

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JANUARY 13, 2020

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, January 13, 2020 at 5:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Long.

During citizens' communication, Eric Gansauer addressed the Commission about several issues. First, Mr. Gansauer stated he recently called Lee County Animal Control about a stray cat on his property and was told they would not pick up cats, but if he wanted, he could bring the cat to them. Mr. Gansauer stated in another instance, he called them about a dog issue, and after leaving several messages, his calls were not returned. Once, Mr. Gansauer stated he called the Sheriff's Office about a stray cat, and the deputy that responded told him to shoot the cat. Next, Mr. Gansauer discussed the road in Kennington Subdivision. Mr. Gansauer stated the subdivision was built in 1991-1992 and questioned why the roads are falling apart. Mr. Gansauer stated a crew comes occasionally and fills in the potholes. Mr. Gansauer questioned when the road could be repaired properly. Judge English asked Mr. Gansauer to provide his contact information to County Engineer Justin Hardee.

The Chairman declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Sheila Eckman, Johnny Lawrence, Gary Long, Robert Ham and Richard LaGrand. Elected Officials in attendance: Sheriff Jay Jones and Chambers County District 5 Commissioner David Eastridge. News media in attendance: Opelika Observer reporter Michelle Key and Opelika-Auburn News reporter Hannah Lester.

Commissioner LaGrand stated Attorney General Steve Marshall would be at Loachapoka High School tomorrow at 10:00 a.m. to present them with the 2019 Safe School Award for State Board of Education District 2. One school from each of the eight state school board districts, as well as one private school statewide, were given the award. Commissioner LaGrand stated he is proud of Principal Albert Weeden, Jr., who will receive the award for the school.

Next, EMA Planner Rita Smith recognized Austin Jones for obtaining his Bachelors' Degree in Communications from Auburn University this past weekend. Ms. Smith stated she was impressed that Mr. Jones was able to complete his degree after juggling working long hours following the March tornadoes. Ms. Smith congratulated Mr. Jones on his accomplishment.

Judge English recognized Tim Parson, who recently retired with 39 years of service to Lee County. Judge English asked Mr. Parson to formally introduce his replacement to the Commission. Mr. Parson introduced new IT Director Amanda Sides, who took over the position January 1, 2020. Mr. Parson stated Mrs. Sides had been employed for over six years. Judge English welcomed Mrs. Sides.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, procurement card transactions from December and minutes of the December 9 meeting. Commissioner Long made a motion, seconded by Commissioner Ham to approve the consent agenda items as presented. The motion carried unanimously.

Bryan Lumpkin of Beulah appeared before the Commission to discuss a noise concern near his home. Mr. Lumpkin stated explosions are becoming more frequent and are becoming a nuisance. Mr. Lumpkin questioned if there is anything the Commission can do to control it. Mr. Lumpkin stated his seven-year old son has a condition, Coffin-Sirris syndrome, which is triggered when his sleep is disrupted, which happens when these explosions occur, his son on occasion has a major "melt-down" and sometimes has had seizures due to the loud noises. Mr.

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Lumpkin explained this is a rare genetic disorder that encompasses many medical, psychological, and behavioral components. For his son, these include non-verbal autism and seizure disorder among other things. Mr. Lumpkin explained that lately the explosions in the area have become powerful enough to rattle windows and shake the walls of their home. Mr. Lumpkin stated he is aware of other members of the community that are getting fed up as well with the increasing number of explosions. Mr. Lumpkin stated he is aware of at least one case of property damage that occurred on New Year's Eve. Mr. Lumpkin stated he has extensively researched existing state and federal statutes regarding explosives. Mr. Lumpkin stated he has talked with local law enforcement in Valley, Lee County and Chambers County. He stated he has been in contact with the State Fire Marshal's Office, the ATF, the American Pyrotechnic Association, and State Representative Debbie Wood in attempts to find some relief. Commissioner Ham questioned if Mr. Lumpkin is aware of where or who is setting off the explosives, if so, has he talked to the individuals. Mr. Lumpkin stated he lives along the Lee-Chambers county line and can't tell whether it is coming from Lee or Chambers County side. Mr. Lumpkin stated some explosions have occurred on both sides. Commissioner Ham stated he and Chambers County Commissioner David Eastridge talk on a regular basis and understands there is an increased use of explosives in the community. Commissioner Ham stated he has encountered the same issue where he lives. Mr. Lumpkin stated he would like any possible relief the Commission may offer, such as implementing a noise ordinance or requiring a permit for the products. Mr. Lumpkin added he is working with Representative Debbie Wood on regulations at the state level. Judge English asked Mr. Lumpkin to try to pin down where the explosions originate and stated a noise ordinance is not a simple task; and questioned Mr. Lumpkin about his being directed to the local level for assistance. Mr. Lumpkin stated he was told that the local level would be a quicker solution. Commissioner Eckman questioned if Representative Wood is interested in sponsoring a bill. Mr. Lumpkin answered yes. Commissioner Eckman stated it is a tedious process. Commissioner Lawrence stated it is legal to use for intended purposes and questioned Sheriff Jones what happens if the purpose changes from its intended use. Sheriff Jones indicated that it is entirely situational, and the intent of use must be determined on a case by case basis. Commissioner Ham indicated that the use of the explosives falls into the cracks. Commissioner Ham indicated that if something is introduced at the State level, he would support it.

Judge English presented the following 2020 "Severe Weather Sales Tax Holiday" Resolution for Commission consideration. Judge English stated the Lee County Board of Education submitted a letter from the board supporting the severe weather sales tax holiday. Commissioner Lawrence made a motion, seconded by Commissioner Eckman to authorize the Chairman to sign the following Resolution in support of the severe weather sales tax holiday. The motion carried unanimously.

RESOLUTION

WHEREAS, the Alabama State Legislature passed during the 2012 Regular Session Act No. 2012-256 (40-23-230 through 40-23-233, Code of Alabama 1975), effective April 26, 2012, which provided for a Severe Weather Preparedness State Sales Tax Holiday to be held the last full weekend in February of each year; and

WHEREAS, the Sales Tax Holiday exempts certain items designated for severe weather preparedness purposes from the State Sales Tax, the Lee County Commission authorizes the exemption of those same items from the county sales and use tax during the same period beginning 12:01 a.m. on Friday, February 21, 2020, and ends at twelve midnight on Sunday, February 23, 2020, and

WHEREAS, the Lee County Board of Education sent a copy of the Minutes held December 10, 2019 showing the Board's approval of the 2020 Severe Weather Preparedness Tax Holiday. In support of this decision, the Lee County Commission approved this Resolution in support of the sales and use tax holiday for items covered by Act 40-23-233;

WHEREAS, this Resolution shall be subject to all terms, conditions, definitions, time periods and rules as provided by Act 2012-256; and

THEREFORE, BE IT RESOLVED by the Lee County Commission that participation in the Severe Weather Preparedness State Sales Tax Holiday as provided by Act 2012-256, shall be in effect beginning at 12:01 a.m. on Friday, February 21, 2020, and ends at twelve midnight on Sunday, February 23, 2020.

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BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of the January 13, 2020 meeting of the Lee County Commission and be immediately forwarded to the Alabama Department of Revenue in compliance with Code of Alabama 1975, 511-51-210(e).

IN WITNESS WHEREOF, the Lee County Commission has caused this Resolution to be executed in its name and on its behalf by its Chairman on this the 13th day of January 2020.

County Engineer Justin Hardee presented for Commission approval the final plat for Yarbrough-Crook Subdivision. Mr. Hardee stated the plat has been reviewed and meets the minimum requirements of the *Lee County Subdivision and Land Development Regulations*. The proposed subdivision is located adjacent to Lee Road 270 and Lee Road 373. Mr. Hardee stated this is a 40-acre parent parcel being divided into three lots, approximately 3 to 3½ acres each, leaving approximately 30 acres, which involves no infrastructure or roads. Riley Yielding appeared to discuss the matter since his property is adjacent and stated he has concerns about what they will do with the remaining 30 acres once this property division is approved. Mr. Yielding questioned if the property has restrictions on what can be done to the property or if that is just a rumor he has heard. Mr. Yielding stated the lots are located next to Beulah High School and is concerned about traffic issues if the subdivision is allowed. Mr. K. L. Yielding spoke stating the property had been for sale, on and off, for over 10 years, but never presented in this format. Commissioner Ham questioned if either of them had talked to the landowner. Mr. K. L. Yielding stated the landowner wishes to sell the property, it is simple. Mr. K. L. Yielding was also concerned about the accessibility of the dirt road leading to the parcels and asked that they be looked at before any action is taken on this matter. Commissioner Ham questioned County Attorney Stan Martin concerning any restrictions on the property. Mr. Hardee indicated he would hold off any action until his department could research the deed and whether any restrictions are applicable. The item was moved to the next agenda for further research.

Next, Mr. Hardee addressed a request from Meridian Brick LLC, regarding abandonment of the prescriptive right-of-way along a portion of Lee Road 179 that traverses property owned by the company. Mr. Hardee stated the Highway Department does not currently maintain the approximately 0.7 miles of Lee Road 179 that Meridian Brick LLC has petitioned the Commission to vacate. Meridian Brick LLC and its members are listed as the owners of all the property around this portion of Lee Road 179. Mr. Hardee indicated Attorney Stan Martin has reviewed the request and is satisfied with the documentation. Mr. Hardee stated no action is requested tonight but need to set a public hearing for the meeting on February 24, 2020.

Mr. Hardee presented a proposed agreement with Neel-Schaffer, Inc. for bridge design for the bridge over Saughatchee Creek on Lee Road 217. Mr. Hardee stated the agreement provides the necessary professional services required to design the structure so the Highway Department can incorporate the bridge plans with our roadway plans that will be designed in house. Mr. Hardee indicated the agreement has been reviewed by Mr. Martin. Commissioner Lawrence questioned the length of time it will be closed. Mr. Hardee indicated it will be anywhere from nine months to a year, since it is longer, 370 feet, than Lee Road 65 and it has multiple spans. Commissioner Eckman stated she will not be on the Commission by that time. Commissioner Eckman made a motion, seconded by Commissioner Lawrence to authorize the Chairman to execute the agreement as presented. The motion carried unanimously.

Mr. Rendleman presented three-pages of policy revisions associated with the proposed new pay plan. Mr. Rendleman explained the proposed new pay plan does not use predefined steps but will be a percentage range system. Mr. Rendleman explained that the new range system will give the Commission more flexibility in determining cost of living increases and merit increases each year. Mr. Rendleman stated that with an open percentage system, the Commission will be able to adjust to the economic conditions. Mr. Rendleman asked the

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Commission to review the proposed amendments to the personnel policies for adoption at the January 27, 2020 meeting, with an effective date of February 1, 2020.

Mr. Rendleman presented the proposed Pay and Classification Plan for Commission review and consideration for passage at the January 27, 2020 meeting. Mr. Rendleman explained the proposed pay plan is by Evergreen Solutions who performed the study on the county's overall pay ranges as compared to the average market of other governmental entities. Mr. Rendleman stated the plan was constructed using 60 benchmark positions sent to seventeen governmental entities; twelve responses were received from four counties, five cities, Auburn University, Alabama Law Enforcement Agency, and Columbus Consolidated Government in Georgia. Evergreen Solutions' proposed pay plan aligns our overall entry points to the average market position. Mr. Rendleman stated the ranges will be adjusted an additional four percent to be slightly more than average in order to better compete locally. Mr. Rendleman included in the packets a listing of proposed classified positions, of which most currently exist, but some have slight modifications to fit a department's needs. Mr. Rendleman stated Evergreen Solutions collected job data from surveys completed by employees and supervisors. After reviewing the data by assessing job complexity, the level of responsibility and skills, and knowledge required for the job, Evergreen adjusted the job descriptions and assigned the pay grade based on the market survey. Mr. Rendleman requested the Commission take two actions at the next scheduled meeting, they are: 1) consider adopting Evergreen's proposed Pay Plan with an across the board increase of 4% at the January 27 meeting with an effective date of February 1, 2020; and 2) consider recognizing the classified positions as provided and assign the proposed pay grade as provided at the January 27 meeting.

Last, Mr. Rendleman presented a request to reallocate a portion of the funding provided to the Coroner's Office to adjust the pay for two deputy coroners and a new deputy coroner position. In accordance with Section 45-41-60 of the Code of Alabama 1975, the Commission can adjust the compensation of the coroner and deputies by resolution. Additionally, Mr. Rendleman suggested the Commission may want to consider a salary increase for the coroner for the same four percent (4%) being recommended with the new pay plan, since the coroner has not had a raise since 2007. Upon Mr. Rendleman's recommendation, Commissioner Lawrence made a motion seconded by Commissioner LaGrand to adopt the following Resolution with an effective date of February 1, 2020. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission does hereby grant the following salary increases for the Coroner's Office to be effective February 1, 2020.

Coroner Bill Harris - increase annual salary from \$24,556.08 to \$25,538.32

Chief Deputy Gene Manning – increase annual salary from \$7,000 to \$9,400

Deputy Charlotte Patterson – increase annual salary from \$6,000 to \$7,500

Deputy Jackie Hamby – annual salary set at \$3,600

Commissioner Eckman gave an update on the Mid-South Resource, Conservation & Development Council. Commissioner Eckman stated the state council is made up of 9 districts statewide, and that there are eight counties in our Mid-South district: Autauga, Bullock, Butler, Elmore, Lee, Lowndes, Macon, and Montgomery. The Council awards small grants with State money. Lee County was awarded \$50,000 this year, distributed to four agencies. Commissioner Eckman stated the next meeting will be held January 15 if anyone, especially non-profit agencies, would like to attend.

At approximately 5:55pm, Judge English announced the Commission would adjourn into Executive Session to discuss a potential real estate matter. Judge English stated County Attorney Stan Martin, Mr. Hardee, Assistant County Engineer Jake Lashley and Mr. Rendleman needed to attend. Judge English further stated it should last approximately 30 minutes and no action is

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anticipated at the conclusion. Commissioner Long made a motion, seconded by Commissioner Lawrence to adjourn into executive session. The motion carried unanimously.

Upon reconvening after the Executive Session at approximately 6:20 PM, Commissioner Long made a motion to adjourn. The motion was seconded by Commissioner Lawrence and carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JANUARY 27, 2020

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, January 27, 2020 at 5:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Ham.

During citizens' communication, Robert Bubb, an Auburn University faculty member, posed several questions concerning an African American cemetery located off Highway 14 in Auburn. Mr. Bubb stated he and others are in the process of cleaning up the cemetery and asked for the county's assistance in debris removal. Secondly, Mr. Bubb questioned if anyone can verify the ownership of the lot, since he has been told the Homeowners Association does. Last, Mr. Bubb asked the Commission if they have any suggestions that can direct him to research that may help them on this project. Commissioner Eckman stated she is familiar with the cemetery, and stated the lot is located within the Auburn city limits. Commissioner Eckman indicated that when she served on the Auburn city council this issue was raised and she seems to recall the developer, Randall Rogers, after finding out that he could not build on the lot, gave the lot to the HOA. Judge English questioned whether or not the plat showed it as a cemetery. Commissioner Eckman stated at first the lot was not designated as a cemetery but later was determined it was. Mr. Bubb stated at one time there was a Church and a one-room school located adjacent to the cemetery. Commissioner Eckman stated the county can't do anything since it is located in the Auburn city limits. Mr. Bubb questioned if he should go to the City of Auburn for assistance. Judge English answered in the affirmative. Commissioner Eckman thanked Mr. Bubb for his work on this project.

Next, Lance Farrar appeared before the Commission to express his opposition to the upcoming item about Interstate 14. Mr. Farrar addressed the 14th Amendment stating it is very destructive, not productive as stated in the material provided. Mr. Farrar asked the Commission not to vote on the issue when it is presented.

Last, Mr. K. L. Yielding appeared before the Commission asking the Commission to close Lee Road 373. Mr. Yielding stated the road goes from Lee Road 279 to Lee Road 270. Mr. Yielding stated he and James Hudmon are the only residents on the road. Mr. Yielding stated he has lived there since 1978 and has seen vandalism, theft and constant littering on the road. Further, Mr. Yielding stated Lamb Cemetery, a pre-Civil War cemetery, is located on that road and irreversible damage has been done to the cemetery since it was vandalized, and all the headstones were stolen. Mr. Yielding stated the residents are eager to see the road closed. Commissioner Eckman questioned the length of the road. Mr. Yielding stated it is less than ½ mile long. Judge English indicated a process must be followed to vacate a road and asked Mr. Yielding to pay attention to a later Agenda item which is a request to vacate a road.

The Chairman declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Sheila Eckman, Johnny Lawrence, Gary Long, Robert Ham and Richard LaGrand. Elected Officials in attendance: Sheriff Jay Jones. News media in attendance: Opelika Observer reporter Michelle Key and Opelika-Auburn News reporter Hannah Lester.

Auburn University graduate students Ashley Brown and Olivia Nichols appeared before the Commission to discuss their Lee County Remembrance Project concerning several lynchings that took place in Lee County. Ms. Brown stated the project is a way to educate the community. Ms. Nichols stated soil collections have been taken from the sites within Lee County and will be placed into two sets of jars, with the victims' names printed on each jar. One set of jars will be placed in the Equal Justice Initiative (EJI) Museum in Montgomery and one at the Museum of East Alabama. Ms. Nichols stated a Soil Collection Ceremony will be held at Greater Peace Missionary Baptist Church at 6:00 p.m. on March 17 and invited everyone to attend.

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Ms. Nichols stated the lynchings took place in rural parts of the county, including two which took place in Waverly. Ms. Nichols stated the project is to acknowledge the lynching sites and to have people work together during the process. Ms. Nichols stated they are looking to place a historical marker in the vicinity of the courthouse square either on land owned by the City of Opelika or Lee County. Commissioner LaGrand thanked them both for the presentation. Commissioner Lawrence questioned the type of historical marker that will be displayed, since he would like to see that it is done well; and to ensure the placement gives it justice. Ms. Nichols stated it will be a slate marker and the location is still to be determined. Commissioner Eckman questioned whether the historical marker will contain all the names on one column; or will there be four separate markers. Ms. Nichols indicated it will only be one marker with all the names. Ms. Nichols stated that lynchings took place in over 800 counties in the entire country, not just Alabama. Last, Ms. Nichols invited the Commission to join with the Auburn Diversity Task Force on February 8, or other dates, if that date does not work, she will be sending emails of possible dates and times. Last, Ms. Nichols reminded everyone today is the 75th Anniversary of Auschwitz Liberation.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims and minutes of the January 13 meeting. Judge English addressed a letter from Edna Ward requesting a replacement for one board member be made and asked the Commission to consider replacing another member for poor attendance. Commissioner Ham agreed there should be a policy for board members, so that once appointed, if they do not participate, they should be replaced due to non-attendance. After discussion, an announcement of two vacancies on the Lee County Cemetery Preservation Commission was made. Commissioner Ham made a motion, seconded by Commissioner Lawrence to approve the consent agenda items as presented, including an updated version of the January 13 minutes. The motion carried unanimously.

Columbus Consolidated Government Councilor John House asked the Commission to consider a Resolution supporting the Interstate 14 project. Mr. House stated the information provided in their packets has been updated since the presentation to the Commission made by the Youth Infrastructure Coalition at the beginning of the year. Judge English questioned if the Alabama Department of Transportation has gotten involved in the project. Mr. House answered no, and further stated neither has the Georgia Department of Transportation. Mr. House stated they were hoping to get all counties on-board before presenting it before the state Departments of Transportation. Mr. House stated State and Federal representatives from Texas, Louisiana, and Mississippi have a bill in Congress to designate the route and the need for an interstate from Texas through Alabama and Georgia ultimately to reach Augusta, Georgia. Commissioner Lawrence stated he would be concerned if it went through the center of Lee County, but this map does not show it going through the county as shown on the map presented in January. Judge English stated the county engineer is concerned since he has 43 county roads, not including the many driveways, that intersect with the proposed interstate along US Hwy 280. Commissioner Long stated he lives on that route. Mr. House explained that adjustments continue to be made on the interstate project. Mr. House said that the Macon County Commission had already approved a similar resolution, and Commissioner Lawrence asked if that was the route along I-85, or the route along US Hwy 80. Mr. House stated he would update the Commission as things move forward.

County Engineer Justin Hardee stated as requested by the Commission, the Highway Department researched the deed of the 40-acre parent parcel of the Yarbrough-Crook Subdivision from the last meeting. Mr. Hardee reported that there are no restrictions on the deed to the parcel. Further, Mr. Hardee stated nothing has changed since presenting it at the last meeting. Commissioner Ham made a motion, seconded by Commissioner Long to approve the plat for Yarbrough-Crook Subdivision as presented. The motion carried unanimously.

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Mr. Hardee presented the request from Meridian, LLC to vacate the right-of-way on Lee Road 179. Mr. Hardee stated this request was presented at the last meeting, and tonight the Commission only needs to set a public hearing for the March 9 meeting. Mr. Hardee explained that a petition to vacate was received according to the Code of Alabama, the adjacent landowners were notified, and the paperwork has been reviewed by County Attorney Stan Martin. Mr. Hardee stated Meridian, LLC owns both sides of the road around the loop starting at the eastern border of their parcel, and it is not county maintained. Commissioner Lawrence questioned if the road is vacated will there be any impact on first responders or mail delivery. Commissioner Long stated after riding the road, which is a muddy mess, he does not think first responders or anybody else will be going down there. After further discussion, Commissioner Ham made a motion, seconded by Commissioner Eckman to set a public hearing for the March 9 Commission meeting for the vacation of that portion of Lee Road 179. The motion carried unanimously.

Roger Rendleman stated the policy revisions associated with the proposed pay plan as presented at the last meeting, need to be implemented so the pay plan can be adopted. Mr. Rendleman stated the proposed plan will switch from predefined steps which will allow the Commission to be more flexible from year to year in granting raises. Commissioner Lawrence made a motion, seconded by Commissioner Ham to approve the proposed amendments to the personnel policies with an effective date of February 1, 2020. The motion carried unanimously.

Next, Mr. Rendleman asked the Commission to approve the Pay and Classification Plan as presented at the last meeting. Mr. Rendleman said the plan, prepared by Evergreen Solutions, will get the county to the median range with surrounding counterparts, especially in law enforcement. Mr. Rendleman stated a new deputy's salary will increase from \$38,200 to \$48,500, which will be competitive with the cities of Auburn and Opelika. Commissioner LaGrand expressed his full support of the plan; but stated he will abstain on the vote because he has a personal conflict. Judge English pointed out that Commissioner LaGrand's son is a county employee. Commissioner Ham stated the new plan will allow the county to retain good employees. Commissioner Eckman made a motion, seconded by Commissioner Lawrence to approve the Pay and Classification Plan as presented. The motion carried on a vote of 4-0-1 with Commissioner LaGrand abstaining.

Secondly, Mr. Rendleman asked the Commission to recognize the classified positions as listed and assign the proposed grades as listed to be effective February 1, 2020. Mr. Rendleman explained this will match the pay grade to each individual position. Commissioner Eckman made a motion, seconded by Commissioner Lawrence to recognize the classified positions as provided and assign the proposed grade as provided. The motion carried on a vote of 4-0-1 with Commissioner LaGrand abstaining.

Mr. Rendleman thanked all the departments and staff for their cooperation in this project. Additionally, Mr. Rendleman thanked Human Resources Director Erica Norris and her staff for their work on the project.

Nathan Flurry appeared before the Commission to question what could be done to improve what he called the "access" roads off Lee Road 2101. Mr. Flurry stated Commissioner LaGrand and Mr. Hardee had previously come out to look at the situation and they informed Mr. Flurry that it is not a county problem, because they are shared driveways on "flagpole" lots. Mr. Flurry questioned what could be done since his road is not the only one in deplorable condition off Lee Road 2101. Judge English questioned Mr. Hardee on the condition of Lee Road 2101. Mr. Hardee stated Lee Road 2101 is paved, but the shared common drives off of it are dirt and are driveways to the individual lots. Mr. Hardee indicated the county maintains Lee Road 2101, but the county does not maintain the other roadways. Judge English reminded that the county cannot work on private property. No action was taken by the Commission.

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Sheriff Jones presented the results of Bid #2 for uniform dry cleaning for the Sheriff's Office. Sheriff Jones stated three responses were received and his recommendation is to award the bid to Fifth Avenue Cleaners, the lowest responsive bidder. Commissioner Eckman made a motion, seconded by Commissioner Long to award Bid #2 for uniform dry cleaning to Fifth Avenue Cleaners. The motion carried unanimously.

Building Inspector Joel Hubbard presented an agreement with the City of Smiths Station for renewal of building inspection services. Mr. Hubbard indicated that he and the county attorney reviewed the Agreement, and both are satisfied with the terms. Commissioner Ham made a motion, seconded by Commissioner Long to authorize the Chairman to sign the agreement for building inspection services for the City of Smiths Station as presented. The motion carried unanimously.

Governmental Relations/Safety Coordinator Wendy Swann presented the ACCA Liability Self-Insurance Fund, Inc. Participation Agreement and a Longevity Bonus Resolution for Commission consideration. Mrs. Swann stated that once the agreement, for the 2021-2023 period, is received the county will receive their longevity bonus, which is an amount equal to 10 percent of the 2020 premium contribution. Commissioner Eckman made a motion, seconded by Commissioner Lawrence to approve the following Longevity Bonus Resolution and authorize the Chairman to sign the Agreement as presented. The motion carried unanimously.

RESOLUTION

WHEREAS, Lee County is a member of the Association of County Commissions of Alabama Liability Self-Insurance Fund, Inc. ("Liability Fund") for the contract period ending Dec. 31, 2020; and

WHEREAS, the County's participation in the Liability Fund has been a significant benefit to the County since becoming a member; and

WHEREAS, the representation and service provided by the Liability Fund continues to be in the best interest of Lee County and its officials and employees; and

WHEREAS, Lee County would benefit by agreeing to extend its participation in the Liability Fund for an additional three-year period beginning Jan. 1, 2021 and concluding Dec. 31, 2023.

NOW, THEREFORE, BE IT RESOLVED by the Lee County Commission that it renews its participation in the Liability Fund for calendar years 2021 through 2023 and hereby directs its Chairman to immediately execute the 2021-2023 ACCA Liability Self-Insurance Fund, Inc. Participation Agreement.

Mrs. Swann asked the Commission to consider making their appointments to the Complete Count Committee since April 1 is quickly approaching. Commissioner Eckman questioned what commitment a person would make if appointed to the committee. Mrs. Swann indicated that committee members will be responsible in trying to reach those hard-to-count areas of the county. Mrs. Swann suggested that preachers would be a good fit since they are able to reach a wide range of citizens from low-income or different ethnic backgrounds who may not understand the value of providing census information. Commissioner Eckman questioned if printed material is available. Mrs. Swann stated she would forward the information she has been provided to each Commissioner. Mrs. Swann indicated that the census is taking the technology route this year and encouraging on-line registration. Commissioner Lawrence agreed that local churches would be a good resource in providing information on citizens in the community.

Commissioner Ham at approximately 6:08 p.m. made a motion to adjourn. The motion was seconded by Commissioner Lawrence and carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, FEBRUARY 10, 2020

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, February 10, 2020 at 5:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Lawrence.

The Chairman declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Sheila Eckman, Johnny Lawrence, Gary Long, Robert Ham and Richard LaGrand. Elected Officials in attendance: Opelika Mayor Gary Fuller, Sheriff Jay Jones and Coroner Bill Harris. News media in attendance: Opelika Observer reporter Michelle Key, Opelika-Auburn News reporter Hannah Lester, Auburn Plainsman reporter Cory Blackmon, WTVM reporter Katie Kamin.

Sheriff Jones recognized four corrections officers who recently obtained their certificate of completion from the National Institute of Jail Operations (NIJO). Sheriff Jones recognized the following for their accomplishment, they included: Corporal Alphonzo Jukes, Corrections Deputy Timothy Parquette, Corrections Deputy Rakeyta Smith and Corrections Deputy Shelia Thomas. Sheriff Jones presented lapel pins to Deputies Rakeyta Smith and Timothy Parquette, who were in attendance. Sheriff Jones stated these individuals perform a dangerous job on a daily basis. Judge English thanked them for their dedication and service.

Commissioner Ham asked the Commission to add an item to the Agenda concerning the Northridge Project. Commissioner Ham made a motion, seconded by Commissioner Lawrence to add the item to the Agenda. The motion carried unanimously.

First, Commissioner Ham made a motion to request use of the Lee County Meeting Center on February 20, 2020 from 11:30 a.m. until 1:00 p.m. and to waive any fees. Commissioner Ham stated it will be utilized for a luncheon to discuss the Northridge Project which is located on Morris Avenue in Opelika. The motion was seconded by Commissioner Long and carried unanimously.

Next, Commissioner Ham asked to make a short presentation about the Northridge Project. Commissioner Ham stated the project evolved from his involvement with Friends of the Community. Commissioner Ham stated after being confronted with the fact that there are over 200 homeless women living in our community, he and others wanted to do something about it, and he told stories of homeless individuals within the community. Commissioner Ham stated when the Northridge property became available, they were able to obtain the building with financial help from the Ike Scott Foundation. Commissioner Ham stated work is almost complete on the facility which includes 14 rooms. Further, he stated it will become a home to homeless women in the community and includes housing for two on-site counselors. Further, he stated Southern Union will provide education assistance for those living there. Commissioner Ham indicated the average stay will be approximately six months to provide a hand up, not a hand-out. Commissioner Ham stated while in residence, they will help to provide housing and jobs for those that need it. Further, Commissioner Ham stated all the work on the project has been done by volunteers.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, procurement card transactions from January and minutes of the January 27 meeting. Commissioner Ham made a motion, seconded by Commissioner LaGrand to approve the consent agenda items as presented. The motion carried unanimously.

Banks Herndon appeared before the Commission concerning a proposed quarry to be located off Lee Road 188 and US Highway 431. Judge English asked the audience members to stand if they are here concerning this issue, about 75 people, or $\frac{3}{4}$ of the audience stood. Mr. Herndon stated Opelika Mayor Gary Fuller and City Attorney Guy Gunter will make a few comments and he will close the discussion with a few comments. Attorney Guy Gunter thanked

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the Commission for their time and presented several issues of concern with the proposed quarry coming to Lee County right outside the city limits of Opelika. Mr. Gunter stated the proposed quarry will have an enormous impact on the City of Opelika. First, would be the impact on Saugahatchee Lake which supplies drinking water to city residents, and over 3.5 million gallons supplied to the City of Auburn daily. Second, residential areas near the vicinity of the quarry. Mr. Gunter stated these are long established communities which will be impacted, not only residential, but it will impact two schools, Morris Avenue Elementary and Opelika High School.

