

Russell County Commission
Russell County Commission Chambers
Meeting Minutes November 10, 2021
9:30 A.M. EST

An adjourned meeting of the Russell County Commission was called to order by Chairman Chance Corbett.

The invocation was given by Mr. David Ellis.

Commissioner Corbett led the Pledge of Allegiance.

PUBLIC COMMENTS:

No public comments were made.

Chairman Corbett thanked BEAM Cable TV and The Citizen of East Alabama for covering our meetings for the citizens of Russell County and we are on Facebook live for people who can't make it to the meetings but have the ability to watch. He welcomed our elected officials, department heads, visitors, and guests.

Chairman Corbett stated that the agenda was approved at Monday night's work session on November 8, 2021.

County Administrator Paulette Colbert called roll of the Commission. Member's present were Commissioner Rod Costello, Commissioner Cattie Epps, Commissioner Scott Chambers, Commissioner Larry Screws, Commissioner Ronnie Reed, Commissioner Gentry Lee, and Chairman Chance Corbett. Also, present was Interim County Attorney Hope Hicks and County Administrator Paulette Colbert, who kept minutes

A quorum was established by County Administrator Paulette Colbert.

APPROVAL OF MINUTES:

Chairman Corbett presented to approve the minutes for October 27, 2021 Commission meeting. Commissioner Epps motioned to approve minutes. Seconded by Commissioner Reed. All Commissioners were in favor by saying aye. None opposed. The Commission passed the motion unanimously. Commissioner Screws abstained because he was not at the meeting.

PROCLAMATIONS AND RESOLUTIONS:

Chairman Corbett presented Russell County Extension Office County Coordinator Jennifer Davidson who spoke about the annual Proclamation for Alabama Farm-City Week 2021. Below is the proclamation presented by the Russell County Commission.

Russell County Commission

PROCLAMATION

Alabama Farm-City Week 2021

For over 60 years Thanksgiving week, the American people have observed Farm-City Week to express gratitude for the bounty with which God has blessed our land and to recognize the achievements of the farmers, rural townspeople and city residents who make our Nation's agricultural production and distribution system so successful. Truly this cooperation between rural and city dwellers for mutual benefit helps ensure our country's well-being.

America's farmers have provided food and fiber to sustain our people throughout decade after decade of progress. Farmers' productivity has increased steadily, thanks largely to their initiative in supporting and adopting the methods and materials developed by scientific research. Yield per acre has grown tremendously, with the result that American farmers are able not only to meet the Nation's basic needs for foodstuffs, but also to produce agricultural goods for export and for a wide variety of specialty markets here in the United States and around the world.

American agriculture, and the many service industries that depend upon it in cities and towns and along all the routes in between, is a story of extraordinary labor creating extraordinary abundance. At this time of year, it is only fitting that all Americans offer some special sign of thanks to those who grow, harvest and bring to our Nation's tables the fruits of sun, seed and soil.

NOW, THEREFORE, We, The Russell County Commission by virtue of the authority vested in us do hereby, proclaim the week of November 19 through November 25, 2021, as Alabama Farm-City Week. I call upon all citizens in rural and cities alike to join in recognizing the accomplishments of our productive farmers and of our urban residents, who cooperate to create abundance, wealth, and strength for our Nation.

IN WITNESS WHEREOF, we have hereunto set our hand this 10th day of November in the year of our Lord two thousand twenty-one.

Motion to approve the proclamation by Commissioner Lee. Seconded by Commissioner Costello. All Commissioners were in favor by saying aye. None opposed. The Commission passed the motion unanimously.

DISCUSSION ITEMS:

No discussion items were made.

BUSINESS ITEMS:

Chairman Corbett presented Interim EMA Director David Martin with a request to approve the purchase a 2022 Ford F250 for emergency management. Mr. Martin requested the approval to purchase that 2022 Ford F250 to replace the 2006 F-250 they currently have and had to service a lot and spend money on. He stated that this is also a budgeted item. Motion to approve by Commissioner Costello. Seconded by Commissioner Reed. All Commissioners were in favor by saying aye. None opposed. The Commission passed the motion unanimously.

