

The DeKalb County Commission met in regular session on Tuesday, August 31, 2010 at 10:00 a.m. in the DeKalb County Activities Building (Courthouse Annex). Those present were Sid Holcomb, President, Ricky Harcrow, Ed Nix, Chris Kuykendall and Dewitt Jackson. Those absent were none.

The meeting was called to order by President Holcomb with Tom Broyles delivering the invocation and Jimmy Wright leading the Pledge.

It was moved by Mr. Harcrow, seconded by Mr. Nix, all members voting affirmatively, motion carrying to dispense with the reading of the minutes and to accept them as presented in written format.

Road Superintendent Tom Broyles gave the following road maintenance update:

- a) Agri-Center: Crews are working at the new Agri-Center in Rainsville putting down base material for some roads and parking lots. One crew is finishing up the grade this morning. It will be a week before the big parking lot in the back is started, due to utility work.
 - b) Little River Field School: Crews are starting the ROW clearing at the Little River Field School. Care is being taken not to damage the environment out there. As soon as the trees on the ROW are removed, a silt fence will be installed on both sides, then excavation will begin and stumps will be removed. It will take at least until the end of September to complete this part of the project.
 - c) Herbicide Spraying: Crews have started the second round of herbicide application for the past few weeks. The wind has caused delays to completing all of the applications.
 - d) Chert Hauling: Crews are hauling chert in District 4 out of the Sulphur Springs pit.
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County Administrator Matt Sharp notified the Commission that Stacey Jones had filed a claim that a Sheriff's Patrol vehicle had kicked up rocks in front of her vehicle causing \$179 in damages.

It was moved by Mr. Kuykendall, seconded by Mr. Nix, all members voting affirmatively, motion carrying to send the damage claim of Stacey Jones to Meadowbrook/ASI for final disposition.

County Engineer Ben Luther addressed the Commission as follows:

Public Hearing – CR 408: He stated that the description has changed some since the original ad was run; however, this was done to accommodate one of the adjacent landowners. All other landowners are in favor of the new description. The new description is "... all that portion of CR 408 beginning at the intersection with Graham Branch and proceeding in a northerly and westerly direction to the east side of the old Chandler farmhouse having an address of 690 CR 408..."

Mr. Holcomb asked if there was anyone present representing CR 408. No one was present. Mr. Luther recommended that this portion of the CR 408 be vacated.

It was moved by Mr. Nix, seconded by Mr. Harcrow, all members voting affirmatively, motion carrying to pass the following resolution vacating a portion of CR 408:

RESOLUTION NO. 10-0831-01
VACATION OF A PORTION OF DEKALB COUNTY
ROAD NUMBER 408

WHEREAS, Code Section 23-4-2, State of Alabama, 1975, authorized the governing bodies of the counties of Alabama to, upon petition and by resolution, vacate a street, or a portion thereof; and

WHEREAS, this Commission set down for public hearing on August 31, 2010, and caused notice of such hearing to be published in the *DeKalb Advertiser* for four consecutive weeks, beginning July 29th and running through August 19th, 2010; and

WHEREAS, this Commission has received no written objection and heard no verbal objection at the hearing hereon to the vacation of this portion of DeKalb County Road Number 408; and

WHEREAS, Commissioner Nix of District II, made a motion before this Commission to approve the vacation of this portion of this road;

THEREFORE BE IT RESOLVED, by the DeKalb County Commission that that portion of DeKalb County Road Number 408, more particularly described below, be, and hereby is, vacated;

All of that portion of County Road #408, beginning at its intersection with Graham Branch and proceeding in a northerly and westerly direction to the east side of the old Chandler farm house, having an address of 690 County Road #408. Said property lying in Section 16, Township 7 South, Range 6 East, located west of Tenbroeck.

BE IT FURTHER RESOLVED, by the DeKalb County Commission that the names of the owners of the abutting lots are Marty and Tonya Myers, and there are no other lots or parcels of land which will be cut off from access by the vacation sought; and

IT IS FURTHER RESOLVED, by the DeKalb County Commission that it is in the interest of the public that the above-described portion of the public street be vacated; and

IT IS FURTHER RESOLVED, by the DeKalb County Commission that this resolution shall be filed in the Probate Court of DeKalb County as provided by statute and that notice of this action shall be published once in a newspaper in DeKalb County no later than fourteen (14) days after the date of its adoption.

