

The Russell County Commission  
Meeting Minutes  
August 9<sup>th</sup>, 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 Reverend Grant Parker, Pastor of Epworth United Methodist Church.

The Pledge of Allegiance was led by Commissioner Reed.

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: Chair Peggy Martin, Vice Chair Larry Screws, Commissioners Gentry Lee, Carl Currington, Ronnie Reed, Cattie Epps, and Chance Corbett. Also present was the County Attorney Kenneth Funderburk and Administrator LeAnn Horne who kept the minutes.

Chair Martin requested a motion to approve the meeting minutes of July 26, 2017. Commissioner Currington motioned to approve the meeting minutes; seconded by Commissioner Corbett. Commissioner Epps asked to discuss the minutes.

Commissioner Epps: Reading over the minutes, and reflecting and meditating over them, I thought I would get some advice from the Ethics Committee. In these minutes, a lot of them are not like minutes, they are like discussion and whatever is going on.

My question was to the Ethics Commission was where does the Legal Advisor fit in to discussion of our meeting. I was told that only when a Commissioner asks for advice from the legal advisor they face that person being addressed. Reading over these minutes, did not happen in the last meeting. As I kind of shared some of the stuff with that the person that I was talking with, it was said that with some of what was going on like there was revenge going on, on the Commissioners. My thing is that, when I first took the ethics class which was the first class that I took in 2001, the first thing that they told us as Commissioners, because we all were new. Never have a meeting without a legal advisor. The Legal Advisor is there to protect you from legal things that will be happening during the meeting. As, I shared some of the stuff that we had on the last meeting, I was told that some of this stuff really was not legal. It was a discussion that Commissioners should have had this discussion prior. Asked me a question which is on page three of the minutes; a big paragraph before the end of the paragraph: It was talking about the roll call and the quorum of the roll call. I wanted to know how you know if there was a quorum. It says that if you go to a meeting and everybody is sitting in their seat, you know you are going to have a quorum. This comes from the Ethics

Commission. I just wanted to share this with us because it says here on the last one that can happen during a meeting, if you walk out as we all know and that person asked me what does that mean. I had to refer it back on what had happened in the past, that only I could understand that. Also, I said in this meeting discussion I attend a lot of meetings about establishing a quorum. Commissioner Lee explained to me that it came from the Association. I'm on about three different committees at the Association. When they sent out the notice for the meeting when the meeting is going to be, they asked us if we will be able to attend. We respond yes or no. If they don't get a quorum to say yes, then they do not call the meeting. I have gone to some of the meetings and some of the folks have said yes they will be there, but in between those times something came up and they were unable to attend. The Association never opened a meeting, we all sit the presiding Chair would look; we don't have a quorum so we don't have a meeting. I just want the public to know as well as the Commission. I think that we need to follow up on some of this stuff that we are doing here, because to be honest, we can be illegal on doing things. I am not going to support the minutes because I was told, if I vote yes for these minutes, then I agree with them and they become a part of the record. If something else comes up and I voted yes then I can be as guilty as the person. I just wanted to share that.

Commissioner Corbett: Madam Chair, I want to make one comment. Mrs. Epps obviously, I was not directly involved with that conversation, but I disagree. Until we call the roll we cannot establish a quorum. We can have a meeting without establishing a quorum all day long, as long as we follow the Open Meetings Law. We have a work session every Monday night without taking action. If we were to take a vote we would have to establish a quorum. So, I'm not real sure about some of the stuff you were quoting, where you have gotten it from. We talk about things prior to the roll call, once we call the roll and we don't have a quorum the meeting is over. If we are in the middle of a meeting and Commissioners get up and walk out; therefore, bring us under a quorum; the meeting is over. I'm not real sure; I am pretty versed in Robert's Rules and pretty versed in what it takes to make a quorum, because I'm on a lot of committees as well. Those committees are not committees in which we call roll and have to have a quorum to be there. We may need a quorum to take business, but we can have a meeting all day long. I understand what you are saying, I think, but I don't agree with it. I think that once we call the roll, if we realize we do not have a quorum, the meeting is over.

Commissioner Epps: Madam Chair, I am not saying you are right or wrong, I'm saying the information that was given to me from the Ethics Commission who also... I don't know I'm sure that every new Commissioner has to have that class when they are first elected to go there. This was the first class that I had. I'm sure that everyone knows about the Open Meetings Law might not know what it means. The Open Meetings Law says we can all meet together as long as we don't make decisions, which will affect this Commission. We can all go ride together and we can all go places together and we can discuss whatever, but as long as there are no decisions made. I'm sure, and everyone else is sure, that were here at a couple of meetings, some decisions were made outside

the Commission Meeting. I disagree with you, but I am just telling you the information that I received. Thank you, Madam Chair.

