

**Cleburne County Commission Meeting Minutes**  
**Regular Commission Meeting November 16, 2022**  
**Cleburne County Mountain Center**

**Roll Call**

Present:

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

Absent:

NONE

**Comments from Citizens**

**Joy Dickerson Frames- County Road 81**

Mrs. Frames informs the commission of County Road 81 damage. County Engineer, Lee Estes states he needs different equipment to fix the road. He is having to make do with the equipment on hand, which is not working properly. He is currently looking for a newer Spreader.

**Consent Agenda**

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The Commission passes the October 2022 Consent Agenda including:

Action as related to **Resolution #5274 1-6** October 2022 Consent Agenda:

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

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

In Opposition: None

Motion Passed

**Resolution #5274-1**

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

October 11, 2022

as presented.

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**Resolution #5274-2**

No new appointments

Vacancies: None

**Resolution #5274-3**

Whereas, Cleburne County, Alabama (the "County") has been allocated funds in the amount of \$474,366.26 by the U.S. Department of Treasury ("Treasury") from the Local Assistance and Tribal Consistency Fund ("LATCF"), established by Section 605 of the Social Security Act, as added by Section 9901 of the American Rescue Plan Act of 2021; and

Whereas, the LATCF funds allocated to the County may be expended by the County for governmental purposes; and

Whereas, to receive the LATCF funds allocated to the County, an authorized representative of the County must submit a request for funding to Treasury on or before January 31, 2023; and

Whereas, the Cleburne County Commission (the "Commission") has determined that receipt of these funds for expenditure by the County for governmental purposes will inure to the benefit of the citizens of this County.

Now, Therefore, be it resolved by the Commission as follows:

The Chair of the Commission is hereby authorized to request or to designate another County official to request the County's allocated share of LATCF funds in accordance with the procedures established by Treasury. The authority delegated herein includes the authority for the Chair, or his or her designee, to execute agreements or other documents necessary to request and receive this allocation.

**Resolution #5274-4**

Whereas, the Cleburne County Engineer requests the Cleburne County Commission to authorize surplus of equipment, as follows:

Utility Trailer- Inventory# 4121

Equipment Trailer- 20' Ft VIN# 109GS2024XR124004

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

**Resolution #5274-5**

Whereas, the Cleburne County Emergency Manager requests the Cleburne County Commission to authorize surplus of equipment that is no longer useful as follows:

Camera system, Old Phone system, Printer 003995, Printer 000767, Printer 003309, Printer 000742, Laptop1804, Laptop 1281, Laptop 1802, Projector 000256, Printer 1144, Printer 000535, Tower 004155, All in one 1787, All in one 1798, All in one 1792, Monitor 0003810, Monitor 00381, Monitor 003812, Radio 1593, Radio 1594, 000445 Metric Reader, 3947 Minitower, 003931Radio,003932 Radio, 003999 Radio,

004045 Chair, 004045 Chair, 001495 Radio, EMA1790 PC, EMA1791 PC, EMA1792 PC, EMA1794 PC, EMA1795 PC, EMA1796 PC, EMA1797 PC, EMA1798 PC, EMA1799 PC, EMA1800 Laptop, EMA1801 Laptop, EMA1802 Laptop, EMA1803 Laptop, EMA1804 Laptop, EMA1805 Laptop, EMA1806 Laptop, EMA1807 Laptop

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

**Resolution #5274-6**

Whereas, the Cleburne County Engineer requests that the Cleburne County Commission allow for a change in the Engineer Department Organizational Chart;

Whereas the change would remove Three Operator II positions, add Two Road Tech I positions and replace a Road and Bridge Foreman position with a new position called "Assistant Road Engineer", the net effect would be a reduction of the Salary Budget for the Engineer Department;

Therefore, the Cleburne County Commission resolves to allow the change to the Engineering Organizational Chart.

**New Business:**

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**A. Establish Meeting Dates**

Action as related to **Resolution #5275** Establish Meeting Dates

Motion made by Commissioner Laura Cobb, Seconded by Emmett Owen

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

In Opposition: None

Motion Carries

**Resolution #5275**

Whereas, Alabama Code, Section 11-3-8 requires County Commissions to establish regular meeting dates during the first meeting in November following the election of any of the members of the Commission.

