

# **Cleburne County Commission Meeting Minutes**

## **Regular Commission Meeting April 15, 2013**

### **Cleburne County Mountain Center**

#### **Roll Call:**

##### Present:

Chairman Ryan Robertson  
Commissioner Laura Cobb  
Commissioner Emmett Owen  
Commissioner Bobby Brooks

##### Absent:

Commissioner Benji Langley

#### **Public Comment from Citizens:**

- A) Mr. Milford Higgins with Oak Hill Baptist Church discussed establishing a cemetery at the church.
- B) Mr. Danny Rollins, Operational Manager for mud bogging on property owned by Mr. Floyd Davis on County Road 836 known as Ross Mountain, discussed with the Commission the impassible condition of County Road 836 and asked for assistance in making it passible.
- C) Joyce Robinson Fuller, Revenue Commissioner, gave the Commission an update. She informed the Commission that there are 30 properties for which taxes have not yet been paid. The annual tax sale for any parcels with property tax not paid is scheduled for May, 7, 2013 at 10:00 a.m.

Commission Chairman Ryan Robertson addressed the Commission concerning the Alabama Law Institute. It was created by Acts of Legislation in 1967 and serves to clarify the laws of Alabama as well as to revise laws that are out of date. Ryan addressed duties of the Commission Chairman provided by the Association of County Commission as outlined in the Commission handbook. Ryan gave each Commissioner a copy of the Rules of Procedures of the Cleburne County Commission and discussed them. Ryan also discussed duties of the Chief Administrative Officer.

#### **Awards and Presentations**

- A. Recognizing County Administrator Steve Swafford for receiving a commendation by the Alabama State Legislature for receiving the Career Achievement in Emergency Management Award and the Excellence in County Administration Award, both in the same year.
- B. Recognizing County Revenue Commissioner Joyce Fuller on becoming a "Certified Tax Administrator" through Auburn University and the Alabama Department of Revenue.

#### **Consent Agenda**

The Commission passed the April consent agenda including:

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#### **Resolution #4441-1**

The Cleburne County Commission hereby resolves to approve the March 2013 minutes as presented.

**Resolution #4441-2**

The Cleburne County Commission hereby resolves to approve the March 2013 check register.

**Resolution #4441-3**

The Cleburne County Commission recognizes the following board appointment statuses as of the March meeting:

Resignations: None

Commission acknowledges the following vacancies:

Vacancies:

Cleburne County Water Authority –  
Joe Bill Conkle in March 2013  
Larry Brown in March 2013

Board Appointments:

Cleburne County Water Authority –

Re-Appoints Larry Brown at the request of Commissioner Benji Langley

**Resolution #4441-4**

**Whereas**, the Cleburne County Commission recognizes the need to continually provide the citizens of Cleburne County with the best possible infrastructure available for the safety and economic advancement of the county;

**Whereas**, the Alabama Department of Transportation has the opportunity to utilize the Federal Aid funds to place Optical Speed Bars along CR 24 in the East bound lane to "identify those roadway features, design practices, and treatments that result in driver self-selection operating speeds";

**Whereas**, the Cleburne County Commission intends to enter into the agreement with the Alabama Department of Transportation, to utilize the available Federal Aid funds on CR24 to allow the construction of the Optical Speed Bars and subsequent traffic studies and profiles.

**Therefore**, the Cleburne County Commission agrees to enter into the provided agreement with the Alabama Department of Transportation to utilize the FHWA funding and authorizes the Commission Ex-Officio to sign said agreements and supporting documentation as required.

**Resolution #4441-5**

**Whereas**, the Alabama Community College System is the state's single largest system of public higher education and is Alabama's most affordable and accessible system of higher education; and

**Whereas**, the Alabama Community College System (which includes technical colleges, Marion Military Institute, and the Alabama Technology Network) provides a broad array of educational services for hundreds of thousands of individuals, meeting diverse and changing local needs and fulfilling a vital function within their service areas; and

**Whereas**, the Alabama Community College System enrolls more than half of all freshman and sophomores in Alabama, enrolling nearly 150,000 credit students in its academic and career technical education programs in 2012, 95% of whom are Alabama residents, with approximately 15,000 community college students

transferring yearly to a public four-year institution; and others in career technical fields leading directly to employment; and

**Whereas**, more than 254,000 students in Alabama's community colleges have utilized the Statewide Articulation and Transfer Reporting System to assure the transfer of their academic work toward bachelor's degrees at four-year institutions since the articulation agreement's inception in 1998; and

