

Cleburne County Commission Meeting Minutes
Regular Commission Meeting September 16, 2024
Cleburne County Mountain Center

Roll Call

Present:

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

Absent: Commissioner Laura Cobb

Comments from Citizens

Comments from Board Members or Officials

Chairman Ryan Robertson asks for a motion and a second to add CR 41 LATCF Project to New Business

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

All in Favor

Motion Carries

Chairman Ryan Robertson asks for a motion and a second to add the use of Commissioner Roger Hill's discretionary funds for CR 41 improvements to New Business

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

All in Favor

Motion Carries

Chairman Ryan Robertson asks for a motion and a second to add the use of Commissioner Laura Cobb's discretionary funds for CR 33 improvements to New Business

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

All in Favor

Motion Carries

Chairman Ryan Robertson asks for a motion and a second to add Avenue Contract for Fireworks Tax and Tobacco Tax collections to New Business

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

All in Favor

Motion Carries

Consent Agenda

The Commission passes the September 2024 Consent Agenda Resolution #5478 1-9

Action as related to **Resolution #5478 1-9** 2024 Consent Agenda:

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

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

In Opposition: None

Motion Passed

Resolution #5478-1

The Cleburne County Commission hereby resolves to approve the minutes of August 26, 2024, as presented.

Resolution #5478-2

September 16, 2024, Board Vacancies:

Board Resignation: Megan Holbrook-Library Board District 1
Board Appointments: Claire Gamble- Library Board District 1

Resolution #5478-3

Whereas, Commissioner Emmett Owen wishes to use \$75,016.41 of his discretionary funds for materials used in improvements to County Road 114;

Whereas, the Commission finds that this is an appropriate use of discretionary funds for a proper public purpose.

Therefore, the Cleburne County Commission agrees to allow the use of \$75,016.41 of Commissioner Owen's discretionary fund for this purpose.

Resolution #5478-4

Whereas, the Cleburne County Commission is seeking information concerning the possible increase of elected official salaries;

Whereas, the Cleburne County Commission the Commission would like to start with analysis of the starting pay for the Sheriff, Probate Judge, and Revenue Commissioner positions, for other Counties of comparable population;

Therefore, the Cleburne County Commission hereby tasks Crystal Cavender and Emily Brown with gathering and providing this information.

Resolution #5478-5

Whereas, the County Emergency Manager states that there are grant funds available for cyber-security;

Whereas, the first step is to sign a document to put the County on a list of Counties that are interested in the grant;

Therefore, the Cleburne County Commission agrees to allow the Chairman to sign this document.

Resolution #5478-6

Whereas, the Cleburne County Commission previously passed Resolution #5452 to allow for step-raises annually for employees;

Whereas, the Human Resource Officer asks for clarification on the initiation of the step-raises, with regards to newly hired employees;

Therefore, the Commissions resolves to amend the resolution to include: the first possible step-raise following hire will be one year from the employee's hire date, with an annual step increase scheduled for each October 1st.

Resolution #5478-7

Whereas, the Cleburne County Commission has received the annual Long Term Detention Subsidy Contract, from the Alabama Department of Youth Services;

Whereas, the contract designates Coosa Valley Detention Center to receive per diem funds from the State for this service;

Therefore, the Cleburne County Commission resolves to have the County Chairman sign the agreement for Fiscal Year 2025.

Resolution #5478-8

Whereas, Commissioner Emmett Owen wishes to use \$75,016.41 of his discretionary funds for materials used in improvements to County Road 114;

Whereas, the Commission finds that this is an appropriate use of discretionary funds for a proper public purpose.

Therefore, the Cleburne County Commission agrees to allow the use of \$75,016.41 of Commissioner Owen's discretionary fund for this purpose.

Resolution #5478-9

Whereas, the air condition units at the Mountain Center have had to be repaired numerous times recently;
Whereas, there is a possibility that the unit on the JSU side of the building and the unit for 911 will need to be relaced before the end of this fiscal year;
Therefore, the Cleburne County Commission resolves to add \$20,000 to the Maintenance budget, if needed, for replacement of the units.

