

Cleburne County Commission Meeting
Cleburne County, Alabama
July 9, 2012

M I N U T E S

- Regular Commission Meeting The Cleburne County Commission met in regular session on Monday, July 9, 2012, at 4:00 p.m. in the Commission Meeting Room, Room 207 of the County Courthouse, Heflin, Alabama.
- Chairman Ryan Robertson called the meeting to order and open for business.
- Roll Call There were present:
Chairman Ryan Robertson
Commissioner Emmett Owen
Commissioner Benji Langley
Commissioner Rex Nolen
- There were absent:
Commissioner Joel Robinson
- Public Comment from Citizens Mr. Grady Parsons and Mr. Edward R Becker, P.E. with Southwest Water Company discussed with the Commission the issues facing the Alabama Department of Transportation with hauling waste water from the Alabama Welcome Center for disposal. Mr. Steven Lines with the Cleburne Chamber of Commerce was present to give the Commission an update
- Commission Discussion The Commission addressed items of the consent agenda from the agenda of today's meeting: a) Approve the Commission meeting minutes of June 2012 as presented; b) Approve the June 2012 check registers; c) Approve to commit the amount of \$26,588 as local non-federal match for capital, administrative and operations expenditures under the Section 5311 Nonurbanized Area Public Transportation Program during fiscal year 2013; d) Approve to deem surplus the mobile home office at the side of the Cleburne County Extension Office; e) Approve the vacancy on the Cleburne County Hospital Board; f) Approve to establish the Cleburne County Safety Program; g) Approve to participate in the ACCA joint bidding for debris removal; h) Approve the request of Ms. Rochelle Osbourn to locate a burial site on her property.
- Resolution # 4411 **On a motion by Commissioner Rex Nolen and seconded by Commissioner Emmett Owen, the Commission passed the following resolution:**
- Be it resolved by the Cleburne County Commission to approve the following resolutions from the items of the consent agenda from the agenda of today's meeting:**
- 4411-1 **The Cleburne County Commission hereby resolves to approve the June 2012 minutes as presented,**
- 4411-2 **The Cleburne County Commission hereby resolves to approve the June 2012 check registers.**
- 4411-3 **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 requirement 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 Nonurbanized Area Public Transportation Program.**
- Therefore, Be it resolved that the Cleburne County Commission hereby commits the amount of \$26,588 as local non-federal match for capital, administrative and operations expenditures under the Section 5311 Nonurbanized Area Public Transportation program during fiscal year 2013.**
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4411-4 Authorization – The Cleburne County Commission hereby deems the following county owned property to be surplus:

The mobile home office at the side of the Cleburne County Extension Office

And authorizes the County Administrator to dispose of said property in whatever appropriate means available by law.

4411-5 Board Appointments:

The Cleburne County Commission hereby appoints Ms. Wilma Brown to the vacant seat on the Cleburne County Library Board

Commission acknowledges the following vacancies:

Cleburne County Hospital Board

District Four Appointment previously held by Rebecca Forney who has resigned – term ending April 2015

4411-6 Whereas, The Cleburne County Commission is dedicated to providing a safe and responsible environment for its employees and the general public; and

Whereas, The County Commission is responsible for insuring that loss prevention efforts are implemented and maintained; and

Therefore, the County Commission establishes the Cleburne County Safety Program to create and insure compliance of safety rules, regulations, and training that protect the well-being of county employees and the general public. The County Commission assigns the responsibilities of the overall Safety Program to the County Human Resource Officer as the appointed Safety Coordinator who will be responsible for:

Establishing and coordinating safety meetings and self-inspections to identify safety related hazards;

Coordinating and implementing safety rules and training for supervisors and employees and/or making recommendations to management regarding such items;

Reviewing and/or investigating all employee accidents for causes and making recommendations for improvements and corrections;

Conducting periodic safety self-inspections of all vehicles, building, grounds, equipment and machinery, and work practices and conditions to determine potential injury exposures;

Documenting and maintaining inspection records and implementing any follow up actions;

Ensuring that qualifications have been met that will enable the county to participate in the ACCA Self-Insurance Fund's Safety Incentive Discount Program.