DONE this the 31st day of August 2010

ATTEST:



Sid Holcomb, President



Matt G. Sharp, Administrator

Mr. Luther notified the Commission that David Woods had requested permission to attend the State Professional Land Surveyor's Association Conference in Montgomery this October. It was moved by Mr. Nix, seconded by Mr. Jackson, all members voting affirmatively, motion carrying to authorize travel for David Woods to attend the State Professional Land Surveyor's conference.

EMA PT Deputy Daryl Lester addressed the Commission requesting that two EMA employees be authorized to attend the State EOC Federal Disaster Class in Clanton on October 13-14.

It was moved by Mr. Harcrow, seconded by Mr. Nix, all members voting affirmatively, motion carrying to authorize 2 EMA employees to attend the State EOC in Clanton October 13 and 14.

Mr. Holcomb recommended that Clara Washington be reappointed to another term on the DHR Board.

It was moved by Mr. Jackson, seconded by Mr. Kuykendall, all members voting affirmatively, motion carrying to reappoint Ms. Clara Washington to the DHR Board of Directors.

Mr. Sharp notified the Commission that the new Liability Insurance premium for the 2011FY will be approximately \$214,000 through the ACCA Self Insurance Fund. They are offering a 7.5% reduction off the premium (about \$16,000) if a resolution is passed by the Commission extending the terms of the agreement through 2014.

It was moved by Mr. Harcrow, seconded by Mr. Nix, all members voting affirmatively, motion carrying to pass the following Liability Insurance Resolution:

*ACCA Liability Self-Insurance Fund Resolution
RESOLUTION No. 10-0831-02*

WHEREAS, DeKalb County is a member of the Association of County Commissions of Alabama Liability Self-Insurance Fund ("Liability Fund") for the contract period ending December 31, 2011; and

WHEREAS, the County's participation in the Liability Fund has been a significant benefit to the County since becoming a member; and

WHEREAS, the representation and service provided by the Liability Fund continues to be in the best interest of DeKalb County and its officials and employees; and

WHEREAS, DeKalb County would benefit by agreeing to extend its participation in the Liability Fund for an additional three-year period beginning January 1, 2012 and concluding December 31, 2014.

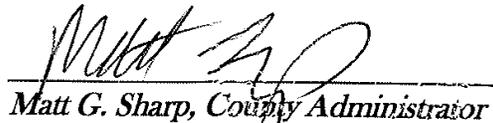
NOW, THEREFORE, BE IT RESOLVED by the DeKalb County Commission that it renews its participation in the Liability Fund for calendar years 2012 through 2014 and expresses its content to execute a Participation Agreement in similar form to that previously executed.

ADOPTED this the 31st day of August 2010.



Sid Holcomb, Commission President

ATTESTED BY:



Matt G. Sharp, County Administrator

Revenue Commissioner Martha Ogle addressed the Commission and requested that Debbie Steward be authorized to attend the Basic Manuscript Class for certification.

It was moved by Mr. Harcrow, seconded by Mr. Nix, all members voting affirmatively, motion carrying to authorize Debbie Steward to attend Basic Manuscript class.

Mr. Kuykendall addressed the Commission concerning a request to proclaim the week of September 11 as "Patriot's Day Week" in DeKalb County.

It was moved by Mr. Kuykendall, seconded by Mr. Jackson, all members voting affirmatively, motion carrying to proclaim the week of September 11, 2010 as Patriot's Week in DeKalb County.

Mr. Holcomb: Next we have the Federal Inmate Audit, Matt you want to present that to us?

Mr. Sharp: This report is from McGriff Dowdy and Associates. It's over a three year period, May 2007 through April 2010. Of course, we didn't have any expenses on that until I think around July of 2007. If you flip over to, just go ahead and flip over to page 4. That writing is pretty small there, but you should be able to see it. What this page, what this page says here this starts out showing the amount of revenue that come in. That was the thing the Commission didn't know was how much, how much revenue had actually come in.

