

1/22/2025

The Marshall County Commission met in a regular session on Wednesday, January 8, 2025, at 10:00 a.m. in the Marshall County Commission Chambers. Mike Knop, County Engineer led the invocation and Commissioner Ronny Shumate led the Pledge of Allegiance.

PRESENT:

James Hutcheson, Chairman
Ashleigh Bubbett, County Administrator
Ronny Shumate, District 1 Commissioner
James R. Watson, District 2 Commissioner
Lee Sims, District 3 Commissioner
Joey Baker, District 4 Commissioner
Mike Knop, County Engineer
Kristal Jones, Administrative Assistant
Tanya Giroir, Commission Clerk
Clint Maze, County Attorney

CONSENT AGENDA

A motion was made by Commissioner Shumate, duly seconded by Commissioner Sims and all members voted affirmatively and so carried to approve the consent agenda presented as read by Chairman James Hutcheson. The consent agenda includes the minutes from the January 8, 2024 meeting and the claims docket for January 7, 2025, to January 13, 2025, for \$2,199,308.72.

McPALS – ANNOUNCE DISCUSS WHITE GOODS PICK-UP AND DUMPSTER SCHEDULE FOR JANUARY 27, 2025 FOR DISTRICT 2.

APPROVE BOARD APPOINTMENT FOR DOUGLAS WATER BOARD; PHILLIP PRITCHETT TERM EXPIRES MARCH 1, 2025.

A motion was made by Commissioner Sims, duly seconded by Commissioner Baker, and all members voting affirmatively and so carried to re-appoint Phillip Pritchett to the Douglas Water Board, term ending January 31, 2031.

APPROVE BOARD APPOINTMENT FOR THE ECONOMIC AND DEVELOPMENT BOARD.

A motion was made by Commissioner Baker, duly seconded by Commissioner Sims, and all members voting affirmatively and so carried to re-appoint Blake Farmer to the Marshall County Economic and Development, term ending January 31, 2028.

COMMISSION – APPROVE FINANCE COMPANY FOR NEW BOND ISSUE.

A motion was made by Commissioner Watson, duly seconded by Commissioner Baker, to approve Raymond James for the bond issue, up to the amount of the jail expansion. The bid was approved on December 11th, 2024. A roll call was performed with Commissioner Shumate voting No, Commissioner Watson voting Yes, Commissioner Sims voting Yes, Commissioner Baker voting Yes, and Chairman Hutcheson voting Yes. Motion passed 4 yes, one no.

BOARD OF REGISTRARS – APPROVE THE ALABAMA CODE SECTION 17-4-30 AGREEMENT IN COMPLIANCE WITH THE 2025 NATIONAL VOTING RIGHTS ACT

A motion was made by Commissioner Sims, duly seconded by Commissioner Baker, and all members voting affirmatively and so carried to approve the Alabama Code section 17-4-30 agreement in compliance with the 2025 National Voting Rights Act.

EMA – APPROVE MARSHALL COUNTY DEVELOPMENT POLICY

A motion was made by Commissioner Sims, duly seconded by Commissioner Baker and all members voting affirmatively and so carried the approval of the Marshall County Development Policy

Marshall County Employee Deployment Policy
Policy on Compensation and Reimbursement for Employees and Salary Employees
Deployed Under State, Federal Declarations, or Local Deployments

Purpose:

This policy outlines overtime eligibility (OT), compensation, travel reimbursement, and other related expenses for salaried and hourly employees deployed under state, federal, or local emergency declarations. It provides guidelines to ensure employees are fairly compensated for their time, travel, and out-of-pocket expenses during deployment.

Scope:

This policy applies to all personnel of Marshall County Emergency personnel during local, state, and federal deployments, including but not limited to disaster response, training exercises, and special operations.

1. Eligibility for Overtime (OT) During Deployment

- **Exemption Status:** Salary employees who are typically exempt from overtime pay under the Fair Labor Standards Act (FLSA) may qualify for overtime when deployed under a state or federal emergency declaration.
- **Overtime Pay:** Employees who are deployed to a state or federal disaster area may qualify for overtime pay based on the following criteria:
- Deployment must be officially authorized under a state or federal declaration (e.g., state of emergency, natural disaster response).
- Overtime will be calculated for hours worked beyond the standard 40 hours per week while deployed.
- Non-exempt employees are eligible for OT pay in accordance with state or federal law during deployment.
- Exempt employees may qualify for OT based on the nature of the emergency work performed and will be compensated at their regular hourly rate for additional hours worked beyond the standard workweek.