New Business:

A. Sheriff Department- New Position

A. Action as related to **Resolution #5479** Sheriff Department- New Position

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

In Support : Commissioners Emmett Owen, and Roger Hill

In Opposition: Commissioner Terry Hendrix

Motion Carries

Resolution #5479

Whereas, the Sheriff is asking for an employee be added to his department organizational chart;

Whereas, the newly created position will be titled "Law Enforcement Technician";

Whereas, duties will include, but are not limited to, maintaining evidence records (including firearms) and assisting compliance with logging permits;

Whereas, the position will be a paygrade 14, with an addition to the Sheriff Department budget of \$42,238.49 for salary and benefits;

Therefore, the Cleburne County Commission agrees to the addition to the Sheriff's Department Organizational Chart and budget.

B. Revenue Commissioner back-pay

Action as related to **Resolution #5480** Revenue Commissioner back-pay

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

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

In Opposition: None

Motion Carries

Resolution #5480

Whereas, the Revenue Commissioner claims that there should have been an adjustment to the base-salary of her position in 2002;

Whereas, the Revenue Commissioner has provided information to the County Commission to support claims that she is owed back-pay for her 15 years in office, due to the adjustment not having been added to the base-salary;

Whereas, the County Commission is concerned about the legality of paying back-pay to an employee;

Therefore, the Cleburne County Commission agrees to task the County Attorney with researching and advising the Commission concerning the back-pay

C. County Road 33 LATCF Project

Action as related to **Resolution #5481** County Road 33 LATCF Project

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

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

In Opposition: None

Motion Carries

Resolution #5481

RESOLUTION FOR THE EXPENDITURE OF AMERICAN RESCUE PLAN ACT LOCAL AND TRIBAL CONSISTENCY FUNDS FOR GOVERNMENT PURPOSE

WHEREAS, Cleburne County, Alabama (the "County") has received an award from the American Rescue Plan Act Local and Tribal Consistency Funds ("LATCF Funds") and is charged with ensuring that such funds are expended in accordance with state and federal law; and

WHEREAS, the County may expend LATCF Funds for programs, services, and capital expenditures to fulfill a governmental purpose; and

WHEREAS, the provision of construction and maintenance to County roads, serves a governmental purpose to provide for the safety and well-being of residents; and

WHEREAS, consistent with this government purpose, the County has identified a project to widen and level County Road 33 (the "Project"); and

WHEREAS, the County has determined that the procurement of materials and services to support ongoing road projects is a necessary, reasonable, and proportionate measure to further this governmental purpose; and

WHEREAS, the County has procured these materials and services in a manner consistent with state laws and guidelines, including compliance the Public Works Law, codified as Title 39 of the Code of Alabama 1975 and the Competitive Bid Law, codified as 41-16-50, *et seq.*, Code of Alabama 1975, as applicable

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

- 1) The County shall use up to \$64,938.59 of LATCF Funds to fulfill the governmental purpose described herein.
- 2) The County Administrator is hereby authorized to expend these funds to purchase goods and services to support this Project.
- 3) Expenditure of these funds, as authorized by this Resolution, shall be contingent on the continued appropriation and availability of LATCF Funds for this purpose.

D. County Road 114 LATCF Project

Action as related to **Resolution #5482** County Road 114 LATCF Project

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

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

In Opposition: None

Motion Carries

Resolution #5482

RESOLUTION FOR THE EXPENDITURE OF AMERICAN RESCUE PLAN ACT LOCAL AND TRIBAL CONSISTENCY FUNDS FOR GOVERNMENT PURPOSE

WHEREAS, Cleburne County, Alabama (the "County") has received an award from the American Rescue Plan Act Local and Tribal Consistency Funds ("LATCF Funds") and is charged with ensuring that such funds are expended in accordance with state and federal law; and

WHEREAS, the County may expend LATCF Funds for programs, services, and capital expenditures to fulfill a governmental purpose; and

WHEREAS, the provision of construction and maintenance to roads in the County, serves a governmental purpose to provide for the safety and well-being of residents, including those who reside within municipalities; and

WHEREAS, Section 11-1-10, Code of Alabama 1975, authorizes the County to enter into agreements with municipalities in the state for the purpose of receiving benefits deemed to be for the public interest in the promotion of any beneficial development; and

WHEREAS, the City of Heflin, Alabama has requested funds to make improvements to County Road 114 (the "Project"), located within the city limits; and

WHEREAS, the County has determined that the procurement of materials and/or services to support this Project is a necessary, reasonable, and proportionate measure to further this governmental purpose.

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

1) The County shall use up to \$64,983.59 of LATCF Funds to fulfill the governmental purpose described herein.

