

# Cleburne County Commission Meeting Minutes

## Regular Commission Meeting August 12, 2013

### Cleburne County Mountain Center

#### Roll Call:

##### Present:

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

##### Absent:

None

The County Engineer opened bids received for the purchase of the annual maintenance supplies for the county engineering department for fiscal year 2014. Bids will be awarded in the regular Commission meeting of September 2013.

#### Consent Agenda

The Commission passed the August consent agenda including:

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##### **Resolution #4470-1**

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

##### **Resolution #4470-2**

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

##### **Resolution #4470-3**

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

Resignations: None

Commission acknowledges the following vacancies:

Hospital Board – District 4 Appointment

Board Appointments: None

##### **Resolution #4470-4**

**Whereas**, the Cleburne County Commission recognizes the need for a public transportation program; and

**Whereas**, the Cleburne County Commission is recognized as a member of the Cleburne County Transportation Steering Committee; and

Whereas, the Cleburne County Commission recognizes that the requirements to obtain Section 5311 funds from the Alabama Department of Transportation includes a local match of 50% for operating expenses and 20% for administration and capital expenses; and

**Whereas**, the Cleburne County Commission recognizes that the local match will be a shared cost with other participating municipalities being responsible for

providing an appropriate allocation of local non-federal funds to secure the operating of the Section 5311 Non-urbanized Area Public Transportation Program.

**Therefore**, the Cleburne County Commission hereby commits the amount of \$26,588 (See Attachment A) as local non-federal match for capital, administrative, and operations expenditures under the Section 5311 Non-urbanized Area Public Transportation Program during fiscal year 2014.

**Furthermore**, the County Administrator is authorized to execute an agreement with the East Alabama Regional Planning and Development Commission for provision of transit services in Cleburne County and that the County Administrator is also authorized to execute any certifications and assurances required in conjunction with the program.

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#### **Resolution #4470-5**

**Whereas**, the Cleburne County Commission desires for the County Engineer to see to the application of additional gravel to dirt roads with troublesome areas throughout the county; and

**Whereas**, funds intended to be used for roads and bridges are estimated to be insufficient to cover this added expense.

**Therefore**, the Commission authorizes the transfer of \$20,000 from the General Fund to the Gasoline Fund, and a modification to the County Engineer's budget to apply these funds towards the purchase and distribution of gravel upon the roadways.

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#### **Resolution #4470-6**

**Whereas**, the County Commission has been approached by emergency service departments who are of the opinion that additional revenues in the form of property tax millage are necessary to sustain critical services to the people of Cleburne County; and

**Whereas**, the Commission feels as though such a request requires careful drafting of legislation in order to ensure the greatest good for the people through instilling accountability and equity of distribution between eligible entities, and

**Whereas**, the Commission supports this action only if an acceptable bill is drafted as a referendum to be voted on in the November 2014 General Election and requiring a majority vote of qualified electors of Cleburne County before enacting any additional form of taxation in Cleburne County, and

**Whereas**, the Commission expresses no desire or intent to modify, eliminate, or change in any way any current form of taxation presently approved and in effect that in whole or in part provides funding to emergency services.

**Therefore**, the Commission tasks the County Administrator to establish and convene an emergency services committee to provide input and advice into the drafting of a proposed bill for the 2014 Regular Session of the Alabama State Legislature.

This committee shall consist of no more than 9 members to include:

One representative of the fire service from each district, whose name will be provided to the County Administrator in writing and under signature of the District's County Commissioner (4);

Three representatives to represent the Sheriff's Department (1), Police Departments (1), and Cleburne Search and Rescue (1) whose names will

be provided to the County Administrator in writing and under signature of the Cleburne County Sheriff; and

One representative of the Emergency Medical Services whose name will be provided to the County Administrator in writing and under signature of the Cleburne County Hospital Board Chairman (1).

This board shall serve in an advisory capacity to the County Administrator who shall chair the board, document its proceedings, and be responsible for the establishment of draft legislation to be presented to the Cleburne County Commission to be considered for inclusion in the County's 2014 Legislative Agenda. Due to the timeliness of this effort, should any board position remain unfilled for 30 days after the approval of this resolution, the Commission authorizes the County Administrator to appoint a representative for the respective discipline(s) identified above.

**Resolution #4470-7**

**Whereas**, the Cleburne County Commission has previously authorized the expenditure of specified Tobacco Tax proceeds for District 2 projects in order to fund certain projects for the public good;

**Whereas**, the District 2 Commissioner has expressed a desire to apply \$5,000 of his remaining \$27,266.18 towards providing a one-time allocation in support of Cleburne County Search and Rescue;

**Whereas**, this allocation is conditional upon a supportive legal opinion that said recipient is eligible to receive this type of assistance due to their non-profit status;

**Therefore**, the Cleburne County Commission, by passing this resolution, hereby recognizes the funding request as one directly applicable to the stated intent of the earmarks included in with the adopting legislation instituting the tax and clears the request so that the expenditure of \$5,000 in funds can be made.

