

**Cleburne County Commission Meeting Minutes**  
**Regular Commission Meeting March 20, 2023**  
**Cleburne County Mountain Center**

**Roll Call**

Present:

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

Absent:

None

**Comments from Citizens**

**Patrick Nolen – Cleburne County Chief Deputy**

Deputy Nolen informs the Commission that the Sheriff's Department has received a check for \$3,399.00 from the sale of Surplus Vehicles making the total \$10,000.00 received that is going into the Sheriff's Drug Fund. He asks the Commission for a bigger trailer to haul trash and tires, preferably a double axel trailer.

**Joyce Fuller – Revenue Commissioner**

Revenue Commissioner, Joyce Fuller, informs the Commission she has collected 74 property taxes.

*Commissioner Terry Hendrix asks what happens if there is a tax lien on a property?*

*Revenue Commissioner, Joyce Fuller states that a family can stay in the home as long as the taxes are being paid.*

*Commissioner Terry Hendrix asks what happens if a family is not paying property tax?*

*Revenue Commissioner, Joyce Fuller states exemptions can be removed. An appraiser can and will find out.*

*Commissioner Emmett Owen asks about retiring employees.*

*Revenue Commissioner, Joyce Fuller states her State analyst is close to retiring and a part time or full time position is possible in the near future.*

**Mayor Brown and Officer Styles-Ranburne**

Officer Styles asks the Commission for help with gravel for the rodeo. They need 40 tons of gravel. County Engineer, Lee Estes states it will cost \$1,000.00 for 2 loads.

*Commissioner Terry Hendrix states he will use \$1,000.00 out of his discretionary fund to help fund the gravel. He also states we will need a resolution for this.*

*Commissioner Roger Hill states he will also use \$1,000.00 out of his discretionary fund to pay for 2 more loads of gravel.*

**Bid Openings: Sheriff's Department Vehicle Maintenance**

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1.) Sheriff's Fleet Maintenance - Buster Miles Ford  
\$89.00 for oil changes and tire rotation  
Non routine mechanical cost: \$137.00 per hour  
Diesel or Electrical: \$150.00 per hour  
Road Costs: N/A  
\$75.00 Admin Costs

2.) Mechanical Bid – Buster Miles Ford  
\$137.00 per hour for gas vehicles  
\$150.00 per hour for electric/diesel vehicles

3.) Diesel Repair – Phillips Diesel Repair  
\$110.00 mechanical repair

## Consent Agenda

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The Commission passes the March 2023 Consent Agenda including:

Action as related to **Resolution #5312 1-7 March 2023** Consent Agenda:

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

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

In Opposition: None

Motion Passed

### **Resolution #5312-1**

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

February 22, 2023

as presented.

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### **Resolution #5312-2**

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

**Resignations:**

**Vacancies:**

Water Authority  
Water Authority

Jimmy Jimmerson  
Randall White

**Board Reappointments:**

Water Authority  
Water Authority

Jimmy Jimmerson  
Randall White

### **Resolution #5312-3**

**WHEREAS**, the Cleburne County, Alabama, County Commission stands in opposition to any statewide policies or procedures that upon implementation will detrimentally impact the integrity and lifespan of the county road and bridge system; and

**WHEREAS**, it is a well-known fact that any detriment to the county road and bridge system not only increases the financial burden on the local taxpayers who fund the system but also endangers the safety of the citizens who daily depend on the system; and

**WHEREAS**, increasing the allowable gross weight for trucks will undoubtedly cause significant damage to county roads and bridges; and

**WHEREAS**, even a seemingly modest increase in the allowable axle weight for trucks will damage transportation infrastructure exponentially; and

**WHEREAS**, the county road and bridge system was largely underfunded and subsequently undermaintained for nearly 30 years and is now undergoing significant repair thanks to the Alabama Legislature's recognition in 2019 of the dire state of county roads and bridges; and

**WHEREAS**, any bill to increase weight limits will not only negate the strides made by the Alabama Legislature in 2019 to stabilize long-awaited funding for county roads and bridges but also jeopardize tens of millions of dollars in federal funding provided to the State of Alabama each year for the statewide adherence to federal weight restriction guidelines; and

**WHEREAS**, increasing weight limits is clearly harmful to our county road and bridge system, dangerous and costly to our citizens, and contrary to sound public policy.

**NOW, THEREFORE, BE IT RESOLVED BY THE CLEBURNE COUNTY COMMISSION** that it expresses its staunch opposition to any bill that will increase existing weight limits on county roads and bridges.

