

STATE OF ALABAMA

CITY OF RED BAY

FRANKLIN COUNTY

MINUTES OF A REGULAR MEETING OF THE CITY COUNCIL

The City Council of Red Bay met in a regular meeting on March 21, 2005 at 7:00 p.m.

Present and presiding was Mayor Tommy G. Nelson. Council Members present were Bobby Nelson, Rayford Seahorn, Pat Hammock, Ann Wilkins, and Jeff Reid.

Linda B. Holcomb, City Clerk, was present and recording.

Bobby Nelson led the Invocation.

Pat Hammock led the Allegiance to the Flag.

Others present were Assistant Police Chief Janna Jackson and Fire Chief Bud Strickland.

Assistant Police Chief Janna Jackson spoke concerning speed limits and reported that Police Officer Lesly Adams had just finished a two-week refresher course. Mayor Tommy G. Nelson said that the speed limits were set by the State.

Jeff Reid made a motion to hire Mindy A. Price as part-time dispatcher for the Red Bay Police Department. Ann Wilkins seconded the motion. Unanimously passed.

Rayford Seahorn requested that Mayor Tommy G. Nelson explain the repairs made to the landfill dozer. The Mayor explained that several dozer motors had been tested to purchase, but did not prove to be of good quality. The old motor was then rebuilt with new parts.

Three bids for the old street signs to be sold as scrap iron were received and opened. The bids were as follows: Terry Armstrong \$26.00, Roy Bolton \$25.00, and Richard Winchester \$31.50. Rayford Seahorn made a motion to accept Richard Winchester's bid of \$31.50 as the high bid. Pat Hammock seconded the motion. Unanimously passed.

Mayor Tommy G. Nelson spoke concerning the bush hog already owned by the City. He said that a hydraulic motor had been ordered in an effort to repair the bus hog enough to get through the upcoming mowing season.

Mayor Tommy G. Nelson informed the Council that Frank Garrison has found someone to bush hog his lot, located in the city limits. Mr. Garrison spoke at the council meeting on February 7, 2005 concerning the lot.

Mayor Tommy G. Nelson spoke concerning two of the City's bank accounts, located at Colonial Bank. Colonial Bank is offering to covert the accounts to interest bearing accounts.

Ann Wilkins made a motion to have Ozark Striping Co., strip 1.7 miles of Golden Road. The striping will be done by state code. Pat Hammock seconded the motion. Unanimously passed.

The need for a new garbage truck was discussed. The one to be replaced is not worth repairing.

Mayor Tommy G. Nelson spoke to clarify a statement made at the last meeting. He felt that the public might have thought he was referring to Linda Holcomb, which he was not.

Mayor Tommy G. Nelson spoke concerning the 10% billing fee. The Red Bay Water and Gas Board is charging the City of Red Bay 5% of the gross receipts collected for garbage, dump, and sewer, until the sewer on Water Plant Road is completed. Then at that point, the charge will be changed to 10%. Bobby Nelson made a motion to pay the fees charged by Red Bay Water and Gas. Rayford Seahorn seconded the motion. Voting for was: Bobby Nelson, Rayford Seahorn, and Pat Hammock. Ann Wilkins and Jeff Reid abstained.

Pat Hammock made a motion to donate \$500.00 (five hundred dollars) to the Red Bay High School FFA. Jeff Reid seconded the motion. Unanimously passed.

Mayor Tommy G. Nelson spoke concerning the Paving Account at Community Spirit Bank. The present balance in the account is .32. The bank is charging a \$1.00 monthly service fee. The account will be closed before the next service fee is deducted.

Bobby Nelson made a motion for part-time help to continue to be paid at \$7.00 per hour. Rayford Seahorn seconded the motion. Unanimously passed.

Jeff Reid made a motion to adopt Drug Ordinance 05-03-21. Pat Hammock seconded the motion. Unanimously passed.

Mayor Tommy G. Nelson instructed Assistant Police Chief Janna Jackson to inform Police Chief Pat Creel that the state has an ordinance in place for handicap parking, and the City of Red Bay will be enforcing that ordinance.

