

**Cleburne County Commission Meeting Minutes
Regular Commission Meeting December 19, 2022
Cleburne County Mountain Center**

Roll Call

Present:

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

Absent:

NONE

Comments from Citizens

Scheduled Public Hearings – Vacation of a portion of CR 408

Scheduled Public Hearings

A. Road Closure

The meeting is open at this time for anyone wishing to speak on behalf of County Road 408.

Mr. Batrovny speaks to the Commission about closing a portion of CR 408. He states he has a contract on a piece of land on that road and he would like to build a house.

Mr. Statham speaks to the Commission about closing a portion of CR 408. He owns land on both sides of the road. He showed the Commissioners a map of the portion of CR 408 that would be closed. He gives permission to do so and states it would not affect Mr. Owen's portion of the road.

Mr. Owen speaks to the Commission about reopening Fordem Rd.

The Commission closes the public hearing.

Consent Agenda

The Commission passes the November 2022 Consent Agenda Resolution

#5283-1, 5283- 2 and 5283-4, but did not pass Resolution #5283-3 and #5283-5 which were added to new business Line Item H and Line Item I:

Action as related to **Resolution #5283 1-5** November 2022 Consent Agenda:

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

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

In Opposition: None

Motion Passed

Resolution #5283-1

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

November 16, 2022

as presented.

Resolution #5283-2

No new appointments

Vacancies: None

Resolution #5283-3

RESOLUTION FOR THE ALLOCATION OF AMERICAN RESCUE PLAN ACT FUNDS FOR EQUIPMENT TO FACILITATE THE DELIVERY OF GOVERNMENT SERVICES

WHEREAS, Cleburne County, Alabama, (the "County") has received an award of Coronavirus State and Local Fiscal Recovery Funds under the American Rescue Plan Act from the U.S. Department of the Treasury ("Treasury"), the whole of which has been duly designated as revenue replacement funds ("ARPA revenue replacement funds") in accordance with the Final Rule issued by Treasury on January 6, 2022; and

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

WHEREAS, the County may expend ARPA revenue replacement funds for government services, including the purchase of equipment needed to facilitate and improve government services; and

WHEREAS, government services provided by the County include the maintenance of rights-of-way adjacent to County-owned roads; and

WHEREAS, the Commission has determined that in order to ensure the timely and effective maintenance of these rights-of-way it is necessary to purchase the following roadway maintenance equipment: a boom mower; and

WHEREAS, the County engineer has advised the Commission that a suitable boom mower is available through the Association of County Commissions of Alabama's ("ACCA") Joint Bid Program from Coblenz Equipment and Parts Co., Inc. for a cost of \$187,000; and

WHEREAS, the County is a participant in the ACCA Joint Bid Program; and

WHEREAS, the Commission has determined that the expenditure of ARPA revenue replacement funds to purchase this road maintenance equipment is reasonable, necessary, and eligible use of these funds.

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

1) The County shall allocate up to \$187,000 of its ARPA revenue replacement funds to cover the cost of purchasing the road maintenance equipment described herein from Coblenz Equipment and Parts Co., Inc. ("Coblenz").

2) Expenditure of any funds allocated herein shall be contingent on obtaining a price quote from Coblenz that conforms in pricing to the provisions of its ACCA Joint Bid Program contract for the sale of this equipment.

3) Notwithstanding any provision in this Resolution to the contrary, the ARPA revenue replacement funds allocated herein may not be used for the following:

- 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 the funds allocated herein is contingent on the continued appropriation and availability of ARPA revenue replacement funds for this purpose and in no event shall be used for any expenses not obligated by December 31, 2024 and expended by December 31, 2026.

Resolution #5283-4

Whereas, Cleburne County is a member of the Association of County Commissions of Alabama Liability Self-Insurance Fund, Inc. ("Liability Fund") for the contract period ending Dec. 31, 2023; and

Whereas, the County's participation in the Liability Fund has been a significant benefit to the County since becoming a member; and WHEREAS, the representation and service provided by the Liability Fund continues to be in the best interest of Cleburne County and its officials and employees; and

Whereas, Cleburne County would benefit by agreeing to extend its participation in the Liability Fund for an additional three-year period beginning Jan. 1, 2024 and concluding Dec. 31, 2026.

Now, therefore, be it resolved by the Cleburne County Commission that it renews its participation in the Liability Fund for calendar years 2024 through 2026 and hereby directs its Chair to immediately execute the 2024-2026 ACCA Liability Self-Insurance Fund, Inc. Participation Agreement. Adopted this the 19th day of December 2022.

Resolution #5283-5

Whereas, the Cleburne County Commission previously agreed to purchase a carport for EMA to store light towers and other items;

Whereas, the amount agreed upon was \$8,500 to be paid out of the General Fund for EMA use, but given the time since the carport price was quoted, the cost has increased;

Whereas, a recently updated quote has been received for a cost update of \$10,969.20;

Therefore, the Cleburne County Commission agrees to allow the new amount to be paid out of the General Fund for EMA expense.

