

**Cleburne County Commission Meeting Minutes
Regular Commission Meeting September 14, 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

Comments from Citizens

Mayor Rudy Rooks states the industrial development has been remarkably successful and asks the Commission to keep the City and County in mind during budget.

Scheduled Public Hearings

Title III Certification

Consent Agenda

The Commission passes the September 2020 Consent Agenda including:

Action as related to **Resolution #5060- 1-4, 6-10** 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 #5060-1

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

August 10, 2020

as presented.

Resolution #5060-2

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

Resignations:

Library Board

Chella Baker

Vacancies:

Library Board

Stacy Littleton

Board Appointments:

Library Board

Sue Taylor

Library Board

Pam Payne

Resolution #5060-3

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 September 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 October meeting, whichever comes first.

Resolution #5060-4

Whereas, the Cleburne County Commission has asked to approve all purchase orders over \$15,000.

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

Cleburne County Engineer

| | |
|------------------------|----------|
| Emergency repair CR497 | \$29,950 |
|------------------------|----------|

Resolution #5060-6

WHEREAS, Cleburne County Commission in Cleburne County, Alabama wishes to make application to the Alabama Department of Economic and Community Affairs for FY2020 Community Development Block Grant County Fund Assistance for the Cleburne County Water Authority to conduct a water system extension; and

WHEREAS, the Cleburne County Commission will submit an application to the Alabama Department of Economic and Community Affairs (ADECA) for grant assistance through the Community Development Block Grant (CDBG) program; and

WHEREAS, per ADECA application guidelines, the Cleburne County Water Authority will commit \$38,500 in cash and \$8,585.28 in in-kind labor for use a local match.

NOW, THEREFORE, BE IT RESOLVED that the Cleburne County Commission confirms that the Cleburne County Water Authority, Alabama, will hold \$38,500 in reserve for use as cash-match and \$8,585.28 in in-kind labor.

Resolution #5060-7

Whereas, the Cleburne County Commission is authorized to declare property as surplus when said property is deemed to be of no further use or value to the County; and

Whereas, the County has identified the following items which it has deemed to be of no further use to the County:

- Mini Excavator
-

Therefore, the Cleburne County Commission declares the equipment to be surplus property, and authorizes the County Engineer to oversee the disposition processes.

Resolution #5060-8

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

Whereas, the budget needs an increase for the following items for accurate financial reporting:

- COVID expenditures / CARES Act
- Election expenditures / CARES Act
- SEP Lighting Grant Expenditures / Revenues
- Secondary Road Expenditures / Revenues

Therefore, the Cleburne County Commission approves the following budget increases:

- COVID expenditures / Cares Act - \$30,000
- COVID Election expenditures / Cares Act - \$35,000
- General Fund SEP Project – Revenue / Expenditures \$25,000
- Secondary Road – Revenue / Expenditures - \$26,000

Resolution #5060-9

Whereas, the Cleburne Engineer has solicited bids for Bituminous Surface Treatment and for Fleet Maintenance; and

Whereas, the County Engineer has made his recommendation.

Therefore, the Cleburne County Commission hereby awards the bids as follows:

Bituminous Surface Treatment –

Charles E Watts, Inc

Fleet Maintenance -

Diesel – split between Matthews Repair and Crosson Truck

Gasoline – Brooks Auto

Resolution #5060-10

Whereas, QCHC, Inc, a/k/a Quality Correctional Health Care, (“QCHC”), and Cleburne County, Alabama (“County”), previously entered into a Health Services Agreement (the “Agreement”); and

Whereas, Section 10.6 of the Agreement states that the Agreement “may be amended or revised only in writing and signed by all parties”; and

Whereas, Section 6.1 of the Agreement states that the Agreement “may be extended for additional one-year terms if mutually agreeable to both parties”; and

Whereas, the parties mutually desire to extend the term of the Agreement for a term beginning October 1, 2020 and ending September 30, 2021; and

Whereas, the County desires to increase the amount of on-stie nursing hours per week to better accommodate the current inmate population.

Therefore, the parties hereby mutually agree to extend and amend the terms of the Agreement as follows and authorizes the Chairman to sign the agreement:

EXTENSION

The parties hereby agree to extend the Agreement for a renewal term beginning on October 1, 2020 and ending September 30, 2021.

AMENDMENTS

| Staffing | Pool | Monthly Price | Annual Price |
|---|---|---------------|--------------|
| 25 hours per week of nursing covered by a Licensed Practical Nurse (\$10,000 pool included) | \$10,000 cost pool included in contract price | \$7,521.00 | \$90,252.00 |
| | | | |

Resolution #5060-11

Whereas, the Cleburne County Commission recognizes the need to occasionally evaluate the infrastructure system of the County to better serve its citizens; and

Whereas, the Cleburne County Commission has the legal authority to vacate public roads.

Therefore, the Cleburne County Commission authorizes the County Engineer to take all necessary steps to begin the process of closing County Road 681.

Resolution #5060-12

Whereas, the Commission is asked to renew its Long Term Detention Subsidy Contract in conjunction with the State Department of Youth Services each year.