Mr. Gunter stated Creekwood Resources LLC filed in December requests for two permits with the Alabama Department of Environmental Management (ADEM). They are: 1) a water pollution permit and 2) an air pollution permit. ADEM posted the notice on January 21, 2020 and stated there is a 30-day comment period from the date of notice, which is quickly approaching on February 20, 2020. Mr. Gunter stated the City of Opelika is playing catch-up since the quarry has been working on the process for over a year. Mr. Gunter indicated the City of Opelika is requesting that the Commission adopt a Resolution supporting their stance against the quarry, and second, provide financial assistance for legal representation. Mr. Gunter stated the city has hired an engineering firm and a legal firm, Starnes, Davis & Florie LLC of Birmingham. Further, Mr. Gunter stated Josh Jackson is their local counsel. Mr. Gunter also asked the Commission to consider sending a letter to ADEM requesting the public comment period be extended. Last, Mr. Gunter stated ADEM is only concerned with two items: 1) air quality and 2) water quality. The timeline of events are follows: 1) 30-day comment period; 2) ADEM either grants or denies permits; 3) either party may appeal ADEM to the Circuit Court in Montgomery; 4) civil action in the Lee County Circuit Court. Last, Mr. Gunter reiterated the items they are requesting from the Commission include: 1) adopt a Resolution opposing the quarry due to the adverse impact on residents; 2) file comments with ADEM; 3) commit to providing financial assistance for legal representation; 4) allow County Attorney Stan Martin and his firm to participate.

Next, Mayor Fuller distributed a handout to each Commissioner containing bullet points on the issue. Mayor Fuller reiterated the need for the Commission's assistance in all the areas mentioned by Mr. Gunter. Further, Mayor Fuller thanked the Commission for their consideration in providing assistance in trying to deter the quarry from locating in Lee County.

Last, Mr. Herndon provided additional information pertaining to the quarry application. Mr. Herndon questioned "Who is Creekwood Resources LLC?" Mr. Herndon stated they list their address as Florence, Alabama, but stated their managing partner is in Bowling Green, Kentucky, not Alabama. Judge English questioned Mr. Herndon about the property of the proposed location being owned by Weyerhaeuser. Mr. Herndon stated that the proposal is for Weyerhaeuser to lease 169 acres to Creekwood Resources LLC. Further, Mr. Herndon asked the Commission why they should be concerned about this issue. First, Mr. Herndon stated the property values within ½ mile of the proposed quarry will decrease by 20% and decrease 8% within 3 miles. Mr. Herndon gave a personal account of 83 acres located on Saugahatchee Creek in Loachapoka. Mr. Herndon stated he has shown the property over the last four years, stating it is a beautiful piece of land, but when people go out to look at it, they can hear back-up alarms, blasting and grinding from the quarry in the vicinity, they quickly say no thanks. Mr. Herndon stated he would believe the property values would decrease more like 50% than 20%, according to his personal knowledge of the shared story. Mr. Herndon stated more important are safety concerns. Mr. Herndon stated Creekwood claims that a paramount factor is that the quarry must be located downwind from a metro area. Mr. Herndon indicated he had researched downwind and stated a majority of the time the wind is blowing toward Opelika, the metro area. The reason of concern for downwind is the air pollution, which could be harmful to our citizens. Mr. Herndon urged the Commission to get involved in this issue for the protection of its citizens. Judge English asked Mayor Fuller to email a copy of a proposed Resolution for Commission consideration. Commissioner Lawrence asked the Commission to authorize Judge English and Mr. Martin to draft a Resolution to send to ADEM. Commissioner Ham stated he would support a Resolution opposing the quarry and to submit a letter to ADEM requesting a public hearing; but would want County Administrator Roger Rendleman to look at the budget before committing to any financial assistance. Commissioner Eckman thanked Mayor Fuller for taking the initiative on the matter. Commissioner Ham thanked Mr. Herndon for his presentation and questioned the worth of 20 jobs it may bring to the county. Commissioner Eckman stated when

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the quarry located in Loachapoka the jobs created were filled by workers who relocated here from other locations. Commissioner LaGrand encouraged individuals to write to ADEM to request a public hearing by 5:00 p.m. on February 20. Commissioner Lawrence agreed and added that the letters must focus not only on emotion, but especially address air and water quality. Further, Commissioner Lawrence stated this was the first time the new chambers reached full capacity and thanked each person for taking their time to come tonight.

Judge English stated he learned Friday that the Community Center in Loachapoka has had some structural damage to the floor in the room that is used for the election and that the building may not be structurally sound to hold the upcoming March 3 election. Judge English explained that a structural engineer is expected to be there to inspect it today or tomorrow. Judge English stated the best option would be stay in the building but use the rear entrance. This option would require added expense for additional signs and a handicap ramp, which must be ADA compliant. Facilities Director Jerry Lynch indicated it would need approximately a 60 ft. ramp at the back entrance. Judge English stated if a move to Town Hall is necessary, there is the cost of mailing 2,100 postcards to all registered voters of the new voting location. Commissioner Eckman stated Town Hall seems to be the best option, except for limited parking. Commissioner LaGrand concurred. Commissioner LaGrand made a motion, seconded by Commissioner Lawrence of the three options: Plan A-no move necessary; Plan B-use rear classroom in Community Center; or Plan C-use Loachapoka Town Hall. The motion passed unanimously.

Next, Judge English stated an announcement was made this week about a commemorative event on March 3 at the West Campus facility at Providence Baptist Church which will interfere with the polling location there. Judge English stated he has talked to Pastor Rusty Sowell who indicated an alternative could be either use of a portable building at the back of the facility or move to the Fellowship Hall attached to the Church building across the street. Commissioner Eckman made a motion, seconded by Commission Ham to authorize Judge English to move the polling location at Providence Baptist Church as necessary due to the Commemorative Event taking place on March 3, 2020. The motion carried unanimously. Commissioner Ham suggested that Judge English and Pastor Sowell work out the details. Judge English stated Pastor Sowell and the Chief Inspector could work it out.

Judge English presented the Annual Levy of Alcoholic Beverages for FY2020-2021 and stated there were no changes in the fees. Commissioner Lawrence made a motion to approve the following Resolution to set the Annual Levy of Alcoholic Beverages for FY2020-2021. The motion was seconded by Commissioner Long and carried unanimously.

BE IT RESOLVED by the Lee County Commission that the County license levies for the sale of liquor, beer and wine for the fiscal year beginning October 1, 2020 to be set in the following amounts:

010 Lounge Retail Liquor – Class I	\$150.00
011 Lounge Retail Liquor – Class II (Package)	150.00
020 Restaurant Retail Liquor	150.00
031 Club Liquor – Class I	150.00
032 Club Liquor – Class II	375.00
040 Retail Beer – (On or Off Premises)	75.00
050 Retail Beer - (Off Premises Only)	75.00
060 Retail Table Wine – (On or Off Premises)	75.00
070 Retail Table Wine – (Off Premises Only)	75.00
080 Liquor Wholesale	500.00
090 Wholesale Beer Only	275.00
100 Wholesale Table Wine Only – 14.9% or Less	275.00
110 Wholesale Table Wine & Beer Combined	375.00
120 Warehouse License	100.00

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130 Additional Warehouse – Wine, Beer or Both	100.00
140 Special Events Retail	75.00
150 Special Retail License – 30 Days or Less	100.00
160 Special Retail – More than 30 Days	250.00
170 Retail Common Carrier	150.00
200 Manufacturer	500.00
210 Importer	250.00
220 Brewpub	500.00
230 International Motor Speedway	3,000.00

Sheriff Jones asked the Commission to consider passing a Resolution in support of local legislation for the office of Lee County Sheriff. Sheriff Jones stated the current qualifying requirements are basic and outdated. Several counties in the state have modified their requirements for the Office of Sheriff through local acts to reflect the demands of a contemporary criminal justice operation. Sheriff Jones stated he had left one item off his handout concerning an education requirement, but he would only suggest requiring a high school education or GED. Commissioner Eckman questioned why not require a person to have a bachelor's degree. Sheriff Jones defended that he has seen individuals with only a high school diploma be as successful as someone with a degree. The list of qualifications Sheriff Jones recommends are as follows: 1) resident of the United States; 2) resident of Lee County for at least one year prior to qualifying; 3) the person has the qualifications of an elector pursuant to state and federal laws and is registered to vote in Lee County at least one year immediately prior to qualifying; 4) the person is 25 years of age or older prior to qualifying; 5) the person at time of qualifying has three or more years of immediate prior service as a law enforcement officer having arrest powers; 6) the person has never been convicted of a felony; and 7) upon election, the Sheriff of Lee County shall attend annually a minimum of 20 hours of continuing education approved by the Alabama Sheriff's Association. Commissioner Lawrence questioned the age requirement and suggested raising it to 30 years of age. Sheriff Jones stated he has patterned it after what other counties have passed. Further, he stated he is trying to keep it open with basic qualifications. Judge English questioned how old a person must be to get APOST certified. Sheriff Jones stated 21 years of age. After more discussion, Commissioner Ham made a motion, seconded by Commissioner Lawrence to support local legislation for the Office of Lee County Sheriff. The motion carried unanimously.

RESOLUTION

WHEREAS, several counties in the State of Alabama have modified the requirements for Office of Sheriff through local acts to reflect the demands of contemporary criminal justice operations; and

WHEREAS, Lee County is currently operating under basic and outdated requirements and requests a local bill to modify the qualifications to include the following:

WHEREAS, the Sheriff of Lee County should be a resident of the United States, a resident of Lee County for at least one year immediately prior to qualifying, have the qualifications of an elector pursuant to state and federal laws, and be registered to vote in Lee County at least one year immediately prior to qualifying; and

WHEREAS, the person should be 25 years of age or older prior to qualifying, the person at the time of qualifying must have three or more years of immediate prior service as a law enforcement officer having power of arrest, the person cannot have ever been convicted of a felony and upon election, the Sheriff of Lee County shall attend annually a minimum of 20 hours of continuing education approved by the Alabama Sheriffs Association.

NOW THEREFORE, BE IT RESOLVED by the Lee County Commission, that the Lee County Legislative Delegation be asked to pass a local act modifying the current minimum

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qualifications for candidates for Lee County Sheriff.

County Engineer Justin Hardee presented a Federal Aid Agreement on Lee Road 197 for Commission consideration. Mr. Hardee stated it is for resurfacing Lee Road 197, from Lee Road 208 to Lee Road 240, approximately 2.364 miles in District 3. Mr. Hardee stated it is with the Columbus-Phenix City MPO and construction would begin in early summer. The total cost is \$1,102,175.55 with a 20% match by Lee County of \$220,435.11. Commissioner Long made a motion, seconded by Commissioner Ham to authorize the Chairman to execute the Federal Aid Resolution and Agreement for Lee Road 197 as presented. The motion carried unanimously.

RESOLUTION

BE IT RESOLVED, by the Lee County Commission as follows:

That the County enter into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation relating to a project for:
Full depth reclamation, pave and traffic stripe CR-197 from CR-208 to CR-240;
Length-2.364 miles; Project #STPPC-4118(252); LCP 41-147-17; CPMS Ref#100062982.
Which agreement is before this Commission, and that the agreement be executed in the name of the County, by the Chairman for and on its behalf and that it be attested by the County Clerk and the official seal of the County be affixed thereto.

BE IT FURTHER RESOLVED, that upon completion of the execution of the agreement by all parties, that a copy of such agreement be kept on file by the County.

FEDERAL AID AGREEMENT

This Agreement is made and entered into by and between the State of Alabama (acting by and through the Alabama Department of Transportation), hereinafter referred to the STATE; and the Lee County Commission, Alabama (FEIN 63-6001601), hereinafter referred to as the County.

WHEREAS, the State and the County desire to cooperate in the full depth reclamation, pave and traffic stripe CR-197 from CR-208 to CR-240. Length-2.364 miles. Project #STPPC-4118(252), LCP-41-147-17, CPMS Ref#100062982.

NOW THEREFORE, it is mutually agreed between the State and County as follows:

PART TWO (2): FUNDING PROVISIONS

- A. Project Funding: The State will not be liable for Federal Aid Funds in any amount. The project will be limited to \$881,740.44 Federal funds unless the Columbus/Phenix City Area Metropolitan Planning Organization agrees, subject to the approval of the State, to reprogram the allocated Federal funds for the Columbus/Phenix City Area sufficient to pay 80% of the project cost. In the event of an underrun in project costs, the amount of Federal Aid funds will be the amount stated below, or 80% of eligible project costs, whichever is less.
- B. The estimated cost and participation by the various parties is as follows:

FUNDING SOURCE	ESTIMATED COSTS
FA STP Funds (Columbus/Phenix City Dedicated)	\$881,740.44
County Funds	<u>\$220,435.11</u>
TOTAL (Incl CE&I)	\$1,102,175.55

It is further understood that this is a cost reimbursement program and no federal funds will be provided to the County prior to accomplishment of the work for which it is requested. Furthermore, no federal funds will be reimbursed for work performed prior to project authorization.

Any cost incurred by the County relating to this project which is determined to be ineligible for reimbursement by the Federal Highway Administration (FHWA), or in excess of the limiting amounts previously stated, will not be an eligible cost to the project and will be borne and paid by the County.

- C. Time Limit: This project will commence upon written authorization to proceed from the State directed to the County.

The approved allocation of funds for projects containing Industrial Access funds shall

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lapse if a contract has not been awarded for construction of the project within (12) months of the date of the funding approval by the Industrial Access Road and Bridge Corporation Board, and the approved allocation shall be returned to the IARB for reallocation. A time extension may be approved by the IARB upon formal request by the applicant.

The approved allocation of funds for projects containing Federal Transportation Alternative Set-Aside funds may lapse if a project has not been authorized by FHWA within (24) months of the date of the funding approval by the Governor, and the approved allocation shall be returned to the State for re-allocation. A time extension may be approved by the State upon formal request by the applicant. Failure to meet other project milestones, as set forth in the TAP Guidelines, may result in an approved allocation being returned to the State.

PART THREE (3): PROJECT SERVICES

- A. The County will furnish all Right-of-Way for the project. Associated Right-of-Way acquisition costs will not be an eligible cost as part of this Agreement. The Right-of-Way acquisition phase is hereby defined as the appraisal fees, appraisal review fees and the cost of acquisition incurred.

All work accomplished under the provisions of this Agreement will be accomplished on property owned by or which will be acquired by the County in accordance with applicable Federal and state laws, regulations, and procedures. Any exceptions to this requirement must be approved by the State in writing prior to incurring costs for which reimbursement is requested by the County. In cases where property is leased, or easements obtained, the terms of the lease or easement will not be less than the expected life of the improvements.

Acquisition of real property by the County as a part of this project will conform to and be in accordance with the provisions of the Federal Uniform Relocation Assistance & Real Property Acquisition Policies Act (49 CFR 24, Subpart B), all federal environmental laws, and all other applicable state and federal laws.

Any property or property interests acquired shall be in the name of the County with any condemnation or other legal proceedings being performed by the County.

The County shall follow all Federal regulations related to the Management, Leasing, and Disposal of Right-of-Way, uneconomic remnants and excess Right-of-Way as found in CFR 23 § 710 Subpart D. Proceeds for Leases and Disposals shall be credited to the Project or to the Title 23 Collector Account.

No change in use or ownership of real property acquired or improved with funds provided under the terms of this Agreement will be permitted without prior written approval from the State or FHWA. The State of FHWA will be credited on a prorate share, as provided in Part Two, Section B, any revenues received by the County from the sale or lease of property.

- B. The County will adjust and/or relocate all Utilities in conflict with the project improvements. Associated Utility costs will not be an eligible cost as part of this Agreement.

The County will relocate any utilities in conflict with the project improvements in accordance with applicable Federal and State laws, regulations, and procedures.

- C. The County will make the Survey, perform the Design, complete the Plans and furnish all Preliminary Engineering for the project with County forces or with a consultant approved by the State. Associated Survey, Design, Plan Preparation, and Preliminary Engineering costs will not be an eligible cost as part of this Agreement.

If any associated Survey, Design, Plan Preparation, and Preliminary Engineering costs are an eligible cost to the project, the County will develop and submit to the State a project budget for approval. This budget will be in such form and detail as may be required by the State. At a minimum, all major work activities will be described, and an estimated cost and source of funds will be indicated for each activity. A signature line will be provided for approval by the Region Engineer and date of such approval. All costs for which the County seeks reimbursement must be included in a budget approved by the State in order to be considered for reimbursement. Budget adjustments may be necessary and may be allowed, subject to the approval of the State in writing, in order to

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successfully carry out the project. However, under no circumstances will the County be reimbursed for expenditures over and beyond the amount approved by the State.

The County will undertake the project in accordance with this Agreement, plans approved by the State and the requirements and provisions, including the documents relating thereto, developed by the County and approved by the State. The plans, including the documents relating thereto, are of record in the Alabama Department of Transportation and are hereby incorporated in and made a part of this Agreement by reference. It is understood by the County that failure of the County to carry out the project in accordance with this Agreement and approved plans, including documents related thereto, may result in the loss of federal or state funding and the refund of any federal or state funds previously received on the project.

Projects containing Industrial Access funds or State funds, with no Federal funds involved, shall have completed original plans furnished to the State in accordance with the Guidelines for Operations for Procedures for Processing State and Industrial Access Funded County and City Projects, and attached hereto as a part of this Agreement prior to the County letting the contract.

- D. The County will furnish all construction engineering for the project with County forces or with a consultant approved by the State as part of the cost of the project. Construction Engineering & Inspection cost are not to exceed 5%, without prior approval by the State. Associated Construction Engineering & Inspection costs will be an eligible cost as part of this Agreement.
- E. The State will furnish the necessary inspection and testing of materials when needed as part of the cost of the project. The County may request the use of an approved third-party materials inspection and testing provider, as approved by the State.

PART FOUR (4): CONTRACT PROVISIONS

- A. The County shall not proceed with any project work covered under the provisions of this Agreement until the State issues written authorization to the County to proceed.
- B. Associated construction cost will be an eligible cost as part of this Agreement.

For projects let to contract by the State, the State will be responsible for advertisement and receipt of bids and the award of the Contract. Following receipt of bids and prior to the award of the Contract, the State will invoice the County for its pro rata share of the estimated cost as reflected by the bid of the successful bidder plus Engineering & Inspection and Indirect Costs (if applicable). The County shall pay this amount to the State no later than 30 days after the date bids are opened. Failure to do so may lead to the rejection of the bid.

For projects let to contract by the County, the County shall comply with all Federal and State laws, rules, regulations and procedures applicable to the advertisement, receipt of bids, and the award of the contract. The County will, when authorized by the State, solicit bids and make awards for construction and/or services pursuant to this Agreement. The County shall not solicit bids until the entire bid package (plans, specifications, estimates, etc.) has been reviewed and approved by the State. Following receipt of bids, the County will provide all bids to the State with a recommendation for award. The County shall not award the contract until it has received written approval from the State.

The purchase of project equipment and/or services financed in whole or in part pursuant to this Agreement will be in accordance with applicable Federal and State laws, rules, regulations, and procedures, including state competitive bidding requirements applicable to counties and municipalities in the State of Alabama when the purchase is made by any such entity.

- C. If necessary, the County will file an Alabama Department of Environmental Management (ADEM) National Pollutant Discharge Elimination System (NPDES) Notice of Registration (NOR) (Code Chapter 335-6-12) for this project without cost to the State or this project. The County will be responsible for compliance with the permit and the State will have no obligation regarding the permit. The County will furnish the State (Region) a copy of the permit prior to any work being performed by the contractor.

The County will secure all permits and licenses of every nature and description applicable to the project in any manner; conform to and comply with the requirements of any such permit or license; and comply with each and every requirement of any and all

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agencies, and of any and all lawful authorities having jurisdiction or requirements applicable to the project or to the project activities.

- D. The County will comply with the Alabama Department of Transportation Standard Specifications for Highway Construction, Latest Edition, on this project and will ensure that work associated on this project meets the standards of the Alabama Department of Transportation, and the project will be built in accordance with the approved plans.
- E. The County shall be responsible at all times for all of the work performed under this Agreement and, as provided in Ala. Code §11-93-2 (1975), the County shall indemnify and hold harmless the State of Alabama, the Alabama Department of Transportation, its officers, officials, agents, servants, and employees.
For all claims not subject to Alabama Code §11-93-2 (1975), the County shall indemnify and hold harmless the State of Alabama, the Alabama Department of Transportation, its officers, officials, agents, servants, and employees from and against any and all damages, claims, loss, liabilities, attorney's fees or expense whatsoever or any amount paid in compromise thereof arising out of, connected with, or related to the (1) work performed under this Agreement, (2) the provision of any services or expenditure of funds required, authorized, or undertaken by the County pursuant to the terms of this agreement, or (3) misuse, misappropriation, misapplication, or misexpenditure of any source of funding, compensation or reimbursement by the County, its officers, officials, agents, servants, and employees.
- F. The County will be obligated for the payment of damages occasioned to private property, public utilities or the general public caused by the legal liability (in accordance with Alabama and/or Federal law) of the County, its agents, servants, employees or facilities.
- G. Upon completion and acceptance of this project by the State, the County will assume full ownership and responsibility for the portion of the project work on County right-of-way and maintain the project in accordance with applicable State law and comply with the Department's Local Road Maintenance Certification Policy.

PART FIVE (5): ACCOUNTING PROVISION

- A. The County will, when appropriate, submit reimbursement invoices to the State for work performed in carrying out the terms of this Agreement. Requests for reimbursement will be made on forms provided by the State and will be submitted through the Region Engineer for payment. The County may invoice the State not more often than once per month for the funds due for worked performed under this Agreement. Invoices for payment will be submitted in accordance with state law and will indicate that the payment is due, true, correct, and unpaid, and the invoice will be notarized. Invoices for any work performed under the terms of this Agreement will be submitted within twelve (12) months after the completion and acceptance by the State of the work. Any invoices submitted after this twelve-month period will not be eligible for payment.
- B. The County will not assign any portion of the work to be performed under this Agreement or execute any contract, amendment or change order thereto, or obligate itself in any manner with any third party with respect to its rights and responsibilities under this Agreement, without the prior written approval of the State.
- C. The County will establish and maintain a cost accounting system that must be adequate and acceptable to the State as determined by the auditor of the State. All charges to the Project will be supported by properly examined invoices, contracts, or vouchers, as applicable, evidencing in proper detail the nature and propriety of the charges in accordance with the requirements of the State. All checks, invoices, contracts, vouchers, orders or other accounting documents pertaining in whole or in part of the project will be clearly identified, readily accessible and to the maximum extent feasible, kept separate and apart from all other such documents.

The County will report to the State the progress of the project in such manner as the State may require. The County will also provide the State any information requested by the State regarding the project. The County will submit to the State financial statements, data, records, contracts and other documents and items of any respect related to the project as may be requested by the State.

The County will permit the State, the Comptroller General of the United States, and the Secretary of the USDOT, or either of them or their respective authorized representatives,

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to inspect, at any time, vehicles and equipment utilized or used in performance of the project and any and all data and records which in any way relate to the project or to the accomplishment of the project. The County will also permit the above noted persons to audit the books, records and accounts pertaining to the project at any and all times, and the County will give its full cooperation to those persons or their authorized representatives, as applicable.

The County will comply with all audit requirements set forth in the 2 CFR Part 200 requirements, or the most current version of those requirements under federal law.

- D. The County will retain all books, records, and other documents relative to this Agreement for a minimum of three (3) years after project termination, expiration of Federal interest, or close out, and the State, the Comptroller General of the United States, and the Secretary of the USDOT, or either of them or their respective authorized representatives, will have full access to and the right to examine any of said materials at all reasonable times during said period.
- E. Any user fee or charge to the public for access to any property or services provided through the funds made available under this Agreement, if not prohibited by a Federal, State or local law, must be applied for the maintenance and long-term upkeep of the project authorized by this Agreement.
- F. An audit report must be filed with the Department of Examiners of Public Accounts, upon receipt by the County, for any audit performed on this project in accordance with Act No. 94-414.

PART SIX (6): MISCELLANEOUS PROVISIONS

- A. By entering into this Agreement, the County is not an agent of the State, its officers, employees, agents or assigns. The County is an independent entity from the State, and nothing in this Agreement creates an agency relationship between the parties.
- B. It is agreed that the terms and commitments contained in this Agreement shall not constitute a debt of the State of Alabama in violation of Article 11, Section 213 of the Constitution of Alabama, 1901, as amended by Amendment 26. It is further agreed that, if any provision of this Agreement shall contravene any statute or Constitutional provision or amendment, either now in effect or which may be enacted during the term of this Agreement, then the conflicting provision in this agreement shall be deemed null and void.
- C. By signing the Agreement, the contracting parties affirm, for the duration of the Agreement, that they will not violate Federal immigration law or knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama. Furthermore, a contracting party found to be in violation of this provision shall be deemed in breach of the Agreement and shall be responsible for all damages resulting therefrom.
- D. No member, officer, or employee of the County, during their tenure of employment and for one year thereafter, shall have any interest, direct or indirect, in this Agreement or the proceeds, profits, or benefits therefrom.
- E. The terms of this Agreement may be modified by revision of this Agreement duly executed by the parties hereto.
- F. This Agreement may be terminated by either party upon the delivery of a thirty (30) day notice of termination.
- G. Nothing shall be construed under the terms of this Agreement that shall cause any conflict with Section 23-1-63, Code of Alabama, 1975.
- H. Exhibits A, E, H, M and N are hereby attached to and made a part of this Agreement.

EXHIBIT A

PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPIRSES IN FEDERAL AID PROGRAM

Policy. It is the policy of the U.S. Department of Transportation that Disadvantaged Business Enterprises (DBE) as defined in 49 CFR Part 26 shall have the opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this Agreement. Consequently, the DBE requirements of 49 CFR Part 26 apply to this Agreement.

DBE Obligation. The recipient of funds under the terms of this Agreement agrees to

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ensure that Disadvantaged Business Enterprises as defined in 49 CFR Part 26 have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided under this agreement. The recipient shall take all necessary and reasonable steps in accordance with 49 CFR Part 26 to see that Disadvantaged Business Enterprises have the opportunity to compete for and perform contracts and shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of U.S. Department of Transportation assisted contracts. Failure of a recipient of funds under the terms of the Agreement, or failure of its subcontractor (if a subcontractor is authorized) to carry out the DBE requirements of this Agreement shall constitute a breach of contract, and may result in termination of the contract by the State, or such other remedy may be undertaken by the State as it deems appropriate.

EXHIBIT E

TERMINATION OR ABANDONMENT

- a. The State has the right to abandon the work or to amend its project at any time, and such action on its part shall in no event be deemed a breach of contract.
- b. The State has the right to terminate this Agreement at its sole discretion without cause and make settlement with the County upon an equitable basis. The value of the work performed by the County prior to the termination of this Agreement shall be determined. In determining the value of the work performed, the State shall consider the following:
 1. The ratio of the amount of work performed by the County prior to the termination of the Agreement to the total amount of work contemplated by this Agreement less any payments previously made.
 2. The amount of the expense to which the County is put in performing the work to be terminated in proportion to the amount of expense to which the County would have been put had he been allowed to complete the total work contemplated by the Agreement, less any payments previously made. IN determining the value of the work performed by the County prior to the termination, no consideration will be given to profit, which the County might have made on the uncompleted portion of the work. If the termination is brought about as a result of unsatisfactory performance on the part of the County, the value of the work performed by the County prior to termination shall be fixed solely on the ratio of the amount of such work to the total amount of work contemplated by this Agreement.

CONTROVERSY

In any controversy concerning contract terms, or on a question of fact in connection with the work covered in this project, including compensation for such work, the decision of the Transportation Director regarding the matter in issue or dispute shall be final and conclusive of all parties.

CONTRACT BINDING ON SUCCESSORS AND ASSIGNS

- a. This contract shall be binding upon the successors and assigns of the respective parties hereto.
- b. Should the Agreement be terminated due to default by County, such termination shall be in accordance with applicable Federal Acquisition Regulations.

EQUAL RIGHTS PROVISIONS

During the performance of this contract, the County for itself, its assignees and successors in interest agree as follows:

a. Compliance with Regulations

The County will comply with the Regulations of the Department of Transportation relative to nondiscrimination in federally-assigned programs of the Department of Transportation (Title 49, Code of Federal Regulations, Part 21, as amended by 23 CFR 710-405(b), hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities:

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including but no limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.* 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§12131-12189) as implemented by Department of Transportation regulations at 49 C.P.R. parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex)’
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environments effects on minority and low-income populations;
- Executive Order 13166, Improved Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discrimination because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).

b. Nondiscrimination

In accordance with Title VI of the Civil Rights Act, as amended, 42 U.S.C. §2000d, Section 303 of the Age Discrimination Act of 1975, as amended, 42 U.S.C. §6102, Section 202 of the Americans with Disabilities Act of 1990, 42 U.S.C. §12132, and Federal transit law at 49 U.S.C. §5332, the County agrees it will not discriminate against any employee or applicant for employment because of race, color, creed, national origin, sex, age, or disability. The County will not participate either directly or indirectly in the discrimination

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prohibited by Section 21.5 of the Regulations, including employment practices where the contract covers a program set forth in Appendix B of the Regulations.

The County will comply with all provision of Executive Order 11246 of September 24, 1965 as amended by Executive Order 11375, and of the rules, regulations (41 CFR, Part 60) and relevant orders of the Secretary of Labor.

c. Solicitations

In all solicitations either by competitive bidding or negotiation made by the County for work to be performed under a subcontractor, including procurements of materials or leases of equipment, each potential subcontractor, supplier or lessor shall be notified by the County of the County's obligation under this contract and the Regulations relative to nondiscrimination on the ground of race, color, religion, sex or national origin.

d. Information and Reports

The County will provide all information and reports required by the Regulations, or orders and instructions issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the State or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a County is in the exclusive possession of another who fails or refuses to furnish this information, the County shall so certify to the State, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

e. Sanctions for Noncompliance

In the event of the County's noncompliance with the nondiscrimination provisions provided for herein, the State shall impose such contract sanctions as it may determine to be appropriate, including but not limited to,

1. Withholding of payments to the County under contract until the County complies, and/or
2. Cancellation, termination or suspension of the contract, in whole or in part.

f. Incorporation of Provisions

The County will include the foregoing provisions a. through f. in every subcontract, including procurements of materials and leases of equipment, unless excepted by the Regulations, orders or instructions issued pursuant thereto. The County will take such action with respect to any subcontract, procurement, or lease as the State may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided, however, that in the event a County becomes involved in, or is threatened with, litigation with subcontractors, suppliers, or lessor as a result of such direction, the County may request the State to enter into such litigation to protect the interest of the State.

g. Equal Employment Opportunity – The following equal employment opportunity requirements apply to the underlying contract:

1. Race, Color, Creed, National Origin, Sex – In accordance with Title VII of the Civil Rights Act, as amended, 42 U.S.C. § 2000e, and Federal Transit laws at 49 U.S.C. § 5332, the County agrees to comply with all applicable equal employment requirements of U.S. Department of Labor (U.S. DOL) regulations. “Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor,” 41 C.F.R. Parts 60 et seq., (which implement Executive Order No. 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity,” 42 U.S.C. § 2000e note), and with any applicable Federal statutes, executive orders, regulations, and Federal policies that may in the future affect construction activities undertaken in the course of the Project.

