

**Cleburne County Commission Meeting Minutes  
Regular Commission Meeting August 10, 2020  
Cleburne County Mountain Center**

**Roll Call**

Present:

Chairman Ryan Robertson  
Commissioner Laura Cobb  
Commissioner Emmett Owen  
Commissioner Terry Hendrix  
Commissioner Jake Durham

Absent:

None

Bid Openings:

County Administrator Kim Brown opened the following bids:

Cleaning and Sanitizing County Buildings  
COVID-19 Disinfection

**Consent Agenda**

---

The Commission passes the August 2020 Consent Agenda including:

Action as related to **Resolution #5054- 1-8** August 2020 Consent Agenda:

Motion made by Commissioner Terry Hendrix, Seconded by Commissioner Laura Cobb

In Support: Commissioners Laura Cobb, Emmett Owen, Terry Hendrix, and Jake Durham

In Opposition: None

Motion Passed

**Resolution #5054-1**

The Cleburne County Commission hereby resolves to approve the minutes of:

July 13, 2020

as presented.

**Resolution #5054-2**

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

**Resignations:**

Library Board                      Stacy Littleton

**Vacancies:**

Library Board                      Wilma Brown

**Board Appointments:**

Library Board                      Megan Holbrooks

**Resolution #5054-3**

Whereas the Cleburne County Commission wishes to enter into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation relating to a project for:

Widening and resurfacing on CR-10 from CR-25 to CR-51

Length – 4.256 miles

Project # RASTPNU-1519(251); CCP 15-55-18; CPMS Ref# 100069650

Therefore, the agreement is to be executed in the name of the County, by the Chairman for and on its behalf and it may be attested by the County Clerk and the official seal of the County is to be affixed thereto.

Furthermore, upon completion of the execution of the agreement by all parties, a copy of such agreement should be kept on file by the County.

**Resolution #5054-4**

Whereas, the Commission has previously passed a Continuity of Operations Plan for the duration of the State of Emergency declared as a result of the COVID-19 situation or until the August meeting, whichever comes first; and

Whereas, we have reached the August meeting and the State of Emergency is still active.

Therefore, the Cleburne County Commission extends the Continuity of Operations Plan for the duration of the State of Emergency, or the Commission's September meeting, whichever comes first.

Furthermore, the Cleburne County Commission edits the Continuity of Operations Plan to include the Emergency Leave wording as it is written in the CARES ACT and to outline the necessary steps to be taken should an essential employee be affected by the COVID-19 situation.

**Resolution #5054-5**

Whereas, budget needs can change during the course of the year due to unforeseen circumstances; and

Whereas, the Cleburne County Mountain Center has experienced ongoing phone system issues without resolution; and

Whereas, the increased volumes of calls due to the COVID-19 pandemic has added to the urgency to upgrade the phones.

Therefore, the commission authorizes the County Administrator to increase all affected budgets by the amount necessary, not to exceed \$14,000, to cover the cost of the phone system upgrade.

**Resolution #5054-6**

Whereas, budget needs can change during the course of the year due to unforeseen circumstances; and

Whereas, the CDC has issued cleaning guidelines for health and safety during the COVID-19 pandemic, including the guidance that surfaces frequently touched by multiple people, such as door handles, desks, phones, light switches, and faucets, should be cleaned and disinfected at least daily; and

Whereas, the nature of the County Government has amplified the urgency to intensify the disinfecting, sanitizing, and cleaning procedures to reduce the risk of exposure to the COVID-19 virus.

Therefore, the commission authorizes the County Administrator to increase the Maintenance Budget as necessary to cover the cost of additional cleaning for the remainder of fiscal year 2020.

**Resolution #5054-7**

Whereas, Commissioners Durham and Owen believes the Cheaha Regional Library's Book Mobile service is beneficial for the citizens of our County; and

Whereas, the District 4 and District 2 Commissioners have agreed to apply \$500 each from discretionary funds toward the book Mobile Needs.

Now, therefore, the Commission authorizes this application of funds, recognizing it as having a valid public purpose, being in agreement with the County's Discretionary Fund Policy adopted September 16th, 2013, and a valid use of the earmarked Tobacco Tax that funds the Commissioner's discretionary allocations.

