

The Russell County Commission
Meeting Minutes
May 10th, 2017
9:30 A.M. EST

County Administrator LeAnn Horne announced that Chair Martin was absent due to illness and Vice Chair Screws was absent due to another engagement. Because, both Chair and Vice Chair are not present the procedure is that the longest standing Commissioner presides over the Commission meeting.

The Russell County Commission was called to order by Senior Commissioner Gentry Lee.

The invocation was given by Steve Pace, pastor of Summerville Baptist Church.

The Pledge of Allegiance was led by Commissioner Reed.

Public Comments:

Hurtsboro Mayor Vivian Covington discussed the Deputy Contract that was approved at the April 12th, 2017 Commission meeting. Mayor Covington stated that she did not sign the contract due to the increase in the amount. Commissioner Lee stated he would look into this matter and get back with Mayor Covington.

T.E.A.R.S. Representative Angela Walton discussed the problems T.E.A.R.S. facility has at their current location of South Railroad Street with parking and the safety of children in their after school programs. A property has become available for purchase which would alleviate these issues. Mrs. Walton requested a onetime donation of \$19,000 from the Commission. This amount would be added to other donations given to T.E.A.R.S. by the City and United Way. The full amount of the property is \$35,000. She thanked the Commission for the appropriations her organization receives each year and hope they will consider her request. Commissioner Lee asked if the property purchase would wait until the upcoming budget. She could put a request in at that time.

Geoffrey Hunt, Scott Embry and John Phillips spoke on the behalf of Recreation Director Bill Taylor.

Reverend Steve Pace invited the Commission and Citizens of Russell County to attend an event held at Summerville Baptist Church, May 11 at 7:00 p.m. to hear the children's choir "the Voices".

Citizen Eddream Lawrence thanked the Commission for their support of "Joy Behind Bars", and announced that there will be an event held at the Columbus Library on June 6th for these children and invited everyone to come.

Mrs. Lawrence also discussed Samuel Road and the need to have this road paved. There are fifteen people who live on this road, 6 of those were critically ill on that street

and 3 have died. A ditch was created across the road after the last storm. She requested the Commission put the road in the 2017-2018 budget for paving.

Commissioner Lee thanked the news media, Cable T.V. of East Alabama and the Citizen News for coverage of the Commission Meeting.

Commissioner Lee also welcomed elected officials, department heads and citizens.

The Commission roll was called. Members present were: Gentry Lee, Carl Currington, Ronnie Reed, Cattie Epps, and Chance Corbett. Also present was County Attorney Kenneth Funderburk and County Administrator LeAnn Horne who kept the minutes.

Commissioner Lee requested a motion to approve the April 26th, 2017 meeting minutes. Commissioner Corbett motioned to approve the minutes seconded by Commissioner Currington. The vote was unanimous.

Parks and Recreation Director Bill Taylor gave an updated report. He supplied a report of expenditures for the first 6 months of this budget year. He distributed a detail ledger to the Commissioners. (Report on File in Commission Office)

Commissioner Corbett: I appreciate the opportunity to speak and I spoke very briefly at Monday night's work session. I do appreciate the report that Mr. Taylor gave. That is by far the best report that we have received for Parks and Rec. during my time here as a Commissioner. I do appreciate each one of the expenditures that you mentioned. However, we do have some issues. It does pain me to have to do this. Unfortunately, several Commissioners know about it and obviously in consultation with the Administrator and the County Attorney. This is something I was elected to do. I was told that when you get elected that you are supposed to service the people and the County and look after the best of the County. That is what I'm doing today.

As far as Parks and Recreation go, we have had several issues come to light. In the interest of trying to not go through an entire book of things; the documentation that we have addressing some of these issues, I would like to go over the chronological time line of how we got into the fiscal 2017 budget. When the Parks and Recreation budget presentation was done back in September 2016, Mr. Taylor brought his budget request forward with a request of \$100,000 for parks and recreation. This Commission, including myself, asked what projects were included in that, because we had no documentation of what the \$100,000 request was for. He did speak of a couple of projects off the top of his head, but he did not have prices. So we made it a point in that meeting that that if we approved that then all projects coming out of that \$100,000 would have to come before the Commission for approval. Every other department head when asking for that kind of money, tells us where the money is coming from. If it was over \$7,500 which is our policy would be approved by the Commission or at least notify the Commission. We wanted to know each major project.