2) The Chairman is hereby delegated the authority to negotiate and execute a funding agreement with the City of Heflin, Alabama in support of this public purpose, conditioned upon the following:

a. The funding agreement is consistent with this Resolution;

b. The funding agreement is consistent with all applicable state laws and federal regulations relating to the expenditure of LATCF funds including, but not limited to, compliance with the Build America Buy America Act; and

c. In the sole discretion of the Chairman, the terms and conditions are in the best interest of the County.

3) Once executed, the County Administrator is hereby authorized to expend funds to the City of Heflin, Alabama to support this Project.

4) Expenditure of these funds, as authorized by this Resolution, shall be contingent on the continued appropriation and availability of LATCF Funds for this purpose.

E. Economic Developer

Action as related to **Resolution #5483** Economic Developer

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

In Support: Commissioners Emmett Owen and Roger Hill

In Opposition: Commissioner Terry Hendrix

Motion Carries

Resolution #5483

Whereas, the Cleburne County Commission wishes to add a position of Economic Developer for the County;

Whereas, a job description has been created and the position opening has been advertised;

Whereas, upon passing of this resolution, an additional department and organizational chart will be created for the job position;
Therefore, the Cleburne County Commission agrees to hire Tanya Maloney for the position of Economic Developer, with a paygrade of 23 and an addition to the FY25 Budget of \$90,852.56 for salary and benefits.

F. Funding of Engineer Department

Action as related to **Resolution #5484** Funding of Engineer Department

Motion made by Commissioner Roger Hill, Seconded by Commissioner Terry Hendrix

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

In Opposition: None

Motion Carries

Resolution #5484

Whereas, the County Engineer states that after reviewing his budget plan for FY25, he will have a budget shortfall of approximately \$265,000;

Whereas, the Public Highway and Traffic Fund currently receives approximately \$102,000 from half of the revenue received from a \$30 court fee on traffic fines;

Therefore, to alleviate a portion of the budget shortage for the Engineer Department, the Cleburne County Commission agrees to allow 100% of the court fee to be transferred to the Public Highway.

G. Equipment Repayment

Action as related to **Resolution #5485** Equipment Repayment

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

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

In Opposition: None

Motion Carries

Resolution #5485

Whereas, the County Engineer Department currently owes approximately \$574,000 to the Reserve Account for purchases of equipment;

Whereas, the Engineer Department has a budget shortfall;
Therefore, the Cleburne County Commission agrees to allow for a moratorium on the repayment of the equipment debt, for 1 year.

H. County Road 41 LATCF Project

Action as related to **Resolution #5486** County Road 41 LATCF Project

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

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

In Opposition: None

Motion Carries

Resolution #5486

RESOLUTION FOR THE EXPENDITURE OF AMERICAN RESCUE PLAN ACT LOCAL AND TRIBAL CONSISTENCY FUNDS FOR GOVERNMENT PURPOSE

WHEREAS, Cleburne County, Alabama (the "County") has received an award from the American Rescue Plan Act Local and Tribal Consistency Funds ("LATCF Funds") and is charged with ensuring that such funds are expended in accordance with state and federal law; and

WHEREAS, the County may expend LATCF Funds for programs, services, and capital expenditures to fulfill a governmental purpose; and

WHEREAS, the provision of construction and maintenance to County roads, serves a governmental purpose to provide for the safety and well-being of residents; and

WHEREAS, consistent with this government purpose, the County has identified a project, JG Surface Treatment on County Road 41 (the "Projects"); and

WHEREAS, the County has determined that the procurement of materials and services to support ongoing road projects is a necessary, reasonable, and proportionate measure to further this governmental purpose; and

WHEREAS, the County has procured these materials and services in a manner consistent with state laws and guidelines, including compliance the Public Works Law, codified as Title 39 of the Code of Alabama 1975 and the Competitive Bid Law, codified as 41-16-50, *et seq.*, Code of Alabama 1975, as applicable

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

1) The County shall use up to \$64,983.59 of LATCF Funds to fulfill the governmental purpose described herein.

2) The County Administrator is hereby authorized to expend these funds to purchase goods and services to support these Projects.

3) Expenditure of these funds, as authorized by this Resolution, shall be contingent on the continued appropriation and availability of LATCF Funds for this purpose.

IN WITNESS WHEREOF, the Cleburne County Commission has caused this Resolution to be executed in its name and on its behalf by its Chairman on the 16th day of September 2024.

