

The Russell County Commission
Meeting Minutes
May 24th, 2017
9:30 A.M. EST

An adjourned meeting of the Russell County Commission was called to order by Chair Martin.

The invocation was given by Steve Reneau, Pastor of Trinity United Methodist Church.

The Pledge of Allegiance was led by Commissioner Epps.

Public Comments:

Barbara Mitchell complained about people saving seats for individuals who have not shown up for the Commission meeting.

Garrett Armstrong spoke on the behalf of Bill Taylor.

Chair Martin welcomed elected officials, department heads, media and guests. She also thanked the Citizen news for their coverage of the Commission meeting.

Administrator Horne called the roll. Members present were: Gentry Lee, Carl Currington, Peggy Martin, Ronnie Reed, Cattie Epps, Chance Corbett and Larry Screws.

A quorum was established.

The meeting began with old business that was not handled at the May 10th, 2017 meeting, because 2 Commissioners left the meeting and two Commissioners were absent not having enough for a quorum.

The Parks and Recreation Director item was in progress at the last meeting when the sudden departure occurred at the last meeting.

Commissioner Corbett: It pains me today to talk about this in a public setting. Unfortunately the Legislature decided several years ago that was a requirement for certain personnel, including Department Heads that made over a certain amount of money, file an economic interest form. So the Commission is not allowed to go behind closed doors and talk about good name, character, etc. There could be an argument for and against for everything we do. I make mistakes every day, I don't doubt that. I made one today, I am sure. Again, it pains me to sit up here, but I feel like I was elected by the people to watch after their money, watch after this county and do what is right for this county 100% of the time. That is what I try to do every day.

There are a couple of things I want to bring up in light of the motion because the motion does not go out into each little spot. One was the motion made because of several

violations of county purchasing policy. Several time projects were done by the Parks and Recreation Director did not bring to the Commission's attention that were over \$7,500 and stood at the microphone and stated that he understood that policy, but continued to break that policy again afterwards.

The big one that comes down is the apparent intent, and not only apparent as he told the Administrator that his intention with the contractor was to "violate the bid law". I am paraphrasing that, it was not the direct quote. But the intent to break the bid law by breaking it down into increments to get around the bid law puts the entire Commission liable for his actions. This County has been cheated out of the ability to find the best contractor for the best price. That is why Legislators enacted legislation years ago to prevent people from doing that. We have been fortunate that Legislators took the ceiling from \$7,500, which was anything spent over \$7,500 in a year and at the lobbying of the Counties raised it to \$15,000. In this case the Director spent over \$25,000, and never bid it out, and never tried, and again as I mentioned "the intent".

I usually don't comment about public comments, but Mr. Armstrong mentioned that we make mistakes and we admit our mistakes. There has been no admission of a mistake, the only discussion was that I did this and this is the reason that I did it and I was following the contractor. I have yet to hear "I made a mistake" or "I'm sorry for what I did." I haven't heard any of that.

The other thing is I don't want to go into every little detail like last time, because since that meeting we have had a letter from an attorney stating that the Commission will probably be sued over this. So, I will not go into a lot of details and as I stated at the last meeting, I do not want to delay this any longer. I will read from the minutes. I could keep going over with signs, issues and projects, I don't agree with or things that have happened. This is based on a recommendation of the Administrator as well as the Attorney and what is laid out; I make a motion to terminate the Parks and Recreation Director. Seconded by Commissioner Currington.

Commissioner Lee: Madam Chair, we have had discussion on this item, so I will call for the question.

Commissioner Screw: I would like to speak, Madame Chair.

Attorney Funderburk: You cannot speak after the call for the question. You cannot speak or comment.

Commissioner Reed: Mr. Funderburk...

Attorney Funderburk: You cannot speak or comment that is the rule.

Commissioner Reed: You are out of order; you work for the Commission.

Attorney Funderburk: I follow the law. You take a vote on the question.

Chair Martin: The question is called. Madam Administrator, will you call the roll?

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

The motion to terminate the Parks and Recreation Director was put to the vote: District 1 (Lee) voted, yes; District 2 (Currington) voted, yes; District 3 (Martin) voted, yes; District 4 (Reed) voted, no; District 5 (Epps) voted, no; District 6(Corbett) voted, yes; District 7(Screws) voted, no. 4 yes votes and 3 no votes the motion passed.

