

**Cleburne County Commission Meeting Minutes  
Regular Commission Meeting February 20, 2024  
Cleburne County Mountain Center**

**Roll Call**

Present:

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

Absent: None

**Comments from Citizens**

**Comments from Board Members or Officials**

Mike Copeland, Cleburne County Water Authority: Mr. Copeland states that everything that all of the water projects previously discussed the ARPA money, have been completed. He asks the Commission if he can use the left-over ARPA appropriation be used to add water lines from 689 North of the right of way? The Commissioners state they are good with that. No Resolution is needed.

**Consent Agenda**

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The Commission passes the February 2024 Consent Agenda Resolution #5430 1, 2, 3, 4, 6. Resolution #5430-5 has been moved to new Business Item H.

Action as related to **Resolution #5430 1-6** 2024 Consent Agenda:

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

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

In Opposition: None

Motion Passed

**Resolution #5430-1**

The Cleburne County Commission hereby resolves to approve the minutes of January 16, 2024

as presented.

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**Resolution #5430-2**

Board Vacancies:

Hospital Board- District 4

Board Appointments: Adam Johnson – Hospital Board, District 2

**Resolution #5430-3**

Whereas, a form has been received from the Alabama Alcoholic Beverage Control Board, to report any changes of County alcohol license fees;

Whereas, the fees currently in place are set at the maximum amount that Counties are allowed to charge;

Therefore, the Cleburne County resolves to continue to charge the same alcohol license fees.

**Resolution #5430-4**

Whereas, the Cleburne County Engineer has advertised and received proposals for grant writing services;

Whereas, the County Engineer recommends that the County award a contract to Community Consultants;

Therefore, the Cleburne County Commission agrees to award the contract to Community Consultants and directs the Engineer and County to negotiate the contract terms and authorizes the Chairman to sign.

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**Resolution #5430-5**

Whereas, the Cleburne County Engineer has explained that the time for rotation of dump trucks is approaching;

Whereas, in order to be on the list to purchase two dump trucks off the State bid list, the County Engineer needs Commission approval;

Therefore, the Cleburne County Commission agrees to allow the County Engineer to pursue the purchase of two dump trucks, which will be received in January 2025.

**Resolution #5430-6**

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

1991 Chip Spreader, 2001 Ford F550, 2002 Chevrolet Suburban

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

**New Business:**

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**A. Support for Amendment 1**

Action as related to **Resolution #5431** Support for Amendment 1

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 Carries

#### **Resolution #5431**

**WHEREAS**, voters will soon consider Amendment 1, which will be on the ballot during the 2024 Primary Election held on March 5, 2024; and

**WHEREAS**, the Legislature regularly passes local laws and local constitutional amendments that impact the services provided to the county's residents, as well as the mechanisms for funding these services; and

**WHEREAS**, some of these taxpayer-funded services include law enforcement, education, fire protection, ambulance services, the regulation of alcoholic beverages, and economic development; and

**WHEREAS**, since 1984, the Alabama Constitution has required that no legislation be considered by the Legislature until both of the State's annual budgets are passed and delivered to the Governor; and

**WHEREAS**, there is an exception that allows the Legislature to consider other matters ahead of the budgets by adopting a "Budget Isolation Resolution" (BIR) by a vote "of not less than three-fifths of a quorum present"; and

**WHEREAS**, the language of this exception has been interpreted various ways since 1984 and has generated lawsuits in recent years over how many votes are needed to adopt a BIR; and

**WHEREAS**, if a court finds that a local law's BIR was adopted improperly, it could result in that local law being challenged on procedural grounds, even if the local law otherwise passed both chambers and became law; and

**WHEREAS**, Amendment 1 would allow local bills and local constitutional amendments to be considered by the Legislature without the adoption of a BIR, removing a procedural step from the legislative process; and

**WHEREAS**, the Association of County Commissions of Alabama has adopted a resolution encouraging Alabamians to vote yes to Amendment 1 on March 5, 2024.

**NOW, THEREFORE BE IT RESOLVED BY THE CLEBURNE COUNTY COMMISSION** that it encourages the citizens of the county to go to the polls on March 5, 2024, and make their voices heard on Amendment 1.

## **B. JSU Agreement**

Action as related to **Resolution #5432** JSU Agreement

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

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

In Opposition: None

Motion Passed

### **Resolution #5432**

Whereas, the Cleburne County Commission has received a new shared-use agreement from Jacksonville State University;

Whereas, the agreement simplifies the original agreement into one document, and allows for a rate of \$7,125.00 per quarter, for a term of three years beginning February 20<sup>th</sup>, 2024;

Therefore, the Cleburne County Commission resolves to authorize its Chairman sign the new agreement on behalf of the County.