The County agrees to take affirmative action to ensure that applicants are

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employed, and that employees are treated during employment, without regard to their race, color, creed, national origin, sex, or age. Such action shall include, but not limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. In addition, the County agrees to comply with any implementing requirements FTA may issue.

2. Age – In accordance with Section 4 of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 623 and Federal transit law at 49 U.S.C. § 5332, the County agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, the County agrees to comply with any implementing requirements FTA may issue.
3. Disabilities – In accordance with Section 102 of the Americans with Disabilities Act, as amended, 42 U.S.C. § 12112, the County agrees that it will comply with the requirements of U.S. Equal Employment Opportunity Commission, “Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act”, 29 C.F.R. Part 1630, pertaining to employment of persons with disabilities. In addition, the Contractor agrees to comply with any implementing requirements FTA may issue.

COST PRINCIPLES

The State’s cost principles for use in determining the allowability of any item of cost, both direct and indirect, in this Agreement, shall be the applicable provisions of Volume I, Federal Acquisition Regulations, Parts 30 and 31. The County shall maintain costs and supporting documentation in accordance with the Federal Acquisition Regulations, Parts 30 and 31 and other Regulations referenced with these Parts where applicable. The applicable provisions of the above referenced regulations documents are hereby incorporated by reference herein as if fully set forth.

EXECUTORY CLAUSE AND NON-MERIT SYSTEM STATUS

- a. The County specifically agrees that this Agreement shall be deemed executory only to the extent of moneys available, and no liability shall be incurred by the State beyond the moneys available for this purpose.
- b. The County, in accordance with the status of County as an independent contractor, covenants and agrees that the conduct of County will be consistent with such status, that County will neither hold County out as, or claim to be, an officer or employee of the State by reason hereof, and that County will not, by reason hereof, make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the State under the merit system or any other law of Alabama, including but not limited to workmen’s compensation coverage, or retirement membership or credit or an Federal employment law. This paragraph also applies in like manner to the employees of County.

COUNTY’S CERTIFICATIONS

The County by acceptance of this contract certifies that the rates or composition of cost noted in Article IV – PAYMENTS are based on the current actual hourly rates paid to employees, estimated non-salary direct cost based on historical prices, the latest available audited indirect cost rate, and estimated cost of reimbursements to employees for travel (mileage, per diem, and meal allowance) based on the current policy of the County. The County agrees that mileage reimbursements for use of company vehicles is based on the lesser of the approved rate allowed by the General Services Administration of the United States Government or the reimbursement policies of the County at the time of execution of the Agreement. The County agrees that no mileage reimbursement will be allowed for the purpose of commuting to and from work or for personal use of a vehicle. The County agrees that the per diem rate will be limited to the rate allowed by the State at the time of execution of the Agreement. The County agrees that a meal allowance shall be limited to County employees while in travel status only and only when used in lieu of a per diem rate.

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The County shall submit detailed certified labor rates as requested, and in a timely manner, to the External Audits Section of the Finance and Audits Bureau of the Alabama Department of Transportation. The County agrees that material differences between rates submitted with a proposal and rates provided as certified for the same proposal are subject to adjustment and reimbursement.

EXHIBIT M

CERTIFICATION FOR FEDERAL-AID CONTRACTS: LOBBYING

This certification is applicable to the instrument to which it is attached whether attached directly or indirectly with other attachments to such instrument.

The prospective participant/recipient, by causing the signing of and the submission of this Federal contract, grant, loan, cooperative Agreement, or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, and the person signing same for and on behalf of the prospective participant/recipient each respectively certify that to the best of the knowledge and belief of the prospective participant or recipient and of the person signing for and on behalf of the prospective participant/recipient, that:

- a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the prospective participant/recipient or the person signing on behalf of the prospective participant/recipient as mentioned above, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, the prospective participant/recipient shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U. S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The prospective participant/recipient also agrees by submitting this Federal contract, grant, loan, cooperative agreement or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, that the prospective participant/recipient shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such subrecipients shall certify and disclose accordingly.

EXHIBIT N

FUNDS SHALL NOT BE CONSTITUTED AS DEBT

It is agreed that the terms and commitments contained herein shall not be constituted as a debt of the State of Alabama in violation of Article 11, Section 213 of the Constitution of Alabama, 1901, as amended by Amendment Number 26. It is further agreed that if any provision of this Agreement shall contravene any statute or Constitutional provision of amendment, either now in effect or which may, during the course of this Agreement, be enacted, then the conflicting provision in this Agreement shall be deemed null and void.

When considering settlement of controversies arising from or related to the work covered by this Agreement, the parties may agree to use appropriate forms of non-binding alternative dispute resolution.

TERMINATION DUE TO INSUFFICIENT FUNDS

- a. If the agreement term is to exceed more than one fiscal year, then said agreement is subject to termination in the event that funds should not be appropriated for the continued payment of the agreement in subsequent fiscal years.

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- b. In the event of proration of the fund from which payment under this Agreement is to be made, agreement will be subject to termination.

NO GOVERNMENT OBLIGATION TO THIRD PARTY CONTRACTORS

The State and County acknowledge and agree that, notwithstanding any concurrence by the Federal Government in or approval of the solicitation or award of the underlying contract, absent the express written consent by the Federal Government, the Federal Government is not a party to this contract and shall not be subject to any obligations of or liabilities to the State, County, or any other party (whether or not a party to that contract) pertaining to any matter resulting from the underlying contract.

The County agrees to include the above clause in each subcontract financed in whole or in part with Federal assistance provided to FHWA. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subject to its provisions.

Mr. Hardee presented a request to amend the Lee County Subdivision and Land Development Regulations to remove the five-lot shared driveway exemption due to the recent issues involving non-county maintained driveways. Mr. Hardee indicated that the Highway Department would like to remove the exemption in the subdivision regulations that allows the creation of up to five (5) lots sharing a common non-county maintained driveway to halt any more developments being created that utilize this exemption. The Highway Department will come back to the Commission at a later meeting to make a recommendation for an alternate policy. Mr. Hardee stated in accordance with Section 10-4 of the regulations, the amendment will take effect thirty-one (31) days after action by the Commission; and, the amendment shall not apply to any plat submitted prior to the date the amendment takes effect. No action by the Commission was necessary.

Mr. Hardee presented a request, upon final inspection, to accept Royal Oaks Subdivision, Phase II for county maintenance. Mr. Hardee stated the subdivision completed the required maintenance period by the owner and all improvements have been completed. Mr. Hardee recommended the Commission accept Lee Road 2194 and Lee Road 2203 in the subdivision for permanent maintenance by the Highway Department. Commissioner Long made a motion, seconded by Commissioner Lawrence to accept Lee Road 2194 and Lee Road 2203 in Royal Oaks Subdivision, Phase II for maintenance. The motion carried unanimously.

Governmental Relations/Safety Coordinator Wendy Swann presented a request to place an ad in a magazine being published by the Opelika Observer in honor of the victims and survivors of the March 3, 2019 tornadoes. Mrs. Swann indicated a full-page ad is \$500. The magazine will be published near the March 3 anniversary of the storms and will pay tribute to the victims, highlighting some survival stories and showcasing the incredible community response to the recovery efforts. Commissioner LaGrand made a motion, seconded by Commissioner Ham to approve the request of a full-page ad in the Opelika Observer magazine to commemorate the March 3 tornadoes. The motion carried unanimously.

Commissioner Lawrence stated out of 18 applicants for the position of EMA Director the top two, Chris Tate and Rita Smith, are in attendance today to be interviewed by the Commission. Commissioner Lawrence stated he was one of the five members of the selection committee, the other members in attendance include: Sheriff Jay Jones, Auburn Fire Chief John Lankford, and Smiths Station Councilman Ed Adams. Opelika Fire Chief Byron Prather was unable to attend due to a training exercise. Commissioner Lawrence thanked each member for their time and diligence in this process. Commissioner Lawrence stated interviews were held on January 23 and 28 and afterwards the top two candidates were selected by the committee. Judge English stated the process tonight is that four questions will be asked of each candidate. First, the two candidates will be excused and brought back in one by one. At the end both will be

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invited back. First, Judge English performed housekeeping duties asking how the Commission wished to address anyone in attendance who wanted to show public support of either of the candidates; if they wanted to hear from them before or after the interview process. Next, Judge English asked for a show of hands of anyone in support of Rita Smith and two individuals raised their hand. Next, Judge English asked the same if there was anyone in attendance to speak in support of Chris Tate; there was no response. Judge English stated to be fair as possible to both candidates, no comments would be allowed on behalf of either candidate. Upon that decision, Judge English presented a coin and asked Leah Howell to call heads or tails to determine which candidate would be interviewed first. Mrs. Howell called heads and after hesitation asked that Ms. Smith be interviewed last.

The following four questions were asked of each candidate with an opportunity for each to give their responses. They were: 1) If offered the position, what would be your vision for Lee County EMA; 2) Briefly describe your leadership style; 3) In the event of a major disaster, what would you see as your role as EMA Director? What would you see as the role of the Commission members; and, 4) Tell us why you are the best candidate for the position of EMA Director.

At the conclusion of the interviews, Judge English asked if there was any action to be taken, Commissioner Long made a motion, seconded by Commissioner Eckman to offer the EMA Director position to Chris Tate. The motion carried on a vote of 3-2 with Commissioners Ham and LaGrand voting "No".

Commissioner Lawrence at approximately 6:45 p.m. made a motion to adjourn. The motion was seconded by Commissioner Long and carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, FEBRUARY 24, 2020

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, February 24, 2020 at 5:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Judge English.

The Chairman declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Sheila Eckman, Johnny Lawrence, Gary Long, Robert Ham and Richard LaGrand. Elected Officials in attendance: Sheriff Jay Jones and Coroner Bill Harris. News media in attendance: Opelika Observer reporter Michelle Key, Opelika-Auburn News reporter Mike Eads.

Several citizens addressed the Commission during Citizen Communications. Fred Woods spoke on the EMA director selection process. He stated that the selection committee presented two highly qualified candidates to the Commission following a lengthy process. The Commission then selected a candidate who later turned the position down, leaving one highly qualified candidate remaining. He encouraged the Commission to name the remaining qualifying candidate to the position of EMA Director. Coroner Bill Harris then spoke regarding the same topic and said the remaining candidate, Rita Smith, should be given an opportunity and be appointed as the new EMA Director.

Mr. Ernest Griggs spoke and first congratulated Commissioner LaGrand on his 34 years of work as DJ Xcetera and then asked what the procedure was concerning land acquisition for recreation facilities in Loachapoka. As a Recreation Board member, he would like to see Loachapoka have land similar to Smiths Station, Beulah and Beauregard. He said they have found a few places that are affordable and could be maintained. The second question concerned using the Loachapoka Town Hall as a voting location. He said he was concerned with the traffic for citizens that would have to cross the roadway. He asked if the Commission had considered speaking to Rev. Shealey at Mount Zion to use their facility because of space and ease of parking.

John Sophocles then spoke and thanked Fred Woods for speaking regarding the EMA Director position. He said he would like the Commission to address the dismissal of the previous EMA director and hiring of a new one. He also thanked the Commission for including claims in the public packet and asked that they not act on the Lee County Access Management Policy item, as the public hasn't had time to review the proposed changes.

Mr. Lance Farrow spoke and stated that his individual liberty to carry a concealed weapon would not be infringed upon and would not renew his permit to carry a concealed weapon.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: listing of claims and minutes of the February 10 meeting. Commissioner Ham made a motion, seconded by Commissioner Eckman to approve the consent agenda items as presented. The motion carried unanimously.

Judge English stated that Building Inspection had received a letter stating the Community Center in Loachapoka has been deemed unsafe for public use by a structural engineer and has been closed by the Town of Loachapoka, which owns the building. He said the previous contingency plans of utilizing a portion of that location are no longer in consideration and using the Town Hall has to be considered. Discussions were held with other organizations for other facilities; however, those potential changes could not happen in time for the Primary Election. The law requires a run-off election to be held at the same location as the primary, so the March 3 primary and March 31 run-off will be at the Loachapoka Town Hall. Postcards were being mailed out to all voters that vote there to inform them of the change. Judge English said he may approach the Commission at a later date to propose something better following the primary and run-off. He said he understands the concerns voiced but given the time frame there was not much other choice.

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Judge English then brought up the EMA Director position item on the agenda to see what the wishes of the Commission were regarding the position. Commissioner Eckman stated she would like to hear from Human Resources to find out what we are legally able to do because of potential pitfalls. HR Director Erica Norris stated that reposting the position or going with a second option would be up to the Commission. Commissioner Eckman asked what the advertising timeframe would be if the Commission chose to start the process over. Judge English gave an example in the Probate Office of choosing to fill a position with the next candidate or reopening the position after a candidate turned it down and stated that would be a decision for the Appointing Authority. The Appointing Authority of the EMA Director is the County Commission, so it would be up to the body to make that decision in this case.

Commissioner Ham spoke regarding the position and stated that Rita Smith was the Number 2 choice of the committee and is highly trained and qualified for the position. He stated she didn't receive the training to go elsewhere, she wanted to remain in Lee County. She had proven to him that she was capable of being the director due to her stepping up to fill the position following the resignation of former director Kathy Carson. He commended her on her work during the March 3 tornados and afterward. His concern was that if we don't give her the opportunity, she will leave and we would not have any experienced staff in EMA should an emergency event occur again. He stated that during her time working as acting director she has made a plan of how to improve the department to make it better. He said he was grateful for the leadership the county had during the March 3 event. He stated this position was not a stepping-stone position for her and that she wants to build the department back up and retire from here. He said starting over is not a good option because we received 18 applicants and he feels many of the previous candidates may not apply again. He stated that if she does something that the Commission disagrees with, they could terminate her at any time, but that she deserves a chance.

Commissioner LaGrand stated Ms. Smith was the No. 1 candidate in his mind. He said the county is coming up on the first anniversary of the March 3 tornadoes and is facing the possibility of a man-made disaster with the potential location of a quarry in the area. He said he fully supports Rita Smith as the EMA Director and would make a motion to do so. Commissioner Ham then seconded the motion.

Further discussion followed with Commissioner Lawrence asking County Administrator Roger Rendleman what other options the Commission could consider before taking a vote on the motion. Mr. Rendleman stated some of the options have already been discussed but the Commission did ask the committee to bring names forward, which they did. He said the Commission then interviewed two candidates and made an offer which was accepted; that candidate then had circumstances change and when the offer letter was presented, the candidate declined. He said other options the Commission can consider would be to: 1) hire the second candidate; 2) ask the committee to present additional names; 3) start the process over; or 4) use a different process, such as hiring a consulting firm. Mr. Rendleman did ask that the Commission make a decision so the process can move forward, as the department can't continue to operate as it has been.

Commissioner Lawrence said he didn't feel there were any concerns about the recommendations that were made, as the committee did what it was asked to do. He stated that Commissioner Ham stated she could be terminated at any point, but that as a classified employee, that was not how that process worked and asked Mr. Rendleman for clarification.

Mr. Rendleman said that position is a classified position and any classified employee goes through a minimum six-month probation period; for professional staff that probation period is one year, and the EMA Director would be considered a professional position. He said Commissioner Ham was correct in that anyone in that position could be replaced anytime in that one year probation period, but that after a year they have an equity stake in their job and the Commission would have to go through a similar process as the Commission went through with the previous EMA Director, including an investigation, and an executive session as a determination hearing. The termination process is a little more difficult when an employee

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, FEBRUARY 24, 2020

answers to the Commission as a body as opposed to answering to an individual Appointing Authority.

Commissioner Lawrence then asked who the Director would report to in day-to-day operations. Commissioner Ham said it would be five bosses; Judge English clarified that the position works for the Commission as a body, not for individual commissioners. Commissioner Ham then stated that he would hope she would contact each commissioner individually.

The motion to appoint Rita Smith as EMA Director passed on a 4-1 vote, with Commissioner Long voting "No".

Mr. Calvin Bellamy came before the Commission regarding the condition of Lee Road 246. He said all the rain has caused the road to further deteriorate. He asked if the Commission could do something such as additional topsoil or gravel. County Engineer Justin Hardee said Highway Supervisor Billy Yarbrough looked at the roadway and stated that there are areas that could use improvements. However, until the weather clears taking additional equipment out would cause the situation to worsen. He said when it clears later in the week the Highway Department will go out and work the road and see if adding more material is necessary to improve the roadway. Mr. Bellamy also asked about the getting a water main from the Smiths Station Waterworks since his area doesn't have enough water to fight house fires. Judge English said the Commission has no authority over the water board and encouraged him to attend a Smiths Station water board meeting.

Mr. Rendleman presented a lodging tax revenue administration agreement with AVENU Insights and Analytics (former Alatax and RDS) for collection services regarding Lee County lodging tax. This tax is a 2% tax collected county-wide that funds the Auburn-Opelika Tourism Bureau. As the taxing authority for the county, we levy the tax, but the Bureau receives the monies directly; this is just a renewal of the agreement currently in place with the same terms. Mr. Rendleman asked the Commission to approve the agreement for another three years. Commissioner Lawrence made the motion which was seconded by Commissioner Long. The motion passed unanimously.

Mr. Hardee then presented the subdivision regulation changes initially discussed at the last meeting and based on concerns about shared driveways and shared roadways not maintained by anyone. He stated at the last meeting the Commission suspended the portions of the regulations which allowed that, and tonight is being presented with recommended changes for consideration which do not have to be voted on during the Commission meeting tonight. He said a spreadsheet was included in the packets that showed the recommendations the Highway Department made that would do away with the idea that someone could create a road that does not have to meet county standards. He stated the new regulations would allow for the construction of private roads that would not be county maintained, but that they must be built to county standards. Also, the proposed standards would no longer allow for shared driveways with more than two lots. The 1,000 feet distance limit on shared driveways would no longer be applicable. This would prevent citizens from purchasing property on newly created unmaintained dirt roads. Mr. Hardee stated previous regulations allowed up to five lots to access a shared driveway not maintained by the county. The proposed new regulations allow up to 10 lots to access a county-maintained roadway, with minimum lot sizes of one-acre, minimum road frontage of 125 feet per lot, a 50 foot right-of-way with open ditches, 18 feet of pavement instead of 20, a minimum shoulder width of 2 feet. A cul-de-sac is still required at the end of the road to allow service vehicles to turn around safely. In addition, construction plans, hydraulic reports and a bond for 2 years are also required, and the bond must be renewed until the subdivision is 70% built out. If the Commission approves these changes after reviewing them, they would allow the County Commission to accept the roadways for maintenance at the end of the bonding period. He stated this would also help citizens with purchasing or selling houses because they

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would be on county-maintained roads.

Commissioner Long asked when this would go into effect and Mr. Hardee said it would go into effect 30 days after the Commission adopts the regulations. Commissioner Ham said he would be concerned if the Commission didn't address the situation. Commissioner Long stated the Commission is trying to correct previous decisions made years ago that caused the situation to happen.

Commissioner Lawrence asked if the pavement widths being considered are consistent with other county road policies. Mr. Hardee said yes, the buildup for the roadway, i.e. thickness, of base material and asphalt is the same as larger than 10 lot subdivisions under subdivision regulations. Widths are dictated by amount of traffic on the roadway and what is anticipated. With no more than 10 lots, the 18-foot width is ample for the traffic. Commissioner Eckman asked if passed tonight when does it go into effect and if there were projects that would be affected by the new regulations. Mr. Hardee said it would take 30 days after the adoption of the amendments to go into effect and there are a few projects that developers are planning on submitting during the 30 days and they would be grandfathered in under the old regulations if appropriately submitted.

Commissioner Ham then made a motion to approve the recommendations which was seconded by Commissioner Long. The motion passed unanimously.

Mr. Hardee stated that the Commission was approached last year by the Lee County Board of Education to aid in getting infield material for ballfields for school usage and community recreation leagues. Mr. Hardee said he sought Commission approval as the request involved work off the county rights-of-way. The material was loaded by Russell County and transported by the Lee County Highway Department and dumped in location on ballfields. The same request for transportation and dumping has come back before Commissioner Long and the Highway Department this year in preparation of the spring ball season.

Commissioner Lawrence then asked if the Smiths Station Park needed any material so it could be done on the same day. Mr. Hardee said he would certainly ask but did not want to overcommit the amount of material that has already been agreed to be donated.

Commissioner Long made the motion to approve which was seconded by Commissioner Ham and passed unanimously.

John McDonald presented the annual ADEM recycling grant. He stated the county has participated every year since 2009 and received over \$500 million in funds to purchase equipment and supplies. He requested approval to pass the following resolution:

RESOLUTION

WHEREAS, the Alabama Department of Environmental Management has the authority to award grants under the Alabama Recycling Fund Grant Program to which collective governments are more likely to be funded;

WHEREAS, Lee County will partner with the City of Opelika, the City of Auburn and Auburn University to secure the grant funds to further recycling efforts to remove material from the landfill and to protect the environment; and

WHEREAS, this grant application focuses on purchasing equipment to further our recycling efforts.

BE IT RESOLVED by the Lee County commission, Alabama, as follows:

1. Authorization for participation in a partnership committee.
2. Authorization is given to submit a Grant Application under said program.
3. Authorization is given to the Commission Chairman to sign any and all documents to secure said grants.

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Commissioner Ham made the motion which was seconded by Commissioner Lawrence and passed unanimously

Mr. Hubbard stated Lee County participates in the National Flood Insurance Program and because of that FEMA periodically asks for participating counties to update the Flood Damage Prevention Resolution. He said FEMA also gives recommendations on language and guidance they would like to see included in the resolution. A copy of the new resolution updated from the previous one with changes italicized was included in the Commission packets. Mr. Hubbard apologized for the shorter timeframe as it must be completed by March 6.

Commissioner Eckman made a motion to approve the following resolution as presented. The motion was seconded by Commissioner LaGrand and passed unanimously:

**FLOOD DAMAGE PREVENTION RESOLUTION
Lee County, Alabama (Unincorporated Areas)
2020 Update**

ARTICLE 1

Statutory Authorization, Findings of Fact, Purpose and Objectives

SECTION A **STATUTORY AUTHORIZATION**

The Legislature of the State of Alabama has in Title 11, Chapter 19, Sections 1-24, Chapter 45, Sections 1-11, Chapter 52, Sections 1-84, and Title 41, Chapter 9, Section 166 of the Code of Alabama, 1975, authorized local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Lee County Commission, of Lee County, Alabama, does ordain as follows:

SECTION B **FINDINGS OF FACT**

- (1) The flood hazard areas of Lee County, Alabama are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood relief and protection, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- (2) These flood losses are caused by the occupancy in flood hazard areas of uses vulnerable to floods, which are inadequately elevated, flood proofed, or otherwise unprotected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

SECTION C **STATEMENT OF PURPOSE**

It is the purpose of this resolution to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (2) restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;

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- (3) control filling, grading, dredging and other development which may increase flood damage or erosion;
- (4) prevent or regulate the construction of flood barriers which will unnaturally divert flood waters, or which may increase flood hazards to other lands; and
- (5) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.

SECTION D **OBJECTIVES**

The objectives of this resolution are:

- (1) to protect human life and health;
- (2) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodplains;
- (3) to help maintain a stable tax base by providing for the sound use and development of flood prone areas in such a manner as to minimize flood blight areas,
- (4) to minimize expenditure of public money for costly flood control projects;
- (5) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (6) to minimize prolonged business interruptions, and
- (7) to ensure that potential home buyers are notified that property is in a flood area.

ARTICLE 2

GENERAL PROVISIONS

SECTION A **LANDS TO WHICH THIS RESOLUTION APPLIES**

This resolution shall apply to all Areas of Special Flood Hazard within the jurisdiction of Lee County, Alabama.

SECTION B **BASIS FOR AREA OF SPECIAL FLOOD HAZARD**

The Areas of Special Flood Hazard identified by the Federal Emergency Management Agency in its **Flood Insurance Study (FIS), dated November 2, 2011**, with accompanying maps and other supporting data **and any revision thereto**, are adopted by reference and declared a part of this ordinance. For those land areas acquired by a municipality through annexation, the current effective FIS and data for Lee County, Alabama are hereby adopted by reference. Areas of Special Flood Hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in the FIS.

When Preliminary Flood Insurance Studies and Flood Insurance Rate Maps have been provided by FEMA to Lee County:

- (1) Prior to the issuance of a Letter of Final Determination (LFD) by FEMA, the use of the preliminary flood hazard data shall only be required where no base flood elevations and/or floodway areas exist or where the preliminary base flood elevations or floodway area exceed the base flood elevations and/or floodway widths in the

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effective flood hazard data provided by FEMA. Such preliminary data may be subject to revision through valid appeals.

- (2) Upon the issuance of a Letter of Final Determination (LFD) by FEMA, the revised flood hazard data shall be used and replace all previously effective flood hazard data provided by FEMA for the purposes of administrating these regulations.

Where adopted regulatory standards conflict, the more stringent base flood elevation shall prevail. Preliminary FIS data may be subject to change by a valid appeal.

SECTION C: ESTABLISHMENT OF A FLOODPLAIN DEVELOPMENT PERMIT

A Development Permit shall be required in conformance with the provisions of this resolution PRIOR to the commencement of any development activities in identified areas of special flood hazard and **community flood hazard areas** within the community.

SECTION D. COMPLIANCE

No structure or land shall hereafter be located, extended, converted or altered without **full compliance** with the terms of this resolution and other applicable regulations.

SECTION E. ABROGATION AND GREATER RESTRICTIONS

This resolution is not intended to repeal, abrogate, or impair any existing ordinance, easements, covenants, or deed restrictions. However, where this resolution and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION F. INTERPRETATION

In the interpretation and application of this resolution all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body, and (3) deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION G. WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this resolution is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur; flood heights may be increased by man-made or natural causes. This resolution does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This resolution shall not create liability on the part of Lee County or by any officer or employee thereof for any flood damages that result from reliance on this resolution or any administrative decision lawfully made thereunder.

SECTION H. PENALTIES FOR VIOLATION

- (1) Notice of Violation. If the community determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, or the provisions of this resolution, it shall issue a written notice of violation, by certified return receipt mail, to such applicant or other responsible person. Where the person is engaged in activity covered by this resolution without having first secured a permit, the notice shall be served on the owner or the responsible person in charge of the activity being conducted on the site. The notice of violation shall contain:
 - (a) The name and address of the owner or the applicant or the responsible person;
 - (b) The address or other description of the site upon which the violation is occurring;
 - (c) A statement specifying the nature of the violation;

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- (d) A description of the remedial measures necessary to bring the action or inaction into compliance with the permit or this resolution and the date for the completion of such remedial action;
 - (e) A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed, and;
 - (f) A statement that the determination of violation may be appealed to the community by filing a written notice of appeal within ten (10) days after the notice of violation (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hour notice shall be sufficient).
- (2) Additional Enforcement Actions. If the remedial measures described in the Notice of Violation have not been completed by the date set forth for such completion in the Notice of Violation, any one or more of the following enforcement actions may be enacted against the person to whom the Notice of Violation was directed. Before taking any of the following actions or imposing any of the following penalties, the Floodplain Administrator shall first notify the applicant or other responsible person in writing of its intended action. The Floodplain Administrator shall provide reasonable opportunity, of not less than ten days (except, that in the event the violation constitutes an immediate danger to public health or public safety, 24-hour notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the Floodplain Administrator may take or impose any one or more of the following enforcement actions or penalties:
- (a) Stop Work Order: The community may issue a stop work order, which shall be served on the applicant or other responsible person. The stop work order shall remain in effect -until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take the necessary remedial measures to cure such violation or violations.
 - (b) Termination of utility services and/or withhold or revoke Certificate of Occupancy: The community may terminate utilities and/or refuse to issue and/or revoke a certificate of occupancy for the building or other improvements and/or repairs conducted or being conducted on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein.
 - (c) Suspension, revocation, or modifications of permit: The community may suspend, revoke, or modify the permit authorizing the development project. A suspended, revoked, or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the community may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
 - (d) Civil or Criminal penalties: Violation of the provisions of this resolution or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions shall constitute a misdemeanor. Any person who violates this resolution or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than **\$500.00** or imprisoned for not more than **30** days, or both, and in addition, shall pay all costs and expenses involved in the case: Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Lee County Commission from taking such other lawful actions as is necessary to prevent

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or remedy any violation.

- (e) Section 1316 Declaration: Section 1316 of the National Flood Insurance Act authorizes FEMA to deny flood insurance to a property declared by the State, County, or Municipal government to be in violation of the local floodplain management ordinance. A Section 1316 declaration shall be used when all other legal means to remedy a violation have been exhausted and the structure is noncompliant. Once invoked, the property's flood insurance coverage will be terminated and no new or renewal policy can be issued; no flood insurance claim can be paid on any policy on the property, and disaster assistance will be denied.

The declaration must be in writing (letter or citation), from the community to the property owner and the applicable FEMA Regional Office, and must contain the following items:

- i. The name(s) of the property owner(s) and address or legal description of the property sufficient to confirm its identity and location;
- ii. A clear and unequivocal declaration that the property is in violation of a cited State or local law, regulation or ordinance;
- iii. A clear statement that the public body making the declaration has authority to do so and a citation to that authority;
- iv. violation and the prospective denial of insurance; and
- v. A clear statement that the declaration is being submitted pursuant to section 1316 of the National Flood Insurance Act of 1968, as amended.

If a structure that has received a Section 1316 declaration is made compliant with the community's floodplain management ordinance, then the Section 1316 declaration can be rescinded by the community and flood insurance eligibility restored.

- (3) Administrative appeal; judicial review. Any person receiving a Notice of Violation may appeal the determination of the community, including but not limited to the issuance of a stop work order, the assessment of an administratively-imposed monetary penalty, the suspension, revocation, modification, or grant with condition of a permit by the community upon finding that the holder is in violation of permit conditions, or that the holder is in violation of any applicable ordinance or any of the community's rules and regulations, or the issuance of a notice of bond forfeiture.

The Notice of Appeal must be in writing and must be received within ten (10) days from the date of the Notice of Violation. A hearing on the appeal shall take place within thirty days from the date of receipt of the Notice of Appeal by the Floodplain Administrator.

