

**Cleburne County Commission Meeting Minutes**  
**Regular Commission Meeting March 8, 2022**  
**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**

**Robi Mobley-Hearts**

Ms. Mobley speaks on behalf of the Hearts Foundation and is requesting help from the Commission for the Board. She updates the Commission on the financials and on the new programs that Hearts provides.

**Consent Agenda**

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The Commission passes the March 2022 Consent Agenda including:

Action as related to **Resolution #5219 1 & 2 March 2022** 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 #5219-1**

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

February 8, 2022

as presented.

**Resolution #5219-2**

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

**Vacancies:**

DHR Board (2)

**New Business:**

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**A. Amend Resolution #5207**

Action as related to **Resolution #5220** Amend Resolution #5207

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

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

In Opposition: None

*Commissioner Hendrix would like to amend the wording "increases" to "adjustments".*

*Commissioner Cobb agrees.*

**Resolution #5220**

Whereas, Cleburne County Commission has previously adopted Resolution# 5207 accepting Condrey and Associates Pay Study Plan C;

Whereas, Clarification of two points is needed in regards to the resolution;

Whereas, Resolution# 5207 states that "the adjustments will take effect in the pay period starting April 1, 2022" the resolution should read that "the adjustments will take effect in the pay period for the first paycheck in April 2022";

Whereas, Resolution# 5207 also did not clearly state that is was the intent of the County Commission that there will be no changes to any job titles or job descriptions;

Therefore, be it resolved that the Cleburne County Commission hereby adopts these amendments to Resolution# 5207.

**B. Budget Increases for Pay Study**

Action as related to **Resolution #5221** Budget Increases for Pay Study

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

*Commissioner Hendrix asks to see the amended budget as soon as possible.*

**Resolution #5221**

Whereas, the Cleburne County commission has passed Resolution# 5207 and its amendment, which concern employee pay increases;

Whereas, the Budget for each department's Salaries and Wages, Retirement Contribution, Employer Taxes, and Workmen's Compensation are affected by the change;

Therefore, the County Commission agrees to increase the budgets for each of these line items, to account for these changes.

**C. Rescind Resolution #5222**

Action as related to **Resolution #5222** Rescind Resolution #5201

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

**Resolution #5222**

Whereas, Cleburne County Commission previously passed Resolution# 5201 for use of ARPA funding on water projects;

Whereas, the Legislature has since made a final ruling for ARPA fund uses, that has in turn, made the funds available for more types of uses and stream-lines the administrative approval process;

Therefore, be it resolved that the Cleburne County Commission rescinds Resolution#5201.

**D. Designate ARPA Funds as Revenue Replacement**

Action as related to **Resolution #5223** Designate ARPA Funds as Revenue Replacement

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

*Commissioner Hendrix asks why the Chairman is authorizing and asks to table until the end of the meeting.*

*Commissioner Cobb agrees.*

**Resolution #5223**

WHEREAS, Cleburne County, 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, under the Final Rule published by the United States Department of Treasury ("Treasury") dated Jan. 6, 2022, the County has the option either to elect a standard allowance of up to \$10,000,000 to be categorized as revenue replacement funds, or to perform calculations of revenue loss as provided in the Final Rule; and

WHEREAS, the Final Rule provides that the election is a one-time, irrevocable election that must be made for the period of performance of the ARPA funds award; and

WHEREAS, the election must be made in the County's next Project and Expenditure Report, which is due on April 30, 2022; and

WHEREAS, the Cleburne County Commission (the "Commission") has determined that it would be appropriate to delegate the determination and election to its Chairman.

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

The Chairman of the Commission is hereby authorized to make a determination as to whether or not to utilize the standard allowance for the purposes of calculating revenue loss for the County and shall direct the County's authorized reporting representative for ARPA funds to make a corresponding election in conjunction with the filing of the County's ARPA Project and Expenditure Report on or before April 30, 2022.