Pat Hammock made a motion to approve payment of bills, seconded by Bobby Nelson. Unanimously passed.

Bobby Nelson made a motion to approve the minutes of March 7, 2005. Pat Hammock seconded the motion. Unanimously passed.

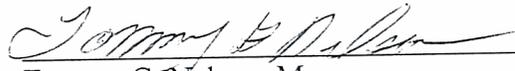
Bobby Nelson welcomed Bruce Thorn with the 115th Signal Battalion home from his tour of duty on Iraq.

Rayford Seahorn spoke concerning the paving project on Golden Road.

Pat Hammock had a question concerning the Dog Ordinance.

Jeff Reid raised the question – does the City of Red Bay needed to employ a dogcatcher? Mayor Tommy G. Nelson said that the City of Red Bay has in the past employed a dogcatcher and had not been successful in eliminating the problems.

Bobby Nelson made a motion to adjourn the meeting. Jeff Reid seconded the motion. Unanimously passed.


Tommy G. Nelson, Mayor


Linda B. Holcomb, City Clerk

of the Federal Drug-Free Workplace Act, as amended, for applicable employers. All employees are advised that remaining drug free and abiding by this statement is a condition of continued employment with the City. The City will comply with the terms of all applicable D.O.T. regulations, Article 13 of the Alabama Workers' Compensation Act, and the provisions of the Federal Drug-Free Workplace Act where not limited by regulations or other laws, the City may establish additional requirements. Testing procedures followed by the City for testing pursuant to D.O.T. regulations and Article 13 of the Alabama Workers' Compensation Act are available for employee review upon request.

It is, therefore, the policy of the City that the unlawful manufacture, use, possession, presence in the body, dispensation, distribution or sale of alcohol, drugs, or any controlled substance, including the abuse or misuse of prescription medications, including the use of a prescription drug not specifically prescribed for the employee, by any person while on City premises, engaged in City business, or while operating City equipment is strictly prohibited. Over the counter drugs and drugs prescribed by a physician for an employee's personal use in quantities not exceeding reasonable or specified dosage requirements are not subject to this policy.

The execution and enforcement of this policy will follow procedures to screen the urine specimens of employees and job applicants for drug use and breath samples for analysis for alcohol and/or any other scientifically accepted

methods. Employees suspected of violating this policy, or involved in on the job accidents, or who are periodically or randomly selected pursuant to these procedures will be tested. These procedures are designed not only to detect violations of this policy but to ensure fairness to each individual. All tests will be performed by a competent and reliable laboratory using generally accepted testing procedures and techniques. Disciplinary action, including termination, will be taken as necessary. Every effort will be made to maintain the dignity of all individuals involved.

The unauthorized use of alcoholic beverages on City premises (whether during work hours or not) may lead to the discipline, including termination, of the offending employee. An employee who is unfit for duty at his scheduled work hours due to consumption of alcoholic beverages not at the work place will be subject to discipline, including termination.

Neither this policy nor any of its terms are intended to create a contract of employment, to alter in any way existing employment relationships or to contain the terms of any contract of employment.

The City retains the sole right to change, amend, or modify any term or provision of this policy without notice. This policy is effective upon adoption, and will supersede all previous policies and statements relating to alcohol and drugs.

SECTION 2. DEFINITIONS

A. Air blank means a reading by an evidential breath testing device (EBT)

of ambient air containing no alcohol. (In EBT's gas chromatography technology, a reading of the device's internal standard.)

B. Alcohol means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.

C. Alcohol concentration (or content) means the alcohol in a volume of breath expressed in terms of grams or alcohol per 210 liters of breath as indicated by an evidential breath test under this part.

D. Alcohol use means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol.

E. Aliquot means a portion of a specimen used for testing.

F. Blind sample or blind performance test specimen means a urine specimen submitted to a laboratory for quality control testing purposes, with a fictitious identifier, so that the laboratory cannot distinguish it from employee specimens, and which is spiked with known quantities of specific drugs or which is blank, containing no drugs.

G. Breath alcohol technician (BAT) means an individual who instructs and assists individuals in the alcohol testing process and operates an EBT.