- (4) All appeals shall be heard and decided by the community's designated Appeals Board, which shall be the Lee County Commission, or their designees. The Appeals Board shall have the power to affirm, modify, or reject the original penalty, including the right to increase or decrease the amount of any monetary penalty and the right to add or delete remedial actions required for correction of the violation and compliance with the community's flood damage prevention resolution, and any other applicable local, state, or federal requirements. The decision of the Appeals Board shall be final.
- (5) A judicial review can be requested by any person aggrieved by a decision or order of the community, after exhausting his/her administrative remedies. They shall have the right to appeal de novo to the Lee County Circuit Court.

- (6)

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SECTION I. SAVINGS CLAUSE

If any section, subsection, sentence, clause, phrase, or word of this resolution is for any reason held to be noncompliant with 44 Code of Federal Regulation 59-78, such decision shall not affect the validity of the remaining portions of this resolution.

ARTICLE 3
ADMINISTRATION

SECTION A DESIGNATION OF FLOODPLAIN ADMINISTRATOR

The **Chief Building Official of Lee County** is hereby appointed to administer and implement the provisions of this resolution.

SECTION B PERMIT PROCEDURES

Application for a Development Permit shall be made to the Floodplain Administrator on forms furnished by the community **PRIOR** to any development activities, and may include, but not be limited to, the following: Plans in duplicate drawn to scale showing the elevations of the area in question and the nature, location, dimensions, of existing or proposed structures, fill placement, storage of materials or equipment, and drainage facilities.

Specifically, the following procedures and information are required for all projects in the Special Flood Hazard Areas within the jurisdiction of Lee County:

(1) Application Stage

Plot plans are to include:

- (a) The Base Flood Elevation (BFE) where provided as set forth in Article 2, Section B; Article 4, Section C; or Article 5, Section D;
- (b) Boundary of the Special Flood Hazard Area and floodway(s) as delineated on the FIRM or other flood map as determined in Article 2, Section B;
- (c) Flood zone designation of the proposed development area as determined on the FIRM or other flood map as determined in Article 2, Section B;
- (d) Elevation in relation to mean sea level (or highest adjacent grade) of the regulatory lowest floor level, including basement, of all proposed structures;
- (e) Elevation in relation to mean sea level to which any non-residential structure will be flood proofed;
- (f) Design certification from a registered professional engineer or architect that any proposed non-residential flood-proofed structure will meet the flood-proofing criteria of Article 4, Sections B(2) and E(2);
- (g) A Foundation Plan, drawn to scale, that shall include details of the proposed foundation system to ensure all provisions of this resolution are met. These details include, but are not limited to, the proposed method of elevation (i.e., fill, solid foundation perimeter wall, solid backfilled foundation, open foundation on columns/posts/piers/piles/shear walls) and description of any flood openings required in accordance with Article 4, Sections B(1), B(3), D(7), and E(1) when solid foundation perimeter walls are used.
- (h) Usage details of any enclosed areas below the lowest floor shall be described.
- (i) Plans and/or details for the protection of public utilities and facilities such as sewer, gas, electrical, and water systems to be located and constructed to minimize flood damage.
- (j) Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development including current and proposed locations of

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the watercourse. An engineering report shall be provided on the effects of the proposed project on the flood-carrying capacity of the watercourse and the effects to properties located both upstream and downstream. The affected properties shall be depicted on a map or on the plot plan.

- (k) Certification of the plot plan by a licensed professional engineer or surveyor in the State of Alabama is required.

(2) **Construction Stage**

For all new construction and substantial improvements, the permit holder shall provide to the Floodplain Administrator an as-built certification of the regulatory floor elevation or flood-proofing level **using appropriate FEMA elevation or floodproofing certificate** immediately after the lowest floor or flood proofing is completed.

- (a) When flood proofing is utilized for non-residential structures, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same.
- (b) **Any work undertaken prior to submission of these certifications shall be at the permit holder's risk.**
- (c) The Floodplain Administrator shall review the above referenced certification data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being allowed to proceed. Failure to submit certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.
- (d) The Floodplain Administrator or his or her designee shall make **periodic inspections** of projects during construction throughout the Special Flood Hazard Areas within the jurisdiction of the community to ensure that the work is being done according to the provisions of the local ordinance and the terms of the permit. Members of his or her inspections/engineering department shall have a right, upon presentation of proper credentials, to enter on any premises within the territorial jurisdiction of the department at any reasonable hour for the purposes of inspection or other enforcement action.
- (e) The Floodplain Administrator may **revoke and require the return of the floodplain development permit** by notifying the permit holder in writing stating the reason(s) for the revocation. Permits shall be revoked for any substantial departure from the approved application, plans, and specifications; for refusal or failure to comply with the requirements of State or local laws; or for false statements or misrepresentations made in securing the permit. Any floodplain development permit mistakenly issued in violation of an applicable State or local law may also be revoked.
- (f) In any lot or lots/areas that will be or have been removed from the special flood hazard area utilizing a Letter of Map Revision Based on Fill (LOMR-F), the top of fill level must meet the community's freeboard elevation at that location. If the top of fill level is below the freeboard elevation, all new structures, additions to existing buildings or substantial improvement must meet the required community freeboard elevation

(3) **Finished Construction**

- (a) Upon completion of construction, a FEMA elevation certificate (FEMA Form 81-31), which depicts all finished construction elevations, is required to be submitted to the Floodplain Administrator prior to issuance of a Certificate of Occupancy.
- (b) If the project includes a floodproofing measure, a FEMA floodproofing certificate is required to be submitted by the permit holder to the Floodplain Administrator.

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- (c) The Floodplain Administrator shall review the certificate(s) data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance.
- (d) In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.
- (e) Documentation regarding completion and compliance with the requirements stated in the permit application and with Article 3, Section B(1) of this ordinance shall be provided to the local Floodplain Administrator at the completion of construction or records shall be maintained throughout the Construction Stage by inspectors for the Floodplain Administrator. Failure to provide the required documentation shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy.
- (f) All records that pertain to the administration of this resolution shall be maintained and made available for public inspection, recognizing that such information may be subject to the Privacy Act of 1974, as amended.

SECTION C DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

Duties of the Floodplain Administrator shall include, but shall not be limited to:

- (1) Review all development permits to assure that the permit requirements of this ordinance have been satisfied; and assure that development sites are reasonably safe from flooding.
- (2) Review copies of all necessary permits from governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Maintain such permits permanently with floodplain development permit file.
- (3) When Base Flood Elevation data or floodway data have not been provided in accordance with Article 2, Section B then the Floodplain Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other sources in order to administer the provisions of Article 4.
- (4) Verify and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the regulatory floor level, including basement, of all new construction or substantially improved structures in accordance with Article 3, Section B.
- (5) Verify and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been flood-proofed, in accordance with Article 4, Sections B(2) and E(2).
- (6) When flood proofing is utilized for a structure, the Floodplain Administrator shall obtain certification of design criteria from a registered professional engineer or architect in accordance with Article 3, Section B(1)(c) and Article 4, Section B(2) or E(2).
- (7) Notify adjacent communities and the Alabama Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA), and the Alabama Department of Economic and Community Affairs/Office of Water Resources/NFIP State Coordinator's Office.
- (8) For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA and State to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure flood carrying capacity of any altered or relocated watercourse is maintained.

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- (9) Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this resolution.
- (10) All records pertaining to the provisions of this resolution shall be maintained in the office of the Floodplain Administrator and shall be open for public inspection.
- (11) In addition, the Floodplain Administrator and his or her designated staff is hereby authorized and directed to enforce the provisions of this ordinance. The Administrator is further authorized to render interpretations of this resolution, which are consistent with its spirit and purpose.
- (a) Right of Entry
- i. Whenever necessary to make an inspection to enforce any of the provisions of this resolution, or whenever the Administrator has reasonable cause to believe that there exists in any building or upon any premises any condition or resolution violation which makes such building, structure or premises unsafe, dangerous or hazardous, the Administrator may enter such building, structure or premises at all reasonable times to inspect the same or perform any duty imposed upon the Administrator by this resolution.
 - ii. If such building or premises are occupied, the Administrator shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of such building or premises.
 - iii. If entry is refused, the Administrator shall have recourse to every remedy provided by law to secure entry.
 - iv. When the Administrator shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Administrator for the purpose of inspection and examination pursuant to this resolution.
- (b) Stop Work Orders
- i. Upon notice from the Administrator, work on any building, structure or premises that is being performed contrary to the provisions of this resolution shall immediately cease.
 - ii. Such notice shall be in writing and shall be given to the owner of the property, or to his or her agent, or to the person doing the work, and shall state the conditions under which work may be resumed.
- (c) Revocation of Permits
- i. The Administrator may revoke a permit or approval, issued under the provisions of this resolution, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.
 - ii. The Administrator may revoke a permit upon determination that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this resolution.

ARTICLE 4

PROVISIONS FOR FLOOD HAZARD REDUCTION

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SECTION A GENERAL STANDARDS

In ALL Areas of Special Flood Hazard the following provisions are required:

- (1) Require copies of all necessary permits from governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Maintain such permits be on file.
- (2) New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse and lateral movement of the structure.
- (3) New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage.
- (4) New construction and substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage:
 - (a) All subdivision proposals shall be consistent with the need to minimize flood damage;
 - (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
 - (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- (5) All heating and air conditioning equipment and components, all electrical, ventilation, plumbing, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (6) Manufactured homes shall be anchored to prevent flotation, collapse, and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces.
- (7) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- (8) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- (9) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- (10) Any alteration, repair, reconstruction or improvement to a structure which is not compliant with the provisions of this resolution, shall be undertaken only if the non-conformity is not furthered, extended or replaced.
- (11) Proposed new construction and substantial improvements that are partially located in an area of special flood hazard shall have the entire structure meet the standards for new construction.
- (12) Proposed new construction and substantial improvements that are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple base flood elevations shall have the entire structure meet the standards for the most hazardous flood hazard risk zone and the highest base flood elevation.

SECTION B **SPECIFIC STANDARDS**

In ALL Areas of Special Flood Hazard designated as A1-30, AE, AH, A (with engineered or estimated base flood elevation), the following provisions are required:

- (1) Residential and Non-residential Structures - Where base flood elevation data is available, new construction and substantial improvement of any structure or manufactured home **shall have the lowest floor, including basement, elevated no lower than one foot above the base flood elevation.** Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 4, Section B(3).

- (2) Non-Residential Structures - New construction and substantial improvement of any non-residential structure located in A1-30, AE, or AH zones, may be floodproofed in lieu of elevation. **The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to one (1) foot above the base flood elevation,** with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above and shall provide such certification to the official as set forth above and in Article 3, Section C(6).

Dry floodproofing is allowed only where flood velocities are less than or equal to five feet per second. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. A Flood Emergency Operation Plan and an Inspection and Maintenance Plan must be provided by the design professional for the building. Such certification shall be provided to the Floodplain Administrator.

- (3) Enclosures for Elevated Buildings - All new construction and substantial improvements of existing structures that include **ANY fully enclosed area** below the base flood elevation, located below the lowest floor formed by the foundation and other exterior walls shall be designed so as to be an unfinished or flood resistant enclosure. The enclosure shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of flood waters.
 - (a) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - (i) Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding (if a structure has more than one enclosed area below the base flood elevation, each shall have openings on exterior walls);
 - (ii) The bottom of all openings shall be no higher than one foot above grade; and
 - (iii) Openings may be equipped with screens, louvers, valves and other coverings and devices provided they permit the automatic flow of floodwater in both directions.
 - (b) So as not to violate the "Lowest Floor" criteria of this ordinance, the unfinished or flood resistant enclosure shall only be used for parking of vehicles, limited storage of maintenance equipment used in connection with the premises, or entry to the elevated area.
 - (c) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms. All interior walls, ceilings and floors below the base flood elevation shall be unfinished and/or constructed of flood resistant materials.

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- (d) Mechanical, electrical or plumbing devices shall not be installed below the Base Flood Elevation. The interior portion of such enclosed area(s) shall be void of utilities except for essential lighting and power as required.
- (4) Standards for Manufactured Homes and Recreational Vehicles - Where base flood elevation data are available:
 - (a) All manufactured homes placed and substantially improved on:
 - (i) individual lots or parcels,
 - (ii) in new or substantially improved manufactured home parks or subdivisions,
 - (iii) in expansions to existing manufactured home parks or subdivisions, or
 - (iv) on a site in an existing manufactured home park or subdivision where a manufactured home has incurred "substantial damage" as the result of a flood, must have the lowest floor including basement elevated no lower than one foot above the base flood elevation.
 - (b) Manufactured homes placed and substantially improved in an existing manufactured home park or subdivision may be elevated so that either:
 - (i) the lowest floor of the manufactured home is elevated no lower than one foot above the level of the base flood elevation, or
 - (ii) where no Base Flood Elevation exists, the manufactured home chassis and supporting equipment is supported by reinforced piers or other foundation elements of at least equivalent strength and a maximum of 60 inches (five feet) above grade and must meet the standards of Article 4, Section D(5).
 - (c) All Manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
 - (d) All recreational vehicles placed on sites must either:
 - (i) be on the site for fewer than 180 consecutive days, fully licensed and ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions; or
 - (ii) the recreational vehicle must meet all the requirements for "New Construction," including the anchoring and elevation requirements of Article 4, Section B, provisions (3)(a) and (3)(c).
- (5) Require, until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the Lee County FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than **one foot** at any point within the community.
- (6) Accessory Structures (also referred to as appurtenant structures) – This provision generally applies to new and substantially improved accessory structures. When an accessory structure complies with all other provisions of this ordinance (including floodway encroachment), represents a minimal investment (less than **\$1000.00**), and meets the requirements outlined below, these structures may be wet-floodproofed and do not have to be elevated or dry floodproofed.

Accessory structures include, but are not limited to, residential structures such as detached garages, storage sheds for garden tools or woodworking, gazebos, picnic pavilions, boathouses, small pole barns, and similar buildings. The following provisions apply to accessory structures built below the base flood elevation:

- (a) A permit shall be required prior to construction or installation.
- (b) Must be low value (less than **\$5000.00**) and not be used for human habitation.

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- (c) Use must be restricted to parking of personal vehicles or limited storage (low-cost items that cannot be conveniently stored in the principal structure).
- (d) Must be designed with an unfinished interior and constructed with flood damage-resistant materials below the BFE.
- (e) Must be adequately anchored to prevent flotation, collapse, or lateral movement.
- (f) Must have adequate flood openings as described in Article 4, Section A (5) and be designed to otherwise have low flood damage potential.
- (g) Shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
- (h) Any mechanical and other utility equipment in the structure must be elevated to or above the BFE or must be floodproofed.
- (i) Under limited circumstances communities may issue variances to permit construction of wet-floodproofed accessory structures. Communities should not grant variances to entire subdivisions for accessory structures, especially detached garages. Variances should only be reviewed and issued on an individual or case-by-case basis and be based on the unique characteristics of the site.

SECTION C FLOODWAYS

Located within Areas of Special Flood Hazard established in Article 2, Section B, are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:

- (1) The community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any point;
- (2) Encroachments, including fill, new construction, placement of manufactured homes, substantial improvements, and other development, are prohibited.
- (3) As long as no fill, structures (including additions), or other impediments to flow are added, permissible uses within the floodway may include: lawns, gardens, athletic fields, play areas, picnic grounds, and hiking/biking/horseback riding trails, general farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife, and related uses. The uses in this subsection are permissible only if and to the extent that they do not cause any increase in flood levels during the base flood discharge.

SECTION D BUILDING STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATIONS (APPROXIMATE A-ZONES)

Located within the Areas of Special Flood Hazard established in Article 2, Section B, where streams exist but no base flood data have been provided (Approximate A-Zones), the following provisions apply:

- (1) Base flood elevation data shall be provided for subdivision proposals and all other proposed development, including manufactured home parks and subdivisions, greater than fifty (50) lots or five (5) acres, whichever is the lesser.
- (2) When base flood elevation data or floodway data have not been provided in accordance with Article 2, Section B then the Floodplain Administrator shall obtain, review, and reasonably utilize any scientific or historic Base Flood Elevation and floodway data

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available from a Federal, State, or other source, in order to administer the provisions of Article 4. ONLY if data are not available from these sources, then Article 4, Section D, provisions (5) and (6) shall apply:

- (3) No encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty-five feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (4) All development in Zone A must meet the requirements of Article 4, Section A and Section B(1) through B(4).
- (5) In special flood hazard areas without base flood elevation data, new construction and substantial improvements of existing structures shall have the lowest floor (for the lowest enclosed area; including basement) elevated no less than three (3) feet above the highest adjacent grade. If the requirement as set forth in Article 4, Section B(1) and (2) require the lowest floor to be elevated no less than one foot about the base flood elevation, then the structure for this condition shall be elevated no less than four (4) feet about the highest adjacent grade.
- (6) In the absence of a base flood elevation, a manufactured home must also meet the elevation requirements of Article 4, Section B(4)(b)(ii) in that the structure must be elevated to a maximum of 60 inches (5 feet).
- (7) Openings sufficient to facilitate automatic equalization of flood water hydrostatic forces on exterior walls shall be provided in accordance with standards of Article 4, Section B(3)(a). The Floodplain Administrator shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

SECTION E STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONES)

Areas of Special Flood Hazard established in Article 2, Section B may include designated "AO" shallow flooding areas. These areas have base flood depths of one to three feet (1'-3') above ground, with no clearly defined channel. The following provisions apply:

- (1) All new construction and substantial improvements of residential and nonresidential structures shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM) plus one foot of freeboard. **If no depth number is specified, the lowest floor, including basement, shall be elevated at least three (3) feet above the highest adjacent grade.** Openings sufficient to facilitate the unimpeded movements of flood waters shall be provided in accordance with standards of Article 4, Section B(3), "Enclosures for Elevated Buildings".

The Floodplain Administrator shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

- (2) New construction and the substantial improvement of a non-residential structure may be flood-proofed in lieu of elevation. **The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to the specified flood level in Article 4, Section E(1) or three (3) feet (if no depth number is specified), above highest adjacent grade,** with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with

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accepted standards of practice for meeting the provisions above, and shall provide such certification to the official as set forth above and as required in Article 3, Section B(1)(c) and (2).

- (3) Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

SECTION F STANDARDS FOR SUBDIVISIONS

- (1) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards, and;
- (4) Base flood elevation data shall be provided for all new subdivision proposals and other proposed development (including manufactured home parks and subdivisions), which is greater than fifty lots or five acres; whichever is the lesser.
- (5) All subdivision and other development proposals which contain 5000 square feet of impervious area or more shall comply with the Lee County Storm Water Management Plan which is designed to limit peak runoff from the site to predevelopment levels for the one, ten, and 25-year rainfall event. These plans shall be designed to limit adverse impacts to downstream channels and floodplains. Single residential lots involving less than one acre of land disturbance are not subject to this regulation.
- (6) All preliminary plans for platted subdivisions shall identify the flood hazard area, and where established, the elevation of the base flood.
- (7) All final subdivision plats will provide the boundary of the special flood hazard area, the floodway boundary, and the base flood elevations.

SECTION G. CRITICAL FACILITIES

Construction of new and substantially improved critical facilities shall be located outside the limits of the special flood hazard area (one percent annual chance floodplain). Construction of new critical facilities shall be permissible within the SFHA only if no feasible alternative site is available and access to the facilities remains available during a 0.2 percent chance flood.

- (1) Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above the base flood elevation at the site (or to the 0.2 percent chance flood elevation whichever is greater).
- (2) Floodproofing and sealing measures must be implemented to ensure that any and all on-site toxic substances will not be displaced by or released into floodwaters.
- (3) Multiple access routes, elevated to or above the 0.2 percent flood elevation, shall be provided to all critical facilities to the maximum extent possible.
- (4) Critical facilities must be protected to or above the 0.2 percent chance flood and must remain operable during such an event.
- (5) The use of any structure shall not be changed to a critical facility, where such a change in use will render the new critical facility out of conformance with this section.

ARTICLE 5
VARIANCE PROCEDURES

SECTION A. DESIGNATION OF VARIANCE AND APPEALS BOARD

The Lee County Commission shall serve as the Appeals Board and shall hear and decide requests for appeals or variance from the requirements of this resolution.

SECTION B. DUTIES OF BOARD

The Board shall hear and decide appeals when it is alleged an error in any requirement, decision, or determination is made by the Floodplain Administrator in the enforcement or administration of this resolution. Any person aggrieved by the decision of the Lee County Commission may appeal such decision to the Circuit Court of Lee County, as provided in 11-19-20, Code of Alabama, 1975.

SECTION C. VARIANCE PROCEDURES

In reviewing requests for variance, the Lee County Commission shall consider all technical evaluations, relevant factors, and standards specified in other sections of this ordinance, and:

- (1) Variances may be issued for development necessary for the conduct of a functionally dependent use, provided the criteria of this Article are met, no reasonable alternative exists, the development is protected by methods that minimize flood damage during the base flood, and it creates no additional threats to public safety.
- (2) Variances shall not be issued within any designated floodway if ANY increase in flood levels during the base flood discharge would result.
- (3) The evaluation must be based on the characteristics unique to that property and not be shared by adjacent parcels. The characteristics must pertain to the land itself, not to the structure, its inhabitants, or its owners.
- (4) Variances should never be granted for multiple lots, phases of subdivisions, or entire subdivisions.
- (5) The danger of life and property due to flooding or erosion damage including materials that may be swept onto other lands to the injury of others.
- (6) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner and the community.
- (7) The safety of access to the property during flood conditions for daily traffic and emergency vehicles.
- (8) The importance of the services provided by the proposed facility to the community.
- (9) The necessity of the facility to be at a waterfront location, where applicable.
- (10) The compatibility of the proposed use with existing and anticipated development based on the community's comprehensive plan for that area.
- (11) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.

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- (12) The costs associated with providing governmental services to the development during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and community infrastructure such as streets, bridges, and culverts.

Upon consideration of factors listed above, and the purpose of this resolution, the Lee County Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this resolution.

SECTION D. VARIANCES FOR HISTORIC STRUCTURES

Variances may be issued for the repair or rehabilitation of Historic Structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum to preserve the historic character and design of the structure.

SECTION E. CONDITIONS FOR VARIANCES

The provisions of this Resolution are minimum standards for flood loss reduction, therefore any deviation from the standards must be weighed carefully. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

- (1) A variance may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size, contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the procedures of Sections E(3), E(4), F(1) and F(2) of this Article.
- (2) In the instance of a Historic Structure, a determination is required that the variance is the minimum necessary so as not to destroy the historic character and design of the building.
- (3) A variance shall be issued ONLY when there is:
- (a) A finding of good and sufficient cause;
 - (b) A determination that failure to grant the variance would result in exceptional hardship; and
 - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (4) A variance shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (5) Variances shall not be issued "after the fact."

SECTION F. VARIANCE NOTIFICATION AND RECORDS

- (1) Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that specifies the difference between the base flood elevation and the elevation of the proposed lowest floor and stating that the issuance of such a variance could:
- a. result in rate increases in the hundreds and possibly thousands of dollars annually depending on structure and site-specific conditions; and
 - b. increase the risk to life and property resulting from construction below the base flood level.

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- (2) The Floodplain Administrator shall maintain a record of all variance actions and appeal actions, including justification for their issuance. Report any variances to the Federal Emergency Management Agency Region 4 and the Alabama Department of Economic and Community Affairs/Office of Water Resources upon request.
- (3) A copy of the notice shall be provided by the Floodplain Administrator to the Office of the Probate Judge or County Administrator to be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

ARTICLE 7

SEVERABILITY

If any section, clause, sentence, or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Resolution.

Commissioner Long made a motion to adjourn at approximately 6:05 p.m. The motion was seconded by Commissioner Lawrence and carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MARCH 9, 2020

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, March 9, 2020 at 5:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Long.

The Chairman declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Sheila Eckman, Johnny Lawrence, Gary Long, Robert Ham and Richard LaGrand. Elected Officials in attendance: Sheriff Jay Jones. News media in attendance: Opelika Observer reporter Michelle Key, Opelika-Auburn News reporter Hannah Lester.

During citizens communication, Commissioner Ham spoke concerning the agenda item on the concession/bathroom upgrades for the Beulah and Beauregard recreation projects. Commissioner Ham stated he would walk hand-in-hand with Commissioner LaGrand, since he had gone through the process, to get something in Loachapoka. Commissioner Ham presented Commissioner LaGrand a walking liberty coin and asked Commissioner LaGrand to think about his commitment each time he reaches into his pocket.

Next, Pastor Roland Austin of Green Chapel Missionary Baptist Church spoke concerning Lee Road 106. Pastor Austin stated since East Lake Subdivision is completed, he has continued concerns on the wear and tear, drainage issues and an increased risk of accidents on this road. Pastor Austin stated he would like to come back with a plan for a solution on the road issues and then discuss a plan with the Commission.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: listing of claims, procurement card transactions from February and minutes of the February 24 meeting. Additionally, two lists to be ratified were placed on each Commissioner's desk prior to the meeting, a list of paid claims and a list of Blackbaud P-card transactions to ratify. County Administrator Roger Rendleman stated the Blackbaud P-card is a new P-card technology being tested by select departments. Mr. Rendleman stated the claims date from December 1 to February 28. Commissioner Lawrence made a motion, seconded by Commissioner Eckman to approve the consent agenda items as well as the additional lists presented today. The motion carried unanimously.

Under old business, County Engineer Justin Hardee asked the Commission to consider moving a public hearing scheduled for tonight to April 27, 2020 on the request to vacate the right-of way on Lee Road 179. Mr. Hardee explained that the landowner contacted him concerning the legal notices which were mailed to abutting landowners and the need to resend them, making it necessary to reschedule the public hearing. Upon this explanation, Commissioner Ham made a motion to cancel the scheduled public hearing for tonight and reschedule a public hearing for April 27, 2020 for the vacation of the right-of-way on Lee Road 179. The motion was seconded by Commissioner LaGrand and carried unanimously.

Peter Byrd made a lengthy presentation concerning Commission action taken at the previous meeting amending the Lee County Subdivision Regulations. The Commission had been asked to delay that action at that previous meeting, but the Commission approved the suggested changes unanimously without delay. The Commission approved amendments to the regulations concerning shared driveways not maintained by the County. The amendments changed certain other technical requirements, and Mr. Byrd requested the Commission reconsider, as he felt the amendments reduced County standards. He also objected to the speed with which the changes were adopted. At the conclusion of Mr. Byrd's discussion, he asked if the Commission had any questions. There being none, no action was taken by the Commission.

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Judge English stated, after a 30-day advertising period, first reading of two vacancies on the Lee County Cemetery Preservation Commission is under New Business because five people submitted Citizen Interest form for only two vacancies. Judge English stated the following submitted Citizen Interest forms. They are: Erica Ashley Hale, Tiffany Hilyer, John Dale Rector, Carmilla Tindal and Fred Woods. Commissioner Eckman made a motion, seconded by Commission Lawrence to appoint Tiffany Hilyer to one of the open slots. Next, Commissioner Ham made a motion to appoint Fred Woods to the other opening. Immediately following his motion, Commissioner LaGrand made a motion to appoint Camilla Tindal to the second vacant slot, then Commissioner Long seconded the motion for discussion. Upon this motion and second, Commissioner Ham withdrew his motion. Following, Judge English took a vote on the motion to appoint Tiffany Hilyer and it carried unanimously. Next, a vote was taken to appoint Camilla Tindal and it carried unanimously. Judge English noted the terms expire at the end of September 2020. Commissioner Lawrence asked that the other applicants be thanked for their interest in serving on the board.

Sheriff Jones presented educational reimbursement requests from Deputy Heather Freeman and Deputy Kyle Maxwell. Sheriff Jones stated his department continues to take advantage of the program offered by the county. Mr. Rendleman reminded the Commission the person must obtain a "B" or better to be eligible for reimbursement. Commissioner Lawrence made a motion, seconded by Commissioner Ham to approve the two educational reimbursements presented. The motion carried unanimously.

Next, Sheriff Jones presented the results of Bid #4 for 20 or more in-car digital video systems for vehicles. Sheriff Jones recommended on Bid #4 to award it to the lowest responsive bidder Mobile Communications at \$5,170/each per vehicle. Upon his recommendation, Commissioner Eckman made a motion, seconded by Commissioner Long to award Bid #4 to Mobile Communications. The motion carried unanimously.

Next, Sheriff Jones presented the results of Bid #3 for equipment and installation for 20 or more vehicles. Sheriff Jones recommended Bid #3 be awarded to the lowest responsive bidder Mobile Communications for the equipment and installation on 20 or more vehicles at \$9,040.20/each per vehicle. Upon his recommendation, Commissioner Lawrence made a motion, seconded by Commissioner Eckman to award Bid #3 to Mobile Communications. The motion carried unanimously.

Mr. Rendleman asked the Commission to consider transferring funds from the General fund to the Capital Projects fund. Mr. Rendleman stated he would like to move the money received from the recent sale of the buildings on Railroad Avenue of \$430,000 along with available funds of \$350,000 to the Capital Projects Fund. Mr. Rendleman stated this will be a start in funding the approximately \$2.5 million needed for the EMA Operations Center and for other smaller projects. Upon this recommendation, Commissioner Ham made a motion, seconded by Commissioner Lawrence to approve the transfer of \$780,000 from the General Fund to the Capital Projects Fund and adjust the FY2020 Budget accordingly. The motion carried unanimously.

Next, Mr. Rendleman discussed the next phase for the Beulah and Beaugard recreation facilities. Mr. Rendleman stated the Beulah Park project is about 75% complete and the Beaugard Park project is about 40% complete. Mr. Rendleman stated the projects are at a point where concession and restroom designs are ready to be added. Mr. Rendleman presented agreements with Foresite for the design, bid packages and construction administration for the two locations. Mr. Rendleman stated the design and bid package should be relatively quick since they will be able to utilize the same design as the Smiths Station project. Mr. Rendleman

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stated changes will be made for site specific issues, but most should be minor changes. Commissioner Lawrence questioned if the projects will tie into current construction. Mr. Rendleman indicated in the affirmative and indicated it should not hamper it. Commissioner Lawrence made a motion, seconded by Commissioner Ham to approve the agreements with Foresite for the design, bid package and construction administration of concession/restroom building for both projects. The motion carried unanimously.

Mr. Hardee presented a request to reduce the speed limit on Lee Road 247. Mr. Hardee stated a citizen approached the Highway Department about decreasing the speed limit, so the Highway Department conducted a traffic study and recommends that the speed limit be reduced from 45 mph to 25 mph on Lee Road 247. The Highway Department recommends this is a reasonable and safe maximum speed limit especially since it is a residential setting. Commissioner Ham made a motion, seconded by Commissioner Eckman to reduce the speed limit on Lee Road 247 from 45 mph to 25 mph. The motion carried unanimously.

