

**Cleburne County Commission Meeting Minutes**  
**Regular Commission Meeting July 13, 2021**  
**Cleburne County Mountain Center**

**Roll Call**

Present:

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

Absent:

Commissioner Emmett Owen

**Comments from Citizens**

**Greg Flanders**

Mr. Flanders express his concerns on the dangerous chemicals that are still being sprayed throughout the County. He makes a statement to the Commission that they have citizens willing to help the County cut grass where it is needed. He urges the Commission to listen to what the concerned citizens are saying.

**Kaycee Cavender**

Ms. Cavender expresses her concerns on spraying. She complains that the Commission did not give the citizens any warning to prepare. She expresses her concerns on what the spraying is affecting rather than helping. She begs the Commission to let the citizens decide what they want.

**Tammy Pate**

Ms. Pate informs the Commission of an encounter that happened to her family on June 26<sup>th</sup> on CR142. She has concerns for safety as IVM Solutions sprayed merely only a few feet from where herself and her family were walking. She kindly asked the driver to please not spray where they are at as they are trying to enjoy a nice walk. She informs the Commission that the response she received from the driver was that he was getting paid by the County to spray. Her daughter and her grandson both had health issues about 5-7 days after the encounter. She believes the County does not care for the health of the citizens.

**Dr. Christy Hielt**

Dr. Hielt expresses her appreciation to the Commission for work they put into the cancer study with Auburn University. She informs the Commission of another cancer case that has affected the town of Fruithurst. She believes there has been too much oversight when it came to vote for the roadside maintenance. She begs the Commission to do their research for future contracts and to end the spraying now.

**Mike Copeland**

Mr. Copeland is with the County Water Authority and has asked the Commission to add a resolution to the agenda for bids the Water Authority has received for the CDBG grant. For insulation, the bid goes to Strain Construction for \$221,670, and for pipe the bid goes to Consolidated Pipe for \$52,836.

*Commissioner Hendrix asks how much the grant will cover for the supplies.*

*Mike Copeland informs the Commission the grant will cover 90% and the Water Authority will cover the remaining 10%.*

*Commissioner Cobb makes motion to add to agenda, seconded by Commissioner Hill.*

*All in favor, motion passed.*

**Joyce Fuller**

Ms. Fuller asks the Commission to really consider the pay study for the County. She believes it will be a great benefit not only for the County but also to the employees.

County Administrator Kim Brown informs the Commission that they can formally terminate the Governor's Proclamation of the Continuity of Operations Plan for the duration of the State of Emergency as a result of COVID-19.

Chairman Robertson entertains motion to add to the agenda.

Commissioner Hendrix makes motion, seconded by Commissioner Cobb.

All in favor, Motion Passed.

**Consent Agenda**

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The Commission passes the July 2021 Consent Agenda including:

Action as related to **Resolution #5139- 1-8** July 2021 Consent Agenda:

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

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

In Opposition: None

Motion Passed

**Resolution #5139-1**

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

May 15, 2021

as presented.

**Resolution #5139-2**

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

**Vacancies:**

Hospital Board

Chris Davis

**Resolution #5139-3**

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 #5139-4**

Whereas, the Cleburne County Commission has previously adopted a Procurement Policy and Standard Code of Conduct as required for federal funds; and

Whereas, the Federal Uniform Guidance policy also requires a Cash Management policy.

Therefore, the Cleburne County Commission adopts and implements the attached Cash Management Policy to be used for future grants and federal funds.

**Resolution #5139-5**

Whereas, the Secure Rural Schools and Community Self-Determination Act of 2000 as reauthorized requires the appropriate official of a county that receives funds under Title III of the Act to submit to the Secretary of Agriculture, or the Secretary of the Interior, as appropriate, an annual certification that the funds have been expended for the uses authorized under section 302(a) of the Act.

Whereas, the aforementioned section provides that Title III funds may be used to reimburse counties for emergency response activities, including law enforcement patrols performed in national forests.

Whereas, the certification needs to include a statement that all expenditures were for uses authorized and that the proposed uses had a publication and 45-day public comment period.

Therefore, the Cleburne County Commission wishes to certify that Title III funds and accumulated interest in the amount of \$28,132.25 have been expended for the uses listed above and invites the public to send comments to the County Administrator via [kbrown@cleburnecounty.us](mailto:kbrown@cleburnecounty.us).

Furthermore, the Cleburne County Commission will entertain a public hearing for comments to be heard publicly at the September 2021 Commission meeting.

