

MINUTES OF HOUSTON COUNTY COMMISSION
APRIL 9, 2007

PRESENT: Chairman Mark S. Culver, Commissioner Curtis Harvey, Commissioner Bobby R. Snellgrove, Commissioner Frances M. Cook, Commissioner Phillip L. Forrester, Gary Sherrer, Attorney, Mark Pool, Engineer, and Roy Roberts, Administrator

ABSENT: None

Chairman Mark S. Culver called the meeting to order, established that a quorum was present, and welcomed everyone. Mr. Myer Holloway gave the invocation. Commissioner Snellgrove led in the Pledge of Allegiance.

Commissioner Harvey made a motion to approve the minutes of the last meeting. Commissioner Cook seconded; and the motion carried unanimously.

Announcements and Public Comments from Chairman and Commissioners

Chairman Culver read a letter from Mr. Forrest Register, Chairman, Wiregrass Armed Forces Memorial, thanking the Commission and the Road and Bridge Department for their work on constructing the parking lot at the Memorial. Chairman Culver thanked the road and bridge crews for the great job they did.

The chairman reported the Chattahoochee State Park is open and has available RV hook-ups, camping, fishing, horseback riding, and wildlife observing. It was reported revenues are twice as much this year as compared to last year. The chairman encouraged anyone interested to go to the park.

Awards and Presentations

1. Proclamation – “National Public Safety Telecommunications Week” - Donald Valenza, Chief Deputy, Bart Blackmon, Chief Dispatcher, and Kim Adkins, Dispatcher

Chairman Culver asked Chief Deputy Donald Valenza, Chief Dispatcher Bart Blackmon, and Dispatcher Kim Adkins to come forward and he presented them with a Proclamation declaring April 8th-14th as “National Public Safety Telecommunications Week.” Commissioner Harvey made a motion to approve the Proclamation as presented. Commissioner Snellgrove seconded; and the motion carried unanimously. Chairman Culver stated dispatchers are one of the best kept secret heroes in law enforcement. He reported anyone who has ever been in the dispatch room knows the conditions they work under and the people they have to deal with. Mr. Blackmon thanked the commission and the Sheriff for the support they are given. Ms. Adkins thanked the commission for the recognition.

2. Presentation of Certificates of Appreciation to County Employees.

Chairman Culver asked Ms. Wendy Watkins and Mrs. Crissie Gardner to come forward. He read a letter from the Wiregrass United Way commending them on the great job they did as campaign coordinators. They were presented Certificates of Appreciation for the outstanding job they did. Ms. Watkins and Mrs. Gardner thanked the commission, and stated they enjoyed working on the campaign. They both reported they looked forward to working again next year. Chairman Culver thanked the employees for their pledges to United Way, and he also thanked Mrs. Matthews for allowing Ms. Watkins and Mrs. Gardner to work on the United Way campaign.

3. Employee of the Month – Road and Bridge.

Mr. Mark Pool asked Derrick Caswell to come forward and presented him with a certificate for Employee of the Month. Mr. Pool reported Mr. Caswell began work with the county in 1997. He stated he does an outstanding job putting up signs and working in the Traffic Department. Mr. Caswell thanked Mr. Pool, Mr. Myer Holloway and Mr. Justin Barfield for the award.

Regular Agenda

1. Request to approve budget amendment for Personnel Department.

Commissioner Snellgrove made a motion to approve the budget amendment pending that some changes be made in the contract. He reported he had discussed it with the chairman and it was pretty much the commission's consent that they ask the contract person to work per hour, and that the person be paid when she is on site. Commissioner Snellgrove reported if there is a problem with it now would be a good time to discuss it. Commissioner Harvey seconded the motion. Chairman Culver reported everyone had a letter from Mr. Sherrer, and it is his understanding that the commission does not have the legal authority to mandate how the Personnel Board pays this position. Chairman Culver reported the Personnel Director works for the Personnel Board. He reported the contract with the Personnel Director, the new Personnel Director are both things that the Personnel Board has grace over. The chairman stated he thought the commission has every right to request that the Personnel Board pay on an hourly basis but he did not think the commission had the authority to require them to do anything. Chairman Culver pointed out the money is budgeted, and it is commission policy to approve these type amendments. He reported there is no money involved. Chairman Culver stated he did not believe the commission had the authority to do what is specified in the motion that was made by Commissioner Snellgrove.

