

February 3, 2025

At a scheduled meeting of the Walker County Commission held in their offices in the Walker County Courthouse Annex, Jasper, Alabama, at 9:30 a.m. on the 3rd day of February 2025, 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, County Administrator Amy Frederickson called the roll and Commissioners present were John Dunagan, Jeff Burrough, Jim Borden, and Steven Aderholt.

Mr. Al Blanton gave the invocation and County Engineer Glenn Peek led the pledge of allegiance.

AWARDS AND PRESENTATION: None.

CONSENT AGENDA:

Motion was made by Commissioner Burrough and seconded by Commissioner Dunagan to Approve the Agenda, to Approve the Meeting Minutes of the Regular Meeting of January 6, 2025, Emergency Meeting of January 9, 2025 and Special Meeting of January 28, 2025.

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 Amy Frederickson stated, "Good morning everyone, I just wanted to report that we will be filing our election expense reimbursement today. So, that will be this afternoon. And I appreciate everyone's help and patience as we work through that process."

County Engineer Glenn Peek stated, "We are putting together some estimates and plans for some future projects. Hopefully those will be started here within the next month or so once the weather breaks." He stated that the other items will be covered in the agenda.

OLD BUSINESS: None.

NEW BUSINESS

(1) Motion was made by Commissioner Dunagan and seconded by Commissioner Borden to open discussion of Discussion and Approval to sell by Public Auction Through GovDeals.com an International Stinger Truck, VIN#1HTAA18E6BHA17868.

After explanation by County Engineer Glenn Peek, input by Commissioners Dunagan and Burrough, and a brief discussion, motion was made by Commissioner Burrough and seconded by Commissioner Borden, to approve to sell by Public Auction Through GovDeals.com an International Stinger Truck, VIN#HTAA18E6BHA17868.

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

With no opposition, the Chairman declared the motion carried.

(2) Motion was made by Commissioner Aderholt and seconded by Commissioner Borden to open discussion of Discussion and Approval of Request to Vacate Race Track Road in District 4 and to Schedule a Public Hearing on the Matter.

After explanation by County Engineer Glenn Peek and his stating that the public hearing would probably be scheduled for February 17th, motion was made by Commissioner Dunagan and seconded by Commissioner Aderholt to approve the Request to Vacate Race Track Road in District 4 and to Schedule a Public Hearing on the Matter.

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.

(3) Motion was made by Commissioner Borden and seconded by Commissioner Burrough to open discussion of Discussion and Approval to Hire Wiginton Bridge Inspection Services for One (1) Year to Perform All Bridge Inspections.

After explanation by County Engineer Glenn Peek, motion was made by Commissioner Burrough and seconded by Commissioner Dunagan to Approve to Hire Wiginton Bridge Inspection Services for One (1) Year to Perform All Bridge Inspections.

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.

(4) Motion was made by Commissioner Borden and seconded by Commissioner Burrough to open discussion of Discussion and Approval of Rebuild Alabama Act Annual Grant Program 2025 Application.

After explanation by County Engineer Glenn Peek and input by Commissioner Borden, motion was made by Commissioner Borden and seconded by Commissioner Aderholt to approve Rebuild Alabama Act Annual Grant Program 2025 Application.

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.

(5) Motion was made by Commissioner Burrough and seconded by Commissioner Aderholt to open discussion of Discussion and Approval of the following Three (3) Resolutions Proposed by the Walker County Board of Education:

- a. Walker County Board of Education 1992 Sales Tax Resolution, 4922-7435-3421;
- b. Walker County Board of Education 1977 Sales Tax Resolution, 4914-6649-1149;
- c. Walker County Board of Education Use Tax Resolution, 4913-1949-3901.

After explanation by Board of Education Attorney Kane Burnette and much discussion, motion was made by Commissioner Aderholt and seconded by Commissioner Burrough to approve the above-described resolutions.

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 Chairman Miller inquired of the Superintendent Dr. Willingham if he wished to say or add anything, Dr. Willingham stated as follows: "I'd like to say thank you. I really appreciate the cooperation that we have with the County Commission to move our school system forward to the benefit of our children. And it's a pleasure, as always, to work with you gentlemen. Thank you for the work you do for our county." Chairman Miller thanked him for what he does for our Board of Education.