Commissioner Lee: Madam Chair, you cannot establish a quorum until the roll is called. I don't care what the Ethics Commission says. I don't know how the question was asked, so I don't know how the Ethics Commission would be involved in that anyway. What if you have a group of 250 people, how are you going to tell if you have a quorum if you don't call the roll? Calling the roll is the only official way to set a quorum. You can say, I don't think we have a quorum. Carl could be sitting out in the audience and you don't count him, but he is here.

Commissioner Epps: Then I think that we should...I'm sorry, Madam Chair, I think should...

Commissioner Lee: I still have the floor. This order of the meeting...correct me if I'm wrong, Ms. Horne, but it was sent out as a suggestion by the Association. We can change it, but this was suggested by the Association, the roll call. Maybe the call to order should not be there. Maybe, it should not be called to order until after the roll call, but other than all of the other stuff is the Pledge to Allegiance, Invocation, Thank you to people that are here and recognizing people that are here. That is nothing compared to an official meeting. That is just what we do, but to state again you will not officially know whether or not you have a quorum until you call a roll. Now if during a meeting someone gets up from the meeting and leaves. The Chair notes that Commissioner A and Commissioner B or Commissioner C has left, therefore we do not have a quorum anymore. You don't just get up leave and automatically dismiss the meeting. The Chair has to recognize that you don't have a quorum. If you have to call the roll again, then you can do that. In a large group you would have to.

Commissioner Epps: Madam Chair, I suggest we go ahead and call for the vote for approval of the minutes.

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. There were 4 yes votes and 3 no votes. The motion passed.

Commissioner Lee: I want to remind Commissioners that are voting yes or no on the minutes, doesn't mean that you agree with the minutes; that means you are a witness to what happened during the meeting and you are approving it. Voting no means that you were either not here or something in the minutes happened and was not in the minutes. Just objecting to what the minutes say is no reason to vote no. All that does is approve the business that went on, so if you see something in the minutes that didn't happen then you make a suggestion that it be corrected. There is no reason to vote no in the minutes, you abstain if you were not here.

The Centennial Youth Initiative Proclamation was read by Administrator Horne. Russell County Extension Office Director Jennifer Davidson and Dr. Lemme were presented the proclamation and they explained the purpose of the program and introduced the 4-H team, the 4-H Advisory Committee and 4-H Youth Council Members.

Certificates of Achievement and Challenge Coins were presented to Darius Thomas and Davornne Lindo for their accomplishments in American Legion programs.

Darius Thomas was elected Governor of Alabama in the Boy's State Program, later to be elected President of the American Legion's Boy's Nation 2017.

Davornne Lindo was the Alabama American Legion Oratorical Winner, 2<sup>nd</sup> Place in Health Occupations Student of America State and State President of Alabama Junior Reserve Officers Training Corps 2017.

Nick Autrey gave a presentation of the Hurtsboro Project. Pictures were shown of a South Korea plant which takes solid waste materials and produces energy. A successful plant takes approximately one hundred thousand tons per day that run 24/7. That gives a continuous amount of power, which is what the power companies are looking for. Solar is a great idea, but they are looking for a continual source.

Russell County only produces about 40 tons of solid waste per day which is not enough solid waste for a plant. Mr. Autrey stated that they have spent a lot of time in Russell County gathering information concerning the amount of solid waste collected by other landfills. He found the possibility of having enough waste in this area to make this a successful plant. He would like to move forward with contracting with these companies.

The 1978 PURPA Law "Public Utilities Regulatory Policies Act" stipulates for power companies to purchase green energy when available. This solid waste process is 100% green energy. The Act does not dictate the price; therefore, it has to be sold to the power companies at wholesale prices or the going rate. At wholesale price the plant could make close to \$2,000,000 a year in revenue from 100 tons.

Discussions are taking place with different funding companies for this project. Kentec is offering different options; from 100% owned, public /private or a totally private entity. He is requesting the Commission's help by approving a resolution giving Kentec the authority to move forward with this project so they are able to obtain required permits from the Alabama Department of Environmental Management.

Kentec will work with the local population to reduce fears they may have with this project. They have met with Hurtsboro Mayor Covington, and will be in discussion with the Mayor and her council as well as Commissioner Screws since this is in his district to discuss the Hurtsboro project. This is the first plant in the United States.

Commissioner Reed asked how many jobs will this create for this area?