Chairman Corbett presented Maintenance Director Leon Watson with the request to take courthouse landscaping proposals. Mr. Watson stated to request for the Commission to allow them to take proposals for the lawn and landscaping at the courthouse and the Russel County Judicial Center. If approved, maintenance will be advertising in the local newspaper for three weeks starting on 11/18/21 through 12/2/21. He stated they will have a mandatory walk through at both buildings, a walk around on 12/6/21 at 11 am EST, with the Judicial Center to follow around 12 noon. Mr. Watson stated they will accept bids until 10:00 am EST on 12/13/21 in the Commission office, and the bid opening to follow at 11 am EST in the Commission Chambers. Mr. Watson said that maintenance will present the best proposal bid at the work session on 12/20/21 and anticipate the bid awarding to be at the Commission meeting on 12/22/21. He stated that after good input from this past work session, they changed some of the stipulations to better the county, so those are being done. Motion to approve by Commissioner Lee. Seconded by Commissioner Reed. Discussion included Commissioner Lee asking Mrs. Colbert, since this might go on for a year in other places, do we need to advertise it in a state paper since some things are required for a state paper with statewide circulation? Ms. Colbert answered that she didn't think this would be required, other than our local newspaper. He asked because he thought any type of landscaping would be considered a whole year, and this will be considered as part of that like it they did before with planting grass. Mrs. Colbert stated that according to our public works regulations, it only requires us to advertise in a local newspaper, but she'll be glad to check on it further. Commissioner Lee thought public works had to be a state circulated newspaper but maybe not. Chairman Corbett asked if Mrs. Colbert would check on the regulations to make sure we're following them. He told Mr. Watson that anything they do beyond the bid, to just keep in mind that we had to bid this out. All Commissioners were in favor by saying aye. None opposed. The Commission passed the motion unanimously.

Chairman Corbett presented Maintenance Director Leon Watson with the replacement of the cooler for the morgue at the coroner's office. Mr. Watson stated that maintenance is requesting approval to purchase the new box that he and the coroner had previously discussed, and he will probably want to speak. Mr. Watson said that the maintenance department will be installing the new box, but the material cost is \$23,370.70. He stated this was a pre-budgeted item for this fiscal year, however, he believes this will be able to be paid out of some of the funds that the county has received, and he thinks Ms. Hicks may want to elaborate on it after Coroner Sumbry speaks. Mr. Sumbry stated that he will answer a few questions the Commissioner's asked. One question was why was a new cooler needed? He stated, that due to the number of increased cases and traffic fatalities we've had, also COVID related deaths, along with homicides and suicides, and natural deaths, they have to store before and after transporting bodies to and from Montgomery, Alabama. Mr. Sumbry stated that the next question was, have there been times since the beginning of the COVID pandemic that the current cooler has been at, or over maximum capacity? He stated that the current cooler has been at or over maximum capacity quite a few times prior to COVID, and right now too. Mr. Sumbry said we've been in those times pretty much a lot, as everybody would pretty much expect. He said that another question was if he's had to ever had to use coolers at other facilities since the beginning of the COVID-19 pandemic? Mr. Sumbry agreed and said he has had to ask local hospitals to keep the remains until he was able to clear space, as well as work with friends at funeral establishments on picking up the bodies and taking them to the funeral home versus storing them at our morgue. He said another question is, what is the capacity of the current cooler and

the capacity of the cooler that's being requested? Mr. Sumbry stated that the current cooler capacity will normally hold 4-5 bodies, depending on the size of the individuals, and the cooler that's being requested will double that capacity. So, we're looking at starting from five to possibly ten bodies at one time. Another question is, where would the new cooler be kept? Mr. Sumbry said that it would be in the same location, for security purposes. He thanked Leon for working with him on this project, as well as the Commissioners, for giving him the opportunity to present this to the public so that we can serve the families of Russell County the way we've been serving them and making sure they have peace of mind for the bereaved families in our areas. Attorney Hope Hicks commented on the ARP funding aspect of it. Ms. Hicks stated that she wanted to look and see if they can do this with the ARP money. She said she's reached out to NACO about personal property, which there are not really specifics in the interim and final rule about it. She said they've answered one of her questions, and then they asked her for some follow-up information. So, she said she can't give an answer that this can be paid for out of the ARP money today. Chairman Corbett stated that they are prepared to move forward with it, as a budgeted item, but if they can use ARP money, that would be the plan. Commissioner Reed asked Mr. Sumbry if he included a generator? He said if power went out, you'd still need power in that cooler. Mr. Sumbry agreed and said that he's in the EMA building and it has it. Chairman Corbett stated that it was included in the EMA building already. Mr. Sumbry also stated he is working on getting a lift to store bodies a little bit higher on racks. Commissioner Screws asked Attorney Hicks if it was approved through COVID, can the county be reimbursed if they started preparing the morgue for the coroner? Ms. Hicks agreed and said she believes they could. Mr. Watson stated that they need to know either way, because they are 6-8 weeks out if they order it this week. So, with the holiday this week, it'll probably be ordered as of Monday, and it would be up and running by February for the coroner. Chairman Corbett asked Mrs. Colbert if it has been bid yet? Mrs. Colbert answered that it has not been bid yet. Mr. Watson said it would be just for material because they would be doing it in house. Mr. Sumbry stated that this situation has not resulted in any major delays as results to serving our families and local funeral homes in the areas for anybody. Chairman Corbett stated that his concern is that in material cost, it's over \$15,000 dollars. Mr. Watson stated that he reached out for three estimates for the material, and this is the least expensive. He had them update it and this was done 8/7/21. Commissioner Lee said he still thinks they need to bid it, even though it will delay the whole process, but he thinks it still needs to be done. Chairman Corbett agreed to bid this out and asked if Mr. Watson could use the same dates as the Courthouse landscaping proposal bid. Mr. Watson agreed and verified to bid just the material. Moved by Commissioner Screws and seconded by Commissioner Reed. All Commissioners were in favor by saying aye. None opposed. The Commission passed the motion unanimously.