The first revenues you see come in to the Sheriff's Office to their funds on October 10, 2007 and of course in November of 2007 you see those first two. That includes transporting, housing. Those are actually for the July through September 07 time period. There's a lapse in the time that they get, the Sheriff's office gets the money and then there's about a maybe 4-6 week from the time they get it to the time that we get it. As of, and this is not all in this report, but as of 2007, the of course we hadn't received any funds at that time, but we had about \$113,000 in expenses. If you go down this row, it shows, the first row of numbers, shows amount of monies coming in. It breaks that down to housing, transport and some medical. The next set of numbers, it's got check numbers then it's got amounts paid to County Commission. You see that all of the funds that came in through that page, it goes through May 2008 paid to the County Commission, OK. Flip over to the next page. You see that the amounts started out with maybe \$4,600 and it's got up to about \$33,000 or so. And then as you go on down to December of 2008, you see the first amount that was withheld from, that was not paid over to the County Commission, that's transport \$705.56 just a small amount for transport there. At that time, December 2008, this is not in your report there, but at that time, there had been a total expense of \$615,000. That includes the additional jail personnel that were hired when we started the Federal Inmate Program plus the additional Deputy. We had received, the Sheriff's Office had received about \$384,000 at that time and withholding the \$705 gave us the \$383,000 that we had received. Of course we had spent \$615,000 at that point. If you go on down the next couple of lines, it's just the transport money that is being withheld.

Flip over to the next page, page 6, same thing there, it's transport money that's being withheld. And let me explain this on housing. The housing is the \$47 per inmate OK that comes in. For every inmate housed, the Sheriff's office gets \$47. The transport is mileage reimbursement .55 a mile or whatever that amount is, whatever the Federal rate is. I think they pay plus an hourly amount I believe for 2 Deputies or 2 employees to transport. That's what the transport costs are, so the transport costs you can see it increases, it's increased every month here in June of 2009, you see it was about \$20,000 that was withheld. Flip over to the next page, I believe if you look here on page 7, it's just the transport that's been withheld up until August of 2009. If you notice there, there was \$130,000 received and \$48,000 that was withheld. That includes all of the transport plus around \$30-32,33,000 in actual housing for some of the inmates. That was withheld there. September 2009, you see the amounts there.

In September 2009, the Sheriff's office had received a total of \$1,035,000. That's from the beginning. That's from when we started and had withheld about \$160,000, net revenues were 800 nearly \$875,000 our total expenses at that time were about \$973,000. So, our expenses were about \$99,000 more than the revenues that the Commission had received. If you go down to the next page, at this point December 2009, I think that's when we had talked I believe with some of the Sheriff's office employees, Wade and some of the others and at that time we didn't know that any money had been withheld. That's the time that we had talked with them and they did tell us that they were withholding some of the funds and so then at that point they just started giving us a flat amount each month.

If you look down towards the bottom on page 8 it has total revenues of \$1,647,000. Amount paid to the County is \$1,390,000. What I want to talk about right here. You've got your worksheet right here... looks like this. I want to talk just a little bit about those numbers and what those numbers mean. The first item you see is MDA, that's McGriff Dowdy and Associates, that's what they are confirming as total revenues is \$1,647,000. Again, that was numbers we didn't have. We didn't have that number as far as total revenues. The amount we did have was the cost to house Federal Inmates. At that time that was \$1,155,000. That's from July '07 to April 2010. That's around 70.12% of the total cost. Leaving a, I guess what you could call a profit, \$492,000. After you. Of course, the Sheriff's office retained the \$256,751 and then we also have the costs of the additional Deputy, which I think that's Seth Green currently. And again, we're talking about a 3 year period here. It was \$143,800 for a total of \$400,644.00 (for the Sheriff, out of the \$492,000 "profit"). Leaving, \$91,000 for the County, so that would leave a profit (distribution ratio) of about 81.4% for the Sheriff's office and about 18.6% for the Commission to put towards the jail, the regular operation of the jail.

