

12/11/2024

The Marshall County Commission met in a regular session on Wednesday, December 11, 2024, at 10:00 a.m. in the Marshall County Commission Chambers. Mike Knop, County Engineer led the invocation and Commissioner Ronny Shumate led the Pledge of Allegiance.

PRESENT:

James Hutcheson, Chairman
Ashleigh Bubbett, County Administrator
Ronny Shumate, District 1 Commissioner
James R. Watson, District 2 Commissioner
Lee Sims, District 3 Commissioner
Joey Baker, District 4 Commissioner
Mike Knop, County Engineer
Kristal Jones, Administrative Assistant
Tanya Giroir, Commission Clerk
Clint Maze, County Attorney

CONSENT AGENDA

A motion was made by Commissioner Shumate, duly seconded by Commissioner Sims and all members voting affirmatively and so carried to approve the consent agenda presented as read by Chairman James Hutcheson. The consent agenda includes the minutes from the November 13, 2024 meeting and the claims docket for November 12, 2024, to December 9, 2024, for \$1,179,465.52.

APPROVE TO ADOPT THE FY2025 HOLIDAY SCHEDULE IN ACCORDANCE WITH THE STATE OF ALABAMA.

A motion was made by Commissioner Sims, duly seconded by Commissioner Baker and all members voting affirmatively and so carried to approve the adoption of the FY 2025 holiday schedule in accordance with the state of Alabama.

January 1-3	New Year's Day
January 20	Robert E. Lee/ Martin Luther King, Jr Birthday
February 17	George Washing/ Thomas Jefferson's Birthday
April 28	Confederate Memorial Day
May 26	National Memorial Day
June 2	Jefferson Davis' Birthday
July 4	Independence Day
September 1	Labor Day
October 13	Columbus Day/ Fraternal Day/ American Indian Heritage Day
November 11	Veteran's Day
November 27	Thanksgiving
December 25	Christmas

All full-time county employees employed before January 1, 2025, are granted a personal leave day, which may be taken any time during this year. This day does not carry over into the next year.

APPROVAL OF ADDING JANUARY 2ND & 3RD AS ADDITIONAL HOLIDAYS

Commissioner Shumate made a motion, duly seconded by Commissioner Sims, with all members voting affirmatively, which was carried to approve the addition of January 2nd and 3rd as additional holidays.

ENGINEERING – APPROVE TO UPDATE/REVISE THE 10-YEAR SOLID WASTE MANAGEMENT PLAN

A motion was made by Commissioner Baker, duly seconded by Commissioner Shumate and all members voting affirmatively and so carried to approve to update/revise the 10-year solid waste management plan.

ENGINEERING – APPROVE THE BURROUGHS AUCTION PLAT IN DISTRICT 2.

A motion was made by Commissioner Shumate, duly seconded by Commissioner Baker, and all members voting affirmatively and so carried to approve the Burroughs auction plat in District 2.

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ENGINEERING – APPROVE OF REGULATORY SPEED LIMIT OF 25 MILES PER HOUR FOR ROCKHILL ROAD IN DISTRICT 1

A motion was made by Commissioner Shumate, duly seconded by Commissioner Sims and all members voting affirmatively and so carried the approval of a regulatory speed limit of 25 miles per hour for Rockhill Road in District 1.

ENGINEER – APPROVE OF REGULATORY SPEED LIMIT FOR 15 MILES PER HOUR FOR JOHNSON DRIVE IN DISTRICT 3.

A motion was made by Commissioner Sims, duly seconded by Commissioner Baker, and all members voting affirmatively and so carried to approve the regulatory speed limit for 15 miles per hour for Johnson Drive in District 3.

ENGINEERING – APPROVE LOWERING THE REGULATORY SPEED LIMIT TO 30 MILES PER HOUR ON FRIENDSHIP ROAD IN DISTRICT 1.

A motion was made by Commissioner Shumate, duly seconded by Commissioner Watson and all members voting affirmatively and so carried to approve the lowering regulatory speed limit to 30 miles per hour on Friendship Road in District 1.

APPROVE TO AMEND RESOLUTION WITH THE TOWN OF DOUGLAS CDBG PUBLIC WORKS PROJECT.

A motion was made by Commissioner Sims, duly seconded by Commissioner Baker and all members voting affirmatively and so carried to approve to amend the resolution with the Town of Douglas CDBG Public Works Project.

