

April 18, 2022

At a scheduled meeting of the Walker County Commission held in their office in the Walker County Courthouse Annex, Jasper, Alabama, at 9:30 a.m. on the 18th day of April 2022, Chairman Miller gave the welcome and called the meeting to order.

After Chairman Miller gave the invitation for comment from citizens and other elected officials, the County Administrator called the roll and commissioners present were: Keith Davis, Jeff Burrough, Jim Borden and Steven Aderholt.

Al Blanton gave the invocation and County Engineer Mike Short led the Pledge of Allegiance.

AWARDS AND PRESENTATIONS:

Parrish Police Chief Danny Woodard was recognized and presented with a Certificate of Appreciation by Commissioner Jim Borden for going above and beyond in assisting District Three in recovering items that were stolen when they had a break-in at District Three. (Photographs were taken by Ed Howell & Al Blanton)

CONSENT AGENDA:

Motion was made by Commissioner Borden and seconded by Commissioner Burrough to make a correction on item 4 to read Marylee Road instead of Brown's Bridge; to approve the Agenda and to approve the minutes of the meeting for April 4, 2022.

With no discussion, the vote taken resulted as follows: District One: Aye; District Two: Aye; District Three: Aye; District Four: Aye.

With no opposition, the Chairman declared the motion carried.

REPORTS FROM STAFF:

County Administrator Robbie Dickerson stated that they had a very good turnout for their wellness screening and that she is trying to confirm that they reached their goal.

County Engineer Mike Short stated that he wanted to let the Commissioners know, specifically District Three Commissioner, that they are beginning the subsurface investigation at Bluewater Road. He said they had had a portion of the front slope of the roadway slip into Wolfe Creek. He stated that it is down to a single-lane road and he is

concerned if they go in there and try to do something that would seem logical that they may cause more issues and lose the one-lane portion of the road, so they are going to have some core drilling done to see where rock is and to see how stable the current one-lane road is and then develop a plan to be able to safe that up. He said it wasn't necessarily unsafe now, but safe it up for future rain events to keep it from sliding further into the creek.

OLD BUSINESS:

Motion was made by Commissioner Davis and seconded by Commissioner Burrough to open discussion of the Property Insurance Discussion and Approval.

Chairman Miller made the Commissioners aware they this was insurance that they tabled previously and asked what their pleasure was today. He asked County Engineer Mike Short if he might enlighten them on some of the items.

County Engineer Mike Short explained that what he had looked at was the list of physical properties that probably needed to be deleted, that he did not really pay that close attention to the districts, but said there are several items on there related to the old airport that he feels could be taken off, specifically for the values on there. After input from County Attorney Richard Fikes, and after much discussion, motion was made by Commissioner Burrough and seconded by Commissioner Borden to table it until the next Commission meeting. Commissioner Davis stated, "I third."

With no further discussion, the vote taken resulted as follows: District One: Aye; District Two: Aye; District Three: Aye; District Four: Aye.

With no opposition, the chairman declared the motion carried.

NEW BUSINESS:

Motion was made by Commissioner Aderholt and seconded by Commissioner Borden to open discussion of the Bid #741 Approval.

After explanation and recommendation by County Engineer Mike Short, motion was made by Commissioner Aderholt and seconded by Commissioner Borden to approve the Bid #741.

With no discussion, the vote taken resulted as follows: District One: Aye; District Two: Aye; District Three: Aye; District Four: Aye.

With no opposition, the Chairman declared the motion carried.

Motion was made by Commissioner Davis and seconded by Commissioner Burrough to open discussion of the Fair Housing Proclamation.

After explanation by County Administrator Robbie Dickerson, motion was made by Commissioner Davis and seconded by Commissioner Aderholt to approve the Fair Housing Proclamation.

With no discussion, the vote taken resulted as follows: District One: Aye; District Two: Aye; District Three: Aye; District Four: Aye.

With no opposition, the Chairman declared the motion carried.