The next column shows again, we received \$1,390,000 again showing where that went. A \$1,155,000 went toward housing Federal inmates. The cost of (the additional) new deputy \$143,000 leaving a total cost paid by the County, \$1,290,000. So balance left was \$91,000. That \$1,290,000 as a percentage of the total revenues is 78.86% so about 79% for the total revenues that's one reason we talked about doing any kind of a split. If we did a split of the distribution of the revenues it needs to be after costs are paid, not before because that would greatly exceed any kind of distribution. We might be up to 60/40 or 70/30 it wouldn't be enough to pay for the costs, so we don't need to go that route. That leaves basically over this 34 month period, about \$2,700 a month that would be going basically toward operations of the jail. With absent the Federal inmate part, so that represents only about 5.56% of the total revenues to be used toward what you know would be, in my mind would be the ultimate purpose for housing the Federal inmates and that would be to offset costs in the County jail.

Any questions about any of that so far?

Mr. Holcomb: Any questions or comments? OK.

Mr. Sharp: The remainder of this report it outlines the expenses. \$256,000 withheld and the rest of the report basically just details what those expenses were. The CPA doesn't give any kind of recommendations or anything on that it is just for presentation purposes for us for the Commission to make any decisions that they need to.

Mr. Holcomb: Are you going on to the next sheet?

Mr. Sharp: The other sheet I think we talked about this at the meeting right before the Commission called for this report. It's been back through March 31st. This one is through April 30th. As we look at the amounts over and the amount of Federal Inmate revenue that was not received, we're looking at \$716,000 overages in the jail, \$367,000 in Highway and Traffic for a total of about \$1,000,000. When you look at the middle column there is basically what we had budgeted to come out of Federal Inmate money to help us in the jail, \$774,000. If you noticed that next number, the actual transfers say \$316,000; that actually includes some general fund money that we had put over there to start the program get going because you like I said, we were in deficit, a cash deficit in that fund so the general fund had to move money over to help pay for the costs, so that leaves about a \$458,000 deficit there and when you consider the loan to the Federal Inmate Program and Special Jail, totals \$384,000; grand total will be \$1,926,000. Any questions the Commissioners may have on that?

Mr. Holcomb: So, we had discussed originally of the deficit being close to two million dollars, when you brought these numbers up through April 30th which would have been what a couple of months since the original numbers then we're still right at two million dollars over budget in the Sheriff's Office.

Let me, first of all, I want to kind of go back, do a little recap on what's taken place. There's been a lot of accusations made, there's been some, I think there's probably been some statements made that were maybe a little bit fuzzy to the public and I'd like to take a short time to bring some of these up to try to clarify them and then I'd like to go around to each Commissioner and let each Commissioner respond to this situation.

In **June 28, 2007**, Sheriff Harris signed a contract to house Federal Inmates without the Commissioner's signature, which is illegal.

July 25, 2007 Mike Scroggins from the Alabama State Examiner's Office said in his report; it is our position that the Sheriff does not have the ability to contract.

On **August 2, 2007** in the Weekly Post written by DeWayne Patterson, Sheriff Harris said that he was the only one required to sign this contract. At that time, County Attorney, Rocky Watson said that based on Attorney General's Opinion, the County owns the jail; the Sheriff runs the jail. To house Federal Inmates, both the Sheriff and the County have to agree.

May 9, 2008, The Sheriff signs amended contract without the Commission approval, which is against the law.

January 1, 2010 Audit from the State Examiner's from July 1, 07 through May 31, 2009, the finding in that audit from the State Examiner's said that both the County Commission and the Sheriff should be parties to any contract.

January 22, 2010 at the Commission's request, County Attorney, Charles Mauney was asked to send a letter to the Sheriff explaining the Attorney General and the Examiner's report

requiring County Government approval to sign a Federal contract. Charles also made request for a copy of the contract.

April 22, 2010, Charles Mauney's letter to the Sheriff, Charles warns the Sheriff not to sign a contract without Commission approval. Requested proof of revenues spent and to submit balance of funds by May 7, 2010.

Had that request been made, or been satisfied, the other audit would not have been necessary.

May 7, 2010, no response from the Sheriff.

May 11, 2010, Commission requests audit on the Federal Inmate funds.

June 28, 2010, contract renews for three years without Commission approval, which is against the law.

