

The Russell County Commission
Meeting Minutes
July 13, 2011
9:30 A.M. EST

Public Comments: William Lamb discussed the recent Ambulance Contract.

Hayward Hudson requested the Commission to consider developing other recreational activities, besides baseball for area residents in the area of Hwy 165.

Ted Gilbert, Director of the Russell County Extension Office announced a free seminar to be held July 19th, on estate planning from 9:30 a.m. until 1:00 p.m. EST. at the Central Activities Center.

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

A quorum was established.

Chair Martin requested a motion to approve the meeting agenda. Commissioner Dudley motioned to approve the agenda and was seconded by Commissioner Reed. The vote was unanimous,

The invocation was given by Dexter James, Pastor of Central Baptist Church.

The Pledge of Allegiance was led by Commissioner Reed.

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

Chair Martin requested a motion to approval the June 22, 2011 meeting minutes with corrections. Commissioner Epps motioned to approve the minutes. Seconded by Commissioner Reed. The vote was unanimous.

Douglas Tisdale and Bruce Koshkin from Care Ambulance discussed the Commission's recent Ambulance Contract decision. Mr. Koshkin was concerned the Commission did not have enough information to make an informed decision about the contract. He stated they had an ambulance in the Ft. Mitchell area 24 hours a day as they do in Seale to provide for better response time to emergencies. This was placed in their proposal to the County.

There is always a shift supervisor not assigned to an ambulance in Russell County at all times. All though this is a nation-wide company, each location operates as if it were a small business, similar to a franchise. There are very few instances local managers would need to acquire further approval but if they did it

would be given by Bruce Koshkin, who lives in Montgomery, Alabama and would not have to go through their New York Office.

Their presence in the old Seale Fire Department and old EMA building is not in defiance of the County. They have been at those locations for years and can not move out in a few hours. Care stated they should be able to vacate those premises by July 28, 2011, if the Commission does not choose to rescind their prior decision concerning the contract and is requesting the Commission to do so at this time.

They are prepared to handle high call volume and multi casualty incident.

Attorney Ben Mentor represented Life Line EMS, the recently contracted ambulance service for Russell County. He asked if the Care were giving the Commission their previous proposal or submitting a new proposal or redoing the process. Attorney Mentor stated Life Line takes their relationship with the County seriously and has provided excellent service to the County for the last 3 weeks since being awarded the contract. They are looking forward to providing an enhanced service, once it has full use of the Old Seale Fire Department.

Commissioner Lee requested an update concerning proposed plans for Ft. Mitchell sewage. There was no information available at this time.

Judge Harden presented information concerning the latest numbers from the census and discussions he had with Bonnie Sanholtzer with the State of Alabama Reappointment Office. Preliminary information provided by the census department reflecting the growth per districts. Judge Harden also provided 3 dates the Commission could choose from to schedule a meeting to begin the redistricting process with the State Department.

Commissioner Epps motioned to approve scheduling a meeting date to begin the redistricting process. Seconded by Commissioner Reed. District 1 (Lee) voted, no; District 2 (Pugh) voted, yes; District 3 (Martin) voted, yes; District 4 (Reed) voted, yes; District 5 (Epps) voted, yes; District 6 (Dudley) voted, no; District 7 (Screws) voted, yes. 5 yes votes and 2 no voted; the motion passed.

President of the Columbus Women Voters Association, Lucille Dixon, announced the Georgia State Bowling Tournament will be held and requested the Commission's support by placing advertisements in their tournament booklet. A motion was not made for the Commission to support the tournament, but several Commissioners did purchase individual ads from Mrs. Dixon.

Sheriff Taylor requested approval to sale salvaged vehicles for scrap metal in order to clear property for the new jail addition. Commissioner Lee motioned to approve and was seconded by Commissioner Dudley. The vote was unanimous.