That brings me to the next line, there is a policy of the Russell County Commission that has been in place for many years, and every department head knows this they have it in the policy and procedures book. They have been told this when they get hired, all projects that are going to cost more than \$7,500 are to be brought to the Commission before they are to be purchased. There is also a policy that every purchase that the county makes, you have to get a purchase order. That is no different than most places.

The purpose of the purchase order is to notify the record keepers and the Administrator and everyone that the money is used for a purchase. Also it is to make sure that you have money in your budget to cover that purchase. This also catches us on things like getting close to bid laws. There is a State bid law, prior to a couple of years ago; it was \$7,500 had to be bid out, sealed bids. Now, it is actually \$15,000 for counties. It has to be bid out if it is any purchase over \$15,000. It is not just one purchase it is any purchase of like materials for the course of the year. If we were going to purchase \$13,000 of fence and the Engineer was going to purchase another \$12,000 worth of fence, we would have to bid that out when we realize we are going over that bid amount. With those 3 things in place therein lies the problem.

I have in my possession a Significant Incident Report from the County Administrator; in which we have several violation from our Parks and Recreation Director. In almost every case, including the incident that was just brought up, the Commission was not notified at all that the money was being spent out of \$100,000 as requested. In October 7, 2016, there was \$12,630 for New Energy for lights at the Fort Mitchell Walking Trail. The Commission did not know about that project. February 16, 2017, \$13,580 was purchased from Nolin Fence Company that the Commission did not know about that project. March 6, 2017, \$12,174.80 to Nolin Fence Project, the Commission did not know about that project. March 24, 2017, \$5,956.11 to J.A. Dawson, the Commission did not know about that project either. The bigger problem; not only do we have a situation where we have violations of policy in which the Commission was not notified as requested, of any money being spent out of that account. Also on several occasions, not just the three that were mentioned, over \$7,500 the County Commission was not notified. The two fences purchased on February 16, 2017 and March 6, 2017, put the amount over \$25,000 which we have not violate State Law. We have not taken sealed bids; therefore, I believe that this Commission is personally liable, because we did not take sealed bids. I would like for the County Attorney to speak to that. Is that opinion correct?

Attorney Funderburk: Yes.

The law: Section 41-16-30 and laws associated with that essentially makes it a violation of State Law with a fine and penalty if you violate the bid laws.

41-13-64 Section E no purchase or contract involving an amount in excess of the competitive bid limit established by Section 41-16-20 shall be divided into parts involving amounts of the competitive bid limit as established in Section 41-16-20 or less for the purpose of avoiding the requirements of this article. All such partial contracts

involving the competitive bid limit as established by that section or less shall be void. In this case it was found out Friday and was recorded that Mr. Taylor admitted that he had the conversation with the fence company about how to divide that purchase up in a way that it would not come under the bid law. That is a knowing violation of this law, not I gee I didn't know the law. They knew the law and planned to violate the law and that is the reason it is a violation of State Law with penalties. The Contract and payment of money is void. The fencing was already paid because Mr. Taylor knowing violated the bid law by breaking that up. It was paid and there was a void payment. The consequent of that besides being in violation of State Law with penalties is the State Auditors have the power to charge that against the Commissioners personally. They certainly have the right to go against Mr. Taylor personally. What you are dealing with here is a violation of State Law and payment of money under a void contract, willfully not following the bid procedures and the others which was summarized by Commissioner Corbett. This is a very serious thing and the object of the law is to make sure that counties and cities do not violate the bid law and our local policy is to sure when money is being spent no matter how worthy it is in mind of the agent of the county spending it, it is subject to the law.

Commissioner Corbett: I would like to clear one thing. You mentioned that Mr. Taylor had a conversation with a contractor. I do not believe that contractor was named, so I would like to clear that. We believe that was the company purchased from, but he did not name that contractor.

I also would like to ask our HR person. Carolyn you were in that meeting. Did you hear the conversation in which he said that he had a conversation with a contractor about not bidding it or getting around the bid law?

Carolyn Robinson: I think so, but I'm not 100% sure.

Commissioner Corbett: Administrator do you remember that conversation?

Administrator Horne: I certainly do.