Mr. Holcomb: Now, we're three years into an illegal contract. The money the audit refers to that I thought would be transferred back to the Commission to pay towards the Sheriff's two million dollar debt has been spent by the Sheriff without Commission approving the majority of those expenditures. The saddest part of this mess is the taxpayers will be forced to pay the Sheriff's two million dollar debt. The Sheriff is averaging one-half million dollars per year over budget. If this trend continues the next four years, the County will be four million dollars in debt and the Legislature will need to raise taxes on car tags, sales tax or gas tax to make up the difference.

It's my feeling that the Sheriff should be setting a positive example by abiding by the law. But, I think today's actions have proven that the Sheriff feels everyone should obey the law, except Sheriff Harris.

I think this Commission has bent over backwards to work with the Sheriff. His budget is more than any of our neighboring counties when you look at percentages of the general fund.

Commissioner Kuykendall, you want to make any comment?

Mr. Kuykendall: I bare the Sheriff no personal animosity whatsoever, but my concerns have nothing to do with personalities, it has everything to do with accountability. I was always under the impression that taxpayer monies that were spent within departments and divisions should come through county government for proper accountability purposes. I'm not implying that there's been any money misspent and it appears there's been significant effort to try to reconcile the differences, try to negotiate something so that everybody could be on the same page, shall we say. I don't think this could continue. I don't see how it can and without accountability for your money, sooner or later, we'll go broke. You balance your checkbooks, but you know everything that's going in. Something has to be done here too. I'd like to rely upon our legal counsel to give his opinion on what needs to be done. It has to be addressed now, not later.

Mr. Holcomb: Commissioner Jackson:

Mr. Jackson: Chairman, Well, for any Government to work, it's communications with one another and that's what I've always pushed that we communicate, we work together to make anything happen, we don't nobody go out by ourselves and do anything good. And, for the monies, the way the monies has been coming in, we pay all the bills at the Commission and the monies come through the Sheriff and it's not an ideal thing. If we're going to have to be paying the bills, the monies need to be coming in through the Commission through the local government. We pay the bills and the expenditures and if there is any monies left over, that's when we need to say hey, we've got some extra money, we can buy some Sheriff's cars, we can buy a van whatever it needs. Whatever it takes for us to get to that point where we can all work together. You know, red flags go up when you find out monies are being withheld without you know, without knowing about it you know without being talked to. We can't carry on the business of the County if we don't know what monies is coming in. We need to, all that matters to me at the house, if I'm having to pay the bills and my wife has part of the money, it's hard for me to balance the checkbook at the end of the month, so for the system to work and things to go well, I know that throughout the State, there are counties that make some good money off of Federal Inmates. They are able to carry on the activities of the County in a good and right way but it take communicating with one another. Not doing anything that would throw a red flag up and make we wonder about questions about your ability to run your office and that, so I wish there was a way that we could be more involved and that the monies that would

come into the Commission and distributed thereof. So whatever advice, as far as an Attorney, I'm not educated on that, but I'm going to leave that open. We'll study it and look at it and see what happens.

Mr. Holcomb: Mr. Nix.

Mr. Nix: Mr. Chairman, my comments on that would be this. If this has been going on since 2007 why haven't we and the Sheriff's Department, why haven't we sat down before on this and talked this over? I don't have any idea why did we need this last audit from three months before we had an audit, I believe by the State did we not?

Mr. Holcomb: No. It was further back than that.

Mr. Nix: OK. Whenever when it was, Mr. Chairman we had an audit and it was clear and I don't find any events where any discrepancies were made toward the Sheriff's department on the money that they've taken in and the money that they have spent. As far as knowing who is supposed to be getting the money, I don't know. That's I leave that up to our legal advisor, our Attorney but I don't understand, and my opinion is why did we wait until this time before we brought all this out. I don't understand it.

Mr. Holcomb: Ed, let me explain that to you. Once the Sheriff's budget started running off track, crashing or leading to a crash, Matt started meeting with the Sheriff's office, once a month, is that correct?

Mr. Sharp: Yes.

