

Cleburne County Commission Meeting Minutes
Regular Commission Meeting July 12, 2022
Cleburne County Mountain Center

Roll Call

Present:

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

Absent:

Chairman – Ryan Robertson

Comments from Citizens

AL Dept of Revenue – Cameron Clark

Mr. Clark speaks to the Commission about the benefits of tax collections through MAT (My Alabama Taxes). The website is State controlled and they have their own auditing, so you do not have to worry about audits.

Commissioner Owens asks Mr. Clark if the Administrator notices the person is not paying, do you post on there it's not being paid?

Mr. Clark states if your administrator notices payments seem lower than they should be you can call and the auditors for MAT and they will look into it for you.

Commissioner Hendrix asks Mr. Clark what warrants a Face-to-Face for non-payment?

Mr. Clark states due to Covid they do not do face to face as much, they make phone calls, however if you would like for them to make a face-to-face contact they will do so.

Payments are made electronically to MAT, at the end of each day the returns are processed and the payments are sent to their respective places for you.

Commissioner Owens asks what does it take to change from Avenue to MAT?

Mr. Clark states you give Avenue a 90-day notice to pull your contract.

Consent Agenda

The Commission passes the July 2022 Consent Agenda including:

Action as related to **Resolution #5259 1-4 6 & 7** July 2022 Consent Agenda:

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

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

In Opposition: None

Motion Passed

Resolution #5259-1

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

June 14, 2022

as presented.

Resolution #5259-2

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

Vacancies:

DHR Board (1)

Library Board (1)

Resolution #5259-3

Whereas, Alabama Code, Section 11-4-41 defines the requirements for selecting a qualified public depository each year; and

Whereas, the County Administrator has received proposals in sufficient form to be able to determine that Metro Bank of Heflin, AL offers the most competitive benefits and the highest rate of interest on daily balances of bank deposits.

Therefore, the County Commission authorizes the County Administrator to notify Metro Bank of the County's acceptance of the proposal, and to work with Metro Bank to provide such information as needed to renew and/or continue services at the newly stated rates.

Resolution #5259-4

Whereas, the Cleburne County Commission has previously placed a portion of its Reserve Account (a.k.a. Rainy-Day Fund) into a Certificate of Deposit (CD), as a way to earn a higher interest rate; and

Whereas, the CD has a maturity date of August 1, 2022; and

Whereas, Metro Bank has agreed to renew this CD at an increased interest rate of 1%; and

Whereas, this is the best interest available to the County with its qualified public depository; and

Whereas, the County Commission recognizes that the Reserve Account has increased to a sizable amount; and

Therefore, the County Commission authorizes the County Administrator to increase the amount of the CD, from the Reserve Account, to \$1 million for renewal of a 1-year CD.

Resolution #5259-6

Whereas, the schools in Heflin need gravel in several areas; and

Whereas, there has been a request from the school district for assistance with this need: and

Therefore, Commissioner Emmett Owen has agreed to spend up to \$1,000 of his discretionary funds to be used for purchasing gravel for the schools.

Resolution #5259-7

Whereas, having received notification from the State of Alabama Alcoholic Beverage Control Board of an Alcohol License being requested (Confirmation number 20220617130156247) located at Lost Creek Mercantile and Provisions 10505 County Rd. 10, Ranburne, AL 36273; and

Whereas, the application received from the Board appears in order;

Therefore, the Cleburne County Commission approves an alcohol license for the said location.

New Business:

A. Courthouse and Library Ventilation – ARPA Funds

Action as related to Resolution #5260 Courthouse and Library Ventilation – ARPA Funds

Motion made by Commissioner Laura Cobb, Seconded by Emmett Owen

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

In Opposition: None

Motion Passed.

Resolution #5260

RESOLUTION DESIGNATING PUBLIC FACILITIES TO BE EVALUATED FOR POTENTIAL UPGRADES TO VENTILATION SYSTEMS

WHEREAS, Cleburne County, Alabama (the “County”) has received American Rescue Plan Act State and Local Fiscal Recovery Funds (“ARPA funds”), which have been duly designated as revenue replacement funds; and

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

WHEREAS, the final rule issued by the U.S. Department of Treasury on January 6, 2022, provides that improvements to ventilation systems in public facilities are an eligible use of ARPA funds; and

WHEREAS, the Commission has contracted with the Association of County Commissions of Alabama, through its Investing in Alabama Counties program ("IAC"), to provide technical and administrative services related to the administration of the County's ARPA funds; and

WHEREAS, IAC has made available to the County at no additional cost services conducted by a duly licensed architectural and engineering team to evaluate the current ventilation systems in up to two (2) County-owned public facilities and provide recommendations for changes to these systems to bring them into compliance with the guidelines issued by the Centers for Disease Control for mitigating the spread of COVID-19; and

WHEREAS, the Commission desires to take advantage of these services to evaluate the current ventilation systems in the County's courthouse and public library buildings.

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

1) The County Administrator is hereby directed to coordinate with IAC to schedule on-site inspections of the ventilation systems in the County's courthouse and public library buildings.

