

The DeKalb County Commission met in session on Wednesday, November 11, 2010 at 10:00 in the DeKalb County Activities Building (Courthouse Annex). Those present were Ricky Harcrow, President, Ed Nix, Chris Kuykendall and Dewitt Jackson. Those absent were none. Note: District I Commissioner became vacant as a result of the election of Ricky Harcrow as Commission President.

The meeting was called to order by President Harcrow with Mike Leath delivering the invocation and the Pledge lead by Jimmy Wright.

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

President Harcrow addressed the Commission stating that State Law requires an Organizational Meeting to set meeting times and elect a Commission President Pro-Tem. He first asked the Commission to set Commission times on the second and fourth Tuesdays of each month (as is the current meeting schedule). It was moved by Mr. Jackson, seconded by Mr. Kuykendall, all members voting affirmatively, motion carrying to continue to meet on the second and fourth Tuesday of each month at 10:00 a.m., unless otherwise scheduled.

President Harcrow addressed the Commission concerning the election of a President Pro-Tem. He noted that it typically this position would fall in the order of seniority, which would be District II Commissioner Ed Nix; however Mr. Nix asked to defer to District IV Commissioner Dewitt Jackson due to time constraints.

It was moved by Mr. Nix, seconded by Mr. Kuykendall, all members voting affirmatively, motion carrying to appoint, District IV Commissioner Dewitt Jackson as President Pro-Tem.

President Harcrow requested that Larry McCallie be reappointed to the Northeast Water, Sewer and Fire Protection District Board. It was noted that this position rotates from District I to District III and it falls to District I this time for an additional 4 year term.

It was moved by Mr. Nix, seconded by Mr. Jackson, all members voting affirmatively, motion carrying to reappoint Mr. Larry McCallie to the Northeast Water, Sewer and Fire Protection District Board.

President Harcrow requested that Bob Crow, Charles Lawley and Gordon Spahr be reappointed to the North Lookout Mountain Fire Protection District Board for additional four (4) year terms.

It was moved by Mr. Jackson, seconded by Mr. Kuykendall, all members voting affirmatively, motion carrying to reappoint the above members to additional four year terms to the North Lookout Mountain Fire Protection District Board.

Mr. Kuykendall notified the Commission that the terms for the Mount Vera Fire Protection District (located in the valley south of Collinsville) have expired and he requested that Bobby Norwood, Gary Wright and Mary Henderson be appointed for four (4) year terms.

It was moved by Mr. Kuykendall, seconded by Mr. Jackson, all members voting affirmatively, motion carrying to appoint Bobby Norwood, Gary Wright and Mary Henderson to the Mt. Vera Fire Protection District Board for four (4) year terms.

Mr. Kuykendall made the following statement regarding travel: "It's my understanding that when Commissioner's attend meetings, that it's not necessarily required that we advise the public of those meetings, however from this point on, it will be my custom to do so. There is legislation passed by our State that requires your newly elected Commissioners to attend fifty hours of training and there is an Alabama Local Government Training Institute will begin the courses this month that I will attend to a meeting in Hoover on December 1st and 2nd. I will most likely spend the night because of the time frames. I'll bear that cost myself. The next day, we will have the annual legislative conference at the same location and most likely I'll hitch a ride down with one of the other Commissioners but I wanted you to have advance knowledge that I am going to be attending. The County will pay for the fees for registration and I will attend all the meetings, but like I said, it will be my custom to let people know ahead of time that I will be attending these conferences."

Note: The County's current policy states that elected officials do not have to obtain Commission approval prior to attending meetings as long as such meetings are within departmental budgets).

President Harcrow notified the Commission that the District I Commission seat became vacant this morning as a result of his election to the Commission President position. Also, Local Amendment #2 passed on November 2, 2010 as well requiring a Special Election to fill the vacancy in District I due to the fact that more than 12 months remains in the term. He noted that a resolution will need to be passed today setting the special election for the District I Commission vacancy. Qualifying will begin today and conclude on Friday, December 10 at 5:00 p.m. At least 55 days must pass before the respective party primaries. That date would be February 8, 2011. A run-off, if necessary, would be March 22, 2011 and the General Election would be May 3, 2011 (depending if a run-off or primary election is necessary). The process would be just like any other election. Probate Judge Ronnie Osborn agreed.

It was moved by Mr. Jackson, seconded by Mr. Nix, all members voting affirmatively, motion carrying to adopt the following resolution:

**RESOLUTION NO. 10-1110-01
SPECIAL ELECTION – ACT No. 2010-227**

WHEREAS, the DeKalb County Commission is the elected representation of the citizens of DeKalb County; and

WHEREAS, the Alabama State Legislature adopted Act No. 2010-227 proposing a Constitutional Amendment to provide for a special election in the event of a vacancy in any County Office occurring when 12 months or more remain in the unexpired term; and

WHEREAS, this Amendment was placed on the November 2, 2010 General Election Ballot and passed 13,793 to 3,581; and

WHEREAS, the DeKalb County Commission is a Five (5) Member Body consisting of One (1) Full-Time Commission President elected “At-Large” and Four (4) Commission Members elected from Single Member Districts; and

WHEREAS, Commission Member terms are staggered with the Commission President, Commission Member District III and District IV running in 2010 and District I and II running in 2012; and

WHEREAS, District I Commissioner Ricky Harcrow ran for and was elected to the Commission President position, thus leaving a vacancy in the District I County Commission position;

IT IS ACKNOWLEDGED that this Constitutional Amendment requires the County Commission to declare a vacancy in Commission District I within two (2) weeks and to set an election within three (3) months,

IT IS HEREBY RESOLVED by the DeKalb County Commission to set the election for Commission District I on February 8, 2011. If more than one candidate for any political party qualifies and is placed on a ballot, then the election on February 8, 2011 shall be a Primary Election and the General Election shall be six (6) weeks later on March 22, 2011. If a candidate for a political party fails to garner at least 50% of the primary vote on February 8, 2011, then the March 22, 2011 election shall be set as a Primary Run-Off Election and the General Election shall be set six (6) weeks later on May 3, 2011.

IT IS RESOLVED to adopt this resolution subject to pre-clearance by the United States Department of Justice.

DONE THIS 10th day of November

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

Ricky Harcrow, President

Ed Nix, Commissioner District II

Chris Kuykendall, Commissioner District III

Dewitt Jackson, Commissioner District IV