

**Cleburne County Commission Meeting Minutes
Regular Commission Meeting December 14, 2021
Cleburne County Mountain Center**

Roll Call

Present:

Commissioner Laura Cobb
Commissioner Emmett Owen
Commissioner Terry Hendrix
Commissioner Roger Hill

Absent:

Chairman Ryan Robertson

Chairman Ryan Robertson is not present, Commissioner Terry Hendrix to Chair.

Comments from Citizens

Leonard Molden

Mr. Molden expresses his concerns for safety on County Road 208. He has issues with the flooding that occurs with heavy rain that makes his driveway flood. He asks the Commission if there is anything that can be done with the trenches at the end of his driveway to help reduce with the flooding.

Consent Agenda

The Commission passes the December 2021 Consent Agenda including:

Action as related to **Resolution #5200- 1-8** December 2021 Consent Agenda:

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 Passed

Resolution #5200-1

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

November 9, 2021

as presented.

Resolution #5200-2

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

Board Appointments:

Water Authority: Ashley Truitt

Vacancies:

DHR Board

Resolution #5200-3

Whereas, Cleburne, Alabama (the "County") has received American Rescue Plan Act fiscal recovery funds ("ARPA funds") and is charged with ensuring that such funds are expended in accordance with state and federal law; and

Whereas, payment of the cost of payroll and covered benefits for employees to the extent the employee's time is spent on activities directly related to the administration of ARPA funds or ARPA funded projects (collectively, "the administration of ARPA funds") is an eligible use of ARPA funds; and

Whereas, the Cleburne County Commission (the "Commission") has determined that appropriating ARPA funds for the cost of payroll and covered benefits for employees while engaging in activities directly related to the administration of ARPA funds is a necessary, eligible, and reasonable use of these funds.

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

- 1) The County shall use ARPA funds to cover the costs of payroll and covered benefits of employees, to the extent the employee's time is spent on activities directly related to the administration of ARPA funds in accordance with the implementation policies and procedures set forth in Exhibit A to this Resolution, the provisions of which are fully adopted and incorporated herein by reference.
- 2) The County Administrator, Lisa Copeland, is hereby authorized to expend ARPA funds in accordance with the provisions of this Resolution for any and all costs of payroll and covered benefits of employees to the extent the employee's time was spent on activities directly related to the administration of ARPA funds for any pay period beginning on or after March 3, 2021, and ending on or before December 31, 2024.
- 3) Expenditure of these funds, as authorized by this Resolution, shall be contingent on the continued appropriation and availability of ARPA funds for this purpose and in no event shall be used for any time prior to March 3, 2021, or any pay period ending after December 31, 2024.

Resolution #5200-4

Whereas, Cleburne, Alabama (the "County") has received American Rescue Plan Act fiscal recovery funds ("ARPA funds") and is charged with ensuring that such funds are administered in accordance with state and federal law; and

Whereas, federal requirements governing the management and administration of ARPA funds require the designation of an individual responsible for the administration of ARPA funded projects (hereafter, "Program Director"); and

Whereas, the Cleburne County Commission (the "Commission") has determined that it would be appropriate to designate a County employee as the Program Director for projects funded with ARPA Funds.

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

- 1) The County hereby appoints Lisa Copeland, County Administrator to act as the Program Director for the administration of ARPA funded projects authorized by resolution of the Commission and in accordance with the policies and procedures for project administration adopted by the Commission.
- 2) The County Administrator shall serve as the Program Director for all ARPA funded projects unless another individual is later designated by the

Commission as the Program Director for ARPA funded projects or for a specific ARPA funded project.

Resolution #5200-5

Whereas, Section 40-16-50(b), Code of Alabama 1975, authorizes two or more counties in the state to enter into agreements for the joint bidding and purchase of items required to be bid under Alabama's competitive bid law (§§ 41-16-50 *et seq.*, Code of Alabama 1975); and

Whereas, the Association of County Commissions of Alabama (the "Association") has agreed to administer a joint bidding program pursuant to § 40-16-50(b) for counties participating in the Association's Investing in Alabama Counties ("IAC") program for the joint bidding of certain equipment, materials, and supplies required to be competitively bid under Alabama's competitive bid law (the "IAC joint bidding program" or "program"); and

Whereas, pursuant to § 41-16-50, each county participating in the IAC program that desires to participate in the IAC joint bidding program is required to adopt a similar resolution, signifying its desire to participate and its agreement to the terms and conditions of participation; and

Whereas, the Cleburne County Commission (the "Commission") desires to join and participate in the IAC joint bidding program and understands and agrees to the procedures as set out below:

- 1) That the Association, a non-profit organization devoted to providing support and services to its membership of the counties in Alabama, shall provide administrative services to the program, and in this regard, shall:
 - oversee the development of written specifications for each item to be bid,
 - provide notice by mail or as otherwise authorized by Alabama's competitive bid law to respective bidders for each item to be jointly bid as required by law,
 - open bids pursuant to bid specifications at its office at 2 North Jackson Street in Montgomery, Alabama, and
 - provide other services as necessary excluding the awarding of the contracts.
- 2) That to participate in the program, the Commission shall forward to the Association the names and addresses of each person or company who has submitted a written request to be included in solicitations of bids for a particular item (its "vendor list"), and that following receipt of said vendor lists, the Association shall mail, or as otherwise authorized by Alabama's competitive bid law, appropriate bid specifications to each applicable person or company if that particular item is being bid, as provided in § 41-16-54.
- 3) That in compliance with § 41-16-54, the Commission shall not be eligible to purchase an item under a contract awarded through the program unless it has provided the Association with its vendor list for that item, if such a list is held by the County.

4) That the Association will provide the Commission notice of each solicitation for bid and in compliance with § 41-16-54, the Commission shall post said notice on a bulletin board in the County's purchasing office.

5) That in compliance with § 41-16-54, the Commission agrees that it shall not be eligible to purchase an item under a contract awarded through the program unless it has posted such notice.

6) That following the opening of bids, a pre-designated county commission will serve as awarding authority for the IAC joint bidding program and shall determine the lowest responsible bidder and award any contract bid through the program at a regular meeting of the designated county commission as announced at the opening of bids.

7) That the Association shall not serve as the awarding authority for any item bid through the program.

8) That participation in the program is strictly voluntary, and that, subject to the conditions set out in paragraphs 2, 3, 4, and 5, once a contract has been awarded for a particular item bid through the program, the Commission may purchase that item during the contract period under the terms of and at the price established under the contract, but shall not be required to purchase any particular item under the contract awarded through the program.

9) That if the Commission decides to purchase an item other than through the program, it must separately bid that item if such bidding is required by Alabama's competitive bid law.

10) That following the award of a contract under the program, purchases of items through the program by the Commission shall be made directly from the successful bidder by the County pursuant to its own purchasing policy, and that there shall be no joint purchasing agent representing the program or any counties participating in the program.

11) That the Commission shall remain a member of the program so long as it desires and agrees to participate in this joint bidding agreement under its terms and conditions, and that the Commission shall give at least thirty (30) days' notice in writing to the Association of its intent to terminate its participation in the program and the date on which its participation will terminate.

12) That following the termination of the Commission's participation in the program, the Commission shall be removed from the program and from any correspondence or advertisement regarding the program or any item to be bid under its terms and conditions.

13) That following its termination from the program, the Commission shall not be eligible to make purchases under the terms and at the cost of the contract award for a particular item, and will be required to bid each item on its own under the requirements of Alabama's competitive bid law.

14) That this resolution, once adopted by the Commission, shall serve as its agreement and contract with all other counties participating in the program for the joint bidding of certain items required to be bid under Alabama's competitive bid law.

15) That prior to soliciting any bids for items to be jointly bid under the program, the Association shall forward a list of all participating counties to the Office of Examiners of Public Accounts.

16) That for a county to purchase an item through the program, it must have joined the program by adopting this resolution prior to the solicitation of bids for that item, but that once the county has joined the program, it shall remain a member, and subject to the conditions set out in paragraphs 2, 3, 4, and 5 above, shall be eligible for the purchase of all items thereafter bid under the program until and unless it terminates its participation as set out in paragraphs 11, 12, and 13 above.

BE IT RESOLVED BY THE COMMISSION that it agrees to all terms and conditions of the IAC joint bidding program as set out above, and desires to participate in said program.

BE IT FURTHER RESOLVED that it is the intent of the Commission by adoption of this resolution to enter into a joint bidding agreement with all other counties participating in the IAC joint bidding program.

BE IT FURTHER RESOLVED that a copy of this resolution be immediately forwarded to the Association with a request that the Cleburne County Commission be included in the IAC joint bidding program for all items bid through the program until and unless notified of the County's desire to terminate its participation under the procedures set out in paragraphs 11, 12, and 13 above.

Resolution #5200-6

Whereas, there is no running water for the new Convenience Center in District 3; and

Whereas, Cleburne County Water Authority agrees to purchase materials and install a new water service to the location; and

Whereas, the materials purchased will be approximately \$7,500; and

Therefore, the Commission hereby agrees to spend up to \$7,500 for the water line installation.

Resolution #5200-7

Whereas, having received notification from the State of Alabama Alcoholic Beverage Control Board of an Alcohol License being requested (Confirmation number 2021112213711072) located at Cheaha Country Store 3412 US Highway 431, Heflin, AL 36264; 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 #5200-8

Whereas, the County is on a three- year rotation in regard to motor graders; and

Whereas, the motor graders that it currently owns are approaching that time limit; and

Whereas, the price of new motor graders is lower at the end of this calendar year; and

Whereas, the County Engineer has asked permission to order new motor graders to replace the used motor graders that are currently owned; and

Whereas, it will be least June 2022 before the motor graders will be available with an order this year; and

Therefore, the Cleburne County Commission approves the order of the new motor graders.

