

COMMISSION MEETING – MAY 9, 2005

A regular meeting of the Cullman County Commission was held on Monday, May 9, 2005, at 10:00 a.m., in the County Commission Office Conference Room. Present were Chairman Wiley Kitchens, Commissioner Doug Williams, and Commissioner Stanley Yarbrough. Chairman Kitchens called the meeting to order and welcomed the visitors. Attorney, Dan Willingham gave the invocation and Chairman Kitchens led the pledge of allegiance.

APPROVE MINUTES OF APRIL 26, 2005 MEETING

Commissioner Yarbrough made the motion to approve minutes of the April 26, 2005 meeting as recorded. Commissioner Williams seconded, and upon a voice vote, the motion carried unanimously.

APPROVE APPROPRIATIONS, EXPENDITURES, REQUISITIONS, TRAVEL EXPENSE, ETC.

Commissioner Yarbrough made the motion to approve appropriations, expenditures, requisitions, travel expense, etc. Commissioner Williams seconded, and upon a voice vote, the motion carried unanimously.

APPROVE ALL JOURNAL ENTRIES TO BE POSTED

Commissioner Yarbrough made the motion to approve all journal entries to be posted. Commissioner Williams seconded, and upon a voice vote, the motion carried unanimously.

CONSIDER SIGNING AGREEMENT FOR REFINANCING WATER WARRANTS

Gary Teichmiller, County Administrator stated these are the Series 2000 Water Warrants. We have received two proposals. Based on the underwriters discount I recommend going with Merchants Capital with \$39,900.00 as the underwriter's discount. Commissioner Williams made the motion to go with Merchants Capital. Commissioners Yarbrough seconded, and upon a voice vote, the motion carried unanimously.

CONSIDER AWARDING BID NO. 805 PHONE SERVICE

Mr. Teichmiller stated this bid is for the dial tone and internet service for the courthouse, excluding the D.A.'s Office. We received three proposals. I recommend we award the bid to BellSouth for \$3112.00. This is an estimated cost based on an average of minutes used. By consolidating this county will save approximately \$30,000.00 a year. Commissioner Williams made the motion to award Bid No. 805 to BellSouth. Commissioner Yarbrough seconded, and upon a voice vote, the motion carried unanimously.

REJECT AND REBID BID NO. 806 COLD LAID PLANT MIX

County Engineer Philip Widner stated there was some problems with the mail delivery and some of the vendors didn't receive their bid in time to get the bid back. Because of this we received only one bid. State law allows if you receive only one bid you are allowed to rebid. Commissioner Yarbrough made the motion to rebid Bid No. 806. Commissioner Williams seconded, and upon a voice vote, the motion carried unanimously.

REJECT AND RE-BID BID NO. 807 – JAIL SUPPLIES

Mr. Teichmiller said he spoke with Lt. Bugler. They would like to reject this bid and change the bid specs. Some of the machines (dish washer, clothes washer) have the ability for an automated dispenser. The Sheriff's Department would like to rebid and isolate the detergents for the dispensers from the bid, because of the specialized products these machines uses. Commissioner Williams made the motion to reject and rebid Bid No. 807 for Jail Supplies. Commissioner Yarbrough seconded, and upon a voice vote, the motion carried unanimously.

SURPLUS HP OFFICE JET COLOR FAX – SAFETY DEPARTMENT

Commissioner Williams made the motion to surplus HP Colored Fax Machine. Commissioner Yarbrough seconded, and upon a voice vote, the motion carried unanimously.

DISCUSS ACCEPTING ROADS INTO THE COUNTY MAINTENANCE SYSTEM

Commissioner Williams stated this is a problem the Commission has inherited that needs to be solved. Several residents in Cullman County live on unpaved roads that do not belong to the county and not in the county maintenance system. These residents were left believing by contractors these subdivision roads would be maintained by the county. Other roads are farms that have been inherited and other family members have build along these roads. Some of these roads the county will not be able to take into the county maintenance system because of no right of way, etc. The Commission is working on a plan, there will be restrictions before a road is accepted into the maintenance system and any input from residents is welcome. This is something the Commission will be working on the next several weeks.

RESOLUTION NO. 2005-35 COUNTY PAY PLAN

Dan Willingham, County Attorney read aloud Resolution No. 2005-35 County Pay Plan. Mr. Willingham stated one thing that's confusing is "what is a FLSA exempt employee." FLSA exempt employees are not always Cullman County exempt employees. FLSA means if the employee is legislative or executive personnel that so qualifies, salaried, administrative employees typically. Would be exempt from the pay plan and would be subject to a different pay scale to be decide later. As a whole generally speaking employees will receive a 3% increase until the Commission sets a different increase/decrease. Basically the same way employees are receiving their pay now (anniversary date). Some instances this is called a merit raise, but this will be a base

salary raise. Right now what you have is a pay scale with a number of pay grades and steps and not a consistent percentage from one step to the next. With this pay plan you know what percentage you'll receive and everyone receives the same percent.

Kay D. Smith – When we had this discussion before on FLSA exempt employees what was a chief clerk county wide?

Dan Willingham – It doesn't matter what title an employee has, it's the job they do. FLSA states if your and exempt employee thru them you have to be in a managerial position, salaried and managing at least two people. Each position would need to be looked at to be certain.

Kay D. Smith – What I have a problem with is where it states they may receive pay increases. Everyone else has received an increase and their doing the same thing and it's at the Commissions discretion if they receive an increase or not.

Dan Willingham – It will depend, an FLSA exempt is someone that's salaried and manages his/her department and answers directly to the appointing authority. Their exempt if their primary duty is managing a department.

Kay D. Smith – What kept my chief clerks from being exempt last time was they was not salary their hourly wage.

