

**Cleburne County Commission Meeting Minutes
Regular Commission Meeting December 11, 2017
Cleburne County Mountain Center**

Roll Call

Present:

Chairman Ryan Robertson
Commissioner Laura Cobb
Commissioner Emmett Owen
Commissioner Terry Hendrix
Commissioner Jake Durham

Absent:

None

Comment from Officials or Board Members

Revenue Commissioner Joyce R. Fuller gave the Commission an update on the collection process; and she discussed the process for the tax sell for delinquent parcels.

Chairman Ryan Robertson addressed with the Commission burial plots / cemeteries. He requested to add the development of a family cemetery to the property of Jack Leggett to the agenda of today's meeting in New Business for possible approval by the Commission.

County Attorney Jason Odom addressed the Commission with concerns that the request for a family burial plot is not included in the terms "cemetery" and advised the Commission to not get involved.

A motion was made by Commissioner Emmett Owen and a second by Commissioner Jake Durham to add it to New Business of today's meeting.

Let the record show that there was not a vote taken at this time.

Consent Agenda

The Commission passed the December 2017 Consent Agenda including:

Action as related to Resolutions #4851 – 1-4 – December 2017 Consent Agenda:

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

In Support: Commissioners Laura Cobb, Emmett Owen, Terry Hendrix and Jake Durham

In Opposition: None

Motion Passed

Resolution #4851-1

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

A. Revenue Commissioner and Probate Judge request to transition a part-time probate clerk position into a full-time probate/revenue clerk.

The resolution presented for adoption is as follows:

Whereas, the Cleburne County Revenue Commissioner has expressed her need for a part-time employee; and

Whereas, the Cleburne County Probate Office has a part-time employee who currently works 24 hours each week and has expressed her desire to transition to a full-time position should the opportunity become available; and

Whereas, the Cleburne County Revenue Commissioner and the Cleburne County Probate Judge have discussed the possibilities of sharing the said employee, and by doing so, increasing her working hours to 40 hours each week; and

Whereas, the Affordable Care Act and the IRS define a full-time employee as one who works at least 30 hours each week or 130 hours each month on average; and

Whereas, the Personnel Policies and Procedures, section 3 determines that full-time employees are eligible participants in all county provided benefits, including group hospitalization and life insurance, retirement, annual and sick leave, and holiday pay;

Therefore, the Cleburne County Commission finds the proposal acceptable, including the possible budget implications from the additional hours and benefits, and authorizes the HR Officer to proceed with the transition of the employee from part-time to full-time status by creating a new full-time position with an appropriate title and description that accurately reflects her responsibilities in both offices, and discontinue the current part-time position of Probate Clerk.

Commissioner Laura Cobb made a motion. There was not a second given therefore, the motion dies for lack of a second.

B. Burial plots / Cemetery

Chairman Ryan Robertson asked the Commission to consider approving the request of Mr. Donald Leggett to develop a family burial plot on his property. The local county Health Department no longer issues perc tests for the request of developing family burial plots/cemeteries. They do not require the application process in the authorization of certifying the land owner tax property or verifying the site specifications and preparation, but the funeral home in charge of the arrangements has requested an approval from the Commission.

Commissioner Jake Durham made a motion and Commissioner Emmett Owen makes a second to consider the approval of this request.

County Attorney Jason Odom referenced Code of Alabama Section 22-20-4 as burial plot / cemetery definition does not include family burial cemetery as requested by Mr. Leggett. He advised that the legal deed to the property should be updated to show the place of the burial plot for reference to any future owner of the property and the county commission should not get involved due to the facts of the code.

The Commission agreed that Mr. Leggett should record the document and asked the County Attorney to respond to any questions that may arise from the funeral home in charge.

Commissioner Jake Durham rescinds his motion.

There was not any further action taken at this time.

Old Business:

- A. Establish a procedure to monitor working hours of the /County Administrator and require his presence at all Commission meetings.

The resolution presented for adoption is as follows:

Whereas, the Cleburne County Commission entered into a Contract with Mr. Steve Swafford on September 8, 2008 which was renewed in 2013 and expires in 2018; and

Whereas, said Contract contains a provision which states that the County Administrator is compensated "based upon a standard 40-hour work week"; and

Whereas, the Commission is of the opinion that the best interests of the County will be served by the County Administrator being present at all meetings of to the County Commission, to include but not be limited to Regular and Special meetings of the County Commission along with Commission Work Sessions; and

Whereas, there have been multiple occasions in the past six (6) months where the County Administrator has not attended Commission meetings and he has been difficult to locate during regular County business hours to attend to the needs of the County and its Commissioners; and

Whereas, the Commission also understands that some duties of the County Administrator may require him to be absent from the Mountain Center for periods of time.

NOW THEREFORE BE IT RESOLVED BY THE CLEBURNE COUNTY COMMISSION that it does hereby establish a procedure that the County Administrator must abide by with regard to "clocking" in and out each day so as to expend no less than forty (40) hours per week "on duty" for the Commission. Said 40 hours are expected to be worked from 8:00 am through 5:00 pm each weekday, allowing for a one (1) hour lunch break per day. Should the Administrator be required to be absent from the Mountain Center, an explanation for such absence – along with an accounting of the hours away – must be submitted for each pay period so as to exhibit work totaling forty (40) work hours per week. The Administrator is hereby also directed to attend each and every Regular, Special, and Work Session meeting of the County Commission. Failure to attend any such meeting without adequate advance notice, or citation of an emergency, for a valid reason may expose the Administrator to adverse action for such absence.