#### **E. Amend IAC Agreement**

Action as related to **Resolution #5224** Amend IAC Agreement

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

#### **Resolution #5224**

Whereas, the Association of County Commissions of Alabama (the "Association") and the Cleburne County Commission (the "County") previously entered into a Maintenance and Support Membership Agreement (the "Agreement") for the administration, planning, management, and completion support in the areas of educational, intergovernmental, compliance, and technical assistance related to the use of funds received by the County from the American Rescue Plan Act of 2021 by and through the Association's Investing in Alabama Counties (IAC) program; and,

Whereas, to ensure that all participating counties share an equitable portion of the cost to support the IAC program and to allow for the best delivery of services, the IAC Operations Council recommended to the Association's Board of Directors that it establish a minimum fee for all participating counties; and

Whereas, on November 17, 2021, the Association's Board of Directors approved the recommendation by the IAC Operations Council to establish a minimum fee of 3% of the American Rescue Plan Act fiscal recovery funds received by the County.

Now, Therefore, be it Resolved by the Commission that the Association and the County hereby enter into this Amendment to the Maintenance and Support Membership Agreement (hereinafter "Amendment").

Paragraph 3 of the Agreement shall be deleted in its entirety and replaced with the following:

3. In maintenance and support of the Association's Investing in Alabama Counties Program, the County hereby agrees that it will appropriate to the Association a flat fee of 6% on the first \$7 million in funds to be received and 4% on any funds to be received in excess of \$7 million, excluding funds designated as Revenue Loss as defined by Treasury's Interim Final Rule. In no case, however, shall the fee be less than 3% of the total funds received by the County, regardless of the amount of funding designated as Revenue Replacement Funds.

#### **F. Revenue Replacement Use for Water Projects**

Action as related to **Resolution #5225** Revenue Replacement Use for Water Projects

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

*Commissioner Hendrix asks about Mike Copeland with the Water Authority to come speak and asks how far along on the projects they are.*

*County Administrator Lisa Copeland states the Water Authority is getting specifications and working with the County Engineer.*

*Commissioner Hendrix asks if they have followed up with the IAC.*

*County Administrator Lisa Copeland states they have.*

#### **Resolution #5225**

Whereas, the Cleburne County Commission has rescinded Resolution# 5201 for using ARPA Funding for water projects and has accepted a Resolution to designate the funds as Revenue Replacement;

Whereas, the County Commission still desires to use ARPA funding for water projects in the amount of \$700,000;

Therefore, be it resolved that the Cleburne County Commission, agrees to apply for approval from the IAC for projects through Revenue Replacement, not to exceed \$700,000, that was received through the ARPA Funding.

#### **G. Budget Increase for Key Fob Update**

Action as related to **Resolution #5226** Budget Increase for Key Fob Update

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

**Resolution #5226**

Whereas, the Cleburne County Commission is aware that the key fob system at the Mountain Center needs to be updated;

Whereas, a previous price quote of \$5,163 was accepted and placed in the budget for this purpose;

Whereas, an updated price quote of \$6,175 has been obtained;

Therefore, be it resolved by the Cleburne County Commission, that the budget shall be increased in the amount of \$1,008, to allow for the updated price quote.

**H. Litter Collection**

Action as related to **Resolution #5227** Litter Collection

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

**Resolution #5227**

Whereas, the Cleburne County Commission is aware of the continuous build up of litter on the County's right-of-ways;

Whereas, the County Engineer has stated that inmates have been unavailable to help with litter removal;

Therefore, be it resolved that the Cleburne County Commission has tasked the County Engineer with preparing specifications and obtaining proposals for bids to remove the litter.

**I. Herbicide Spray in District 1**

Action as related to **Resolution #5228** Herbicide Spray in District 1

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

In Support: Commissioner Laura Cobb

In Opposition: Commissioners Emmett Owen, Terry Hendrix, and Roger Hill

Motion dies for lack of support.