Administrator Horne announced that the presenter Shaun Culligan was not available today and if the Commission would like both items could be taken at the same time. The first item is the Energiya USA Resolution which the Commission is only correcting a typo on in the amount listed in the Resolution, which should have been \$62 million. The other item is a tax abatement for JVL Laboratories which has been approved by the City of Phenix City in January and February 2017 for 3 to 4 million dollars. They are asking that the County ratify and join with the abatement as Mr. Culligan has explained there will be 30 to 40 new additional jobs and it will not abate any county educational taxes. Commissioner Lee motioned to approve. Seconded by Commissioner Corbett. District 1 (Lee) voted, yes; District 2 (Currington) voted, yes; District 3 (Martin) voted, yes; District 4 (Reed) voted, yes; District 5 (Epps) voted, yes; District 6(Corbett) voted, yes; District 7(Screws) abstained since he was not at the last meeting. 6 yes votes and 1 abstention, the motion passed.

Commissioner Corbett presented the DHR appointment. The last member that was appointed at a previous meeting was found to be ineligible for the position due because her deceased husband was related to a current sitting judge. Therefore, by their policy she could not serve on the DHR Board. Commissioner Corbett opened the position up for a new appointment.

Commissioner Lee motioned to nominate Brad McDaniel. Commissioner Corbett motioned to close the nomination. Seconded by Commissioner Currington. District 1 (Lee) voted, yes; District 2 (Currington) voted, yes; District 3 (Martin) voted, yes; District 4 (Reed) voted, no; District 5 (Epps) voted, no; District 6(Corbett) voted, yes; District 7(Screws) voted, no, he did not know him and Commissioner Epps said she had no idea who he is. 4 yes votes and 3 no votes the motion passed. Chair Martin informed the Commission that Mr. McDaniel had sent a resume that was placed in Commission packets when the position was open in April 2017.

Administrator Horne requested approval to let bids for the Ladonia Concession Stand operation. She requested to hold the bid opening June 12th at 1:00 p.m. EST. in the

Commission Conference Room. The bid request will not only be advertised in the local newspaper, but on the county web-site and in the Commission Office. Anyone interested can call the Commission Office and have the specs e-mailed to them. Commissioner Corbett motioned to approve and seconded by Commissioner Currington.

Commissioner Epps: Who will be sending the bids out for the concession stand?

Administrator Horne: The Commission Office will send the bid request.

Commissioner Lee: Like we always do.

Commissioner Epps: No we don't always do it. We just fired a person saying he didn't send out the bids.

Commissioner Lee: No

Commissioner Epps: No, now you are on a different stand now. Don't have double standards here.

Commissioner Lee: Don't show ignorance by saying that. We have always sent out bids from the County Commission. Now Department Heads bring them to us to send out, but they always come from this Commission.

Commissioner Epps: If a department head brings the bid before the Commissioner and we had a department head that no one told to bring the bids before the Commissioner. Then, you fire this department head because he did not to bring the bid before this Commissioner because he did not have the information in his packet and has not been talked about bringing bids before the Commissioner. To me that is a double standard. I know the good Lord put me here for a reason and put me here for a season. I can love everybody, but I can disagree with you and I try to work with every Commissioner here. I was told in November that there were more of them than there was of us and what he wanted he was going to get it. That has been proven here this morning, that there is more of them than there is us and they will get what they want.

Commissioner Lee: We are way off the subject of Concession Stand Bid. We are not talking about anything else.

Attorney Funderburk: No, we are talking about the law. Commissioner Epps, you are charged with knowing the law. You cannot as an excuse legally say, that somebody did not teach you as a professional, all the laws that somehow you don't acknowledge. You are required to know the law and that is the way it is.

Commissioner Epps: Gentry, let me say this for the record. I resent you ever calling me ignorant.

Commissioner Lee: I didn't say you were, I said quit acting like it.

Commissioner Screws: I have a question to the Attorney. You made the statement that we all should know the law.

Attorney Funderburk: That is the law.

Commissioner Screws: Everybody up here should know the law, right?