New Business:

A. Rescind Resolution #5211

Action as related to **Resolution #5284** Rescind Resolution #5211

Motion made by Commissioner Laura Cobb, Seconded by Roger Hill

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

In Opposition: None

Motion Carries

Resolution #5284

Whereas, the Cleburne County Commission previously designated its' Simplified Sellers Use Tax (SSUT) for employee pay increases/payroll, with Resolution# 5211;

Therefore, the Commission hereby rescinds Resolution# 5211

B. Simplified Sellers Use Tax

Action as related to **Resolution #5285** Simplified Sellers Use Tax

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

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

In Opposition: None

Motion Carries

Resolution #5285

Whereas, Cleburne County received Simplified Sellers Use Tax (SSUT) monies, collected by the Alabama Department of Revenue; and

Now Therefore, be it resolved that Cleburne County will use the SSUT collected to supplement the cost of School Resource Officers/payroll.

C. Vice-Chair

Action as related to **Resolution # 5286** Vice-Chair

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

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

In Opposition: None

Motion Carries

Resolution #5286

Whereas, the Cleburne County Commission has two commissioners that are starting a new term;

Whereas, at this time, a Vice-Chair of the Commission must be chosen by the Commission;

Therefore, the Commission approves to appoint Commissioner Terry Hendrix as the Vice-Chair of the Commission.

D. Court Fees

Action as related to **Resolution #5287** Court Fees

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

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

In Opposition: None

Motion Carries

Resolution #5287

Whereas, the Cleburne County Commission currently allows a \$30 court fee to go to the Engineer Department for equipment purchases;

Whereas, the Commission has approved of a number of equipment purchases recently;

Therefore, the \$30 court fee will be placed in the general fund until further notice.

E. School Resource Officer - 2

Action as related to **Resolution #5288** School Resource Officer - 2

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

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

In Opposition: None

Motion Carries

Resolution #5288

Whereas, the Cleburne County Commission has agreed to the hiring of deputies to serve as School Resource Officers (SROs) in the County Schools;

Therefore, the Cleburne County Commission agrees to the hiring of three School Resource Officers.

F. Revenue Commission Organizational Chart Change

Action as related to **Resolution #5289** Revenue Commission Organizational Chart Change

Motion made by Commissioner Emmett Owen, Seconded by Commissioner Roger Hill

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

In Opposition: Terry Hendrix

Motion Carries

Resolution #5289

Whereas, New Business Item F. Revenue Commission Organization Chart Change was added to the Agenda by mistake.

Therefore, Revenue Commission Organizational Chart has been moved to New Business Line J for further discussion and voting.

G. Vacation of a portion of CR 408

Action as related to **Resolution #5290** Vacation of a portion of CR 408

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

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

In Opposition: None

Motion Carries

Resolution #5290

Whereas, the Cleburne County Commission intends to vacate a portion CR 408. CR 408 shall be vacated from the end of the County right-of-way South approximately 540 feet.; and

Whereas, the Commission held a public hearing regarding this intent during its regularly scheduled meeting on December 19th, 2022; and

Whereas, the names of all landowners whose properties abut the roads to be vacated are as follows: Thomas G. Statham; and

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

Therefore, the Commission hereby resolves to vacate a portion CR 408. CR 408 shall be vacated from the end of the County right-of-way South approximately 540 feet.

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.

H. Purchase of a Boom Mower

Action as related to **Resolution #5291** Purchase of a Boom Mower

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

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

In Opposition: None

Motion Carries

Resolution #5291

RESOLUTION FOR THE ALLOCATION OF AMERICAN RESCUE PLAN ACT FUNDS FOR EQUIPMENT TO FACILITATE THE DELIVERY OF GOVERNMENT SERVICES

WHEREAS, Cleburne County, Alabama, (the “County”) has received an award of Coronavirus State and Local Fiscal Recovery Funds under the American Rescue Plan Act from the U.S. Department of the Treasury (“Treasury”), the whole of which has been duly designated as revenue replacement funds (“ARPA revenue replacement funds”) in accordance with the Final Rule issued by Treasury on January 6, 2022; and

WHEREAS, Cleburne County Commission (the “Commission”) is charged with ensuring that the County’s ARPA revenue replacement funds are expended in accordance with state and federal law; and

WHEREAS, the County may expend ARPA revenue replacement funds for government services, including the purchase of equipment needed to facilitate and improve government services; and

WHEREAS, government services provided by the County include the maintenance and construction of county-owned roads, including adjacent rights-of-way; and

WHEREAS, the Commission has determined that in order to ensure the timely and effective construction and maintenance of these roads and rights-of-way it is necessary to purchase the following equipment: a boom mower; and

WHEREAS, the County engineer has advised the Commission that a suitable boom mower is available through the Association of County Commissions of Alabama’s (“ACCA”) Joint Bid Program from Coblenz Equipment and Parts Co., Inc. for a cost of \$204,800 (the “boom mower”); and

WHEREAS, the Commission has determined that the expenditure of ARPA revenue replacement funds to purchase the foregoing road construction and maintenance equipment is reasonable, necessary, and eligible use of these funds.

