

The Russell County Commission
Meeting Minutes
March 25, 2015
9:30 A.M. EDT

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

The invocation was given by Grant Parker, Pastor of Epworth United Methodist Church.

The Pledge of Allegiance was led by Chair Martin.

Chamber of Commerce Tourism Director Kelli Roberts discussed the success of the 2015 McKenzie Classic Archery Tournament that was held March 16-22. Another tournament will be held in August.

Leroy Davis Jr. gave a recap for of the 2nd Annual Birthday Ball held at American Legion Post 135. Mr. Davis also announced other upcoming programs that are American Legion sponsored.

Chair Martin welcomed elected officials, department heads, media and guests. She also thanked Cable T.V. of East Alabama and the Citizen News for coverage of the Commission meeting.

The Commission role was called, members present were: Chair Peggy Martin, Vice Chair Cattie Epps, Gentry Lee, Tillman Pugh, Ronnie Reed, Chance Corbett and Larry Screws. Also present were Attorney Kenneth Funderburk and County Administrator LeAnn Horne, who kept the minutes.

A quorum was established

Chair Martin requested a motion to approve the March 11th, 2015 meeting minutes. Commissioner Epps motioned to approve the minutes and were seconded by Commissioner Reed. The vote was unanimous.

Commissioner Corbett presented a proclamation to Retiring Sheriff's Dispatcher Linda Stillwell who has collectively served Russell County for a total of 27 years.

Chambers County 911/EMA Director Donnie Smith thanked Russell County Homeland Security/EMA Director Bob Franklin and Assistant David Martin for their help during the 50th Anniversary Dream March in Selma, Alabama.

Commissioner Epps gave a Certificate of Recognition and Official Russell County Challenge Coin to Chief William Alexander for his recent honor by the Boy Scouts of America as the 2015 East Alabama Distinguished Citizen.

EMA Director Bob Franklin gave a recap on Be Ready Day held March 21st. He thanked area agencies and vendors that supported the event.

Special Enforcement Officer Gary Leeds brought forth a complaint from the League President of the Ladonia Sports Complex concerning dogs allowed to run loose on the fields. Mr. Leeds provided laws that speak to this concern, 3-1-4; 3-1-5 case laws, but he explained the laws do not permit citing an individual who is present while their dogs are loose. Signs can be posted, but still there are no measures that can be taken for enforcement. Mr. Leeds recommended that legislation be sent to the State for the adoption of a leash law for the Sports Complexes only.

Commissioner Pugh acknowledged he understood, however, he does not want to make the property unusable for citizens in the area, who do bring their dogs with them to walk on the walking trail. He thought that residents would observe and obey a sign that asked to please keep your dog on a leash and on just the walking trail. Commissioner Pugh motioned to post signs stating that all animals are to be on a leash and are maintained on the Walking Trails and are not allowed on the playing fields. Seconded by Commissioner Lee. District 1(Lee) voted, yes; District 2 (Pugh) voted, yes; District 3 (Martin) voted, yes; District 4 (Reed) voted, no; District 5 (Epps) abstained ; District 6(Corbett) voted, yes; District 7(Screws) voted, no. 4 yes votes, 2 no votes and one abstention; the motion passed.

Coroner Sumbry presented a court ordered cremation for the body of Ronald Brown by Striffler–Hamby Mortuary. The fee for this service is not to exceed \$400. Commission Screws motioned to approve and was seconded by Commissioner Reed. The vote was unanimous.

County Attorney Kenneth Funderburk discussed the Columbus Ledger Enquirer's request for employee pay records. The Ledger in the past weeks has requested and released information concerning Columbus and Phenix City salaries. The same information that was published about Columbus and Phenix City was released to the Ledger by the County. The Ledger Enquirer has taken the improper position that they had the right to tell the county when they would release the additional information which is the names of all the county employees, and their title. Although, they had that in their possession, indicating the number of employees in each slot and actual salary for that employee and the range of the salary. The information they are asking for now is being placed on their website and it is not the same information that they are releasing in their newspaper. The reporter who has demanded this information, contrary to the law, thinks the county has to release information on the Ledger's schedule.

