

The Russell County Commission  
Meeting Minutes  
April 14, 2010  
9:30 A.m. EDT.

Public Comments were made by Jeanette Penny, Representative from Macon-Russell Community Action Agency concerning the Senior Partners Program.

An adjourned meeting of the Russell County Commission was called to order. Commissioners present were: Chair Peggy Martin, Vice Chair Gentry Lee, Tillman Pugh, Ronnie Reed, Cattie Epps, Mervin Dudley and Larry Screws. Also present were the County Attorney Kenneth Funderburk and the Assistance Administrator Vickie Perry, who kept the minutes.

Chair Martin stated the next work session will fall on a state holiday, therefore this should be added to business items. Commissioner Reed motioned to add the item to the agenda and was seconded by Commissioner Epps. The vote was unanimous.

Commissioner Lee motioned to approve the agenda with changes. Seconded by Commissioner Dudley. The vote was unanimous.

The invocation was given by Reverend Johnnie Robinson, Pastor of Higher Power Outreach Church.

The Pledge of Allegiance was led by Chairman Martin.

Chair Martin welcomed elected officials, department heads, media and visitors.

Chair Martin requested an approval of the March 24, 2010 meeting minutes. Commissioner Epps motioned to approve the minutes and was seconded by Commissioner Reed. The motioned passed with 5 yes votes and 1 abstention from Commissioner Screws due to being absent from that meeting.

Dr. Laurel Blackwell requested approval of a resolution reducing the speed limit in front of Chattahoochee Valley Community College to 50 MPH and placing a NO-U Turn sign at the entrance of College Drive. This resolution will be submitted to ALADOT and forwarded to the Russell County Legislative Delegation. Commissioner Lee motioned to approve the resolution. Seconded by Commissioner Dudley. The vote was unanimous.

Bobby Thomas Jr., President and Wanda Lamb, Assistance Vice President of the Dixie Youth Baseball League requested approval of a Proclamation for the Starke Family recognizing them for their donation of funds, materials, property and support of the Russell County Sports Complex. Commissioner Lee motioned to approve the proclamation by acclamation. Seconded by Commissioner Dudley.

Commissioner Epps discussed a recycling program the Russell County Girls Scouts would like to implement in this area and requested the support of the Commission. Commissioner Epps also asked for the Administrator for the Assistant Administrator to contact the Utility Boards and request a report of how the Girl Scouts can help also, if the Utility Boards would recommend and support that they may be able to give.

Scott Holmes, Architect for Hecht Burdeshaw offered two design options for the Judicial Building Renovation; The traditional drawing and the contemporary alternative. Commissioner Lee motioned to approve the traditional design and was seconded by Commissioner Dudley. The vote was unanimous.

County Attorney Kenneth Funderburk presented a contract for the architectural Firm, Hecht Burdeshaw for the Judicial Building Renovations. Commissioner Lee motioned to approve the contract. Seconded by Commissioner Dudley. The vote was unanimous.

Mr. Funderburk also discussed the contract with Goodwyn, Mills & Cawood for the County-Wide Comprehensive Study for the amount of \$183,000. The study will include sewer studies. Commissioner Lee motioned to approve the contract. Seconded by Commissioner Reed. The vote was unanimous.

Revenue Commissioner Naomi Elliott requested the County Commission give the Revenue Commissioner authority to take the Mapping/Appraisal Office in its entirety, including staffing of the office placed under the authority of the Russell County Revenue Commissioner. This will place the Commission, as well as the Revenue Commissioner in compliance with Title 40 Code of Alabama, she stated. Commissioner Pugh motioned to allow the Revenue Commissioner to assume the duties that have been legally given to her under the State Constitution, including the staffing of the office. Seconded by Commissioner Dudley.

Commissioner Lee requested, because this office has been run differently for 30 years; allow the transition to take place in two weeks. This is only a request.

Commissioner Screws stated, at Monday night's meeting Mr. Funderburk explained the Commissioners could vote on the personnel portion of the Mapping/Appraisal Office separately.

