

**September 29, 2022**

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 29<sup>th</sup> day of September 2022, Chairman Miller gave the welcome and called the meeting to order.

Commissioner Davis gave the invocation and County Attorney Richard Fikes led the Pledge of Allegiance.

**CONSENT AGENDA:**

Motion was made by Commissioner Burrough and seconded by Commissioner Borden to Approve the Agenda.

Commissioner Aderholt stated, "I have a question."

Chairman Miller stated, "Okay."

Commissioner Aderholt stated, "I don't want to cause any confusion, but this is an emergency meeting that you called to pass the budget because it has to be passed by September 30<sup>th</sup> or October 1<sup>st</sup>. Honestly, approving the budget is an emergency in nature, but I don't know, maybe the attorney can guide us on these other."

Chairman Miller stated, "According to the attorney all of these items are emergent. Mr. Fikes?"

County Attorney Richard Fikes stated, "Well, let me, I guess, stand corrected on some of that."

Chairman Miller, stated, "Okay."

Attorney Fikes stated, "When we talked about this on Monday, I had asked Robbie, the County Administrator, to add it to the agenda from the special meeting, just add this over without – to the emergency agenda, but I don't know at this time if Code Red/Onsolve would be an emergency or not. I don't know – in other words, she just moved everything over from the –

County Administrator Robbie Dickerson stated, "Well the Onsolve/Code Red is actually in the budget, so it would be part of the budget."

Attorney Fikes stated, "Okay. We didn't talk about it and so I didn't know. My understanding on the YAP Grant, that has to be done by October 1 --

Administrator Dickerson stated, "Yes."

Attorney Fikes – "to get that grant, so that would be an emergency just like the budget. And then on the new hiring procedures, I guess that's subject to discussion on what you want to accomplish and what you want to do and what the emergency is. But I had just asked her to move everything, I think you may have been in on the conversation, just move everything from the agenda from the Special Meeting over to the Emergency Meeting and I didn't really look at it to the term of what was an emergency and what was not, just to move it over."

Chairman Miller stated, "And, of course, then the hiring procedure like we talked about being able to hire these people just like Ms. Robbie has a lady that we need to get



hired and trying to make this where it's not a two-month process to get these hires done. And we need this person before the first meeting in October."

Attorney Fikes stated, "And if the Commission is of the opinion that that's an emergency, then I won't disagree with that, but I think it's subject to discussion. I think it's a two-part process; one is, you know, the Civil Service Board has an agenda each month and I know you want to get it on the agenda, I guess, for next week. But then what makes it an emergency to get on that agenda. I mean, that's subject to discussion. I think it needs to be on the record, you think it is, or the Commission as a whole, or think it's not. I don't know. I know in the past we've had, like for instance, truck drivers in sanitation were not there and we needed somebody to run those trucks. And I don't know exactly what the situation is now. We discussed it generally, but not specifically, as to if somebody is off work, if you need to fill a position, I'm not sure."

Commissioner Davis stated, "So, just for clarification, on item 6, Discussion and Approval of New Hiring Procedures, that is for – we need to rush a hire for the Commission Office?"

Administrator Dickerson stated, "No, it's just a part-time position that you can approve at the next meeting."

Commissioner Davis stated, "So it doesn't need to go before the Civil Service Board."

Administrator Dickerson, "Nuh-uh."

Chairman Miller stated, "So, part-time doesn't have to go before the Civil Service?"

Administrator Dickerson stated, "It doesn't have to. It doesn't have to."

Chairman Miller stated, "They tell us it does."

Anthony Leach from the Sheriff's Office stated, "They fill out the application through Civil Service and we send the letters to Civil Service to hire them part-time, but they don't have to go through the full-time process."

Commissioner Davis stated, "We don't have to wait on their meeting, I guess."

Chairman Miller stated, "So, give us some advice here, Mr. Fikes, what we need to do."

Commissioner Davis stated, "The 6 meets the emergency status –"

Attorney Fikes stated, "I'm sorry."

Chairman Miller stated, "Sir?"

Attorney Fikes stated, "Well, I mean, if you don't have to go through Civil Service, you don't have to be on the agenda for that, then that would not be an issue and I don't think it would be an emergency. If it's something else, it needs to be opened and discussed. I don't know."