Chairman Corbett presented the Lee-Russell Council of Governments CDBG-CV Administrative contract they had in their packets and stated it is the same thing they do every year, and it was included in the budget that was approved at budget time. He was asking to allow the Chair to sign this contract. Motion by Commissioner Screws and seconded by Commissioner Costello. All Commissioners were in favor by saying aye. None opposed. The Commission passed the motion unanimously.

COUNTY ENGINEER:

- **Sanitation Department:**

The county engineer had nothing to present but shared updated information about sanitation this week. He stated that trash will be picked up as normal. With them having a Thursday holiday and them usually off on Friday, he has agreed that the office will be closed tomorrow, November 11th, and will be open Friday, but the Thursday will be picked up on Thursday.

Chairman Corbett added under this portion, there were two vehicle accidents. One vehicle struck some of the barrier poles at Ladonia Sports Complex, not a lot of damage but some poles were busted. Another accident yesterday was where a tire left a vehicle and hit the fence at the Crawford walking trail. He knows both accidents are being worked on and getting repaired, and he thanked them.

ADMINISTRATOR:

County Administrator Paulette Corbett requested approval for the annual agreements for the Avenue Insights & Analytics. This is the company that administers collections for the sales and use tax, the rental tax, the lodging tax, and the business license discovery and recovery. She stated that it has been reviewed by our County Attorney, and Mrs. Colbert has reached out to them, with Ms. Hicks request to bill in tenths and not in quarters. She said they are going to consider that. Motion for the approval for the Chair to sign the contract with Avenue by Commissioner Lee and seconded by Commissioner Reed. Commissioner Screws asked if they decided not to do the tenth. Mrs. Colbert stated that it will just be as it has been in the past. He asked what will we do next year, like find somebody else? Mrs. Colbert agreed. Commissioner Epps stated that there was supposed to be an investigation done in past and reaching out to other funds or companies. She asked if there was any information left in the office? Mrs. Colbert stated that she is not aware of any. Commissioner Lee stated that the state has been wanting them to do it and the last time the state did it, it was a disaster, and they don't do it for free. Commissioner Epps stated that she was checking because it had been brought up in front of the Commission before and it was being researched with other companies to see if we could get a better rate. All Commissioners were in favor by saying aye. None opposed. The Commission passed the motion unanimously.

County Administrator Paulette Corbett presented designation of a floating holiday for 2021 in lieu of Mardi Gras. Mrs. Colbert requested the Commission to designate the floating holiday which was approved in the 2021 holiday schedule. She stated that Governor Ivey has granted an additional holiday on Friday, December 31st for New Years. Mrs. Colbert recommended that Thursday, December 23rd, which would give two days for Christmas. Motion to approve by Commissioner Lee and seconded by Commissioner Reed. All Commissioners were in favor by saying aye. None opposed. The Commission passed the motion unanimously. Chairman Corbett asked Toni with The Citizen of East Alabama to make sure it gets into the paper.