**Resolution #5054-8**

Whereas, the Cleburne County Commission has been made aware of a company proposing a landfill in our neighboring County in Georgia; and

Whereas, the Cleburne County Commission wishes to be proactive in preventing similar scenarios in Cleburne County; and

Whereas, the Cleburne County Commission agrees that seeking help from Representative Ginny Shaver in pursuing local legislation to ban landfills, waste sites, and other facilities that may jeopardize the health and safety of our citizens is necessary.

Therefore, the Cleburne County Commission authorizes the County Administrator to forward this resolution to Representative Shaver to request her assistance in pursuing local legislation.

**New Business:**

---

**A. Retirement Plan**

Action as related to **Resolution #5055** Retirement Plan

Motion made by Commissioner Jake Durham, Seconded by Commissioner Laura Cobb

In Support: Commissioners Laura Cobb, Emmett Owen, Terry Hendrix, and Jake Durham

In Opposition: None

Motion Passed

**Resolution #5055**

Whereas, under the provisions of Act 2019-132, employers who participate in the Employees' Retirement System pursuant to Ala. Code 36-27-6 may elect to provide Tier 1 retirement benefits to Tier II plan members, and

Whereas, Cleburne County Commission participates in the Employees' Retirement System pursuant to Ala Code 36-27-6 and wishes to improve retirement benefits for its Tier II plan members;

NOW, THEREFORE, BE IT RESOLVED BY THE CLEBURNE COUNTY COMMISSION, that Cleburne County elects to provide Tier 1 retirement benefits to its Tier II plan members, subject to approval by the Employees' Retirement System Board of Control; that, if approved, such election shall be effective the following fiscal year and its irrevocable.

BE IT FURTHER RESOLVED that Cleburne Cleburne County Commission has reviewed the actuarial cost estimates provided by the Employees' Retirement System for such election and agrees to pay any resulting increases in the employer contribution rate.

BE IT FURTHER RESOLVED that beginning in the month that such election is effective, Cleburne County Commission's Tier II plan members shall contribute 7.5% of their earnable compensation to Employees' Retirement System and Cleburne County's Tier II plan members who are firefighters or law enforcement officers, as defined by Ala Code 36-27-59(a) shall contribute 8.5% of their earnable compensation to the Employees' Retirement System, as required by Act 2019-132.

BE IT FURTHER RESOLVED that Cleburne County Commission has not increased the member contribution rates for its Tier 1 members as provided by Act 2011-676 and, as required by Ala Code 36-27-6.5, Cleburne County has submitted to the Employees' Retirement System a plan to increase such rates.

*Commissioner Hendrix expresses his concerns about how the employees will react to more money coming out of their check.*

*Commissioner Durham believes this is an opportunity for future employees and explains the benefits of Tier 1, including the earlier retirement possibilities.*

*Commission Hendrix reminds the Commission that this cannot be revoked.*

**B. Bids**

Action as related to **Resolution #5056** Bids

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

In Support: Commissioners Laura Cobb, Emmett Owen, Terry Hendrix, and Jake Durham

In Opposition: None

Motion Passed

### **Resolution #5056**

Whereas, the County has solicited bids for disinfection after an active case of COVID-19 to ensure state purchasing laws are followed; and

Whereas, the bids have been reviewed.

Therefore, the Cleburne County Commission hereby awards the bid to the following vendor: Filta Environmental

### **C. 2021 Transportation Plan**

Action as related to **Resolution #5057** 2021 Transportation Plan

Motion made by Commissioner Terry Hendrix, Seconded by Commissioner Emmett Owen

In Support: Commissioners Emmett Owen, Terry Hendrix, and Jake Durham

In Opposition: Commissioner Laura Cobb

Motion Passed

### **Resolution #5057**

Whereas, the Rebuild Alabama Act requires that an annual Transportation plan be adopted for the next fiscal year by the County Commission no later than August 31; and

Whereas, the County Engineer has provided a list of possible projects with his recommendations for which expenditures are intended to be made in the next fiscal year.

Therefore, the Cleburne County Commission approves the Transportation Plan as presented and directs the County Engineer to post advertisements as required.