Now Therefore, be it Resolved that the Cleburne County Commission hereby sets its standard monthly meeting date for the 3<sup>rd</sup> Monday of each month at 5 p.m. Agenda setting meetings, when necessary, will be held the 1<sup>st</sup> Monday of each month at 3 p.m. Both meetings will be held at the Cleburne County Mountain Center located at 6751 Highway 78 in Heflin, Alabama.

**B. Subrecipient Agreement**

Action as related to **Resolution #5276** Subrecipient Agreement

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

Motion Carries

**Resolution #5276**

Whereas, the County has received a Coronavirus State and Local Fiscal Recovery Fund ("SLFRF") award under the American Rescue Plan Act ("ARPA funds") from the U.S. Department of the Treasury ("Treasury"), which, in accordance with the Final Rule issued by Treasury on January 6, 2022, has been duly designated as revenue replacement funds ("revenue replacement funds"); and

Whereas, these public funds may be used for the purpose of providing government services, including support of water/sewer infrastructure; and

Whereas, the Cleburne County Commission has previously agreed to allocate a portion of its ARPA Funds for Cleburne County water projects;

Whereas, Roger Rendleman, Consultant for Investing in Alabama Counties (IAC), has provided an agreement for the County Commission and Cleburne County Water Authority (CCWA), designating CCWA as a subrecipient of the funds;

Now Therefore, be it resolved that the Cleburne County Commission authorizes Ryan Robertson, Chairman to sign the agreement on behalf of the Commission.

**C. School Resource Officer M.O.U**

Action as related to **Resolution # 5277** School Resource Officer M.O.U

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

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

In Opposition: Commissioner Terry Hendrix

*Commissioner Terry Hendrix states he is not against hiring SRO., but is against the wording of the contract.*

*The Commissioners briefly discuss funds and have decided to amend or rescind SSUT resolution at next month's meeting. SRO positions cannot be filled until the funding decisions have been finalized.*

Motion Carries

**Resolution #5277**

Whereas, the Cleburne County Commission is concerned about the ongoing problem with school violence;

Whereas, the Commission has been approached by the Cleburne County Board of Education with a proposal to hire three School Resource Officers;

Whereas, the Commission and its attorney have been reviewing and adapting the Memorandum of Understanding that has been provided by the Cleburne County School Board;

Now Therefore, be it resolved that the Cleburne County Commission has reviewed the Memorandum of Understanding in its entirety and agrees to

initiate the hiring process for three (3) School Resource Officers and authorizes its Chairman, Ryan Robertson, to sign the Memorandum of Understanding.

#### **D. Weather Siren Removal**

Action as related to **Resolution #5278** Weather Siren Removal

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

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

In Opposition: None

Motion Carries

*Cleburne County Emergency Manager, Crystal Cavender, informs the Commissioners that prior to the removal of the weather sirens, a transfer of property form must be signed by the appropriate Fire Chief.*

#### **Resolution #5278**

Whereas, the Cleburne County Commission is aware that a number of weather sirens are no longer in working order and are obsolete, due to unavailability of replacement parts;

Whereas, the expense for the County would be prohibitive to replace the weather sirens, along with the fact that many parts are no longer available; and

Whereas, the Cleburne County Emergency Management Director, was tasked with communicating with the individual fire departments regarding the intentions of each, to repair or remove the weather sirens;

Whereas, the majority of the fire departments opted for removal;

Now Therefore, be it resolved that the Cleburne County Commission agrees to have the obsolete and inoperative weather sirens, chosen for removal, taken down 3 at a time at the cost of \$450 per unit, said cost to come from the General Fund. The fire departments must sign a letter at or before the time of removal, thereby transferring the weather sirens back to the Cleburne County Commission.

Action as related to **Resolution #5279** Vacation of Portion of CR 408

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

Motion Carries

#### **Resolution #5279**

Whereas, the Cleburne County Commission desires that the Engineering Department implement vacation of a portion of County Road 408; and

Whereas, the Commission understands that the procedures for doing so require a public hearing and notification to all 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 December 2022 regularly scheduled Commission meeting, for the purpose of vacating a portion of County Road 408.