Kenneth Funderburk stated, the assignment of the duties falls under the Revenue Commissioner, and it is appropriate we have a motion transferring those duties to the Revenue Commission, so there is no confusion of who does the hiring.

Commissioner Screws: If I'm correct The Commission has the option to hire the Mapper according to local law.

Mr. Funderburk: Not under this motion, if it passes this will be the Revenue Commissioner's function.

Commissioner Screw: I ask the Commission to maintain that authority. We have been given right by the voters as a Commission and we should not give up that right.

Chair Martin: We would have to amend the motion on the floor.

Commission Lee: According to our Attorney, we do not need a motion for that department to be under the Revenue Commission. That is part of the motion, but also the motion is to allow the staffing to occur under the direction of the Revenue Commission. Would any of the Commissioners like to be in charge or responsible for a major portion of an operation, but not have the authority to manage the personnel?

Commissioner Dudley: Please restate what the law states that we are suppose to be doing right now.

Mr. Funderburk: The law clearly puts the Mapping/Appraisal under the Revenue Commission. There is an issue on whether or not the Commission can appoint the mapper or turn that over to the Revenue Commissioner. If this issue were to go to court, I don't know how that would be interpreted.

Commissioner Dudley: The way it has been operating before Mrs. Elliott took over was set up by a certain local act that was questionable, but the fact is everything in that office is still suppose to be under the guidance of the Revenue Commissioner.

Mr. Funderburk: You can vote it up or down.

Commissioner Pugh: We are not changing the law, we are only coming into compliance and placing the person in recognition that the Mapping/Appraisal personnel should answer to.

Commissioner Screws: Are we saying, we are maintaining the operation of hiring the Mapper or are we giving that to the Revenue Commissioner?

Commissioner Pugh: In my opinion, we control that by budget.

Commissioner Lee: The motion is to let the Revenue Commissioner be in control of the staff.

Commissioner Screws: My concern is, I was given the authority to do something and now I'm giving it up.

The County Attorney stated the State law is clear.

After more discussion concerning this issue the Commission was polled.

District 1 ( Lee) voted, yes; District 2 (Pugh) yes;; District 3 (Martin) voted, yes; District 4 (Reed) voted, no; District 5 (Epps) voted, no; District 6 (Dudley) voted, yes; District 7 (Screws) voted, no. 4 votes, yes and 3 votes, no. The motion passed.

Bob Franklin, Deputy Director of Homeland Security/EMA Department stated, his department has received money for a HMPG Grant and request to transfer these funds into their departmental budget as follows:

GENERAL FUND 001			
EMA-52300			
HMPG GRANT			
INCREASE	001 44741 810	STATE GRANTS	\$2,553.00
INCREASE	001 52300 223	COPY MACHINE RENTAL	\$500.00
INCREASE	001 52300 251	TELEPHONE	\$1000.00
INCREASE	001 52300 304	CONTRACT SERVICES	\$553.00
INCREASE	001 52300 327	UNIFORMS	\$500.00
		TOTAL	\$2,553.00

Commissioner Dudley motioned to approve the budget transfer. Seconded by Commissioner Epps. The vote was unanimous.

Mr. Franklin stated, an error was made in placing funds for the Citizen’s Corp Grant in the department’s budget and at this time he requests to make a correction as follows:

CITIZEN CORP GRT			
DECREASE	001 52300 304	CONTRACT SERVICES	\$1,500.00
INCREASE	001 52300 219	OTHER MISC SUPPLIES	\$1,500.00
		TOTAL	\$1,500.00

Commissioner Dudley motioned to approve Mr. Franklin’s recommendation. Seconded by Commissioner Lee. The vote was unanimous.

Mr. Franklin stated his department is required by the State to organize a hazardous material training exercise and a HMPG Grant for the amount of \$7,500.00 has been received for this purpose. The County has to match \$2,000 in-kind which we will use labor from the participants and their salaries for the County’s portion of the match. He also requested approval for the Commission Chair to sign contracts with Lee Helms & Associates, who will administer the table top exercise and will insure all forms and requirements are met.