Commissioner Aderholt, "Again Mr. Chairman it's dealing with technicalities here. The original agenda went out on Friday – I'm sorry, the call for the meeting – the special called meeting went out on Friday without the agenda, so that forced us to get into Monday because the agenda has to go out with the Special called meeting. Well, we get into Monday and our timeframe is closed. We don't have the full five days to give us notice unless we have a meeting tomorrow. The notice for the emergency meeting went out Monday with the agenda that means that anything on the agenda has to be



emergent in nature.”

Attorney Fikes stated, “Correct.”

Commissioner Aderholt stated, “So, that being the case, anything that is not emergent, certainly the budget is because it has to be passed by the 30<sup>th</sup>.

Attorney Fikes stated, “And like I said, the YAP Grant, I think, has to be done by October 1<sup>st</sup>.”

Administrator Dickerson stated, “One through five is budget related for sure.”

Commissioner Aderholt stated, “Well, everything that we do is budget related.

Chairman Miller stated, “Well, I’ll have to back you up just a minute then. If the item six is not an emergency and Code Red like she was talking is not an emergency, pay raises are not an emergency either. That can be done at a later date.”

Commissioner Davis stated, “I see your point —”

Chairman Miller stated, “It doesn’t have anything to do with the budget, gentlemen.”

Commissioner Davis stated, “Well, pay raises directly affects the budget and I would think number six wouldn’t, because unless we’re budgeting for this new procedure, which I don’t — the way it reads, I don’t think that’s — I don’t — we even ran the numbers on what it would cost to do what number six is wanting to do. So, I would say it is not part of the budget. And we’ve got a meeting on Monday — Again, Richard, you just need to direct us on this —”

Attorney Fikes stated, “Well, as I mentioned, if there’s an emergency hire, it needs to be done and you can’t do it on Monday because you’re not on their agenda. I assume their agenda has not been published. I don’t know. Sometimes it comes out on Wednesday, sometimes it comes out —”

Administrator Dickerson stated, “I haven’t seen it.”

Attorney Fikes stated, “Okay. If you need to be on their agenda for an emergency reason, then, yes, it would be an emergency. But if you don’t need to be on their agenda due to some emergency, then it would not be an emergency. And I don’t — I guess I’m asking specifically why do you need to — why would — do we need to be on the agenda.”

Chairman Miller stated, “I have the Sheriff wanting to say something.”

Attorney Fikes stated, “Yeah.”

Chairman Miller stated, “Yes, sir, Sheriff.”

Sheriff Nick Smith stated, “I don’t know what the New Hiring Procedures consist of, but emergency for my nature is the fact that if I have several Deputy Sheriffs quit and I have sought out an answer and still haven’t got an answer from the Civil Service about how to go about doing emergency hiring. So, I still don’t have clarification on being able to do an emergency hire if the need were to arise. These new — and I don’t know the discussion or what the New Hiring Procedure consists of, but it could be relevant in an emergency in nature pertaining to my department where I have to keep APOST officers on the street protecting the citizens of this county at all times. And it could be emergency in nature, because they only meet once a month.”

Commissioner Miller stated, “Thank you, Sheriff. Mr. Fikes.”

Attorney Fikes stated, “And do you have to be on the agenda for that?”



Commissioner Miller stated, "For them to hire folks, he does."

Attorney Fikes stated, "Well, I mean, does he need to be on the agenda or do you need to be on the agenda for this? Does that make sense?"

Chairman Miller stated, "Yes."

Commissioner Aderholt stated, "Well, again, it's the implication of the – it's the technicality, it's the implication of it, so if we approve things on the agenda that are not emergent in nature and we spend taxpayer's funds for that, somebody can come back at a later date and say, 'you don't properly – put the procedures in place to be able to do that,' and at which point we can incur liability – and you understand liability as well as anyone –"

Attorney Fikes stated, "Well, I do."

Commissioner Aderholt stated, "Well, I don't want to muddy the water for anybody and make it more confusing than it is, but again, the difference between the agenda not going out Friday, going out on Monday and making this an emergency meeting rather than a special called meeting, is a big deal."

Attorney Fikes stated, "Unfortunately, the statute does not give us any direction as to what an emergency is. Generally, we think of a tornado or a hurricane, what's going through Florida right now is an emergency. But other things can arise to be an emergency. And whether this is or isn't, I think, has to be on the record and has to be a vote as to whether you think it's an emergency."