Mr. Holcomb: And we tried to explain, Matt tried to explain what was going on with the money, where the shortages were. This went on every month as far back as 2007, the Times Journal quoted, in the paper quoted me as saying, that this budget, we had to stay in the budget and it's documented throughout papers from then on up til now that I have in the office. As far as the reason it came up now, is because the Federal contract was renewing this year and Matt was sitting here not knowing what revenues to expect because we didn't know how much, we didn't know how much revenue was going into the Sheriff's Department and without knowing those numbers, he couldn't, not only could he not budget for next year, but we couldn't tell if it was even worthwhile to have Federal Inmates and when you look at the bottom line here of about \$2800 a month, you begin to question is it even worthwhile to have them? Because, when you look at the kitchen package and the laundry package of replacing that equipment down in that new jail, I don't know that, I don't know that \$2800 is even enough to set aside for repairs or replacing that equipment. You've got equipment down there that's being worn out daily and it's going to have to be replaced sometime and the number we're running through there, it won't take long to do that, so I think you've got to look out into the future and of course make that decision. But, but to answer your question, the reason it came up this time is because the Federal contract was coming up for renewal.

Mr. Nix: Has it not been renewed?

Mr. Holcomb: It automatically renewed. Charles Mauney sent a letter to the Sheriff 160 days prior to the contract coming up for renewal and that's where I mentioned in my comments that nothing happened. So, at 120 days before the contract ended, it renewed. It automatically renewed so we're in you know, we're in this job for three more years. So that's the reason I say there was three illegal contracts signed and that's where I've got a problem. Commissioner Harcrow.

Mr. Holcomb: I appreciate all the comments that have been made. After looking over all the disbursements and receipts that come in, I understand what you gentlemen have said and I want to stand your comments. But greater than that, if we can in the future, whatever it takes to resolve this, I know we'll do it and whatever it takes to resolve it, let's get this done. It is certainly my feeling that we've got to be, or got to have the knowledge of the money that's being received. If we don't have that, we don't know how to set our budgets, we don't know how to do what needs to be done, but whatever it takes to resolve this, let's get this behind us. Everybody get on the same page and we'll work through this. We'll get through it and in doing so, we can make these adjustments like Mr. Jackson and Mr. Kuykendall has said and understand along with that we can get this out of the way and go on doing the things we need to do as County Commissioners and I believe everybody will work together on it, I really do after everybody is understanding the problems and the things that we are going through. Thank you Mr. Chairman.

Mr. Nix: Mr. Chairman, I'd like to make one more comment on my part of that.

Mr. Holcomb: Yes Sir.

Mr. Nix: Is to when we're sitting down I mean I believe I recall us sitting down and talking one time the Commission and The Sheriff's Department. I don't remember everything, but I believe I recall one time when we sat down and discussed these things at length. And my thoughts was this. This Commission and the Sheriff department, we need to sit down as a group. I'll agree with Dewitt on this and go over all this together, not Mr. Sharp and them. Why don't we all sit down and go over this together and then we'll know what's going on. And we'd be able to talk about it. I've heard this and I've heard that, and I've seen this and I've seen that till I'm sick of it. I'm just being honest. It's time as Ricky said that we sit down as a group governing body of this county and make some decisions with another governing body of the county which is an elected office by the Sheriff. I'm ready to see this resolved myself personally and I'm not against nothing, I just believe in doing right whichever is right or wrong. If I'm wrong, you tell me I'm wrong. You show me where I'm wrong and I can change my mind but it's time we as a governing body sit down together. Not one person on this up here and go over this, then we know. If it's illegal, then it's illegal, but if it's not, then we need to come to some agreements and quit saying this about this and this about another. I've heard these rumor mills and it's sickening to me.

Mr. Harcrow: It's a possibility we may not even need to be in the inmate business.

Mr. Nix: That's right, very possible.

Mr. Harcrow: Wouldn't you agree with that?

Mr. Holcomb: That's my point.

Mr. Harcrow: If this is the way it's going to be, we'd be better off to get out and you know. We had good intentions but it didn't work and go on about our business.

Mr. Nix: That's what I'm talking about Mr. Harcrow is that simple thing right there. If it's not feasible for us to have it. But, I believe in the beginning, ours was to make payments, to help make payments on the jail but if we're not getting the money in, then we're not being able to do that. So why. I'll agree with you, why have it?

