

The Russell County Commission
Meeting Minutes
August 24, 2011
9:30 A.M. EST.

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

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 Steve Pace, Associate Pastor of Summerville Baptist Church.

The Pledge of Allegiance was led by Chair Martin.

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

Chair Martin requested a motion to approve the August 10, 2011 meeting minutes. Commissioner Epps motioned to approve the meeting minutes. Seconded by Commissioner Screws. The vote was unanimous.

Tag Commissioner Paulette Colbert discussed 2011-535 Immigration Act and how it affects anyone renewing or applying for a first time a motor vehicle registration, titles or any form of business in the Tag Office beginning September 1, 2011. In order to renew or apply for tags applicants must first prove his or her United States citizenship. Aliens are to prove they are lawfully in the United States. Proof will be required by everyone that is listed on the registration. Documents accepted for proof:

- A valid Alabama Driver's License or Alabama issued I.D.
- United States Birth Certificate

In the event these documents are not available, other documents will be accepted as outlined in the memorandum. A copy of the document will be retained as required by this Act. United States Citizens will only have to prove their citizenship once. Aliens who are lawfully in the United States will have to show proof every time.

Recreational Director Mike Parker presented a resolution stating the Russell County Commission intends to make application for grant assistance in the amount of \$50,000 in the Alabama Land and Water Conservation Fund Program for the installation of field lights at the Russell County Sports Complex. The Russell

County Commission must match dollar for dollar awarded grant funds and be responsible for cost over the amount of the grant award and matching funds. There are two options for the grant funds the first being lights for the new field under construction, which has been estimated at \$114, 000. The County match will be \$64,000. The second option is to install lights at the new field and plus one of the existing minor league fields, total cost of this project will be \$183, 500, with the County match will be \$ 133,500. Commissioner Dudley motioned to approve the resolution and if awarded the grant funds to go forward with option 2. Seconded by Commissioner Screws. The vote was unanimous.

Mike Parker also requested to hold a public hearing concerning the recreational needs of Russell County and discuss the submission of the Land and Water Conservation Grant application on August 29th, at 6:00 p.m. EST. in the Commission Chambers. Commissioner Dudley motioned to approve the public hearing and was seconded by Commissioner Reed. The vote was unanimous.

Chair Martin presented the County's Equalization Board appointment whose term will expire in September 2011. She requested that this appointment be tabled until the next meeting. Commissioner Dudley motioned to table the appointment and was seconded by Commissioner Epps. The vote was unanimous.

County Engineer Larry Kite gave the results of the Smooth Drum Vibratory Roller Bid. Out of four (4) companies that responded to the bid his recommendation was to award Corwin Equipment Company for a 2006 model Ingersoll Rand SD 100D in the amount of \$48,500. The bid for this piece of equipment was approximately \$17,000 higher than the lowest price bid, but it had 700 to 800 hours less use than the lowest bid and replacement parts are not as difficult because it is a better known brand of equipment. Commissioner Dudley motioned to approve the bid award and was seconded by Commissioner Reed. The vote was unanimous.

Commissioner Lee joined the meeting.

Larry Kite also requested to let bids for the Engineering Department's uniforms. He would like to open bids September 15, 2011 at 3:30 p.m. EST. Commissioner Dudley motioned to approve the bid. Seconded by Commissioner Reed. The vote was unanimous.

County Attorney Kenneth Funderburk discussed a proposal made by the City of Phenix City in regard to the Phenix City / Russell County Public Library. The City is requesting to terminate the library contract between the county and city with a six month notice written. Mr. Funderburk recommends waving the six month notice and to terminate the library board at the City's request. This action will place library employees under the City payroll and employee benefits plan. Commissioner Lee motioned to approve Attorney Funderburk's recommendation. Seconded by Commissioner Screws. The vote was unanimous.