New Business:

A. Water Authority Projects for ARPA funding

Action as related to **Resolution #5201** Water Authority Projects for ARPA funding

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 Passed

Resolution #5201

Whereas, the County Commission has received American Rescue Plan Act (ARPA) funding; and

Whereas, the County has been advised that drinking water projects are among the acceptable expenditures of the funds; and

Whereas, Cleburne County Water Authority has provided a list of priorities that best suit the needs for drinking water in the County; and

Whereas, all projects must be approved by the Investing in Alabama Counties (IAC) program through the Association of County Commissions of Alabama (ACCA).

Now therefore, be it resolved that the Cleburne County Commission agrees to apply for approval from the IAC for projects not to exceed \$700,000.

B. Pay Study

Action as related to **Resolution #5202** Pay Study

Motion to table 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 Tabled

Commissioner Owen motions to table until there is a further look into the COVID relief money.

Resolution #5202

Whereas, the Commission has been presented the pay study plan options through Condrey & Associates; and

Whereas, the Commission has thoroughly reviewed and considered the options presented; and

Whereas, the Commission has determined that the need for a pay increase has been exhibited by the pay study findings; and

Whereas, the Commission has determined that Plan C is currently the only feasible option; and

Whereas, due to budgetary constraints, the Commission directs that each departments' current budget be used to cover the balance of the first-year cost of Plan C, beginning in January of 2022, and each department will be required to freeze their budgets at the same level in Fiscal Year 2023; and

Whereas, the department heads will each be required to sign an agreement regarding said requirements; and

Whereas, the salary increase will take effect in the pay period from January 13, 2022- January 26, 2022, with a pay date of February 2, 2022, which is the first full pay period of January 2022.

Now Therefore, be it resolved that the Cleburne County Commission hereby chooses to proceed with Plan C of the pay study, as set forth above.

C. Support of First Responders

Action as related to **Resolution #5203** Support of First Responders

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

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

In Opposition:

Motion Passed

Resolution #5203

WHEREAS, Cleburne County fully supports the efforts of the State Legislature to elevate the status of all Public Safety Telecommunicators to First Responders in a move that will likely outpace a similar effort on the national level; and

WHEREAS, Public Safety Telecommunications Officers play a critical role in public safety, homeland security, and emergency response alongside Police Officers, Firefighters, and Emergency Medical Services; and

WHEREAS, Public Safety Telecommunicators require specialized training and skills to gather vital information and make split-second decisions to form the foundation of an effective emergency response, prevent the worsening of a situation, provide situational awareness to other responders, and/or provide lifesaving direction; and

WHEREAS, Public Safety Telecommunicators work in a uniquely stressful environment communicating with people in great distress, harm, fear or injury; and that environment can have an adverse emotional and physical impact;

acknowledging that PTSD and vicarious trauma are real issues in the 911/telecommunicator profession; and

WHEREAS, Public Safety Telecommunicators hold strong the “thin gold line” providing selfless compassionate care to all during good times and bad; and

WHEREAS, Cleburne County holds all these things to be true.

NOW, THEREFORE, BE IT RESOLVED BY THE CLEBURNE COUNTY COMMISSION, that Cleburne County recognizes that Public Safety Telecommunications Officers are far more than clerical and supports the national movement to reclassify telecommunicators as first responders and accurately recognize the scope of the work they do. Additionally, the Cleburne County Commission supports the 911 Saves Act to properly classify the profession of 911/Public Safety Telecommunicators.

D. Ventilation Projects for ARPA funding

Action as related to **Resolution #5204** Ventilation Projects for ARPA funding

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

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

In Opposition:

Motion Tabled

Commissioner Owen would like to wait until a further assessment is completed

Resolution #5204

Whereas, the County Commission has received American Rescue Plan Act (ARPA) funding; and

Whereas, the County has been advised that ventilation projects are among the acceptable expenditures of the funds; and

Whereas, the Cleburne County Commission recognizes the value of such projects in County owned buildings; and

Whereas, all projects must be approved by the Investing in Alabama Counties (IAC) program through the Association of County Commissions of Alabama (ACCA).

Now therefore, be it resolved that the Cleburne County Commission agrees to request the IAC contractors perform inspections of all County-owned buildings for potential ventilation projects needed, to be requested at a later date.

Reports from staff:

- A. County Administrator Lisa Copeland 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:

The Commission will meet December 22nd at 9AM to vote on the current Pay Study resolution.

Adjourn the meeting

Action as related to **Resolution #5205**

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

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

In Opposition: None

Motion Passed

Resolution #5205

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