**Furthermore**, Documentation, including proof of deposit and cancelled checks showing how County funds were used, should be provided to the County Administrator no later than September 30<sup>th</sup>, 2013.

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Action:

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

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

In Opposition: None

Motion Passed

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**Reports from Staff were as follows:**

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A. County Administrator Steve Swafford stated to the Commission that the budget process is in the last quarter of finalization and he anticipates having the budget figures out to the Commission by August 26, 2013, as scheduled. He informed the Commission that we have been notified by ADEM of multiple locations of illegal tire dumping sites in the county, therefore, we will be in the process of testing the \$300,000 remediation grant. Steve briefed the Commission on the Emergency Training Dispatch Class now being held and the Southern Natural Gas Training meeting scheduled for September 12, 2013, at

6:00 p.m. for all branches of emergency services. Southern Natural Gas contractors, in relationship to the large gas transportation system for natural gas that runs through the center of Cleburne County, are sponsoring the Incident Command Intermediate Level Course, ICS 300, scheduled for September 17-19, 2013 and an advance class, ICS 400, on October 23-24, 2013. Steve reported to the Commission that we are still waiting to receive the \$10,000.00 reimbursement applied for through the ALDOT grant for the mapping expense of the Revenue Commissioner that was approved by county resolution at the August 12, 2013 Commission meeting. Steve informed the Commission that August 16, 2013 will begin the mandatory open period for reviewing the county's Solid Waste Management Plan. The 150 page document is in draft form and will remain in draft until passed by the Commission. It is available for the public to review and comment and a public hearing will be held at the September meeting, at which time it will be available for adoption by the County Commission. The City of Heflin has a Solid Waste Management Plan, however, the Town of Ranburne, Town of Edwardsville, nor the City of Fruithurst have one. Steve suggested that the Commissioner's contact the local municipalities to inform them that they can be a signatory to our plan and their participation and cooperation would be beneficial in helping them meet the state requirement that ADEM mandates. Steve informed the Commission that we have received a \$5,000.00 grant to cover cost of the Solid Waste Management Plan. Steve gave the Commission an update on the transfer of the old EOC building to the Board of Education. An un-ending lease had to be closed to finalize the title search.

Commissioner Owen asked questions concerning the Transportation Department.

B. County Engineer Shannon Robbins briefed the Commission on bids received for annual maintenance items for FY 2014.

C. County Attorney Doug Ghee briefed the Commission on meeting with the special legal counsel that was sought to offer expert analysis and opinions regarding the procedures and policies in place and to make recommendations regarding employment issues in Cleburne County. Commissioner Owens and Cobb addressed concerns of the Commission body not meeting with this special legal counsel. Chairman Robertson read aloud the resolution adopted in which allowed for the special counsel to be hired. Chairman Robertson discussed with the Commission the procedures that the legal counsel followed in the employment issues in the county. Doug Ghee made a recommendation to the Commission that they consider approving the resolution presented by the special legal counsel for the employment issue.

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**Resolution #4471**

The Cleburne County Commission adds to the agenda of today's meeting to discuss approval of resolution presented by the special legal counsel for the employment issue.

Action:

Motion made by Commissioner Emmett Owen, Seconded by Commissioner Benji Langley

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

In Opposition: None

Motion Passed

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**Resolution #4472**

**Whereas**, an internal complaint of alleged harassment / discrimination has been filed,

**Whereas**, Cleburne County policy requires an investigation into such complaints to be conducted by the Human Resources Officer;

**Whereas**, the Human Resources Officer has recused herself from the investigation;

**Whereas**, it is important that any investigation be, and is perceived to be, fair and impartial;

**Now, Therefore, it is Resolved** as follows:

1. The Cleburne County Commission has hired attorney April McKay of the Montgomery, Alabama law firm of Holtsford, Gilliland, Higgins, Hitson, and Howard, P.C. as independent outside counsel to assist and advise in recent personnel issues and complaints;
  2. The Cleburne County Commission hereby authorizes April McKay to investigate and respond to the internal complaint of harassment / discrimination,
  3. The Cleburne County Commission also directs attorney April McKay to review County personnel policies and procedures and recommend any changes deemed necessary or beneficial;
  4. The Cleburne County Commission authorizes attorney April McKay to advise as any additional action recommended to resolve the current employee issues and promote the efficient and effective operations of County government in this regard.
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Action:

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

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

In Opposition: None

Motion Passed

Chairman Robertson recommended for the Commission to go into Executive Session to discuss the resolution adopted concerning the personnel issue that contains names of employees on the resolution.

\*\*\*\*\* Executive Session

Commissioner Emmett Owen made a motion to go into executive session and Commissioner Laura Cobb seconded. All approved.

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**Resolution #4473**

The Cleburne County Commission makes the amendment of striking employees names from Resolution #4472.

Action:

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

In Support: Commissioners Laura Cobb, Emmett Owen, Benji Langley 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 #4474**

The Commission meeting is adjourned.

Action:

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

In Support: Commissioners Laura Cobb, Emmett Owen, Benji Langley, Bobby Brooks

In Opposition: None

Motion Passed

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