Therefore, the Cleburne County Commission authorizes the Chairman to make this designation and sign any and all paperwork related to the renewal of this agreement / contract.

Resolution #5060-13

Whereas, the Cleburne County Commission desires to cooperate in the allocation of Rebuild Alabama Act Funds in the amount of \$400,000 to the County in exchange for the annual federal allocation, specified in the Rebuild Alabama Act as Federal Aid Exchange Funds (FAEF).

Therefore, the Cleburne County Commission authorizes the Chairman to enter into an agreement with the State of Alabama for the exchange of funds in accordance with the provisions of Act 2019-2.

Resolution #5060-14

Whereas, the Cleburne County Commission wishes to improve County Road 66; and

Whereas, the State of Alabama has agreed to provide up to \$250,000 for the project.

Therefore, the Cleburne County Commission authorizes the Chairman to enter into agreement with the State of Alabama for the aforementioned funds.

New Business:

A. Transfer EMA vehicle to Engineer

Action as related to **Resolution #5061** Transfer EMA vehicle to Engineer

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

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

In Opposition: Jake Durham

Motion Passed

Resolution #5061

Whereas, Commissioner Owen believes the 2003 Dodge Ram, previously used by Search and Rescue, may be beneficial for the Road Department: and

Whereas, the truck currently belongs the EMA Department.

Therefore, the Cleburne County Commission authorizes the County Administrator to transfer the vehicle to the Engineer's inventory.

Commissioner Jake Durham asks to amend the resolution, so the vehicle goes to the Sheriff's Department

Original motion carries for lack of second

B. Amend Resolution# 4395-6- Court fee allocations

Action as related to **Resolution #5062** Amend Resolution# 4395-6- Court fee allocations

Motion made by Commissioner Jake Durham, Seconded by Commissioner Emmett Owen

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

In Opposition: Commissioner Laura Cobb

Motion Passed

Resolution #5062

WHEREAS, the Cleburne County Commission desires to reconsider the allocation of the additional court fee for traffic cases as defined by AL Code § 45-15-80.09 (2012) ; and

WHEREAS, Resolution# 4395-6 transfers the entire amount to the Gasoline Tax Fund for the improvement of roads and bridges; and

WHEREAS, the Commission acknowledges that these fees would be non-existent if not for the law enforcement first issuing the citations.

Therefore, the Cleburne County Commission amends Resolution# 4395-6 to read as follows:

Whereas, the Cleburne County Commission recognizes the need to provide the citizens of Cleburne County with the best possible infrastructure available as well as the assurance that law enforcement presence is a top priority for the safety and economic advancement of the county; and

Whereas the Cleburne County Commission requested the passage of a bill, which was enacted by the Legislature of Alabama, that added an additional fee of \$30.00 to traffic cases filed in the Circuit Court, District Court, or any municipal court in Cleburne County; and

Whereas, the revenues that are a result of the legislation are deposited into the General Fund as directed by the aforementioned code.

Therefore, the Cleburne County Commission authorizes 50% of the funds collected as a result of the said legislation to be transferred monthly from the General Fund to the Gasoline Tax Fund, to be utilized by the Cleburne County Highway Department for the improvement of the county's road and bridge infrastructure and the remaining 50% is to be used to fund the second investigator position that has been previously created by Resolution #4280-4.

Commissioner Terry Hendrix asks where the extra money would go when put into the general fund

County Administrator Kim Brown states the 50% would stay in the general fund

Commissioner Terry Hendrix asks if that statement needs to be put in the resolution for clarification.

Commissioner Jake Durham wants to put 50% toward the Sheriff's Department

Commissioner Terry Hendrix says the resolution would then have to change

Commissioner Jake Durham wants to amend the resolution to say 50% road department and 50% sheriff's department

County Administrator Kim brown states there is a separate fund for the sheriff's department

Commissioner Emmett Owen wants to use the extra money for the Sheriff departments vehicles

Commissioner Terry Hendrix asks to line item each expense, so it comes through the Commission

Commissioner Jake Durham states one the money is transferred to the Sheriff's Department the Commission has no control of what expenses is bought with it

Commissioner Laura Cobb states there are two resolutions for the Sheriff's Department Investigator and item C secures their funding

Commissioner Jake Durham says 50% could be put in General Fund

Commissioner Terry Hendrix states that if the money is not put in specifically then it would bypass the Commission causing county problems

Commissioner Emmett Owen states the money could stay in General Fund and what is left over could go toward the Sheriff's Department and to line item the expenses that way

Commissioner Laura Cobb states if that is the way it would be done the Investigator position would not have the extra secure funds

County Attorney Jason Odem states that 50% to Gasoline Tax and 50% to fund the Investigator work with Item C and the Original motion covers it all

Original motion stands

C. Amend Resolution# 4280-4- Investigator position funding

Action as related to **Resolution #5063** Amend Resolution# 4280-4- Investigator position funding

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

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

In Opposition: None

Motion Passed

Resolution #5063

WHEREAS, the Cleburne County Commission wishes to amend Resolution #4280-4.