Judge English asked the Commission to consider adding an item to the Agenda concerning the polling location at Crawford Volunteer Fire Department. Commissioner Eckman made a motion, seconded by Commissioner LaGrand to add the item to the Agenda. The motion carried unanimously. Judge English stated prior to the election a tree fell on the parking lot of the polling location at the volunteer fire department which caused the parking area to turn into a mud hole. Judge English stated the Highway Department came out and removed the tree. Judge English and Mr. Hardee decided to present improving the parking lot to the Commission since it involves work other than on the county right-of-way. Judge English asked the Commission to allow the Highway Department to place gravel on the parking area for the upcoming March 31 runoff election. Mr. Hardee stated Highway Superintendent Bill Yarbrough looked at it and stated a motor grader could be used to spread some gravel out to make it better prior to March 31. Commissioner LaGrand made a motion, seconded by Commissioner Long to allow the Highway Department to use a motor grader and a load of gravel to smooth out the parking lot of the Crawford Volunteer Fire Department so it can be usable on election day. The motion carried unanimously.

Judge English commended Mr. Hardee for setting up emergency lighting on election day at Waverly Town Hall and thanked Sheriff Jones for having extra deputies at the location for traffic control. Judge English also recognized Maintenance Director Jerry Lynch and his staff for putting out additional signs due to the necessary location changes.

Judge English stated there was a 23.6% voter turnout, which is less than his prediction of 35%. Further, he stated 27,000 people voted, which is the 2nd largest number of people voting in a Presidential primary election in the county.

Last, Judge English congratulated District 1 candidate Doug Cannon for his nomination as the Republican candidate. Also, he congratulated Commissioner Long for being unopposed in the Primary.

Before Mr. Hardee made his presentation on the effects of the wet weather on county roads, Mr. Hardee thanked the EMA Department for providing the lighting that was placed on Highway 14 during election day.

Mr. Hardee gave a presentation which included a number of pictures showing different county roads, both paved and unpaved, and the effects of the recent heavy rain on them. Mr. Hardee stated thankfully no road closures or blow-outs have occurred. Mr. Hardee indicated the rain damages paved roads in a number of ways. This includes: potholes, which can't be patched until the rains stops; alligator cracking, caused by water underneath the asphalt; and cracking of asphalt. Mr. Hardee indicated that patching cannot be done on paved roads nor can the dirt roads be scraped until the rain stops. Mr. Hardee stated as weather permits, he has recruited four motor grader operators to work Fridays to play catch-up on the dirt roads. Mr. Hardee stated on the paved roads, they will continue to patch and seal them as weather allows. Additionally, he is working with neighboring counties on a joint equipment sharing program to repair larger areas of

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pavement and working with other counties to utilize their equipment since Lee County's patching equipment can only address small areas. Further, Mr. Hardee stated he will be evaluating his equipment needs in the next budget cycle to best address these issues as we move forward.

EMA Director Rita Smith discussed several items with the Commission concerning the agency. First, Ms. Smith stated she has selected a committee, which includes herself, to review a three-year strategic plan she has devised on the direction the EMA Agency should be heading.

Ms. Smith stated advertising will begin on April 1-15 for two new Emergency Management Specialists positions in efforts to re-staff the agency. Ms. Smith stated she would like to wait a year to evaluate the staff before appointing a deputy director. Commissioner Eckman questioned the make-up of the committee. Ms. Smith stated it is a nine-member committee, which includes herself along with local fire and emergency personnel.

Next, Ms. Smith said that State EMA has completed their review of the storm shelter applications and will be forwarding them to FEMA for final review and award. Ms. Smith reminded the Commission these are a 75/25 federal grant, up to a maximum of \$4,000. The individuals will have to provide the 25% match, not the county. Commissioner Lawrence questioned how many applied for the storm shelter grants. Ms. Smith stated they received a total of 119 applications. Commissioner Lawrence questioned the ability of the applicants to pay the 25% not paid by the grant. Ms. Smith said she estimates 39 of the 119 would not be financially able to provide the match. Ms. Smith stated local agencies like MEND and other local organizations are being included to help those that may need assistance in the match.

Judge English questioned Ms. Smith on a coronavirus contingency. Ms. Smith stated they are monitoring the situation and using the same pandemic protocol as suggested to inform the public, such as: hand washing, keeping hands off face and using hand sanitizers.

Last, Commissioner LaGrand commended Opelika Observer owner Michelle Key for the Lee County Strong magazine that was published recognizing the anniversary of the March tornadoes in Smiths Station and Beauregard.

Commissioner Long made a motion to adjourn at approximately 6:25 p.m. The motion was seconded by Commissioner Lawrence and carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MARCH 30, 2020

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, March 30, 2020 at 5:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Ham.

The Chairman declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Johnny Lawrence, Gary Long, Robert Ham and Richard LaGrand. Commissioner Sheila Eckman joined the meeting by phone due to the COVID-19 pandemic. Elected Officials in attendance: Sheriff Jay Jones and Revenue Commissioner Oline Price. News media in attendance: Opelika Observer owner/reporter Michelle Key, Opelika-Auburn News reporter Hannah Lester.

During citizens communication, Peter Byrd addressed an Agenda item concerning Commission approval of a preliminary plat for Hall Tree Home Sites Subdivision. Mr. Byrd presented his timeline on events over actions taken by the Commission recently on various subdivision policy revisions. Mr. Byrd asked the Commission to reconsider acting on the item tonight.

Next, John Sophocleus stated he did not get proper notice of the Special Meeting called on March 17, 2020. Mr. Sophocleus stated he was on the notice list for the LRCOG MPO and stated he tries to be informal, but he would like to be notified of any meetings in the future. Second, Mr. Sophocleus applauded Commissioner Ham, but asked him to place the change order for the Beulah Park on hiatus for the time being due to the current economic uncertainties. Mr. Sophocleus stated the general public told the Commission not to get into the recreation business.

Commissioner Richard LaGrand thanked everyone for attending and stated he wished Coroner Bill Harris was here so he could thank him for his service during the recent crisis. Since, Commissioner LaGrand brought attention to the fact that over the past weekend six people died from COVID-19 coronavirus. Commissioner LaGrand stated he feels that the Courthouse should close to the general public due to the pandemic, but have staff continue to work.

Judge English mentioned that Commissioner Eckman is in attendance by phone tonight as a precautionary measure, due to that very reason. Further, Judge English stated both Zoom and Go-to-Meeting are being reviewed for possible use for upcoming Commission meetings.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: listing of claims and minutes of the March 9 regular meeting and the March 17 Special meeting. Commissioner Ham made a motion, seconded by Commissioner LaGrand to approve the consent agenda items as presented. The motion carried unanimously.

Judge English distributed updated copies of the open/closed status of each Courthouse stating as of 10:00 a.m. the totals were as follows: 5 still open to the public; 15 open to public with limited access; 45 closed to the public, but staff present; and 2 closed to both public and staff. Judge English said he wanted the Commission to be able to see the status of each Courthouse in the State to help make their decision. Judge English moved to the Resolution and asked the Commission to look at the second paragraph on page 3, and to decide which option to take on whether to continue to keep the Courthouse open with limited access, or to close the Courthouse but still have staff present. Revenue Commissioner Oline Price stated she would ask the Commission to close the Courthouse but still have staff present. Further, Mrs. Price asked if the Commission took that option, she would ask that the Courthouse stay open tomorrow, the last day of the month, then close to the public at the end of that business day. Commissioner Lawrence questioned how long this would be effective. Mrs. Price stated the state offices have extended the date until April 15 and stated it would be on a case-by-case basis after that date.

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Mrs. Price reminded the Commissioners that citizens at this time can either mail-in or renew their tags online. Commissioner Ham questioned if the Records Room would still be open. Judge English stated he is running short on staff since he is down 6 of his 13 employees; four out due to age and two out due to underlying health issues. Commissioner Ham questioned if the abstractors would still have access if the Courthouse closes. Judge English stated he would accommodate them as long as possible with some adjustments, such as limiting the number of abstractors in the Records Room at a time, but would have to close it if the situation deteriorated. Commissioner Lawrence questioned if the deputy performing security detail could use a no-contact thermometer on people entering the building, so the Courthouse would not have to close and questioned how many employees come in direct contact with the public. Judge English stated they do have divider panels so they are not in direct contact, but personnel must handle documents and take money from citizens. Commissioner Lawrence once again stated he really hates to close the Courthouse. Judge English stated people can renew their drivers license online if it is their first renewal. Mrs. Price stated individuals can renew tags online as well. Commissioner Lawrence questioned if the state offices were still open. Mrs. Price stated if you call them, normally a person must leave a message and they will return the call. Commissioner LaGrand reiterated that people are dying from the coronavirus and stated he would like to close the Courthouse to the public but allow staff to continue working; and, allow limited public access to the Records Room. Commissioner Lawrence stated the Justice Center is closed and questioned Sheriff Jones how the jail was currently operating. Sheriff Jones stated they have a contingency plan in place for operations and the State has a 30-day moratorium on accepting inmates into the state prison system from county jails. Commissioner Lawrence questioned if the jail was at capacity. Sheriff Jones stated it was not impacted at this time. Commissioner Ham questioned Mr. Rendleman how it would affect his office to close the Courthouse. Mr. Rendleman said it would operate as normal since the Commission Office does not interact with customers. Mr. Rendleman suggested the Commission close to foot traffic since people are being asked to isolate as much as possible the next two weeks. Commissioner Long questioned Mr. Hardee concerning the Building Inspection Department. Mr. Hardee concurred with Mr. Rendleman to limit foot traffic as much as possible and indicated the Engineering and Building Inspection Departments are currently limiting to no more than two people in the lobby at a time. Commissioner Lawrence questioned Mr. Hardee how it was affecting field work. Mr. Hardee stated they are trying to minimize the number of people in vehicles, since every employee in the department doesn't have their own county vehicle, also they are practicing social distancing. Mr. Hardee indicated some departments are meeting in the parking lot to minimize exposure inside the office. Mr. Hardee also stated some functions can't close, like Environmental Services for trash collection. Mr. Rendleman stated county-wide 15% of the work force is out for various reasons. Commissioner Ham questioned EMA Director Rita Smith on her department. Ms. Smith stated they have an intercom system to utilize before allowing people inside their building. Commissioner Long questioned if the Building Inspection Department continues to be open, who has the authority to close them down if necessary. Commissioner Ham indicated Mr. Hardee has the authority. Mr. Hardee stated he would do as directed by the Commission, but their service would evolve as the situation dictates. Mrs. Price questioned if a drop box could be located at the Smiths Station satellite for renewals. Commissioner Lawrence asked if there is a notice requirement to close to the public. Judge English stated no notice is required under an emergency order. Last, Mrs. Price also asked if the Commission closed the Courthouse, that it would authorize her to waive the \$2.00 mail fee for April transactions, since it takes Commission action to waive it. Commissioner LaGrand made a motion, seconded by Commissioner Lawrence to adopt the following Resolution allowing the Courthouse to close to the public on March 31, 2020 at 5:00 pm. Additionally, authorize the \$2.00 mail fee to be waived for tag renewals. The motion carried unanimously.

CORONAVIRUS STATE OF EMERGENCY RESOLUTION

30 March 2020

WHEREAS, Secretary of Health and Human Services Alex Azar declared a **public health emergency**¹ under the Public Health Service Act on **January 31, 2020** related to the Coronavirus known as COVID-19; and

WHEREAS, the World Health Organization declared the Coronavirus as a global **pandemic**² on **March 11, 2020**, with 114 countries (*at that time, currently over 740,000 cases in 177 countries and over 35,300 deaths*) impacted; and

WHEREAS, President Donald Trump declared a **National Emergency**³ for the United States on **March 13, 2020**, due to the impact of the Coronavirus pandemic on 47 states (*at that time, currently over 143,000 cases in all 50 states and over 2,200 deaths nationally*); and

WHEREAS, Governor Kay Ivey also declared a **State of Emergency**⁴ for the State of Alabama on **March 13, 2020** due to the impact of the Coronavirus pandemic on several Alabama counties (*currently 935 cases in 59 counties and 7 deaths statewide*); and

WHEREAS, the Lee County Commission took emergency action concerning the health and safety of our employees at a specially called Commission meeting on **March 17, 2020**; and

WHEREAS, Governor Ivey issued a **First Supplemental State of Emergency**⁵ on **March 18, 2020** rescheduling the March 31, 2020 primary run-off election to July 14, lifting certain requirements of the Alabama Open Meetings Act, and relaxing certain provisions of the Alabama competitive bid law; and

WHEREAS, Governor Ivey and the State Health Officer Dr. Scott Harris issued a statewide **Public Health Order**⁶ on **March 19, 2020** to restrict public gatherings and close certain facilities to further protect the public health; and

WHEREAS, Governor Ivey and the State Health Officer Dr. Harris amended the statewide **Public Health Order**⁷ on March 20, 2020 to further require “social distancing”, delay elective medical procedures, and close schools, day cares, and restaurants, to further protect the public health; and

WHEREAS, Governor Ivey issued a **Second Supplemental State of Emergency**⁸ on **March 20, 2020** waiving certain restrictions on transportation of emergency supplies; and

WHEREAS, Governor Ivey issued a **Third Supplemental State of Emergency**⁹ on **March 23, 2020** postponing certain tax obligations; and

WHEREAS, Governor Ivey issued a **Fourth Supplemental State of Emergency**¹⁰ on **March 26, 2020** related to the end of the school year, extending EMS licenses, relaxing notary public rules, authorizing summons in lieu of arrest, ; and

WHEREAS, Governor Ivey and the State Health Officer Dr. Scott Harris amended the statewide **Public Health Order**¹¹ on **March 27, 2020** to close all non-essential businesses effective at 5:00pm Saturday March 28; and

WHEREAS, the Coronavirus has been confirmed in Lee County, with 72 documented cases as of March 30, 2020; and

WHEREAS, President Donald Trump declared a **Major Disaster Declaration**¹² for Alabama on Sunday, **March 29, 2020**, which will enable Federal assistance from January 20, 2020 forward; and

WHEREAS, the Lee County Commission affirmatively states that the Coronavirus pandemic, globally, nationally, and in Lee County, shows no signs of slowing down and in fact seems poised to expand significantly; and

WHEREAS, the Lee County Commission affirmatively states that protecting the health, safety, and welfare of the citizens of Lee County and the general public is our top priority; and

WHEREAS, the Lee County Commission, pursuant to Code of Alabama §31-9-10 (c)¹³, by execution of this resolution, has the authority to declare that an emergency of unprecedented size has occurred, and to ensure that local preparations will be adequate to deal with such emergency; and

WHEREAS, the Lee County Commission, in such an emergency pursuant to Code of Alabama §31-9-10 (b) (5)¹³ has the authority to:

a) waive procedure and formalities otherwise required by law pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the utilization of volunteer workers, the rental of equipment, the purchase and distribution with or without

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compensation of supplies, materials, and facilities, and the appropriation and expenditure of public funds.

b) To impose a public safety curfew for its inhabitants. If a public safety curfew is imposed as authorized herein, it shall be enforced by the appropriate law enforcement agency within the political subdivision. A public safety curfew imposed under this subsection shall not apply to employees of utilities, cable, and telecommunications companies and their contractors engaged in activities necessary to maintain or restore utility, cable, and telecommunications services or to official emergency management personnel engaged in emergency management activities.

WHEREAS, the Lee County Commission, pursuant to Code of Alabama §31-9-10 (b) (4)¹³, has the authority to “assign and make available for duty the employees, property or equipment of the subdivision relating to ...health, medical and related service... and similar items or services for emergency management purposes, within or outside the physical limits of the subdivision”; and

WHEREAS, the Lee County Commission, on the advice of the Director of the Lee County Emergency Management Agency, determines the need to declare a local state of emergency in Lee County, Alabama, to further enhance the abilities of this county to use county funds and its resources to protect the public health without delay.

NOW THEREFORE, BE IT RESOLVED, BY THE LEE COUNTY COMMISSION, that, in the interests of public health, the Lee County Commission declares a local State of Emergency for Lee County, Alabama due to the Coronavirus pandemic and that it has existed since at least March 13, 2020, countywide; and

BE IT FURTHER RESOLVED, BY THE LEE COUNTY COMMISSION, that the Lee County local State of Emergency shall continue until such time as the Alabama and National States of Emergency are terminated, or is otherwise terminated by the Lee County Commission; and

BE IT FURTHER RESOLVED, BY THE LEE COUNTY COMMISSION, that Lee County employees, while currently serving the public on a limited basis due to safety precautions and short staffing, are to be commended for their dedication and devotion to continuing to serve our citizens in the face of this very real risk to their personal health and welfare; and

BE IT FURTHER RESOLVED, BY THE LEE COUNTY COMMISSION, that Lee County buildings, facilities and services, WILL NO LONGER BE OPEN TO THE PUBLIC, effective at the close of business on Tuesday, March 31, 2020. Remaining staff shall continue to report to work under the existing policies to maintain what functions can be conducted through the mail, by telephone, or online, however that situation may be subject to further closure upon the determination of the Chairman or the County Administrator, should the need arise; and

BE IT FURTHER RESOLVED, BY THE LEE COUNTY COMMISSION, that the Lee County Lee County Revenue Commissioner is hereby authorized to waive the current mail fee on her postal service transactions; and

BE IT FURTHER RESOLVED, BY THE LEE COUNTY COMMISSION, that the Lee County Emergency Operations Plan (EOP) is hereby activated; and

BE IT FURTHER RESOLVED, BY THE LEE COUNTY COMMISSION, that, during the existence of this national, state and local emergency, all persons or entities tasked by the Lee County Emergency Management Agency by or through its Emergency Information Tracking System (“WebEOC”) shall be deemed “emergency management workers” for purposes of the protections offered by Code of Alabama §31-9-16¹⁴.

Going back to old business, Judge English stated second reading for two openings on the Lee County Cemetery Preservation Commission was presented. The two for consideration at the first reading are Carmilla Tindal and Tiffany Hilyer. Commissioner Ham made a motion, seconded by Commissioner Long to approve the following Resolution to appoint the two individuals to the Lee County Cemetery Preservation Commission to fulfil the unexpired terms which end in September 2020. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission hereby appoints Carmilla Tindal and Tiffany Hilyer to the Lee County Cemetery Preservation Commission to fulfil the unexpired terms of Teresa Paglione and Thomas E. Peterson, III until September 30, 2020.

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Next, back to New Business, Sheriff Jones presented a retail beer/retail wine application from Dollar General Store #20427 located in District 1. Sheriff Jones stated there were no objections regarding the proposed issuance of the license at this location. Commissioner Eckman made a motion, seconded by Commissioner Lawrence to approve the following Resolution to approve the application as presented, which passed unanimously.

BE IT RESOLVED, the Lee County Commission hereby approves the alcohol license application for Dollar General Store #20427, located at 2979 Lee Road 72, Auburn, Alabama.

Sheriff Jones presented a transfer of a retail beer/retail wine application from Express Food Mart located in District 4. Sheriff Jones stated there were no objections regarding the proposed transfer of the license at this location. Commissioner Ham made a motion, seconded by Commissioner Long to approve the following Resolution to approve the transfer as presented, which passed unanimously.

BE IT RESOLVED, the Lee County Commission hereby approves the alcohol license transfer for Express Food Mart, located at 10 Lee Road 189, Opelika, Alabama.

County Engineer Justin Hardee addressed the Agenda item concerning the Hall Tree Home Sites Subdivision. Mr. Hardee stated since there was an issue with adjacent property owners receiving proper notification as required, the developer is going to resend the notices to properly notify all the adjacent owners. Due to this issue, Mr. Hardee asked the Commission to move the item forward.

Mr. Hardee presented a request from Creek Nation neighborhood for the Adopt-A-Mile program. The neighborhood is wishing to adopt a portion of Lee Road 54, from Lee Road 146 to the bridge over Chewacla Creek. Commissioner Lawrence made a motion, seconded by Commissioner Long to approve the application request from Creek Nation neighborhood. The motion carried unanimously.

Mr. Rendleman stated the Commission is respectfully requested to approve the following Resolution replacing the Temporary Personnel Policies adopted at the Special Called meeting held on March 17 for the COVID-19 virus. Commissioner Long made a motion, seconded by Commissioner Ham to approve the following Resolution. The motion carried unanimously.

RESOLUTION

WHEREAS, the President of the United States declared a national emergency on March 13, 2020 due to the COVID-19 Coronavirus epidemic; and

WHEREAS, the Governor of Alabama States declared a state of emergency on March 13, 2020 due to the COVID-19 Coronavirus epidemic; and

WHEREAS, County Commissions have the power and authority to provide for the health and safety of persons, which includes county personnel; and

WHEREAS, the Lee County Commission adopted an initial Temporary Personnel Policies at a duly called emergency meeting on March 17, 2020; and

WHEREAS, the United States Congress has passed, and the President has signed the Families First Coronavirus Response Act (FFCRA) since such time; and

WHEREAS, the Lee County Commission wishes to meet or exceed the minimum requirements of FFCRA for the health and safety of county personnel;

NOW, THEREFORE, BE IT RESOLVED, BY THE LEE COUNTY COMMISSION, that the following Personnel Policies for the COVID-19 Pandemic hereby replace the current Temporary Personnel Policies for those persons subject to the personnel

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policies of the Lee County Commission, effective April 1, 2020:

THESE POLICIES REMAIN IN EFFECT AS LONG AS THERE IS A DECLARED NATIONAL EMERGENCY REGARDING THE COVID-19 PANDEMIC.

- A. All personnel who are:
1. 60 or older
 2. Have documented underlying health issues like heart disease, lung disease, diabetes, or any other type of illness that weakens the immune system
 3. Have been advised by a health care provider to quarantine
 4. Are caring for an individual who is subject to order or has been advised by a health care provider are recommended to remain at home.

You will be compensated your scheduled shifts through April 15, 2020.

(For A2, A3 and A4, we don't need specifics, some type of confirmation from your provider will suffice.)

- B. All personnel who are impacted by COVID-19 in the following ways:
1. Test positive for COVID-19
 2. Are subject to a government quarantine/isolation order
 3. Are experiencing symptoms (according to CDC guidance like fever, cough, shortness of breath) and are seeking a medical diagnosis

Shall report such to their appointing authority immediately and shall go home to **self-isolate for at least 14 days.**

B.1. must send a negative COVID-19 test result to their Appointing Authority.

B.2. must be released from the order.

B.3. must not have symptoms after 14 days or test negative for COVID-19 along with approval by your Appointing Authority.

You will be compensated for your scheduled shifts.

C. In order to help keep the hospital and doctors' offices from being overwhelmed, the policy 7.3.2 "Utilization of Sick Leave" requirement for a signed physician's certificate after missing three consecutive days (shifts) is hereby suspended.

D. All personnel who are caring for his or her child whose school or place of care is closed (or child-care provider is unavailable) due to the COVID-19 related reasons may:

1. Utilize ten (10) paid shifts (or two-week equivalent) starting April 1st, 2020
2. After the ten (10) paid shifts are utilized, the employee will be paid 67% of their regular rate of pay up to ten additional weeks

E. Due to the very changing nature of the pandemic, the Chairman or Chief Administrative Officer are authorized to temporarily modify personnel policies based on the CDC guidance in consultation with the other appointing authorities as deemed necessary.

County Administrator Roger Rendleman presented the following Resolution for Commission consideration to allow for sales, use, rental and lodging tax penalties be waived for certain businesses for February, March and April 2020, sales tax liabilities through June 1, 2020, unless otherwise extended. Mr. Rendleman stated the Resolution will instruct our revenue administration agent, Avenu Insights & Analytics, LLC, for certain taxes Lee County levies, to grant penalty relief in the same manner as ordered by the Commissioner of the Alabama Department of Revenue through Executive Orders on March 18, 19 and 20, 2020. This relief will also be in-line with the relief being offered by the City of Auburn and the City of Opelika. Commissioner Lawrence made a motion, seconded by Commissioner Long to approve the following Resolution. The motion carried unanimously.

RESOLUTION

WHEREAS, the President of the United States declared a national emergency on March 13, 2020 due to the COVID-19 Coronavirus epidemic; and

WHEREAS, the Governor of Alabama States declared a state of emergency on March

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13, 2020 due to the COVID-19 Coronavirus epidemic; and

WHEREAS, the Lee County Commission is the levying authority for certain sales taxes and lodging taxes within the boundaries of Lee County, Alabama,

THEREFORE, BE IT RESOLVED by the Lee County Commission, to order Avenu Insights & Analytics, its revenue administration agent, to grant penalty relief for County levied taxes in the same manner as ordered by the Commissioner of the Alabama Department of Revenue by executive order (attached) on March 18th, 19th, and 20th of 2020.

OFFICE OF THE COMMISSIONER OF REVENUE

I, Vernon Barnett, Commissioner of the Alabama Department of Revenue, pursuant to the power granted to me under §§40-2-11 and 40-2A-11, Code of Alabama 1975, hereby declare that because there is a state of emergency resulting from the potential spread of the COVID-19 virus, it is necessary to assist and expedite all efforts of relief. In order to accommodate this need and provide assistance to the citizens affected by this emergency, I hereby order that late payment penalties shall be waived for small retail businesses whose monthly retail sales during the previous calendar year averaged \$62,500 or less who are unable to timely pay their February, March, and April 2020 state sales tax liabilities. Late payment penalties will be waived for these taxpayers through June 1, 2020.

This Executive Order shall be effective through June 1, 2020, unless otherwise extended. Entered this 18th day of March 2020.

OFFICE OF THE COMMISSIONER OF REVENUE

I, Vernon Barnett, Commissioner of the Alabama Department of Revenue, pursuant to the power granted to me under §§40-2-11 and 40-2A-11, Code of Alabama 1975, hereby declare that because there is a state of emergency resulting from the potential spread of the COVID-19 virus, it is necessary to assist and expedite all efforts of relief. In order to accommodate this need and provide assistance to the citizens affected by this emergency, I hereby order that late payment penalties shall be waived for businesses who are unable to timely pay their February, March, and April 2020 state sales tax liabilities and who are registered with the Department as engaging in NAICS Sector 72 business activities. Businesses in NAICS Sector 72 include those preparing meals, snacks, and beverages for immediate consumption. Late payment penalties for state sales tax liabilities for these taxpayers will be waived through June 1, 2020.

This Executive Order shall be effective through June 1, 2020, unless otherwise extended. Entered this 19th day of March 2020.

OFFICE OF THE COMMISSIONER OF REVENUE

I, Vernon Barnett, Commissioner of the Alabama Department of Revenue, pursuant to the power granted to me under §§40-2-11 and 40-2A-11, Code of Alabama 1975, hereby declare that because there is a state of emergency resulting from the potential spread of the COVID-19 virus, it is necessary to assist and expedite all efforts of relief. In order to accommodate this need and provide assistance to the citizens affected by this emergency, I hereby order that late payment penalties shall be waived for businesses who are unable to timely pay their February, March, and April 2020 state transient occupancy tax (commonly referred to as “lodgings tax”) liabilities. Late payment penalties for state transient occupancy tax liabilities for these tax periods will be waived through June 1, 2020. This relief does not extend the filing date for lodgings tax returns for the covered periods and does not apply to local lodgings tax liabilities.

This Executive Order shall be effective through June 1, 2020, unless otherwise extended. Entered this 20th day of March 2020.

Mr. Rendleman stated it is time for the renewal of the county’s property insurance. Mr. Rendleman stated that J. Smith Lanier has been the county’s broker for at least the last two decades. Mr. Rendleman said Eddie Kilman and his staff have always been responsive and

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helpful every time we have needed them regarding our policies. Mr. Rendleman stated for the upcoming year he requested a quote from the Association of County Commissions of Alabama Liability Self-Insurance Fund, Inc. Property Program. Lee County is a member of both the General Liability Self-Insurance Program and the Worker's Compensation Insurance Program, which are also sponsored by ACCA. Being a member of both programs has been very beneficial to the county over the years. Mr. Rendleman stated there is about a \$350 difference in the quotes. Mr. Rendleman stated the ACCA quote was lower and provides a higher total overall limit along with much higher sub-limits in specific areas. Mr. Rendleman stated it may be beneficial for the county to select the ACCA sponsored program over J. Smith Lanier this year. Upon this recommendation, Commissioner Lawrence made a motion, seconded by Commissioner Long to enroll in the Association of County Commissions of Alabama Self-Insurance Property Program. The motion carried unanimously.

Last, Mr. Rendleman presented a change order for the Beulah Park project. Mr. Rendleman stated the project is over 80% complete. Mr. Rendleman stated there are three add-ons to the project that would be beneficial to the park, which is the reason for the change order. The add-ons include: 1) conduit under the roadway to be in place for future expansion; 2) fencing around the multi-purpose field to protect the fields from vehicles parking or driving across them; and 3) changing from seed to sod for the multi-purpose fields, allowing for quicker access and for less upfront care. Mr. Rendleman stated the three changes total \$39,997.00 which increases the contract from \$3,060,000 to \$3,099,997. Mr. Rendleman stated once the project is complete, there should be a final deductive change order from the various allowances that were not utilized. Commissioner Ham made a motion, seconded by Commissioner Lawrence to approve change order #1 for the Beulah Park, Phase I, in the amount of \$39,997 increasing the total contract to \$3,099,997. The motion carried unanimously.

Judge English asked the Commission to add an item to the Agenda and authorize him to change the format of the meeting before the next meeting. Commissioner LaGrand made a motion to authorize the Chairman to investigate forms of remote meetings and adopt one if appropriate. The motion was seconded by Commissioner Lawrence and carried unanimously.

Commissioner Lawrence asked EMA Director Rita Smith to describe their pandemic efforts. She replied that Alabama has over 900 confirmed cases, and Lee County has 71 cases. EMA is supporting EAMC with tents, coolers, and personal protective equipment needs. She also said they supported the Sheriff's Office in the recent search and rescue efforts in Loachapoka that culminated in the successful location of 4-year-old Vadie Sides after a 48 hour search across three days and two nights. She said over 40 agencies and 300 first responders participated. Commissioner Lawrence then asked Sheriff Jones about the search and recovery efforts, to which Sheriff Jones responded that it was a total community effort. Commissioner Ham thanked the Sheriff and all involved for their efforts.

Commissioner Long made a motion to adjourn at approximately 6:10 p.m. The motion was seconded by Commissioner Lawrence and carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, SPECIAL MEETING, MARCH 17, 2020

The Lee County Commission convened in a special emergency meeting at the Courthouse in Opelika, Alabama, Tuesday, March 17, 2020 at 5:00 p.m. due to the Coronavirus pandemic. The Pledge of Allegiance was recited, followed by an invocation by Judge English.

The Chairman declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Sheila Eckman, Johnny Lawrence, Gary Long, Robert Ham and Richard LaGrand. Elected Officials in attendance: Coroner Bill Harris. News media in attendance: Opelika Observer reporter Michelle Key, and Opelika-Auburn News reporter Hannah Lester.