(6) Motion was made by Commissioner Burrough and seconded by Commissioner Dunagan to open discussion of Discussion and Approval of Proposal #JH-33528 from Overhead Door Company of Birmingham for the Replacement of Damaged Sally Port Door at the Jail. Payment to be Made from Fund 107.

After explanation by Sheriff Nick Smith, input by Chairman Miller and a brief discussion, motion was made by Commissioner Dunagan and seconded by Commissioner Burrough to approve the Proposal #JH-33528 from Overhead Door Company of Birmingham for the Replacement of Damaged Sally Port Door at the Jail; Payment to be Made from Fund 107.

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.

(7) Motion was made by Commissioner Borden and seconded by Commissioner Dunagan to open discussion of Discussion and Approval of Resolution Prohibiting the Use of Battery-Operated Nicotine Delivery Devices, collectively "Electronic Nicotine Delivery Systems (ENDS)," inside of All Walker County Facilities.

After explanation by Chairman Miller, input by County Attorney Charles Stephens, Jr., and much discussion, motion was made by Commissioner Aderholt and seconded by Commissioner Dunagan to table the Resolution Prohibiting the Use of Battery-Operated Nicotine Devices, collectively "Electronic Nicotine Delivery Systems (ENDS)," Inside of All Walker County Facilities until the next Commission 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 this motion tabled.

(8) Motion was made by Commissioner Borden and seconded by Commissioner Dunagan to open discussion of Discussion and Approval of Proposal for Purchase of Shredder & Roll Off Fee Agreement with HTNA.

After explanation by Chairman Miller and input by Commissioner Borden, motion was made by Commissioner Dunagan and seconded by Commissioner Borden to Approve the Proposal for Purchase of Shredder & Roll Off Fee Agreement with HTNA and giving the Chairman the Authority to work with council about the contract borrowing the money at the bank to buy the Shredder.

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.

(9) Motion was made by Commissioner Borden and seconded by Commissioner Dunagan to open discussion of Discussion and Approval to Cancel the Regular Meeting of the Walker County Commission Scheduled for the Walker County Commission Scheduled February 18, 2025 at 9:30 a.m.

After explanation by Chairman Miller that he and another Commissioner had a conflict, and a statement by Commissioner Aderholt explaining that there was no conflict between him and the Chairman, but on schedules, and Commissioner Burrough explaining that if something comes up that the rest of them would be here, motion was made by Commissioner Borden and seconded by Commissioner Burrough to approve to Cancel the Regular Meeting of February 18, 2025.

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.

(10) Motion was made by Commissioner Dunagan and seconded by Commissioner Burrough to open discussion of Discussion and Approval of Appointment to the Curry Water Authority Board of Directors.

After Chairman Miller explained that they have received notice from the Curry Water Authority that they wish to have a board member appointed to the Board, motion was made by Commissioner Dunagan and seconded by Commissioner Burrough to appoint Mr. Eddie Miller to the Curry Water Authority Board.

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.

(See Attached Attorney General Opinion Number 2006-012 dated November 1, 2025.)

(11) Motion was made by Commissioner Burrough and seconded by Commissioner Aderholt to open discussion of Discussion and Approval to Hire Mr. Johnathon Cagle in the Position of Full-Time Deputy (Night Shift) for the Walker County Sheriff's Office, pending successful Completion of the Walker County Civil Service Board Drug Test and Application Process. Mr. Cagle's Full-Time Employment is Expected to Begin February 5, 2025.

After explanation by Chairman Miller, motion was made by Commissioner Aderholt and seconded by Commissioner Burrough to approve to Hire Mr. Johnathon Cagle in the Position of Full-Time Deputy (Night Shift) for the Walker County Sheriff's Office, pending successful Completion of the Walker County Civil Service Board Drug Test and Application Process. Mr. Cagle's Full-Time Employment is Expected to Begin February 5, 2025.

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.

(12) Motion was made by Commissioner Aderholt and seconded by Commissioner Dunagan to open discussion of Discussion and Approval to Hire Mr. Kaleb Williams in the Position of Common Laborer in the Maintenance Department, pending Successful Completion of the Walker County Civil Service Board Drug Test and Application Process. Mr. Williams' Employment is Expected to Begin February 5, 2025.