### **C. Donation of New Hopewell Building**

Action as related to **Resolution #5433** Donation of New Hopewell Building

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

*Commissioner Terry Hendrix asks do we need to put something in the deed that if the business dissolves, it reverts back to us?*

*County Attorney, Jason Odom, states it is up to the Commission how they want it done. He asks to be sent a copy of the ByLaws.*

*According to the ByLaws if it dissolves it goes to another nonprofit 501 (c)(3)*

All in Favor as it reads: Commissioners Laura Cobb, Roger Hill, Terry Hendrix and Emmett Owen

In Opposition: None

Motion Passed

### **Resolution #5433**

Whereas, the Cleburne County Commission owns the New Hopewell School building and property;

Whereas, the Commission does not have any use for the building;

Whereas, a non-profit 501 (c)(3) group, known as "Friends of New Hopewell Schoolhouse," is willing to take possession of the property;

Whereas, the group hopes to maintain the integrity of the structure and possibly make improvements for community usage, including reunions and community gatherings;

Therefore, the Cleburne County Commission resolves to surplus the New Hopewell Schoolhouse property, donate the property to the "Friends of New Hopewell" 501(c)(3), directs the County Attorney Jason Odom to draw up a

Quitclaim Deed to facilitate the property transfer and authorizes the Chairman to sign same.

#### **D. Support of Sheriff Department Fee Changes**

Action as related to **Resolution #5434** Support of Sheriff Department Fee Changes

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

*Commissioner Terry Hendrix states he thought this had already been discussed and it couldn't be done.*

*Sheriff, Jon Daniel, states he was just asking for Commission support, he will send to Legislature.*

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

In Opposition: None

Motion Passed

#### **Resolution #5434**

Whereas, the Cleburne County Sheriff is asking for the support of the Cleburne County Commission, on a local legislation item;

Whereas, the Sheriff states that he has spoken to Senator Randy Price about the possibility of the Sheriff's Department implementing an increase in pistol permit fees and out-of-state civil process fees, and a change that would allow the retainage of jail phone funds;

Therefore, the Cleburne County Commission resolves to express its support in seeking these changes.

## **E. Employee Handbook Clarification**

Action as related to **Resolution #5435** Employee Handbook Clarification

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

*Commissioner Roger Hill asks will it affect past events?*

*County Attorney, Jason Odom, states the effective date is today.*

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

In Opposition: None

Motion Passed

### **Resolution #5435**

WHEREAS the Cleburne County Commission adopted Resolution #5177, approving the Employee Handbook prepared by Ms. Hope Hicks on September 21, 2021; and

WHEREAS, it has recently been brought to the Commission's attention that there appears to be an internal inconsistency with regard to employee pay during official closings as set forth in Section "M. Inclement Weather and/or A Declared Emergency."; and

WHEREAS, it is the intention of the Commission to ensure that any perceived inconsistencies/discrepancies be rectified and clarified to the maximum extent possible.

NOW THEREFORE BE IT RESOLVED, that the Cleburne County Commission does hereby remove, in its entirety, the second sentence of paragraph M.5. from the Employee Handbook, with an effective date of February 20, 2024."

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## **F. CR 65 Bridge Funding**

Action as related to **Resolution #5436** CR 65 Bridge Funding

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

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

In Opposition: None

Motion Passed

### **Resolution #5436**

Whereas, the Cleburne County Commission is aware of the opportunity to pursue funds available for a bridge replacement on County Road 65, through a Congressionally Directed Funding Provision, in Fiscal Year 2025;

Whereas, in order to receive the funds, it will be necessary for the Alabama Department of Transportation (ALDOT) to provide a letter stating its support of this project, which is not on the State Transportation Improvement Program (STIP) list;

Whereas, the Commission must also agree to a 25% (up to \$250,000) match of the cost of the project, provided the Federal appropriation is received;

Therefore, the Cleburne County Commission resolves to match the funds for the project (if received) and requests Ed Austin with the ALDOT to provide the letter of support.

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## **G. Chamber of Commerce – Discretionary Funds**

Action as related to **Resolution #5437** Chamber of Commerce - Discretionary Funds

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

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

In Opposition: None

Motion Passed

### **Resolution #5437**

Whereas, two Commissioners are requesting that a portion of their Discretionary Fund be allocated for use by the Chamber of Commerce;

Whereas, Commissioner Emmett Owen would like to allocate \$2,000 and Commissioner Laura Cobb would like to allocate \$3,000;

Therefore, the Cleburne County Commission agrees to allow the allocations of the discretionary funds for this purpose.