H. Canceled or invalid test means, in drug testing, a drug test that has been declared invalid by a medical review officer. A canceled test is neither a positive nor a negative test. For purposes of this part, a sample that has been

rejected for testing by a laboratory is treated the same as a canceled test. In alcohol testing, a test that is deemed to be invalid by a medical review officer. It is neither a positive nor a negative test.

I. Chain of custody means the procedures to account for the integrity of each urine or blood specimen by tracking its handling and storage from point of specimen collection to final disposition of the specimen. With respect to drug testing, these procedures shall require that an appropriate drug testing custody form be used from time of collection to receipt by the laboratory and that upon receipt by the laboratory an appropriate laboratory chain of custody form(s) account(s) for the sample or sample aliquots within the laboratory.

J. Collection container means a container into which the employee urinates to provide the urine sample used for a drug test.

K. Collection site means a place designated by the employer where individuals present themselves for the purpose of providing a specimen or their urine to be analyzed for the presence of drugs.

L. Collection site person means a person who instructs and assists individuals at a collection site and who receives and makes a screening examination of the urine specimen provided by those individuals.

M. Commercial motor vehicle means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle—

- (1) has a gross combination weight rating of 26,001 or more pound inclusive of a towed unit with a gross vehicle weight of more than 10,000 pounds; or
- (2) has a gross vehicle weight rating of 26,001 or more pounds; or
- (3) is designed to transport 16 or more passengers, including the driver; or
- (4) is of any size and is used in the transportation of material found to be hazardous for the purposes of the hazardous materials transportation act and which require the motor vehicle to be placarded under the hazardous materials regulations.

N. Confirmation test for alcohol testing means a second test, following a screening test with a result of 0.02 or greater, that provides quantitative data of alcohol concentration. For controlled substances, testing means a second analytical procedure to identify the presence of a specific drug or metabolite which is independent of the screen test and which uses a different technique and chemical principle from that of the screen test in order to ensure reliability and accuracy. (Gas chromatography/mass spectrometry (gc/ms) is the only authorized confirmation method for cocaine, marijuana, opiates, amphetamines, and phencyclidine.)

O. DOT agency means an agency (or "operating administration") of the United States Department of Transportation administering regulations requiring alcohol and/or drug testing.

P. Driver means any person who operates a commercial motor vehicle, emergency vehicle, any city-owned vehicle, or a personal vehicle driven by a city employee within the scope of employment. This includes, but is not limited to: full time, regularly employed drivers: licensed drivers and independent, owner-operator contractors who are either directly employed by or under lease to an employer or who operate a commercial motor vehicle, emergency vehicle, any city-owned vehicle, or a personal vehicle driven by a city employee within the scope of employment at the direction of or with the consent of an employer. For the purposes of pre-employment/pre-duty testing only, the term driver includes a person applying to an employer to drive a commercial motor vehicle, emergency vehicle, any city-owned vehicle, or a personal vehicle driven by the applicant within the scope of employment.

Q. Employee means any individual hired by and employed by the City who works for salary, wages, or other remuneration whether on a full-time, part-time, or temporary basis, as well as an individual designated in a D.O.T. Agency regulation as subject to drug testing and/or alcohol testing. As used in this part "employee" includes an applicant for employment. "Employee" and "individual" or "individual to be tested" have the same meaning for purposes of this policy.

R. Employer means the City of Red Bay, Alabama. The term employer includes an employer's agents, officers and representatives.

S. EBT (or evidential breath testing device). An EBT approved by the

National Highway Traffic Safety Administration (NHTSA) for the evidential testing of breath and placed on NHTSA's "conforming products list of evidential breath measurement devices" (CPL), and identified on the CPL as conforming with the model specifications available from the National Highway Traffic Safety Administration, Office of Alcohol and State Programs.

T. Medical Review Officer (MRO) means a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret with his or her medical history and any other relevant biomedical information.

U. Performing (a safety-sensitive function) means an employee is considered to be performing a safety-sensitive function during any period in which he or she is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions.