*Commissioner Cobb asks to change the resolution to include item numbers 1, 2 and 4, which includes CR35 improvements. She adamantly disagrees with the County Engineer's selection.*

Commissioner Hendrix declines to amend his motion, and the resolution stays as presented.

#### **D. Road Department Schedule**

Action as related to **Resolution #5058** Road Department Schedule

Motion made by Commissioner Jake Durham, Seconded by Commissioner Terry Hendrix

In Support: Commissioners Emmett Owen, Terry Hendrix, and Laura Cobb

In Opposition: Commissioner Jake Durham

Motion Passed

#### **Resolution #5058**

Whereas, the County Engineer currently schedules his road employees to work ten-hour days, Monday – Thursday; and

Whereas, the County Engineer believes that adding an additional day to the schedule for the months of August, September, and October will enable the department to grade dirt roads and mow of rights-of-way; and

Whereas, the additional hours will increase the overtime budget. Therefore, the Cleburne County Commission approves the estimated \$27,000 in overtime costs.

*Commissioner Owen is concerned about the funds for the road department with working an extra 12 days.*

*County Administrator Kim Brown states it has been included in the fund balance estimates for the FY21 budget.*

*County Engineer Lee Estes informs that he lost 5 weeks in the spring due to COVID-19 and he only has 8 employees. He is advertising for open positions, but so far there are no new applicants.*

*Commissioner Owen asks if exceptions will be made for bad weather.*

*County Engineer states they will not be working when there is bad weather occurring.*

*Commissioner Cobb says things will have to change. She asks how he plans to avoid this situation in the future.*

*County Engineer says that spraying is much more cost efficient. Mowing costs approximately \$200,000 annually; whereas, he can spray for \$0.32 per mile.*

*Commissioner Cobb says spraying is not an option for District 1 as it could cause more sickness. District 1 already has several sick children, and she cannot take risks.*

## **E. Discretionary Allocation**

Action as related to **Resolution #5059** Discretionary Allocation

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

In Support: Commissioners Laura Cobb, Emmett Owen, and Jake Durham, Terry Hendrix

In Opposition: None

Motion Passed

### **Resolution #5059**

WHEREAS, Commissioner Owen believes repairs to the Chamber of Commerce building is beneficial for the citizens of our County; and

WHEREAS, the District 2 Commissioner has agreed to apply up to \$1000 from discretionary funds toward lighting and other repairs to the facility.

NOW, THEREFORE, the Commission authorizes this application of funds, recognizing it as having a valid public purpose, being in agreement with the County's Discretionary Fund Policy adopted September 16th, 2013, and a valid use of the earmarked Tobacco Tax that funds the Commissioner's discretionary allocations.

#### **Reports from staff:**

---

- A. County Administrator Kim Brown informs the Commission that budgets will be finished by the end of the week.  
*Commissioner Hendrix asks for a special meeting to go over budgets. The date is to be discussed.*
- B. County Engineer Lee Estes has no updates.
- C. County Attorney Jason Odom update the Commission on the ADEM / Oren Bell lawsuit. He explains that the County is not party to the action.

#### **Old Business:**

---

There is no Old Business to attend to this meeting.

#### **Discussion Items from the Chairman and Commisison:**

---

Chairman Robertson discusses the request of the booster club and asks the Commission if they would like to donate \$250 for a sign.

County Attorney Jason Odom advises that the Commission should do individual signs as this is not an appropriate expenditure for County funds.

Commissioner Owen asks about putting a booth up for Census at the County Fair.

There is not any further business to come today before the Commission for the meeting.

Adjourn the meeting

Action as related to **Resolution #5060**

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

In Support: Commissioners Laura Cobb, Emmett Owen, Terry Hendrix, and Jake Durham

In Opposition: None

Motion Passed

**Resolution #5060**

The meeting is adjourned.

Certified by:

\_\_\_\_\_  
Ryan Robertson – Chairman

\_\_\_\_\_  
Laura Cobb – District 1

\_\_\_\_\_  
Emmett Owen – District 2

\_\_\_\_\_  
Terry Hendrix – District 3

\_\_\_\_\_  
Jake Durham – District 4