2) The inspections and corresponding report of recommendations shall be conducted and prepared at no cost to the County.

3) Following the receipt of the report of recommendations, the County Administrator shall present the report's findings to the Commission during its next regularly scheduled work session.

4) The allocation and expenditure of ARPA funds to cover the cost of implementing any recommended upgrades shall be subject to further approval by the Commission and shall be further contingent on the continued appropriation and availability of ARPA revenue replacement funds for this purpose. In no event shall ARPA funds be used for any expenses not obligated by December 31, 2024, and expended by December 31, 2026.

B. Vacate County Road

Action as related to **Resolution #5261** Vacate County Road 448

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

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

In Opposition: None

Motion Passed.

Resolution #5261

Whereas, the Cleburne County Commission desires that the Engineer Department implement vacation of a portion of County Road 448; and

Whereas, the Commission understands that the procedures for doing so require a public hearing and notification to citizens affected by the vacation.

Now Therefore be it resolved that the Commission directs the County Engineer to advertise and schedule a public hearing to be held during the August 2022 regularly scheduled Commission meeting.

C. Weather Sirens

Action as related to **Resolution #5262 Weather Sirens**

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

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

In Opposition: None

Resolution was tabled

Resolution #5262

Whereas, many of the weather sirens in the County are no longer in working order and they are obsolete; and

Whereas, the expense for the County would be prohibitive to replace the weather sirens; and

Whereas, the weather sirens being present could possibly give the County citizens the impression that they can rely on working sirens during a weather event; and

Therefore, the Cleburne County Commission authorizes removal of all sirens, with the exception of the functioning siren at Coleman Lake, within the next 3 months.

D. Fees for new ABC license types

Action as related to **Resolution #5263 Fees for new ABC license types**

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 #5263

Whereas, a notice has been received from the Alcoholic Beverage Control Board that there have been two new license types added; and

Whereas, the two license types are, as follows: Hospitality Management Program License and Food or Beverage Truck License; and

Whereas, these two new license types do not have local license fees established at this time; and

Therefore, the Cleburne County Commission hereby resolves to charge fees of \$1000.00 and 300.00, respectively (which matches the State rates).

E. Transportation Budget Request

Action as related to **Resolution #5264 Transportation Budget Request**

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

In Support: None

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

Motion dies

Marty Funderburk comes to the Commission on advertising for the transportation for the County

Resolution #5264

Whereas, the Transportation Department requests funding be placed in the Fiscal Year 2023 Budget to continue the transportation program; and

Whereas, the Cleburne County Commission expresses its need for more information before adding this to the upcoming budget; and

Therefore, the Commission asks that the County Administrator confer with the Transportation Department to obtain such information.

F. Health Department Funding Request

Action as related to **Resolution #5265 Health Department Funding Request**

Motion made by Commissioner Laura Cobb seconded by Commissioner Emmett Owen

In Support: Commissioner Laura Cobb

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

Motion does not pass

Resolution #5265

Whereas, the Cleburne County Health Department offers a wide range of services to the citizens of Cleburne County; and

Whereas, the Cleburne County Commission recognizes that the Health Department's mission is to provide Public Health resources for all of Cleburne County's citizens; and

Whereas, a request has been received for \$5,000 in local funding from the Cleburne County Commission; and

Therefore, the Cleburne County Commission agrees to add this item to its upcoming budget for Fiscal Year 2023.

G. Avenu Insights – Tax Administration

Action as related to **Resolution #5266 Avenu Insights – Tax Administration**

No motion made.

In Support: None

In Opposition: None

Dies for lack of motion.

Resolution #5266

Whereas, Avenu Insights is the tax administrator for Cleburne County's Sales and Use Tax, Tobacco Tax, Fireworks Tax, and Lodging Tax; and

Whereas, the current contracts for Fireworks Tax and Lodging Tax renewal are due for renewal; and

Whereas, the Commission wishes that Avenu Insights continue to provide this service for the County; and

Therefore, the Cleburne County Commission, authorizes its Chairman to sign contract renewals for Fireworks and Lodging Taxes.

H. Alabama Department of Revenue – Tax Administration

Action as related to **Resolution #5267 Alabama Department of Revenue – Tax Administration**

No motion made.

In Support: None

In Opposition: None

Dies for lack of motion.

Resolution #5267

Whereas, Avenu Insights is the tax administrator for Cleburne County's Sales and Use Tax, Tobacco Tax, Fireworks Tax, and Lodging Tax; and

Whereas, the current contracts for Fireworks Tax and Lodging Tax renewal are due for renewal; and

Whereas, the Commission wishes that Avenu Insights continue to provide this service for the County; and

Therefore, the Cleburne County Commission, authorizes its Chairman to sign contract renewals for Fireworks and Lodging Taxes.