4411-7 Whereas, Code of Alabama 1975, 41-16-50 authorizes two or more counties in the state to enter into agreements for the joint bidding and purchase of items required to be bid under Alabama's competitive bid; and

Whereas, the Association of County Commissions of Alabama (hereinafter "the Association") has since 2000 administered a statewide joint bid program for counties pursuant to Code of Alabama 1975, 41-16-50 for the joint bidding of certain equipment, materials, and supplies required to be competitively bid under Alabama's competitive bid law; and

Whereas, due to the need in every county for professional and economical debris removal and monitoring services which can be operational in any county immediately following a disaster

necessitating such services, the Association will be conducting regional joint bids for debris removal contracts and for monitoring services contracts which, once executed, can be utilized by each county in a region as needed for disaster response (hereinafter referenced as “the project”); and

Whereas, pursuant to Code of Alabama 1975, 41-16-50, each county desiring to participate in the project is required to adopt a similar resolution, signifying its desire to participate and its agreement to the terms and conditions of participation; and

Whereas, the Cleburne County Commission desires to join and participate in the project for debris removal and monitoring services as a member of Region 6 and understands and agrees to the procedures as set out below:

(1) That the Association, a non-profit organization devoted to providing support and services to its membership of the 67 counties in Alabama, shall provide administrative services to the program, and in this regard, shall:

Oversee the development of written specifications for services to be bid in the region;

Provide notice to respective bidders for all services to be jointly bid in the region as required by law;

Open bids pursuant to bid specifications at its office at 100 North Jackson Street in Montgomery, Alabama; and

Provide other services as necessary excluding the awarding of the contracts.

(2) That in order to participate, the Cleburne County Commission shall forward to the Association the names and addresses of each person or company who has submitted a written request to be included in solicitations of bids for debris removal and/or for monitoring services (its “vendor list”), and that following receipt of vendor lists, the Association shall provide notice of all bid offerings to each applicable person or company if those services are being bid, as provided in Code of Alabama 1975, 41-16-54.

(3) That in compliance with Code of Alabama 1975, 41-16-54, the Cleburne County Commission shall not be eligible to utilize services under a contract awarded through the project unless it has provided the Association with its vendor list for those services, if such a list is held by the county.

(4) That the Association will provide the county with a notice of each solicitation for bid and in compliance with Code of Alabama 1975, 41-16-54, the Cleburne County Commission shall post said notice on a bulletin board in the county’s purchasing office.

(5) That in compliance with Code of Alabama 1975, 41-16-54, the Cleburne County Commission agrees that it shall not be eligible to utilize the services included in a contract awarded through the project unless it has posted such notice.

(6) That following the opening of bids, the Calhoun County Commission will serve as awarding authority for Region 6 and shall determine the lowest responsible bidder and award any contract for the Region at a regular meeting of the Calhoun County Commission.

(7) That the Association shall not serve as the awarding authority for any services bid through the project.

(8) That participation in this project is strictly voluntary, and that, subject to the conditions set out in paragraphs 2, 3, 4, and 5, once a contract has been awarded through the project, the Cleburne County Commission may utilize the contract services during the contract period under the terms of and at the price established under the contract, but shall not be required to purchase any of the services awarded through the project.

(9) That if the Cleburne County Commission decides to utilize debris removal or monitoring services other than through the project, it must separately bid those services if such bidding is required by Alabama’s competitive bid law.

(10) That following the award of a regional contract under the project, the Cleburne County Commission shall deal directly with the successful vendor to activate the services available under the contract, and that there shall be no joint purchasing agent representing any of the counties participating in the project.