HUMAN RESOURCES:

- New Hires for October
- October Job Openings through Alabama Department of Labor
- Remaining Job Vacancies

COUNTY ATTORNEY:

Interim County Attorney Hope Hicks presented the American Rescue Plan Action Grant application for approval. Ms. Hicks stated that the applications are included in the packets, and

they'd reviewed a draft before, but she's made one change, moving one thing around to make it flow better. She stated that they've discussed approving this application so that it be given to nonprofits so they start applying for grants that would be funded through the American Rescue Plan money. She stated that if it was approved today, that they put a deadline on these applications and we can always open it at a later date, but she did not think they'd want this to be an endless application. Ms. Hicks stated that if this application is approved today, the few people that came to the meeting could go to the website. Monday, November 15th, and leave it up with a December 15th deadline that give 30 days to get things back. Then that way, by about January, you can start considering the applications and deciding does the Commission want to approve or do you want to send some to the community foundation or how do you want to get the approval process done. She stated that by this way, at least the nonprofits get to start sending their information in. Chairman Corbett commented that Tina was appointed to receive these applications Monday night and Commissioner Screws spoke about trying to find someone to be in that role more, so maybe we could delay in receiving them until December 1st so a little more work towards finding someone in that role, so that we're not putting so much work on our own and funding will start in January. Ms. Hicks agreed and said they can start the application process January 1st and run the month of January. She stated that they can go ahead and approve the application and wait to submit applications to be posted and sent out January 1st. Commissioner Screws agreed. Motion to approve the application as presented and notify the public that we'll start taking applications January 1, 2022 through the entire month of January. Motion by Commissioner Screws and seconded by Commissioner Reed. Commissioner Lee asked when they could start picking up the applications to work on them? Mrs. Colbert stated that we can post it on the website and email them immediately. Chairman Corbett stated it can be the first of the week, starting Monday. Ms. Hicks stated that if you don't want to take applications until January 1st, then do not put them up until December 1st. The Commissioners agreed that applications will be available on December 1st and accepted January 1st through January 31st, 2022. The motion was amended by Commissioner Screws where he stated that he motions to have the application ready December 1st through December 31st and have the application to be returned January 1st through January 31, 2022. Amended motion by Commissioner Reed. All Commissioners were in favor by saying aye. None opposed. The Commission passed the motion unanimously.

Interim County Attorney Hope Hicks presented COVID-19 pay request. Ms. Hicks stated that there has been some discussion on doing COVID pay for Russell County employees including employees of the Sheriff's Office. As discussed at the work session Monday night, she has reviewed the American Rescue Plan interim final rule and she's reviewed the opinion of the Alabama Attorney General's Office that came out. Based on those two, it is her opinion that Russell County has approximately 300 employees, with 20 of those being part time employees. The American Rescue Plan authorizes premium pay for eligible employees due to the COVID-19 health emergency. Attorney Hope Hicks referenced the ARP Interim Final Rule definitions pages 131-133 as follows:

ARP INTERIM FINAL RULE DEFINITIONS pages 131-133

Eligible workers means workers needed to maintain continuity of operations of essential critical infrastructure sectors, including health care; emergency response; sanitation, disinfection, and cleaning work; maintenance work; grocery stores, restaurants, food production, and food delivery; pharmacy; biomedical research; behavioral health work; medical

testing and diagnostics; home- and community-based health care or assistance with activities of daily living; family or child care; social services work; public health work; vital services to Tribes; any work performed by an employee of a State, local, or Tribal government; educational work, school nutrition work, and other work required to operate a school facility; laundry work; elections work; solid waste or hazardous materials management, response, and cleanup work; work requiring physical interaction with patients; dental care work; transportation and warehousing; work at hotel and commercial lodging facilities that are used for COVID-19 mitigation and containment; work in a mortuary; work in critical clinical research, development, and testing necessary for COVID-19 response.

(1) With respect to a recipient that is a metropolitan city, nonentitlement unit of local government, or county, workers in any additional sectors as each chief executive officer of such recipient may designate as critical to protect the health and well-being of the residents of their metropolitan city, nonentitlement unit of local government, or county; or

(2) With respect to a State, Territory, or Tribal government, workers in any additional sectors as each Governor of a State or Territory, or each Tribal government, may designate as critical to protect the health and well-being of the residents of their State, Territory, or Tribal government.

Essential work means work that:

(1) Is not performed while teleworking from a residence; and

(2) Involves:

(i) Regular in-person interactions with patients, the public, or coworkers of the individual that is performing the work; or

(ii) Regular physical handling of items that were handled by, or are to be handled by patients, the public, or coworkers of the individual that is performing the work.