I. Reserve Fund

Action as related to **Resolution #5268 Reserve Fund**

Motion made by Commissioner Laura Cobb Seconded by Commissioner Emmett Owen

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

In Opposition: None

Motion Passed

Resolution #5268

Whereas, the Reserve Account is increasing monthly due to 20% of collected Sales Tax being transferred to the account; and

Whereas, the Cleburne County Commission would like to establish the amount of \$2 Million a threshold balance; and

Whereas, the Cleburne County Commission would like to decrease the amount of sales tax transferred to this account to 10% when the balance exceeds the threshold balance and automatically increase it to 20% when the balance falls below the threshold balance.

Now Therefore, be it resolved that the Cleburne County Commission sets a threshold balance in the Reserve Account at \$2 Million. Any monthly period when the balance exceeds that amount, only 10% of sales tax will be transferred and if the balance falls below the threshold, the amount transferred will return to 20%.

J. Transportation – Section 5311

Action as related to **Resolution #5269 Transportation – Section 5311**

Motion made by Commissioner Emmett Owen Seconded by Commissioner Laura Cobb

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

In Opposition: None

Motion Passed

Resolution #5269

Whereas, the Cleburne County Commission recognizes the need for a public transportation program; and

Whereas, the Cleburne County Commission is recognized as a member of the Cleburne County Transportation Steering Committee; and

Whereas, the Cleburne County Commission recognizes that the requirements to obtain Section 5311 funds from the Alabama Department of Transportation includes a local match of 50% for operating expenses and 20% for administration and capital expenses; and

Whereas the Cleburne County Commission recognizes that the local match will be a shared cost with other participating municipalities being responsible for providing an appropriate allocation of local non-federal funds to secure the operating of the Section 5311 Nonurbanized Area Public Transportation Program.

Now, Therefore, Be it Resolved, that the Cleburne County Commission hereby commits the amount of \$33,843 as local non-federal match for capital, administrative, and operations expenditures under the Section 5311 Nonurbanized Area Public Transportation Program during Fiscal Year 2023.

Be it Further Resolved that the Commission Chairman is authorized to execute an agreement with the East Alabama Regional Planning and Development Commission for provision of transit services in Cleburne County and that the Chairman is also authorized to execute any certifications and assurance required in conjunction with the program.

Motion to add Termination of Avenu and approving ADOR for taxes

Motion made by Commissioner Emmett Owen seconded by Commissioner Laura Cobb

All in Support

K. Terminate Avenu

Action as related to **Resolution #5270 Terminate Avenu**

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 #5270

Whereas, Avenu Insights is the current tax administrator for Cleburne County's Sales and Use Tax, Tobacco Tax, Fireworks Tax, and Lodging Tax; and

Whereas, the current contracts for Fireworks Tax and Lodging Tax renewal are due for renewal; and

Whereas, the Commission wishes to terminate all contracts for tax administration with Avenu Insights by providing 90 days written notice of termination, with the effective termination date being Nov. 1, 2022.

Therefore, the Cleburne County Commission, hereby direct, the County administration to deliver termination notification to Avenu Insights for all tax administration services with an effective date of Nov. 1, 2022.

L. Approve ALDOR

Action as related to **Resolution #5271 Approve ALDOR**

Motion made by Commissioner Laura Cobb Seconded by Commissioner Emmett Owen

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

In Opposition: None

Motion Passed

Resolution 5271

A RESOLUTION AUTHORIZING THE ALABAMA DEPARTMENT OF REVENUE TO ADMINISTER AND COLLECT ALL TAXES LEVIED BY THE CLEBURNE COUNTY COMMISSION

Whereas, Pursuant to the provisions of the Code of Alabama 1975, Section 11-51-207, the County of Cleburne hereby directs the Department of Revenue of the State of Alabama shall administer and collect all Sales and use tax, Tobacco tax, Fireworks tax, and Lodging tax levied and assessed under the provisions of this Resolution to the fullest extent allowed by Alabama law.

Whereas, the County of Cleburne shall provide a certified copy of this Resolution to the Alabama Department of Revenue and shall also provide such other information and take such other steps as may be required by said Department of Revenue to enable it to administer and collect taxes levied and assessed under the provisions of the Resolution beginning on November 1, 2022.

Therefore, the Cleburne County Commission hereby authorizes its Chairman to sign a document authorizing tax administration for Sales and Use tax, Tobacco tax, Fireworks tax, and Lodging tax.

Reports from staff:

A. County Administrator Lisa Copeland updates the Commission on 911 Audit, A/E Reports, and introduces new Commission Clerk, Christa Traywick

Commissioner Roger Hill asks about setting up a meeting Chief Deputy John Daniel on Resource Officers for the schools

All Commissioners agreed to wait until next work session

B. County Engineer Lee Estes is not present

C. County Attorney Jason Odom updates the Commission on back taxes from the Revenue office

Commissioner Emmett Owen asks about ownership on the Hopewell voting house

County Attorney Jason Odom states he would need all previous records

County Administrator Lisa Copeland states that County Risks Services will be here August 11,2022

Old Business:

There is no Old Business to discuss.

Action as related to **Resolution #5272**

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

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

In Opposition: None

Motion Passed

Resolution #5272

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