Commissioner Corbett: I have a lot of problem with this. It's bad enough if we had an employee come up and say; I made a mistake. I didn't know about the bid law. This employee was hired because he was leading program just like this in Houston County and back then the bid law was set at \$7,500 not \$15,000. That would have been a hard thing to swallow. But, when the employee says he was talking to a contractor to get around the State Bid Law. I have a problem with that and I can't support that. Not only because I'm personally liable as a County Commissioner, but so are all these other Commissioners. The State Auditor could come in and say to split this 7 ways and pay back the money back. This is our county's money. Its money that I'm paying taxes on every day and I expect this Commission to be good stewards of county money. It pains me to be up here.

If you are wondering why we are doing this up here, it's because the law passed a few years back stated that when you have a department head that makes a certain salary in a government organization; you cannot go behind closed doors to talk about this. The State requires us to sit in public with you and the audience and talk about this is open and it is clear and transparent.

The problems that I have with this at this point, I don't want to delay this any longer and keep going. I could keep going with signs, issues and projects that I don't agree with or things that have happened. Based on the recommendation of the Administrator as well as based on the recommendation of the County Attorney and what is laid out. I make a motion to terminate the Parks and Recreation Director. Seconded by Commissioner Currington.

Commissioner Reed: I think we are way out of order. I will tell you why. About 10 years ago we had a department head who spent \$180,000 and the Commission did not know anything about it. He supposedly had a project bid out. The State Auditor found it, wrote him up and gave each Commissioner a letter.

I keep trying to push it and prosecute him. The Commission did nothing. He spent over \$180,000.

Commissioner Lee: Was this a county employee or an elected official?

Commissioner Reed: He was an elected official.

Commissioner Lee: I wanted to clear that up. We do not control elected officials.

Commissioner Reed: He comes under us, because we gave him the money to control his office. He had laws to go by as well. We did nothing to this person. I feel that the reason they didn't do anything was because he was white.

I went to Judge Greene about the issue. They messed around until the man got out of office and Judge Green said that they waited too late; you could have done something while he was in office. I could not get any other Commissioner to support me on this.

This black man spent a lot less than this and now we want to terminate him. I feel like this whole thing is racist. Mrs. Epps has joined with me and we will both walk out and you will not vote on this, because you have to have 4 people.

Commissioner Lee: Commissioner Lee, no one interrupted you but me and I just wanted to clear this up that this was not a county employee you were talking about. I don't know if you were on the Commission or not on the Commission, but since I have been here this is the fourth department head that this has come up. Three were dismissed and they were all white. So, don't say that it is racist. There wasn't anything said about dismissing a white person. You are the one that brought that up. The laws have been

stated; it doesn't matter about color. If we have to, I want you to be the first one to write \$3,600 check to Russell County. Is there any other discussion?

Commissioner Epps: I have been here for 16 ½ years. To be honest, we have never had this kind of stuff that has been going on like this until lately. Within the last four or five years. You nitpick about everything. Everybody makes a mistake.

Let me point out a couple of mistakes that have been made since I've been here, that I'm aware of. There are a lot of mistakes that have been made that I'm not aware of, because I'm not privileged to a lot of information. If someone doesn't tell you what is going on in the office, then as a Commissioner, I do not know.

I step up with what Commissioner Reed said, they are true. For the last several years there have been several complaints for the Administrator about how the Engineering Department has gone over the budget. It never came to the point that we terminate the Engineer.

There has been times that the credit card has been misused and abused that I know about. We did not bring it before the public and discuss it. It was resolved, but it was a violation of the law. We all violate the law. When we run a stop sign, we violate the law. When we speed, we are violating the law. There is something in the Word that says "Fret not yourself of evil doers, for they will soon be cut off." If we sit here as public and elected officials to represent our county and that is what we are here for. Every time that someone makes a mistake doesn't mean that that person is doing it intentionally. Commissioner Corbett said something about what he had there. I didn't know about that either.

Commissioner Lee: Commissioner Epps you are talking out, but you have violate Commission policy. You can say Commissioner or District, but you cannot call out Commissioner's names. I'm sorry that it our policy and I'm sorry it has not been enforced before, but it will be now.

Commissioner Epps: My next question is, if there was money taken \$180,000 that District 4 said was taken and the Commission did nothing about that. Then of course we as Commissioners violated the law, because we did not do anything about it.