V. Refuse to submit (to an alcohol or controlled substances test) means that an employee (1) fails to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing in accordance with the provisions of this part, (2) fails to provide adequate urine for controlled substances testing without a valid medical explanation after he or she has received notice of the requirement for urine testing in accordance with the provisions of this part, (3) engages in conduct that

clearly obstructs the testing process, or (4) otherwise fails to cooperate with the testing process.

W. Safety-sensitive function means any of those on-duty functions set forth below. On-duty time, paragraphs (1) through (7):

- (1) All time at a carrier or shipper plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the employee has been relieved from duty by the motor carrier;
- (2) All time inspecting equipment is required by the D.O.T. or the City, or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- (3) All driving time as defined in the term driving time in this section;
- (4) All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth.
- (5) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded;
- (6) All time spent performing the driver requirements relating to accidents;
- (7) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

X. Screening test (also known as initial test) in alcohol testing, it means

an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in his or her system. In controlled substance testing, it means an immunoassay to eliminate "negative" urine specimens from further consideration. Nothing in this definition limits the City's right to use any test recognized in the legal or scientific communities.

Y. Specimen bottle means the bottle that, after being labeled and sealed according to the procedures in this part, is used to transmit a urine sample to the laboratory.

Z. Substance abuse professional means a licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

SECTION 3. TESTS REQUIRED

A. PRE-EMPLOYMENT DRUG TESTING

As a precondition to employment with the City, all job applicants who are given a conditional job offer will be required to submit to, undergo and pass a test for controlled substances based upon analysis of a sample of the applicant's urine. Any and all job offers are made contingent to passing the City's medical review, including the drug test.

Prior to the first time the driver, as defined by D.O.T. guidelines, performs safety-sensitive functions for an employer, the driver shall undergo testing for controlled substances and alcohol.

B. RANDOM TESTING

1. The selection of employees for random alcohol and controlled substances testing shall be made by a computer based random generator that is matched with the employee's identification number. Under the selection process, each employee shall have an equal chance of being tested each time selections are made.

2. A sufficient number of employees to be tested for alcohol and controlled substances shall be selected at random to assure that the minimum number of employees as set forth under the D.O.T. testing levels are tested each year.

3. Random testing shall be unannounced and the dates of random testing shall be spread reasonably throughout the year.

4. Each employee who is notified of selection for random alcohol and/or controlled substances testing shall proceed to the test site immediately.

5. If an employee who is selected for a random test is on vacation, is laid off, or is on an extended medical absence, the employer can keep the selection confidential until the employee returns, provided the employee is notified and

gets tested before the end of the cycle. The employer must not select another employee for testing during that cycle (i.e., a substitute), but should instead select an additional employee during the next cycle to meet the annual testing rate.

6. If the employee's name is skipped, the employer must keep documentation that the employee was ill, injured, laid off, or on vacation and that the employee was in the random selection pool for that cycle.

C. POST ACCIDENT TESTING

1. If an employee while on City premises, engaged in City business, or while operating City equipment is involved in any accident which results in (a) the death of a human being; or (b) bodily injury to a person, including the employee, who, as a result of the injury receives medical treatment away from the scene of the accident; or (c) that information is received that the employee caused or contributed to the accident.

2. (a) As soon as possible following an accident involving a commercial motor vehicle or other motor vehicle, the use of any type of equipment, or any type of accident in which a city employee is involved, and in no case later than 32 hours after the accident, the employer shall test the employee driver for alcohol and controlled substances(drugs) as defined under the Alabama Workers' Compensation Act and D.O.T. guidelines who was performing safety-

- 1) Before, during, or after the driver performs a safety-sensitive function
- 2) If it is determined that there is a reasonable suspicion that the employee is in violation of this policy; or
- 3) If an employee's job performance is deficient in a manner which suggests a possible violation of this policy.

E. RETURN-TO-DUTY TESTING

1. Before an employee returns to duty after engaging in conduct prohibited by this policy concerning alcohol, the employee shall undergo a return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02.

2. Before an employee returns to duty after engaging in conduct prohibited by this policy concerning controlled substances, the employee shall undergo a return-to-duty controlled substances test with a result indicating a verified negative result for controlled substances use.