Attorney Funderburk presented the proposed Hurtsboro City Council Contract he which provides for a deputy to be paid by the City of Hurtsboro and stationed in the

town during the hours of 8:00 am until 5:00 p.m. CST, Monday through Friday. Attorney Funderburk also requested approval for the Chair to sign the final contract. Commissioner Lee motioned to approve the contract with the Commission Chair to sign. Seconded by Commissioner Screws. The vote was unanimous.

Attorney Funderburk distributed a new memorandum of understanding between the Russell County Commission and the Alabama Department of Revenue (ADOR Contract). Last year the Commission approved the Revenue Commissioner to take over the Mapping /Appraisal Office. The State became unhappy with the situation and decided to come to check out the department. Their advice was to not leave the Mapping / Appraisal Department under the Revenue Commission Office. They are to be kept as separate departments. The Alabama Revenue Department set the rules and regulation which govern the qualifications of those who work in the assessing and mapping department. The State has the total power to come and take control of the department and to charge the County the cost of staffing. The State has sent a standard agreement "Memorandum of Understanding". Under adverse conditions the State will simply come in and take over the department. They have placed Shannon Smith in charge of the mapping / appraisal department to look after the State's interest. The agreement is to be approved by the Commission and signed by the Chair. Commissioner Screws motioned to approve the agreement. Seconded by Commissioner Reed.

Commissioner Lee: While I agree the State at any time has the authority to take over the Mapping / Appraisal Department since they have major interest in that department. In this case I will vote the same way I did 2 weeks ago and abstain from this because there are pending legal procedures and that may affect the outcome. I don't think the County should vote while there is still pending litigation, especially since the litigation will be decided next month.

Commissioner Epps: Since the Commissioners have an attorney who has given legal advice. I will vote to accept the agreement.

Attorney Funderburk: The Attorney who represents the County in this litigation is aware of this, and we are following his advice as well as the State's advice. It is necessary as explained at the last meeting that we have to take the next step to make clear the State is handling that department. We are approving this agreement for the State and that needs to be clear.

Chair Martin: I'm sure the State would not have us to sign this if they were not aware of litigation.

Attorney Funderburk: The State is aware and this is the reason they are here as well as other matters related to that.

Commissioner Reed: It should be known, this has nothing to do with the pending litigation, and this is only an agreement.

Commissioner Pugh: Some of the wording in the “Memorandum of Understanding”, which is basically a contract, I object to. I have spoken with our attorney concerning the statement, “all of the Russell County Commission has agreed”, I believe it should state the majority have agreed. There are other things I do not agree with. When the Commission started this procedure it was stated they wanted the control back of hiring for the Mapping / Appraisal, but this agreement gives it all away. An attorney’s opinions are only good to protect us from or cover the law. For that reason and with a lawsuit still pending, I will not support this agreement and I would like it to be stated in the minutes, why.

Attorney Funderburk: The reference to that statement is just naming the parties, the County and the State; it doesn’t mean that all the Commissioners may agree, if the Commission votes a majority then the Commission agrees. That is what “All” refers to.

Commissioner Pugh: That is where you and I differ. It should say if both parties agree not all, because I’m not in agreement with it. I’m ready to vote.

Chair Martin called for the vote. District 1 (Lee) abstained; 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. 4 votes yes, 2 votes no and 1 abstention; the motion passed.

Chair Marin announced:

September 5th the Labor Day Fair will be held at the Old Seale Courthouse.

Commissioner Lee gave recognition to the Recreation Department, Sheriff’s Department, Engineers Department as well as other County Departments that helped make the Labor Day Fair possible. Funds raised at the event will be for maintenance and hopefully the installation of an elevator in the Old Seale Courthouse.

Summerville Baptist Church will hold a one evening revival September 5th at 7:00 p.m.

Sheriff Heath Taylor stated the Sheriff’s Department will host a Military Appreciation Day in Fort Mitchell; the date was changed from August 27th to October 15th.

Commissioner Screws thanked the Sheriff’s Department for stepping up patrol at the schools and with traffic since the school term began.

Commissioner Lee motioned to adjourn the meeting.

The meeting was adjourned.