

**Cleburne County Commission Meeting Minutes
Regular Commission Meeting October 11, 2022
Cleburne County Mountain Center**

Roll Call

Present:

Chairman Ryan Robertson
Commissioner Terry Hendrix
Commissioner Laura Cob
Commissioner Emmett Owen
Commissioner Roger Hill

Absent:

None

Chairman Ryan Robertson asks for a motion and second to approve to add the following item to the agenda of today's meeting:

New Business – Voting for the Closure of County Road 625

Action as related to **Resolutions #5268**

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

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

In Opposition: None

Motion Passed

Resolution #5268

The Commissioner approves to add to the agenda of today's meeting the following items:

New Business – Voting for the Closure of County Road 625

Scheduled Public Hearings – Closure of County Road 625

Scheduled Public Hearings

A. Road Closure

The meeting is open at this time for anyone wishing to speak on behalf of County Road 625.

Mr. Tony Daniel expresses his concerns for closing County Road 625. He states he does not want that portion of the road closed.

The Commission closes the public hearing.

Consent Agenda

The Commission passed the October Consent Agenda including:

Action as related to **Resolutions #5269 1-8** October 2022 Consent Agenda:

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

In Support: Commissioners Terry Hendrix, Laura Cobb, Emmett Owen, Roger Hill

In Opposition: None

Motion Passed

Resolution #5269-1

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

Sept. 1, Sept. 6, Sept. 12, Sept. 13, Sept. 16, and Sept. 19, 2022

as presented.

Resolution #5269-2

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

No new appointments

Vacancies:

DHR Board- (1)

Resolution #5269-3

Whereas, having received notification from the State of Alabama Alcoholic Beverage Control Board of an Alcohol License being requested (Confirmation number 20220912153203170) located at The Store 5280 County Road 49, Ranburne, AL 36273; and

Whereas, the application received from the Board appears in order;

Therefore, the Cleburne County Commission approves an alcohol license for the said location.

Resolution #5269-4

WHEREAS, the Cleburne County Commission is a recipient of federal financial assistance from the Alabama Department of Transportation in support of transit services which imposes certain obligations upon the recipient, including complying with the Title VI federal requirements; and

WHEREAS, Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance; and

WHEREAS, the Cleburne County Commission commits to assure that no person shall, on the grounds of race, color, national origin, or sex, as provided by Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987 (PL 100.259), be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination under any program or activity regardless of the funding source;

NOW, THEREFORE, be it resolved by the Cleburne County Commission as follows:

The Cleburne County Commission approves the proposed Title VI Program in order to comply with the Title VI federal requirements.

The Human Resources Officer in his/her capacity, will serve as the Title VI Officer and is authorized to revise and update the plan as necessary.

Resolution #5269-5

Whereas, the Cleburne County Commission has been made aware that the Engineer's Department has two tractors and a Sidearm that are currently not in working order; and

Whereas, the Engineer states that, due to the age, the tractors will continue to have problems; and

Whereas, the Engineer requests that he be allowed to surplus this equipment to take to auction; and

Therefore, the Cleburne County Commission agrees to allow for the surplus of the following:

- 2004 Massey Ferguson Tractor Model MF5465 S/N N191002
- 2007 Massey Ferguson Tractor Model MF5465 S/N S180026
- 2009 Massey Ferguson Tractor Model MF5465 S/N 138481*U021946T*

Resolution #5269-6

RESOLUTION FOR THE EXPENDITURE OF AMERICAN RESCUE PLAN ACT FUNDS FOR GOVERNMENT SERVICES

WHEREAS, Cleburne County, Alabama (the "County"), has received American Rescue Plan Act fiscal recovery funds ("ARPA funds"); and

WHEREAS, the Cleburne County Commission ("Commission") is charged with ensuring that such funds are expended in accordance with state and federal law; and

WHEREAS, under the Final Rule published by the United States Department of Treasury dated January 6, 2022, the County duly elected to designate a

standard allowance of up to \$10,000,000, not to exceed the County's total ARPA funds award, as revenue replacement ("ARPA revenue replacement funds"); and

WHEREAS, the County may expend ARPA revenue replacement funds for government services; and

WHEREAS, the County has determined that there is a need to provide the following government services to its citizens and that it is within the authority of the County to provide these services: the maintenance of safe public rights-of-way and vegetation covered public spaces; and

WHEREAS, the County has determined that the procurement of the following equipment from the following vendor is a necessary, reasonable, and proportionate measure to facilitate the provision of these government services:

VENDOR	EQUIPMENT	COST
Coblentz Equipment and Parts Company, Inc.	Massey Ferguson 6713 tractor	\$70,174.75

WHEREAS, more particularly, the procurement of this equipment is specifically authorized for the purpose of replacing failing equipment that, due to its age and state of disrepair, cannot be repaired in a cost-effective manner;

WHEREAS, the County has identified the vendor from which to procure this equipment in a manner consistent with state procurement laws and any federal requirements pertaining to the expenditure of ARPA revenue replacement funds.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION as follows:

- 1) The County shall use up to \$70,174.75 of its ARPA revenue replacement funds to facilitate the provision of the government services described herein.

- 2) The County Administrator is hereby authorized to expend these funds to purchase the equipment described herein from the designated vendor to facilitate the provision of these services.

- 3) Notwithstanding any provision of this Resolution to the contrary, ARPA revenue replacement funds allocated by this Resolution shall not be used for the following purposes:
 - a) To make deposits into a pension fund;
 - b) To service debt or replenish rainy day funds;
 - c) To satisfy settlements and judgments; or
 - d) To fund programs, services, or capital expenditures that undermine efforts to stop the spread of COVID-19.