Attorney Funderburk: Yes. You don't know it?

Commissioner Screws: Huh?

Attorney Funderburk: You don't know the law?

Commissioner Screws: The question is not if I know it. I said everybody sitting up here should know the law. Right?

Attorney Funderburk: The question is you actually asked me a question because I'm not sitting here as a witness.

Commissioner Corbett: Madam Chair, call for the question.

Chair Martin: Yes, call the question.

Administrator Horne polled the Commission: District 1 (Lee) voted, yes; District 2 (Currington) voted, yes; District 3 (Martin) voted, yes; District 4 (Reed) voted, no; District 5 (Epps) voted, no; District 6 (Corbett) voted, yes; District 7 (Screws) voted, no. 4 yes votes and 3 no votes; the motion passed.

Attorney Funderburk discussed a proposal from Mr. Weeks for an economic development position, which Attorney Funderburk recommended denying Mr. Weeks request and acknowledged that the Commission does not have a position open in that field. It is not a declared position.

Commissioner Lee stated that the Commission does not need a motion on this. This report is that we don't have an open position for this and at this time we are not prepared to start another department. This is just a report and does not need a vote.

Attorney Funderburk agreed that this does not need a vote unless the Commission wants to declare themselves by vote.

Special Enforcement Officer Bill Friend announced the burn ban that is in effect from May 1 to November 1, 2017. There is no burning at all in Russell County unless approved through Forestry.

Chair Martin announced that old business from the last meeting had concluded. The meeting will move forward with new business.

Chair Martin requested a motion to approve the minutes for May 10th, 2017 Commission Meeting.

Commissioner Lee asked if this continuation of minutes be added to the meeting minutes that they are about to vote on or will today's meeting be a new set of minutes?

Attorney Funderburk stated that items left from last meeting will be a new set of minutes showing that those items as old business.

Commissioner Lee motioned to approve the minutes for the previous meeting. Seconded by Commissioner Corbett. District 1 (Lee) voted, yes; District 2 (Currington) voted, yes; District 3 (Martin) voted, yes; District 4 (Reed) voted, no; District 5 (Epps) voted, no; District 6(Corbett) voted, yes; District 7(Screws) abstained. 4 yes votes, 2 no votes and one abstention. The minutes passed.

Administrator Horne presented the resignation another of Department of Human Resource board member that will need to be filled. This position can be taken up at the next Commission meeting.

Commissioner Lee stated that the item for a resolution request for interpretation of bedrooms was to be presented by the Russell County Health Inspector, who was called out for an emergency. Commissioner Lee requested to have this item tabled until the next meeting. No vote taken.

Revenue Commissioner Naomi Elliott presented the Final Settlement Report for 2016/2017 Tax year and requested to allow the Chair to sign the reports. Commissioner Lee motioned to approve. Seconded by Commissioner Corbett. The vote was unanimous.

EMA Director Bob Franklin reminded the Commission that Russell County was awarded a grant for the State Department of Homeland Security to place a security camera system in the Courthouse. During the process his department was required to do an environmental historic preservation review. That has been completed and Russell County has been cleared and is now allowed to go forward with the installation. Mr. Franklin asked for approval to let bids for the camera system. This is a budgeted item and is 100% reimbursable; therefore, there will not be any cost to the county. He request the bids be sent out to vendors by Friday, May 26th and eligible bidders come to a pre-construction walk through on Wednesday, May 31st at 10:00 a.m. so they will understand the scope of the project. Mr. Franklin would like to hold the bid opening

Friday, June 16th at 1:30 p.m. in the Commission Conference Room. Commissioner Lee motioned to approve. Seconded by Commissioner Corbett. The vote was unanimous.

Commissioner Screws asked to remove his item Transfer / Restore from the agenda.

Commissioner Reed: I make a motioned to transfer the County Assistant Administrator to another department, because there is a conflict of interest. One of the Commissioners, I am not going to call somebody's name. I want to go ahead and move on that.

Attorney Funderburk: You can't transfer somebody without a name.

Commissioner Lee: He just said the County Assistant Administrator. That is Miss Vickie. Do you want to transfer her?

Commissioner Reed: It's not Miss Vickie Perry.