F. FOLLOW-UP TESTING

Each employee who fails to pass any required alcohol or controlled substances test will be referred to and evaluated by a substances abuse professional. The substance abuse professional will determine what treatment if any is needed for the employee and advise the City of its determination. The employee will be subject to unannounced follow-up alcohol and/or controlled substances testing. The employee will be follow-up tested only for alcohol if the

employee failed to pass the alcohol test, and only for controlled substances if the employee failed to pass a controlled substances test.

SECTION 4. EMPLOYEE DRUG AND ALCOHOL TESTING

Each employee, as a condition of employment and continued employment, is subject to medical or physical examinations or tests, including drug or alcohol testing as herein set forth.

Employees to be tested for alcohol will be chosen by random number computer program. The identify of the employee will be confirmed by employee number and by a supervisor familiar with the identity of the employee. The employee will be tested using instruments and procedures approved by D.O.T. The employee will cooperate fully with the testing personnel. Failure to cooperate will be considered a failure of the alcohol test. The employee will be tested by persons trained and tested as proficient in the use of the testing device and proper testing procedures and documentation.

Employees to be tested for controlled substances will be chosen by random number computer program. The identity of the employee will be confirmed by employee number and by a supervisor familiar with the identity of the employee. The employee will be tested using instruments and procedures approved by D.O.T. regulations. The employee will cooperate fully with the testing personnel. Failure to cooperate will be considered a failure of the controlled substances test.

Testing site personnel will assure privacy, integrity of the specimen, and will maintain chain of custody and related documentation.

If it is determined that there is a reasonable suspicion to suspect an employee of being under the influence of drugs and/or alcohol, the employee shall be informed of the suspicions. The employee shall immediately be subject to a drug and/or alcohol test. The employee shall not be allowed to work until test results indicating the employee's system is clear of illegal drugs and/or alcohol are received. Should the employee test negative for the presence of any illegal drugs and/or alcohol the City will compensate the employee for any work time the employee lost while waiting for the test results and will be considered on administrative leave. In the case of an accident as defined above, the employee must be tested as soon as possible after the accident, but in no case later than 32 hours after the accident.

Drugs to be tested for pursuant the policy shall be those drugs required to be tested for pursuant to current D.O.T. regulations, and as hereinafter amended, which currently include marijuana metabolites, cocaine metabolites, opiate metabolites, phencyclidine, and amphetamines and those additional drugs which are allowed to be tested for under the Alabama Workmens' Compensation Act, which include methadone, methaqualone, barbiturates, propoxyphene and benzodiazepines.

A positive finding will generate a confirmation through Gas

Chromatography/Mass Spectrometry (GC/MS) or an equivalent or more accurate scientifically accepted method approved by the National Institute on Drug Abuse and the results will be kept confidential. A copy on any positive can be received by the subject employee by submitting his/her request in writing.

An employee who tests positive is determined to be in violation of this policy, and may be terminated and/or disciplined as follows:

- An employee who tests positive for an illegal controlled substance/drug may be terminated immediately.
- Any employee who fails the first controlled substance test will be required to be assessed by a substance abuse professional, and is subject to immediate termination and/or discipline, to include being suspended for not less than five (5) days without pay. An employee who does not abide by the recommendations of the S.A.P. in respect to treatment and rehabilitation will be subject to being terminated. The employee will be subject to increased random controlled substance testing during the following twelve months. Any employee who fails a controlled substance test during the said period will be terminated.

An employee who tests positive for alcohol may be disciplined as follows:

- An employee with a Breath Alcohol Concentration (BAC) of .04 or greater may be immediately suspended without pay for 1 week, and will be subject to increased random testing during the following twelve months. Two positive tests of a BAC of .04 or greater in any consecutive twelve month period may be cause for immediate termination of employment.
- Any employee who is not on probation and fails to pass a D.O.T. required breath alcohol test shall be required to be assessed by a

substance abuse professional. Any employee who does not abide by the requirements of the S.A.P. in respect to treatment and rehabilitation will be subject to termination.