Judge English stated the emergency meeting was called to address the risk to the employees, the citizens and all others in the county. Judge English stated the county will provide as many services as possible, but the Center for Disease Control (CDC) has stated there is a high-risk category which should be addressed. Further, Judge English stated some employees will come to work sick if they do not have enough sick leave, so there is the need to address that issue as well.

County Administrator Roger Rendleman stated that starting Friday, due to the first positive test in Lee County, the situation has changed drastically. Mr. Rendleman stated there is a need to find the median between widespread panic and a flippant attitude. Mr. Rendleman stated that according to the CDC, the population most affected is the group over 60 with underlying health conditions like heart disease, lung disease, diabetes or any other type of illness that weakens the immune system. Mr. Rendleman stated that those in that category reportedly have a 1 in 4 chance of dying. Therefore, the recommendation is to allow those at most risk to go home for 14 days, with paid sick leave. Next, are the group of employees that have been exposed to or have tested positive for the virus. Mr. Rendleman recommended a change in the current policy requiring a doctor's excuse after being out sick for three days. He said temporarily excluding that requirement will reduce the number of patients going to the Emergency Room and doctor's offices, since they are beginning to be overwhelmed anyway. Mr. Rendleman stated the last item gives the Chairman or himself the ability to make necessary temporary policy changes if the situation deems it necessary by CDC guidance. Mr. Rendleman stated the Commission is respectfully requested to approve the following Resolution concerning the COVID-19 virus. Commissioner LaGrand made a motion, seconded by Commissioner Ham to approve the following Resolution. The motion carried unanimously.

RESOLUTION

WHEREAS, the President of the United States declared a national emergency on March 13, 2020 due to the COVID-19 Coronavirus epidemic; and

WHEREAS, the Governor of Alabama States declared a state of emergency on March 13, 2020 due to the COVID-19 Coronavirus epidemic; and

WHEREAS, County Commissions have the power and authority to provide for the health and safety of persons, which includes county personnel;

NOW, THEREFORE, BE IT RESOLVED, BY THE LEE COUNTY COMMISSION, that the following Temporary Personnel Policies for the COVID-19 Pandemic are hereby adopted for those persons subject to the personnel policies of the Lee County Commission:

- All personnel who are considered to be in the CDC high risk category (which is currently people 60 or over with underlying health issues like heart disease, lung disease, diabetes, or any other type of illness that weakens the immune system) should remain at home for the next 14 days. You will be compensated your scheduled shifts.
- All personnel who are exposed to a known case of COVID-19 shall report such to their appointing authority immediately and shall go home to self-isolate for 14 days. They must send a negative COVID-19 test result to their appointing authority and be approved before returning to work. (This may change based on the CDC guidance and will be evaluated on a case by case basis). You will be compensated your scheduled shifts.

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- All personnel who test positive for a case of COVID-19 shall report such to their appointing authority immediately. You must have a negative COVID-19 test to return to work. You will be compensated for your scheduled shifts. (This may change based on the CDC guidance and will be evaluated on a case by case basis)
- In order to help keep the hospital and doctors' offices from being overwhelmed, the policy 7.3.2 "Utilization of Sick Leave" requirement for a signed physician's certificate after missing three consecutive days (shifts) is hereby suspended.
- Due to the very changing nature of the pandemic, the Chairman or Chief Administrative Officer are authorized to temporarily modify personnel policies based on the CDC guidance in consultation with the other appointing authorities as deemed necessary.

These policies remain in effect as long as there is a declared national emergency regarding the COVID-19 Pandemic.

Commissioner Ham asked that if there are other developments, that Judge English and/or Mr. Rendleman inform the Commission. Mr. Rendleman indicated he would inform them of any changes, and if necessitated, Judge English indicated he will not hesitate to call another emergency meeting for that purpose.

Judge English stated the number to call, if a person thinks they have the virus is (334) 528-SICK and a determination will be made on whether or not a person needs to be tested and if deemed necessary the person will be instructed on where to go for the testing.

Judge English questioned when an employee would utilize their sick leave. Mr. Rendleman stated if an employee is not feeling well, by all means, take sick leave, but only if the employee has a positive test for the virus would this policy kick-in. Mr. Rendleman stated the pretense is that if an employee has been exposed or has tested positive for the virus, stay home, no matter if you have sick time or not.

Commissioner Lawrence asked that everyone maintain their composure about the situation and stated that the last thing that the Commission needs to consider is closing, since that will signal danger.

Judge English stated that before closing the Courthouse another emergency meeting would be held for an explanation to the Commission and for the Commission to make the final decision.

Commissioner Lawrence made a motion to adjourn at approximately 5:30 p.m. The motion was seconded by Commissioner Ham and carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 13, 2020

Due to the coronavirus pandemic, and as authorized by Order from Governor Kay Ivey dated March 20, 2020, the Lee County Commission convened in regular session by Zoom, a video conferencing platform, Monday, April 13, 2020 at 5:10 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Lawrence.

The Chairman declared a quorum and officially opened the meeting with the following members recorded as being present electronically: Judge Bill English, Chairman, and Commissioners Sheila Eckman, Johnny Lawrence, Gary Long and Robert Ham. Commissioner Richard LaGrand was able to join the meeting by telephone. Elected Officials in attendance: Sheriff Jay Jones. News media in attendance: Opelika Observer owner/reporter Michelle Key, Opelika-Auburn News reporter Hannah Lester. Others present electronically included: Roger Rendleman, County Administrator; Justin Hardee, County Engineer; Rita Smith, EMA Director; Alice McCall and Wendy Swann.

Judge English had planned to make a presentation on the Coronavirus but based upon Governor Ivey's order restricting the meeting to essential minimum functions, he stated he would provide his Power Point Presentation after the conclusion of the meeting and invited anyone to stay on if interested.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: listing of claims, procurement card and two P-card transaction lists from March and minutes of the March 30 meeting. Additionally, an additional listing of invoices for ratification was emailed to each Commissioner prior to the meeting. Commissioner Ham questioned the prices from Martin Marietta for stone. County Engineer Justin Hardee indicated that is their bid price. Commissioner Ham made a motion, seconded by Commissioner Lawrence to approve the consent agenda items as received. The motion carried unanimously.

Under old business, County Engineer Justin Hardee presented for Commission approval a preliminary plat for Hall Tree Home Sites Subdivision located in District 1. Mr. Hardee stated this is the item presented at the last meeting located at the intersection of Lee Roads 69 and 72. Mr. Hardee stated it is a 40-acre parcel being divided into 12 individual lots. Mr. Hardee stated the adjacent landowners have been properly notified. Mr. Hardee stated one citizen has asked to speak on the matter, Linda Kerr. Mrs. Kerr participated via Zoom and stated she has several concerns about the proposed development. Mrs. Kerr stated her primary concerns are: 1) increased noise, from both the construction and normal neighborhood noises, 2) increased traffic which leads to increased wrecks; and 3) increased crime. In addition, she stated it would be twelve brand new neighbors. Additionally, she stated she has horses, chickens and cows and she would be worried about children coming onto her property and possibly getting hurt, which may involve unnecessary lawsuits. Mrs. Kerr stated she has a right to quiet enjoyment of her property and that is one of many reasons she purchased in the county. Commissioner Ham questioned how many acres she owns. Mrs. Kerr responded 10 acres, and indicated she recently sold 20 acres. Commissioner Eckman stated unfortunately the concerns mentioned are not reasons the Commission can deny the plat approval. Commissioner Eckman stated there are no planning and zoning protections in the county. Mrs. Kerr stated she is not pleased with the development being next door to her. Commissioner Lawrence questioned if Lee Road 69 is paved and questioned Mrs. Kerr's location in relation to the development. Mrs. Kerr stated the road is paved and she is located on the SE corner of the intersection, located behind the winery. Commissioner Lawrence questioned if Mr. Hardee has the traffic count on Lee Road 69. Mr. Hardee stated he did not have the traffic count, but indicated the intersection is a minor collector. Mr. Hardee further stated Mrs. Kerr is correct that traffic would increase since the development would add 12 residential lots. Commissioner Lawrence questioned the lot size of each lot. Mr. Hardee stated it is a 40-acre parcel, with the smallest lot being approximately 1.5 acres and the largest over 5 acres. Commissioner Lawrence questioned if there is a minimum lot size of three acres

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due to watershed requirements. Mr. Hardee stated in the county there is not a 3-acre minimum requirement, but it is a requirement inside the city limits of Auburn. Commissioner Ham sympathized with Mrs. Kerr and stated he recently had the same issue of construction noises near his property. Mrs. Kerr stated if the development is approved, she will sell and move. After further discussion, Commissioner Eckman made a motion, seconded by Commissioner Lawrence to approve the preliminary plat approval for Hall Tree Home Sites Subdivision. The motion carried unanimously.

County Administrator Roger Rendleman asked the Commission to consider a “supplemental pay” addition to the Temporary Personnel Policies due to COVID-19 Coronavirus. Mr. Rendleman stated it is the fifth week of dealing with the COVID-19 Coronavirus issue. Mr. Rendleman stated the county’s workforce is reduced by about 20% due to the pandemic. Mr. Rendleman is proposing a supplemental pay for those that show up in person every day continuing to provide services to the citizens. This would not apply to those working from home, or out on special leave. Commissioner Lawrence stated it was a great idea but was curious if other counties were doing this as well. Mr. Rendleman responded that normally other counties look to Lee County to follow our lead. Mr. Rendleman stated he has heard other cities and counties discussing it; but has heard it being done across the nation. Commissioner Eckman stated she likes that Lee County is a leader. Commissioner Ham stated he agreed and would like to be able to show our employees how much we appreciate them. Judge English agreed stating he is tentatively planning to divide his remaining six employees into two teams and have them work alternate days, just in case, so if someone on one team gets the virus, he will still have three employees from the other team to cover the office. Commissioner Ham once again thanked Judge English for allowing the Records Room to remain open. Judge English stated the Records Room is not open, but essential abstractors are being allowed access to it. Commissioner Lawrence questioned if all personnel have moved to the Courthouse. Judge English affirmed since both the Smiths Station and Auburn Satellite offices have been closed by the Commission. Commissioner Eckman made a motion, seconded by Commissioner Ham to authorize the addition of supplemental pay to the Temporary Personnel Policies as provided, included as Item D in the following Resolution. Beginning with shifts ending on April 18, 2020. The motion carried unanimously.

RESOLUTION

WHEREAS, the President of the United States declared a national emergency on March 13, 2020 due to the COVID-19 Coronavirus epidemic; and

WHEREAS, the Governor of Alabama States declared a state of emergency on March 13, 2020 due to the COVID-19 Coronavirus epidemic; and

WHEREAS, County Commissions have the power and authority to provide for the health and safety of persons, which includes county personnel; and

WHEREAS, the Lee County Commission adopted an initial Temporary Personnel Policies at a duly called emergency meeting on March 17, 2020; and

WHEREAS, the United States Congress has passed, and the President has signed the Families First Coronavirus Response Act (FFCRA) since such time; and

WHEREAS, the Lee County Commission wishes to meet or exceed the minimum requirements of FFCRA for the health and safety of county personnel;

NOW, THEREFORE, BE IT RESOLVED, BY THE LEE COUNTY COMMISSION, that the following Personnel Policies for the COVID-19 Pandemic hereby replace the current Temporary Personnel Policies for those persons subject to the personnel policies of the Lee County Commission, effective April 1, 2020:

THESE POLICIES REMAIN IN EFFECT AS LONG AS THERE IS A DECLARED NATIONAL EMERGENCY REGARDING THE COVID-19 PANDEMIC.

- A.** All personnel who are:
1. 60 or older
 2. Have documented underlying health issues like heart disease, lung disease, diabetes, or any other type of illness that weakens the immune system

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 13, 2020

3. Have been advised by a health care provider to quarantine
4. Are caring for an individual who is subject to order or has been advised by a health care provider are recommended to remain at home.

You will be compensated your scheduled shifts during the Alabama Governor’s Stay at Home Order.

(For A2, A3 and A4, we don’t need specifics, some type of confirmation from your provider will suffice.)

B. All personnel who are impacted by COVID-19 in the following ways:

1. Test positive for COVID-19
2. Are subject to a government quarantine/isolation order
3. Are experiencing symptoms (according to CDC guidance like fever, cough, shortness of breath) and are seeking a medical diagnosis

Shall report such to their appointing authority immediately and shall go home to **self-isolate for at least 14 days.**

B.1. must send a negative COVID-19 test result to their Appointing Authority.

B.2. must be released from the order.

B.3. must not have symptoms after 14 days or test negative for COVID-19 along with approval by your Appointing Authority.

You will be compensated for your scheduled shifts.

In order to help keep the hospital and doctors’ offices from being overwhelmed, the policy 7.3.2 “Utilization of Sick Leave” requirement for a signed physician’s certificate after missing three consecutive days (shifts) is hereby suspended.

C. All personnel who are caring for his or her child whose school or place of care is closed (or child-care provider is unavailable) due to the COVID-19 related reasons may:

1. Utilize ten (10) paid shifts (or two-week equivalent) starting April 1st, 2020
2. After the ten (10) paid shifts are utilized, the employee will be paid 67% of their regular rate of pay up to ten additional weeks.

D. Beginning with shifts ending on April 18, 2020, county employees, under the budgetary and administrative authority of the Lee County Commission, working onsite will receive supplement pay per day based on scheduled shifts as follows:

<u>Full-time Employees & Part-time on full-time shifts</u>	<u>Part-time Employees</u>
8 - hour shift = \$12	4 - hour shift = \$6
10 - hour shift = \$15	6 - hour shift = \$9
12 - hour shift = \$18	

On-site means those who physically report to work at a county facility, at a worksite, or on patrol. Telecommuting (or working from home) isn’t included.

This includes all exempt and non-exempt employees.

Partial completion of shifts may result in forfeit of the supplement depending on the circumstances causing the incomplete shift.

E. Due to the very changing nature of the pandemic, the Chairman or Chief Administrative Officer are authorized to temporarily modify personnel policies based on the CDC guidance in consultation with the other appointing authorities as deemed necessary.

Mr. Rendleman asked the Commission to amend the FY2020 Budget for the following adjustments. Mr. Rendleman explained that most of the anticipated disaster relief reimbursement has been received from Federal funds from the March 3, 2019 tornadoes. Mr. Rendleman indicated that reserves and overall fund balances have been replenished. Further, Mr. Rendleman stated the original plan was to move some of the replenished fund balance to the Capital Projects Fund for a summer start date on the EMA Operations Center expansion and remodel. The original amount in the plan was to transfer \$1,345,000, but a significant portion is

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necessary for the COVID-19 related costs. Mr. Rendleman stated he would like to allocate \$1,345,000 from the General Fund as follows: 1) \$600,000 to Fund 156 - Event Recovery for COVID-19 related costs; and 2) \$745,000 to Fund 210 - Capital Projects Fund. Mr. Rendleman stated \$250,000 will cover the supplemental pay passed by the action taken on the previous Agenda item and the remaining \$350,000 will cover EMA COVID-19 expenses. Mr. Rendleman stated the EMA Project will likely be pushed back to the fall. Commissioner Ham stated the EMA Project should be placed on hold to see if there is a necessity to transfer additional funds for the COVID-19 pandemic. Mr. Rendleman agreed and stated it will depend on what happens in the upcoming months. Commissioner Lawrence thanked the EMA staff, Mr. Hardee and his staff and Mr. Rendleman and his staff for working together to get the money back as quickly as possible after the March tornadoes. Commissioner Ham made a motion, seconded by Commissioner Lawrence to amend the FY2020 with a \$1,345,000 allocation from the General Funds available and undesignated fund balance of \$600,000 to the Event Recovery Fund and \$745,000 to the Capital Projects Fund. The motion carried unanimously.

Commissioner Long made a motion at approximately 5:40 p.m. to adjourn. The motion was seconded by Commissioner Lawrence and carried unanimously.

After the conclusion of the meeting, Judge English gave a Power Point Presentation on Coronavirus 2020 in Lee County. Included was a timeline from December 10, 2019 when the first patient reported sickness in Wuhan, China to March 26, 2020 where the U.S. leads the world in number of cases (81,321). Also, contained in the presentation was the number of cases worldwide and the current numbers in Alabama by county. The presentation included the status of Courthouse closures in Alabama with 2 facilities closed to the public and staff (Jackson & Marengo); 52 counties closed to the public; 11 counties have limited public access; and 2 counties are open to the public (Tuscaloosa & Russell). Lee County has 53 employees out on special leave with 31 out due to age; 11 out due to underlying health conditions; and 11 out due to COVID-19 related issues. Judge English concluded the presentation showing various graphs detailing the curve, indicating the number of cases, as of today, which are still on the rise.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, APRIL 27, 2020

Due to the coronavirus pandemic, and as authorized by Order from Governor Kay Ivey dated March 20, 2020, the Lee County Commission convened in regular adjourned session by Zoom, a video conferencing platform, Monday, April 27, 2020 at 5:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Judge English.

The Chairman declared a quorum and officially opened the meeting with the following members recorded as being present electronically: Judge Bill English, Chairman, and Commissioners Sheila Eckman, Johnny Lawrence, Gary Long, Robert Ham and Richard LaGrand. Elected Officials in attendance: Sheriff Jay Jones. News media in attendance: Opelika Observer owner/reporter Michelle Key, Opelika-Auburn News reporter Hannah Lester. Others present electronically included: County Administrator Roger Rendleman, County Engineer Justin Hardee; EMA Director Rita Smith; Deputy Administrator Alice McCall, and Wendy Swann, Governmental Relations/Safety Coordinator. There were also approximately a dozen citizens observing the meeting through the Zoom platform.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: listing of claims, p-card transactions and minutes of the April 13 meeting. Announcement of two openings on the Lee County Communications District (E911) Board was made. Commissioner Lawrence questioned if the two current members are willing to serve another term. Judge English reminded the Commission this is only the announcement since the terms do not expire until July 24, 2020. He informed that they would be eligible for consideration after the 30-day announcement period, and we should have their citizen interest forms by then. Commissioner Ham made a motion, seconded by Commissioner Lawrence to approve the consent agenda items as received. The motion carried unanimously.

Under old business, a previously scheduled Public Hearing to vacate right-of-way on a portion Lee Road 179 by County Engineer Justin Hardee was removed. Upon review by the Chairman the item was not deemed an essential minimum government function and will be carried forward. Mr. Hardee indicated the portion of the road for vacation is impassable and is not county maintained.

Judge English included in the packets suggestions of ways the Commission may meet in the future to include citizen interaction. Judge English suggested the Commission alternate meetings between a Zoom meeting and to hold a meeting in person in some manner, with appropriate social distancing, to allow for non-essential agenda items and for citizens' communications. Judge English suggested the meeting could be held in the Commission chambers, but, it does not keep Commission members or staff six feet apart, or to hold the meeting outdoors, perhaps in the parking area under the new Annex. The outdoor setup could include separate tables and chairs for each Commissioner and for the public. Judge English stated he had emailed the Commission members an article about Henry County holding its meeting outdoors and stated most of the members seemed amenable to the idea. However, weather would have a significant impact on the feasibility of the second option unless it was under cover, and a last-minute change of plans would be difficult. Judge English further stated the Courthouse square across from the Courthouse belongs to the City of Opelika and currently their parks are closed. Commissioners Long and Eckman stated they liked the idea of meeting in the parking area outside. Commissioner Ham stated he liked the idea of meeting in the chambers. Judge English stated it would be more convenient to meet in the chambers; but would still need to be spaced out appropriately. Commissioner Lawrence questioned if the meeting is held in the chambers, would face masks be available to the public. County Administrator Roger Rendleman suggested asking the public to provide their own face covering if they wish to attend, but, if possible, some will be available. Judge English questioned where the Commission members wanted to hold the upcoming meeting. The Commission members agreed to hold the next meeting on May 11 in the Commission chambers. Judge English reminded the Commission

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, APRIL 27, 2020

that Governor Ivey will hold a press conference at 11:00 a.m. tomorrow since the Stay at Home order expires Thursday. Commissioner Lawrence stated Auburn University announced today they would continue allowing staff to telecommute from home through June 30. Commissioner LaGrand stated he agrees with holding the upcoming meeting in the chambers; he would encourage all to wear a face covering and to take proper precautions, since, he noted, some in the community are not adhering to this advice. After more discussion, Judge English noted the consensus is to hold the next meeting on May 11 in the Commission chambers to allow public involvement.

Sheriff Jones presented the results of Bid #5 for a Polaris Ranger type all-terrain vehicle. Sheriff Jones stated his office currently has an ATV which is over 13 years old and is at the end of its useful life. Sheriff Jones stated three invitations to bid were mailed and three were returned. Sheriff Jones recommended the bid be awarded to the lowest responsive bid received for \$25,688.00 from Motorcycle Sports of Munford, Alabama. Commissioner Ham questioned if it includes all the bells and whistles, and, asked if it is a four-seater. Sheriff Jones answered all equipment was included in the bid specifications and stated this unit seats six people. Sheriff Jones stated it will be used at all Auburn home games and for special operations as needed. Further, Sheriff Jones noted it will be purchased with Sheriff's Funds, not from the General Fund. Commissioner Ham made a motion, seconded by Commissioner LaGrand to approve the purchase of a Polaris Ranger ATV from Motorcycle Sports. The motion carried unanimously.

County Engineer Justin Hardee presented the results of the proposals for 2020 full-depth reclamation, resurfacing and traffic stripe on various county roads. Mr. Hardee stated these are budgeted funds to resurface eight miles of roadway. Judge English questioned if this is for six roads. Mr. Hardee indicated it is for six roads and includes funds received from the Rebuild Alabama funds, which may include additional funding for additional roads. Commissioner Ham questioned the cost of paving a mile of roadway. Mr. Hardee answered \$196,000/per mile. Commissioner Ham questioned if Mr. Hardee had talked to his counterparts and if the cost to pave a mile of road is the same for other counties. Mr. Hardee stated he has not talked with anyone lately, but in the past, the totals were comparable, and sometimes Lee County was a little lower. Mr. Hardee further indicated normally if there is increased funding for these type projects, especially with the availability of the Rebuild Alabama funds, a price increase is the norm. Commissioner Eckman stated she is happy that Lee Road 56 is on the list. Further, Commissioner Eckman stated she was happy that the bridge had been finished after the last big rain; she said water was almost up to the new bridge. Further, she questioned if Mr. Hardee had heard from the nearby residents. Mr. Hardee stated he had not heard from anyone. Mr. Hardee stated two bids were returned and he would recommend the Commission accept the bid received for \$1,594,967.50 from D & J Enterprises. Commissioner Lawrence made a motion, seconded by Commissioner Long to approve the bid from D & J Enterprises. The motion carried unanimously.

Commissioner Eckman made a motion at approximately 5:30 p.m. to adjourn. The motion was seconded by Commissioner Lawrence and carried unanimously.

At the conclusion of the meeting, Judge English updated the Commission on the virus numbers he provided after the last meeting. Judge English stated there are currently 41 counties with deaths from the COVID-19 Coronavirus, up from 25 counties on April 13. The following five counties have 60% of the deaths, they include: Lee, Chambers, Tallapoosa, Mobile and Jefferson. The COVID-19 updated numbers from his previous presentation are shown below, with new ones beside.

	<u>4/13/2020</u>	<u>4/27/2020</u>
Number of US cases	572,169	983,848
Number of Lee Co. cases	248	367
Statewide cases	3,700	6,467

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MAY 11, 2020

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, May 11, 2020 at 5:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Long.

The Chairman declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Sheila Eckman, Johnny Lawrence, Gary Long, Robert Ham and Richard LaGrand. Elected Officials in attendance: Sheriff Jay Jones and Revenue Commissioner Oline Price. News media in attendance: Opelika Observer owner/reporter Michelle Key, Opelika-Auburn News reporter Hannah Lester.

During citizens' communication, Lance Farrar spoke concerning the Commission meeting held by Zoom on April 27. Mr. Farrar said he would like to receive the proper credentials to be able to participate if the Commission meets via the Zoom platform in the future, since he was unable to join. Mr. Farrar stated he likes to be informed about issues in his area. Further, Mr. Farrar stated he would not have been granted admittance tonight if he did not wear a face covering at the meeting and feels that is a violation of the 1st Amendment.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: listing of claims, two p-card transaction listings and minutes of the April 27 meeting. Commissioner Eckman made a motion, seconded by Commissioner Lawrence to approve the consent agenda items as received. The motion carried unanimously.

Under old business, County Administrator Roger Rendleman stated he is trying to get the Courthouse back open, with restrictions, in a safe manner. Mr. Rendleman provided updated temporary COVID-19 Policies, which are based on CDC recommendations. Mr. Rendleman stated Governor Ivey's press conference held Friday indicated certain businesses may begin to reopen with certain restrictions. Mr. Rendleman presented the Commission with two options to either open the Courthouse with limited access tomorrow, May 12 or wait until May 18 to open. Judge English stated he would like to tip-toe into the reopening and continue looking at the number of cases, since surrounding counties numbers continue to increase. Judge English stated Tallapoosa County reported 17 deaths on May 7, which he feels possibly could be an error or numbers reported from the Bill Nichols State Veterans Nursing Home. Judge English and Mrs. Price stated they are ready to reopen the Courthouse tomorrow. Mr. Rendleman stated measures will be taken to limit access to each office and to ask citizens who visit the Courthouse to wear a face mask/covering before entering; face masks will be provided to citizens, as long as supplies are available. Additionally, a security officer will screen each person upon arrival before being allowed access to the building. Further, Mr. Rendleman stated thermometers have been distributed to each department and employees may have their temperature taken, as necessary. Last, Mr. Rendleman stated the updated version of the policies is to address situations for employees returning to their duties, once the Courthouse reopens. Commissioner Lawrence questioned if the temporary policies have a time limit. Mr. Rendleman stated they do not have a time limit as long it is declared a National Emergency. Mr. Rendleman stated they will be tweaked as necessary to keep our employees as safe as possible, since the Courthouse needs to be open. Commissioner Ham thanked Mr. Rendleman for making a significant effort to keep our employees safe. Further, he thanked Judge English, EMA Director Rita Smith, Sheriff Jones and Revenue Commissioner Oline Price for looking at the big picture in opening to the public. Then, Commissioner Ham made a motion, seconded by Commissioner Lawrence to approve the following Resolution updating the temporary COVID-19 Policies. Commissioner LaGrand questioned which date the Courthouse will reopen. Judge English applauded his question and asked the thoughts of the Commissioners. After more discussion, the consensus is to open the Courthouse with limited access tomorrow, May 12.

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Commissioner Lawrence questioned which facilities would open and questioned when the state offices will open. Judge English stated only the Courthouse will open at this time, Auburn Satellite will remain closed for now. The Revenue Commissioner's Office will open in Smiths Station, but the Probate Office at that location will remain closed, due to staffing issues. Commissioner Lawrence questioned when the voter registration office will open. Mr. Rendleman stated he is looking at the possibility of those offices opening this week. Mr. Rendleman stated he has been talking with Circuit Clerk Mary Roberson about absentee voting and may move them to the space vacated by the Probate Office. Further, Mr. Rendleman stated the Board of Registrars will move into their new space soon. Mr. Rendleman stated the offices will need to follow the same procedures to allow citizen access and it would be easier having them in one location. Commissioner Lawrence also questioned the VA Office. Mr. Rendleman stated they are employed by the State and the county only provides office space to them. After more discussion, vote was taken, and the motion carried unanimously.

RESOLUTION

WHEREAS, the President of the United States declared a national emergency on March 13, 2020 due to the COVID-19 Coronavirus epidemic; and

WHEREAS, the Governor of Alabama States declared a state of emergency on March 13, 2020 due to the COVID-19 Coronavirus epidemic; and

WHEREAS, County Commissions have the power and authority to provide for the health and safety of persons, which includes county personnel; and

WHEREAS, the Lee County Commission adopted an initial Temporary Personnel Policies at a duly called emergency meeting on March 17, 2020; and

WHEREAS, the United States Congress has passed, and the President has signed the Families First Coronavirus Response Act (FFCRA) since such time; and

WHEREAS, the Lee County Commission wishes to meet or exceed the minimum requirements of FFCRA for the health and safety of county personnel;

NOW, THEREFORE, BE IT RESOLVED, BY THE LEE COUNTY COMMISSION, that the following Personnel Policies for the COVID-19 Pandemic hereby replace the current Temporary Personnel Policies for those persons subject to the personnel policies of the Lee County Commission, effective May 12, 2020:

THESE POLICIES REMAIN IN EFFECT AS LONG AS THERE IS A DECLARED NATIONAL EMERGENCY REGARDING THE COVID-19 PANDEMIC.

A. All personnel who are:

1. 65 or older; or
2. Have documented underlying health issues:
 - have chronic lung disease
 - have moderate to severe asthma
 - have severe heart disease
 - are immunocompromised
 - with class III or severe obesity (BMI>40)
 - with the following underlying medical conditions: diabetes, liver disease, and persons with chronic kidney disease undergoing dialysis; or
3. Have been advised by a health care provider to quarantine; or
4. Are caring for an individual who is subject to order or has been advised by a health care provider are recommended to remain at home.

You will be compensated for time short of your regularly scheduled shifts during the Alabama Governor's Stay Safer Order.

(For A2, A3 and A4, we need confirmation from your provider or confirmation from the provider of the individual you are providing care for or copy of the order)

B. All personnel who are directly impacted by COVID-19 in the following ways:

1. Test positive for COVID-19
2. Are subject to a government quarantine/isolation order
3. Are experiencing symptoms (according to CDC guidance like fever, cough, shortness of breath) and are seeking a medical diagnosis

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Shall report such to their appointing authority immediately and shall go home to self-isolate for at least 14 days.

B.1. must send a negative COVID-19 test result to their Appointing Authority.

B.2. must be released from the order.

B.3. must not have symptoms after 14 days or test negative for COVID-19 along with approval by your Appointing Authority.

You will be compensated for time short of your regularly scheduled shifts.

C. All personnel who are caring for his or her child whose school or place of care is closed (or child-care provider is unavailable) due to the COVID-19 related reasons may:

1. Utilize ten (10) paid shifts (or two-week equivalent) starting April 1st, 2020
2. After the ten (10) paid shifts are utilized, the employee will be paid 67% of their regular rate of pay up to ten additional weeks.

D. Providing false documents or misleading and false statements associated with A, B, and C above are Group Two Offenses under 11.4.2 A. (5) and (6).

In addition, anyone choosing to stay home under Category A is being paid to stay home.

They should only leave to get groceries, or something associated to a medical need.

Also, anyone who is staying home under Category B is being paid to self-isolate for at least 14 days and should only leave for medical attention. Failure to do so is a Group Two Offense under 11.4.2 A. (7).

