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The Marshall County Commission met in regular session on Wednesday, February 14, 2024 at 10:00am in the Marshall County Commission Chambers. The invocation was led by County Engineer Mike Knop and the Pledge of Allegiance was led by Commissioner Watson.

PRESENT:

James Hutcheson, Chairman  
Ashleigh Bubbett, County Administrator  
Ronny Shumate, District 1 Commissioner  
James R. Watson, District 2 Commissioner  
Joey Baker, District 4 Commissioner  
Mike Knop, County Engineer  
Karen Young, Administrative Assistant  
Norma Parker, Commission Clerk  
Clint Maze, County Attorney

NOT PRESENT:

Lee Sims, District 3 Commissioner

CONSENT AGENDA

A motion was made by Commissioner Shumate, duly seconded by Commissioner Watson, and all members voting affirmatively and so carried to approve the consent agenda presented as read by Chairman Hutcheson. The consent agenda includes the minutes from the January 24, 2024 meeting, and the claims docket for January 23, 2024 – February 12, 2024 for \$2,625,726.66.

MCPALS – ANNOUNCE WHITE GOODS PICKUP AND DUMPSTERS ON FEBRUARY 26, 2024 FOR DISTRICTS 1, 3 & 4. DISTRICT 1 PAYS, DISTRICTS 3 & 4 FREE

ENGINEERING – AWARD BID FOR ONE OR MORE 2024 CHEVROLET TRAILBOSS TRUCK(S) FOR DISTRICT 3

A motion was made by Commissioner Baker, duly seconded by Commissioner Watson, and all members voting affirmatively and so carried to award bid #49-23 to Howard Bentley Chevrolet for one of more 2024 Sierra GMC 1500 for \$59,900 as recommended by County Engineer.

ENGINEERING – APPROVE CONTRACT WITH GOODWYN MILLS AND CAYWOOD (GMC) FOR SWAYBACK BRIDGE IN DISTRICT 4; \$17,000 TO BE PAID BY DISTRICT 4 FUNDS

A motion was made by Commissioner Baker, duly seconded by Commissioner Shumate, and all members voting affirmatively and so carried to approve contract with Goodwyn Mills and Caywood (GMC) for Swayback Bridge in District 4; \$17,000 to be paid by District 4 funds as recommended by County Engineer.

ENGINEERING – APPROVE TO GO OUT FOR REBID FOR FULL DEPTH RECLAMATION

A motion was made by Commissioner Watson, duly seconded by Commissioner Shumate, and all members voting affirmatively and so carried to approve to go out for rebid for full depth reclamation as recommended by County Engineer.

APPROVE TO BID FOR MAIL-OUT SERVICES AT THE REVENUE COMMISSIONER AND PROBATE OFFICE

A motion was made by Commissioner Baker, duly seconded by Commissioner Shumate, and all members voting affirmatively and so carried to approve to bid for mail-out services at the Revenue Commissioner and Probate Office.

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DISTRICT 1 – APPROVE RESOLUTION TO MOVE POLLING PLACE BEGINNING MAY 1 FROM C&C PAVING, 5489 HIGHWAY 79 TO MACK TRANSPORT 7080 HIGHWAY 79, GUNTERSVILLE

A motion was made by Commissioner Shumate, duly seconded by Commissioner Watson, and all members voting affirmatively and so carried to approve Resolution to move polling place beginning May 1 from C&C Paving, 5489 Highway 79 to Mack Transport 7080 Highway 79, Guntersville.

RESOLUTION OF THE MARSHALL COUNTY COMMISSION DESIGNATING VOTING PLACE FOR  
PRECINCT 31  
BEAT BOX 31.001, 31.002 and 31.003

WHEREAS, the Marshall County Commission currently maintains a Voting Place for the unincorporated area of Marshall County in District 1 for the Alabama Highway 79, South at C&C Paving at 5489 Highway 79 South, Guntersville, Marshall County, Alabama, 35976 in Union Grove; and

WHEREAS, after consultation with the Marshall County Probate Judge, the Marshall County Board of Registrar and the District One Commissioner, the Marshall County Commission has determined that the most suitable location to relocate the Voting Place for Precinct 31, Beat Boxes 31.001, 31.002 and 31.003 is the former Mack Transport at 7080 Highway 79 South, Guntersville, Marshall County, Alabama, 35976; and

WHEREAS, the Marshall County Commission is charged with the responsibility of designating the places for holding elections within the assigned precincts pursuant to Section 17-6-4, Code of Alabama (1975).