### **Resolution #5312-4**

**WHEREAS**, the county commission regularly relies on the experience and expertise of road contractors when carrying out the specifications of a road project; and

**WHEREAS**, existing law states that a contractor is not civilly liable for work performed on a highway, road, bridge, or street unless the physical injury, property damage, or death is caused by any of the following:

- (1) The contractor fails to follow the plans and specifications, resulting in a dangerous condition;

(2) The contractor's work, in compliance with the plans and specifications, creates a condition that should have appeared, to a reasonably prudent contractor, to be a dangerous condition; or

(3) The contractor's work creates a latent defect that is dangerous; and

**WHEREAS**, under existing law, a road contractor can avoid civil liability under the second above scenario by notifying, by certified mail, the Chief Engineer of the Alabama Department of Transportation of the potentially dangerous condition; and

**WHEREAS**, any changes to Alabama law to shift civil liability away from the contractor and to the county would result in taxpayers paying for the litigation costs and damages that result from the workmanship of road contractors.

**NOW, THEREFORE, BE IT RESOLVED BY THE CLEBURNE COUNTY COMMISSION** that it expresses its staunch opposition to any bill that would shift responsibility for road contractors' workmanship onto the county.

#### Resolution #5312-5

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### **RESOLUTION FOR THE ALLOCATION OF FUNDS FROM THE COUNTY'S AWARD OF AMERICAN RESCUE PLAN ACT LOCAL AND TRIBAL CONSISTENCY FUND FOR EQUIPMENT TO FACILITATE THE DELIVERY OF GOVERNMENT SERVICES**

**WHEREAS**, Cleburne County, Alabama, (the "County") received an award from the American Rescue Plan Act Local and Tribal Consistency Fund ("LATCF funds"); and

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

**WHEREAS**, the County may expend LATCF funds for programs, services, and capital expenditures to fulfill a governmental purpose; and

**WHEREAS**, the provision of law enforcement services within the County, generally, and through resource officers in the County's public schools serves a governmental purpose to provide for the health and well-being of the County's residents; and

**WHEREAS**, the Commission has determined that to effectively provide these services it is necessary to procure three (3) additional law enforcement vehicles to facilitate the hiring and equipping of three (3) additional law enforcement officers to serve as resource officers for the County's public school system, and to upfit these vehicles as needed for law enforcement patrol purposes; and

**WHEREAS**, by resolution adopted February 22, 2023, the Commission approved the purchase of three (3) law enforcement vehicles from Stivers Ford at cost of \$38,320.00 per vehicle using pricing available to local governments under a state-wide master agreement; and

**WHEREAS**, the purchase price of each vehicle as approved by the Commission did not include the cost of additional equipment needed to upfit the vehicles for law enforcement patrol purposes, which using the pricing available under the state-wide master agreement would have totaled approximately \$38,748.00; and

**WHEREAS**, on February 14, 2023 the County, through the Cleburne County Sheriff's Department (the "Department"), issued an invitation to bid in accordance with the state's competitive bid law, to obtain sealed bids for upfitting the three (3) vehicles; and

**WHEREAS**, the Department received one (1) bid from Buster Miles Ford in Heflin, Alabama, to upfit the three (3) vehicles for a total cost of \$31,420.95; and

**WHEREAS**, the Department has determined that the bid submitted by Buster Miles Ford is a qualified, responsive bid and has therefore requested that the Commission act to award the bid to upfit the vehicles to Buster Mills Ford; and

**WHEREAS**, the Commission has determined that the expenditure of LATCF funds to cover the cost of these goods and services as proposed by Buster Miles Ford is a reasonable, necessary, and eligible use of these funds and desires to allocate LATCF funds to cover this cost.

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

1) The bid to upfit the three (3) law enforcement vehicles purchased from Stivers Ford is awarded to Buster Miles Ford.

2) The Commission allocates \$31,420.95 of the County's LATCF funds to cover the cost for upfitting the vehicles in accordance with the bid submitted by Buster Miles Ford.

3) Notwithstanding any provision in this Resolution to the contrary, the LATCF funds allocated herein may not be used for lobbying activities, to include any direct or indirect payments for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device intended or designed to influence in any manner a member of Congress, a jurisdiction, or an official of any government, to favor, adopt, or oppose, by vote or otherwise, any legislation, law, ratification, policy, or appropriation, whether before or after the introduction of any bill, measure, or resolution proposing such legislation, law, ratification, policy, or appropriation.

4) Expenditure of the funds allocated herein is contingent on the continued appropriation and availability of LATCF funds for the purposes described herein.

**Resolution #5312-6**

**WHEREAS**, the Cleburne County Water Authority Operations Manager is requesting to apply for a Community Development Block Grant (CDBG);

**WHEREAS**, only one CDBG Grant can be awarded to the County Commission each year;

**WHEREAS**, two water projects were submitted for the Cleburne County Commission to consider;

**WHEREAS**, these two water projects are water main extensions for County Road 35 and County Road 118, with a possibility that the County Road 35 project may have to be changed to another project;

**THEREFORE**, the Cleburne County Commission agrees to allow Cleburne County Water Authority to apply for CDBG Funds, for performance of these projects, as a subrecipient of the Cleburne County Commission.