Gary Teichmiller – Everyone except 2-3 employees are paid hourly.

Dan Willingham – Generally anyone should be salaried to be FLSA exempt but they are some exceptions. Office Managers for example depends on their job description. FLSA exempt employees are exempt from minimum wage also, exempt from over time.

Sammie Danford – Once this is pasted will department heads no longer be getting overtime? Also are you saying a department head could or could not receive an increase in pay every twelve months?

Dan Willingham – If your and FLSA exempt employee that's correct.

Mrs. Price – Am I understanding this is suppose to fix what's been wrong. You said from here to here is a pay scale, how can this fix it, if everyone gets the same rate.

Dan Willingham – One – everyone will know what that raise will be and second they will not be getting a two step raise.

Mrs. Price – Whose fault is this, is it not our Commissions fault. If I understand department heads are not allowed to give raises without the approval of the Commission. So if the whole thing is in a mess it seems to me this falls back on the County Commission. You're getting ready to punish good workers who have only received a one or two step increase because some employees have received 5 & 6 step increases where the Commission has approved these raises. So you're going to a plan that essentially if someone makes \$20.00 per hour and someone makes \$12.00 per hour they both get 3%. Your not going to fix anything.

Dan Willingham – The dilemma is exactly that. This is a Commission that's trying to make it where it can't happen again. To go back and say someone was moved up and shouldn't have been. It's not punishing anyone that didn't get pushed up but to go back and repair a system and tell someone they have been paid too much for a span of time and you going to get less. It's trying to keep that from happening in the future.

Mrs. Price – Why can't you do this where the Commissioners are responsible for the raises they allow? If someone is making an amount they shouldn't be making, compared to someone working steadily making the amount they should be making, they receive a merit raise that warrants their good work ethic and the employees making to much get some what of a lesser raise to equal the scale out. Where the County Commission is responsible for these unjustified raises some employees are getting. I understand what you're trying to fix, but how is this going to fix the pay plan when no one is held accountable.

Dan Willingham – It's not going to fix what has been done in the past, but an attempt to fix what can be done.

Chairman Kitchens – When you get these evaluations every year on their anniversary date and you have an employee marked excellent you can't deprive them of a pay increase if they have a good evaluation. How some has been using the system is you have a pay scale with say 1-10 pay grades and 1-22 steps that go across in each pay grade. How they abuse the system is by changing the classification of an employee's pay grade from a 5 to a 10. This is what's been allowed to happen and we are trying to stop this from happening. The only way an employee will be able to receive more than their annual percentage rate is if an opening is available and that person moves up. This pay scale will not be fixed over night. The problem is department head have sent up to the Commission Office, employees wanting promotions and you can't promote to jobs that are not there. We are eliminating positions employees are being put into because they want a \$4.00 or \$5.00 pay increase.

Kay D. Smith - The promotions I have sent up to the Commission have been .40 raises not \$2.00 or \$3.00 per hour.

Chairman Kitchens – The only problem anyone has had with any employees in your department is the one hired in at \$19.00 per hour.

Kay D. Smith – I'll explain that now, Barry Willingham was an employee with the county several years ago. Mr. Willingham was the Assistant Chief Appraiser. Winston County needed a Chief Appraiser, he went over to Winston County to be the Chief Appraiser and stay for several years. We have had two (2) appraisers to leave, one retired and one went for better pay somewhere else. We had a chance to get Mr. Willingham back for the same pay he made in Winston County and we needed him. Not only does Mr. Willingham do appraiser work he also does work on the computers. He is well worth his money and we are lucky to have him back.

Chairman Kitchens –The public does not understand why some are hired in as they are. They are people in certain position we will have to hire in more than \$8.00 per hours. This is where the Commission has the obligation to let the public know why employees are hired in at the pay above the starting wage.

Mrs. Price - How does the Commission justify raising current employees \$2.00 - \$3.00 per hour.

Chairman Kitchens – All I can say to my knowledge is they were promoted.

Commissioner Williams – This resolution doesn't fix all the problems it's just the being there's a lot more things this Commission will need to implement. We are looking at every department individually. The first step is taking the county off the merit system, so our employees will know their going to get a raise. The next step is to lock-in job titles and slots. Beginning pay for the County will be \$8.00 per hour. This is only the beginning. This is not going to fix were employees were given \$3, \$4, or \$5.00 raise from years back. Through nutrition it will start to fix this system. We have to start somewhere. We can't take money away from employees.

Kay D. Smith – I think someone needs to clarify FLSA exempt employees in each office before you pass this resolution.

Dan Willingham – Not all department heads will necessarily be FLSA exempt. You have a whole host of exempt county employees that will not be FLSA exempt.

Commissioner Williams made the motion to pass Resolution No. 2005-35. Commissioner Yarbrough seconded, and upon a voice vote, the motion carried unanimously.

NEXT REGULAR MEETING MAY 23, 2005, 10:00 A.M. COMMISSION OFFICE CONFERENCE ROOM

Chairman Kitchens announced the next regular Commission Meeting will be May 23, 2005 at 10:00 a.m. in the Commission Office Conference Room.

PUBLIC COMMENTS

Philip Widner – Gave a report on the mack truck rotation program. Because of the price the state has on the mack truck. I believe the county needs to make their order earlier this year probable in the next 2-4 weeks if the county decides to continue with this program.

Representative with Twin Pines Coal Company addressed the Commission to make an appointment concerning moving what they consider an abandon cemetery for mining in this area.

ADJOURN

Commissioner Williams made the motion to adjourn. Commissioner Yarbrough seconded, and upon a voice vote, the motion carried unanimously.

Wiley Kitchens, Chairman

Doug Williams, Commissioner

Stanley Yarbrough, Commissioner