WHEREAS, the Town of Douglas has been awarded a CDBG Grant for water, paving, and drainage work to be performed on Otinger Drive and Plunkett Drive area within the town limits of Douglas; and

WHEREAS, the Town of Douglas previously conducted a local amendment of their CDBG project to apply more funding to the water activity portion of the project due to increased costs; and

WHEREAS, the Town of Douglas has requested that the Marshall County Commission perform the paving and drainage work, due to lack of available funds, using the county's bids for labor and materials for the Town of Douglas's CDBG project #SM-CM-PF-21-017; and

WHEREAS, the Marshall County Commission has reviewed the projects and agrees that this project is a public works project and it is appropriate for the expenditure of public funds;

AND WHEREAS, the Marshall County Commission concurs with the objectives, needs, and program activities proposed by CDBG project #SM-CM-PF-21-017.

NOW, THEREFORE BE IT RESOLVED BY THE Marshall County Commission:

1. On July 24, 2024, the Marshall County Commission approved a Memorandum of Understanding to the Town of Douglas.
2. That, upon approval, the Marshall County Commission commit to providing paving and drainage services on the roads of Otinger Drive and Plunkett Drive for the sum of \$190,760.
3. That the Chairman is duly authorized to sign said MOU and act on behalf of the Marshall County Commission and is further authorized to execute all other documents required and associated with the project.

ADOPTED THIS THE 11TH DAY OF DECEMBER 2024

APPROVE THE SECOND AMENDMENT TO THE MANAGEMENT AND SUPPORT AGREEMENT WITH ACCA UNDER THE AMERICAN RESCUE PLAN ACT'S STATE AND LOCAL FISCAL RECOVERY FUNDS EXTENDING THE CONTRACT UNTIL DECEMBER 31, 2027.

A motion was made by Commissioner Sims, duly seconded by Commissioner Baker and all members voting affirmatively and so carried to approve the second amendment to the management and support agreement with ACCA under the American Rescue Plan Act's State and Local fiscal recovery funds extending the contract until December 31, 2027.

EMA – APPROVE 24FIL HOMELAND SECURITY GRANT; \$5,050, NO MATCH.

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A motion was made by Commissioner Sims, duly seconded by Commissioner Baker and all members voting affirmatively and so carried to approve 24 FIL Homeland Security Grant; \$5,050, no match.

APPROVE BOARD APPOINTMENT FOR MOUNTAIN LAKES BEHAVIORAL HEALTHCARE BOARD: TO SERVE REMAINDER OF TERM DUE TO RESIGNATION; TERM ENDS SEPTEMBER 30, 2026.

A motion was made by Commissioner Watson, duly seconded by Commissioner Shumate and all members voting affirmatively and so carried to appoint Andrea LeCroy to Mountain Lakes Behavioral Healthcare Board; to serve the remainder of the term due to resignation; the term ends September 30, 2026.

APPROVE COMMISSION APPOINTMENT TO THE COMMUNITY CORRECTIONS BOARD; 1-YEAR TERM.

A motion was made by Commissioner Shumate, duly seconded by Commissioner Baker, and all members voting affirmatively and so carried to approve the Commission appointment to the Community Corrections Board; 1-year term to Commissioner Ronny Shumate.

APPROVE TO REQUEST ATTORNEY GENERAL'S OPINION REGARDING THE REQUEST FOR RETURN OF "OVERPAYMENT" FROM THE EXAMINER OF PUBLIC ACCOUNTS RELATIVE TO ALABAMA ACTS 2000-575 AND 2021-457 AND THE ALLOCATION OF EXPENSES OF THE MARSHALL COUNTY REVENUE COMMISSIONER'S OFFICE

A motion was made by Commissioner Sims, duly seconded by Commissioner Watson and all members voting affirmatively and so carried to approve the request for the Attorney General's opinion regarding the request for the return of "overpayment" from the Examiner of Public Accounts relative to Alabama Acts 2000-575 and 2021-457 and the allocation of expenses of the Marshall County Revenue Commissions Office.

This is in regards to the audit performed by the Alabama Public Examiners of the Revenue Commissioners accounts from October 1, 2019 through September 30, 2022. A letter dated October 21, 2024, requesting a refund paid to the Commission from the Revenue Commissioner in the amount of \$463,325.75.

REVENUE COMMISSION – APPROVE BUDGET AMENDMENTS FOR THE MAPPING/APPRaisal BUDGET \$575,532.02

A motion was made by Commissioner Shumate, duly seconded by Commissioner Watson and all members voting affirmatively and so carried to approve the budget amendments for the mapping/appraisal budget of \$575,532.02

REVENUE COMMISSION – APPROVE AGREEMENT FOR AERIAL PHOTOGRAPHY \$363,195.

A motion was made by Commissioner Sims, duly seconded by Commissioner Baker and all members voting affirmatively and so carried to the agreement for aerial photography of \$363,195.

APPROVE TO UPDATE FUEL SYSTEM; \$20,324 COURTHOUSE AND JAIL FUND.