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### **H. Dump Trucks**

Action as related to **Resolution #5438** Dump Trucks

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

*Commissioner Roger Hill states he is good with it as long as they have beds on them.*

*Commissioner Terry Hendrix asked for clarification on the trucks in rotation.*

*County Engineer, Lee Estes, states that they will have beds on them. He also states they will get the new trucks January 2025 and the 2 old trucks will go to Auction on March 15<sup>th</sup>.*

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

In Opposition: None

Motion Passed

**Resolution #5438**

Whereas, the Cleburne County Engineer has explained that the time for rotation of dump trucks is approaching;

Whereas, in order to be on the list to purchase two dump trucks off the State bid list, the County Engineer needs Commission approval;

Therefore, the Cleburne County Commission agrees to allow the County Engineer to pursue the purchase of two dump trucks, which will be received in January 2025.

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**I. Advertise for County Administrator and Chief Financial Officer**

Action as related to **Resolution #5439** Advertise for County Administrator and Chief Financial Officer

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

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

In Opposition: None

Motion Carries

**Resolution #5439**

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Whereas, the Commission feels the need to advertise for a County Administrator and a Chief Financial Officer who will help assist the County Administrator;

Whereas, the Commission will allow the current Administrator to apply for both positions;

Therefore, the Cleburne County Commission agrees to advertise for a County Administrator and a Chief Financial Officer.

#### **J. Dedication of February 20,2024 meeting in Honor of Marty Funderburk and his family**

Action as related to **Resolution #5440** Dedication of February 20, 2024 meeting in Honor of Marty Funderburke and his family

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

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

In Opposition: None

Motion Passed

#### **Resolution #5440**

Whereas, it has come to the attention of the Commission that one of our dedicated county employees passed away this past weekend; and

Whereas, the Commission wishes to recognize his 21 years of service to Cleburne County; and

Whereas, the Commission would like to dedicate the February 20, 2024 Commission meeting in Honor of Marty Funderburke and his Family.

Now therefore, the Cleburne County Commission hereby dedicates the February 20, 2024 Commission meeting in Honor of Marty Funderburke and his family to recognize his 21 years of service to Cleburne County.

## **Reports from staff:**

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A. The County Administrator, Lisa Copeland states that the CDs have matured in the last month Reserve, the money has rolled over into CDs with higher interest rates. She states the CR 863 Bridge project is close to being paid out. She informs the Commission that the Administrative Office computers have received updates and her computer crashed and is being repaired. She states the Emergency Manager, Crystal Cavender, has ordered 4 hard drives for us that will automatically back everything up, so if information will not be lost, if there is another computer problem.

*Commissioner Terry Hendrix states in the past the Commission passed a resolution to get the Consent Agenda and the Agendas out on the Wednesday before the meeting. He asks if we can go back to doing that?*

*County Administrator, Lisa Copeland states yes, we can, they were late due to updating our computers.*

*Commissioner Emmett Owen asks the other Commissioners if anyone has looked at the County Financials yet? He states he would like to make Lisa a Certified Finance Officer and hire a new County Administrator to help lessen Lisa's workload.*

*County Administrator, Lisa Copeland states it will cost a lot more to hire a new administrator. She states that if she could hire another employee, that has accounting experience, it would be cheaper.*

*Commissioner Emmett Owen states that he would like to be looking for a new Administrator and make Lisa a CFO.*

*Commissioner Laura Cobb states we can go ahead and be looking. Commissioner Emmett Owen wants the job description for both jobs and have 2 weeks to review it.*

*Commissioner Roger Hill states we need to find someone first, then change Lisa's job.*

*County Attorney, Jason Odom states you would need a resolution. He also states Lisa should have the opportunity to apply to both positions.*

Commissioner Emmett Owen makes a motion to add a resolution to advertise for a County Administrator and a Chief Financial Officer based on the job descriptions already in place.

Commissioner Roger Hill seconds the motion

All in Favor

*Commissioner Terry Hendrix states each Commissioner should have the opportunity to talk to Lisa one on one before approving the resolution.*

*Chairman Ryan Robertson calls a 10 minute break for the Commissioners to talk with Lisa.*

B. The County Engineer, Lee Estes has no new updates

C. The County Attorney, Jason Odom states he mailed a letter to the Assistant Attorney General concerning the Watershed issue, he has not yet received a response.

*Commissioner Terry Hendrix asks if Mike Rogers has reached out?*

*County Attorney, Jason Odom states he has not.*

*Commissioner Terry Hendrix states he has not responded to his emails.*

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### **Discussion Items from the Chairman and Commission:**

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Commissioner Emmett Owen states the extension office has new programs and will be holding classes on the JSU side of the Mountain Center.

Commissioner Laura Cobb states Revenue Commissioner, Joyce Fuller has brought a proposal for stamp machine.

Chairman Ryan Robertson would like to add amendment to adjournment the February 20, 2024 meeting be dedicated in Honor of Marty Funderburke and his family.

Commissioner Terry Hendrix makes a motion to add dedication to new business Item J

Commissioner Laura Cobb seconds it

All in Favor

Motion Carries

Action as related to **Resolution #5441**

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

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

In Opposition: None

Motion Passed

**Resolution #5441**

Meeting adjourned.

Certified by:

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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