2. Compensation for Deployment

- **Deployment Pay:** Employees will be paid from the time they leave their home or designated work location until they return. This includes:
- **Travel Time:** Compensation for time spent traveling to and from the deployment site, including time spent on transportation (e.g., flights, buses, personal vehicles) during deployment.
- **Work Hours:** Hours worked during the deployment, including overtime if applicable, will be compensated according to the employee's standard pay structure (subject to state and federal guidelines).
- **Downtime Between Operations**

To ensure the health and safety of personnel, all team members are required to have a minimum of 8 hours of downtime before returning home after conducting 24-hour operations (e.g., continuous operations over multiple shifts).
- **Downtime Purpose**

The downtime is intended for rest, recovery, and mental health to mitigate fatigue and ensure the readiness of team members for future operations. Downtime may be used for sleep, meals, or other restorative activities as necessary.
- **Exceptions**

In extraordinary circumstances, the downtime requirement may be waived or adjusted by the incident commander (IC) or task force leadership in coordination with the deployment agency. However, any deviation from this policy must be documented.
- **Recovery Day**

The purpose of the recovery day is to ensure employees have time to rest and recuperate before resuming their normal work duties, promoting well-being and preventing burnout. The recovery day is intended to provide employees with the opportunity to rest after extended work hours and travel associated with the deployment. Employees are not required to work during the recovery day. This day is considered paid time off (PTO) and will be granted without affecting the employee's regular compensation or benefits.

3. Reimbursement for Expenses

Employees deployed under a state or federal declaration will be reimbursed for approved expenses incurred as part of their deployment. The following guidelines apply:

- Fuel and Travel Expenses:
- Reimbursement for fuel for vehicles and equipment used during deployment will be reimbursed. Receipts for all fuel transactions, including vehicle fuel and generator fuel, must be submitted for reimbursement.
- Transportation costs for flights, buses, rental cars, or other forms of public transportation will be reimbursed at the actual cost incurred, subject to prior approval from management.
- Meal and Snack Reimbursement:
- Team members are eligible for reimbursement for meals and snacks while deployed, subject to applicable rates as outlined by state or federal reimbursement guidelines.
- Employees must submit itemized receipts for all meal and snack expenses to be reimbursed.
- Reimbursement will adhere to per diem rates established by the governing state or federal agency. Receipts must align with these guidelines, and any amount exceeding the allowable per diem will not be reimbursed.
- Itemized Miscellaneous Expenses:
- Miscellaneous expenses related to the deployment (e.g., supplies, phone charges, emergency equipment) may be reimbursed.
- Employees must provide itemized receipts for all miscellaneous expenses including meals, fuel, and miscellaneous items, which must be collected and submitted to the finance officer or designated authority within 3 days of return to home base for processing.

4. Submission of Receipts and Documentation

Daily ICS-214 Logs

All personnel and equipment participating in deployment operations must complete a Daily ICS-214 Form to document work hours, activities, and resources. The ICS-214 should include:

- Personnel hours worked
- Equipment usage time
- Description of the day's activities, including any incidents or operational changes

Submission of ICS-214

ICS-214 forms must be completed and submitted daily to the designated logging authority or team lead. Failure to complete the form may result in delays in reimbursement and compensation.

Record Keeping

All ICS-214 forms and associated records will be kept on file for 7 years for audit and operational review purposes.

5. Responsibilities

Team Members

- Ensure all receipts for meals, fuel, and miscellaneous expenses are collected and submitted in a timely manner.
- Complete and submit ICS-214 logs daily.
- Ensure adherence to downtime requirements as outlined in Section 2.

Team Leaders and Supervisors

- Ensure that all personnel are adhering to deployment guidelines, including downtime and documentation requirements.
- Monitor the welfare of team members, including ensuring that adequate rest periods are observed.
- Submit all necessary reports and documentation to the finance department.