Motion was made by Commissioner Burrough and seconded by Commissioner Borden to open discussion of the Fairgrounds Lighting Discussion and Approval.

After explanation by Commissioner Davis, input from Commissioners Borden, Aderholt and Burrough, input from County Attorney Richard Fikes and much discussion, motion was made by Commissioner Aderholt and seconded by Commissioner Davis to table this until the next meeting.

With no further discussion, the vote taken resulted as follows: District One: Aye; District Two: Aye; District Three: Aye; District Four: Aye.

With no opposition, the Chairman declared the motion carried.

Motion was made by Commissioner Aderholt and seconded by Commissioner Borden to open discussion for Discussion and Approval of the Marylee Road Agreement.

After County Engineer Mike Short explained that this goes along with a previous grant and is a reimbursement contract agreement for Alabama Power for ALDOT to be able to reimburse their cost of moving some poles and electrical lines, motion was made by Commissioner Borden and seconded by Commissioner Aderholt to approve the Marylee Road Project.

With no further discussion, the vote taken resulted as follows: District One: Aye; District Two: Aye; District Three: Aye; District Four: Aye.

With no opposition, the Chairman declared the motion carried.

Motion was made by Commissioner Borden and seconded by Commissioner Burrough to open discussion of a Storm Shelter for the Barney Community.

After Commissioner Borden made known that he had been approached about a storm shelter being erected in the Barney Community, input by County Engineer Mike Short, EMA Director Regina Myers and Commissioner Davis, and much discussion, motion was made by Commissioner Davis and seconded by Commissioner Burrough to end discussion.

With no further discussion, the vote taken resulted as follows: District One: Aye; District Two: Aye; District Three: Aye; District Four: Aye.

With no opposition, the Chairman declared the motion carried.

Motion was made by Commissioner Burrough and seconded by Commissioner Aderholt to open discussion of the Approval to post for a Solid Waste Driver Operator.

After explanation by Solid Waste Director John Dunagan that he had a driver to quit and this is to replace that driver, motion was made by Commissioner Davis and seconded by Commissioner Burrough to approve the Post for a Solid Waste Driver Operator.

With no discussion the vote taken resulted as follows: District One: Aye; District Two: Aye; District Three: Aye; District Four: Aye.

With no opposition, the Chairman declared the motion carried.

Motion was made by Commissioner Borden and seconded by Commissioner Burrough to open discussion of the Approval to post for a Solid Waste Administrative Assistant.

After explanation by Solid Waste Director John Dunagan that this is to try to get the current employee moved up to the same pay scale, since she is performing the same job duties, as the employee she replaced, motion was made by Commissioner Burrough and seconded by Commissioner Borden to approve the Post for a Solid Waste Administrative Assistant.

With no discussion, the vote taken resulted as follows: District One: Aye; District Two: Aye; District Three: Aye; District Four: Aye.

With no opposition, the Chairman declared the motion carried.

Motion was made by Commissioner Burrough and seconded by Commissioner Borden to open discussion of the Request to move the Voting Place to Cordova City Hall from the Senior Citizen Building (Old VFW).

After explanation by Honorable Judge of Probate Lee Tucker, input by Commissioner Borden and County Attorney Richard Fikes stating he can get Judge Tucker a resolution today and a brief discussion, motion was made by Commissioner Burrough and seconded by Commissioner Borden to approve the request to move the voting place to Cordova City Hall.

With no further discussion, the vote taken resulted as follows: District One: Aye; District Two: Aye; District Three: Aye; District Four: Aye.

With no opposition, the Chairman declared the motion carried.

Motion was made by Commissioner Burrough and seconded by Commissioner Borden to open discussion of the Door Locks Replacement at the Courthouse and Annex Buildings.

After explanation by County Administrator Robbie Dickerson, motion was made by Commissioner Burrough and seconded by Commissioner Borden to approve the Door Locks Replacement at the Courthouse and Annex Buildings.