**Whereas**, the Alabama Community College System enrolled more than 7,500 high school students in its dual enrollment and early college programs in 2013; providing high-achieving students with rigorous courses beyond those offered at the secondary level, increasing college access to low-income, racially/ethnically diverse, and first generation college attendees, and others who would not otherwise be college bound, and offering career and technical programs in high-demand, high-wage occupations to more than 3,200 dually-enrolled high school students; and

**Whereas**, the Alabama Community College System partnering with business industry and government, provided customized training, job skills training, and workforce development services for more than 106,000 Alabama workers and job seekers, and specialized services and training for more than 1,200 companies in 2013, providing essential contributions to the state's economic development; and

**Whereas**, more than 800,000 Alabamians age 16 and older have neither a high school diploma nor a GED, the Alabama Community College System served more than 24,000 individuals through its adult literacy education programs and services in 2012; and

**Whereas**, the community college system remains committed to public service and works daily to help individuals reach their personal goals, and in the process, helps build communities;

**Now Therefore be it Resolved**, that the Cleburne County Commission hereby recognizes the accomplishments of Alabama's public community college system as it continues to fulfill its unique and distinctive mission of providing a unified system of institutions delivering accessible, affordable, and superior educational opportunities, and workforce training and services to all of Alabama, yielding a well-educated, productive citizenry and a better prepared workforce; and

**Be it Further Resolved**, that the Cleburne County Commission hereby proclaims April as National Community College Month in Cleburne County and urges all citizens, including business and industry leaders, who are committed to developing Alabama's workforce for the 21<sup>st</sup> century to use and support their local community colleges.

#### **Resolution #4441-6**

**Whereas**, the Cleburne County Commission Emergency Management Agency is responsible for the development and implementation of the County Emergency Operations Plan, and

**Whereas**, significant improvements and additions have been made and are ready for approval through formal amendment to the 2009 EOP,

**Therefore**, the Cleburne County Commission approves the following modifications:

THIRA (Threat Hazard Identification Risk Assessment) was integrated into the Basic Plan section of the EOP;

Census information was updated in the Basic Plan Section;

A Recovery Plan (ESF #6A) was added to the ESF #6;

A Distribution Point / Staging Site Plan (ESF #14A) and Damage Operations Guide (ESF #14B) were added to ESF #14.

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Action:

Motion made by Commissioner Emmett Owen, Seconded by Commissioner Laura Cobb

In Support: Commissioners Laura Cobb, Emmett Owen and Bobby Brooks

In Opposition: None

Motion Passed

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### **New Business Agenda**

- A. Request from Oak Hill Baptist Church for approval of cemetery development;

**Resolution #4442**

The Cleburne County Commission approves the request from Oak Hill Baptist Church to develop a cemetery at the church located at 349 County Road 823, Heflin, AL 36264.

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Action:

Motion made by Commissioner Emmett Owen, Seconded by Commissioner Bobby Brooks

In Support: Commissioners Laura Cobb, Emmett Owen and Bobby Brooks

In Opposition: None

Motion Passed

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- B. Resolution proposed by Laura Cobb to re-organize the County Administration Department;

**Resolution #4443**

The Cleburne County Commission resolves to remove the Finance Officer from reporting to the county administrator and direct the Finance Officer to report directly to each Commissioner.

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Action:

Motion made by Commissioner Emmett Owen, Seconded by Commissioner Laura Cobb

In Support: Commissioners Laura Cobb and Emmett Owen

In Opposition: Bobby Brooks

Motion Passed

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- C. Resolution proposed by Emmett Owen to impose new restrictions on the 911 department's use of currently approved and budgeted funds.

**Resolution #4444**

The Cleburne County Commission resolves to adopt that effective immediately any additional expense to be paid from the 911 line item 700 that was allocated in the 2013 budget for \$250,000.00 will require approval of the Cleburne County Commission prior to any and all purchases.

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Action:

Motion made by Commissioner Laura Cobb, Seconded by Commissioner Emmett Owen

In Support: Commissioners Laura Cobb, Emmett Owen, and Bobby Brooks

In Opposition: None

Motion Passed

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Commission Chairman Ryan Robertson stated to the Commission that due to the resolution made in today's meeting regarding the change in the line of reporting for the county finance officer, a description is needed of the duties of the county finance officer. He further stated that the county finance officer should be present at the County Commission Work Sessions and the County Commission meetings. The Commission discussed whether or not the County Finance Officer would be a department head. Commissioner Emmett Owen and Laura Cobb indicated that their intention for wording of this resolution was written and discussed in the prior work session.

Commissioner Laura Cobb discussed rescinding Resolution #4443 and amending the resolution to be worded as it was written and discussed at the prior work session.