A motion was made by Commissioner Sims, duly seconded by Commissioner Baker and all members voting affirmatively and so carried to approve the update of the fuel system; \$20,324 Courthouse and Jail Fund.

APPROVE RESOLUTION FOR ALLOCATION OF AMERICAN RESCUE PLAN ACT FUNDS TO CARRY OUT ELIGIBLE PROJECT TO MARSHALL COUNTY ANIMAL SHELTER IN THE AMOUNT OF \$13,750.77.

A motion was made by Commissioner Sims, duly seconded by Commissioner Baker and all members voting affirmatively and so carried to approve the resolution for allocation of American Rescue Plan Act funds to carry out eligible projects to Marshall County Animal Shelter in the amount of \$13, 750.77.

WHEREAS, Marshall County, Alabama ("the County") has received American Rescue Plan Act state and local fiscal recovery funds ("ARPA funds") and is charged with ensuring that such funds are expended in accordance with state and federal law; and

WHEREAS, in accordance with the provisions of final rule published by the United States Department of Treasury dated January 6, 2022, the County has duly elected to designate a standard allowance of up to \$10,000,000 of its ARPA funds as revenue replacement ("ARPA revenue replacement funds"); and

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WHEREAS, the County may use ARPA revenue replacement funds to fund government services;
and

WHEREAS, consistent with Code of Alabama (1975) § 3-7A-7, the Marshall County Commission (“Commission”) has determined that there is a need to make renovations to the animal shelter in the County; and

WHEREAS, the Commission has determined that the expenditure of ARPA funds to cover costs associated with the design and renovation of the animal shelter are an eligible and reasonable use of the County’s ARPA funds.

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

1) The County hereby allocates the remaining unobligated ARPA revenue replacement funds or \$13,750.77, whichever is higher, to provide for costs reasonably related to renovations at the County animal shelter.

2) Notwithstanding any provision of this Resolution to the contrary, ARPA revenue replacement funds allocated by this Resolution shall not be used for the following purposes:

- a. To make deposits into a pension fund;
- b. To service debt or replenish rainy day funds;
- c. To satisfy settlements and judgments; or
- d. To fund programs, services, or capital expenditures that undermine efforts to stop the spread of COVID-19; or
- e. To supplant any other public funds received for this purpose.

3) The County Administrator is hereby delegated the authority to expend ARPA funds to reimburse the Council on Aging for expenses incurred in the provision of these services.

4) Expenditure of these funds, as authorized by this Resolution, shall be contingent on the continued appropriation and availability of ARPA funds for this purpose and in no event shall be used for any costs associated with the project that are not obligated on or before December 31, 2024, and expended on or before December 31, 2026.

IN WITNESS WHEREOF, the Marshall County Commission has caused this Resolution to be executed in its name and on its behalf by its Chairman on the 11th day of December 2024.

APPROVE RESOLUTION TO ALLOCATE ARPA FUNDING FOR THE NORTH MARSHALL UTILITIES WATER PROJECT.

A motion was made by Commissioner Watson, duly seconded by Commissioner Shumate, and all members voting affirmatively and so carried to approve the resolution to allocate ARPA funding for the North Marshall Utilities Water Project.

WHEREAS, Marshall County, Alabama (the "County") has received American Rescue Plan Act fiscal recovery funds (“ARPA funds”) and is charged with ensuring that such funds are expended in accordance with state and federal law; and

WHEREAS, ARPA funds may be used for necessary investments in water and sewer infrastructure (“eligible water and sewer ARPA infrastructure projects”); and

WHEREAS, the Marshall County Commission (the “Commission”) has identified, with assistance from an independent consultant, an eligible ARPA infrastructure project to serve the County’s citizens; and

WHEREAS, consistent with Alabama Code (1975) §11-1-10, the County may provide funds to a municipality to promote a beneficial development; and

WHEREAS, North Marshall Utilities is a public utility board incorporated by way of ordinance by the Town of Grant, Alabama; and

WHEREAS, North Marshall Utilities has submitted a request to fund a for the procurement and installation of emergency generators to be installed at the Mountain Top and Mountain Side Pump Stations in order to provide for backup power in the event of an outage (the “Project”); and

WHEREAS, with the assistance of an independent consultant, the Commission has made a determination that this project represents an eligible, reasonable, appropriate, and lawful expenditure as the Project serves a public purpose benefiting a significant portion of the community; and

WHEREAS, the County has conducted a recent satisfactory risk assessment of North Marshall Utilities.

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

5) The County hereby conditionally allocates up to \$443,500.00 ARPA funds to cover reasonable costs relating to the Project to ensure back up power in the event of an outage and ensure residents a reliable and safe water source by and through a subaward to North Marshall Utilities.