Such actions in this section are grounds for the employee's dismissal from employment.

E. All Appointing Authorities should continue to strongly encourage public to utilize all available on-line and/or mail-in services.

Starting May 12, 2020, Public Access to the County Courthouse will be limited along with the following requirements:

- The public will have a single access point.
- Number of people allowed access at any given time will depend on the individual's destination, ability to maintain proper social distancing in the area and occupancy level of the area.
- Must maintain six feet of separation (except those in the same household).
- Screening checks including temperature will be conducted.
- Refusal to submit to a non-contact temperature check will result in denial of admission to the facility.
- If the person has a temperature above 100.3 or displays/expresses the following:
 - Persistent Cough
 - Shortness of breath or difficulty breathingOR at least two of these symptoms:
 - Chills
 - Muscle pain
 - Headache
 - Sore throat
 - New loss of taste or smell
- Must wear a face mask/covering
- Refusal to wear a face mask/covering will result in denial of admission to the facility. Some (if not all) of these measures should be utilized at other facilities depending on the level and type of interactions with the public at that facility.

F. Employees under the budgetary and administrative authority of the County Commission should protect the public, their coworkers and themselves by:

- Not reporting to work and notifying their supervisor if they have:
- Temperature above 100.3 Or are experiencing the following:
 - Persistent Cough
 - Shortness of breath or difficulty breathing
- Or have two or more of these symptoms:
 - Chills

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MAY 11, 2020

- Muscle pain
- Headache
- Sore throat
- New loss of taste or smell

Employees under the budgetary and administrative authority of the County Commission that report to work will:

- Be subject to random temperature checks
- Maintain six feet of separation
- Wear a face mask/covering in areas with the public and in areas you are not isolated from other employees
- Sneeze or cough into a tissue, cloth or inside your elbow
- Practice proper handwashing and sanitizing on a regular basis, especially after touching frequently used items or surfaces

Employees failing to practice such safety measures are in violation of Group One Offense under 11.4.1 A. (6). Repeated failure to practice and/or absolute disregard to such safety measures are in violation of Group Two Offense under 11.4.2 A. (12) “Violation of safety practices that might endanger the life or health of the employee or others”.

(For Sheriff Service Employees, enforcement and discipline determination is solely the discretion of the Lee County Sheriff).

- G.** Beginning with shifts ending on April 18, 2020, county employees, under the budgetary and administrative authority of the Lee County Commission, working onsite will receive supplement pay per day based on scheduled shifts as follows:

Full-time Employees &

<u>Part-time on full-time shifts</u>	<u>Part-time Employees</u>
8 - hour shift = \$12	4 - hour shift = \$6
10 - hour shift = \$15	6 - hour shift = \$9
12 - hour shift = \$18	

On-site means those who physically report to work at a county facility, at a worksite, or on patrol. Telecommuting (or working from home) isn't included.

This includes all exempt and non-exempt employees.

Partial completion of shifts may result in forfeit of the supplement depending on the circumstances causing the incomplete shift.

- H.** In order to keep the hospital and doctors' offices from being overwhelmed, the policy 7.3.2 “Utilization of Sick Leave” requirement for a signed physician's certificate after missing three consecutive days (shifts) is hereby suspended.

- I.** Due to the very changing nature of the pandemic, the Chairman or Chief Administrative Officer are authorized to temporarily modify personnel policies based on the CDC guidance in consultation with the other appointing authorities as deemed necessary.

Sheriff Jay Jones presented the results of Bid #6 for an aerial drone. Sheriff Jones stated six responses were received. Sheriff Jones made a recommendation to award the bid to the lowest responsive bid for \$23,283 from Vector Solutions, Inc. Commissioner Lawrence questioned if it is a two-person drone and asked about the flight time. Sheriff Jones stated two officers have completed FAA training to fly the unit and recognized Sergeant Jeff Snyder as one. Sheriff Jones directed Commissioner Lawrence's question to Sergeant Snyder. Sergeant Snyder stated the basic flight time is around 30-35 minutes and the dual time is 23-26 minutes. Commissioner Ham questioned the size of the unit. Sgt. Snyder stated it is approximately 3 ½ ft. tall and weighs around 30 pounds. Commissioner Eckman questioned if it could be used at night. Sergeant Snyder affirmed saying it has white background or black background capabilities and also a heat signature. Commissioner Long questioned if it is operated by a single person. Sergeant Snyder answered two; one pilot and a camera operator. Commissioner Ham suggested, at some point, a demonstration of the drone and its capabilities be given to the Commission. Commissioner Ham

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MAY 11, 2020

made a motion, seconded by Commissioner Lagrand to award Bid #6 to Vector Solutions, Inc. for \$23,283.00. The motion carried unanimously.

Sheriff Jones thanked EMA Director Rita Smith for providing the necessary personal protective equipment (PPE) to the Sheriff's Department as needed during the pandemic. Sheriff Jones stated usually when items are requested, they are provided within a few hours.

Last, Sheriff Jones reminded the Commission that it is National Peace Officers Week for those officers who have lost their lives in the line of duty. Sheriff Jones stated seven Alabama Law Enforcement Officers names were currently listed on the wall in Washington, D.C. Sheriff Jones reminded the Commission Auburn Officer William Buechner lost his life in the line of duty last May.

County Engineer Justin Hardee presented a proposed Agreement for Animal Control services for Commission consideration. Mr. Hardee stated the Environmental Services Department received one response out of 22 requests for proposals mailed out in April to local veterinarians, the Lee County Humane Society and Auburn University Veterinary Clinic. The lone proposal was received from Animal Health Center/Opelika Animal Hospital as a joint proposal from Dr. Buddy Bruce and Dr. Gary Hunt. Mr. Hardee stated the proposed agreement is a significant increase and would require a budget adjustment that Mr. Rendleman is planning to discuss later. The agreement will cover the remainder of this fiscal year and extend to the end of FY2021, with an option for an additional year upon agreement by all parties. Mr. Hardee stated the increase for the remainder of this year is \$45,000. Dr. Buddy Bruce thanked the Commission for allowing him to respond and to explain the reason for the increase. Dr. Bruce stated that since the inception of the program in October 2013, there has been no price increase. Dr. Bruce explained that the program has gone through several changes since that time. Dr. Bruce stated since the inception of the program the euthanasia rate has gone way down. He stated now the average is 85.26% of live outcomes. He stated it would be much higher, but the rate includes feral cats, which are not redeemable. Dr. Bruce stated they work with agencies all over the country to place animals for adoption. Dr. Bruce indicated the Spay N' Neuter program is working, and, stated if the word could be spread further, he feels that it would drive the numbers down even more. Commissioner Ham questioned when the last time either he or Dr. Hunt had to put an adoptable animal down. Dr. Bruce stated none that he could think of. Commissioner Ham reminded the Commission that this was not the case years ago when the county decided to contract for these services. Commissioner Ham thanked them for the service they provide. Dr. Bruce stated according to the Humane Society of the US Guidelines they consider it to be more like a 90% live rate, because they do not count feral cats in their numbers, which equates to a "no kill" facility. Commissioner Long stated there was a lot of information to digest and questioned Dr. Bruce why he nor any other Commissioner, except Commissioner Ham, had seen the letter dated January 12, 2020 requesting an increase from \$85/per case to \$125/per case. Dr. Bruce stated the letter was forwarded to Commissioner Ham, since that is his Commissioner. Commissioner Ham responded that once he received the letter, he talked to Mr. Rendleman who informed him that before any increase can be approved the services must be bid through an RFP. Commissioner Ham apologized for not sharing the information, but, stated once he found out an RFP must be solicited, he left it there. Commissioner Long stated he felt he had a right to see the proposal from January which asked for \$125/per case, now the cost has increased to \$165.80/per case. Dr. Bruce stated the reason for the increase from January is because the RFP included additional items that were not previously included in the contract. Judge English indicated questioned Environmental Services Director John McDonald why the number of walk-ins keeps increasing. Mr. McDonald stated normally those are either from litters dropped off or from people trapping cats and dropping them off once the animal is captured. Judge English noted that over 50% of our total annual animals were delivered to the office rather than being picked up by Animal Control officers. Commissioner Lawrence questioned if the proposed Agreement is approved tonight, and the necessary budget adjustment adopted, where the money will come from in next year's budget. Mr. Rendleman indicated that

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the county is required by law to provide animal control services, stating it will be budgeted as an on-going item. Judge English stated putting more in the budget for animal control means taking it from somewhere else in the budget. Mr. Rendleman stated that the numbers look good right now, but the effect from the pandemic will not likely be seen until around July, which is around budget time, so the figures will be looked at closer at that time. Dr. Hunt further stated they have been performing the service for the county for seven years without an increase. Dr. Hunt indicated there is a need to push the Spay N' Neuter Program by sending flyers home with students, and/or possibly placing a notice with car tags as well. Mrs. Price indicated that a flyer can be included with tag renewals by the mail service she utilizes. Commissioner Ham stated overall, he is pleased with the service provided, but he will ask for better communication in the future with all parties involved. Mr. Hardee stated the Environmental Services Department is requesting the Commission authorize the Chairman to sign the agreement as presented for animal control services. After much discussion, Commissioner Ham made a motion, seconded by Commissioner LaGrand to authorize the Chairman to sign the Agreement with Animal Health Center/Opelika Animal Hospital for animal control services at \$125/per case until the end of September, then \$165.80/per case for FY2021. Commissioner Long stated he would like to hear more from Mr. Rendleman on the budget adjustment before voting on the proposed agreement. Mr. Rendleman again stated he is comfortable the funds are available, since it is a required service. After more discussion, a vote was taken; the motion carried unanimously.

Next, Mr. Hardee asked the Commission to allow the Highway Department to utilize engineering student interns. Mr. Hardee explained that according to current policy, the Commission must approve the use of temporary employees. Mr. Hardee stated his office has been utilizing college students to help in designing both bridge replacement projects and road resurfacing projects for the different programs the department administers. Mr. Hardee stated by designing these projects in-house the department is able to reduce design costs and save money. Mr. Hardee stated pursuant to Lee County Policies, the Highway Department would like to hire two civil engineering college students to assist with various projects. Mr. Hardee stated their duties will be that of current Engineering Technician roles, however, since they will be gaining applicable experience, while working with their class schedule, the students will be offered a lower hourly salary than a full-time position. Based on their experience a minimum salary will be offered at \$14.00 per hour. The students will be utilized for less than 11 months and will not work more than 29 hours per week. Mr. Hardee stated the program allows Lee County to get valuable work performed, while the students gain valuable experience in their field of study which prepares them for their future. Commissioner Lawrence questioned if they will begin in the summer. Mr. Hardee indicated that if approved tonight, one would start tomorrow. Commissioner Lawrence made a motion, seconded by Commissioner Eckman to authorize the Highway Department to hire two civil engineering college students for less than 11 months and not more than 29 hours per week. The motion carried unanimously.

Mr. Rendleman presented a FY2020 Budget Adjustment to reallocate \$315,850 from the Capital Projects Fund to the General Fund. Mr. Rendleman explained that due to recent developments some funds need to be moved back to the General Fund to address current obligations and future commitments. Mr. Rendleman stated \$270,845.33 of FEMA and State reimbursements received from the March 3, 2019 tornadoes need to be disbursed to various sheriff's offices and police departments for assistance they provided during the disaster. Additionally, \$45,000 needs to be allocated to the Environmental Services Department to cover the Animal Control Contract awarded earlier. Commissioner Lawrence made a motion, seconded by Commissioner Ham to reallocate \$315,850 from the Capital Projects Fund to the General Fund as discussed. The motion carried unanimously.

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Mr. Rendleman presented a request from the City of Opelika for reimbursement of legal fees they incurred to oppose the quarry proposed by Creekwood Resources. Mr. Rendleman stated the preliminary request was 10% of the City's costs with a cap at \$100,000. The matter was to be brought to the Commission for consideration; however, two significant events occurred prior to bringing the proposal to the Commission, one negative event and one positive event. The pandemic was the negative event; the positive event was the withdrawal of the ADEM permit by Creekwood Resources. Mr. Rendleman stated even though the permit was withdrawn, there are still costs associated with the initial opposition efforts. Mr. Rendleman suggested the Commission consider sharing 10% of the costs incurred by the City of Opelika with up to \$10,000 to be paid from the Contingent Fund and the remainder, if any, paid out of the General Fund. Judge English advised that the City of Opelika is paying 85% of the legal fees and RSA is paying 15% directly to the attorneys. Mr. Rendleman stated the letters are confusing and stated they are asking for 10% of the City's costs. Commissioner Lawrence indicated that this is not the first quarry issue in Lee County and stated we took care of our own bills when we were dealing with the quarry at Spring Villa, even though Opelika was involved in that one also. Commissioner Lawrence further indicated that this is probably not the last the county will hear of a quarry at this location. Commissioner Ham stated the effort was made here and the city had everybody participating. Commissioner Ham stated he would like to see the county pay their fair share. Further, Commissioner Ham indicated he had talked to the owners of Creekwood Resources who stated they are looking at another location in Chambers County, not Lee County. Judge English stated the City of Opelika picked their lawyers and their experts and did not consult with us and did not consult with County Attorney Stan Martin. Mr. Rendleman indicated that the Commission passed a Resolution in opposition to the quarry and Mayor Fuller invited the Commission to a luncheon to discuss the issue further. Mayor Fuller hosted a luncheon attended by Mr. Rendleman, Judge English and Commissioner Ham and at that time Mayor Fuller asked for a commitment of 10% with a cap at \$100,000. Mr. Rendleman stated any commitment would need to be discussed with the entire Commission before official action could be taken. The agreement was that no one wanted the quarry in that location. Commissioner Ham stated the Commission never agreed because the quarry was stopped before more discussions took place. Mr. Rendleman stated he has been contacted twice by City Attorney Guy Gunter asking if the Commission will participate, which is why he is bringing it before the Commission tonight. Commissioner Eckman questioned why the Retirement Systems of Alabama is contributing. Commissioner Lawrence answered because of the Robert Trent Golf Course in the vicinity. Commissioner Lawrence feels if the Commission pays a portion of the cost, then, it will set a bad precedent. Commissioner Ham stated there is no precedent. Commissioner LaGrand stated it appears it is only good government working together for the community. Commissioner Long stated he doesn't remember voting on anything. Judge English questioned when the county said they would participate. Mr. Rendleman stated it was discussed at the luncheon with Mayor Fuller. After more discussion, no action was taken by the Commission. Commissioner Ham asked Mr. Rendleman to talk with the city to get the exact amounts owed by each party which includes the RSA and the City of Opelika to determine the county's proposed portion.

Mr. Rendleman presented a minor title change in the classification plan. Mr. Rendleman stated EMA Director Rita Smith requested a change in the classification title from Emergency Planner to Emergency Management Specialist. The change is to reflect the broader aspect of the position's duties and responsibilities. The pay range will remain at the current assigned grade. Commissioner Ham made a motion, seconded by Commissioner Long to change the classification title of Emergency Planner to Emergency Management Specialist. The motion carried unanimously.

Mr. Rendleman discussed with the Commission the necessity to consider approving a Parks Manager position. Mr. Rendleman stated with the Beulah Park near completion and the

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Beauregard Sports Park well underway, it is time to consider a dedicated position for the management of this investment. Mr. Rendleman stated the position will not only manage the physical facilities maintenance; but, will also coordinate usage of the facilities with the recreation associations, will provide better support to the City of Smiths Station related to our long standing Smiths Station Sports Park, and will lead efforts to develop recreational opportunities in Lee County. Mr. Rendleman respectfully asked the Commission to approve a Parks Manager position as presented and set the position at pay Range 120 (\$56,954.47-\$86,001.25) in Lee County's Pay and Classification Plan. Upon his presentation, Commissioner Eckman made a motion, seconded by Commissioner LaGrand to create a Parks Manager position at a Pay Range 120. The motion carried unanimously.

Last, Mr. Rendleman presented an educational reimbursement request from Facilities Supervisor Monica Holloway in the Building Maintenance Department. Mr. Rendleman reminded the Commission the tuition will be reimbursed after successful completion of the course with a "B" or better. Commissioner Lawrence made a motion, seconded by Commissioner Long to approve the educational reimbursement request from Ms. Holloway. The motion carried unanimously.

Judge English asked the Commission to first adjourn the meeting, then he would provide a Coronavirus update for anyone wishing to stay. First, Commissioner Lawrence asked EMA Director Rita Smith about the statewide effort. Ms. Smith indicated she has emailed each Commissioner copies of the State's Recovery Plan and stated it is not a fast process, but a meticulous one. Ms. Smith stated the situation will continue to be monitored until there are no new cases in the state for 14 continuous days. Once that milestone is met, then the State of Alabama will begin a demobilization process. Commissioner Lawrence stated he feels it is important for the citizens to hear there is a plan, even though some may or may not agree with the plan, especially where it involves the wearing of a mask in public or not. Ms. Smith stated the issue of wearing a mask/face covering will probably be revisited. Commissioner Lawrence stated a mask/face covering will not be necessary once a vaccine or other means are in place to minimize the spread of the virus. Ms. Smith stated she would like to thank Mr. Rendleman for his guidance and assistance during this time.

Commissioner Lawrence made a motion at approximately 6:50 p.m. to adjourn. The motion was seconded by Commissioner Ham and carried unanimously.

After a few attempts, Judge English was unable to access his data so he stated he would email the information to each Commissioner later tonight.

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The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Tuesday, May 26, 2020 at 5:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Ham.

The Chairman declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Sheila Eckman, Johnny Lawrence, Gary Long, Robert Ham and Richard LaGrand. Elected Officials in attendance: Sheriff Jay Jones, Circuit Clerk Mary Roberson and Revenue Commissioner Oline Price. News media in attendance: Opelika Observer owner/reporter Michelle Key, Opelika-Auburn News reporter Hannah Lester.

During citizens' communication, Commissioner Robert Ham addressed Commissioner Lawrence about his actions in honoring CSM Bennie Adkins in dedicating the Meeting Center in his name. Commissioner Ham thanked Commissioner Lawrence for his forethought to honor CSM Adkins while he was alive. Commissioner Ham stated he believes CMS Adkins enjoyed it. Commissioner Lawrence thanked Commission Ham.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: listing of claims, two p-card transaction listings and minutes of the May 11 meeting. Announcement of three vacancies on the East Alabama Health Care Authority Board was made. Judge English stated the current terms do not expire until September 30, 2020 but they like to fill the vacancies prior to their expiration. Commissioner Ham made a motion, seconded by Commissioner Long to approve the consent agenda items as received. The motion carried unanimously.

Under old business, Commissioner Long discussed the proposed Smiths Station Roadway Transfer Agreement indicating negotiations have been ongoing with the City of Smiths Station. Commissioner Long stated County Attorney Stan Martin created the agreement which is before the Commission for consideration. Commissioner Long stated the Smiths Station City Council has voted on it and agree to the terms. Commissioner Long stated Mayor Bubba Copeland apologized for not being in attendance tonight, because, their regularly scheduled meeting is being held at the same time as the Commission meeting. Commissioner Eckman stated she feels the Agreement is a win/win situation for both parties. Commissioner Long made a motion, seconded by Commissioner Ham to approve the Smiths Station Roadway Transfer Agreement as presented. County Administrator Roger Rendleman stated the motion needs to include amending the FY2020 Budget to make a transfer of \$250,000 from Fund Balance to the Gasoline Fund. Judge English questioned if they would like to amend their motions. Commissioner Long agreed to amend his motion, and Commissioner Ham agreed. Upon vote, the motion carried unanimously. Commissioner Ham thanked Mr. Hardee and his staff and Mr. Rendleman for the effort that was put into this Agreement. Judge English asked Mr. Hardee to text Mayor Copeland of the Commission decision.

Mr. Rendleman presented additional information concerning the City of Opelika's request for reimbursement of a portion of the quarry expenses. Mr. Rendleman stated Opelika paid invoices totaling \$74,248.60. Therefore, the county's contribution equals \$7,424.86, which is 10% of the amount paid by Opelika. Commissioner Ham stated he feels this is fair but agreed that the most experienced quarry attorney in the area, Mr. Martin, was not asked to be involved. Commissioner Ham further indicated another group is currently looking to develop a quarry in a different location. Commissioner Ham made a motion, seconded by Commissioner Eckman to approve the payment of \$4,724.86 to the City of Opelika for the cost incurred to defend the quarry issue. The motion carried unanimously.

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Revenue Commissioner Oline Price gave her annual Report of Insolvencies, Errors and Taxes in Litigation for the Tax Year 2019 and Uncollected Insolvencies and Taxes in Litigation for previous years, as required by Code of Alabama 1975, Sections 40-5-23 & 40-5-29. Commissioner Long made a motion to adopt the following resolution, seconded by Commissioner Ham, and unanimously carried:

BE IT RESOLVED by the Lee County Commission that the reports filed by Oline W. Price, Lee County Revenue Commissioner, of Insolvencies, Errors and Taxes in Litigation for the Tax Year 2019 and Uncollected Insolvencies and Taxes in Litigation for previous years, be and is hereby approved, and that the Chairman is hereby authorized to sign same; and that said Revenue Commissioner be and she is hereby allowed credit for taxes listed in these reports.

Judge English discussed a federal lawsuit which names Circuit Clerk Mary Roberson in her capacity as Absentee Election Manager (AEM) as a defendant. Judge English stated the facts have changed since the item was placed on the Agenda last week due to a response deadline of May 25, 2020. Judge English stated the Attorney General's Office first said they would represent Mrs. Roberson as Circuit Clerk, but then she received notice they would not. Judge English stated the AG's Office is representing Governor Ivey and ?? in the same suit and can't understand why they will not represent Mrs. Roberson. Mr. Martin received a request to accept notice from the Southern Poverty Law Center, but he did not accept it. Since then a determination on who should represent her in the lawsuit has bounced between the AG's Office and the county. After being notified the AG's Office would not represent her, Mrs. Roberson contacted Judge English to see if the county's attorney could represent her and respond to the lawsuit on her behalf. Judge English told Mrs. Roberson that the Commission would have to make that determination, since Mr. Martin is unable to respond without their consent. Mr. Rendleman contacted the ACCA to see if the self-insurance fund would represent her, but, was told they would not since she is a state employee. Mrs. Roberson stated she had to obtain her own legal representation, since a response was due yesterday, May 25, 2020, to respond before the deadline. Due to this action, Judge English stated Mrs. Roberson has decided to step down as Absentee Election Manager. Commissioner Eckman questioned why only three counties were named in the suit. Mrs. Roberson stated possibly they were naming one from each district; 1) Jefferson - northern district; 2) Lee County - middle district; and 3) Mobile-southern district; would be her guess. Commissioner Lawrence questioned who has changed the rules. Mrs. Roberson stated she has the option whether or not to serve as Absentee Election Manager. Judge English stated she has served in the role as Absentee Election Manager since elected in 2014. Mrs. Roberson stated she has an AG's Opinion which states the county may represent her. Commissioner Ham stated the county would like to help if able to do so, but getting an answer takes time. Mrs. Roberson stated the Commission has been wonderful in helping with her needs as far as handling absentee elections; stating no official should go unrepresented. Commissioner Lawrence looked forward asking what happens if the Absentee Election Manager goes unfulfilled. Judge English stated the law is clear and indicates the Appointing Board shall appoint a replacement. Judge English said the Board members include himself, Sheriff Jones and Mrs. Roberson and they plan on meeting tonight and/or tomorrow to discuss finding a replacement. Judge English stated the complaint in the lawsuit covers three areas, they are: 1) requiring a notary or two witnesses to sign the absentee ballot; 2) requiring an ID; and 3) drive-thru or curbside voting not available. Mr. Rendleman indicated the suit names Mrs. Roberson in her role as circuit clerk and stated County Risk Services said to let them know if the motion is amended and if it names specifically the Absentee Election Manager, then their position may change. No action was taken by the Commission.

County Engineer Justin Hardee presented for approval a Federal Aid Agreement for resurfacing Lee Road 188 in District 1. Mr. Hardee stated this will exhaust the remaining balance of the Federal Aid funds from the program since it has been replaced by the Rebuild Alabama Funds. Mr. Hardee stated the estimated project is \$898,775.76. Commissioner Eckman questioned the detour route. Mr. Hardee stated the road will remain open, with

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possible delays, during the project. After discussion, Commissioner Eckman made a motion, seconded by Commissioner Ham to authorize the Chairman to sign the Federal Aid Agreement for resurfacing Lee Road 188 as presented. The motion carried unanimously.

RESOLUTION

BE IT RESOLVED, by the Lee County Commission as follows:

That the County enter into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation relating to a project for: Full depth reclamation, resurfacing, and traffic striping on CR-188 from SR-14 to Soughahatchee Creek; Length – 2.692 miles; Project#RASTPNU-4119(252);LCP41-151-18; CPMS ref#100069408.

Which agreement is before this Commission, and that the agreement be executed in the name of the County, by the Chairman for and on its behalf and that it be attested by the County Clerk and the official seal of the County be affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the agreement by all parties, that a copy of such agreement be kept on file by the County.

**CONSTRUCTION AGREEMENT FOR A FEDERAL AID PROJECT
BETWEEN THE STATE OF ALABAMA AND THE LEE COUNTY COMMISSION**

PART ONE (1): INTRODUCTION

This Agreement is made and entered into by and between the State of Alabama, (acting by and through the Alabama Department of Transportation), hereinafter referred to as the State; and Lee County Commission, Alabama, (FEIN 63-6001601) hereinafter referred to as the County.

WHEREAS, the State and the County desire to cooperate in the full depth reclamation, resurfacing, and traffic striping on CR-188 from SR-14 to Soughahatchee Creek; Length-2.692 miles; Project #RASTPNU-4119(252), LCP-41-151-18, CPMS Ref#100069408.

NOW THEREFORE, it is mutually agreed between the State and County as follows:

PART TWO (2): FUNDING PROVISIONS

- A. Project Funding: Funding for this Agreement is subject to availability of Federal Aid funds at the time of authorization. The State will not be liable for Federal Aid funds in any amount. Any deficiency in Federal Aid or overrun in construction costs will be borne by the County from County Federal Aid Funds, if available, from Rebuild Alabama Act Federal Aid Exchange Funds (FAEF), if available, and from County funds. In the event of an underrun in construction costs, the amount of Federal Aid funds will be based on the proportional Federal Aid to the total project as let cost, up to 80%.
- B. The estimated cost and participation by the various parties is as follows:

FUNDING SOURCE	ESTIMATED COSTS
FA Funds (FY2018)	\$ 70,813.49
FA Funds (FY2019)	\$ 533,000.00
FAEF Funds	\$ 294,962.27
County Funds	\$ -0-
TOTAL (Incl CE&I & Indirect Cost)	\$ 898,775.76

It is further understood that this is a cost reimbursement program and no federal funds will be provided to the County prior to accomplishment of the work for which it is requested. Furthermore, no federal funds will be reimbursed for work performed prior to project authorization.

Any cost incurred by the County relating to this project which is determined to be ineligible for reimbursement by the Federal Highway Administration (FHWA), or in excess of the limiting amounts previously stated, will not be eligible cost to this project and will be borne and paid by the County.

- C. **Time Limit:** This project will commence upon written authorization to proceed from the State directed to the County.

The approved allocation of funds for projects containing Industrial Access funds shall lapse if a contract has not been awarded for construction of the project within (12)

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months of the date of the funding approval by the Industrial Access Road and Bridge Corporation Board, and the approved allocation shall be returned to the IARB for reallocation. A time extension may be approved by the IARB upon formal request by the applicant.

The approved allocation of funds for projects containing Federal Transportation Alternatives Set-Aside funds may lapse if a project has not been authorized by FHWA within (24) months of the date of the funding approval by the Governor, and the approved allocation shall be returned to the State for re-allocation. A time extension may be approved by the State upon formal request by the applicant. Failure to meet other project milestones, as set forth in the TAP Guidelines, may result in an approved allocation being returned to the State.

PART THREE (3): PROJECT SERVICES

- A. The County will furnish all Right-of-Way for the project. Associated Right-of-Way acquisition costs will not be an eligible cost as part of this Agreement. The Right-of-Way acquisition phase is hereby defined as the appraisal fees, appraisal review fees and the cost of acquisition incurred.

All work accomplished under the provisions of this Agreement will be accomplished on property owned by or which will be acquired by the County in accordance with applicable Federal and state laws, regulations, and procedures. Any exceptions to this requirement must be approved by the State in writing prior to incurring costs for which reimbursement is requested by the County. In cases where property is leased, or easements obtained, the terms of the lease or easement will not be less than the expected life of the improvements.

Acquisition of real property by the County as a part of this project will conform to and be in accordance with the provisions of the Federal Uniform Relocation Assistant & Real Property Acquisition Policies Act (49 CFR24, Subpart B), all federal environmental laws, and all other applicable state and federal laws.

Any property or property interests acquired shall be in the name of the County with any condemnation or other legal proceedings being performed by the County.

The County shall follow all Federal regulations related to the Management, Leasing, and Disposal of Right-of-Way, uneconomic remnants and excess Right-of-Way as found in CFR 23 § 710 Subpart D. Proceeds for Leases and Disposals shall be credited to the Project or to the Title 23 Collector Account.

No change in use or ownership of real property acquired or improved with funds provided under the terms of this Agreement will be permitted without prior written approval from the State or FHWA. The State or FHWA will be credited on a prorated share, as provided in Part Two, Section B, and revenues received by the County from the sale or lease of property. The County will furnish all construction engineering for the project with County forces or with a consultant selected and approved by the State not to exceed 5%, without prior approval by the State. The cost of the construction engineering shall be included as part of the construction cost for the project.

- B. The County will relocate any utilities in conflict with the project improvements in accordance with applicable Federal and State laws, regulations, and procedures. Associated Utility costs will not be an eligible cost as part of this Agreement.

- C. The County will make the Survey, perform the Design, complete the Plans and furnish all Preliminary Engineering for the project with County forces or with a consultant approved by the State. Associated Survey, Design, Plan Preparation, and Preliminary Engineering costs will not be an eligible cost as part of this Agreement.

If any Associated Survey, Design, Plan Preparation, and Preliminary Engineering costs are an eligible cost to the project, the County will develop and submit to the State a project budget for approval. This budget will be in such form and detail as may be required by the State. At a minimum, all major work activities will be described, and an estimated cost and source of funds will be indicated for each activity. A signature line will be provided for approval by the Region Engineer and date of such approval. All costs for which the County seeks reimbursement must be included in a budget approved by the State in order to be considered for reimbursement. Budget adjustments may be necessary and may be allowed, subject to the approval of the State in writing, in order to

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successfully carry out the project. However, under no circumstances will the County be reimbursed for expenditures over and beyond the amount approved by the State.