*Commissioner Hendrix asks for specifications on not spraying for District 1.*

*County Attorney Jason Odom states it would only be for this years contract.*

**Resolution #5228**

Whereas, the Engineer has received a Purchase Order for IVM Solutions for this year's spraying;

Whereas, Commissioner Laura Cobb asks that the company not spray herbicide in her district;

Therefore, the Cleburne County Commission agrees to eliminate the spraying program for District 1.

**J. Evaluations**

Action as related to **Resolution #5229** Evaluations

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

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

In Opposition: None

*Commissioner Hendrix nominates himself.*

*Commissioner Owen nominates Commissioner Cobb.*

*Commissioner Cobb denies the request.*

*Commissioner Owen nominates Commissioner Hill.*

*Commissioner Hill accepts.*

**Resolution #5229**

Whereas, Article II, Section P of the County's Personnel Policies and Procedures Manual provides for periodic Performance Appraisals of Employees, and

Whereas, the Commission desires to conduct mid-year appraisals of its four direct report employees: Administrator, EMA Director, Engineer, and Human Resource Director; and

Whereas, the Commission wishes to establish an Ad Hoc Committee of two Commissioners to conduct said evaluations, with advice and assistance of any expert or consultant necessary;

Now Therefore, the Commission establishes an Ad Hoc Performance Appraisal Committee comprised of Commissioner Roger Hill and Commissioner Terry Hendrix to conduct said Appraisals.

**Item D. Designate ARPA Funds as Revenue Replacement**

Action as related to **Resolution #5223** Designate ARPA Funds as Revenue Replacement

Motion to amend 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

Amended motion passes.

**Resolution #5223**

WHEREAS, Cleburne County, 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, under the Final Rule published by the United States Department of Treasury ("Treasury") dated Jan. 6, 2022, the County has the option either to elect a standard allowance of up to \$10,000,000 to be categorized as revenue replacement funds, or to perform calculations of revenue loss as provided in the Final Rule; and

WHEREAS, the Final Rule provides that the election is a one-time, irrevocable election that must be made for the period of performance of the ARPA funds award; and

WHEREAS, the election must be made in the County's next Project and Expenditure Report, which is due on April 30, 2022; and

WHEREAS, the Cleburne County Commission (the "Commission") has determined that it would be appropriate to elect the standard allowance.

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

The Chairman of the Commission is hereby authorized to convey the Commission's decision to utilize the standard allowance for the purposes of calculating revenue loss for the County and shall direct the County's authorized reporting representative for ARPA funds to make a corresponding election in conjunction with the filing of the County's ARPA Project and Expenditure Report on or before April 30, 2022.

**Reports from staff:**

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- A. County Administrator Lisa Copeland states that Tracy Lambert has asked about equipment for the First Responders.  
*Commissioner Owen states that the IAC would have to approve before going further.*
- B. County Engineer Lee Estes informs the Commission he has received two options for litter pick up. Option one: \$40,000 for 160 miles total with two total pickups a year for major roads only. Option two: \$60,000 for 175 miles total with only one pickup throughout the year for every road.  
*Commissioner Owen states that twice a year would be beneficial, but no inmates would be able to help.*
- C. County Attorney Jason Odom has no updates.

*Commissioner Hendrix states they will have to use generators for the Convenience Center in Ranburne.*

*County Engineer Lee Estes states Alabama Power will not allow the County to place the wire needed for the four extra poles and a transformer that is needed for electricity for the Convenience Center and states the price range is \$25,000-\$30,000.*

*Commissioner Hendrix states after the ACCA Legislature meets in a few months the Commission needs to discuss the watersheds.*

*County Attorney Jason Odom agrees that it needs to be done.*

**Old Business:**

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There is no Old Business to discuss.

No further Old Business to attend to this meeting.

Action as related to **Resolution #5230**

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

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

In Opposition: None

Motion Passed

**Resolution #5230**

The meeting is adjourned.

Certified by:

March 8, 2022

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Ryan Robertson – Chairman

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Laura Cobb – District 1

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Emmett Owen – District 2

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Terry Hendrix – District 3

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Roger Hill – District 4