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The Marshall County Commission met in regular session on Wednesday, March 23, 2022 at 10:00am in the Marshall County Commission Chambers. The invocation was led by County Attorney Clint Maze and the Pledge of Allegiance was led by Commissioner Rick Watson.

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
Bob Pirando, County Engineer
Karen Young, Administrative Assistant
Norma Parker, Commission Clerk
Clint Maze, County Attorney

CONSENT AGENDA

A motion was made by Commissioner Shumate, duly seconded by Commissioner Baker, 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 March 9, 2022 meeting and the claims docket for March 8, 2022 – March 22, 2022 in the amount of \$872,189.92.

DISTRICT 1 – APPROVE PRELIMINARY PLAT FOR THE PRESERVE AT HULACO SUBDIVISION

A motion was made by Commissioner Shumate, duly seconded by Commissioner Watson, and all members voting affirmatively and so carried to approve preliminary plat for The Preserve at Hulaco Subdivision.

DISTRICT 2 – APPROVE REALLOCATING \$500,000 FROM ROAD AND BRIDGES PROJECTS OR EQUIPMENT TO STORM WATER DRAINAGE PROJECT TO BE PAID FROM CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS - REVENUE REPLACEMENT

A motion was made by Commissioner Watson, duly seconded by Commissioner Shumate, and all members voting affirmatively and so carried to approve to reallocate \$500,000 from \$1,500,000 that was approved for District #2 on February 9, 2022 for road and bridges projects or equipment to storm water drainage project to be paid from Coronavirus State and Local Fiscal Recovery Funds - Revenue Replacement fund.

PROBATE – APPROVE BID AWARD FOR PUBLISHING THE POLL LIST AND SUPPLEMENTAL LIST

A motion was made by Commissioner Sims, duly seconded by Commissioner Baker, and all members voting affirmatively and so carried to approve to award Bid # 52-21 for publishing the Poll List and Supplemental List to the Advertiser Gleam for 4.89 cents per name.

DATE PROCESSING – APPROVE PAYMENT REQUEST TO ALL - PHASE ELECTRIC; \$70

A motion was made by Commissioner Baker, duly seconded by Commissioner Sims, and all members voting affirmatively and so carried to approve payment request to All - Phase Electric for \$70.

REVENUE COMMISSION – APPROVE PAYMENT REQUEST TO CUMMINS ALLISION; \$366.55

A motion was made by Commissioner Baker, duly seconded by Commissioner Sims, and all members voting affirmatively and so carried to approve payment request to Cummins Allision for \$366.55.

APPROVE RESOLUTION TO ALLOCATE UP TO \$100,000 OF AMERICAN RESCUE PLAN ACT FOR THE DEVELOPMENT OF OUTDOOR RECREATION SPACE, AT ALDER SPRINGS COMMUNITY

A motion was made by Commissioner Baker, duly seconded by Commissioner Sims, and all members voting affirmatively and so carried to approve resolution to allocate up to \$100,000 of American Rescue Plan Act for the Development of Outdoor Recreation Space, at Alder Springs Community.

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RESOLUTION TO CONDITIONALLY ALLOCATE AMERICAN RESCUE PLAN ACT FUNDS FOR THE DEVELOPMENT OF OURDOOR RECREATION SPACE TO SERVE DISPROPORTIONATELY IMPACTED COMMUNITIES

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 projects and related expenditures to respond to the COVID-19 public health emergency; and

WHEREAS, the Final Rule governing the expenditure of ARPA funds issued by the United States Treasury Department provides that such projects and expenditures include investments to promote improved health outcomes such as parks and recreation facilities where such investments will serve communities disproportionately impacted by the COVID-19 public health emergency ("disproportionately impacted communities"); and

WHEREAS, pursuant to 603(c)(3) of the American Rescue Plan Act ("ARPA"), PL 117-2, March 11, 2021, the County may transfer ARPA funds to units of local government as long as they comply with the ARPA Award Terms and Conditions and other applicable requirements, including the Uniform Guidance at 2 C.F.R. §§ 200.331-200; and

WHEREAS, the County wishes to allocate a portion of its ARPA funds to be transferred to the Alder Springs Community to invest in an eligible outdoor recreation space to serve disproportionately impacted communities.