Motion was made by Commissioner Dunagan and seconded by Commissioner Burrough to approve to Hire Mr. Kaleb Williams in the Position of Common Laborer in the Maintenance Department, pending Successful Completion of the Walker County Civil Service Board Drug Test and Application Process. Mr. Williams' Employment is Expected to Begin February 5, 2025.

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.

(13) Motion was made by Commissioner Dunagan and seconded by Commissioner Burrough to open discussion of Discussion and Approval to Hire Mr. Scott Jenkins in the Position of Common Laborer in the Solid Waste Department, Pending Successful Completion of the Walker County Civil Service Board Drug Test and Application Process. Mr. Jenkins' Employment is Expected to Begin February 5, 2025.

Motion was made by Commissioner Burrough and seconded by Commissioner Dunagan to Approve to Hire Mr. Scott Jenkins in the Position of Common Laborer in the Solid Waste Department, Pending Successful Completion of the Walker County Civil Service Board Drug Test and Application Process. Mr. Jenkins' Employment is Expected to Begin February 5, 20-25.

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.

(14) Motion was made by Commissioner Dunagan and seconded by Commissioner Borden to open discussion of Discussion and Approval of Request to Promote Mr. Kevin Farley, Mr. Curtis Hammonds, and Mr. John Cooner into Supervisory Positions within the Solid Waste Department, effective February 3, 2025.

After Chairman Miller inquired of Commissioner Dunagan if he knew anything about these guys and Commissioner Dunagan stating that they are all good guys, motion was made by Commissioner Burrough and seconded by Commissioner Borden to approve the Request to Hire Mr. Kevin Farley, Mr. Curtis Hammonds, and Mr. John Cooner into Supervisory Positions within the Solid Waste Department effective February 3, 2025.

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.

DISCUSSION ITEMS BY COMMISSIONERS:

Commissioner Dunagan stated, "I want to thank everybody for coming and thank all of our employees for the work you do. We are still waiting on striping crews to make it to District One. I don't reckon we know when they're coming – "

County Engineer Glenn Peek stated, "I still haven't heard anything from them."

Commissioner Dunagan continued, "We're fixing to start doing a little bit of patching while the weather permits, so please use caution when you see our guys. We are cutting ditches and clipping shoulders, so if y'all could, watch out for our guys."

Commissioner Burrough stated, "I, also, would like to thank each of y'all for being here. Guys from schools, we certainly appreciate all y'all's foresight in trying to improve our school system. A lot of us have kids, grandkids, teachers -- wives and teachers, relatives that are teachers and we appreciate your work at the Board of Education trying to improve all of our facilities and stuff for all those kids. We have a wonderful school system. If you're in the schools as much as I am, you'll see that. I'm proud of everything that they do. I've served on that school board for a long time and I know what they go through. Dennis must have left, I don't see him out there, but I appreciate him. Other than that, I want to get Glenn to maybe just – I told residents we'd update the bridge as we're going and the State hasn't been back out there."

County Engineer Glenn Peek stated, "For the Gibson Hill Bridge?"

Commissioner Burrough responded, "Yes."

County Engineer Glenn Peek stated, "We've got recommendations and we've already had a contractor come and look at it. I have others that are supposed to give me an estimate of what they think it will cost. This will be the quick fix, it will still be a thirteen-ton bridge, it basically is repairing those places that have rusted through."

Commissioner Burrough stated, "Hopefully, it's going to be something that don't take very much longer and we can get through with it, hopefully, by the end of March, maybe? I hope so."

County Engineer Glenn Peek responded, "Yes, sir. This would be fairly quick as long as they can move in here weather permitting."

Commissioner Burrough continued, "I have several calls about it daily and I just told them every time we meet, I'd try to get an update on that. Also, like John said, the weather being rainy and wet and cold and now we've got a few days of sunshine, we hope for the next four, five or six days and trying to improve some of the areas that the freezing temperatures can damage real well. We all have certain roads that need packed

regularly and we're out and about doing that. And I hope the weather, springtime gets here sooner than not and we can sort of get out and improve and keep working on these roads like we're supposed to do."

Commissioner Borden stated, "I thank everyone for being here. I reiterate what Jeff and John have just said. I don't need to repeat all of that.