NOW THEREFORE be it resolved that the Marshall County Commission has designated former Mack Transport at 7080 Highway 79 South, Guntersville, Marshall County, Alabama, 35976 as the Voting Place for Precinct 31, Beat Boxes 31.001, 31.002 and 31.003, effective May 1, 2024.

DISTRICT 2 – APPROVE PURCHASING 9 TIMECLOCKS UP TO \$35,000 TO BE PAID BY GENERAL FUND FUND BALANCE TO ENSURE ALL TIMECLOCKS ARE ON SAME CONFIGURATION

A motion was made by Commissioner Watson, duly seconded by Commissioner Shumate, and all members voting affirmatively and so carried to approve purchasing 9 timeclocks up to \$35,000 to be paid by General Fund fund balance to ensure all timeclocks are on same configuration.

DISTRICT 2 – APPROVE TO GO OUT FOR BIDS FOR THE HONEYCOMB STORM WATER PROJECT

A motion was made by Commissioner Watson, duly seconded by Commissioner Baker, and all members voting affirmatively and so carried to approve to go out for bids for the Honeycomb Storm Water Project.

DISTRICT 2 – APPROVE CHANGES TO OPERATING PROCEDURES FOR MC ANIMAL SHELTER

A motion was made by Commissioner Watson to approve changes to operating procedures for MC Animal Shelter. Motion died due to lack of motion.

APPROVE RESOLUTION FOR EXPENDITURE OF AMERICAN RESCUE PLAN ACT FUNDS FOR REALLOCATION OF \$335,500 OF ARPA FUNDS FROM PREVIOUS PROJECTS FOR SWEARENGIN WATER SYSTEM TO REFURBISH AN ELEVATED STEEL-LEG WATER TANK

A motion was made by Commissioner Watson, duly seconded by Commissioner Baker, and all members voting affirmatively and so carried to approve Resolution for expenditure of American Rescue Plan Act Funds for reallocation of \$335,500 of ARPA funds from previous projects for Swearengin Water System to refurbish an elevated steel-leg water tank.

RESOLUTION FOR EXPENDITURE OF AMERICAN RESCUE PLAN ACT FUNDS  
FOR WATER INFRASTRUCTURE PROJECT

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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 County has previously entered into a subrecipient agreement with the Swearengin Water System, a local water authority, to carry out three eligible water and sewer ARPA infrastructure projects on Winkles, Waverly Hill, and Mini Farm Roads ("Previous Projects"); and

WHEREAS, the amount obligated to Swearengin Water System to complete these three Previous Projects was \$1,910,720, based upon an estimated projects cost; and

WHEREAS, through value engineering and efficiencies in the bidding process, the actual bid cost the Previous Projects was less than the estimated construction cost; and

WHEREAS, in light of the cost savings derived from the previous projects, Swearengin Water Systems has requested that those funds be reallocated to a new project to refurbish an elevated steel-leg water storage tank (the "Project"); and

WHEREAS, the Marshall County Commission (the "Commission") has determined, with assistance from an independent consultant that this Project is an eligible water ARPA infrastructure project; 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, the County has made a determination that this is a reasonable, appropriate, and lawful expenditure as the project serves a public purpose benefiting a significant portion of the community; and

WHEREAS, the County will conduct an updated risk assessment of Swearengin Water System and develop a monitoring plan for the eligible water ARPA infrastructure project.

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

1) The Commission hereby reallocates up to \$335,500.00 of ARPA funds from the Previous Projects to cover costs of a new water infrastructure project to refurbish an elevated steel-leg water tank.

2) The Commission directs the ARPA Program Director to perform an updated risk assessment of Swearengin Water System and develop a monitoring plan consistent with Uniform Guidance.

3) The Chairman is hereby authorized to enter into negotiations to amend the existing subrecipient agreement for the Previous Projects and to create a new subrecipient agreement with Swearengin Water System, provided that:

- a. The administrative requirements set forth in Paragraph 2 have been satisfied;
- b. The subrecipient agreements are consistent with this Resolution, applicable state and federal law, and the terms and conditions of the County's ARPA award.

