

**Cleburne County Commission Meeting Minutes
Regular Commission Meeting August 11, 2021
Cleburne County Mountain Center**

Roll Call

Present:

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

Absent:

Commissioner Emmett Owen

Comments from Citizens

Greg Flanders

Mr. Flanders expresses his concerns on the contract with IVM solutions. He urges the Commission to seek other options and to consider the effects it will have on the County as a whole.

Kaycee Cavender

Ms. Cavender expresses her concerns on spraying. She complains that the Commission has no concern for the safety of the citizens.

Jason Lindell

Mr. Lindell speaks on the "Step It Up" program for mental health and substance abuse for juveniles.

Consent Agenda

The Commission passes the August 2021 Consent Agenda including:

Action as related to **Resolution #5147- 1-9** August 2021 Consent Agenda:

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

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

In Opposition: None

Motion Passed

Resolution #5147-1

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

June 15, 2021 & July 13, 2021

as presented.

Resolution #5147-2

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

Resignations:	
Hospital Board	Melissa Cofield
Vacancies:	None
Board Appointments:	None

Resolution #5147-3

Whereas, the Cleburne County Commission has asked to approve all purchase orders over \$5,000.

Therefore, the Cleburne County Commission hereby approves the following requests:

Cleburne County Engineer

Sunbelt	\$10,000
Sunbelt	\$18,200
Bridge Builders	\$49,950

Resolution #5147-4

Whereas, the Cleburne County Commission must from time to time seek bids for certain supplies, equipment, and services in order to ensure efficient and effective operations of county initiatives while ensuring all state purchasing laws are abided by.

Therefore, the Cleburne County Commission authorizes the County Engineer to renew the following annual maintenance supply bid:

Fleet Maintenance – Diesel – Matthews Truck Repair

Resolution #5147-5

WHEREAS, the Cleburne County Commission must from time to time seek bids for certain supplies, equipment, and services in order to ensure efficient and effective operations of county initiatives while ensuring all state purchasing laws are abided by.

Therefore, the Cleburne County Commission authorizes the County Engineer to seek bids for the following annual maintenance supplies:

- Annual In-Place Plant mix
- Annual Bituminous Treatment Resurfacing
- Annual Traffic Striping, Markings, and Markers
- Annual Micro Surfacing
- Annual Hot Asphalt Plant mix
- Annual Cold Asphalt Plant mix
- Annual Crushed Aggregate (Stone)

Resolution #5147-6

Whereas, The Health Insurance Portability and Accountability Act of 1996 (HIPAA) is a federal law that requires the creation of national standards to protect sensitive patient health information from being disclosed without the patient's consent or knowledge; and

Whereas, the US Department of Health and Human Services (HHS) has issued the HIPAA Privacy Rule to implement the requirements of HIPAA; and

Whereas, the HIPAA Security Rule protects a subset of information covered by the Privacy Rule.

Therefore, the Cleburne County Commission adopts the attached HIPAA policy.

Resolution #5147-7

Whereas, the Cleburne County Commission concurs that the provision of direct allocation to the 12 Fire Departments throughout the County for Personal Protective Equipment such as safety gear will serve a public purpose which is a need within the County and will eliminate a threat to public health and the fire departments throughout the County regardless of household income.

Now, therefore, be it resolved by the Cleburne County Commission as follows: The Chairman is hereby authorized to execute a request, with appropriate assurances, to the State of Alabama Department of Economic and Community Affairs, Community and Economic Development Division, requesting Fiscal Year 2020 – 2021 Community Development Block Grant Funds – CV in the amount of \$200,000 for the purchase of Personal Protective Equipment / Safety Gear to be allocated among the County Fire Departments which serve the Cleburne County Community.

Resolution #5147-8

Whereas, the Cleburne County Commission has adopted a policy that disallows the cashing out of compensatory time; and

Whereas, the County Engineer has requested that the Commission deviate from this policy to allow his engineering staff and his environmental staff to cash out compensatory time that has accrued and will continue to accrue through the payroll 21-23 process; and

Whereas, the overtime line in the environmental budget will need to be increased to allow for the deviation.

Therefore, the Cleburne County Commission authorizes the one-time deviation to the Compensatory Policy and approves the pay out of the compensatory time of the County Engineer's engineering and environmental staff through the payroll 21-23 process.

Furthermore, the Cleburne County Commission authorizes the County Administrator to adjust the overtime line in the Environmental Budget to allow for this one-time deviation from the policy.

Resolution #5147-9

Whereas, the Cleburne County Commission currently participates in the Senior Community Service Employment Program; and

Whereas, the Cleburne County Commission wishes to renew its participation in the program for the upcoming year.

Therefore, the Cleburne County Commission authorizes the Chairman to sign all necessary participation documents.

New Business:

A. Restricted spraying

Action as related to **Resolution #5148** Restricted spraying

Motion made by Commissioner Laura Cobb, Seconded by Commissioner Roger Hill

In Support: Commissioner Cobb and Roger Hill

In Opposition: Commissioner Hendrix

Resolution #5148

Whereas, the Cleburne County Commission has heard the concerns associated with the spraying of herbicides for roadside maintenance; and

Whereas, the Commission agrees that herbicides should not be used near waterways; and

Whereas, the Commission believes that spraying is necessary in high risk areas.

Therefore, the Cleburne County Commission discontinues the use of chemicals for the purpose of routine roadside turf suppression but authorizes the limited use of chemicals only for high risk areas excluding waterways.

B. County Transportation Plan

Action as related to **Resolution #5149** County Transportation Plan

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

In Support: Commissioners Roger Hill and Terry Hendrix

In Opposition: Commissioner Cobb

Amended Motion Passed

Commissioner Hendrix makes motion to amend the resolution for projects 3, 6, and 8.