The Cleburne County Commission approves to bring the discussion of a resolution proposed by Commissioner Laura Cobb to change the line of reporting of the county finance officer from the county administrator to the County Commission back to the agenda of today's meeting as New Business for reconsideration.

Action:

Motion made by Commissioner Emmett Owen, Seconded by Commissioner Laura Cobb

In Support: Commissioners Laura Cobb, Emmett Owen

In Opposition: Bobby Brooks

Motion Did Not Pass

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The Commission further discussed the resolution in question.

The County Attorney recommended that the Commission pass a resolution that states that the prior resolution in no way affects the county finance officer's ability to work with the County Administrator in his duties.

Commissioner Laura Cobb made a motion to approve a resolution that states that Resolution #4443 made in today's meeting which in no way affects the county finance officer's ability to work with the County Administrator in his duties. Commissioner Emmett Owen made a second. Commission Chairman Ryan Robertson stated that he will not agree to add it to the agenda. The motion died.

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Commissioner Bobby Brooks made a motion to add to the agenda of today's meeting to rescind Resolution #4443. There was no second, therefore the motion died.

Commissioner Laura Cobb made a motion and Commissioner Bobby Brooks made a second to add to the agenda of today's meeting to rescind Resolution #4443 and discuss in next month's meeting. Commissioner Emmett Owen was not in favor of this resolution. There must be unanimous consent to add it to the agenda, therefore the motion died.

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**Reports from staff were as follows:**

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A. County Administrator Steve Swafford updated the Commission on the timber clearing at the landfill. Steve briefed the Commission on the letter received from Alabama State Parks regarding Cheaha State Park which was petitioning the Commission for support for the possibility of the park's closure. On May 3, 2013 Jacksonville State University is hosting an Economic Development Expo at Oxford Civic Center and he encouraged the Commission to attend. Steve updated the Commission on the storms efforts of April 9, 2013. Numerous county roads experienced downed trees and power lines. Steve briefed the Commission on goal setting and prioritization meeting with his direct reports. He reported to the Commission on working with Alabama State University to develop demographics and statistics for the 12 volunteer fire departments from our county district map. They will pull data based on populations for mileage, ad valorem assessments, household income and road miles. This data will be used for potential grants. Steve informed the Commission that in next month's regular meeting he plans to cover the mid-year financial report that examines the county's revenues and expenditures. Steve reported to the Commission that 911 has hired 3 new part time dispatchers. They are Landon Thompson, Julie Smith and Lisa Blanton. They each are currently completing their training cycle. He informed the Commission that we will be implementing the emergency police officer dispatch course, EPD, which is part of our priority dispatch protocols. In the upcoming months each dispatcher will go through the structured training process. As soon as this is complete EFD, (emergency fire dispatch) protocols will be implemented. Steve briefed the Commission on the refund received from the liability insurance company and the county wide cleanup on April 6 and 7. Steve briefed the Commission on the County Lines publication that will be coming out in the next four weeks. The publication will include changes and updates for county departments. Steve briefed the Commission on the meeting scheduled for emergency responders hosted by Colonial Pipeline. They are providing a dinner and expect over 60 participants invited from all facets of law enforcement: EMS, Red Cross, DHR and response agencies.

Commission Chairman Ryan Robertson asked Steve to discuss how the resolution made in today's meeting would affect his job.

B) County Engineer Shannon Robbins briefed the Commission on a memorandum of understanding between the Cleburne County Commission and the City of Heflin for maintenance assistance. He updated the Commission on preventive maintenance items.

C) County Attorney Doug Ghee did not have any updates.

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**Resolution #4445**

The Cleburne County Commission approves to add to the agenda of today's meeting the approval of a memorandum of understanding between Cleburne County Commission and the City of Heflin for maintenance assistance.

Action:

Motion made by Commissioner Emmett Owen, Seconded by Commissioner Laura Cobb

In Support: Commissioners Laura Cobb, Emmett Owen and Bobby Brooks

In Opposition: None

Motion Passed

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**Resolution #4446**

**Whereas**, The City of Heflin constructs and maintains various aspects of the transportation infrastructure and performs storm cleanup activities within the City of Heflin; and

**Whereas**, the City of Heflin has periodically requested assistance from the Cleburne County Commission to perform work inside the City limits of Heflin;

**Therefore**, this memorandum of understanding details the working relationship between the Cleburne County Commission and the City of Heflin regarding the assignment of county resources to the City in response to a request.

**The Cleburne County Commission agrees to:**

Provide the classifications and quantities of employees as directed by the County Engineer. Number/type of workers will vary depending on the items of work and will be assigned at the sole discretion of the County Engineer.

Provide available equipment and fuel as needed to address the task requested.