Since our last meeting, tragically, District Three lost an employee. We believe it was related to health problems, but it was a tragic loss for the County and me personally. I just want to publicly thank my employees in District Three, most of them we were some of the first ones on the scene. And it was a difficult situation to deal with and they handled it very, very professionally. The family began to get there and they commented to me a few days later that they appreciated how they did that family and the deceased.

Again, the roads are falling apart. We've had a lot of freezing weather, then we had snow and then we had thaw and rain. Again, District Three we work as hard as we one that knows someone that is looking for a job, we just passed a \$2 an hour pay raise across the board for our county employees. These districts, I'm down to five men. Most of them are operating with anywhere six, seven, eight men. We are employing part-time older gentlemen. I think my youngest employee is probably in his early fifties. I've got two that actually they could be on Social Security today, myself included. But if you know people out there that are looking for a job, encourage them. In my opinion, I've worked thirty years at Civil Service with the benefit package that the County offers now, retirement, vacation and holidays, the health insurance and now the money, these are good jobs. We've just got to have people apply for these jobs. Without someone to go out and cut the tree out of the road at 2:00 in the morning, the tree is going to remain in the road. And that's typically where we're headed. And then, again, we'll come back to the money for the roads. We are limited in our funding. Our monies come through the State of Alabama in forms of gas taxes. All four of the Districts have what is called the Coal Tax. Last Year what was the coal tax paid out? Less than \$20,000 I believe it was. People say, 'Well, I pay my taxes, what are y'all doing with the taxes?' The coal Tax will buy not two loads of fuel for my District. And in the summertime, basically from now until the end of summer, we'll probably go through thirty, forty, upwards of fifty thousand- dollars-worth of diesel fuel and gasoline for the district.

Mowing season is coming in. The other accounts. We collect collectively about sixty to seventy thousand dollars a month. Each district is responsible for everything, all cost in that district, from the power bill to the – all utilities, our road materials, equipment on down the line. We are struggling to come up with and try to generate a half a million dollars to go district-wide. That's not a lot of money. As Mr. Peek stated earlier, we're at three hundred thousand plus to do some four miles of road. And that's not going to be asphalt. That's going to be tar and gravel. There's a combination of issues, heavy traffic, heavy industry, you name it, it plays havoc on our roads.

But again, in this County we're facing a crisis and this crisis will be here long after I'm gone, if this is not addressed. We have got to start looking at a form of funding

dedicated to these roads or we are going to go further and further. I can go in at the end of the year, last fall, most of the roads that they're calling me on now, have fell apart, back last fall were in pretty good shape. But with the weather that we have, the condition of the roadbeds, the way that we're having to go about trying – we're not building roads, we're patching roads. And we'll continue to patch roads, like I said, even after I'm gone, after these gentlemen are gone, we run into the same problems. The coming commissions will face that problem, without a dedicated form of revenue. That's what we're looking for. But with that bleak news again, welcome everyone, thank everyone for showing up."

Commissioner Aderholt stated, "Thank you Mr. Chairman. It's good to see everybody. We also are working on a project on Empire Road, we're hoping to get completed by the end of January. As soon as that project is complete, we will also start in striping that road and other roads in District Four. We've got a lot of roads to stripe. Winter freeze and winter thaw makes road conditions rough. So, be patient. We're getting to it as fast as we possibly can. Again, thank everybody for being here."

Chairman Miller stated, "I, too, want to thank everybody for attending. Again, I reiterate the Board of Education, we thank y'all for what you do. I know y'all need every dime of this money and more. And this Commission continually works for that more and we will continue to do that very thing.

Back to the employees, we appreciate each-and-every employee. Those that are here, those that are not, that are out working, it takes these employees to make this county continue to successfully succeed.

I, too, believe in a better Walker County. The citizens of Walker County believe in a better Walker County. With that belief, we, as the County Commission, are tasked with a lot of different things that isn't just roads, it's taking care of all of these buildings, it's taking care of these bridges, it's taking care of the waterlines when we have one go out behind the Probate. You know, whatever it is, we have to work on those things to keep these facilities operating, to keep these roads going.