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

- 1) The County shall conditionally allocate up to \$100,000 of its ARPA funds to be transferred to the Alder Springs Community (the "Community") to be invested in outdoor recreation space to serve disproportionately impacted communities.
- 2) Final allocation of ARPA funds for this purpose shall be conditioned on the following:
 - a. A determination, based on objective data, that the investment in such outdoor recreation facilities will serve a community or communities that, under the Final Rule, are deemed to have been disproportionately impacted by the COVID-19 public health emergency; and
 - b. A commitment by the Community that any outdoor recreation facilities constructed with the allocated funds
 - i. shall be constructed and maintained on land owned by the Community, and
 - ii. shall be freely and easily accessible by the disproportionately impacted communities identified as being served by the investment of these funds; and
 - c. The execution of a subaward agreement between the County and the Community governing the award and use of the allocated funds.
- 3) Expenditure of ARPA funds, as authorized by this Resolution, shall be further contingent on the continued appropriation and availability of ARPA funds for this purpose and in no event shall be used for expenditures not obligated by December 31, 2024, and expended by 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 23rd day of March, 2022.

S/James Hutcheson
Chairman, Marshall County Commission

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COUNCIL ON AGING – APPROVE ACCEPTING TARCOG (TOP OF ALABAMA COUNCIL OF GOVERNMENTS) TITLE III AGING SERVICES GRANT THROUGH THE AMERICAN RESCUE PLAN ACT; \$144,851 NO REQUIRED MATCH

A motion was made by Commissioner Sims, duly seconded by Commissioner Baker, and all members voting affirmatively and so carried to approve accepting TARCOG (Top of Alabama Council of Governments) Title III Aging Services Grant through the American Rescue Plan Act; \$144,851 no required match.

COUNCIL ON AGING – APPROVE CONTRACTUAL AMENDMENT BETWEEN TARGOG AND MARSHALL COUNTY COMMISSION TO RECEIVE \$6,667 FOR THE HOME DELIVERED MEALS PROGRAM

A motion was made by Commissioner Sims, duly seconded by Commissioner Baker, and all members voting affirmatively and so carried to approve contractual amendment between TARGOG and Marshall County Commission to receive \$6,667 for the Home Delivered Meals Program.

ANNOUNCE TWO-WEEK APPLICATION PERIOD FOR THE PERSONNEL BOARD APPOINTMENT; CURRENT TERM EXPIRES APRIL 30, 6-YEAR TERM

APPROVE (2) POSITIONS FOR THE SOLID WASTE AUTHORITY BOARD; CURRENT TERM EXPIRES MARCH 30, 6-YEAR TERM

A motion was made by Commissioner Sims, duly seconded by Commissioner Baker, and all members voting affirmatively and so carried to appoint Rhonda McCoy and Darrell Parker to the Solid Waste Authority Board, term expires March 30, 2028.

APPROVE DISTRICT 1 BOARD APPOINTMENT TO THE MARSHALL COUNTY HEALTH CARE AUTHORITY BOARD

A motion was made by Commissioner Shumate, duly seconded by Commissioner Sims, and all members voting affirmatively and so carried to re-appoint Liles Burke to the Marshall County Health Care Authority Board.

APPROVE DISTRICT 3 BOARD APPOINTMENT TO THE MARSHALL COUNTY HEALTH CARE AUTHORITY BOARD

A motion was made by Commissioner Sims, duly seconded by Commissioner Baker, and all members voting affirmatively and so carried to re-appoint Stan Chaffin to the Marshall County Health Care Authority Board.

APPROVE PREMIUM PAY TO EMPLOYEES AND PASSING RESOLUTION FOR EXPENDITURE

A motion was made by Commissioner Shumate, duly seconded by Commissioner Sims to approve premium pay to employees. The pay will be \$8.50 per hour for up to 160 hours with maximum payout of \$1,360 per employee to be paid from ARPA funds. A roll call vote was done, Commissioner Shumate, Yea, Commissioner Watson, Abstain, Commissioner Sims, Yea, Commissioner Baker, Yea. The motion passed unanimously with one abstaining. A motion was made by Commissioner Shumate, duly seconded by Commissioner Baker, and all members voting affirmatively to waive the reading of the resolution. A motion was made by Commissioner Sims, duly seconded by Commissioner Baker, and all members voting affirmatively to approve the Resolution for Expenditure.

RESOLUTION FOR EXPENDITURE OF AMERICAN RESCUE PLAN ACT FUNDS
FOR TEMPORARY PREMIUM PAY PROGRAM

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

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WHEREAS, providing premium pay to eligible County employees is an authorized use of ARPA funds; and

WHEREAS, the Marshall County Commission (the "Commission") has determined that appropriating ARPA funds to provide premium pay to eligible County employees in response to their performing essential work during the COVID-19 pandemic is a necessary and reasonable use of these funds; and

WHEREAS, the Commission desires to establish a temporary premium pay program to provide premium pay to eligible County employees as additional compensation during certain designated pay periods.