These employees and equipment will be made available to the City of Heflin at such times that it does not interfere with the normal maintenance operations of Cleburne County. Every effort will be made to complete the work in a timely manner. However, due to impending personnel and budget issues within the Cleburne County Highway Department, along with time constraints on some maintenance activities, top priority will be given to issues which are a direct obligation of the Cleburne County Commission.

**The City of Heflin agrees to:**

Establish a single point of contact to further clarify the desired items of work to the County Engineer.

Accept County resources as acting as an agent of the City during the assignment.

Reimburse the Cleburne County Highway Department monthly for billed work as shown on documents submitted detailing work activities. The County Employee hourly rates shall also include the labor additive rate of 46.06 % as charged with other claims and reimbursements. This labor additive rate is charged to other departments within the county for work performed and applied to reimbursements submitted to the State of Alabama.

Normal work hours are from 6:00 AM to 4:30 PM, Monday through Thursday, and work hours would be expected to remain the same for reimbursement during time of assistance unless modified under the discretion of the County Engineer. Time for mobilization should be expected at the beginning and end of each work day.

Reimburse the County for all documented equipment time based on rates and allowance in the Rental Rate Blue Book for Construction Equipment Vols. I, II, & III within thirty days of being invoiced by the Cleburne County Engineer.

Hold the County harmless for any and all liabilities incurred due to actions of County employees and equipment while acting as agents of the City and under City control. All other public employment laws, rules and regulations shall also be observed during work operations.

Request for assistance under this Memorandum of Understanding shall be in the form of a written letter submitted through the Commissioner for the district in which the municipality is located. Reference to this MOU shall be included in the letter to clarify the terms of the request for assistance. Any disaster recovery issues should also be submitted through the County EMA Director.

This agreement is perpetual, but should be reviewed yearly by all parties. Any party wishing to be excluded from the agreement should notify the other in writing within 30 days prior to the intended date of dissolving the agreement.

Action:

Motion made by Commissioner Emmett Owen, Seconded by Commissioner Bobby Brooks

In Support: Commissioners Laura Cobb, Emmett Owen and Bobby Brooks

In Opposition: None

Motion Passed

The County Engineer Shannon Robbins updated the Commission on issues concerning the Chief Ladiga Trail.

**Old Business Agenda:**

**Resolution #4447**

The Commission approves to abandon the 2013 legislative initiatives consisting of one proposed bill to change the funding mechanism for the Cleburne County Revenue Department in order to create a savings to the County General Fund and a second bill to call for a referendum that would have allowed the public to vote on creating a local fuel tax in order to improve local roads and bridges.

Action:

Motion made by Commissioner Laura Cobb, Seconded by Commissioner Emmett Owen

In Support: Commissioners Laura Cobb, Emmett Owen and Bobby Brooks

In Opposition: None

Motion Passed

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Chairman Ryan Robertson asked the Commission to reconsider rescinding Resolution #4443 made in today's meeting. He asked the Commission to discuss the matter next month when all Commissioners are present.

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**Resolution #4448**

The Cleburne County Commission approves to add to the agenda of today's meeting as new business the discussion of Resolution #4443.

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Action:

Motion made by Commissioner Laura Cobb, Seconded by Commissioner Bobby Brooks

In Support: Commissioners Laura Cobb, Emmett Owen and Bobby Brooks

In Opposition: None

Motion Passed

The Commission discussed Resolution #4443.

The County Attorney recommended that the Commission consider a resolution that places the County Finance Officer as a department head and to work with the County Administrator in carrying out his duties.

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**Resolution #4449**

The Cleburne County Commission approves that the County Finance Officer and Commission Office Clerks will no longer fall under the direction of the County Administrator. The County Finance Officer and Commission Office Clerks will fall under the direction of the County Commission. The County Commission Clerks will fall under the direction of the County Finance Officer. The County Finance Officer will continue to have a working relationship with the County Administrator. Nothing in this resolution should prevent the Finance Officer or the clerks from working with the County Administrator in order to assist him in fulfilling his direct responsibilities nor shall this resolution change any part of the Commission approved operating procedures.

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Action:

Motion made by Commissioner Laura Cobb, Seconded by Commissioner Emmett Owen

In Support: Commissioners Laura Cobb, Emmett Owen and Bobby Brooks

In Opposition: None

Motion Passed

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There was no further business to come today before the Commission for the meeting.

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**Resolution #4450**

The Commission meeting is adjourned.

Action:

Motion made by Commissioner Bobby Brooks, Seconded by Commissioner Emmett Owen

In Support: Commissioners Laura Cobb, Emmett Owen and Bobby Brooks

In Opposition: None

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