And as these gentlemen talk about this money, you know, they just really don't have that funding. But if you believe in a better Walker County, if you believe in a better place to live, I need your help, we, the Commission need your help in a better Walker County. We, together, collectively, can work for this County and by doing that by appropriating some funds to the future for this County that's totally designated to the roads that we can believe and make Walker County better for us and our children and our grandchildren and the future folks from now on. So be thinking about that. And as a better Walker County, it takes a little bit of effort on each and-every citizen's part to make that go.

With that, I appreciate each and every-one of you being here, thank you for your time and I would entertain a motion to adjourn."

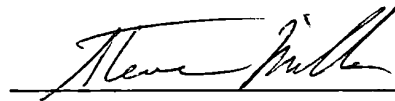
ADJOURN:

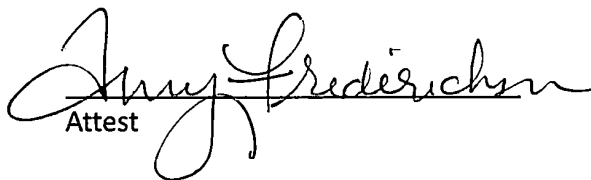
Motion was made by Commissioner Burrough seconded by Commissioner Borden that this meeting be adjourned to reconvene at the next regularly scheduled meeting or at the call of the Chairman.

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

02-03-2025
Eddie Miller
Water Board
Civil Service



2006-012

TROY KING
ATTORNEY GENERAL

STATE OF ALABAMA
OFFICE OF THE ATTORNEY GENERAL

November 1, 2005

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Honorable Charles R. Stephens
Attorney, Walker County Civil Service Board
107 East 18th Street
Post Office Box 1493
Jasper, Alabama 35502-1493

Civil Service System - Boards of
Directors - Public Office

Because a member of the board of directors of the Curry Water Authority does not hold an office of profit or a public office, he or she is not prohibited from serving on the Walker County Civil Service Board under section 5 of Act 200 (1969), as amended by Act 80-673. A member of the Walker County Civil Service Board is not an officer of the state, county, or city as contemplated by section 11-88-6(c) of the Code of Alabama and is, therefore, not prohibited from serving on the Curry Water Authority.

Dear Mr. Stephens:

This opinion of the Attorney General is issued in response to your request on behalf of the Walker County Civil Service Board.

QUESTION

Does the appointment and actually sitting on the board of directors of the Curry Water Authority, for which compensation is paid, disqualify a person from being a member of the Walker County Civil Service Board?

FACTS AND ANALYSIS

Your request states as follows:

Ellis Nicklaus was appointed to the Walker County Civil Service Board in November 2004 and was subsequently appointed to serve on the Curry Water Authority Board of Directors in May 2005.

Your question to this Office contemplates whether the appointment of Mr. Nicklaus to the Curry Water Authority is considered either a public office or an office of profit, thus prohibiting Mr. Nicklaus from serving on both the Walker County Civil Service Board and the Curry Water Authority Board.

The Walker County Civil Service Board ("Board") was created by Act 200 of the 1969 Legislative Session. 1969 Ala. Acts No. 200, 263. Act 80-673 amended certain provisions of Act 200 (1969). 1980 Ala. Acts No. 80-673, 1351. Specifically, section 5, as amended, provides, in pertinent part, that "[n]o member of the Board shall hold any office of profit under a city, county or the State of Alabama. Any member of the Board who becomes a candidate for, or is appointed or elected to another public office vacates his office as a member of the Board." *Id.*

It has been stated that an "office of profit" means a public office. *Alexander v. State*, 274 Ala. 441, 445, 150 So. 2d 204, 207 (1963) and Opinion of the Attorney General to Honorable Judy Rittenour, Mayor, Town of Pike Road, dated June 10, 2003, A.G. 2003-163. The Alabama Supreme Court has determined that a position or an office is an "office of profit" if: (1) the office holder exercises some part of the sovereign power of the State, and (2) compensation is to be received for the performance of the duties of the office. *See Opinion of the Justices* No. 64, 244 Ala. 386, 13 So. 2d 674 (1943). A holder of an office of profit has a fixed tenure of office. Opinion to Honorable R. C. Hagood, Mayor, Town of Phil Campbell, dated December 27, 1984, A.G. No. 85-00137.