**Resolution #5139-6**

Whereas, the Association of County Commissions of Alabama acts as an agency of cooperation among Alabama's counties and other governmental bodies for the advancement of the joint and several interests and general welfare of its members; and

Whereas, the Association wishes to partner with counties in developing programs that best meet the needs of the participating counties; and

Whereas the Association has created the Investing in Alabama Counties Program to serve as an educational, intergovernmental, compliance, and technical resource to participating counties for the administration, planning, management, and completion of projects authorized by the American Rescue Plan Act.

Therefore, the Cleburne County Commission agrees to participate in the Association's Investing in Alabama Counties Program and authorizes the Chairman to sign the agreement.

**Resolution #5139-7**

Whereas, the Cleburne County Engineer has ongoing projects that require the oversight of his Engineering staff after hours and weekends; and

Whereas, the Engineer's overtime budget has been depleted for fiscal year 21; and

Whereas, the Engineer's budget has a surplus in the salary line item due to the understaffing of the road department this fiscal year.

Therefore, the Cleburne County Commission authorizes the County Administrator to shift an amount not to exceed \$24,000 from the surplus in the salary line to cover the overtime for the Engineer in Training and the Assistant Engineer to oversee projects for fiscal year 2021.

**Resolution #5139-8**

Whereas, the Cleburne County Sheriff has a surplus in his salary line and a deficit in his overtime line due to the overturning of staff.

Therefore, the Cleburne County Commission authorizes the County Administrator to shift an amount not to exceed \$15,000 from the surplus in the salary line to cover the overtime for the remainder of fiscal year 21.

**New Business:**

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**A. Disallow spraying**

Action as related to **Resolution #5140** Disallow spraying

Motion made by Commissioner Laura Cobb

In Support: Commissioner Cobb

In Opposition: None

*Motion dies for lack of second*

**Resolution #5140**

Whereas, the Cleburne County Commission has passed a resolution to allow the County Engineer to outsource roadside maintenance during FY21; and

Whereas, Commissioner Cobb has requested that roadside maintenance in District 1 consist of non-chemical interventions only, such as mowing or brush cutting.

Therefore, the Cleburne County Commission approves this request and instructs the Engineer to discontinue the use of chemicals for roadside vegetation management within the territorial limits of District 1 until or unless the District 1 Commissioner rescinds this resolution.

**B. Juneteenth holiday**

Action as related to **Resolution #5141** Juneteenth holiday

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

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

In Opposition: None

Motion Passed

*Commissioner Hendrix makes motion to amend the resolution to say "leave the pay for 2021" seconded by Commissioner Cobb.*

*All in favor, amended motion passed.*

**Resolution #5141**

Whereas, President Joe Biden declared Juneteenth as a National Holiday to be observed on June 19<sup>th</sup> of every year, or – if June 19<sup>th</sup> falls on a weekend, it shall be observed on the closest Friday or Monday thereto; and

Whereas, Governor Kay Ivey proclaimed Juneteenth as a State holiday on June 18, 2021, and also declared it as a regular State Holiday in future years, to align with the National Holiday; and

Whereas, the County has historically followed the lead of the State; and

Whereas, the County Chairman made the last minute decision to close the County offices in celebration of Juneteenth on June 18, 2021, following the Governor' guidance an aligning with the Seventh Judicial Circuit's decision to close the Courts of the Seventh Judicial Circuit.

Therefore, the Cleburne County Commission ratifies the action taken by the Chairman and authorizes the Human Resource Officer to leave the pay for 2021 Juneteenth as holiday pay for all County Employees.

**C. CDBG**

Action as related to **Resolution #5142** CDBG

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

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

In Opposition: None

**Resolution #5142**

Wherefore, the Cleburne County Water Authority has made applications through the community development block grant for bids on water line extensions on county roads 49,689,114, and 447 and a separate bid for materials for the water line extension; and

Wherefore, the County Water Authority department is required to make applications through Cleburne County Commission.

Wherefore, bids have been received.

Therefore, the Cleburne County Commission approves Contract number one to Strain Construction Company in the amount of \$221,670.40 and Contract number two for material to Consolidated Pipe and Supply in the amount of \$52,836 both subject to the approval of ADECA.

**D. COOP Termination**

Action as related to **Resolution #5143** COOP Termination

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

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

In Opposition:

Motion Passed

### **Resolution #5143**

Whereas, the Commission has previously passed a Continuity of Operations Plan for the duration of the State of Emergency declared as a result of the COVID-19 situation or until the July meeting, whichever comes first; and

Whereas, Governor Kay Ivey issued the attached Proclamation, terminating the State of Alabama's State of Emergency related to COVID-19 effective at 11:59 p.m. CST on July 6, 2021.

Therefore, the Cleburne County Commission hereby terminates the Continuity of Operations Plan and the County's local State of Emergency, in accordance with the Governor's direction."