The issue is whether they intend to treat the county differently than they did Columbus and Phenix City and publish information that they did not release on Phenix City or Columbus. This was essentially their threat in a letter that was sent to me, which I am not in charge of county records, is saying if the you didn't release the information they wanted on their schedule by Friday afternoon then they were going to talk bad about you in the paper. Unless they want to continue with their threats and release this

information, which I am going to recommend you release this morning, which they want to put on their website and they have not put in the paper. Perhaps they intend to treat you differently, I don't know. As I have stated this morning and I will reiterate; this information has not been requested before and you, the Commission, have never before in a regular session where this issue was brought up except now which was brought up in due course. This means it has to go on the docket, and has to go on the agenda; you deal with it on Monday night at the work session and vote on it on Wednesday at the regular meeting. So, until the Commission votes, it has not taken official action on anything. Sometime we have to remind people that official action means not what the Attorney says or does. Its' what happens when this body meets and this body votes.

I give information to the County Commission on the record, while I'm sitting here and not through the media sources or any other medium.

This is the place so the public knows what is going on. I will tell the public; this Commission is very astute in making sure that the business they do for this County is done out here in the public and that is good.

So, my recommendation is that based on the law, we have to release, unfortunately, the names of all ditch diggers, secretaries, people who drive trucks. Their titles, names and salaries, along with that, we don't respond to the schedule of the Ledger, we respond to the schedule established by the employees and the Administrator. How long it takes to put that information together, I don't know. But, that is the process and whatever costs are involved are a part of that process. I recommend you release it and that is done in due course by the Administrator and the usual and normal charges for accumulating that information are accessed.

Commissioner Lee motioned to release the names along with the other information that had already been provided and cautioned the staff not to accidentally include something that should not be released. He stated that these records are not kept in a data base like that. He did not know how long it will take. He also stated he did not know why State Legislators included names. If you know someone's name and their job you can find their salary on what was already released. This has never come up. There are a lot of Federal privacy laws, but after checking the laws even after the Attorney's recommendation, he has come to the conclusion that this is required. Therefore Commissioner Lee motioned to release the names and information to be released in a timely manner. Seconded by Commissioner Reed.

Commissioner Corbett asked the County Administrator to send a letter to all employees stating the requirements by law and the intent of the Commission to abide. The vote was unanimous.

There were 4 District appointments for the Russell County Planning Commission, which are 6 year terms. These are district appointments; therefore, does not require a vote of the Commission.

- Commissioner Lee reappointed Gary Head for the District 1 appointment
- Commissioner Pugh tabled his District 2 appointment until the next meeting
- Commissioner Reed appointed Otis Tuff as the District 4 appointment
- Commissioner Epps reappointed Fernard Crawford as the District 5 appointment

Commissioner Corbett discussed being approached by the County volunteer fire departments with a need for funding to supplement decreasing funding. They are requesting a volunteering fire due system. Now, each fire department request from \$25 to \$50 for residences in their districts, but are only receiving about 25% of those in their districts. The dues that are set by each fire district go for upkeep of stations, trucks and equipment. Though they write for grants and are sometimes awarded grants, fire stations are required to match funds, which also come from the fire dues.

Commissioner Corbett stated that he mentioned to our Consultants the need for creation of this type of legislation, but appears he was the only Commissioner with this request.

Commissioner Corbett motioned to send a letter to the County's Legislation Consultants and each member of our Legislation Delegation showing support for the drafting of legislation for the volunteer fire departments fire dues. Also, ask our consultants that once drafted the same be presented in a timely manner to the County Commission for review. Seconded by Commissioner Lee. The vote was unanimous.

Administrator Horne requested approval to let bids for a 50 Ton Package Industrial Roof Top Unit to replace the 17 year old unit for the Broad Street Courthouse which controls the first floor. She would like to open the bids on April 20th, 2015 at 2:00 p.m. Bid specification will be placed on the website as well as in the local paper and on our bulletin boards. Commissioner Screws motioned to approve the bid and was seconded by Commissioners Reed and Epps. Commissioner Lee asked to place in the records that the reason that the County is requesting a particular brand is because there are other units which are computer controlled and specific to a certain brand. Administrator Horne stated there are budgeted funds for replacement of the unit and she hopes that the bids will come in under this budgeted amount. The vote was unanimous.

