vacancies left on the Lee-Russell Council of Government Board due to last year's election. Previously appointments were filled as present chairman and past chairman; since the past chair became vacant due to a new Commission options will need to be offered. The recommendations are to have present chair and the past chair, if the past chair is not available the vice chair will fill the second appointment. Should the vice chair become unable to attend the meeting then it will be filled by the senior commissioner.

Commissioner Lee motioned to approve the recommendation of the Chairman. Seconded by Commissioner Pugh. The vote was unanimous. Present appointments are Chairman Mervin Dudley and Vice Chair Peggy Martin.

Judge Alford Harden requested the Commission to authorize him as temporary elections custodian until a permanent custodian has been selected. I am not asking for compensation. Should I still be in charge of the voting machines, if Phenix City holds an election, I request the Commission to allow me to be compensated by the city, because that would be above my duties as Judge in this county. Commissioner Pugh motioned to approve the recommendation of Judge Harden as temporary Elections Custodian and was seconded by Commissioner Reed. The vote was unanimous.

The County Administrator LeAnn Horne presented the annual ABC Board Levies. I have checked and the County is now at the maximum fees allowed. Commissioner Lee motioned to approve the ABC Board Levies as they are. Seconded by Commissioner Martin. The vote was unanimous.

Ms. Horne stated: Due to the recent enlightenment regarding the comprehensive studies of the Chamber of Commerce as well as the Valley Partnership studies that are undergoing within our community regarding BRAC. I recommend at this time to rescind the RFP for a Comprehensive Plan, which had been previously approved until those studies are complete. At that time we can review and find what those studies are lacking or if they are lacking for Russell County. Then approve another RFP to complete the comprehensive plan that is needed for this county. These studies are due in April so if we rescind the previous bids and notify the companies that we will come back to review them at that time. This is an effort to save the county money and with so many studies under way, we are anticipating the plans that are becoming available will include what Russell County may need. Commissioner Pugh motioned to approve the

recommendation and was seconded by Commissioner Martin. Rescinding the RFP was approved unanimously.

The County Attorney Kenneth Funderburk presented the following items:

- Transport of bodies to the Department of Forensic which until January 19, 2009 were funded by the State of Alabama. All counties now have to pay transportation of bodies and autopsies, which can only be ordered by the Circuit Court, the District Attorney and the State. The Office of the Coroner is governed by the Constitution of the law; his duties are not set by the County Commission. When the Department of Forensic Science decided they were not going to pay for transportation, the issue is if that charge can be made against the general fund of the county. The Association of the County Commission has been looking at this issue for sometime due to its coming up every three years. Their recommendation is the County Commissions not assume that liability since the law doesn't charge the county general fund with that obligation. We have two Attorney General Opinions; those are clear and only deal with the function of the Coroner within Russell County. If a body is outside of Russell County it is not the function or duty constitutionally of the Coroner, it doesn't automatically become the duty of Russell County. When the District Attorney orders an autopsy, his department has a budget; the state still pays for the autopsy. It is more a function of the general fund and funds held by the D.A. than by Russell County. There is an issue whether to provide for mileage for the Coroner. If a Coroner decides he wants to take a body outside the County; we can't tell him whether or not to do this, it's his decision. It's logical that the transportation cost should come out of the District's Attorney's budget since this is not a legal obligation of the county.

Ms. Horne stated: Commissioner Lee suggested reviewing the Coroner's budget, due to the fact he may need to increase his fuel consumption for transport of bodies, it is recommended that we decrease his Contract Services Budget \$2,295.00 and increase Fuel and Lubricants \$2,295.00. That will leave a remainder of \$800.00 in Contract Services. This will allow for more fuel for transport. This is the recommendation. Commissioner Pugh motioned to approve the recommended budget amendment and was seconded by Commissioner Lee.

Chairman Dudley stated: This is only a temporary solution to the Coroner's problem until another resolution can be found.

The vote, District 1(Lee) voted, yes; District 2 (Pugh) voted, yes; District 3 (Martin) voted, yes; District 4 (Reed) voted, yes: District 6 (Dudley) voted, yes; District 7 (Screws) voted, no; District 5(Epps) absent. The motion stood. The budget amendment is as follows:

Decrease 001 52400 304	Contract Services	\$2,295.00
Increase 001 52400 212	Fuel & Lubricants	\$2,295.00

- Special Enforcement Officer Bill Friend requested the Commission declare a property located in the county a nuisance and set a hearing date; in accordance with HB 615.If the resolution is approved stating a nuisance exists at 18 Dairy Road in Russell County, a hearing has to be set at least 10 days after the posting of the notice. Commissioner Martin motioned to

approve a resolution to condemn house on 18 Dairy Road. The motion failed due to lack of a second.

- Highway 4 land swap is originally a section was given to the County by a citizen approximately 40 years ago. The Commission authorized a Quick Claim Deed but, now this needs to become a Warranty Deed as we are deeding this section back to him and taking another piece of this land. I recommend a warranty deed and to authorize the chairman to sign the deed. Commissioner Lee motioned to approve the recommendation of the County Attorney. Seconded by Commissioner Reed. The vote was unanimous to approve the Warranty Deed for the land swap on Hwy 4 and authorizing the Chairman to sign.
- Personnel Policy amendment was recommended by Mr. Funderburk concerning the retirement section which states: Retirement is mandatory at age 70 for full-time employees. Part-time employees may work past age 70. Mr. Funderburk explained this is not enforceable and should be deleted and rescinded. Commissioner Martin motioned to approve the recommendation of the County Attorney to delete and rescind the mandatory age for retirement. Seconded by Commissioner Reed. The vote was unanimous.
- Recommendation to move into an executive session for three potential matters in regards to litigation. Commissioner Martin motioned to go into executive session as recommended by the County Attorney. Seconded by Commissioner Reed. The vote was unanimous.

Commissioner Martin made a motion to reconvene and was seconded by Commissioner Lee. Ayes carried the motion.

Mr. Funderburk: I have no formal recommendations. I would like to remind the Commissioners that the law sometimes supersedes our policies and our policies follow state law.

Commissioner Pugh: Based on the information received in executive session I would like to make a motion to research our policies and I would ask this Commission to establish a policy procedure made for our office and the running of the county and department heads. Hopefully, at some point this policy procedure is precise enough that people, when they are voting, can know what our policies are. Seconded by Commissioner Screws.

Commissioner Screws: I would like to add that we get clarification from the department heads for what they require, so we can have an understanding. Maybe we can bring some clarification, not only to this department, but some consistency throughout the departments.

Commissioner Lee: This was a suggestion from our county attorney about three years ago. I don't know what the vote was, but I think we voted to approve it then. I am sure we have been working on it. It is quite a task to undertake

Ms. Horne: We have policies for the Commission established since then. I will get those ready for this office as well. I could work with the department heads. The Sheriff and the Engineer have their own personnel policies, so I will get those and bring them to this office as well. Is that my understanding?

Commissioner Reed asked to table the original motion as Commissioner Epps was absent and may want to comment. She has indicated she would want to.

Commissioner Pugh: My motion does not establish anything; we are looking at what is there. We are going to research anything that is going to be established; bring it back; and then look at anything that may need to be voted on. Ms. Epps will have the opportunity for any input she would like.

Commissioner Martin: I would like it on the minutes that we follow the state laws.

Commissioner Dudley: The bottom line you want to have something you can put your hands on; which should be in the day I came on board. Do we have an area where these things are stored?

The County Administrator answered: Yes.

Commissioner Lee motioned to adjourn the meeting.

The Meeting was adjourned.