Mr. Autrey stated that it would be between 8 to 25 people initially. There will be a lot of jobs from the construction aspect. There could be as many as 100 jobs. This depends on the size of the plant. The plant will be expandable.

Commissioner Lee asked what would be done with the ash from the solid waste.

Mr. Autrey answered; it can be taken to a landfill, used for construction sites, or roads. The byproduct is inorganic.

Approving the resolution states that that the Commission is giving Kentec the authority to go forward acquiring permits with ADEM, applying for grants with ADECA. It does not commit the Commission to anything except stating that the Commission is working with Kentec.

Mr. Funderburk agreed the resolution does not commit the Commission, but the Commission may want to add to the Resolution.

Commissioner Lee stated that there will not be another Commission Meeting until September. Therefore, he motioned to approve the resolution. Seconded by Commissioner Reed.

Administrator Horne polled the Commission. 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) voted, yes. The vote was unanimous.

Interim Parks and Recreation Director Bill Friend requested a budget amendment for this department due to unforeseen issues:

GENERAL FUND 001			
PARK & REC 57200			
DECREASE	001 57200 214	MINOR EQUIP	\$2,000.00
DECREASE	001 57200 228	UNIFORM RENTAL	\$500.00
DECREASE	001 57200 234	MOTOR VEHICLE REPAIR	\$2,500.00
DECREASE	001 57200 304	CONTRACT SERVICES	\$1,200.00
INCREASE	001 57200 219	OTHER MISC SUPPLIES	\$5,000.00
INCREASE	001 57200 242	NATURAL GAS/WATER	\$1,200.00
			TOTAL \$6,200.00

Commissioner Corbett motioned to approve and was seconded by Commissioner Currington. Commissioner Corbett thanked Mr. Friend for bringing details up and being prepared. That always helps.

Commissioner Epps: I have a question, Madam Chair. I got a call from more than one person that on the news we didn't have any money in Parks and Recreation. I don't know how that got out, but that was on the news I was told. I didn't hear it, but when my folks call me in District Five and some from the city too asking me what happened to the money. Is that true? I just really need to find out; is it really true?

Bill Friend: Commissioner Epps I saw the same thing because Channel 3 news happened to be here at the work session, they brought up the budget amendment. I explained to them that is something that happens yearly with in different departments. The funds are there, they are just moved around from one account number to another. One was an issue with the water at the Seale Complex, which had a very serious leak since October of last year. Some of the bills for the complex run close to \$2,000 a month because it was never repaired.

Commissioner Epps: I just wanted to know.

Commissioner Lee: I learned a long time ago that the News doesn't always portray exactly what was said and what happened. That is why I don't do interviews anymore.

Commissioner Epps: Gentry, I was asking a question because the question has been asked of me by the folks that depend on me to keep them informed, because that is what I promised them that I would do when I was elected. So, when they want to know something even the Engineer can attest that they will not call the Engineer Department to get their ditches and roads fixed, they will call Commissioner Epps to make sure it get done. So, my question is and that is why I asked. I'm not trying to start things; I am just asking the question.

Commissioner Corbett: Madam Chair, Again I thank for the details and on Monday night you explained that this was a transfer and we understood regardless of what the news said, that you had money in your budget and were transferring the money around. I could have answered that question if I had gotten that call as well. Some organizations do not require you to do that as long as at the end of your budget cycle you are in the Black you are good as long as you are not in the Red. So, we require our department heads to keep their line items budgeted. The Administrator does. So, that is what requires coming here to make those transfers around. Thanks for keeping an eye on it.

Administrator Horne polled the Commission. The vote was unanimous for approval of the budget amendment.

Chair Martin announced that the ACCA Annual Convention which is scheduled for August 21-24<sup>th</sup>, will conflict with the scheduled Commission Meeting. Commissioner Corbett motioned to cancel the August 21<sup>st</sup> Work Session and August 23<sup>rd</sup> Regular

Commission Meeting. Seconded by Commissioner Currington. The vote was unanimous.

Administrator Horne stated that she has distributed a September calendar to all the Commission. She would like to propose budget meetings for September. She suggested the afternoon of September 11<sup>th</sup> and go directly into the Work Session, or After the September 13<sup>th</sup> Commission Meeting go into a budget meeting later that afternoon or September 14<sup>th</sup>. Commission Corbett motioned to schedule the first budget meeting for September 11<sup>th</sup> at 1:00 p.m. Seconded by Commissioner Currington. The vote was unanimous.

Announcements were made.

Commissioner Lee motioned to adjourn the meeting.

The meeting was adjourned.