I. County Road 41 Improvements – Discretionary Funds

Action as related to **Resolution #5487** County Road 41 Improvements – Discretionary Funds

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

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

In Opposition: None

Motion Carries

Resolution #5487

Whereas, Commissioner Roger Hill wishes to use \$217,161.25 of his discretionary funds;

Whereas, the fund will be used for improvements to County Road 41;

Whereas, the Commission finds that this is an appropriate use of discretionary funds for a proper public purpose.

Therefore, the Cleburne County Commission agrees to allow the use of \$217,161.25 of Commissioner Hill's discretionary fund for this purpose.

J. County Road 33 Improvements – Discretionary Funds

Action as related to **Resolution #5488** County Road 33 Improvements – Discretionary Funds

Motion made by Commissioner Terry Hendrix, Seconded by Commissioner Roger Hill

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

In Opposition: None

Motion Carries

Resolution #5488

Whereas, Commissioner Laura Cobb wishes to use \$20,000.00 of her discretionary funds;

Whereas, the fund will be used for improvements to County Road 33;

Whereas, the Commission finds that this is an appropriate use of discretionary funds for a proper public purpose.

Therefore, the Cleburne County Commission agrees to allow the use of \$20,000.00 of Commissioner Cobb's discretionary fund for this purpose.

K. Avenu Insights – Tax Administration

Action as related to **Resolution #5489** Avenu Insights – Tax Administration

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

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

In Opposition: None

Motion Carries

Resolution #5489

Whereas, Cleburne County, Alabama desires to begin self-collection and administration of Cleburne County, Tobacco and Firework Taxes and any other additional taxes effective beginning the period of December 1, 2024 (with the first collection to be received on or before January 20, 2025); and

Whereas, Cleburne County, Alabama has been presented a proposal by AVENU INSIGHTS & ANALYTICS of Birmingham dated September 18, 2024, whereby

AVENU INSIGHTS & ANALYTICS will perform the services necessary to administer and collect the taxes for the County and the County desires to accept such proposal.

NOW THEREFORE BE IT RESOLVED by the Cleburne County Commission that the County agrees to begin collecting Cleburne County, Tobacco and Firework taxes effective beginning with the period of December 1, 2024, and the Chairman is instructed to notify the State of Alabama Department of Revenue immediately of the decision of this Commission; and

BE IT FURTHER RESOLVED that the proposal presented by AVENU INSIGHTS & ANALYTICS dated September 18, 2024, whereby AVENU INSIGHTS & ANALYTICS will perform the services necessary to administer and collect the taxes for the County, be accepted and the Chairman is hereby authorized and directed to enter a contract with AVENU INSIGHTS & ANALYTICS which conforms to such proposal.

THEREFORE, Terry Hendrix, a Commission member, made the motion and Emmett Owen, a Commission member, seconded the motion that said resolution be approved, and said resolution passed by majority vote of the Commission, and the Chairman declared the Resolution so passed.

Reports from staff:

- A. The County Administrator, Lisa Copeland states she has been working on the Budget and does not have any updates.
- B. The County Engineer, Lee Estes informs the Commission on the upcoming road projects and the dates for the work.
- C. The County Attorney, Jason Odom has no updates and states he will have an answer to New Business Item B at the next work session

Old Business:

Action as related to **Resolution #5467** Revenue Commission Expense Account

Dies for Lack of Motion

Resolution #5467

Whereas, the Revenue Commissioner is requesting the establishment of an Expense Account for her position;
Whereas, this would require a Legislative Act be passed;
Whereas, an example of legislation from another County has been provided and the Revenue Commissioner would like to use the same terms;
Whereas, the example given states that the Expense Account will be for an amount equal to the difference in the salary of the Revenue Commissioner and the salary of the Judge of Probate and payable in equal monthly installments from the General Fund;
Whereas, beginning the next term of office after the effective date of the Act, the salary for the Revenue Commissioner would equal the salary of the Probate Judge, and thereafter would be entitled to the uniform increases in compensation received by other elected officials;
Therefore, the Cleburne County Commission agrees to support the Revenue Commissioner in the attempt to establish the Expense Allowance.

Discussion Items from the Chairman and Commission:

Action as related to **Resolution #5490**

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

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

In Opposition: None

Motion Passed

Resolution #5490

Meeting Adjourned.

Certified by:

Ryan Robertson – Chairman

Laura Cobb – District 1

Emmett Owen – District 2

Terry Hendrix – District 3

Roger Hill – District 4