Premium pay means an amount of up to \$13 per hour that is paid to an eligible worker, in addition to wages or remuneration the eligible worker otherwise receives, for all work performed by the eligible worker during the COVID-19 public health emergency. Such amount may not exceed \$25,000 with respect to any single eligible worker. Premium pay will be considered to be in addition to wages or remuneration the eligible worker otherwise receives if, as measured on an hourly rate, the premium pay is:

(1) With regard to work that the eligible worker previously performed, pay and remuneration equal to the sum of all wages and remuneration previously received plus up to \$13 per hour with no reduction, substitution, offset, or other diminishment of the eligible worker's previous, current, or prospective wages or remuneration; or

(2) With regard to work that the eligible worker continues to perform, pay of up to \$13 that is in addition to the eligible worker's regular rate of wages or remuneration, with no reduction, substitution, offset, or other diminishment of the workers' current and prospective wages or remuneration.

ALABAMA AG OPINION and ALABAMA CONSTITUTION

Section 68 of the Alabama Constitution prohibits local governments from retroactively granting extra compensation to its officers and employees and from changing the compensation of its officers in the middle of a term. Therefore, a county may not grant premium or hazard pay retroactively to its own employees and may not grant such pay to officers in the middle of their

terms of office. This provision would not preclude a local government from granting hazard pay prospectively to its employees and raising the compensation of officers at the beginning of a new term if circumstances warrant.

Attorney Hope Hicks opinion on pay to Russell County Employees from ARP Funds

Russell County currently has approximately 300 employees with 20 of those being part-time employees. The ARP authorizes premium pay for eligible employees due to the COVID-19 health emergency, and it is my opinion based on the Interim Final Rule that all Russell County employees are eligible employees as they are needed to maintain continuity of operations of essential critical infrastructure sectors, including emergency response; sanitation, disinfection, cleaning work and maintenance work; and all they are all employed by a local government.

The work the employees perform is essential work in that is not performed while teleworking from a residence; and it involves regular in-person interactions with the public and/or or coworkers or regular physical handling of items that were handled by or are to be handled by the public or coworkers during the COVID-19 health emergency.

The Commission voted to approve payment to each full-time employee of the Russell County Commission and Russell County Sheriff in the amount of \$1,500 and \$750 for each part-time employee, this is within the monetary guidelines of the ARP Interim Final Rule. The approximate cost of this would be \$435,000. These funds could be paid to the employees on November 19, 2021.

The one temporary employee of the Russell County Commission will continue performing essential work in person during the COVID-19 health emergency and would be eligible for pay under the ARP. Based on the time that she will work she could be paid an additional \$375.

Motion to approve COVID-19 health emergency pay (based on Federal guidelines) to current eligible Russell County employees who are employed on November 19, 2021 by Commissioner Reed. Seconded by Commissioner Chambers. Call for vote was done by County Administrator Paulette Colbert: District 3: Costello, abstain. District 5: Epps, yes. District 2: Chambers, yes. District 7: Screws, yes. District 4: Reed, yes. District 1: Lee, yes. District 6: Corbett, yes. The Commission passed the motion.

Attorney Hope Hicks presented a real estate issue that has come up that the Commission would need to discuss in an Executive Session, and she doesn't think any action will need to be taken following the Executive Session. Ms. Hicks stated that to discuss the consideration that governmental body is willing to offer except when considering the purchase, sell, exchange, lease, or market value of a real property is an exact exception to the Open Meetings Act, and she believes this discussion would fall under that exception. Motion to approve to go into Executive Session, after announcements are read, by Commissioner Screws. Seconded by Commissioner Epps. All Commissioners were in favor by saying aye. None opposed. The Commission passed the motion unanimously.

COMMISSIONER DISCUSSION:

Commissioner Lee spoke about the Commission picture taken afterwards.

Commissioner Costello spoke, as a commissioner, appreciation to all the veterans service for the Veterans Day holiday taken this current week.

ANNOUNCEMENTS:

- ***Tuning Into Kids Program:*** Weekly on Thursdays through Nov 18th from 5:30 pm - 7:30 pm EST
~ at the Russell County Extension Office 508 14th Street, Phenix City ~*Registration is Required* ~
- ***Crawford Market Days*** on November 20th from 8 am to 2 pm EST
- ***Crawford Square:*** Tree Lighting on Tuesday, 11/30 at 6 pm EST
- ***Ft. Mitchell Fire Dept. & Playground Committee:*** Start Nov. 20th - children to bring an ornament
~ Tree Lighting w/Santa Claus on Saturday, December 4th at Ft. Mitchell Fire Department ~

Motion to adjourn by Commissioner Lee seconded by Commissioner Reed.

Meeting was adjourned.