With no discussion, the vote taken resulted as follows: District One: Aye; District Two: Aye; District Three: Aye; District Four: Aye.

With no opposition, the Chairman declared the motion carried.

Motion was made by Commissioner Borden and seconded by Commissioner

Burrough to open discussion to work Shannon Whitehead out of classification for 120 days as Maintenance Technician.

After explanation by Chairman Miller, motion was made by Commissioner Burrough and seconded by Commissioner Borden to approve working Shannon Whitehead out of classification for 120 days as Maintenance Technician.

With no discussion, the vote taken resulted as follows: District One: Aye; District Two: Aye; District Three: Aye; District Four: Aye.

With no opposition, the Chairman declared the motion carried.

Motion was made by Commissioner Borden and seconded by Commissioner Burrough to open discussion of the Discussion and Approval of Resolution for the Chairman and his personal attorney, Charles Stephens, Jr., to seek an AG opinion for the purpose of outlining powers and authority of the Chairman of Walker County Commission.

Chairman Miller stated, "There have been several differences of opinion and I think that an Attorney General's Opinion would help to clarify some of the differences of opinions and as to the duties of the Chairman and I just simply would like to know those so that I can actually do my job as Chairman and continue to make this county move forward. So, I ask that we get this opinion. Any questions, gentlemen?"

Commissioner Aderholt stated, "What specifically are you asking an opinion about because the powers and duties of the Chairman of the Walker County Commission is generally outlined in Code Section 11-3?"

Chairman Miller stated, "Yes, sir, they are. And then we have Acts, 118 of 1957; then we have Act Number 410 of 1966; and then we have Act Number 1067 of 1973; and then we have Act Number 762 of 1989; and then we have Act Number 488 of 2007. And every one of those specifically talks about the powers and duties of the Chairman of the County, which is different from different interpretations. And I would just like to set those straight as to the duties and responsibilities. There was a letter written, of course, from Mr. Jackson. And then after learning about all of these Acts I asked Mr. Fikes about these with Mr. Jackson. Any your reply was sir?"

County Attorney Richard Fikes stated, "That has not been done yet. I mean, he would do that, but he just hasn't done that."

Chairman Miller stated, "But he had not read those when he had written that –

County Attorney Richard Fikes, "Oh, I'm sorry. He had not – those local Acts, I don't think we were familiar with at the time he gave – that's my understanding, at the time he gave his opinion. He was here earlier and he had to leave for a – he already had a conference call scheduled -- and had to leave. But, yes, that's my understanding."

Chairman Miller stated, "Any other questions?"

County Attorney Richard Fikes stated, "If I'll be allowed to speak up on one concern I have."

Chairman Miller stated, "Yes, sir, go ahead."

County Attorney Richard Fikes stated, "If it's something that the Commission wants done, it would be something, in my opinion, the County Attorney could do, could

ask for. On the other hand, if the Commission is voting to approve to get an AG Opinion but approving a personal attorney, I would think the personal attorney would represent the Chairman and only seek an opinion on behalf of the Chairman. Does that make sense -- versus the Commission? So, if the Commission wants an opinion, then the Commission can authorize the County Attorney."

Chairman Miller, "And the Chairman?"

County Attorney Richard Fikes, "And the Chairman. Right. But I just want to express my concern about that."

Commissioner Aderholt stated, "I'm trying to figure out what exactly, what the specific issues that we're trying to address. We can't be -- You know, Attorney General's Opinions are generally specific questions or issues when there's a conflict. Just a general broad brush of the purpose of outlining powers and authority of the Chairman is not something you would generally ask the Attorney General to write an opinion on. So, I'm just trying to figure out what specific --"

Chairman Miller stated, "I'll be glad to read you these."

Commissioner Aderholt stated, "Okay."