The Supreme Court of Alabama stated that a public office "is the right, authority, and duty, created by law, by which for a given period, either fixed by law or enduring at the pleasure of the creating power, an individual is invested with some portion of the sovereign functions of the government to be exercised by him for the benefit of the public." *State v. King*, 395 So. 2d 6, 7 (Ala. 1981). The term "'public office' implies the authority to exercise some portion of the sovereign power of the state, either by enacting, executing or administering the laws." *Id.*

The Curry Water Authority ("Authority") is incorporated as a public corporation. ALA. CODE § 11-88-1, *et seq.* (1994). The members of the board of directors are appointed by the county commission in the county in which the authority is created. ALA. CODE § 11-88-6 (1994). Persons serving on the authority are compensated for their service. ALA. CODE § 11-88-6(d) (Supp. 2004).

This Office previously concluded that a member of the board of directors of a water authority created pursuant to section 11-88-1, *et seq.*, of the Code does not hold an office of profit in that the directors of a water authority do not exercise a portion of the sovereign power of the state. Opinion to Honorable Fred Rayfield, Chairman, Stewartville Water Authority, dated August 3, 2004, A.G. No. 2004-193, and opinion to Honorable Fred Rayfield, Chairman, Stewartville Water Authority, dated January 24, 2001, A.G. No. 2001-084. A member of the board of directors of a water authority likewise does not hold a public office because he or she does not exercise a portion of the sovereign power of the state.

Although a director of the Curry Water Authority may serve on the Walker County Civil Service Board, consideration must also be given to the question of whether a member of the Civil Service Board may serve as a director of the Water Authority. Section 11-88-6(c) of the Code of Alabama, regarding the directors of a water authority, states that "[n]o officer of the state or of any county or municipality shall during his tenure as such officer, be eligible to serve as a director." ALA. CODE § 11-88-6(c) (Supp. 2004). Thus, the question is whether a member of the Walker County Civil Service Board is an "officer" of the county, a city, or the state.

As stated above, the Walker County Civil Service Board was created by local Act 200 of the 1969 Legislative Session and was amended by Act 80-673. 1969 Ala. Acts No. 200, 263; 1980 Ala. Acts No. 80-673, 1351. The members of the Board are appointed by the Governor and receive compensation paid by the county as set in the act. *Id.* The county commission, however, has no control over the actions of the Board and decisions of the Board may be appealed to the circuit court of the county. *Id.* This Office has previously opined that a city civil service board member under a similar civil service act was not an officer of the city because the board was separate and independent from the city and the city had no supervisory or other control over the board. Opinion to Honorable Blaine Galliher, Member, House of Representatives, dated August 18, 2005, A.G. No. 2005-181 (member of the Gadsden Civil Service Board is not an officer of the City of Gadsden prohibited from doing business with the city). Accordingly, it is the opinion of this Office that a member of the Walker County Civil Service Board is not an officer of Walker

County. Nor is a member of the Board an officer of a city, as the Board is independent from any city in the county.

The final question is whether a Board member is an officer of the State for purposes of the prohibition in section 11-88-6(c) of the Code. The only relationship between the State and the civil service board is that the Governor appoints the board members. The board acts separately and independently from the Governor and the Governor has no control over the decisions of the Board. As previously stated, decisions of the Board may be appealed to the circuit court of the county. Accordingly, a member of the Walker County Civil Service Board is not an officer of the State. Because a member of the Board is not an officer of the State, county, or city, a member of the Board is not prohibited from serving on the Curry Water Authority.

CONCLUSION

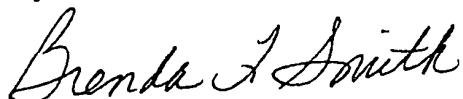
Because a member of the board of directors of the Curry Water Authority does not hold an office of profit or a public office, he or she is not prohibited from serving on the Walker County Civil Service Board under section 5 of Act 200 (1969), as amended by Act 80-673. A member of the Walker County Civil Service Board is not an officer of the state, county, or city as contemplated by section 11-88-6(c) and is, therefore, not prohibited from serving on the Curry Water Authority.

I hope this opinion answers your question. If this Office can be of further assistance, please contact Brenda Smith of my staff.

Sincerely,

TROY KING
Attorney General

By:

A handwritten signature in cursive script that reads "Brenda F. Smith".

BRENDA F. SMITH
Chief, Opinions Division