If there have been concerns and problems about other things that have happened, as far as credit cards and overspending of budgets. Then, the law has been broken. There is a thing that is close to my heart; a forgiving spirit. Now, my question to Ms. Horne, how much money, because this was said by a Commissioner on Monday evening, that I would have to pay back some money, because of this violation.

Commissioner Lee: That was possible.

Commissioner Epps: I want to know how much money I will have to pay back, what length of time do I have to pay this money back? I would like for what I said to go into

the minutes for the records. I really need to know, how much money I have to pay back, when it is due and how it is to be paid. Personally I need to have that in minutes and I need to know this now because, I work on a budget, I work for the County, I work for the Citizens, taxpayers. All of us. I would like to thank the gentlemen who came up and let the public know the work and what has been done in this county, with your taxpayers money to keep the fields of Russell County feasible and able to play on and work on. I would like to thank them. That is what you are here for to let us know, what is going on. Because, me sitting here and one Commissioner getting something and this Commissioner not getting it. We too are violating the law.

Commissioner Lee: Before Ms. Horne answers that question, I want to remind the Commission, and I also want this in the record and for some of the audience that thinks that we are not doing something right. When the credit card issue came up it was discussed many, many times, but that was before the law changed. It was discussed in executive session. It was determined and ruled by our Attorney that the person that was charged was not guilty. The credit card did not belong to the County. I want to clear that up. \$180,000, I really don't remember the details, but I do know it was an elected official that was charged and there was never any proof. The Auditors did not require a payback. Talking about auditing, it may be three years before the Auditors get around to this incident. Some of us maybe gone to see our Maker before then. It doesn't matter if you are on the Commission at the time, even if you are not serving on the Commission. If the auditors determine there is a chargeback, you have to pay it. If you don't think you have to pay it ask Governor Siegleman.

Commissioner Corbett: These incidences that have been brought up by one or two Commissioners, I don't even know when these occurred. It must have been prior to me becoming a Commissioner. That might be a big difference. Because, when I see something wrong, I'm going to bring it to the table. That may be the big difference. If I see it happening I will bring it forward and address as immediately as we can.

Commissioner Lee: Let Ms. Horne answer Mrs. Epps question before we go to another Commissioner.

Administrator Horne: Once the audit has been conducted then that will determine if is charged back and also once it has been reviewed by the District Attorney. They will make that ruling. At that time they will give you a date, amount and time.

Commissioner Epps: I know that we are audited. I'm in other auxiliaries and things that are audited. What I understand from the audits if you have accountability and that is what auditors look for is accountability. To be honest, I think the Parks Director this morning gave us a line-by-line of what happened to each dollar that was spent from the budget. That is accountability. This is the only Department head that had to come before the Commission, and that the Commission has asked to give them an itemized statement of how the money was spent from their budget, that I know anything about. I'm not going to say that they have not been asked, but I'm saying what I don't know.

So, if one Commissioner knows something then all Commissioners should know something. It is against the law for Commissioners to meet and make decisions and act upon them. I haven't had a meeting with the Parks Director. I haven't had any meeting concerning the Director. We can meet and greet and talk, but we cannot make decisions and act upon those decisions. I heard that a Commissioner say that there were other Commissioners that knew about it. All Commissioners should know about it.

Commissioner Reed: If we are going to terminate one department head for going over budget, then we need to bring our Engineer down here and terminate him as well. He has been over the budget plenty of times.

Commissioner Lee: I like to respond to that. I got that list this morning of complaints and I did not see anywhere on that list about job performance, or going over budget. That is not what we are talking about. We are talking about not following procedures and breaking the law.

Attorney Funderburk: That is correct. It is a matter of law. From what I hear you are trying to establish an amount employees can steal before you take action and you can't do that either. That is not possible and the law does not allow you to have grace.

Commissioner Lee: Mr. Taylor, I see your hand is up and you did ask permission Monday night to speak if this issue came up. So come forward.