Finance Officer

- Ensure timely processing of receipts and reimbursement claims.
- Maintain accurate records of all financial transactions related to the deployment.

6. Reimbursement Distribution

Once the reimbursement is received from the state or federal government, the funds will be allocated to cover the actual costs incurred by Marshall County during the deployment. This includes reimbursement for employee salaries, travel expenses, meals, and other eligible costs, as outlined in the original reimbursement request. The funds will be distributed to the relevant departments or accounts based on the specific expenses they were intended to cover.

If discrepancies or overpayments are identified during the reimbursement process, Marshall County will take immediate steps to investigate and resolve the issue. This may include reviewing the submitted documentation, verifying the accuracy of the expense reports, and coordinating with the state or federal agency to rectify any errors. Any overpayments will be returned to the state or federal government promptly, and any underpayments will be pursued to ensure Marshall County receives the full amount of reimbursement owed. All actions will be documented to ensure transparency and compliance with applicable guidelines.

Marshall County is committed to ensuring that employees are compensated for hours worked and that all eligible expenses incurred during state or federal emergency deployments are reimbursed in a timely and accurate manner. Following the above guidelines will ensure the county can recover costs and continue to support its workforce in disaster response efforts.

7. Policy Compliance

Failure to comply with this policy may result in delays in reimbursement, failure to meet operational objectives or potential disciplinary action. This policy is subject to review and may be updated periodically to ensure compliance with local, state, or federal regulations.

APPROVE DIRECT SUPPORT REQUEST

A motion was made by Commissioner Sims, duly seconded by Commissioner Shumate, to approve the Direct Support Request.

A roll call was performed with Commissioner Shumate voting Yes, Commissioner Watson voting No, Commissioner Sims voting Yes, Commissioner Baker voting Yes, and Chairman Hutcheson voting Yes.

MC Coalition Against DV	7,500.00
PALS	5,000.00
RSVP	12,000.00
CAJA	7,500.00
Homeless Shelter (Home Place)	12,000.00
Extension Service	30,000.00
Liberty Learning	2,500.00
Disabled Veterans of America	2,500.00
Neighborhood Bridges Boaz	5,000.00
Marshall County Homeless Ministries	
(Room in the Inn)	10,000.00
Veterans of Foreign Wars in Arab	2,500.00
Marshall County Christian Services	7,500.00
Caring Hearts Outreach	7,000.00
Sleep in Heavenly Peace	2,000.00
TOTALS	113,000.00

DISTRICT 1 – APPROVE DONATING FA11202, FORD F150 TO MARSHALL COUNTY EXTENSION OFFICE; DUE TO NOT MEETING RESERVE ON GOV DEALS.

A motion was made by Commissioner Shumate, duly seconded by Commissioner Sims, and all members voting affirmatively and so carried to approve the donation of FA11202, Ford F150 to Marshall County Extension Office; Due to not meeting reserve on Gov Deals.

DISTRICT 2 – RATIFY WAIVER OF \$2,100 IN ANIMAL SURRENDER FEES FOR THE 14 DOGS THAT WERE TAKEN INTO THE SHELTER ON FRIDAY, JANUARY 17, 2025.

A motion was made by Commissioner Sims, duly seconded by Commissioner Baker, and all members voting affirmatively and so carried to ratify the waiver of \$2,100 in animal surrender fees for the 14 dogs that were taken into the shelter on Friday, January 17, 2025.

APPROVE TO ENTER INTO EXECUTIVE SESSION TO DISCUSS POSSIBLE LITIGATION.

A motion was made by Commissioner Shumate, duly seconded by Commissioner Sims, to approve to enter into an Executive Session to discuss possible litigation.

At 10:30 a.m. Commissioner Shumate, Commissioner Watson, Commissioner Sims, Commissioner Baker, Chairman Hutcheson, and County Administrator Ashleigh Bubbett left the room for an executive session.

At 11:35 a.m. Commissioner Shumate, Commissioner Watson, Commissioner Sims, Commissioner Baker, Chairman Hutcheson, and County Administrator Ashleigh Bubbett returned to the chambers.