Chairman Miller reads, "Act Number 118 of 1957 relating to Walker County, providing further for the government of the county abolishing to Board of Revenue and creating in lieu thereof the Board of Finance and Control." And there are several other things there, but moving on down to section one. Continuing reading, "The Board of Revenue of Walker County is abolished. And there is created in lieu thereof the Board of Finance and Control." And then you move on down into it in section five. Continuing to read, it says in Section five, "The President of the Board of Finance and Control of Walker County shall be as Presiding Officer and shall have the same powers and authority as other members in passing upon all questions and shall sign the minutes of the proceedings of the Board and shall sign all the warrants," And it goes on and it says, "It shall be his duty to receive and prepare businesses and obtain information from the session of the Board and to see the execution of all the orders thereof." And it goes on, it talks about the President Associate Members that will meet every two weeks. Okay, that was approved July 12, 1957.

Then we get into Act Number 410 of 1966, "To establish the Board of Finance and Control of Walker County, to establish in lieu thereof a Board of Revenue and provide for section -- of a Chairman and members of the Board of Revenue and for the functions, jurisdiction, powers and duties of such Board and the Chairman and members thereof." And it goes on over in Section 3, "The Board of Revenue Walker County established under this Act shall perform the same functions, exercise the same jurisdiction, authority and powers and perform the same duties of the Board of Finance and Control as specified in Act Number 118 of 1957. And, in addition thereto, the Chairman and members of the Board shall at least orderly inspect county garbage, the County Courthouse, Library Building, and see that such facilities are operated and maintained in a proper manner. The Chairman and the Associate Members of the Board, respectively, shall have and exercise the same powers, rights and authority, fulfill the

same responsibilities and perform the same duties as those prescribed for the President and the Associate Members of the Board of Finance and Control and described in said Act 118, 1957." And that was approved September 12, 1966.

Moving on to 1973, Act Number 1067 relating to Walker County. "The Board of Revenue of Walker County created by Act Number 410 H-324 of the Special Session of 1966 is hereby abolished. However, the incumbent Chairman and Associate Members of the Board of Revenue shall continue to hold office." And it goes on down to section two. "After this takes effect, the governing body of Walker County shall be called the Walker County Commission and consist of the President and Four Associate Members." And it lines out the boundaries of the – each district. And then it goes on and over into section three. And it says, "The governing body of Walker County established by this Act shall perform the same functions, exercise the same jurisdiction, authority and powers and perform the same duties prescribed by law." It goes on to say, "Specifically, including those duties enumerated in Act Number 410 of '66 and Number 118 of '57." Then it goes on to say that, "The Walker County Commissioners respectively shall have and exercise the same powers, rights and authority to fulfill the same responsibilities, perform the same duties as outlined in the 410 and the 118." And that was September 17, 1973.

And then in Act Number 89 – 762, relating to Walker County, that was amended, "The governing body of Walker County established by this Act shall perform the same functions, exercise the same jurisdiction, authority and power and perform the same duties prescribed by law for the governing body of Walker County, specifically including those duties enumerated in 410, 1966 and 118 of '57 and the President and Associate Members of the Walker County Commission respectfully shall have the same power, rights and authority and fill the same position –" So, that's the reason gentlemen.

And then in 2007 – 488 says that, "The Chairman shall oversee and supervise –" So that's why I think we need an Attorney General's Opinion to look at the powers and duties and responsibilities and it even talks about that the Commissioner jobs are all – we should do our – fulltime to those positions. Any other questions?

Commissioner Davis, "Yeah, I've got several. Number one, we have a resolution in place the elected officials are to use, that was voted on county attorneys. And that was ten years ago, we passed a resolution, Commissioners, Sheriffs and other elected officials are to use Eddie Jackson and Richard Fikes and that law firm. So, I think we've got one issue there.

The second issue, you know Eddie researched this years ago. Came and presented the findings to the Commission, to the public of what was asked of him to research, the Civil Service Board had some questions on hiring authority and those questions.