- 4) Expenditure of funds, as authorized by this Resolution, shall be contingent on the continued appropriation and availability of ARPA Revenue Replacement funds for this purpose and in no event shall said funds be used for any expenses not obligated by December 31, 2024 and expended by December 31, 2026.

Resolution #5269-7

Whereas, the Cleburne County Commission agrees that the bridge on County Road 863 is in need of replacement; and

Whereas, the structural analysis and design of the bridge replacement will cost \$25,000; and

Whereas, Commissioner Roger Hill requests that he be allowed to use a portion of his discretionary fund to pay for the structural analysis and design; and

Therefore, the Cleburne County Commission agrees to allow Commissioner Hill to use \$25,000 of his discretionary funds pay for the structural analysis and design for the bridge on County Road 863.

Resolution #5269-8

Whereas, Pleasant Grove Elementary School is in need of fence work on its campus; and

Whereas, Commissioner Roger Hill has been approached by the principal of the school concerning this need; and

Whereas, Commissioner Hill requests the use of his discretionary funds for the fence project;

Therefore, the Cleburne County Commission agrees to allow Commissioner Hill to use up to \$5,075 for the work on fencing at Pleasant Grove Elementary School.

New Business:

Item A. Support of Amendments 2 and 7

Action as related to **Resolution #5270**

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

In Support: Commissioners Terry Hendrix, Laura Cobb, Emmett Owen, Roger Hill

In Opposition: None

Motion Passed

Resolutions #5270

WHEREAS, the Cleburne County, Alabama, County Commission stands in favor of Amendment 2 and Amendment 7 to the Alabama Constitution, which will promote broadband expansion and economic development, respectively.

WHEREAS, citizens across the state are urged to vote "Yes" on Amendment 2 and Amendment 7 on Election Day, November 8, 2022.

WHEREAS, Amendment 2 would authorize state and local governments to use certain public funds to incentivize broadband expansion, most notably in the rural and underserved areas of the state.

WHEREAS, Amendment 7 makes several necessary technical changes to local governments' economic development powers—the most important of which is clarifying that all counties may exercise these powers, regardless of whether they also have a local constitutional amendment pertaining to economic development.

WHEREAS, Amendment 2 and Amendment 7 will each greatly benefit this county and state by prioritizing broadband expansion and economic development as we progress further into an era in which economic and technological stability are critical.

NOW, THEREFORE, BE IT RESOLVED BY THE CLEBURNE COUNTY COMMISSION that it expresses its resolute support of Amendments 2 and 7 to the Alabama Constitution and any other legislation or policy modeled similarly.

Item B. Cleburne County Maps

Action as related to **Resolution #5271**

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

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

In Opposition: None

Motion Passed

*Commissioner Laura Cobb asks where the money to fund it would be coming from?
County Administrator states she will look back at where it came from in the past, and do it the same way.*

Resolutions #5271

Whereas, the Cleburne County Commission has been approached by Map Solutions Inc. concerning the publishing of County maps; and

Whereas, the County advertisement placed in the maps provides information to citizens of the County; and

Whereas, Map Solutions will provide the advertisement space and 400 maps to the County for a total cost of \$1900; and

Therefore, the Cleburne County Commission agrees to place an advertisement for the County on the published maps.

Item C. Voting for the Closure of County Road 625

Action as related to **Resolution #5272**

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

In Support: None

In Opposition: Commissioners Terry Hendrix, Laura Cobb, Emmett Owen, and Roger Hill

Motion Fails

Resolution #5272

Whereas, the Cleburne County Commission intends to vacate a portion of CR 625. CR 625 shall be vacated from the East intersection with State Highway 46 West approximately 975 feet to the intersection of E-911 Road 627; and

Whereas, the Commission held a public hearing regarding this intent during its regularly scheduled meeting on October 11, 2022; and

Whereas, the names of all land owners whose properties about the roads to be vacated are as follows: Everett & Janice Smith and Darlene Jarrell; and

Whereas, the Commission deems the vacation of said roads in the public interest.

Therefore, the Commission hereby resolves to vacate a portion of CR 625. CR 625 shall be vacated from the East intersection with State Highway 46 West approximately 975 feet to the intersection of E-911 Road 627.

Furthermore, the Commission tasks the County Engineer with conducting the publishing and filing of said vacation as required by law and delegates the authority required to draw this issue to closure including implementing whatever means necessary to invest or reinvest the abutting landowners with title to the vacated portions of the road.

Reports from staff:

- A. County Administrator Lisa Copeland states she has given a copy of the budget to all the Departments. She is looking into sales tax with the RV park and the remittance to Board of Education and Hewett. She states the audit is still ongoing, but going well.
- B. County Engineer Lee Estes is absent
- C. County Attorney Jason Odom does not have anything new to report at this time.

Old Business:

There is no Old Business to discuss at this time

Discussion Items by Chairman and Commissioners:

The Commission discusses the SRO contract. Attorney Jason Odem states he will add the comments discussed by the Commission to the contract, it will then be ready to send to the Board of Education.

Adjourn the meeting

Action as related to Resolution #5273

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

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

In Opposition: None

Motion Passed

Resolution #5273

The meeting is adjourned.

Certified by:

Ryan Robertson – Chairman

Laura Cobb – District 1

Emmett Owen – District 2

Terry Hendrix – District 3

Roger Hill – District 4