Commissioner Cobb asks for the recommendations from the County Engineer.

County Engineer Lee Estes states that the projects are not listed top to bottom and that all the projects need to be done regardless.

Commissioner Cobb makes note that District 1 is not a priority when it comes to road projects.

Commissioner Hendrix makes a motion to vote on the amended motion.

Resolution #5149

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 following projects to be included in the Transportation Plan:

Project 3: County Road 43 from the intersection of County Road 49 to County Road 37 (3.0 miles) \$178,842

Project 6: County Road 25 from the intersection of County Road 10 to County Road 75 (2.4 miles) \$156,921

Project 8: County Road 41 from the intersection of HWY 46 to County Road 10 (4.6 miles) \$682,554

C. Authorize renewal of roadside maintenance contract

Action as related to **Resolution #5150** Authorize renewal of roadside maintenance contract

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

In Support: Commissioner Terry Hendrix

In Opposition: Commissioners Laura Cobb and Roger Hill

Motion did not pass

Resolution #5150

Whereas, the County Engineer has asked the Commission to renew the roadside maintenance bid for the upcoming year; and

Whereas, the Engineer believes this is the most cost efficient option as it secures the prices that are already in place.

Therefore, the Cleburne County Commission authorizes the County Engineer to renew the roadside maintenance bid with IVM solutions for the upcoming year.

County Engineer Lee Estes states that the prices are still the same as long as it gets locked in.

Commissioner Hill asks the County Engineer if there will be mowing.

County Engineer Lee Estes states there will be.

Commissioner Cobb suggests hiring a different company and asks to amend the resolution.

Commissioner Hendrix states there is no reason to amend.

County Attorney Jason Odom states there is a meeting set aside with the company to go over the contract.

Commissioner Cobb makes motion to table until next meeting.

Motion to table dies for lack of support.

Commissioner Hendrix states there will be an increase to the prices if they are not locked in.

Commissioner Hill asks if there have been any other offers.

County Engineer Lee Estes states there are not any.

D. Amended COOP

Action as related to **Resolution #5151** Amended COOP

Motion made by Commissioner Roger Hill, Seconded by Commissioner Laura Cobb

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

In Opposition: None

Motion Passed

Resolution #5151

Whereas, Cleburne County has experienced an increase in COVID-19 cases; and

Whereas, the Commission believes a policy is needed to define practice and procedures related to COVID-19 situations.

Therefore, the Cleburne County Commission adopts the attached amended Continuity of Operations Plan.

Reports from staff:

- A.** County Administrator Kim Brown is not present.
- B.** County Engineer Lee Estes has no updates.
- C.** County Attorney Jason Odom has no updates.

Attorney Hope Hicks suggests the Commission go into Executive Session.

E. Executive Session

Action as related to **Resolution #5152** Executive Session

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

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

In Opposition: None

Resolution #5152

The Commission goes into Executive Session.

Regular meeting is back in session.

Add to agenda the resignation of County Administrator Kim Brown

Motion made by Commissioner Hendrix, Seconded by Commissioner Cobb

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

In Opposition: None

Add to agenda the temporary duties given to the Finance Clerk

Motion made by Commissioner Hendrix, Seconded by Commissioner Cobb

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

In Opposition: None

Add to agenda to task the HRO with applications for new County Administrator

Motion made by Commissioner Hendrix, Seconded by Commissioner Cobb

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

In Opposition: None

Add to agenda the American Rescue Plan

Motion made by Commissioner Cobb, Seconded by Commissioner Hendrix

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

In Opposition: None

Add to agenda to solicit bids for Roadside Maintenance

Motion made by Commissioner Cobb, Seconded by Commissioner Hendrix

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

In Opposition: None

F. Resignation of County Administrator

Action as related to **Resolution #5153** Resignation of County Administrator

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

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

In Opposition: None

Motion Passed

Resolution #5153

Accept the resignation of County Administrator Kim Brown and authorize Attorney Hope Hicks to negotiate severance package with Ms. Brown in exchange for global release of any claims Ms. Brown may have against the County Commission. The Commission will vote on severance package next meeting.

G. Temp Duties for Finance Clerk

Action as related to **Resolution #5154** Temp Duties for Finance Clerk

Motion made by Commissioner Laura Cobb, Seconded by Commissioner Roger Hill

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

In Opposition:

Motion Passed

Resolution #5154

Temporarily increase the duties of the Finance Clerk during the transition caused by the Administrator's departure and temporarily increase her compensation to Grade Nine base salary beginning 8/11/2021 through 9/30/2021.

H. Task HR Attorney with applications

Action as related to **Resolution #5155** Task HRO with applications

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

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

In Opposition:

Motion Passed

Resolution #5155

Authorize the HR Officer to advertise for applications to fill the position(s) being vacated by the Administrator's departure.

I. Authorize Signature

Action as related to **Resolution #5156** Authorize Signature

Motion made by Commissioner Terry Hendrix, Seconded by Commissioner Roger Hill

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

In Opposition: None

Motion Passed

Resolution #5156

Authorize the signature of Chairman Robertson for the American Rescue Plan.

J. Roadside Maintenance

Action as related to **Resolution #5157** Roadside Maintenance

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

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

In Opposition: None

Motion Passed

Resolution #5157

Solicit bids for roadside maintenance for mowing and limited spraying in high-risk areas.

Old Business:

Action as related to **Resolution #5145**

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

In Support: Commissioners Laura Cobb, Roger Hill

In Opposition: Commissioner Hendrix

Motion Passed

Resolution #5146

Meeting Adjourned.

Certified by:

Ryan Robertson – Chairman

Not Present
Emmett Owen – District 2

Laura Cobb – District 1

Terry Hendrix – District 3

Roger Hill – District 4