Action as related to **Resolution #5280** Recoupment of Employee Pay

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 Carries

### **Resolution #5280**

Whereas, the Cleburne County Commission authorized an employee hourly rate increase reflecting a plan obtained through a comprehensive pay study;

Whereas, between the date of the Commission's Resolution authorizing the increase and the date of implementation, the Cleburne County Sheriff requested an additional amount be added to certain Sheriff's Department employee's hourly pay;

Whereas, the increase was added to the amount of the initial adjustment given by the pay study, without the knowledge or approval of the Commission;

Whereas, the unauthorized portion of the increase was applied to those employee's hourly pay rate from the first paycheck in April 2022 and continuing until the last paycheck in September 2022, at which time it was administratively halted to prevent additional improper payments;

Whereas, the unauthorized portion of the affected employee's pay must be recouped by the Cleburne County Commission. Methods of recoupment, to be selected by each employee, include the following:

- 1) A lump sum withholding from the Employee's Regular Pay
- 2) Withholding at a rate that the Employee authorizes (not to exceed level repayment over the course of 6 months)
- 3) Repayment using a leave cash out of vacation or comp time
- 4) Any combination of the options listed in 1-3 above.

Now therefore be it resolved by the Cleburne County Commission that any and all amounts paid to Sheriff's Department employees as a result of the Sheriff's unauthorized increase in certain salaries must be recouped from the affected employees. Authorized methods of recoupment are set forth hereinabove, to be exercised at the option of each individual employee.

Action as related to **Resolution #5281** Pay Grade for Uncertified and Certified Deputies

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 Carries

### **Resolution #5281**

Whereas, the pay study plan received from Condrey & Associates and authorized by the Cleburne County Commission did not include any provisions for uncertified Sheriff's Department Deputies;

Whereas, there have been uncertified officers hired by the Sheriff's Department since the study took place;

Whereas, the Commission is aware that there should be a pay difference between uncertified officers and certified officers;

Now Therefore, be it resolved that the Cleburne County Commission authorizes a pay grade step change from Pay Grade 16, Step A to Pay Grade 16, Step B when the officer becomes certified or if a certified officer is hired, the employee will begin at Pay Grade 16, Step B.

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

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A. County Administrator Lisa Copeland is absent, but prepared a list of updates as follows:

- A calendar has been created through Outlook that can be used by Administrative staff and Department Heads.
- I am currently working, with the Sheriff's Dept., on a contract for vehicle maintenance. This will then be sent to Jason for him to edit.
- We recently had a fraudulent check presented against one of our bank accounts. The bank caught the issue this time. Due to increasing threat of fraud, Metro Bank is working to get our accounts on a Positive Pay system. Meaning we will be required to send a file to them when we write any checks. The file will contain information such as vendor, check number, and check amount. I just wanted the commission to be aware that this is in the works.
- I have emailed Jason about this also but:

Considerations for the recoupment resolution

- 1) Start date of repayment?

- 2) If employee doesn't specify the methods (as laid out in a letter to each employee), by the due date given, the pay back will be taken back as a lump sum?

*County Attorney Jason Odom states the start date of repayment should be the first full pay period in January. If an employee does not make a decision by the deadline, then by default it will go to the repayment over a 6-month time period.*

- Request that the Commission allow the Mountain Center to close at 12 p.m. on November 23<sup>rd</sup> (the day before Thanksgiving)

B. County Engineer Lee Estes has no updates

C. County Attorney Jason Odom updates the Commission Opioid Settlements

### **Old Business:**

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No Old Business at this time.

### **Discussion Items by Chairman and Commissioners:**

Commissioner Hendrix informs the Commission that an Ambulance Service Station is available to be put in his district. The cost would be \$50,000.00. He suggests using Covid money.

Commissioner Laura Cobb states her district is also in need of an ambulance service station.

Commissioner Roger Hill wants to add to tonight's agenda a resolution for \$50,000.00 for a possible ambulance service station.

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

All in Favor: Commissioners Terry Hendrix and Emmett Owen

In Opposition: Commissioners Laura Cobb and Roger Hill

Chairman Ryan Robertson votes no as a tie breaker

Motion Failed

Action as related to **Resolution #5282**

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 #5282**

The meeting is 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