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

Commissioner Emmett Owen requested to replace the above resolution with the following resolution that was updated by the County Attorney Jason Odom. Commissioner Owen amended his motion and Commissioner Cobb concurred.

The new resolution is as follows:

Whereas, the Cleburne County Commission entered into a contract with Mr. Steve Swafford on September 8, 2008 which was renewed in 2013 and expires in 2018; and

Whereas, the Commission is of the opinion that the best interests of the County will be served by the County Administrator being present at all meetings of the County Commission, to include but not limited to Regular and Special meetings of the County Commission, along with Commission Work Sessions; and

Whereas, there have been multiple occasions in the past six (6) months where the County Administrator has not attended Commission meetings and he has been difficult to locate during regular County business hours to attend to the needs of the County and its Commissioners; and

Whereas, the Commission also understands that some duties of the County Administrator may require him to be absent from the Mountain Center for periods of time.

Now therefore be it resolved by the Cleburne County Commission that it does hereby establish a procedure that the County Administrator must, during such periods as he may be away from the Mountain Center offices inform others with regard to his whereabouts and expected time of return. Rather than requiring the Administrator to report to any particular person, he should utilize some means (whiteboard, sign, etc.) whereupon he can indicate his location and anticipated time of return. Should the Administrator be required to be absent from the Mountain Center for an extended period of greater than one (1) day, an explanation of such absence must be submitted. The Administrator is hereby also directed to attend each and every Regular, Special and Work Session meeting of the County Commission. Failure to attend any such meeting without adequate advance notice, or citation of an emergency for a valid reason may expose the Administrator to adverse action for such absence.

Commissioner Jake Durham discussed the section of the resolution that states the Administrator may be exposed to adverse action.

Commissioners discussed the need for the Administrator to be present at all meetings, to work a total of 40 hours each week, and limit his lunch times.

County Administrator Steve Swafford addressed his concerns with the issues.

Commissioner Jake Durham suggested amending the resolution.

Commissioner Owen amended his motion and Commissioner Cobb concurred.

In Support: Commissioners Laura Cobb, Emmett Owen, Terry Hendrix and Jake Durham

In Opposition: None

Motion Passed.

Resolution #4852

Whereas, the Cleburne County Commission entered into a contract with Mr. Steve Swafford on September 8, 2008 which was renewed in 2013 and expires in 2018; and

Whereas, the Commission is of the opinion that the best interests of the County will be served by the County Administrator being present at all meeting of the County Commission, to include but not limited to Regular and Special meetings of the County Commission, to include but not be limited to Regular and Special meetings of the County Commission along with Commission Work Sessions; and

Whereas, there have been multiple occasions in the past six (6) months where the County Administrator has not attended Commission meetings; and

Now therefore be it resolved by the Cleburne County Commission that it does hereby direct the County Administrator to attend each and every Regular, Special and Work Session meeting of the County Commission. Failure to attend any such meeting without adequate advance notice, or citation of an emergency, for a valid reason may expose the Administrator to adverse action for such absence.

Reports from staff:

- A. County Administrator Steve Swafford gave the Commission an update on the Hardy Welcome Center Waste Water Plant. Steve addressed receiving the ADEM plan of action for the Fuel Spill Remediation Project, he gave the Commission an overall on the winter weather emergency with the snow that covered the county on December 8, 2017, and provided the Commissioners copies of the updates that was put out through the Cleburne EMA Facebook.
- B. County Engineer Lee Estes gave the Commission an update on the road conditions due the snow storm.
- C. County Attorney Jason Odom gave the Commission an update on the ADEM case with Camco, and the upcoming status conference on December 14, 2017. He briefed the Commission on the email that was sent to unsuccessful solid waste contract bidders asking them to sign a copy of the release and return; however no response has been received as of current date.
- D. County Finance Officer Kim Brown reported to the Commission that Fiscal Year 2017 is closed out and Financials are ready to be run in the newspaper as required.
- E. County Human Resource Officer Lisa Milinkovich did not have an update at this time
- F. Chairman Ryan Robertson gave the Commission an update on the election of the Special U.S. Senate General Election being held December 12, 2017.

Commissioner Laura Cobb addressed concerns of the county website. The Commission discussed tasking the County Administrator with notifying the vendor that handles the posting for our county website and facebook that any and all departments should be allowed to authorize the adding or posting of any such items pertinent to the county.

Commissioner Laura Cobb addressed concerns of the County Administrator retiring in 2018 and her thoughts on the need to begin training of his replacement of the EMA position.

Commissioner Terry Hendrix discussed moving the EMA to the County 911 Director and to begin the process. He briefed the Commission on the purchasing of the property on Highway 46.

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There was no further business to come today before the Commission for the meeting.

Action as related to Resolution #**4853** – Adjourn the meeting

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

In Support: Commissioners Laura Cobb, Emmett Owen, Terry Hendrix and Jake Durham

In Opposition: None

Motion Passed

Resolution #4853

The meeting is adjourned.