So, I guess my starting place would be, you know, Richard and Eddie has not looked at what information the Chairman now has available to see if that applies,

doesn't apply. Does Eddie need to take into account to -- what he reported to us? Just my opinion, gentlemen, I would start there before we get an Attorney General's Opinion, lets have our attorneys, research, look at this, report back to the County Commission, and then if the different steps are taken after that would be where I think is the logical place to start.

Commissioner Aderholt stated, "I'll add one more thing, too. This is before many people in the room, but our attorneys we had them look at this issue a long time ago. All code sections here that are applicable, the Chairman is reading from, your office sent those to me back eight, maybe nine years ago. So, I think we had a different staff attorney at that particular time we did the research and compiled all of that. So, y'all are very well aware of these code sections, which none of this conflict with –

County Attorney Richard Fikes asked, "You're talking about the local acts?"

Commissioner Aderholt, "Right."

County Attorney Richard Fikes, "Yeah."

Commissioner Aderholt stated, "None of this conflict with 11-3-20. So, it's not really – I don't know what the confusion is, but –"

Commissioner Davis stated, "For ten years we've not had confusion, so we've went off of that, you know. And then like you said, Mr. Aderholt said y'all have researched this. We want to be clear to make sure what the authorities and responsibilities of not only the Chairman of the County Commission, but also as to the governing body, the Commission. And so, again, I'm kind of with Mr. Aderholt, I don't know why we need to do other – If y'all want to review the stuff again, then I'm okay with y'all reviewing it again."

County Attorney Richard Fikes stated, "I don't know what Eddie reviewed the first time. Unfortunately, what I was going to say is, local laws, we don't have an index. You have to go searching. And, you know, the State Code you can search, it's there, but local laws, it's not codified, it's like our resolutions, there may be a resolution from 1989 that says something we don't even know about, because you don't know what the resolution says until you read those books back there and start going through the books. So, that creates an issue. But my understanding is Eddie had not looked at those local acts in reference to what he – the letter – the opinion that he rendered."

Commissioner Davis stated, "Somebody has –"

County Attorney Richard Fikes stated, "And I don't know in what respect though. His letter was 2020, 2019, somewhere along in there. And I don't know what was researched back at that time that Commissioner Aderholt is referring to. It may have

been an entirely different issue. But I'll have to look at that local law, local act."

Chairman Miller stated, "There's a lot of differences of opinion in this Commission about what my job is. There's a force at work, as we know, that tends to want to control. And that needs to be changed. And in that, this Attorney General, along with the different actions that probably would proceed this –

Commissioner Davis, "So, you're talking about pending litigation. This should have been discussed in executive session."

Chairman Miller continues, --"Is going to help correct this with an Attorney General's Opinion. And this Attorney General's Opinion is based on what we need to be doing to keep this county moving forward, so that I can do my job."

County Attorney Richard Fikes states, "Litigation would have been executive session if you get into that --"

Commissioner Davis, "If he's already hinting at pending litigation for some reason

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Chairman Miller stated, "Mr. Davis, Mr. Davis, you're not putting words in my mouth, at this time."

Commissioner Davis stated, "I just said hinting, so I'm not trying to put words in your mouth, Mr. Chairman."

Chairman Miller stated, "Well, you're doing a good job of it."

Commissioner Davis stated, "That's your interpretation. So, I'll make a motion that we let our attorneys --"

Chairman Miller stated, "We're not through with discussion at this time."

Commissioner Davis stated, "Mr. Chairman, I can make a motion at any point in time of discussion that I want to make a motion, that's rules of order. So, I call it to order, I make a motion that we let our county attorneys research this further with the information that's been provided by the Chairman, come back and report to the County Commission. And then if other action is needed, then we'll discuss that and proceed with other action at that point. That's my motion that's on the table."

Chairman Miller stated, "All right, gentlemen --"

Commissioner Aderholt stated, "Second."

Chairman Miller continued, "All right. Gentlemen, we have a motion on the floor to put this back to the same attorneys that is the county's. And do I have a second?"