RESOLUTION APPROVING THE HIRING TANYA GIROIR

KNOW ALL CITIZENS BY THESE PRESENTS. The Marshall County

Commission makes the finding of certain facts, as follows:

1. Ms. Tanya Giroir was, on or about November 12, 2024, hired as a temporary employee in the Marshall County Commission Office, as Accounting Clerk II, for one hundred twenty (120) days, under Section 11 Alabama Act 82-206, which created the Marshall County Personnel Board.

2. On or about November 17, 2024, a position for Accounting Clerk II was posted, and Ms. Tanya Giroir applied as an outside applicant, as provided in the Marshall County Personnel Handbook.

3. Based on the applications, the Marshall County Personnel Administrator reviewed presented the top four names to the Marshall County Administrator on or about December 4, 2024, and Ms. Tanya Giroir was among the names provided.

4. The Marshall County Administrator reviewed the applicants, conducted interviews, and Ms. Tanya Giroir was the clear choice in the opinion of the County Administrator.

5. Ms. Tanya Giroir was the only applicant with any governmental accounting prior work experience, of the individuals presented by the Marshall County Personnel Administrator.

6. The County Administrator's opinion was not only clear from the interview, but from her observed work during her time as a temporary employee.

7. Based on Tanya Giroir's name being provided to the Marshall County Administrator, based upon her outstanding job interview, and based upon her stellar performance as a temporary employee, Ms. Giroir was verbally offered the position on or about December 5, 2024, with an effective date of December 16, 2024.

8. On or about December 10, 2024, the Marshall County Personnel Administrator contacted the County Administrator and advised that the County Administrator was going to have to let Ms. Giroir go, because "she lied on her application...her dates were wrong on her application."

9. After reviewing the Marshall County Personnel Handbook, and after discussing the matter with the Chairman of the Marshall County Commission and the County Attorney, the County Administrator decided that termination was not required, and the County Administrator completed and transmitted the Notice of Personnel Transaction to the Personnel Administrator.

10. On December 11, 2024, the Marshall County Personnel Administrator decline to affix her signature to the Notice of Personnel Action Form, based on her belief that Ms. Giroir had committed fraud on her application, as defined in Section 4.1.3 of the Marshall County Personnel Handbook.

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11. Under Alabama Law, misrepresentations of a material fact made willfully to deceive, or recklessly without knowledge, and acted on by the opposite party, or if made by mistake and innocently and acted on by the opposite party, constitute legal fraud. See Ala. Code § 6-5-101.

12. Under Section 4.1.3, to be disqualified the applicant must have “fraudulently secured an appointment”. Ms. Giroir’s application does not contain a “misrepresentation of a material fact made willfully to deceive” and Mr. Giroir’s past performance as a temporary employee and governmental experience in accounting was the basis for her securing the permanent position.

13. At the January 13, 2025, meeting of the Marshall County Personnel Board, the Marshall County Administrator requested that the Marshall County Personnel Board approve the Notice of Personnel Transaction, in the absence of the Marshall County Personnel Administrator’s signature.

14. In the Marshall County Personnel Board Meeting, there was a motion made to approve the Notice of Personnel Transaction, in the absence of the Marshall County Personnel Administrator’s signature, that died for a lack of second.

THEREFORE, BE IT RESOLVED the Marshall County Commission approves the hiring of Tanya Giroir and directs that the County Administrator place Tanya Giroir on the county payroll. BE IT FURTHER RESOLVED the Marshall County shall provide this resolution to the Personnel Administrator, the payroll clerk, and the Marshall County Personnel Board.

District 4 Commission made a motion to approve the resolution, seconded by District 3 Commissioner.

There was a roll call vote taken, as follows:

Commissioner 1—Yes

Commissioner 2—No

Commissioner 3—Yes

Commissioner 4—Yes

Chairman—Yes

Approved this the 22nd day of January 2025.

There being no further business a motion was made by Commissioner Baker, duly seconded by Commissioner Sims and so carried to adjourn.

MEETING ADJOURNED

James Hutcheson, Chairman

Ronny Shumate, District 1 Commissioner

James R. Watson, District 2 Commissioner

Lee Sims, District 3 Commissioner

Joey Baker, District 4 Commissioner