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

5) The County shall allocate up to \$204,800 of its ARPA revenue replacement funds to cover the cost of purchasing the boom mower from Coblenz Equipment and Parts Co., Inc. (“Coblenz”).

6) Notwithstanding any provision in this Resolution to the contrary, the ARPA revenue replacement funds allocated herein may not be used for the following:

- e. To make deposits into a pension fund;
- f. To service debt or replenish rainy day funds;
- g. To satisfy settlements and judgments; or
- h. To fund programs, services, or capital expenditures that undermine efforts to stop the spread of COVID-19.

7) Expenditure of the funds allocated herein is contingent on the continued appropriation and availability of ARPA revenue replacement funds for this purpose and in no event shall be used for any expenses not obligated by December 31, 2024, and expended by December 31, 2026.

I. EMA Carport Purchase

Action as related to **Resolution #5292** EMA Carport Purchase

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

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

In Opposition: None

Resolution tabled until January Emergency Communications District meeting to be able to discuss where the money to purchase the Carport will be coming from.

Resolution #5292

Whereas, the Cleburne County Commission previously agreed to purchase a carport for EMA to store light towers and other items;

Whereas, the amount agreed upon was \$8,500 to be paid out of the General Fund for EMA use, but given the time since the carport price was quoted, the cost has increased;

Whereas, a recently updated quote has been received for a cost update of \$10,969.20;

Therefore, the Cleburne County Commission agrees to allow the new amount to be paid out of the General Fund for EMA expense.

J. Revenue Commission Organizational Chart Change

Action as related to **Resolution #5293** Purchase of a Boom Mower

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

In Support: None

In Opposition: ALL

Motion Carries

Resolution #5293

Whereas, Revenue Commissioner Joyce Fuller is requesting a change in her organizational chart, to allow for another part-time position;

Whereas, the position will be File Clerk and the employee will be hired at pay grade 10, step A.

Therefore, the Cleburne County Commission agrees to allow the change in the organizational chart and hiring of permanent, part-time employee.

K. Purchase Order Request

Action as related to **Resolution #5294** Purchase Order Request

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

In Support: None

In Opposition: ALL

Motion Carries

Resolution #5294

Whereas, the County Engineer has proposed a purchase order to cover the cost of the annual inspection of truss bridges:

Whereas, the cost for said lump sum project will be \$27,500.00;

Whereas, the County Engineer already has it accounted for in his budget;

Now therefore, the Commission approves the expenditure of \$27,500.00 on this purchase order for the truss bridge inspections.

Reports from staff:

- A. County Administrator Lisa Copeland discusses with Commission about amending the Budget to include line items for 'RO's. She reminded the Commission about Contractor's Liability and if they needed to reach out to Legislature they needed to do so before they go into work session. She states the SSUT money will be taken care of best we can. She reminds the Commission that our work session and our regular scheduled meeting in January fall on holidays and asks the Commission for a resolution to change the date for work session from January 2nd to January 3rd at 3:00 PM and our regular meeting from the 16th to the 17th at 5:00 PM.

Action as related to **Resolution #5295**

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

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

In Opposition: None

Motion Passed

Resolution #5295

Whereas, the Cleburne County Commission has been asked to change the days for the work session and the regular scheduled monthly Commission meeting for January due to Holidays.

Therefore, the Work Session for January has been changed from January 2nd to January 3rd at 3:00 PM and the Regular Commission meeting has been changed from January 16th to January 17th at 5:00 PM.

Commissioner Emmett Owen states that he would like to tour the jail after the work session to see what repairs need to be made.

- B. County Engineer Lee Estes asks the Commission to add to the Agenda a purchase order to cover the cost of the annual inspection of truss bridges be added to the Agenda. He updates the Commission on the number of bus riders in our Transportation Department.
- C. County Attorney Jason Odom has no updates at this time
- D. Sheriff Jon Daniel informs the Commission that December 27th will be the last day for Courthouse Security, his deputy turned in his resignation and he will be seeking to hire a replacement.

Old Business:

No Old Business at this time.

Discussion Items by Chairman and Commissioners:

The Commissioners discuss trash not being picked up on the sides of some roads. They also discuss the potential of an animal shelter and what all would need to take place to be able to have one.

Action as related to **Resolution #5296**

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

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

In Opposition: None

Motion Passed

Resolution #5296

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