#### **Reports from staff:**

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- A.** County Administrator Kim Brown informs the Commission that the CDBG grant money is ineligible due to it not being COVID-19 related but the Commission can reapply for the money.

*Commissioner Hendrix asks if there are any alternates*

*County Administrator Kim Brown states that she is not entirely sure, but the Commission can try to add more projects.*

*Chairman Ryan Robertson states there would have to be a special called meeting to approve the projects and the grant.*

*County Administrator Kim Brown informs the Commission that the federal audit is coming to the end and that the budget process is starting.*

*Commissioner Hendrix would like to recognize the County Administrator Kim Brown for her achievement on becoming a certified County Administrator.*

- B.** County Engineer Lee Estes is not present.
- C.** County Attorney Jason Odom has no updates.

*Chairman Ryan Robertson would like to add to the agenda on adding Tawanna Gibson to the Hospital Board to fill Chris Davis's vacant spot.*

*Commissioner Cobb makes motion to add, seconded by Commissioner Hendrix*

*Motion carried*

**E. Board Member**

Action as related to **Resolution #5144** Board Member

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

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

In Opposition:

Motion Passed

**Resolution #5144**

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

**Board Appointments:**

Hospital Board

Tawanna Gibson

**Old Business:**

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*Chairman Ryan Robertson asks the Commission about the Pay Study resolution*

*Commissioner Cobb says nothing has been discussed on it and wants to make a motion to move forward with the Pay Study*

*Commissioner Hendrix expresses his concerns on how it is not the right time to do the study*

*Commissioner Cobb states that the company they choose will look at previous years and it will not be based on current situations*

*Chairman Ryan Robertson offers a ten-minute break before discussing further*

*Commissioner Hill states that there is a problem with the spraying but would like for the Commission to come together and make a whole decision for the whole county rather than one district*

*Commissioner Cobb asks to amend her recent resolution to say county wide rather than just district one*

*Chairman Ryan Robertson makes it known that there is no more spraying for the remainder of the year*

*Chairman Ryan Robertson initiates the ten-minute break*

*Chairman Ryan Robertson initiates to resume the meeting*

*County Administrator Kim Brown informs the Commission on the two companies for the pay study with Condrey & Associates for \$27,500 and Auburn University for \$25,000 and expresses to the Commission that Condrey & Associates has numerous references*

*Commissioner Hendrix asks if the ACCA did a pay study two years ago*

Human Resource Officer Lisa Milinkovich says they look at the County and population

Commissioner Hendrix states that the study will not be accurate

Chairman Ryan Robertson asks if County Administrator has a favor for either Company

County Administrator says Condrey & Associates

Commissioner Cobb makes motion for Condrey & Associates

Commissioner Hill seconds

Commissioner Hill asks what the length of the study will be

County Administrator says four months

Commissioner Hendrix states that if all employees get \$1 raise it will cost the County \$160,000 and that he is all for fair pay but it needs to be narrowed down

Commissioner Cobb asks if Commissioner Hendrix has a solution because there are too many problems to count

Commissioner Hendrix states there is not one

#### **F. Pay Study**

Action as related to **Resolution #5145** Pay Study

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

In Support: Commissioners Laura Cobb, Roger Hill

In Opposition: Commissioner Hendrix

Motion Passed

#### **Resolution #5145**

Whereas, the Cleburne County Human Resource Officer has made the Commission aware of the extreme increase in the employee turnover rate; and

Whereas, she has requested quotes from various agencies for a pay study to be done on every position in the County; and

Whereas, the Cleburne County Commission has reviewed the incoming quotes, and are of the opinion that the services will be beneficial in maintaining and retaining adequate staff.

Therefore, the Cleburne County Commission allocates an amount not to exceed \$30,000 and authorizes the Chairman to sign the necessary agreements to begin the process.

Furthermore, the Cleburne County Commission authorizes the County Administrator to make necessary budget adjustments for said expenditure.



Commissioner Hendrix asks the County Attorney if there is a possibility of a lawsuit with the study

County Attorney Jason Odom states there is certain material that must be followed

Attorney Hope Hicks agrees

Commissioner Hendrix asks if layoff is necessary rather than giving raises

Attorney Hope Hicks states that lower raises should start off instead of a big increase

Chairman Ryan Robertson states that the new handbook that is about to be discussed will come into place in October

Attorney Hope Hicks discusses the new handbook with the Commission

Action as related to **Resolution #5146**

Motion made by Commissioner Seconded by Commissioner Roger Hill

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

In Opposition: None

Motion Passed

**Resolution #5146**

Meeting Adjourned.

Certified by:

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Ryan Robertson – Chairman

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Laura Cobb – District 1

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Not Present  
Emmett Owen – District 2

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Terry Hendrix – District 3

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Roger Hill – District 4