Commissioner Aderholt stated, "I'll second it."

Chairman Miller stated, "We have a motion and a second. I'm going to call for a vote."

With no further discussion, the vote taken resulted as follows: District One: Aye; District Two: Aye; District Three: Abstain; District Four: Aye.

With three ayes, and one abstention, the Chairman declared the motion carried.

After County Attorney Richard Fikes made known that he has looked at two things, one is a possibility of litigation, involving a matter which would qualify for an executive session and the other matter concerns the potential purchase of property, which also qualifies as an executive session, and that as far as the litigation, he's given a letter to the County Administrator as required by law that it does qualify for an executive session, Commissioner Davis made a motion, seconded by Commissioner Burrough, that the Commission retire to Executive Session and reconvene.

With no discussion, the vote taken resulted as follows: District One: Aye; District Two: Aye; District Three: Aye; District Four: Aye.

With no opposition the Chairman declared the motion carried.

(COMMISSION RETIRED TO EXECUTIVE SESSION)
(COMMISSION RECONVENED)

Chairman Miller called the meeting back to order.

After County Attorney Richard Fikes recommended that the Chairman be allowed to pursue options in hopes of resolving the legal issues without litigation, motion was made by Commissioner Aderholt and seconded by Commissioner Borden that Chairman Miller be allowed to try to resolve the litigation issues discussed in executive session.

With no further discussion, the vote taken resulted as follows: District One: Aye; District Two: Aye; District Three: Aye; District Four: Aye.

With no opposition, the Chairman declared the motion carried.

After County Attorney Richard Fikes stated that it would be his recommendation that the Commission vote to allow the Chairman and the Judge of Probate to enter into negotiations to enter into a contract, bring that contract back to the Commission for approval, and that the Commission approve, if necessary, any legal process to clear up any title issues that may involve that particular piece of property, motion was made by Commissioner Aderholt and seconded by Commissioner Davis to allow the Chairman and the Judge of Probate to enter into negotiations to enter into a contract, bring that

contract back to the Commission for approval, and that the Commission approve, if necessary, any legal process to clear up any title issues that may involve that particular piece of property as discussed in executive session.

With no further discussion, the vote taken resulted as follows: District One: Aye; District Two: Aye; District Three: Aye; District Four: Aye.

With no opposition, the Chairman declared the motion carried.

PUBLIC HEARINGS:

None.

DISCUSSION ITEMS BY COMMISSIONERS:

Commissioner Aderholt thanked everybody for being here.

Commissioner Borden thanked everybody for being here. He stated, "I think it's going to be a good deal on our project that Mr. Short discussed earlier about the Marylee Road. We'll get more details as that project takes hold. Other than that, I just thank everyone for being here."

Commissioner Burrough stated, "I also thank each of y'all for coming and attending our meeting. But I hope all of y'all had as good an Easter as I had yesterday. I had my grandkids with me and I had my five-year-old grandson say a prayer for our dinner and you can't imagine how blessed you are until you watch your grandkids come up and be able to pray over Easter dinner. I hope y'all each had a good Easter just like I did."

Commissioner Davis thanked everyone for coming and reminded everyone to continue to pray for the Commission, County, State and Country.

Chairman Miller stated, "Having your family around you at Easter is great. And during this Easter on my side of the family, I became a grandpa. That's the first grandson and he's doing well. I really appreciate that. And I would like to say thank you to everybody that has come and I appreciate everybody. And with that, I'd entertain a motion to close our session."

ADJOURN:

Motion was made by Commissioner Aderholt and seconded by Commissioner Borden, that this meeting be adjourned to reconvene at the next regularly scheduled

meeting or at the call of the Chairman.

With no discussion, the vote taken resulted as follows: District One: Aye; District Two: Aye; District Three: Aye; District Four: Aye.

With no opposition the Chairman declared the motion carried.

Read and Approved:


Chairman


Attest