Commissioner Epps instructed Commissioner Reed: Beth is her name. Give it to him.

Commissioner Reed: If you want the name I will give the person's name, if that is what you are waiting on.

Attorney Funderburk: I don't want anything.

Commissioner Lee: It's the position. Ok if you say what the position.

Commissioner Screws: The Administrator's Assistant.

Commissioner Reed: The Administrator Assistant. She is related to one of the County Commissioners. When this person got elected it became a conflict of interest on the County Commission.

Commissioner Lee: Is there a second, so I can talk about it?

Commissioner Epps: I second the motion.

Commissioner Lee: We have had many cases in this County too, when a person is already in a position and then a person is elected or appointed in that area. The law does not apply. We have had two that I know of when spouses ended up being supervised by the other spouse, because they were already in the office when they won election. There is nothing wrong with this. The one that you are talking about, the Administrator's Assistant was already employed before anyone that you are referencing was elected.

Commissioner Screws: That is true, but it is a conflict. What you have stated is true.

It gives them an unfair advantage.

Attorney Funderburk: There is a legal issue here. When you are through I will point it out. If you have read your handbook you will see the definition of Nepotism and when it does apply. It doesn't apply in this case. Secondly, the last time you tried to override the person's boss, in this case it would be LeAnn and it could be a department head. That is totally illegal, but you can go ahead and try something total illegal. I believe a law suit resulted the last time you tried that.

Secondly, the law; your law does not apply in this case specifically.

Commissioner Lee: Call the question please.

Commissioner Screws: I would like to say something, please.

Commissioner Lee: I didn't know you had something to say.

Commissioner Lee: I withdraw my call.

Commissioner Screws: What Commissioner Lee and the Attorney said is true, but this Commission can transfer anybody as long as the transfer is equal to the position the person is already working. In order to transfer we have to make sure that position is as equal from where she is leaving from to where she is going. Then you can transfer.

Attorney Funderburk: Not by your standing the policy that is in effect now. You can't do that.

Commissioner Lee: Call for the question again.

District 1(Lee) voted, yes; District 2 (Currington) voted, yes; District 3 (Martin) voted, yes; District 4 (Reed) voted, no; District 5 (Epps) voted, no; District 6 (Corbett) abstained since he was the party that Commissioner Reed was talking about; District 7(Screws) voted, no.

Commissioner Lee announced: So we are not going to vote on it then. It goes away.

Commissioner Screws: For now.

Commissioner Epps: There goes that double standard again.

Chair Martin: Commissioner Screws, you have the Russell County Administrator.

Commissioner Screws: I would like to offer a motion to terminate the Administrator's job with the Commission and fulfill her contract as it is written for the following reasons.

Commissioner Reed: I second the motion.

Commissioner Epps: You haven't let him give the reason yet. Let him finish.

Commissioner Screws:

1. Is that failure to insure that the bid law was followed.
2. Signing the check knowing that the bid law was not right.
3. Failure to insure that the Purchase Order was completed correctly. I happened to know it did not have a P.O. number but she still signed it.
4. She actually told a Commissioner that someone else signed the check, which is lying.
5. Not informing the Commission on the problem with the bid law.
6. Having an employee to spy on a director, having the employee to text her and another employee in the system. There was no reprimand, there was no action taken. The employee was transferred to another position with an increase in pay. The handbook says that any transfer should be brought before the Commission 10 days before it was done. That was not done.
7. GPS were put on trucks, which is totally legal but, they were not billed correctly on a requisition. The Department that they went on were not billed for the GPS and we know that this particular department is a state mandated program, so it has certain laws that it must follow.
8. Lying on me. She told a Commissioner I in turned had employees moved because they were bothering me to get them moved. That was not true. I did not speak to anyone about moving anybody, especially employees. She lied on a Commissioner and lied to a Commissioner about employees wanting to move because of certain items. I think for me I have lost trust, I lost faith in her ability to perform. I would like to see her contract be bought out, whatever the cost is and this takes effect immediately.

Commissioner Corbett: A couple of things real quick. First question I want to ask you; do you know what the cost of the contract is?

Commissioner Screws: Doesn't matter.

Commissioner Corbett: So, you brought that to the table and don't care about the finances?