E 911 Board Member, Eddie Seymour's term will expired this month. Commissioner Lee stated Mr. Seymour has been contacted and was willing to

serve another term; therefore, he reappointed him for another 4 year term. A vote was not necessary since it is Commissioner Lee's district appointment.

Revenue Commissioner Naomi Elliott requests to apply for an ALADOT grant, which will reimburse \$12,000 to the County Commission for aerial photography that is now in process. Commissioner Reed motioned to approve the application and was seconded by Commissioner Dudley. The vote was unanimous.

County Engineer Larry Kite presented his recommendation of awarding TAG Grinding Services, Inc. for the recent bid for disaster debris removal. FEMA will reimburse the county for debris removal if a disaster should occur in the County. This contract is on an as needed base; therefore, this will not be a budget expense. Commissioner Dudley motioned to approve Mr. Kite's recommendation. Seconded by Commissioners Lee and Reed. The vote was unanimous.

Mr. Kite also requested a budget amendment due to the growing deficit in Engineering's fuel line. There has been increased activity this summer due to special projects that required completing. The amendment is as follows:

Decrease Line 530	Improvements Other Than Building	\$69,000
Increase Line 212	Fuel & Lubricants	\$69,000
	Total	\$69,000

Commissioner Reed motioned to approve the budget amendment. Seconded by Commissioner Dudley. The vote was unanimous.

The Capps Road project was budgeted for this fiscal year in the 117 road improve line item and was listed in with normal resurfacing projects, but due to the severe deterioration of Capps Road full depth reclamation needs to be added to the project. This was not included in the annual bids as asphalt, tar and gravel and is estimated to be in excess of \$50,000. There was \$114, 670 budgeted for this project, but the portion being bid out is for the full depth reclamation with cement and is expected to be between \$60 -\$85,000. Mr. Kite requested the bid opening to be August 8th, 2011 at 10:00 a.m. EST. Commissioner Dudley motioned to approve Mr. Kite's recommendation. Seconded by Commissioner Reed. The vote was unanimous.

County Attorney Kenneth Funderburk asked the Commission to give him the authority to go forward with procedures to evict Care Ambulance from the Seale Station the County has provide for its contracted ambulance services and also from the 8th Street location. Care Ambulance has ignored requests to relinquish the Seale location to Life Line EMS and to pay rent or move from the 8th Street location. He also requests the authority to sue Care Ambulance for interference of contract between the County and Life Line EMS and to seek damages. Mr. Funderburk discussed the RFP for services and the response from each ambulance service. There were 17 items Care refused to respond to and the ones they did respond; Tuscaloosa was named and not Russell County.

The proposal from Life Line will save the County approximately \$30,000 a year. They have agreed to transport prisoners and injured officers to the hospital without charges. Also Life Line charges \$200 less for emergency and \$150 less for non-emergencies, so there is also a cost saving for county residents as well as the County. He restated his request for permission to evict Care Ambulance, seek damages and sue for interference of contract.

Commissioner Pugh: I understood the contract had a 30 day notice, have we given Care Ambulance an adequate 30 day notice?

Attorney Funderburk: The contract expired on June 8th, 2011 and they stated this morning they are still there. It's going on 22 days and they have had notice.

Commissioner Pugh: I understood that. I want to make sure the County does not do something to cause a contractual problem.

Attorney Funderburk: We don't have a contractual situation with them.

Commissioner Pugh: Have we given them sufficient time to move out?

Sheriff Taylor: I spoke to their attorney by phone on our recorded line, which can be provided to you. He asked originally if they could have a couple of days to move their equipment from the Seale Station. Their attorney also stated he wanted this to be a smooth transition and understood they were not awarded the contract, but just need time to move computer equipment. At the same time I was in contact with the Seale Volunteer Fire Chief, Danny Sandlin to make arrangements for the new company, Life Line, to move into the Seale Station. Care's Attorney stated a couple of days were sufficient time for them to move their equipment out. We completed our conversation with an agreement, thinking everything was fine and this would be a smooth transition. That afternoon, their Attorney delivered a letter to me stating not only were they not going to move out, but they were not going to pay rent for the City location either. In my opinion, they have given plenty of opportunity above and beyond what was stated in the contract to move out of the facility that the County rents. Care is not listed on the rental agreement. So, I feel the eviction process would be proper. Yes, we gave them the time they requested to move. In reality Care Ambulance is not allowing Life Line the ability to provide the services they have contracted with the County.

