

July 23, 2012

The Marshall County Commission met in regular session on Monday, July 23, 2012 at 10:00 am. in the Marshall County Commission Chambers.

PRESENT WERE:

James Hutcheson, Chairman
William H. Strickland, III, Dist. 1 Commissioner
James Maze, Dist. 2 Commissioner
Richard Kilgore, Dist. 3 Commissioner
Tamey Hale, Dist. 4 Commissioner
Shelly Fleisher, County Administrator
Jennifer Lewis, Commission Clerk
Bob Pirando, County Engineer
Karen Young, Administrative Assistant
Clint Maze, County Attorney

Chairman Hutcheson called the meeting to order and asked Pastor Roy Bryant with First Methodist Church of Arab deliver the invocation, he then asked County Engineer Bob Pirando to lead the Pledge of Allegiance.

CONSENT AGENDA

A motion was made by Commissioner Kilgore, duly seconded by Commissioner Maze, all members voting affirmatively, and so carried to approve the consent agenda as read by Chairman Hutcheson.

ANNOUNCE TWO(2) WEEK APPLICATION PERIOD FOR TWO(2) POSITIONS ON THE LIBRARY BOARD

Chairman Hutcheson announced the two(2) week application period for two(2) positions on the Marshall County Library Board. The application period will end August 6, 2012.

ANNOUNCE TWO(2) WEEK APPLICATION PERIOD FOR ONE(1) POSITION ON MOUNTAIN LAKES TOURIST ASSOCIATION BOARD

Chairman Hutcheson announced the two(2) week application period for one(1) position on Mountain Lakes Tourist Association Board. The application period will end August 6, 2012.

EMA – ACCEPT HMGP DR (1971-144) GRANT FOR INDIVIDUAL SAFE ROOMS; \$143,578

A motion was made by Commissioner Kilgore, duly seconded by Commissioner Hale, with all members voting affirmatively, and so carried to accept the HMGP DR (1971-144) Grant for final submitted and approved individual safe houses.

EMA – APPROVE ADDITIONAL EMPG FUNDING FOR FY11; \$11,714

A motion was made by Commissioner Hale, duly seconded by Commissioner Kilgore, all members voting affirmatively, and so carried to approve additional funding for the EMPG grant in the amount of \$11,714.

ACCEPT EMERGENCY SHELTER GRANT HESG-12-008 FOR HOMEPLACE; \$55,000

A motion was made by Commissioner Strickland, duly seconded by Commissioner Hale, all members voting affirmatively, and so carried to accept the emergency shelter grant HESG-12-008 in the amount of \$55,000 for Homeplace.

APPROVE AGREEMENT BETWEEN PUBLIC EXAMINERS OFFICE AND COMMISSION OFFICE FOR FY11 AUDIT; \$14,076

A motion was made by Commissioner Hale, duly seconded by Commissioner Kilgore, all members voting affirmatively, and so carried to approve the agreement between the Public Examiner's office and Commission office for FY11 audit in the amount of \$14,076.

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APPROVE JOINT BID RESOLUTION FOR DEBRIS AND MONITORING CONTRACTS PROVIDED BY ACCA

A motion was made by Commissioner Maze, duly seconded by Commissioner Stricklend, all members voting affirmatively, and so carried to approve the Joint Bid for Debris and Monitoring Contracts provided by ACCA. This resolution allows the Commission to utilize these contracts in the future.

RESOLUTION AND AGREEMENT TO PARTICIPATE IN THE COUNTY JOINT BID PROGRAM'S REGIONAL DEBRIS REMOVAL AND MONITORING SERVICES JOINT BID PROJECT

WHEREAS, Code of Alabama 1975, § 41-16-50 authorizes two or more counties in the state to enter into agreements for the joint bidding and purchase of items required to be bid under Alabama's competitive bid; and

WHEREAS, the Association of County Commissions of Alabama (hereinafter "the Association") has since 2000 administered a statewide joint bid program for counties pursuant to Code of Alabama 1975, § 41-16-50 for the joint bidding of certain equipment, materials, and supplies required to be competitively bid under Alabama's competitive bid law; and

WHEREAS, due to the need in every county for professional and economical debris removal and monitoring services which can be operational in any county immediately following a disaster necessitating such services, the Association will be conducting regional joint bids for debris removal contracts and for monitoring services contracts which, once executed, can be utilized by each county in a region as needed for disaster response (hereinafter referenced as "the project"); and

WHEREAS, pursuant to Code of Alabama 1975, § 41-16-50, each county desiring to participate in the project is required to adopt a similar resolution, signifying its desire to participate and its agreement to the terms and conditions of participation; and

WHEREAS, the Marshall County Commission desires to join and participate in the project for debris removal and monitoring services as a member of Region 7 and understands and agrees to the procedures as set out below:

- (1) That the Association, a non-profit organization devoted to providing support and services to its membership of the 67 counties in Alabama, shall provide administrative services to the program, and in this regard, shall
 - Oversee the development of written specifications for services to be bid in the region
 - Provide notice to respective bidders for all services to be jointly bid in the region as required by law
 - Open bids pursuant to bid specifications at its office at 100 North Jackson Street in Montgomery, Alabama and
 - Provide other services as necessary excluding the awarding of the contracts
- (2) That in order to participate, the Marshall County Commission shall forward to the Association the names and addresses of each person who has submitted a written request to be included in solicitations of bids for debris removal and/or for monitoring services (its "vendor list"), and that following receipt of said vendor lists, the Association shall provide notice of all bid offerings to each applicable person or company if those services are being bid, as provided in Code of Alabama 1975, § 41-16-54.
- (3) That in compliance with Code of Alabama 1975, § 41-16-54, the Marshall County Commission shall not be eligible to utilize services under a contract awarded through

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the project unless it has provided the Association with its vendor list for those services, if such a list is held by the county.

- (4) That the Association will provide the county with a notice of each solicitation for bid and in compliance with Code of Alabama 1975, § 41-16-54, the Marshall County Commission shall post said notice on a bulletin board in the county's purchasing office.
- (5) That in compliance with Code of Alabama 1975, § 41-16-54, the Marshall County Commission agrees that it shall not be eligible to utilize the services included in a contract awarded through the project unless it has posted such notice.
- (6) That following the opening of bids, the Marshall County Commission will serve as awarding authority for Region 7 and shall determine the lowest responsible bidder and award any contract for the Region at a regular meeting of the Marshall County Commission.
- (7) That the Association shall not serve as the awarding authority for any services bid through the project
- (8) That participation in the project is strictly voluntary, and that, subject to the conditions set out in paragraphs 2, 3, 4, and 5, once a contract has been awarded through the project, the Marshall County Commission may utilize the contract services during the contract period under the terms of and at the price established under the contract, but shall not be required to purchase any of the services awarded through the project.
- (9) That if the Marshall County Commission decides to utilize debris removal or monitoring services other than through the project, it must separately bid those services if such bidding is required by Alabama's competitive bid law.
- (10) That following the award of a regional contract under the project, the Marshall County Commission shall deal directly with the successful vendor to activate the services available under the contract, and that there shall be no joint purchasing agent representing any of the counties participating in the project.
- (11) That the Marshall County Commission shall remain a member of the project so long as it desires and agrees to participate in this joint bid agreement under its terms and conditions, and that the Marshall County Commission shall give at least thirty (30) days notice to the Association of its intent to terminate its participation in the project.
- (12) That at the expiration of the thirty days termination notice, the Marshall County Commission shall be removed from this project and from any correspondence or advertisement regarding the project or any services to be bid under its terms and conditions.
- (13) That following its termination from the project, the Marshall County Commission shall not be eligible to utilize the services under the terms and at the cost of the regional contract, and will be required to bid all such services on its own under the requirements of Alabama's competitive bid law.
- (14) That this resolution, once adopted by the Marshall County Commission, shall serve as its agreement and contract with all other counties in Region 7 participating in this period.

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(15) That prior to soliciting any bids for services to be jointly bid under this project, the Association shall forward a list of all participating counties to the Office of Examiners of Public Accounts.

(16) That in order for a county to utilize the services of a contract executed for Region 7 under this project, it must have adopted this resolution prior to the solicitation of bid for debris removal and/or monitoring services, but that once the county has adopted this resolution, it shall remain a member, and subject to the conditions set out in paragraphs 2,3,4, and 5 above, shall be eligible to utilize and unless it terminates its participation as set out in paragraphs 11, 12, and 143 above.

BE IT RESOLVED BY THE MARSHALL COUNTY COMMISSION that it agrees to all terms and conditions of the project for regional bidding of debris removal and monitoring services as set out above, and desires to participate in said projects.

BE IT FURTHER RESOLVED that it is the intent of the Marshall County Commission by adoption of this resolution to enter into a joint bid agreement with all other counties in Region 7 participating in this project.

BE IT FURTHER RESOLVED that a copy of this resolution be immediately forwarded to the Association with a request that the Marshall County Commission be included as a participant of Region 7 for regional bidding of debris removal and monitoring services for all services bid through the project until and unless notified of the County's desire to terminate its participation under the procedures set out in paragraphs 11, 12, and 13 above.

IN WITNESS THEREOF, the Marshall County Commission has caused this Resolution to be executed in its name and on its behalf by its Chairman on this the 23rd day of July, 2012.

s./James Hutcheson
Chairman, Marshall County Commission

ACCEPT AOC GRANT FOR JUVENILE PROBATION; \$10,000

A motion was made by Commissioner Strickland, duly seconded by Commissioner Maze, all members voting affirmatively, and so carried to accept AOC grant for Juvenile Probation in the amount of \$10,000. This is at no expense to the county.