Commissioner Screws: Doesn't matter.

Commissioner Corbett: Do you have any proof on the lying and the spying?

Commissioner Screws: Yea.

Commissioner Corbett: You have proof that you are willing to put up here today.

Commissioner Screws: Yes, I am willing to do that. In fact, a director told me that it was being done.

Commissioner Corbett: Madam Chair call for the question.

Attorney Funderburk: Take a vote on the question first.

Commissioner Lee: The first vote is to end the debate and call the question.

District 1 (Lee) voted, yes; District 2 (Currington) voted, yes; District 3 (Martin) voted, yes; District 4 (Reed) voted, no.

Commissioner Epps: We are voting to end the debate.

District 4 (Reed) yes; District 5 (Epps) voted, yes; District 6 (Corbett) voted, yes; District 7(Screws) voted, yes, the vote was unanimous.

Commissioner Lee: Now, we vote on the motion to terminate as of right now.

District 1 (Lee) voted, no; District 2 (Currington) voted, no; District 3 (Martin) voted, no; District 4 (Reed) voted, yes; District 5 (Epps) voted, yes; District 6(Corbett) voted, no; District 7(Screws) voted, yes. 4 no votes and 3 yes votes. The motion to terminate the County Administrator failed.

Commissioner Screw: I would like to remind the Commission that you can be sued individually.

Commissioner Epps: There is more of them than there is of us.

Commissioner Corbett: I bet that was the hardest vote you had to call.

Administrator Horne: It sure is, especially since it is untrue.

Commissioner Currington: I have a motion that I would like to make. The Administrator has done a good job. Covering everything that is dumped on her and I would like to make a motion to extend her contract 2 years.

Commissioner Corbett: I will second that.

Commissioner Epps: That was not on the agenda.

Commissioner Reed: He is out of order. That is not on the agenda.

Commissioner Corbett: The agenda says Russell County Administrator, so it is.

Attorney Funderburk: It is part of the agenda.

Commissioner Corbett: It doesn't matter. If you had said termination or something, but that was not what you said.

Commissioner Lee: You didn't tell her what you said against her.

Commissioner Corbett: Call for the question.

Commissioner Epps: What is the question?

Commissioner Lee: Extend the contract 2 years.

Administrator Horne polled the Commission. District 1 (Lee) voted, yes; District 2 (Currington) voted, yes; District 3 (Martin) voted, yes; District 4 (Reed) voted, no; District 5 (Epps) voted, no; District 6 (Corbett) voted, yes; District 7 (Screws) voted, no. 4 yes votes and 3 no votes.

The debate was ended.

Attorney Funderburk: Now you vote on the motion itself.

Administrator Horne polled the Commission. District 1(Lee) voted, yes; District 2 (Currington) voted, yes; District 3 (Martin) voted, yes; District 4 (Reed) voted, no; District 5 (Epps) voted, no; District 6 (Corbett) voted, yes; District 7 (Screws) voted, no. 4 yes votes and 3 no votes. The motion passed.

Commissioner Epps: More of them than us. That is what he said he is going to get what he wanted.

County Engineer Shawn Blakeney presented an agreement between ALDOT and Russell County for the Crosswind and Knowles Road project. Letting for the project will be Friday May 26th. Estimated total amount for the project is \$443,190 and is a budgeted item. This is a County / City joint project because some of the road belongs to the City. The County and City's portion of the project will be \$88,638. This is the last of Russell County's ATRIP projects. Commissioner Corbett motioned to approve the Chair to sign documents. Seconded by Commissioner Lee. The vote was unanimous.

Mr. Blakeney also requested budget transfer within the Engineering Budget to cover unexpected flood damage that occurred in January as follows:

Gasoline Fund 111

ENGINEERING 53100

Decrease	111 53100 212	Fuel & Lubricant	\$14,556.00
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Decrease	111 53100 561	Construction Equipment	\$15,444.00
Increase	111 53100 213	Materials & Supplies	\$30,000.00
Total			\$30,000.00

Commissioner Corbett motioned to approve. Seconded by Commissioner Lee. The vote was unanimous.

Chair Martin made announcements.

Administrator Horne asked to make a statement.