**Resolution #5312-7**

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**WHEREAS**, the Alabama Administrative Procedure Act (AAPA), Section 41-22-1 et seq., "is intended to provide a minimum procedural code for the operation of all state agencies when they take action affecting the rights and duties of the public"; and

**WHEREAS**, some of these minimum procedures include providing notice to the public of a proposed rule, giving the public an opportunity to comment on a proposed rule before it is finalized, and allowing the public to appeal any rule changes to the Legislative Council, a body composed of members of the Alabama Senate and House of Representatives; and

**WHEREAS**, under the AAPA, intergovernmental, interagency, and intra-agency memoranda, directives, manuals, and other communications that do not substantially affect the legal rights of the public are exempt from the definition of "rule" and are therefore not subject to the aforementioned procedures; and

**WHEREAS**, this exception has been misused in recent years to direct the actions of elected officials at the local level without involving the public or the Legislative Council; and

**WHEREAS**, House Bill 89 of the 2023 Regular Legislative Session proposes to revise the AAPA so that state agencies cannot direct the actions of local elected officials using this exception.

**NOW, THEREFORE, BE IT RESOLVED BY THE CLEBURNE COUNTY COMMISSION** that it expresses its support of House Bill 89 and any other bill modeled similarly.

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**New Business:**

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**A. Assignment of Agreements – ARPA**

Action as related to **Resolution #5313** Assignment of Agreements - ARPA

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

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

In Opposition: None

Motion Passed

**Resolution #5313**

**RESOLUTION FOR THE ADOPTION OF AN ASSIGNMENT OF AN AGREEMENT**

**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**, these public funds may be used for the purpose of providing government services, including support of water/sewer infrastructure; and

**WHEREAS**, the County identified a water infrastructure project for the extension of certain water lines to citizens in rural areas of the County (the "project"); and

**WHEREAS**, on May 2, 2022, the County entered into an Agreement with Ladd Environmental Consultants, Inc. (the "Agreement") on behalf of the Owner for design services related to the project; and

**WHEREAS**, on November 16, 2022, the County entered into a funding agreement ("funding agreement") with the Cleburne County Water Authority for reimbursement of costs to facilitate the project, including costs associated with design services included in the Agreement; and

**WHEREAS**, the Parties acknowledge that the project and the water system will be owned and operated by the Cleburne County Water Authority, and not the County; and

**WHEREAS**, the Parties wish to execute this Assignment to the Agreement to assign the obligations, duties, rights, and responsibilities of the Agreement from the County to the Cleburne County Water Authority, in order to better define the relationship and obligations between the Parties consistent with the funding agreement and previous resolution dated November 16, 2022.

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

The County hereby resolves to assign the Agreement, and all obligations, duties, rights, and responsibilities, to the Cleburne County Water Authority as provided in Addendum 1, attached hereto.

Nothing herein shall be construed to alter the relationship of the parties or obligation to reimburse the Cleburne County Water Authority consistent with the funding agreement and resolution dated November 16, 2022.

**IN WITNESS WHEREOF**, the Cleburne County Commission has caused this Resolution to be executed in its name and on its behalf by its Chair on the 20th day of March 2023.

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Chair, Cleburne County Commission

#### **B. Surplus of Engineer Equipment**

Action as related to **Resolution #5314** Surplus of Engineer Equipment

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 #5314**

Whereas, the Cleburne County Engineer's Department requests the Cleburne County Commission to authorize surplus of equipment that is no longer useful as follows:

Lowboy Trailer Model MTS-25-AW, Serial No. 70252, Date 10-70

Therefore, the Cleburne County Commission hereby authorizes the surplus of this equipment.

Motion to accept Sheriff Maintenance Bids added to the agenda made by Commissioner Terry Hendrix, seconded by Commissioner Roger Hill

All in favor

In Opposition: None

Motion Carries

#### **C. Bids – Sheriff Maintenance**

Action as related to **Resolution #5315** Bids – Sheriff Maintenance

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

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

In Opposition: None

Motion Carries

**Resolution #5315**

Whereas, the Cleburne County Sheriff's Department has solicited bids for Vehicle Maintenance:  
and  
Whereas, the County Engineer has made his recommendations.