- An employee who tests positive with a BAC of less than .04 but greater than .02 may not be allowed to work the remainder of that day, will be issued a disciplinary letter of warning, and will be subject to increased random testing during the next twelve months. A second positive test of a BAC of less than .04 but greater than .02 in any consecutive twelve month period may result in immediate suspension of 3 days without pay. Three positive tests of a BAC of less than .04 but greater than .02 in any consecutive twelve month period may be cause for immediate termination of employment.
- No employee tested for alcohol under this policy who is found to have an alcohol concentration of .02 or greater but less than .04 shall perform or continue to perform safety-sensitive functions, including driving a commercial motor vehicle or other motor vehicle until the next scheduled workday, but not less than 24 hours after the test.

Payment for S.A.P. evaluations and services is the responsibility of the employee who has tested positive. Nothing in this section precludes payment for S.A.P. evaluations and services by any health care provider from which the employee has coverage.

Employees experiencing problems as a result of substance abuse, should contact the City's Personnel Director or their Department Head for referral for treatment and/or counseling. The Mayor will be advised of employees having substance abuse problems in any safety-sensitive positions. This discussion will be kept confidential and will have no influence on appraising an employee's work performance. Work performance alone, not the fact that an employee

seeks treatment, is to be the basis of all performance evaluations. At the City's discretion, an employee may be granted medical leave to undertake either drug or alcohol rehabilitation treatment in accordance with the City's annual and sick leave policy. Such employee must cooperate fully and will not be permitted to return to work until a satisfactory release from the treatment program is presented to the Personnel Director certifying that the employee is capable of returning to work and has met the requirements of the program to date. An employee who undergoes treatment under this policy will be required to sign and comply with the substance abuse commitment letter. Upon return to work, such employee will be subject to random testing to verify recovery from substance abuse and failure to take or pass a random test will result in termination of employment.

Any employee who is either arrested, indicted, or convicted of a non-work-related drug or alcohol related violation, must report this information to the Personnel Director no later than the following work day after such arrest, indictment, or conviction. An employee who is convicted of a work-related drug or alcohol charge, where an independent City investigation finds a violation of this policy, will be subject to discipline, up to and including termination of employment. An unpaid leave of absence may be considered depending upon the severity of the situation.

An employee who refuses to submit to a drug or alcohol test when

directed is subject to termination.

SECTION 5. NOTIFICATION OF TEST RESULTS AND RECORD

KEEPING

As provided for, the City shall notify employees of the results of a controlled substance test conducted pursuant to this policy.

An employee must be notified of the periodic, random, or post accident controlled substance test conducted pursuant to this policy provided the results were positive. The employee must also be advised what drug tested positive.

For employees subject to testing pursuant to D.O.T. regulations, an independent Medical Review Officer (MRO) with no conflicting relationship with the laboratory performing the test and/or Personnel Director shall be the sole custodian(s) of the test results of such individuals. For tests conducted pursuant to non-D.O.T. regulations, the laboratory shall be the sole custodian of the test results of such individuals.

The City shall retain, in a file apart from the employee's personnel file, information that will indicate only the following:

- The employee submitted to a controlled substance test.
- The date of such test.
- The location of such test.
- The identity of the person or entity performing the test.
- Whether the test finding was "positive" or "subnegative".

No person may obtain the individual test results retained by an MRO and no MRO shall release the individual test results of any employee to any person without first obtaining written authorization from the tested employee. However, nothing in this paragraph shall prohibit an MRO from releasing to the City the test results and information concerning those results for City employees tested.

The City shall not release any such information about any employee, or previous employee, without first obtaining written authorization from the tested employee. However, the City must and shall produce upon demand and permit the appropriate governmental authorities to examine all records relating to the administration and the results of controlled substance testing performed pursuant to this policy.

SECTION 6. SEVERABILITY

The provisions of this Ordinance shall be severable and if any provision of this Ordinance shall be deemed and declared unconstitutional or otherwise unlawful or unenforceable by a valid judgment of a court of competent jurisdiction, such ruling shall not affect the remaining provisions of this Ordinance and the remaining provisions of the Ordinance shall remain in full force and effect.