The chairman called on Mr. Sherrer for comments. Mr. Sherrer reported in 1984, the Alabama Legislature created the Personnel Board as a separate entity. He stated all of the appointments are not by this commission, and this commission has funding authority over that board like it does the Sheriff's Department, Revenue, and Probate. Mr. Sherrer reported the contracts of employment, because according to the statute the board was created by a local act, that they do have the authority to enter into this agreement. He stated the position has to be authorized and that has already been done in terms of a Personnel Director. Mr. Sherrer reported in the agreement he has drafted, he understood she is there to assist them for 30 days, the contract can be terminated by either side on five (5) days notice. He stated the Personnel Director is part of the exempt service before and part of the exempt service afterward as defined by the Code. He reported she has been paid by a salary before and she needs to be paid on a salary basis. Mr. Sherrer reported the commission has not been the supervising authority for the Personnel Director. He stated the Personnel Board is the supervising authority and they have set what hours she works and directs how she works. Mr. Sherrer reported he has been on personnel hearings where they hear an appeal, and the Personnel Director has worked late into the evening and that is well beyond the 8 to 5 scenario. He stated otherwise, he has only seen the product of her work which has been good. Commissioner Snellgrove stated the commission is doing a budget amendment and apparently there is money involved. He reported the commission is certainly not discussing cutting the salary. He stated the contract reads by date and they are asking that the contract be changed to read per hour when she is on site. Mr. Snellgrove stated you do not see labor contracts written up by the day. Commissioner Snellgrove reported he thought the first contract was written up per hour and it was changed. Mr. Sherrer reported it was never written up per hour; it had in it 8 to 5. Mr. Sherrer pointed out the Personnel Director's work hours are not always 8 to 5. He reported it was pointed out to him she works sometimes in the evenings before the hearings. He stated that is why it was made 5 days, but she has been paid a salary. Mr. Sherrer reported it may be based on by the hour but she has been paid a salary and has been in the exempt service. He reported she is a department head and the county has not had to pay overtime if she has worked overtime. Chairman Culver stated that he thought Commissioner Snellgrove's motion was appropriate if his motion was that the commission approve this and ask the Personnel Board to pay the Personnel Director hourly? He stated that was not the way he interpreted the motion. Commissioner Snellgrove stated that was not the motion. He reported his motion was pending they change the contract, and he did not think he had heard enough discussion that there was no reason the contract could not be set per hour and on site. Commissioner Snellgrove stated the request was for a budget amendment. He reported he thought the chairman stated there was no money involved, and if the commission does not vote to amend the budget then why is the commission doing a budget amendment if the Personnel Board is in charge? Chairman Culver reported Mr. Sherrer's position is that legally the commission does not have to make the budget amendment. He stated it has been the commission's policy in the past

that anytime the commission amended items dealing with salaries or contract services that the commission approved it. The chairman pointed out legally, the commission does not have to do it. He stated if the commission does not approve this, the Personnel Board will probably continue to pay her by the contract because they have the authority to do that. He stated he thought the commission should approve these, but in this case he did not think the commission had the leniency to change anything other than to make the budget amendment. Commissioner Cook asked Commissioner Snellgrove to amend his motion to state "that the commission recommends to the Personnel Board that they would like to see the contract amended to pay the Personnel Director's salary by the hour and when she is on site." Commissioner Cook stated she thought it would be fine with the Personnel Director. Chairman Culver stated the process should work with Commissioner Cook making a motion to amend. Mr. Sherrer pointed out the commission was not approving an agreement; but making a motion to amend a budget to allow them to take funds and re-categorize them within the same position. Mr. Sherrer stated the agreement is dealing with how they handle funds within a category that has already been budgeted. Commissioner Snellgrove asked Mr. Sherrer if the commission would be amending the way in which the Personnel Director is paid from a bi-weekly to a daily contract? Mr. Sherrer stated the pay is bi-weekly based on a day. Chairman Culver pointed out that the contract could not be paid on a bi-weekly basis because it is not running through the personnel service it is being paid twice a month. He stated it is not being run through payroll and it has to be run at the regular check run. Commissioner Cook then made a motion that the Commission amend Mr. Snellgrove's motion to say that the commission recommends to the Personnel Board that the Personnel Director be paid on an hourly basis. Commissioner Harvey seconded the motion. Chairman Culver called for the question; and the motion carried unanimously. The chairman stated they were back to the original motion which stated that the commission approve the budget amendment and recommend to the Personnel Board that they amend the Personnel Director's contract to run on an hourly basis. Commissioner Snellgrove stated if he understood correctly, the Personnel Board was probably not going to go along with the request. The chairman stated he did not know about that; he just knew the contract was in place. Commissioner Snellgrove stated he felt somewhere along the line if the commission was going to do the paying then they should do some of the saying. Chairman Culver stated unfortunately, the way the law reads there are times when the commission does not have any say, and this is one of those. The chairman reported the commission has a say at budget time and they can budget what they want to then. He pointed out the commission does not hire the position and when the director comes through if a budget amendment is required, there will be discussion on it. Chairman Culver reported as far as the hiring and running of Personnel, he thought it was set up so that the commission could stay out of the running of that department for the protection of the employees. Chairman Culver called for the question; and the motion carried unanimously.