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

Sheriff's Fleet Maintenance - Buster Miles Ford

Motion to accept other County Vehicle Maintenance Bids added to the agenda made by Commissioner Terry Hendrix, seconded by Commissioner Laura Cobb

All in Favor

In opposition: None

Motion Carries

**D. Bids – Other County Vehicles**

Action as related to **Resolution #5316** Bids- Other County Vehicles

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 Carries*

**Resolution #5316**

Whereas, the Cleburne County Engineer Department has solicited bids for Vehicle Maintenance: and  
Whereas, the County Engineer has made his recommendations.

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

Mechanical Repair – Buster Miles Ford

Diesel Repair: Phillips Diesel Repair

Motion to add Resolution for Ranburne Rodeo Gravel be added to New Business made by Commissioner Terry Hendrix, seconded by Commissioner Roger Hill

All in favor

In Opposition: None

Motion Carries

**E. Gravel for Ranburne Rodeo**

Action as related to **Resolution #5317** Gravel for Ranburne Rodeo

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

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

In Opposition: None

*Motion Carries*

### **Resolution #5317**

Whereas, Ranburne Mayor Brown Rodney Brown and Ranburne Officer Styles asks the Commission for help with paying for gravel for the Ranburne Rodeo; and

Whereas, Commissioner Hendrix and Commissioner Hill requests the use of their discretionary funds for the cost of the gravel;

Therefore, the Cleburne County Commission agrees to allow Commissioner Hill and Commissioner Hendrix to use up to \$1,000 for the each for a total of 4 loads of gravel for the Ranburne Rodeo.

### **Reports from staff:**

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- A.** County Administrator, Lisa Copeland, was absent from the meeting, she prepared a list to be by our County Finance Clerk, Emily Williams, as follows:

Our Group:

- 1.) Informed all departments (except for Sheriff's Dept) that the Engineers Dept. will be used for county vehicle Maintenance
- 2.) Sent out bid invitations for Sheriff's Vehicle Maintenance Bid- to be opened March 20, 2023
- 3.) Gathered information to get an estimate for sales tax on grocery items: FY '22 - \$463,000.00
- 4.) CDBG Close out information for East Alabama- reports and documents
- 5.) Created or gathered 8 resolutions to be used for Agendas
- 6.) County Administrator and Finance Clerk attended 2-day class in Prattville
- 7.) Working with the IAC to update a Project & Expenditure Report for ARPA Funds- Due April 30
- 8.) Working with the IAC to prepare an Obligation & Expenditure Report- Due March 31
- 9.) Reconciliation of JSU contract Revenues/ Expenditures
- 10.) Gathered information about the Agreement with HEARTS to reimburse a portion of utility bills (for Community Action)
- 11.) Using information from the HRO: Payroll Direct Deposits for 86 employees twice and 18 employees once for a total of 190 direct deposits
- 12.) 16 Payroll Transfers
- 13.) 410 A/P Invoices entered
- 14.) 126 A/P Checks issued
- 15.) 21 A/P Transfers from various departments to A/P account
- 16.) 11 End of Month Transfers to support budgeted items
- 17.) 46 Bank Reconciliations
- 18.) Conference Call with Commissioner Hendrix, Lee Estes, and members of USDA – concerning Watershed Dams
- 19.) Updated and sent Ethics Commission Listing for those required to file
- 20.) Remind everyone to complete their Statement of Economic Interest by April 15th

- B.** County Engineer, Lee Estes did not have any updates

- C.** County Attorney, Jason Odom, gathering information for Limited Self Governing Ordinance

### **Old Business:**

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There is no Old Business to attend to this meeting.

**Discussion Items:**

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Commissioner Emmett Owen states Agendas need to be done by Monday following Work Session. They need to be sent to Jason by Wednesday and to the Commissioners by Thursday.

Commissioner Laura Cobb states there has not been time to discuss and read over the agendas prior to meeting.

Commissioner Terry Hendrix discusses the sales tax on groceries and how important it is to the Board of Education as well as to the County.

Commissioner Roger Hill asks Commissioner Terry Hendrix about the water sheds. Commissioner Terry Hendrix states no new updates at this time.

Commissioner Laura Cobb states she met with the health department about travel trailer issues.

Commissioner Terry Hendrix states we have 107 watershed in the State of Alabama, of that amount Cleburne County has 16, Clay County has 12.

Commissioner Terry Hendrix states that the HRO has left for the day so will discuss pay raises for the upcoming budget next month.

The Commission tasks the Cleburne County attorney, Jason Odem, with the Leave Notice Handbook.

Chairman, Ryan Robertson, thanks the Maintenance Department for the new ceiling in the Probate Judge's office.

Action as related to **Resolution #5318**

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

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

In Opposition: None

Motion Passed

**Resolution #5318**

Meeting Adjourned.

Certified by:

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Ryan Robertson – Chairman

\_\_\_\_\_  
Laura Cobb – District 1

\_\_\_\_\_  
Emmett Owen – District 2

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

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Roger Hill – District 4