I was told by legal counsel that I probably should not say anything, but there has been a lot said in the community. I was born and raised here. I love this community. I have spent the better part of my life representing this Commission, and the citizens of this county, doing the best job that I can do.

We just went through an entire audit review, not only by local people, but we went through an underwriter for a bond issue with a team of 10 to 15 people at looked under every penny that this County Commission takes in. We came out with an A+ rating at the end of last year. (2016)

I can't fix something that I didn't know was wrong. I had a Department Head who had intentionally worked with the contractor. He went to the Assistant Administrator, who wrote a manual check that did not go into the accounting system. Then, he went to another person, our Accounts Payable employee to get another check. Neither one of them knew that the other one had issued it. By the time the report was ran, at the end of the following month is when I caught it. I started bringing it to the attention of the County Commission. It is the law. I have the law which requires me to report and protect the County Commissioners, all of them. I work for all of them and have done my best all these years that we are sound legally in this county; your money "the citizens' money" is protected.

Yes, there was a flaw in the system. But, since that time, I realized how the department head had worked, by working with the contractor to usurp the law by working around the protections that we have in our accounting system, I have changed those procedures. I can't fix something if I didn't even know it happened. The Assistant County Administrator didn't even catch it, who works with the books, every day and is responsible for the accounting prior to everything getting to me. I have 2 people. I'm not like a big department, we run lean and mean and make the best of your money.

This racism stuff; that, is not me. I don't appreciate it. I love everybody and I have tried my best to work for every citizen and every employee and to treat them fairly. Anybody

that knows me knows that. I just pray for healing, and I pray for forgiveness for everything that has been said. But, Mr. Screws with all due respect, that is not the case. You have yet to come talk to me and I welcome all of you to come talk to me.

Commissioner Screws: I have no intentions to talk to you.

Administrator Horne: Well, I'm saying my door is always open.

Commissioner Screws: Your thing says approved and review all purchase orders for county department to insure legal compliance and accuracy. You said that; I didn't say it. So if you are doing that, the check should not have been signed.

Commissioner Lee: Let just say that some of those duties have gone to other people.

Commissioner Screws: That is not what she said.

Commissioner Lee: Well, that is the way it is.

Commissioner Screws: This should have been caught. There was no purchase order number.

Commissioner Lee: I move that this meeting be adjourned.

Chair Martin made another announcement.

The meeting was adjourned.

Addendum: Public statement made to media and audience by Commission Cattie Epps.

Commissioner Epps: Even though the meeting has adjourned. Even though the meeting has adjourned. Even though the meeting has adjourned, I would like to say this. Even though the meeting has adjourned, I would like to say this to the citizens that have put their trust in me to be their County Commissioner of District 5 and to serve this county. There are a lot of things that I would like to see done in District 5 that I know will never get done now, because this whole process of firing Mr. Taylor came from work that was done in Ft. Mitchell. For the last 16 ½ years, I have been trying to I been trying to get something that have never gotten done until this Department Head. As soon as we got the water fountain and the walking trail and put up some lights, everybody started pulling out what is right and what is wrong. As you all saw today, this Commission is divided. And it was said to me again in November there is 4 of them and 3 of us and what they wanted they would get it. I can't serve my constituents as I would like to, because I do not have the votes. You all saw that today. I do not have the votes to get anything done in this county that I would like to see get done. For the last 5 years or 4 1/2 years, it has been just a terror on this Commission. We have 1 or 2 persons running this Commission. What they want is what they get. We

all have broken the law, but you know Jesus gives us a second chance every day that he wakes us up to try to get it right. And if we don't have a forgiving spirit then we don't have no love in our hearts or in our soul. I hate to say this, but the Bible tell me to fret not thyself of evil doers, for they will soon be cut off. It may be you, it may be your spouse, it may be your child, it may be your mother, but you will soon be cut off. And, we will all live to see that happen. And with that being said to all the voters here and to the all of the citizens who came out and showed this evening; personally I apologize for my...because you have seen me rub my nose the wrong way. I react, because it is the human part of me, but I do have a spiritual part of me that says that I must love in spite of all and forgive by faith. That is all that I have to say. So, if you want something in District 5, and you can't get it; today proves why I can't get anything done. Thank you so much.

Official