Administrator Horne also requested to advertise for bids for a Landscape Management Service for the Russell County Courthouse, Judicial Building and the old Health Department. She plans to open those bids April 9th, 2015 at 3:00 p.m. Commissioner Screws requested to add to the bid specification's lava rocks. Commissioner Screws motioned to approve the request and was seconded by Commissioner Reed. The vote was unanimous. Commissioner Corbett complimented Administrator Horne on seeking this bid to improve the grounds.

County Attorney Kenneth Funderburk stated that an appeal has been received from an employee and recommended going into executive session. Commissioner Reed motioned to move into executive session and was seconded by Commissioners Corbett and Epps. The vote was unanimous.

Chair Martin announced before going into executive session that the Judicial Building (only) will be closed on April 3rd for Good Friday. This is a court order by Judge Michael Bellamy. This is only for State Judicial Employees.

ACCA County Day will be April 14th in Montgomery.

Chair Martin requested a motion to reconvene from executive session. Commissioner Lee motioned to resume the meeting and was seconded by Commissioner Reed. The vote was unanimous. The meeting was reconvened.

Attorney Funderburk stated that based on the full hearing provided, he recommended the County Commission deny the appeal from the employee. Commissioner Pugh motioned to approve the Attorney's recommendation. Seconded by Commissioner Reed. The vote was unanimous.

Administrator Horne stated that after the events of the last couple of weeks; she would like for the County Commission to please consider sending forward a request to our legislators to have legislative research look at the open meeting law to see if there is more protection that maybe provided for our regular county employees. Those who are not elected officials or appointed she felt that releasing the names will have adverse effects. She stated that the laws have changed a lot since 1991; we are facing a lot of identity thief. If the employee wants to release their name this is their right, but I feel on a personal basis it should be their decision. I have had many employees talked to me, called me and e-mailed me about being very upset about their names being published. They feel that they will be targets for criminals, and assaults from the web. I would really like for this Commission to be proactive and really look into this. The County is not trying to hide any records from anyone; we are trying to protect nonelected employees' identity, personal information and their families. This has really concerned not one employee, but hundreds. I will send a letter to the employees as asked by the Commission.

The comparison of the county to the municipalities' salaries is not fair. The County does not have the salary or revenue capability that the municipalities have. I don't know why the County has been brought into this to be compared to Columbus, Georgia, whose budget is beyond the capabilities of Russell County. The County Commission cannot change revenue, its' set by legislature. Municipalities have the ability to raise taxes as they see fit to adjust their revenue in their budget by a vote which gives them more flexibility to pay a different rate of salary. The newspaper keeps saying that we are hiding something, but I welcome anyone to look at our records. If an employee wants to give out that information, that is their right to do. There are laws that need to be updated according to the changes in society and this is one of those that need to be reviewed and hopefully changed to protect our employees in some way.

Commissioner Epps stated that she totally agrees with the County Administrator and thought it was a very good idea to take this under consideration and see if the law can be updated.

Mr. Screws announced that this needs to be added to the agenda for the next Commission meeting.

Administrator Horne thanked the Commission for their consideration. She felt that she needed to speak-up for county employees.

Commissioner Lee stated that is all good, but once the employees names have been printed it will not help them. It will only help future employees.

Commissioner Corbett asked to expand on the fact that employees will receive letters in their paychecks; he also requested that in the future when employees are hired to make sure there is a disclosure to make them aware that their title and name is a matter of public record to be released as requested. He did not know this when he was hired at the Sheriff's Department in the early nineties and he could see how that it could come as a shock.

Chair Martin requested a motion to adjourn the meeting. Commissioner Lee motioned to adjourn.

Commissioner Pugh asked to make a comment before adjourning. Any time someone applies for a job at the county, their salary and range is public knowledge. What the County Commission is doing is following the law. That is part of the territory that goes with being a County Commissioner; we are doing what has been the law and we are supposed to uphold. He did not see the big deal.

Commissioner Reed reiterated that if you work with county or city government it is automatic, that is public record. If you don't want to be a part of it don't apply for the position.

The meeting was adjourned.