SECTION 7. EFFECTIVE DATE

This Ordinance shall go into effect immediately upon adoption and

publication and/or posting as required or as otherwise provided by law.

ADOPTED AND APPROVED the 21st day of March, 2005.

COUNCIL OF THE CITY OF
RED BAY, ALABAMA



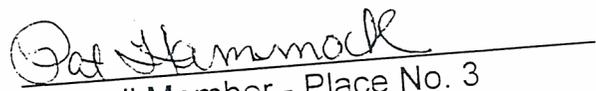
Mayor



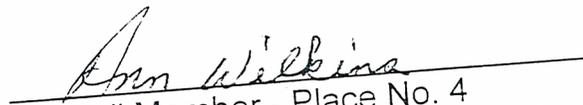
Council Member - Place No. 1



Council Member - Place No. 2



Council Member - Place No. 3



Council Member - Place No. 4



Council Member - Place No. 5

CERTIFIED AND ATTESTED A TRUE COPY:



City Clerk

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OF

UMP

TO SELL

chester

Bid on Street Sign
Posts

20 Posts

25.00

Ray L. Bolton

I JAMES R. WINCHESTER

BID \$1.50 EA. X 21 POSTS =

\$31.50 FOR SCRAP IRON @

DUMP.

James R. Winchester

1 JAMES R. WINCHESTER

BID \$40.00 FOR PILE OF

SCRAP RE-BAR @ DUMP

IF THE CITY WISHES TO SELL

THIS ITEM.

James R. Winchester

STATE OF ALABAMA

CITY OF RED BAY

FRANKLIN COUNTY

MINUTES OF A WORKSHOP FOR THE RED BAY CITY COUNCIL MARCH 16, 2005

The City Council of Red Bay met in a workshop to attend the regular meeting of the Red Bay Water and Gas Board, March 16, 2005, at 3:00 p.m.

Members of the Red Bay City Council present were Bobby Nelson, Rayford Seahorn, Pat Hammock, Ann Wilkins, and Jeff Reid.

Present was Mayor Tommy G. Nelson.

Linda Holcomb, City Clerk, was present and recording.

The purpose of the workshop was to discuss the 10% billing charge from the Red Bay Water and Gas Board to the City of Red Bay.

The Water and Gas Board explained the cost incurred by their department for office personnel, postage, office supplies, field employees, etc. The fact that the cost of natural gas had just increased tremendously was also discussed. The Board explained that their choices were either to raise gas rates or pass on some of their expenses.

The question was asked, "Did the disagreement of the Tahoe have anything to do with the new billing?" The Red Bay Water and Gas Board said that it did not.

The Water and Gas Board will try to have their cost incurred for billing the Red Bay City's sewer, garbage, and dump, ready to present by the regular scheduled City Council Meeting on Monday, March 21, 2005.

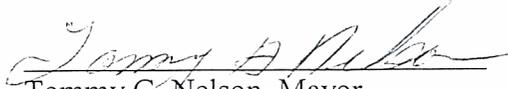
It was suggested that the City raise sewer rates by 10% to help cover the cost. It was also suggested that the sewer be raised 6% and that 4% be taken from the city's general fund.

It was also discussed how that the City of Red Bay had benefited from items purchased by the Water and Gas Board. Some of the items discussed were:

Mack Truck and Lowboy Trailer
New Tractor

Dixie Youth Field
Fire Station
Backhoe
Sewer Machine
3 Trucks
Bobcat
Paid ½ of the small dozer

The workshop ended at approximately 3:50 p.m.


Tommy G. Nelson, Mayor


Linda B. Holcomb
City Clerk

Notes:

March 16, 2005

The City Council was on the agenda of the Red Bay Water and Gas Board to speak at their regular scheduled meeting.

I spoke with Ken Smith at the League, he said that unless the council voted that the city clerk was to be present to record the minutes, that I was not to be there to record minutes.

Ken Smith also said that this was not to be considered a special called meeting of the council. The council is only on the agenda to speak, the council can not take action.

The Council voted to have the meeting with the G;W Board. But the G;W Board did not recognize the meeting. But did agree to place the Council on the agenda so that they could speak.

Panda B. Holcomb