Mr. Kuykendall: Gentlemen, it seems blatantly obvious that if all the funds were being turned in, you might very well have the money to make this work. The fact is, it hasn't been. All the money has to be accounted for and has to come through the Commission for proper dispersal. Until you have that, it won't work. This has got to be addressed and straightened out and I mean now.

Mr. Nix: That's what I'm saying. It should have been done. When our Attorney wrote the letter earlier, it should have been done then.

Mr. Holcomb: That was the problem that we were running into because how do you know if something is worthwhile when you don't know how much money is coming in and we didn't know that and that's the reason we had to do the audit, to find out how much money was coming in. With all this said, Charles Mauney from a legal perspective, what's our next step?

Mr. Mauney: Well, I have not had access to the audit, but I don't know if that's pertinent to what my opinion is. My opinion is that contracts between the Sheriff and third parties. The Attorney General's Opinions that I have read issued in 2002 and 2003 say that in order for the Sheriff to enter into a contract it should be signed off by the County Commission President, in other words, approved, which means the body would approve it and would permit him to sign it, so I do believe that any contract with Federal government needs to be signed, approved by this body, signed by the President of the County Commission.

As a citizen, and I feel like I would have right as if I were sitting out there, I just see so many rocks and stones cast back and forth that bother me as a citizen because that creates bad blood in the community and we don't really need that but it's my opinion that for the contract to be a legitimate contract, based on the Attorney's General Opinion. The Attorney's General Opinion is this: When he is given a question by a statute or series of statutes that have passed, his responsibility is to answer those questions and when he answers questions of disputes of how the statutes are being interpreted, when he issues that opinion, that really serves to be the law until a court of competent jurisdiction rules otherwise. That would be the Circuit Court of DeKalb County in our situation. But, I think to get into that type of litigation, I think this can be resolved in an easier way than that by some of the suggestions made here.

I think the unanswered question, I don't have it and it will take me a while to come up with the answer to that is if it requires both signatures and I do believe that is the law meaning any contract through the Sheriff and third parties that would bring monetary funds into play as a result of the Sheriff operating the jail by housing prisoners, I think they must be signed by the County Commission President. That's not my choice, that's just what I believe the law says. But, where those funds are deposited, I don't think that's answered but it would appear they would come through the County Commission because of the administration of the funds through Mr. Sharp who is the Administrator here.

But, it's my opinion that that needs to be done but I don't know that there was any intentional wrong doing. Nothing is indicated to me that there was any intentional wrong doing but the Sheriff just signed that. I don't know, I have not asked him that because he has legal counsel. I have not asked him that. This is something that I believe based on things that have been said to me by both sides. Now, I represent the governing body of course, but I think the Sheriff's Department would like to work this out and I would like to see it done, but the only alternative is to file a legal action in the Circuit Court of DeKalb County, AL asking the Circuit Judge to give us declaratory relief on the meaning of those statutes and where the money is to be deposited.

Mr. Holcomb: OK.

Mr. Mauney: And I can't give you that answer today.

Mr. Holcomb: Let me say this Charles as far as intent, this contract is about is probably about a quarter of an inch thick. In that contract there is 61 times in there that it mentions local government. The folks sitting around this table are the local government of DeKalb County. 61 times. There is no excuse that anyone could have read that contract and not know that it was the County Commission's signature that should have been on the contract. 61 times. And the Sheriff signed it under local government. And that's the reason I say this thing is illegal, but as a board, I think there needs to be some soul searching. I'm like Chris, I think this thing needs to be corrected immediately if not sooner and I would hope by the next Commission meeting that we will be able to make a decision.

Any other comments?

Mr. Harcrow: Mr. Chairman, I will agree it has to be corrected you know to avoid any further discrepancies. It has to be corrected whatever those steps are, it is my opinion that needs to be taken by both parties and I appreciate all the work from everyone that has gone in to this today. Thank you. I wasn't aware of all this the first time I seen it all. I appreciate all the work that's gone into it. Thank you.

It was moved by Mr. Harcrow, seconded by Mr. Nix, all members voting affirmatively, motion carrying to adjourn.

Sid Holcomb, President

Ricky Harcrow, Commissioner District I

Ed Nix, Commissioner District II

Chris Kuykendall, Commissioner District III

Dewitt Jackson, Commissioner District IV