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4) Upon negotiation of the amended subrecipient agreement for Previous Projects and the new subrecipient agreement for the Project, the Commission Chairman is hereby delegated the authority to execute these subrecipient agreements on behalf of the County, provided that these agreements are in line with the parameters set forth in Paragraph 3 of this Resolution and the Chairman is satisfied, in his discretion, that the terms and conditions are in the best interest of the County.

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

6) 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 14<sup>th</sup> day of February 2024.

APPROVE APPLYING FOR RAISE GRANT FOR SWAYBACK BRIDGE

A motion was made by Commissioner Baker, duly seconded by Commissioner Shumate, and all members voting affirmatively and so carried to approve applying for RAISE Grant for Swayback Bridge.

APPROVE ACCA RESOLUTION IN SUPPORT OF AMENDMENT 1, SECTION 71.01 TO PROVIDE EXCEPTIONS FOR THE PASSAGE OF LOCAL LAWS OR LOCAL CONSTITUTIONAL AMENDMENTS

A motion was made by Commissioner Shumate, duly seconded by Commissioner Baker, and all members voting affirmatively and so carried to approve ACCA Resolution in support of Amendment 1, Section 71.01 to provide exceptions for the passage of local laws or local constitutional amendments.

APPROVE CHANGES TO MARSHALL COUNTY PARK #2 RULES

A motion was made by Commissioner Watson, duly seconded by Commissioner Shumate, and all members voting affirmatively and so carried to approve changes to Marshall County Park #2 Rules.

APPROVE PURCHASE OF CREDIT CARD MACHINE FOR PARK #2 IN THE AMOUNT OF \$499 TO BE PAID OUT OF THE PARK FUND FUND BALANCE

A motion was made by Commissioner Shumate, duly seconded by Commissioner Baker, and all members voting affirmatively and so carried to approve purchase of credit card machine for Park #2 in the amount of \$499 to be paid out of the Park Fund fund balance.

APPROVE BOARD APPOINTMENT FOR THE MARSHALL COUNTY PERSONNEL BOARD

A motion was made by Commissioner Watson to appoint Chris Sutton to the Personnel Board. Motion died due to lack of motion. A motion was made by Commissioner Watson to appoint Joe Jones to the Personnel Board. Motion died due to lack of motion. A motion was made by Commissioner Shumate, duly seconded by Commissioner Baker to appoint Charles Whisenant to the Personnel Board. Roll call vote was done. Commissioner Shumate, yes, Commissioner Watson, no, Commissioner Baker, yes, Chairman Hutcheson, yes. Motion passed with 3 yea, 1 nay.

APPROVE REQUEST FROM NORTHEAST ALABAMA WATER, SEWER AND FIRE PROTECTION DISTRICT TO INCREASE BOARD OF DIRECTOR PAY TO \$500 PER MONTH; NO COST TO COUNTY

A motion was made by Commissioner Shumate, duly seconded by Commissioner Baker, and all members voting affirmatively and so carried to approve request from Northeast Alabama Water, Sewer and Fire Protection District to increase board of director pay to \$500 per month; no cost to County.

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APPROVE TO TABLE OF BOARD APPOINTMENT FOR MARSHALL COUNTY DHR BOARD FOR SIX-YEAR TERM ENDING JANUARY 2030 UNTIL FEBRUARY 28

A motion was made by Commissioner Shumate, duly seconded by Commissioner Baker, and all members voting affirmatively and so carried to approve to table of board appointment for Marshall County DHR Board for six-year term ending January 2030 until February 28 meeting.

APPROVE BOARD APPOINTMENT FOR MARSHALL COUNTY DHR BOARD FOR SIX-YEAR TERM ENDING FEBRUARY 2030

A motion was made by Commissioner Baker, duly seconded by Commissioner Shumate, and all members voting affirmatively and so carried to approve reappoint Marcia Parker to the Marshall County DHR board. Term ending February 2030.

