

STATE OF ALABAMA)
COLBERT COUNTY)

Minutes of a Regular Meeting
of the
Colbert County Commission
1/18/2022

The Colbert County Commission met today in regular session at the Colbert County Courthouse. Chairman Bendall called the work session to order at 5:03 p.m. with the regular meeting following at 5:30 p.m., being the time and place previously scheduled for such work session and regular meeting. All Commissioners answered “present” at the call of the roll. EMA Director Michael Smith offered the prayer and led the Pledge of Allegiance. Chairman Bendall declared that a quorum was present for the purpose of the transaction of business.

PUBLIC COMMENTS

None

BOARD APPOINTEE REPORTS

None

AWARDS AND PRESENTATIONS

None

PUBLIC HEARING

None

CONSENT AGENDA

Chairman Bendall announced that the business before the Commission was the approval of the consent agenda. Commissioner Gardiner made motion to adopt and approve the matters placed on the consent agenda during the work session. The motion was duly seconded by Commissioner Mansell. Chairman Bendall stated that the adoption and approval of a consent agenda comprised of the following items of business was properly before the Commission and stated the matters as follows:

1. Waived reading of January 4, 2022 minutes and approved the same as written.
2. Approved payment of January 18, 2022 bills as presented by the Chief Financial Officer.
3. Approved the following Resolution, supporting legislation to change Alabama Uniform Severance Tax Act:

RESOLUTION NUMBER 2022-0019

A RESOLUTION TO SUPPORT A CHANGE TO THE ALABAMA UNIFORM SEVERANCE TAX ACT

WHEREAS, Section 40-13-50, et seq., of the Code of Alabama (1975, as amended) known as the Alabama Uniform Severance Tax Act (the “Act”), levies a tax on the purchaser of all severed material severed from the ground and sold as tangible personal property (the “Severance Tax”); and

WHEREAS, the Severance Tax is levied for, among other things, the benefit, health, safety, and economic development of the county from which the material is severed; and

WHEREAS, the Act provides no tax is due on severed materials that are sold to a purchaser for use outside the state of Alabama provided such minerals are not transported on public roads in Alabama; and

WHEREAS, the Act, as written, effectively exempts from taxation all severed materials which are transported out of the State of Alabama by rail, barge, or by other means than the public roads; and

WHEREAS, the Act, as written, puts the citizens of Colbert County at a disadvantage by requiring them to pay the Severance Tax while exempting out of state purchasers from payment of the Severance Tax based solely upon the method of transportation used to remove the severed material from the State of Alabama.

NOW THEREFORE, BE IT RESOLVED BY THE COLBERT COUNTY COMMISSION, that the Commission supports an act of the Alabama Legislature amending the current Act so as to apply the Tax to all severed materials, regardless of the method used to transport said materials out of the State of Alabama.

4. Approved Surplus and Retire K-9 Officer Hammer and donate him to his handler Deputy Mike Booth.
 5. Approved Letter of Intent, FEMA Grant BR4503.
 6. Approved Resolution, Road Department Equipment Loan.
 7. Approved Re-Appointment of Commissioner Tommy Barnes to serve as Colbert County Representative on the Shoals Solid Waste Disposal Board by adoption of the following Resolution:
-

RESOLUTION NUMBER 2022-0020

A RESOLUTION APPOINTING A REPRESENTATIVE TO THE SHOALS SOLID WASTE DISPOSAL AUTHORITY

WHEREAS, the Colbert County Commission is a Determining Subdivision of the Shoals Solid Waste Disposal Authority pursuant to the laws of the State of Alabama; and

WHEREAS, the Colbert County Commission as a Determining Subdivision has the authority to appoint one of the members of the Board of Directors of the Shoals Solid Waste Disposal Authority for a four-year term beginning in January 2022; and

WHEREAS, the Colbert County Commission has determined that the County's board member should be its County Commissioner: Tommy Barnes.

BE IT HEREBY RESOLVED that the Colbert County Commission does hereby appoint Tommy Barnes to serve a four-year term as a member of the Board of Directors of the Shoals Solid Waste Disposal Authority in accordance with the laws of the State of Alabama.

BE IT FURTHER RESOLVED that a certified copy of this resolution be prepared forthwith and delivered to the Shoals Solid Waste Disposal Authority.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of the meeting of the Colbert County Commission.

8. Approved the following Resolution to authorize The Kelley Group to act on behalf of the Commission as the engineer of record in the preparation and submission of a pre-application and application for DWSRF assistance from ADEM:-
-

RESOLUTION NUMBER 2022-0018

A RESOLUTION REGARDING APPLICATION FOR DWSRF LOAN

WHEREAS, the Colbert County Commission seeks to apply for Drinking Water State Revolving Fund (DWSRF) assistance from the Alabama Department of Environmental Management (ADEM) for water system improvements;

WHEREAS, the Commission has voted and approved Chairman Darol Bendall to act on behalf of the Commission to execute DWSRF documents;

THEREFORE, BE IT RESOLVED, that the Colbert County Commission hereby authorizes The Kelley Group to act on behalf of the Colbert County Commission as the engineer of record in the preparation and submission of a DWSRF Pre-Application and Application to ADEM pertaining to the water system improvements.

9. Approved Resolution to adopt Premium Pay Program Implementation Policies and Procedures.

UNFINISHED BUSINESS

None

REPORTS FROM STAFF

Chairman Bendall announced that the Commission would hear reports from staff. Upon being recognized by the Chair, the following reports were heard by the Commission:

County Administrator:

Administrator Roger Creekmore reported discussion regarding the issue of premium pay and the Policies and Procedures required to comply with Alabama Law.

Chief Financial Officer:

CFO April Eaton reported that the 2020 exit audit is completed with no audit findings. She stated that she is proud of our team. Eaton provided first quarter financial reports to the Commission and reported that while there were a few expenditures exceeding 25% at the end of December the overall budgetary position is good.

County Attorney:

No Report

EMA Director:

Director Michael Smith provided information on home Covid test program. Each household is eligible to receive 4 free Covid tests delivered to your home with orders placed online. He also reported that a program is under consideration for tests to be pushed out to the states and then distributed on a local basis.

County Engineer:

Jeremy Robison reported that gas tax revenues are sufficient for the repayment of the loan for Rebuild Alabama. Due to the loan and repaving structure, the County paved 0 miles last year but paved 60 miles in 2020. Mr. Robison suggested that the Commission re-evaluate the Counties strict subdivision regulations. He will be bringing suggested changes to Commission in the near future. Road Department will begin herbicide spraying soon. Road Department has also ordered more spreaders and salt for use in the case of inclement weather.

NEW BUSINESS

None

DISCUSSION ITEMS BY COMMISSIONERS

None

COMMISSIONER, DISTRICT 1

COMMISSIONER, DISTRICT 2

COMMISSIONER, DISTRICT 3

COMMISSIONER, DISTRICT 4

CHAIRMAN

COMMISSIONER, DISTRICT 6

|