Commissioner Dudley motioned to accept Mr. Franklin’s recommendation. Seconded by Commissioner Lee. The vote was unanimous.

Mr. Franklin also requested to transfer funds in order to pay for the training exercise until reimbursement is received from the State. Then those funds will be returned to the original line items. The transfer request is as follows:

HAZARDOUS MATERIAL PLANNING GRANT

DECREASE	001 52300 541	EQUIP & FURN (OVER 5000)	\$7,500.00
INCREASE	001 52300 304	CONTRACT SERVICES	\$7,500.00
		TOTAL	\$7,500.00

Commissioner Lee motioned to approve the transfer. Seconded by Commissioner Dudley. The vote was unanimous.

The Jail Administrator Lt. Holland requested an approval to accept bids for Food and Miscellaneous Supplies. The date requested for the bid opening May 14, 2010 at 3:00 P.M. in the Commission Office. Commissioner Lee motioned to approve the Food and Miscellaneous Supply Bid. Seconded by Commissioner Reed. The vote for approval was unanimous.

Chair Martin announced the next work session is scheduled for April 26, which is a State holiday and the Courthouse will be closed. She requested discussion on whether to postpone or to cancel the work session. Commissioner Lee motioned to cancel the work session. Seconded by Commissioner Dudley. The vote was unanimous.

Chair Martin announced that Emma Richardson who has worked for the County over 13 years is retiring and wish to recognize her for dedicated service as Russell County Custodian and presented her with a certificate.

County Attorney Kenneth Funderburk reported there is a case pending in Birmingham against all Revenue Commissioners of the State of Alabama, including Russell County. This is a class action. If the suit had not been thrown out yesterday; it would have had an effect on the County. It was dismissed yesterday and is no longer a threat.

Mr. Funderburk recommends going into executive session for two matters:

- RDS (AlaTax) collection methods and methods collection of sales tax.
- Validation of Bonds, Larry Jackson and Walter Lewis will discuss funding amounts that should be considered.

Commissioner Lee: We have not selected a company to represent Russell County in this bonding issue, so I think it is completely out of order to have representatives from one company to speak to us in executive session without having all the companies represented.

Mr. Funderburk: I don't think that issue will come up in executive session, but it is up to the Commission. We still need to discuss it.

Commissioner Lee: I'm not saying we should not discuss it, if we are going to have input from one company then we should have input from all companies that are interested in our business.

Chair Martin: We already have bond business with this Company.

Commissioner Lee: We also have business with other companies as well.

Chair Martin: A question had been brought to me, so I feel we need to address it today.

Mr. Funderburk: AlaTax is also here. This has nothing to do with choosing a bonding company it is a report on tax collections. This information is available, if you want to discuss it or not. It is up to the Commission.

Commissioner Epps motioned to go into executive session. Seconded by Commissioner Reed. District 1 ( Lee) voted, no; District 2 (Pugh) no; District 3 (Martin) voted, yes; District 4 (Reed) voted, yes; District 5 (Epps) voted, yes; District 6 (Dudley) voted, yes; District 7 (Screws) voted, yes. 5 votes yes and 2 votes no: the motion passed.

Chair Martin requested a motion to reconvene the Commission Meeting. Commissioner Lee motioned to reconvene and was seconded by Commissioner Epps. The vote was unanimous.

County Attorney Funderburk recommended that the Commission go through the validation on the upcoming Judicial bond issue, which allows going forward with the Judicial Building Renovation Project and file the validation of the fund source. If we do that in the amount of \$7.3 million, even though the building will not be that amount, it will assure not coming back to cover reimbursements. The County is now spending approximately \$15,000 per month for temporary offices, so this amount should be more than adequate. Commissioner Epps motioned to accept the recommendation of the County Attorney. Seconded by Commissioner Reed. The vote was unanimous to approve the funding validation and the amount of \$7.3 million.

Chair Martin requested a motion to adjourn the meeting. Motioned by Commissioner Screws and Epps.

The meeting was adjourned.