Commissioner Reed: I would like to make a motion to give Care five extra days to move before taking action.

Commissioner Lee: In your motion does that authorize the Attorney to take action after the five days?

Attorney Funderburk: It will take me five days to take action.

Commissioner Lee: If your motion is for the Attorney to take action after those five days and they have not vacated, then I will second your motion.

Commissioner Reed: That is the motion I am making.

Commission Pugh: The Attorney gave us two parts to his recommendation; one was eviction and the other was to seek damages. Is the motion for both items?

Attorney Funderburk: You can clarify the motion. I need to take what ever action is legally necessary to solve this problem.

Commissioner Reed: That is included in this motion.

Chair Martin called for the vote; District 1 (Lee) voted, yes; District 2 (Pugh) voted, yes; District 3 (Martin) voted, yes; District 4 (Reed) voted, yes; District 5 (Epps) voted, yes; District 6 (Dudley) abstained ; District 7 (Screws) voted, yes. With 6 yes votes and 1 abstention; the motion passed.

Attorney Funderburk stated as a matter of record Revenue Commissioner Naomi Elliott has filed suit against the County. The basis is while the law requires the approval of the County Commission before she hires anyone; she doesn't like that law and is not going to follow that law. She is asking the court have the County to pay her attorney for getting her approval for not abiding by the law. Previously I have written several memos reviewing the authority of the assessor and the combination of the assessor and the tax office as one. Where the authority lies was questioned one year ago. The law sites when those two offices are combined into one, when the Revenue Commission hires employees and this includes when she changes a title and places someone in that position, which is essentially hiring. It has to be approved by the County Commission as an oversight function and must exercise due diligent making sure people have the proper qualifications for that office before they are hired. In that case you have to abide by the law whether you like it or not. Under the circumstances of that law, if people that are hired that are not approved by the Commission, they are not legally on the payroll. Therefore, my recommendation is anyone hired since January 1 and has not been approved by this Commission and who is still on 6 month temporary status. After those people complete their 6 month temporary trial status, they are not placed on the permanent payroll. Translation after 6 months they are no longer on the payroll until the County Commission has exercised their due diligence in approving those people. This is my recommendation and is a matter of law, not an opinion.

Commissioner Reed motioned to approve the recommendation of the County Attorney which was anyone hired since January 1, who is still on a temporary status and has not been approved during an open meeting, under the open meeting law, by this Commission. When they complete their temporary status they shall not go on a permanent status and will not be paid by the County Administrator beyond their temporary status. Seconded by Commissioner Screws. District 1 (Lee) voted, no; District 2 (Pugh) voted, no; District 3 (Martin)

voted, yes; District 4 (Reed) voted, yes; District 5 (Epps) voted, yes; District 6 (Dudley) voted, no; District 7 (Screws) voted, yes. With 4 yes votes and 3 no votes, the motion passed.

Chair Martin made announcements:

- July 14th at 11:00 a.m. EST the Russell County Sheriff's Department has scheduled a ribbon cutting to open the Fort Mitchell Precinct.
- August 2nd from 5:00 to 6:00 p.m. Russell County Comprehensive Master Plan Open House / Public Hearing for the Comprehensive Plan from 6:00 to 6:30 p.m. EST.
- Central High School will hold its First Annual Golf Tournament, July 23, 2011 contact the High School for more information.

Chair Martin adjourned the meeting.

Official