Commissioner Aderholt stated, "Well, I obviously feel the budget is an emergency because it has to be passed by due date along with the YAP Grant. Everything else on the agenda that's listed here could easily be added to Monday's agenda."

Attorney Fikes stated, "I don't know that that's a legal question."

Commissioner Aderholt stated, "That's an opinion."

Attorney Fikes stated, "I mean, no. I'm saying you could put Code Red in the budget and vote it down. I guess that money would go somewhere else. Monday. That's what I'm saying, I don't know. I'm in the dark on that. Does that make sense? If it's in the budget, it's in the budget and you approve the budget today, that's fine, but if you vote it down then that money is just available for something else."

Chairman Miller stated, "Okay. Well, here I have a question."

Attorney Fikes stated, "Unless there's a contractual issue where Code Red is saying you've got to enter this contract by October 1<sup>st</sup> for instance, or the contract is invalid or something of that nature."

Chairman Miller stated, "All right. I have a question. I have a motion and a second on the floor to approve the agenda. How do we proceed at this point with the agenda or do these two gentlemen want to do something else or – as far as the agenda goes? Do we want to go back and approve each item one through six by vote of the Commission or how do we want to do that, Mr. Fikes?"

Attorney Fikes stated, "I would suggest approving one through six individually and take a vote as you come to it as to whether it's an emergency or not."

Chairman Miller stated, "Okay."

Commissioner Burrough stated, "I could rescind my motion on the agenda, I



guess. I mean, whatever the attorney says. We can do some on it Monday. Whatever needs, whatever is right, put it that way."

Commissioner Aderholt stated, "I can offer a substitute motion, with the current motion being in place if that's --"

Chairman Miller stated, "Well, we had two on the floor. Unless these gentlemen give up their motion, you can do anything else at the --"

Commissioner Aderholt stated, "Well, I can offer a substitute motion to that motion."

County Attorney Fikes stated, "I believe you can, but --"

Chairman Miller stated, "All right."

Commissioner Aderholt stated, "I offer a substitute motion that we approve the budget discussion, the 2023 budget and the YAP Grant for today's agenda and move the remaining items to the following meeting on Monday."

Chairman Miller stated, "So, we'll do the budget without pay increases and without Code Red approval, without anything other than just the budget, is that what you're saying?"

Commissioner Aderholt stated, "Correct."

Commissioner Davis stated, "Clarification on that. Steven, so discuss the budget without pay increases? Because that's technically -- that will be part of the budget."

Chairman Miller stated, "So is Code Red."

Attorney Fikes stated, "And I believe Jeff -- Mr. Burrough can consent to that motion or not, to the amendment. Or stay with his motion."

Commissioner Davis stated, "Just my opinion before the motion proceeds, item number six can probably be -- because the Inmate Catastrophic Insurance is actually part of the budget."

Commissioner Burrough stated, "Number six -- the Civil Service Board meets what day? Tuesday?"

Chairman Miller stated, "Yes, sir. And Friday they will put their agenda together for the Tuesday meeting."

Attorney Fikes stated, "Is it Monday or Tuesday?"

Administrator Dickerson stated, "Tuesday."

Attorney Fikes stated, "Tuesday?"

Chairman Miller stated, "Yes, it will be a Tuesday meeting."

Attorney Fikes stated, "Okay. They switch and swap and I cannot remember."

Commissioner Aderholt stated, "Chairman, I withdraw my substitute motion if another Commissioner would like to make a motion."

Chairman Miller stated, "Commissioner Aderholt withdraws his substitute motion."

Commissioner Davis stated, "I make a motion we approve items on the agenda one through five and exclude item six as it doesn't meet the emergency status."

Chairman Miller stated, "That's a supplement?"

Commissioner Davis stated, "Yes."

Chairman Miller stated, "Commissioner Burrough it goes back to you then according to Mr. Fikes."

Commissioner Burrough stated, "We can put it on the October Agenda."

Chairman Miller stated, "Item six?"

Commissioner Burrough stated, "Yes."

Chairman Miller stated, "Okay. Now that he agrees to that Mr. Fikes, that would be the motion? So, Mr. Burrough you agree to that?"

Commissioner Burrough stated, "To be on October meeting."

Chairman Miller stated, "All right. So now we have a motion on the floor to approve the agenda with items one through five and all being an emergency procedure. And then how does that go back to his second?"

Attorney Fikes stated, "He withdrew his."

Commissioner Aderholt stated, "Yeah. He's talking about the first motion."