Mr. Roberts asked for a clarification from an accounting standpoint? Chairman Culver stated the commission was approving the budget amendment from salaries to contract services in the amount to cover the contract that was done by Personnel.

2. Request to change Commission meetings on April 23rd and May 28th to April 24th and May 29th respectively due to Confederate Memorial Day and National Memorial Day.

Commissioner Snellgrove made a motion to approve the request to change the Commission meetings on April 23rd and May 28th to April 24th and May 29th respectively due to Confederate Memorial Day and National Memorial Day. Commissioner Cook seconded. Chairman Culver reported both of the meetings would be on Tuesday morning at 10:00 A.M. The chairman called for the question; and the motion carried unanimously.

3. Request from Information Technology to upgrade postal equipment.

Commissioner Harvey made a motion to approve the request from Information Technology to upgrade the postal equipment. Commissioner Cook seconded; and the motion carried unanimously.

4. Request to approve the final plat for Taylor Crossing Subdivision.

Commissioner Harvey made a motion to approve the final plat for Taylor Crossing Subdivision. Commissioner Cook seconded; and the motion carried unanimously.

5. Request to approve the final plat for Quail Landing Subdivision.

Commissioner Harvey made a motion to approve the final plat for Quail Landing Subdivision. Commissioner Forrester seconded; and the motion carried unanimously.

6. Request to adopt Resolution to replace bridge on Wind Mill Road crossing Thomley Mill Creek.

Commissioner Cook made a motion to adopt the resolution to replace the bridge on Wind Mill Road crossing Thomley Mill Creek. Commissioner Forrester seconded; and the motion carried unanimously. (Please see in Resolution Book)

7. Request to adopt Resolution to replace bridge on Pilgrim Church Road Crossing Bryans Creek.

Commissioner Snellgrove made a motion to adopt the resolution to replace the bridge on Pilgrim Church Road crossing Bryans Creek. Commissioner Harvey seconded; and the motion carried unanimously. (Please see in Resolution Book) Chairman Culver pointed out after completing these two bridges, there will be two bridges left out of the 40 plus bridges they started with that school buses cannot cross. He stated it is outstanding work on behalf of the commission and the Road and Bridge department.

8. Request to accept right-of-way deeds for Guy Branch Road (11 deeds) and Bell Lane (6 deeds).

Commissioner Snellgrove made a motion to accept the right-of-way deeds for Guy Branch Road and Bell Lane. Commissioner Harvey seconded; and the motion carried unanimously.

9. Request to approve budget amendment on fence for Courthouse parking lot.

Commissioner Cook made a motion to approve the budget amendment on the fence for the Courthouse parking lot. Commissioner Harvey seconded the motion. Chairman Culver reported he did not see Mr. Sean Curtis. He called on Mr. Roberts for comments. Mr. Roberts reported the commission had authorized Mr. Curtis to get quotes on a fence for the courthouse parking lot. He reported the commission had never approved this budget amendment in the amount of \$4,992.00 in order to make the financial adjustments for the fence. He pointed out the budget amendment would be added to Mr. Curtis's budget. The chairman asked Mr. Roberts if the fence would be 4 feet or 5 feet? Mr. Roberts stated he did not know. The chairman reported he and Mr. Curtis had attended a Historical Commission meeting and they had approved the fence, which is an aluminum wrought iron looking fence. Commissioner Forrester asked if he had viewed the fence and the materials is it made of? He reported he had seen what Mr. Curtis had provided the commission. The chairman reported it is aluminum and there is some type of coating on it that will make it last longer. Chairman Culver called for the question; and the motion carried unanimously. The chairman reported the commissioners would be informed individually as to the height of the fence.

Reports from Staff:

- a. County Administrator – There was no report.
- b. County Engineer – There was no report.
- c. County Attorney – There as no report.

Adjourn.

Commissioner Harvey made a motion to adjourn. The motion was seconded by Commissioner Snellgrove; and it carried unanimously.