SHERIFF – APPROVE PURCHASE OF (2) HEATED MEAL CARTS; \$20,537.15 GENERAL FUND FUND BALANCE

A motion was made by Commissioner Shumate, duly seconded by Commissioner Baker, and all members voting affirmatively and so carried to approve purchase of (2) heated Meal Carts; \$20,537.15 General Fund fund balance.

SHERIFF – APPROVE TO ENTER INTO CONTRACT WITH NATIONAL INSTITUTE FOR JAIL OPERATIONS (NIJO) FOR JAIL TRAINING; \$3,080 TO BE PAID OUT OF BUDGETED FUNDS

A motion was made by Commissioner Shumate, duly seconded by Commissioner Baker to enter into contract with National Institute for Jail Operations (NIJO) for jail training; \$3,080 to be paid out of budgeted funds. Roll call vote was done. Commissioner Shumate, yes, Commissioner Watson, no, Commissioner Baker, yes, Chairman Hutcheson, yes. Motion passed with 3 yea, 1 nay.

CORONER – APPROVE TO INSTALL ACCESS CONTROL SYSTEM AT CORONER'S NEW BUILDING IN THE AMOUNT OF \$8,950.50 TO BE PAID OUT OF APRA (AMERICAN RESCUE PLAN ACT) REVENUE REPLACEMENT FUNDS

A motion was made by Commissioner Shumate, duly seconded by Commissioner Baker to install access control system at Coroner's new building in the amount of \$8,950.50 to be paid out of APRA (American Rescue Plan Act) revenue replacement funds. Roll call vote was done. Commissioner Shumate, yes, Commissioner Watson, no, Commissioner Baker, yes, Chairman Hutcheson, yes. Motion passed with 3 yea, 1 nay.

CORONER – APPROVE REPLACING WALL BASEBOARDS IN THE AMOUNT OF \$1,299.60 AT CORONER'S NEW BUILDING TO BE PAID OUT OF ARPA (AMERICAN RESCUE PLAN ACT) REVENUE REPLACEMENT FUNDS

A motion was made by Commissioner Watson, duly seconded by Commissioner Shumate, and all members voting affirmatively and so carried to approve replacing wall baseboards in the amount of \$1,299.60 at Coroner's new building to be paid out of ARPA (American Rescue Plan Act) revenue replacement funds.

CORONER – APPROVE TREATING CORONER'S BUILDINGS FOR TERMITES IN THE AMOUNT OF \$1,535 TO BE PAID OUT OF ARPA (AMERICAN RESCUE PLAN ACT) REVENUE REPLACEMENT FUNDS

A motion was made by Commissioner Shumate, duly seconded by Commissioner Baker, and all members voting affirmatively and so carried to approve treating Coroner's buildings for termites in the amount of \$1,535 to be paid out of ARPA (American Rescue Plan Act) revenue replacement funds.

CORONER – APPROVE RENTAL OF TWO DUMPSTERS FROM REPUBLIC SERVICES FOR THE CLEAN OUT OF THE CORONER'S OFFICE NOT TO EXCEED \$1,100 TO BE PAID OUT OF ARPA (AMERICAN RESCUE PLAN ACT) REVENUE REPLACEMENT FUNDS

A motion was made by Commissioner Shumate, duly seconded by Commissioner Baker, and all members voting affirmatively and so carried to approve rental of two dumpsters from Republic Services for the clean

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out of the coroner's office not to exceed \$1,100 to be paid out of ARPA (American Rescue Plan Act) revenue replacement funds.

APPROVE THE SELL, TRADE OR SCRAP OF FIXED ASSETS

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

	<u>FA#</u>	<u>DESCRIPTION</u>	<u>DEPARTMENT</u>	<u>REASON</u>
SCRAP				Item is obsolete, broken or worn out
TRANSFER				Item is no longer needed in department
SELL	11051	Diesel Generator	Countywide	Item is no longer needed in department
		Pull Behind Air Compressor	District 1	Item is no longer needed in department
		Land Pride Batwing Bush		
	12592	Hog	District 4	Item is no longer needed in department

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

MEETING ADJOURNED

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James Hutcheson, Chairman

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Ronny Shumate, District 1 Commissioner

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James R. Watson, District 2 Commissioner

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Lee Sims, District 3 Commissioner

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Joey Baker, District 4 Commissioner