(11) That the Cleburne County Commission shall remain a member of the project so long as it desires and agrees to participate in this joint bid agreement under its terms and conditions, and that the Cleburne County Commission shall give at least thirty (30) days’ notice to the

Association of its intent to terminate its participation in the project.

(12) That at the expiration of the thirty days termination notice, the Cleburne County Commission shall be removed from this project and from any correspondence or advertisement regarding the project or any services to be bid under its terms and conditions.

(13) That following its termination from the project, the Cleburne County Commission shall not be eligible to utilize the services under the terms and at the cost of the regional contract, and will be required to bid all such services on its own under the requirements of Alabama's competitive bid law.

(14) That this resolution, once adopted by the Cleburne County Commission, shall serve as its agreement and contract with all other counties in Region 6 participating in this project.

(15) That prior to soliciting any bids for services to be jointly bid under this project; the Association shall forward a list of all participating counties to the Office of Examiners of Public Accounts.

(16) That in order for a county to utilize the services of a contract executed for Region 6 under this project, it must have adopted this resolution prior to the solicitation of bids for debris removal and/or monitoring services, but that once the county has adopted this resolution, it shall remain a member, and subject to the conditions set out in paragraphs 2, 3, 4, and 5 above, shall be eligible to utilize all debris removal and monitoring services thereafter bid for Region 6 under the project until and unless it terminates its participation as set out in paragraphs 11, 12, and 13 above.

Be it Resolved by the Cleburne County Commission, that it agrees to all terms and conditions of the project for regional bidding of debris removal and monitoring services as set out above, and desires to participate in said project.

Be it Further Resolved that it is the intent of the Cleburne County Commission by adoption of this resolution to enter into a joint bid agreement with all other counties in Region 6 participating in this project.

Be it Further Resolved, that a copy of this resolution be immediately forwarded to the Association with a request that the Cleburne County Commission be included as a participant of Region 6 for regional bidding of debris removal and monitoring services for all services bid through the project until and unless notified of the County's desire to terminate its participation under the procedures set out in paragraphs 11, 12, and 13 above.

4411-8

Whereas, the Cleburne County Commission has been approached by Ms. Rochelle Osbourn of 6337 CR 852, Heflin, AL with a request to permit a burial site on her above mentioned property; and

Whereas, necessary steps have been taken to address this request with the Cleburne County Health Department who has investigated the site and determined that no public health nuisance or hazard exists with Ms. Osbourn's request;

Therefore, the Cleburne County Commission approves Ms. Osbourn's request to locate a burial site on her property and said address.

All members present voted for the resolution and none against. The motion carried.

Commission
Discussion

Reports from staff were as follows: A) County Administrator Steve Swafford briefed the Commission on the completion of the new facility which is on schedule for the first week of August, awarding the phone system bid to Centurylink, and delaying to update the E911 equipment due to the time frame of moving to the new facility. B) County Engineer Shannon Robbins discussed with the Commission updates on current projects and briefed the Commission on the Alabama Department of Transportation Rehabilitation and Improvement Program (ATRIP), Federal Aid funds were not approved for upgrades on County Road #43; presented the Commission with the official letter from the Alabama Department of Transportation confirming the road grades for county roads. C) County Attorney Doug Ghee stated he did not have any new updates to report to the Commission at this time. Commissioner Rex Nolen discussed the ACCA's concern of the county holding municipal inmates in the county jail without a contract. Chairman Ryan Robertson discussed with the Commission the concern of the ACCA and Marshall County with the filing of a

lawsuit against their Representatives making changes to the district and senate lines. They are asking other counties in the state if they want to join in on the filing of the lawsuit.

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

Resolution # 4412 **On a motion by Commissioner Emmett Owen and seconded by Commissioner Benji Langley, the Commission passed the following resolution:**

Be it resolved by the Cleburne County Commission to adjourn the meeting. All members present voted for the resolution and none against. The motion carried.