6) The Vice Chairman is hereby authorized to enter into negotiations and execute a new subrecipient with North Marshall Utilities, provided that the subrecipient agreement is consistent with this Resolution, applicable state and federal law, and the terms and conditions of the County's ARPA award and the Vice Chairman is satisfied, in his discretion, that the terms and conditions are in the best interest of the County.

7) Once these agreements are executed, the County Administrator is authorized to expend funds for these projects consistent with the terms of the subrecipient agreements.

8) Expenditure of these funds, as authorized by this Resolution, shall be contingent on the continued appropriation and availability of ARPA funds for this purpose and in no event shall be used for any costs associated with the ARPA infrastructure project that are not obligated on or before December 31, 2024, and expended on or before December 31, 2026.

IN WITNESS WHEREOF, the Marshall County Commission has caused this Resolution to be executed in its name and on its behalf by its Chairman on the 11th day of December 2024.

APPROVE RESOLUTION TO ALLOCATE ARPA FUNDING FOR THE SWEARENGIN WATER PROJECT.

A motion was made by Commissioner Watson, duly seconded by Commissioner Shumate, and all members voting affirmatively and so carried to approve the resolution to allocate ARPA funding for the Swearengin Water Project.

WHEREAS, Marshall County, Alabama (the "County") has received American Rescue Plan Act fiscal recovery funds ("ARPA funds") and is charged with ensuring that such funds are expended in accordance with state and federal law; and

WHEREAS, ARPA funds may be used for necessary investments in water and sewer infrastructure ("eligible water and sewer ARPA infrastructure projects"); and

WHEREAS, the Marshall County Commission (the "Commission") has identified, with assistance from an independent consultant, an eligible ARPA infrastructure project to serve the County's citizens; and

WHEREAS, consistent with Alabama Code (1975) §11-88-13, the County may provide funds to a local water authority for the purposes of providing improvements to water and sewer systems; and

WHEREAS, Swearengin Water System, a local water authority, has submitted a request to fund a for the procurement and installation of emergency generators to be installed at the Scottsboro and Grant Pump Stations in order to provide for backup power in the event of an outage (the "Project"); and

WHEREAS, with the assistance of an independent consultant, the Commission has made a determination that this project represents an eligible, reasonable, appropriate, and lawful expenditure as the Project serves a public purpose benefiting a significant portion of the community; and

WHEREAS, the County has conducted a recent satisfactory risk assessment of Swearengin Water System.

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

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9) The County hereby conditionally allocates the remaining balance of its ARPA enumerated uses funds or \$358,500, whichever is higher, to cover reasonable costs relating to the Project to ensure back up power in the event of an outage and ensure residents a reliable and safe water source by and through a subaward to Swearengin Water System.

10) The Vice Chairman is hereby authorized to enter into negotiations and execute a new subrecipient with Swearengin Water System, provided that the subrecipient agreement is consistent with this Resolution, applicable state and federal law, and the terms and conditions of the County's ARPA award and the Vice Chairman is satisfied, in his discretion, that the terms and conditions are in the best interest of the County.

11) Once these agreements are executed, the County Administrator is authorized to expend funds for these projects consistent with the terms of the subrecipient agreements.

12) Expenditure of these funds, as authorized by this Resolution, shall be contingent on the continued appropriation and availability of ARPA funds for this purpose and in no event shall be used for any costs associated with the ARPA infrastructure project that are not obligated on or before December 31, 2024, and expended on or before December 31, 2026.

IN WITNESS WHEREOF, the Marshall County Commission has caused this Resolution to be executed in its name and on its behalf by its Chairman on the 11th day of December 2024.

SHERIFF – DISCUSS NOVEMBER 19 BIDS FOR NEW JAIL.

A motion was made by Commissioner Shumate, duly seconded by Commissioner Baker for the approval to accept the bid for Carmen Construction in Albertville AL in the amount of \$35,234,844. A roll call was requested with Commissioners Shumate voting Yes, Commissioner Watson voting No, Commissioner Sims voting Yes, Commissioner Baker voting Yes, and Chairman Hutcheson voting Yes

APPROVE THE SALE, TRADE, OR SCRAP OF FIXED ASSETS.

A motion was made by Commissioner Shumate, duly seconded by Commissioner Sims, and all members voting affirmatively and so carried to approve the sale, trade, or scrap of fixed assets.

There being no further business a motion was made by Commissioner Watson, duly seconded by Commissioner Sims and so carried to adjourn.

MEETING ADJOURNED

James Hutcheson, Chairman

Ronny Shumate, District 1 Commissioner

James R. Watson, District 2 Commissioner

Lee Sims, District 3 Commissioner

Joey Baker, District 4 Commissioner