THEREFORE, the Cleburne County Commission amends the Resolution to read as follows:

Whereas, the Cleburne County Sheriff has approached the Commission requesting to establish a second investigator position within the Sheriff's Department; and

Whereas, the Sheriff's Department Funds have been fully exhausted and can no longer sustain the position; and

Whereas, the Commission understands the importance of the position as crime in Cleburne County has doubled in the last ten years.

Therefore, the Cleburne County Commission agrees to include the second investigator position as an ongoing addition to the Sheriff Department organizational chart to be fully funded from the General Fund each year.

D. Industrial Development Board Agreement

Action as related to **Resolution #5064** Industrial Development Board Agreement

Motion made by Commissioner Jake Durham, Seconded by Commissioner Emmett Owen

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

In Opposition: None

Motion Passed

Resolution #5064

WHEREAS, the Cleburne County Commission desires to assist the City in their efforts to fund economic and industrial development.

NOW, THEREFORE, the Cleburne County Commission agrees to allocate the sum of \$50,000 each year for fiscal years 21, 22, and 23.

Commissioner Terry Hendrix asks to table after budget

Motion made by Commissioners Emmett Owen and Terry Hendrix

E. Approve Purchase of Fire Alarm System

Action as related to **Resolution #5065** Approve Purchase of Fire Alarm System

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

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

In Opposition: None

Motion Passed

Resolution #5065

Whereas, the Fire Marshal has inspected the jail, and the fire alarm system has not passed the inspection; and

Whereas, the current system is obsolete, and parts needed for repairs cannot be purchased; and

Whereas, fire watch personnel have been put into place until the new system can be purchased and installed; and

Whereas, the Commission has asked to approve all purchase orders over \$15,000.

Therefore, the Cleburne County Commission approves the purchase of the fire alarm system for the jail as a valid public works project to repair the defective system at this critical County property.

Commissioner Laura Cobb asks to use the \$14,500 that was going to replace the siren towers to replace the fire alarm system in the jail

F. Amend Comp Policy

Action as related to **Resolution #5066** Amend Comp Policy

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 #5066

Whereas, the Personnel Policies and Procedures requires all proposed changes to said policies and procedures be posted in county offices at least ten (10) calendar days before they will be considered for adoption by the Commission; and

Whereas, the Cleburne County Commission has met those obligations; and

Whereas, the Commission believes it is necessary to amend the modified Compensatory Time policy to reduce county costs.

Therefore, the Cleburne County Commission approves the attached policy to be implemented immediately.

G. Annex Armory as an extension of the courthouse

September 14, 2020

Action as related to **Resolution #5067** Annex Armory as an extension of the courthouse

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

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

In Opposition: None

Commissioner Terry Hendrix asks to amend the resolution for year 2020 through 2021

Amended Motion Passed

Resolution #5067

WHEREAS, the COVID-19 pandemic has created the need for social distancing as required by the public health orders of Governor Ivey, and;

WHEREAS, the Grand Juries of Cleburne County cannot socially distance in the Grand Jury room of the Cleburne County Courthouse; and

WHEREAS, the District Attorney has requested additional space as options to conduct Grand Jury sessions; and

WHEREAS, the Heflin Armory has been identified as a satisfactory location; and

WHEREAS, the sites need to be designated as annex locations of the Courthouse for conducting Grand Jury sessions;

THEREFORE, the Cleburne County Commission hereby adopts the Heflin Armory as Cleburne County Courthouse Annex for the Calendar year 2020 and 2021 beyond for use by the Grand Jury of Cleburne County, Alabama.

I. Library MOU

Action as related to **Resolution #5068** Library MOU

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

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

In Opposition: None

Motion Passed

Resolution #5068

Whereas, the Lucille Morgan Public Library has requested funds for the upcoming year; and

Whereas, the Cleburne County Commission believes it is necessary to hold the Library accountable for the valid use of public funds; and

Whereas, the Commission wishes to have a record of all paid invoices and receipts for purchases related to the Lucille Morgan Public Library appropriations.

Therefore, the Cleburne County Commission authorizes the Chairman to enter into a Memorandum of Understanding with the Lucille Morgan Public Library for all future appropriations.

Commissioner Emmett Owen asks the Commission to step up and give guidance to the Library as they have gone through a lot of changes recently and ask that they make a commitment to helping all elected officials

J. Roadside Maintenance

Action as related to **Resolution #5069** Roadside Maintenance

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

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

In Opposition: None

Motion Passed

Resolution #5069

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 road side maintenance

Reports from staff:

- A. County Administrator Kim Brown has no updates.
- B. County Engineer Lee Estes has no updates.
- C. County Attorney Jason Odom has no updates.

Old Business:

There is no Old Business to attend to this meeting.

Discussion Items from the Chairman and Commission:

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

Continue meeting at later date September 21, 2020

Action as related to **Resolution #5070**

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 #5070

The meeting was not adjourned

Certified by:

Ryan Robertson – Chairman

Laura Cobb – District 1

Emmett Owen – District 2

Terry Hendrix – District 3

Jake Durham – District 4