APPROVE PROPOSAL FOR SIREN MAINTENANCE COSTS BY \$10,005.27 TO COME FROM CONTINGENCY FUND

A motion was made by Commissioner Strickland, duly seconded by Commissioner Maze, all members voting affirmatively, and so carried to approve the proposal for siren maintenance costs for \$10,005.27 to be paid from the contingency fund.

APPROVE HOST AGENCY AGREEMENTS WITH TARCOG

A motion was made by Commissioner Hale, duly seconded by Commissioner Kilgore, all members voting affirmatively and so carried to approve the host agency agreement with TARCOG. The maintenance department is currently paying TARCOG \$700 annually.

ANNOUNCE SAFETY COMMITTEE MEETING WILL BE AUGUST 1, 2012, AT 10:00 A.M.

Chairman Hutcheson announced the Safety Committee meeting will be August 1, 2012, at 10:00 a.m. in the Commission chambers. Jennifer Lewis advised further information will be sent to each department within the next few days.

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SURPLUS TO BE SOLD, SCRAPPED OR TRANSFERRED

A motion was made by Commissioner Hale, duly seconded by Commissioner Kilgore, all members voting affirmatively, and so carried to approve surplus to be sold, scrapped or transferred.

APPROVE SELECTION OF COUNTY EMPLOYEE HEALTH INSURANCE FOR FY13

Penni Windsor with Marshall County Sheriff Department presented options set forth by the employee insurance committee for health insurance. This committee was appointed to represent the employees. The preferred option is the Local Government Health Insurance Plan.

A motion was made by Commissioner Maze, duly seconded by Commissioner Hale to accept the proposal and choose the local government health plan. This healthcare plan will be no charge for single coverage and one hundred twenty-five dollars (\$125) for family coverage. The County Commission will pay the two hundred dollar (\$200) deductible per family for pharmacy. This will be placed in the same insurance line item as previously used by the county.

The Chairman asked for discussion. County Attorney, Clint Maze advised that the Commission needs to approve a resolution authorizing the County Administrator Shelly Fleisher to enroll Marshall County employees in the new healthcare plan.

RESOLUTION

WHEREAS, Marshall County wishes to participate in the Local Government Health Insurance Program established by *Code of Alabama 1975*, Section 36-29-14, as amended; and

WHEREAS, we agree to abide by the rules and procedures promulgated by the State Employees, Insurance Board for the Local Government Health Insurance Program; and

WHEREAS, the information submitted for enrollment into this health insurance Program has been verified for completeness and accuracy; and

WHEREAS, an application fee is submitted as part of the Application Package as our equity contribution to the fund's reserves that have accumulated in prior years by existing eligible groups;

NOW, THEREFORE, BE IT RESOLVED, that Marshall County does hereby submit this application package to participate in the Local Government Health Insurance Program, as administered by the State Employees' Insurance Board.

ADOPTED AND APPROVED THIS DATE: July 23, 2012

s./James Hutcheson
Chairman, Marshall County Commission

James Hutcheson, Chairman Marshall County Commission

Commissioner Maze restated his motion with a roll call vote.

A motion was made by Commissioner Maze, duly seconded by Commissioner Hale, all members voting affirmatively and so carried to accept the proposal and choose the Local Government health plan. This healthcare plan will be no charge for single coverage and one hundred twenty-five dollars (\$125) for family coverage. The county commission will pay the two hundred dollar (\$200) deductible for pharmacy. This will be placed in the same insurance line item as previously used by the county. This motion includes the approval of the resolution allowing the County Administrator to enroll Marshall County employees in the Local Government Health Insurance Program.

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APPROVE RECALCULATION AND DISTRIBUTION OF TABACCO TAX REVENUE SHARING
TO EXCLUDE ARAB RESCUE SQUAD

A motion was made by Commissioner Stricklend, duly seconded by Commissioner Hale, all members voting affirmatively and so carried to approve the recalculation and distribution of tobacco tax revenue sharing to exclude Arab Rescue Squad which has been disbanded as of December 8, 2011. The motion also included the distribution of accumulated amount of five thousand four hundred ninety-four and 89/100 dollars (\$5494.89) to each department in a separate check in the amount of two hundred twenty-eight and 95/100 dollars (\$228.95).

APPROVE TRANSFER OF ANY EQUIPMENT AND ASSETS OF THE ARAB RESCUE SQUAD
PURCHASED WITH COUNTY FUNDS TO THE ARAB FIRE & RESCUE DEPT

A motion was made by Commissioner Stricklend, duly seconded by Commissioner Hale, all members voting affirmatively and so carried to approve transfer of any equipment and assets of the Arab Rescue Squad purchased with county funds to the Arab Fire & Rescue Department.

ADJOURNMENT

There being no further business; a motion was made by Commissioner Stricklend, duly seconded by Commissioner Hale and so carried to adjourn

MEETING ADJOURNED

James Hutcheson, Chairman

William H. Stricklend, District 1 Commissioner

James Maze, District 2 Commissioner

Richard Kilgore, District 3 Commissioner

Tamey Hale, District 4 Commissioner