Chairman Miller stated, "Yeah, Mr. Borden has the second. Okay."

Commissioner Aderholt stated, "It would go dead if we vote on the substitute motion."

Chairman Miller stated, "The second just goes dead."

Attorney Fikes stated, "No, he withdrew, so the second is still in there based on his renewed motion."

Commissioner Davis stated, "So, we would vote on Jeff and Jim unless they withdraw. You would call for a vote on the first and then you would call for a vote on the substitute. So, that first motion doesn't pass and the substitute motion would be voted on."

Chairman Miller stated, "So, we'll need a second – that's not correct either?"

Attorney Fikes stated, "That's correct. I think the substitute motion has been withdrawn so, we're just back to the original motion."

Commissioner Borden stated, "So, if I withdraw –"

Commissioner Burrough stated, "If I withdraw my motion and I make a new motion can we go from there?"

Attorney Fikes stated, "I think you can."

Commissioner Burrough stated, "I withdraw my first motion – I withdraw my motion to approve the agenda one through six. I make a motion to approve the agenda one through five."

Commissioner Borden stated, "Then I'll second –"

Attorney Fikes stated, "Second. If you want to second."

Commissioner Borden stated, "I'll still second. So, I'll second the motion."

Attorney Fikes stated, "There you go."

Chairman Miller stated, "So, I have a motion on the floor by Mr. Burrough to approve items one through five on the emergency agenda, deleting item six. And I have a second by Mr. Borden. Now we'll call for a vote."

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 Davis and seconded by Commissioner Burrough to open discussion of FY 2023 Budget Discussion, Including Possible Pay Increase and Approval.

After explanation by County Administrator Robbie Dickerson and Chairman Miller admonishing Commissioner Davis to request permission from the Chair before taking the floor, input by Chairman Miller and Sheriff Nick Smith, each Commissioner stating their recommendation and much discussion, motion was made by Commissioner Burrough and seconded by Commissioner Borden to approve the FY 2023 Budget, including a five percent (5%) Pay Raise Increase.

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

With two Ayes and two Nays, the vote being tied, Chairman Miller inquired of Attorney Fikes as follows: "Okay, Mr. Fikes, we have a tie vote, so that enables me to cast a vote. Is that correct?"

Attorney Fikes Stated, "Yes, sir, Mr. Chairman."

Chairman Miller gave a brief statement, voted Aye and declared the motion carried.

Motion was made by Commissioner Davis and seconded by Commissioner Borden to open discussion of the Approval of the 2023 Appropriations.

After explanation by County Administrator Robbie Dickerson, motion was made by Commissioner Aderholt and seconded by Commissioner Borden to approve the 2023 Appropriations.

With a brief 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 OnSolve/Code Red System.

After explanation by County Administrator Robbie Dickerson and input from Chairman Miller, motion was made by Commissioner Burrough and seconded by Commissioner Borden to approve the OnSolve/Code Red System.

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

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

Motion was made by Commissioner Davis and seconded by Commissioner Burrough to open discussion of Approval of the Inmate Catastrophic Insurance with Hunt.

After explanation by County Administrator Robbie Dickerson and a brief discussion, motion was made by Commissioner Davis and seconded by Commissioner Burrough to approve the Inmate Catastrophic Insurance with Hunt.

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

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

Motion was made by Commissioner Aderholt and seconded by Commissioner Davis to open discussion of Approval of the FY 2023 YAP Grant.

After explanation by County Administrator Robbie Dickerson, motion was made by Commissioner Davis and seconded by Commissioner Aderholt to approve the FY 2023 YAP Grant.

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.

**ADJOURN:**

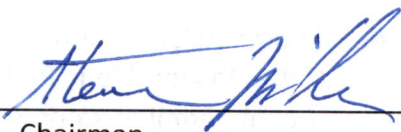
Motion was made by Commissioner Davis and seconded by Commissioner Burrough, that this meeting be adjourned to reconvene at the next regularly scheduled meeting or at the call of the Chairman.

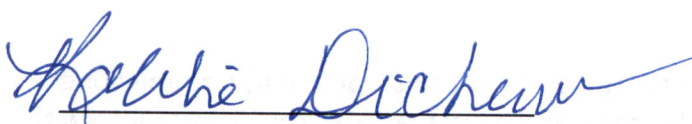
With no discussion, the vote taken resulted as follows:

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