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

- 1) There is hereby established the Marshall Temporary Premium Pay Program (the "TPP Program") to provide temporary premium pay ("TPP") as additional compensation to eligible County employees during designated pay periods ("TPP pay periods").
- 2) Except as otherwise provided herein, eligible County employees are employees whose assigned work duties require them to regularly interact in person with the public or their co-workers, or to regularly physically handle items that were handled by the public or their co-workers. Elected County officials are not eligible employees for the purposes of the TPP Program.
- 3) Except as otherwise provided in paragraphs 6, 7, and 8 of this Resolution, during each TPP pay period, eligible employees will receive as additional compensation TPP in the amount of \$8.50 per hour up to a maximum total amount of \$1360.
- 4) The TPP pay periods are as follows: two consecutive pay periods starting with the pay period beginning March 26, 2022.
- 5) TPP shall be in addition to an eligible employee's regular rate of wages and other compensation, with no reduction, substitution, offset, or other diminishment of the employee's current and prospective wages or other compensation.
- 6) TPP payments shall be included in the calculation of an employee's regular rate of pay for purposes of calculating overtime pay.
- 7) Additional compensation attributable to the TPP Program, including additional compensation for overtime pay attributable to the payment of TPP, shall not exceed \$1,360 for each eligible employee during the TPP Program.
- 8) The County will not use ARPA funds for any compensation attributable to TPP that exceeds \$13.00 per hour, including additional overtime pay attributable to the payment of TPP.
- 9) In accordance with the provisions of the American Rescue Plan Act and rules adopted thereunder, TPP
 - a. Shall not be provided for work performed while an employee is working remotely from a residence or other non-job-related location and
 - b. Shall not be provided to the extent that TPP would increase the total annual wages and remuneration for an eligible employee that is exempt under the Fair Labor Standards Act overtime provisions above \$70,260 or another amount equal to 150 percent of the higher of Alabama's or the County's annual average wage for all occupations as defined by the

- c. most recent the Bureau of Labor Statistics' Occupational Employment and Wage Statistics.

10) The County Administrator is hereby authorized to expend ARPA funds in accordance with the provisions of this Resolution for any and all additional compensation and additional covered benefits provided to employees as a result of the TPP payments authorized herein.

11) Payment of TPP, as authorized by this Resolution, shall be contingent on the continued appropriation and availability of ARPA funds for this purpose.

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 23rd day of March, 2022.

S/James Hutcheson
Chairman, Marshall County Commission

APPROVE RESOLUTION TO ADOPT PREMIUM PAY PROGRAM IMPLEMENTATION POLICIES AND PROCEDURES

A motion was made by Commissioner Baker, duly seconded by Commissioner Sims, and all members voting affirmatively and so carried to approve Resolution to adopt premium pay program implementation policies and procedures.

RESOLUTION TO ADOPT PREMIUM PAY PROGRAM IMPLEMENTATION POLICIES AND PROCEDURES

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 and administered in accordance with state and federal law; and

WHEREAS, the County has adopted a resolution authorizing the expenditure of ARPA funds for premium pay for eligible County employees (the "premium pay program"); and

WHEREAS, the Marshall County Commission (the "Commission") has determined that it is necessary and appropriate to adopt implementation policies and procedures to govern the administration of the County's premium pay program.

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

The County's expenditure of ARPA funds for the premium pay program shall be administered in accordance with the Commission's resolution authorizing the expenditure of ARPA funds for premium pay and the Implementation Policies and Procedures set forth in Addendum 1 to this Resolution, the provisions of which are fully adopted and incorporated herein by reference.

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 23rd day of March, 2022.

S/James Hutcheson
Chairman, Marshall County Commission

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APPROVE TO PAY PREMIUM PAY FOR EMPLOYEES WHO EXCEED SALARY CAP UNDER ARPA GUIDELINES TO BE PAID FROM GENERAL FUND FUND BALANCE

A motion was made by Commissioner Sims, duly seconded by Commissioner Baker to pay premium pay for employees who exceed salary cap of \$70,260 under ARPA guidelines to be paid from General Fund Fund Balance. A roll call vote was done, Commissioner Shumate, Yea, Commissioner Watson, Abstain, Commissioner Sims, Yea, Commissioner Baker, Yea. The motion passed unanimously with one abstaining.

SHERIFF – APPROVAL TO INCREASE SHERIFF’S BUDGET BY \$260,000 FOR HOUSING FEMALE INMATES AT THE CITY OF ALBERTVILLE POLICE DEPARTMENT

A motion was made by Commissioner Shumate, duly seconded by Commissioner Sims, and all members voting affirmatively and so carried to approve increase Sheriff’s Budget by \$260,000 for housing female inmates at the City of Albertville Police Department. This increase was due to the extended time the female inmates will be house with the city.

There being no further business a motion was made by Commissioner Sims, duly seconded by Commissioner Shumate 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