Mr. Taylor: On these issues, I was not aware of the State Bid Law. I did not receive a State Bid Law in any of my packets, when I started work. I was only able to pull the State Bid Law up after my last meeting with Ms. Horne, Monday. So, I was not aware of this. I did not have this in my possession at all. I wanted to make sure I said that. As far as my not bidding, and following bid procedures referring to the fencing or what not. I did take bids on that fencing and I do have copies of those bids on that fencing. The other thing that disturbs me is the fact that the owners name was mentioned and said that I had mentioned his name. I did not do that. I don't know if that was intentional or not. I'm sure he doesn't appreciate that either. We have a good working relationship with these people. I had never met the owner before these bids. I had never meet any of the other contractors before starting these bids. I want that on record, because some are trying to say that I have really done something other than not follow the rules. I have not.

One of the things that I really want to say is that a lot of this, and I probably should have said something long ago, and we should all admit to this as being an accumulation of stuff. Even going back from when I first started, because I have gone through a lot as a Director and Department Head. I know and others I know have been really discriminated. Case in point, after I first started I have been spied on by an employee of mine and this particular employee is related to the Commissioner. I witnessed this. I was given this information and confronted this employee. I saw it with my own eyes and I saw where this information was going. There were pictures of me out and about working. Not only that, as a part of being spied on, there was a GPS system device that

was placed on my truck. To my knowledge I am the only department head that has one and I was not supposed to know about it. I was informed and I never said anything about it. To my knowledge no other department head has a GPS tracking device on their vehicle. I was not told about, asked about it or told the reason why. These are just some of the things, I have gone through.

Another key component to this all is leading to my termination is, I feel like is because of my hiring practices have been in question by this Commission. When I hired a particular individual that was highly qualified, met all qualifications and was a former employee of Phenix City that was when a lot of my problems began. I was asked to terminate this individual after just 2 days on the job.

Commissioner Lee: Was this employee dismissed from the City for being charged with a felony? I don't know if he was convicted and in the same type position, but if that is the case, why would we put him back into the same position?

Mr. Taylor: When we went through the hiring process. I and our HR, Ms. Robinson, found no reason not to hire this individual. I was hiring the highest qualified person that I could find. This person did not as I was told by one of these Commissioners had a felony after the fact. I had no way of knowing.

Commissioner Lee: Everyone knew he had not been convicted yet, just charged. It was serious enough for the City to dismiss him. My question is everybody in Russell County and Phenix City knew this. It is strange that you and Ms. Robinson didn't. It made the front page of the newspaper.

Commissioner Corbett: What about background checks?

Mr. Taylor: We did all of that

Commissioner Corbett: And the City said he was good?

Mr. Taylor: We did background checks and everything. We, Carolyn Robinson and I did everything by the rules and regulations of this County, before we hired this individual. I was chastised 41 minutes on my cell phone by one of these Commissioners.

Commissioner Reed: Is the GPS still under your car?

Mr. Taylor: It is.

Commissioner Reed: Then there will be a criminal file against somebody. I will see to that.

Commissioner Lee: I don't know about that. We are in legal bounds. Ask the Attorney about that. We are in legal bounds to know where any of our vehicles are at any time. And I don't know that it is the only one.

Commissioner Reed: Mr. Taylor does anyone else have a GPS on their truck?

Administrator Horne: the Sanitation Director has one and all of sanitation department has them. Engineering has them also.

Commissioner Lee: You don't have to answer that now. I think the Attorney will tell you that may come up in a different setting and a different time.

Administrator Horne: He is falsely accusing the Commission.

Commissioner Corbett: Obviously when the Attorney spoke with the name of that company, I corrected that. Mr. Taylor, you brought it back up to the table again and said it three more times. I want to clear that. I know for sure from talking to Ms. Horne that a name was not mentioned. I don't want to speculate who that was. I like that company and think they do good work.

Mr. Taylor: The Commissioners should not have happened.

Commissioner Lee: The Commissioners did not do that.

Commissioner Corbett: I mention that you told the Administrator the reason that you didn't sent it to bid is because you had a conversation with a contractor, the contractor said that he knew how to get around the bid law. Did that happen?

Mr. Taylor: I state again I took bids.

Commissioner Corbett: Did you say what I just said? Did you say something like that?

Mr. Taylor: I said that I took bids.

Commissioners Reed and Epps left the meeting.

Commissioner Lee: We do not have a quorum. I am going to request that the two Commissioners come back so we can finish our agenda. We will postpone this issue until the end of the agenda. There are some important items on it. If they are not back in one minute this meeting is adjourned.

Commissioner Lee: I apologize for the important items left on the agenda but at this time the meeting is adjourned.