The County will undertake the project in accordance with this Agreement, plans approved by the State and the requirements, and provisions, including the documents relating thereto, developed by the County and approved by the State. The plans, including the documents relating thereto, are of record in the Alabama Department of Transportation and are hereby incorporated in and made a part of this Agreement by reference. It is understood by the County that failure of the County to carry out the project in accordance with this Agreement and approved plans, including documents related thereto, may result in the loss of federal funding and the refund of any federal funds previously received on the project.

Projects containing Industrial Access funds or State funds, with no Federal funds involved, shall have completed original plans furnished to the State in accordance with the Guidelines for Operations for *Procedures for Processing State and Industrial Access Funded County and City Projects*, and attached hereto as a part of this Agreement prior to the County letting the contract.

- D. The County will furnish all construction engineering for this project with County forces or with a consultant approved by the State as part of the cost of the project. Construction Engineering & Inspection cost are not to exceed 5%, without prior approval by the State. Associated Construction Engineering & Inspection costs will be an eligible cost as part of this Agreement.
- E. The State will furnish the necessary inspection and testing of materials when needed as part of the cost of the project. The County may request the use of an approved third-party materials inspection and testing provider, as approved by the State.

PART FOUR (4): CONTRACT PROVISIONS

- A. The County shall not proceed with any project work covered under the provisions of this Agreement until the State issues written authorization to the County to proceed.
- B. Associated construction costs will be an eligible cost as part of this Agreement. For projects let to contract by the State, the State will be responsible for advertising and receipt of bids and the award of the Contract. Following the receipt of bids and prior to the award of the Contract, the State will invoice the County for its pro rata share of the estimated cost as reflected by the bid of the successful bidder plus Engineering & Inspection and Indirect Costs (if applicable). The County shall pay this amount to the State no later than 30 days after the date bids are opened. Failure to do so may lead to the rejection of the bid.

For projects let to contract by the County, the County shall comply with all Federal and State laws, rules, regulations and procedures applicable to the advertisement, receipt of bids, and the award of the contract. The County will, when authorized by the State, solicit bids and make awards for construction and/or services pursuant to this Agreement. The County shall not solicit bids until the entire bid package (plans, specifications, estimates, etc.) has been reviewed and approved by the State. Following receipt of bids, the County will provide all bids to the State with a recommendation for award. The County shall not award the contract until it has received written approval from the State.

The purchase of project equipment and/or services financed in whole or in part pursuant to this Agreement will be in accordance with applicable Federal and State laws, rules, regulations, and procedures, including state competitive bidding requirements applicable to counties and municipalities in the State of Alabama when the purchase is made by any such entity.

- C. If necessary, the County will file an Alabama Department of Environmental Management (ADEM) National Pollutant Discharge Elimination System (NPDES) Notice of Registration (NOR) (Code Chapter 335-6-12) for this project without cost to the State or this project. The County will be the permittee of record with ADEM for the permit. The County and the contractor will be responsible for compliance with the permit and the State will have no obligation regarding the permit. The County will furnish the State (Region) a copy of the permit prior to any work being performed by the contractor.

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The County will secure all permits and licenses of every nature and description applicable to the project in any manner; conform to and comply with the requirements of any such permit or license; and comply with each and every requirement of any and all agencies, and of any and all lawful authorities having jurisdiction or requirements applicable to the project or to the project activities.

D. The County will comply with the Alabama Department of Transportation Standard Specifications for Highway Construction, Latest Edition, on this project and will ensure that work associated on this project meets the standards of the Alabama Department of Transportation, and the project will be built in accordance with the approved plans.

E. The County shall be responsible at all times for all of the work performed under this Agreement and, as provided in Ala. Code §11-93-2 (1975), the County shall indemnify and hold harmless the State of Alabama, the Alabama Department of Transportation, its officers, officials, agents, servants, and employees.

For all claims not subject to Ala. Code §11-93-2 (1975), the County shall indemnify and hold harmless the State of Alabama, the Alabama Department of Transportation, its officers, officials, agents, servants, and employees from and against any and all damages, claims, loss, liabilities, attorney's fees or expense whatsoever or any amount paid in compromise thereof arising out of, connected with, or related to the (1) work performed under this Agreement, (2) the provision of any services or expenditure of funds required, authorized, or undertaken by the County pursuant to the terms of this Agreement, or (3) misuse, misappropriation, misapplication, or misexpenditure of any source of funding, compensation or reimbursement by the County, its officers, officials, agents, servants, and employees.

F. The County will be obligated for the payment of damages occasioned to private property, public utilities or the general public caused by the legal liability (in accordance with Alabama and/or Federal Law) of the County, its agents, servants, employees or facilities.

G. Upon completion and acceptance of this project by the State, the County will assume full ownership and responsibility for the portion of the project work on County right-of-way and maintain the project in accordance with applicable State law and comply with the Department's Local Road Maintenance Certification Policy.

PART FIVE (5): ACCOUNTING PROVISIONS

A. The County will, when appropriate, submit reimbursement invoices to the State for work performed in carrying out the terms of this Agreement. Requests for reimbursement will be made on forms provided by the State and will be submitted through the Region Engineer for payment. The County may invoice the State not more often than once per month for the funds due for work performed under this Agreement. Invoices for payment will be submitted in accordance with state law and will indicate that the payment is due, true, correct, and unpaid, and the invoice will be notarized. Invoices for any work performed under the terms of this Agreement will be submitted within twelve (12) months after the completion and acceptance by the State of the work. Any invoices submitted after this twelve-month period will not be eligible for payment.

B. The County will not assign any portion of the work to be performed under this Agreement or execute any contract, amendment or change order thereto, or obligate itself in any manner with any third party with respect to its rights and responsibilities under this Agreement, without the prior approval of the State.

C. The County will establish and maintain a cost accounting system that must be adequate and acceptable to the State as determined by the auditor of the State. All charges to the Project will be supported by properly executed invoices, contracts, or vouchers, as applicable, evidencing in proper detail the nature and propriety of the charges in accordance with the requirements of the State. All checks, invoices, contracts, vouchers, orders or other accounting documents pertaining in whole or in part to the project will be clearly identified, readily accessible and to the maximum extent feasible, kept separate and apart from all other such documents.

The County will report to the State the progress of the project in such manner as the State may require. The County will also provide the State any information requested by the State regarding the project. The County will submit to the State financial statements,

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data, records, contracts and other documents and items of any respect related to the project as may be requested by the State.

The County will permit the State, the Comptroller General of the United States, and the Secretary of the USDOT, or either of them or their respective authorized representatives, to inspect, at any time, vehicles and equipment utilized or used in performance of the project and any and all data and records which in any way relate to the project or to the accomplishment of the project. The County will also permit the above noted persons to audit the books, records, and accounts pertaining to the project at any and all times, and the County will give its full cooperation to those persons or their authorized representatives, as applicable.

The County will comply with all audit requirements set forth in the 2 CFR Part 200 requirements, or the most current version of those requirements under federal law.

- D. The County will retain all books, records, and other documents relative to this Agreement for a minimum of three (3) years after project termination, expiration of Federal interest, or close out, and the State, the Comptroller General of the United States, and the Secretary of the USDOT, or either of them or their respective authorized representative, will have full access to and the right to examine any of said materials at all reasonable times during said period.
- E. Any user fee or charge to the public for access to any property or services provided through the funds made available under this Agreement, if not prohibited by a Federal, State or local law, must be applied for the maintenance and long-term upkeep of the project authorized by this Agreement.
- F. An audit report must be filed with the Department of Examiners of Public Accounts, upon receipt by the County, for any audit performed on this project in accordance with Act No. 94-414.

PART SIX (6): MISCELLANEOUS PROVISIONS

- A. By entering into this agreement, the County is not an agent of the State, its officers, employees, agents or assigns. The County is an independent entity from the State and nothing in this agreement creates an agency relationship between the parties.
- B. It is agreed that the terms and commitments contained in this Agreement shall not constitute a debt of the State of Alabama in violation of Article 11, Section 213 of the Constitution of Alabama, 1901, as amended by Amendment 26. It is further agreed that, if any provision of this Agreement shall contravene any statute or Constitutional provision or amendment, either now in effect or which may be enacted during the term of this Agreement, then the conflicting provision in this agreement shall be deemed null and void.
- C. By signing this Agreement, the contracting parties affirm, for the duration of the Agreement, that they will not violate Federal immigration law or knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama. Furthermore, a contracting party found to be in violation of this provision shall be deemed in breach of the Agreement and shall be responsible for all damages resulting therefrom.
- D. No member, officer, or employee of the County, during their tenure of employment and for one year thereafter, shall have any interest, direct or indirect, in this Agreement or the proceeds, profits, or benefits therefrom.
- E. The terms of this Agreement may be modified by revision of this Agreement duly executed by the parties hereto.
- F. This Agreement may be terminated by either party upon the delivery of a thirty (30) day notice of termination.
- G. Nothing shall be construed under the terms of this Agreement that shall cause any conflict with Section 23-1-63, Code of Alabama, 1975.
- H. Exhibits A, E, H, M and N are hereby attached to and made a part of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed by those officers, officials and persons thereunto duly authorized, and the agreement is deemed to be dated and to be effective on the date stated hereinafter as the date of the approval of the Governor of Alabama.

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EXHIBIT A

PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN FEDERAL AID PROGRAM

Policy. It is the policy of the U.S. Department of Transportation that Disadvantaged Business Enterprises (DBE) as defined in 49 CFR Part 26 shall have the opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this Agreement. Consequently, the DBE requirements of 49 CFR Part 26 apply to this Agreement.

DBE Obligation. The recipient of funds under the terms of this Agreement agrees to ensure that Disadvantaged Business Enterprises as defined in 49 CFR Part 26 have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided under this Agreement. The recipient shall take all necessary and reasonable steps in accordance with 49 CFR Part 26 to see that Disadvantaged Business Enterprises have the opportunity to compete for and perform contracts and shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of U.S. Department of Transportation assisted contracts.

Failure of the recipient of funds under the terms of this Agreement, or failure of its subcontractor (if a subcontractor is authorized) to carry out the DBE requirements of this Agreement shall constitute a breach of contract, and may result in termination of the contract by the State, or such other remedy may be undertaken by the State as it deems appropriate.

EXHIBIT E

TERMINATION OR ABANDONMENT

- a. The State has the right to abandon the work or to amend its project at any time, and such action on its part shall in no event be deemed a breach of contract.
- b. The State has the right to terminate this Agreement at its sole discretion without cause and make settlement with the County upon an equitable basis. The value of the work performed by the County prior to the termination of this Agreement shall be determined. In determining the value of the work performed, the State shall consider the following:
 1. The ratio of the amount of work performed by the County prior to the termination of the Agreement to the total amount of work contemplated by this Agreement less any payments previously made.
 2. The amount of the expense to which the County is put in performing the work to be terminated in proportion to the amount of expense to which the County would have been put had he been allowed to complete the total work contemplated by the Agreement, less any payments previously made. In determining the value of the work performed by the County prior to the termination, no consideration will be given to profit, which the County might have made on the uncompleted portion of the work. If the termination is brought about as a result of unsatisfactory performance on the part of the County, the value of the work performed by the County prior to termination shall be fixed solely on the ratio of the amount of such work to the total amount of work contemplated by this Agreement.

CONTROVERSY

IN any controversy concerning contract terms, or on a question of fact in connection with the work covered by this project, including compensation for such work, the decision of the Transportation Director regarding the matter in issue or dispute shall be final and conclusive of all parties.

CONTRACT BINDING ON SUCCESSORS AND ASSIGNS

- a. This contract shall be binding upon the successors and assigns of the respective parties hereto.
- b. Should the Agreement be terminated due to default by County, such termination shall be in accordance with applicable Federal Acquisition Regulations.

EXHIBIT H

EQUAL RIGHTS PROVISION

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During the performance of this contract, the County for itself, its assignees and successors in interest agree as follows:

a. Compliance with Regulations

The County will comply with the Regulations of the Department of Transportation relative to nondiscrimination in federally-assigned programs of the Department of Transportation (Title 49, Code of Federal Regulations, Part 21, as amended by 23 CFR 710-405(b), hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities

- Title VI of the Civil Rights Act of 1965 (42 U.S.C. § 2000d et seq., 78 stat. 252), prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on basis of sex);
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination based on age);
- Airport and Airway Improvement Act of 1982, (49 U.S.C. § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PJ 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189 as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38);
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations.
- Executive Order 13166, Improving Access to Services for Person with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title XI of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20

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U.S.C. 1681 et seq.).

b. Nondiscrimination

In accordance with Title VI of the Civil Rights Act, as amended, 42 U.S.C. § 2000d, Section 303 of the Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6102, Section 202 of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12132, and Federal transit law at 49 U.S.C. § 5332, the County agrees that it will not discriminate against any employee or applicant for employment because of race, color, creed, national origin, sex, age, or disability. The County will not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices where the contract covers a program set forth in Appendix B of the Regulations.

The County will comply with all provisions of Executive Order 11246 of September 24, 1965 as amended by Executive Order 11375, and of the rules, regulations (41 CFR, Part 60) and relevant orders of the Secretary of Labor.

c. Solicitations

In all solicitations either by competitive bidding or negotiations made by the County for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor, supplier or lessor shall be notified by the County of the County's obligation under this contract and the Regulations relative to nondiscrimination on the ground of race, color, religion, sex or national origin.

d. Information and Reports

The County will provide all information and reports required by the Regulations or orders and instructions issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the State or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a County is in the exclusive possession of another who fails or refuses to furnish this information, the County shall certify to the State, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

e. Sanctions for Noncompliance

In the event of the County's noncompliance with the nondiscrimination provisions provided for herein, the State shall impose such contract sanctions as it may determine to be appropriate, including but not limited to,

1. withholding of payments to the County under contract until the County complies, and/or
2. cancellation, termination or suspension of the contract, in whole or in part.

f. Incorporation of Provisions

The County will include the foregoing provisions a. through f. in every subcontract, including procurements of materials and leases of equipment, unless excepted by the Regulations, orders or instructions issued pursuant thereto. The County will take such action with respect to any subcontract, procurement, or lease as the State may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided, however, that in the event a County becomes involved in, or is threatened with, litigation with subcontractors, suppliers, or lessor as a result of such direction, the County may request the State to enter into such litigation to protect the interest of the State.

g. Equal Employment Opportunity – The following equal employment opportunity requirements apply to the underlying contract:

1. Race, Color, Creed, National Origin, Sex – In accordance with Title VII of the Civil Rights Act, as amended, 42 U.S.C. § 2000e, and Federal Transit laws at 49 U.S.C. § 5332, the County agrees to comply with all applicable equal employment requirements of U.S. Department of Labor (U.S. DOL) regulations, "Office of Federal Contract Compliance Program, Equal Employment Opportunity, Department of Labor," 41 C.F.R. Parts 60 et seq., (which implement Executive Order No. 11246, "Equal Employment

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Opportunity”, as amended by Executive Order No. 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity”, 42 U.S.C. § 2000e note), and with any applicable Federal statutes, executive orders, regulations, and Federal policies that may in the future affect construction activities undertaken in the course of the Project. The County agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, creed, national origin, sex, or age. Such action shall include, but not limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoffs or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. In addition, the County agrees to comply with any implementing requirements FTA may issue.

2. Age – In accordance with Section 4 of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 623 and Federal transit law at 49 U.S.C. § 5332, the County agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, the County agrees to comply with any implementing requirements the FTA may issue.
3. Disabilities – In accordance with Section 102 of the Americans with Disabilities Act, as amended, 42 U.S.C. § 12112, the County agrees that it will comply with the requirement of U.S. Equal Employment Opportunity Commission, “Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act”, 29 C.F.R. Part 1630, pertaining to employment of persons with disabilities. In addition, the Contractor agrees to comply with implementing requirements FTA may issue.

COST PRINCIPLES

The State’s cost principles for use in determining the allowability of any item of cost, both direct and indirect, in this Agreement, shall be the applicable provisions of Volume I, Federal Acquisition Regulations, Parts 30 and 31. The County shall maintain costs and supporting documentation in accordance with the Federal Acquisition Regulations, Parts 30 and 31 and other Regulations referenced with these Parts when applicable. The County shall gain an understanding of these documents and regulations. The applicable provisions of the above referenced regulations documents are hereby incorporated by reference herein as if fully set forth.

EXECUTORY CLAUSE AND NON-MERIT SYSTEM STATUS

- a. The County specifically agrees that this Agreement shall be deemed executory only to the extent of moneys available, and no liability shall be incurred by the State beyond the moneys available for this purpose.
- b. The County, in accordance with the status of County as an independent contractor, covenants and agrees that the conduct of County will be consistent with such status, that County will neither hold County out as, or claims to be, an officer or employee of the State by reason hereof, and that County will not, by reason hereof, make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the State under the merit system or any other law of Alabama, including, but not limited to workmen’s compensation coverage or retirement membership or credit or any Federal employment law. This paragraph also applies in like manner to the employees of County.

COUNTY’S CERTIFICATIONS

The County by acceptance of this contract certifies that the rates or composition of cost noted in Article IV – PAYMENTS are based on the current actual hourly rates paid to employees, estimated non-salary direct cost based on historical prices, the latest available audited indirect cost rate, and estimated cost of reimbursement to employees for travel (mileage, per diem, and meal allowance) based on the current policy of the county. The County agrees that mileage reimbursement for use of company vehicles is based on the lesser of the approved rate allowed by the General Services Administration of the United States Government or the reimbursement policies of the County at the time of execution of the Agreement. The County agrees that no

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mileage reimbursements will be allowed for the purpose of commuting to and from work or for personal use of a vehicle. The County agrees that the per diem rate will be limited to the rate allowed by the Stat at the time of execution of the Agreement. The County agrees that a meal allowance shall be limited to County employees while in travel status only and only when used in lieu of a per diem rate.

The County shall submit detailed certified labor rates as requested, and in a timely manner, to the External Audits Section of the Finance and Audits Bureau of the Alabama Department of Transportation. The County agrees that material differences between rates submitted with a proposal and rates provided as certified for the same proposal are subject to adjustment and reimbursement.

EXHIBIT M

CERTIFICATION FOR FEDERAL-AID CONTRACTS: LOBBYING

This certification is applicable to the instrument to which it is attached whether attached directly or indirectly with other attachments to such instrument.

The prospective participant/recipient, by causing the signing of and the submission of this Federal contract, grant, loan, cooperative Agreement, or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, and the person signing same for and on behalf of the prospective participant/recipient each respectively certify that to the best of the knowledge and belief of the prospective participant or recipient and of the person signing for and on behalf of the prospective participant/recipient, that:

- a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the prospective participant/recipient or the person signing on behalf of the prospective participant/recipient as mentioned above, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, the prospective participant/recipient shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U. S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The prospective participant/recipient also agrees by submitting this Federal contract, grant, loan, cooperative agreement or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, that the prospective participant/recipient shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such subrecipients shall certify and disclose accordingly.

EXHIBIT N

FUNDS SHALL NOT BE CONSTITUTED AS DEBT

It is agreed that the terms and commitments contained herein shall not be constituted as a debt of the State of Alabama in violation of Article 11, Section 213 of the Constitution of Alabama, 1901, as amended by Amendment Number 26. It is further agreed that if any provision of this Agreement shall contravene any statute or Constitutional provision of amendment, either now in effect or which may, during the course of this Agreement, be enacted, then the conflicting provision in this Agreement shall be deemed null and void.

When considering settlement of controversies arising from or related to the work covered by this Agreement, the parties may agree to use appropriate forms of non-binding alternative

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dispute resolution.

TERMINATION DUE TO INSUFFICIENT FUNDS

- a. If the agreement term is to exceed more than one fiscal year, then said agreement is subject to termination in the event that funds should not be appropriated for the continued payment of the agreement in subsequent fiscal years.
- b. In the event of proration of the fund from which payment under this Agreement is to be made, agreement will be subject to termination.

NO GOVERNMENT OBLIGATION TO THIRD PARTY CONTRACTORS

The State and County acknowledge and agree that, notwithstanding any concurrence by the Federal Government in or approval of the solicitation or award of the underlying contract, absent the express written consent by the Federal Government, the Federal Government is not a party to this contract and shall not be subject to any obligations of or liabilities to the State, County, or any other party (whether or not a party to that contract) pertaining to any matter resulting from the underlying contract.

The County agrees to include the above clause in each subcontract financed in whole or in part with Federal assistance provided to FHWA. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subject to its provisions.

Mr. Hardee presented a for approval a Federal Aid Agreement for resurfacing Lee Road 243 in District 3. Mr. Hardee indicated this project is through the Columbus-Phenix City MPO. Commissioner Long questioned why the project excluded about a 1/10 of a mile before Lee Road 298. Mr. Hardee stated that portion did not fall into the MPO and they were required to exclude that portion for the project to qualify for the funding. Mr. Hardee stated the county will oversee this project to completion from Lee Road 298 to the county line by utilizing county funds. Commissioner Long made a motion, seconded by Commissioner Ham to authorize the Chairman to sign the Federal Aid Agreement for resurfacing Lee Road 243 as presented. The motion carried unanimously.

RESOLUTION

BE IT RESOLVED, by the Lee County Commission as follows:

That the County enter into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation relating to a project for:
Full depth reclamation, resurfacing, and traffic striping on CR-243 from the Russell County line to CR-248; Length-2.621 miles; Project#STPPC-4119(253); LCP41-152-19; CPMS Ref#100067543.

Which agreement is before this Commission, and that the agreement be executed in the name of the County, by the Chairman for and on its behalf and that it be attested by the County Clerk and the official seal of the County be affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the agreement by all parties, that a copy of such agreement be kept on file by the County.

**CONSTRUCTION AGREEMENT FOR A FEDERAL AID PROJECT
BETWEEN THE STATE OF ALABAMA AND THE LEE COUNTY COMMISSION**

PART ONE (1): INTRODUCTION

This Agreement is made and entered into by and between the State of Alabama, (acting by and through the Alabama Department of Transportation), hereinafter referred to as the State; and Lee County Commission, Alabama, (FEIN 63-6001601) hereinafter referred to as the County.

WHEREAS, the State and the County desire to cooperate in the full depth reclamation, resurfacing, and traffic striping on CR-243 from the Russell County line to CR-248; Length-2.621 miles; Project #STPPC-4119(253), LCP-41-152-19, CPMS Ref#100067543.

NOW THEREFORE, it is mutually agreed between the State and County as follows:

PART TWO (2): FUNDING PROVISIONS

- A. **Project Funding:** Funding for this Agreement is subject to availability of Federal Aid

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funds at the time of authorization. The project will be limited to \$704,000 Federal funds unless the Columbus/Phenix City Area Metropolitan Planning Organization agrees, subject to approval of the State, to reprogram the allocated Federal funds for the Columbus/Phenix City Area sufficient to pay 80% of the project cost. In the event of an underrun in project costs, the amount of Federal Aid funds will be the amount stated below, or 80% of eligible project costs, whichever is less.

- B. The estimated cost and participation by the various parties is as follows:

<u>FUNDING SOURCE</u>	<u>ESTIMATED COSTS</u>
FA STP Funds (Columbus/Phenix City Area Dedicated)	\$ 704,000.00
County Funds	\$ <u>176,000.00</u>
TOTAL (Incl CE&I & Indirect Cost)	\$ 880,000.00

It is further understood that this is a cost reimbursement program and no federal funds will be provided to the County prior to accomplishment of the work for which it is requested. Furthermore, no federal funds will be reimbursed for work performed prior to project authorization.

Any cost incurred by the County relating to this project which is determined to be ineligible for reimbursement by the Federal Highway Administration (FHWA), or in excess of the limiting amounts previously stated, will not be eligible cost to this project and will be borne and paid by the County.

- C. **Time Limit:** This project will commence upon written authorization to proceed from the State directed to the County.

The approved allocation of funds for projects containing Industrial Access funds shall lapse if a contract has not been awarded for construction of the project within (12) months of the date of the funding approval by the Industrial Access Road and Bridge Corporation Board, and the approved allocation shall be returned to the IARB for reallocation. A time extension may be approved by the IARB upon formal request by the applicant.

The approved allocation of funds for projects containing Federal Transportation Alternatives Set-Aside funds may lapse if a project has not been authorized by FHWA within (24) months of the date of the funding approval by the Governor, and the approved allocation shall be returned to the State for re-allocation. A time extension may be approved by the State upon formal request by the applicant. Failure to meet other project milestones, as set forth in the TAP Guidelines, may result in an approved allocation being returned to the State.

PART THREE (3): PROJECT SERVICES

- A. The County will furnish all Right-of-Way for the project. Associated Right-of-Way acquisition costs will not be an eligible cost as part of this Agreement. The Right-of-Way acquisition phase is hereby defined as the appraisal fees, appraisal review fees and the cost of acquisition incurred.

All work accomplished under the provisions of this Agreement will be accomplished on property owned by or which will be acquired by the County in accordance with applicable Federal and state laws, regulations, and procedures. Any exceptions to this requirement must be approved by the State in writing prior to incurring costs for which reimbursement is requested by the County. In cases where property is leased, or easements obtained, the terms of the lease or easement will not be less than the expected life of the improvements.

Acquisition of real property by the County as a part of this project will conform to and be in accordance with the provisions of the Federal Uniform Relocation Assistant & Real Property Acquisition Policies Act (49 CFR24, Subpart B), all federal environmental laws, and all other applicable state and federal laws.

Any property or property interests acquired shall be in the name of the County with any condemnation or other legal proceedings being performed by the County.

The County shall follow all Federal regulations related to the Management, Leasing, and Disposal of Right-of-Way, uneconomic remnants and excess Right-of-Way as found in CFR 23 § 710 Subpart D. Proceeds for Leases and Disposals shall be credited to the Project or to the Title 23 Collector Account.

No change in use or ownership of real property acquired or improved with funds

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provided under the terms of this Agreement will be permitted without prior written approval from the State or FHWA. The State or FHWA will be credited on a prorate share, as provided in Part Two, Section B, and revenues received by the County from the sale or lease of property. The County will furnish all construction engineering for the project with County forces or with a consultant selected and approved by the State not to exceed 5%, without prior approval by the State. The cost of the construction engineering shall be included as part of the construction cost for the project.

- B. The County will relocate any utilities in conflict with the project improvements in accordance with applicable Federal and State laws, regulations, and procedures. Associated Utility costs will not be an eligible cost as part of this Agreement.
- C. The County will make the Survey, perform the Design, complete the Plans and furnish all Preliminary Engineering for the project with County forces or with a consultant approved by the State. Associated Survey, Design, Plan Preparation, and Preliminary Engineering costs will not be an eligible cost as part of this Agreement.

If any Associated Survey, Design, Plan Preparation, and Preliminary Engineering costs are an eligible cost to the project, the County will develop and submit to the State a project budget for approval. This budget will be in such form and detail as may be required by the State. At a minimum, all major work activities will be described, and an estimated cost and source of funds will be indicated for each activity. A signature line will be provided for approval by the Region Engineer and date of such approval. All costs for which the County seeks reimbursement must be included in a budget approved by the State in order to be considered for reimbursement. Budget adjustments may be necessary and may be allowed, subject to the approval of the State in writing, in order to successfully carry out the project. However, under no circumstances will the County be reimbursed for expenditures over and beyond the amount approved by the State.

The County will undertake the project in accordance with this Agreement, plans approved by the State and the requirements, and provisions, including the documents relating thereto, developed by the County and approved by the State. The plans, including the documents relating thereto, are of record in the Alabama Department of Transportation and are hereby incorporated in and made a part of this Agreement by reference. It is understood by the County that failure of the County to carry out the project in accordance with this Agreement and approved plans, including documents related thereto, may result in the loss of federal funding and the refund of any federal funds previously received on the project.

Projects containing Industrial Access funds or State funds, with no Federal funds involved, shall have completed original plans furnished to the State in accordance with the Guidelines for Operations for *Procedures for Processing State and Industrial Access Funded County and City Projects*, and attached hereto as a part of this Agreement prior to the County letting the contract.

- D. The County will furnish all construction engineering for this project with County forces or with a consultant approved by the State as part of the cost of the project. Construction Engineering & Inspection cost are not to exceed 5%, without prior approval by the State. Associated Construction Engineering & Inspection costs will be an eligible cost as part of this Agreement.
- E. The State will furnish the necessary inspection and testing of materials when needed as part of the cost of the project. The County may request the use of an approved third-party materials inspection and testing provider, as approved by the State.

PART FOUR (4): CONTRACT PROVISIONS

- A. The County shall not proceed with any project work covered under the provisions of this Agreement until the State issues written authorization to the County to proceed.
- B. Associated construction costs will be an eligible cost as part of this Agreement. For projects let to contract by the State, the State will be responsible for advertising and receipt of bids and the award of the Contract. Following the receipt of bids and prior to the award of the Contract, the State will invoice the County for its pro rata share of the estimated cost as reflected by the bid of the successful bidder plus Engineering & Inspection and Indirect Costs (if applicable). The County shall pay this amount to the State no later than 30 days after the date bids are opened. Failure to do so may lead to

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the rejection of the bid.

For projects let to contract by the County, the County shall comply with all Federal and State laws, rules, regulations and procedures applicable to the advertisement, receipt of bids, and the award of the contract. The County will, when authorized by the State, solicit bids and make awards for construction and/or services pursuant to this Agreement. The County shall not solicit bids until the entire bid package (plans, specifications, estimates, etc.) has been reviewed and approved by the State. Following receipt of bids, the County will provide all bids to the State with a recommendation for award. The County shall not award the contract until it has received written approval from the State.

The purchase of project equipment and/or services financed in whole or in part pursuant to this Agreement will be in accordance with applicable Federal and State laws, rules, regulations, and procedures, including state competitive bidding requirements applicable to counties and municipalities in the State of Alabama when the purchase is made by any such entity.

- C. If necessary, the County will file an Alabama Department of Environmental Management (ADEM) National Pollutant Discharge Elimination System (NPDES) Notice of Registration (NOR) (Code Chapter 335-6-12) for this project without cost to the State or this project. The County will be the permittee of record with ADEM for the permit. The County and the contractor will be responsible for compliance with the permit and the State will have no obligation regarding the permit. The County will furnish the State (Region) a copy of the permit prior to any work being performed by the contractor.

The County will secure all permits and licenses of every nature and description applicable to the project in any manner; conform to and comply with the requirements of any such permit or license; and comply with each and every requirement of any and all agencies, and of any and all lawful authorities having jurisdiction or requirements applicable to the project or to the project activities.

- D. The County will comply with the Alabama Department of Transportation Standard Specifications for Highway Construction, Latest Edition, on this project and will ensure that work associated on this project meets the standards of the Alabama Department of Transportation, and the project will be built in accordance with the approved plans.
- E. The County shall be responsible at all times for all of the work performed under this Agreement and, as provided in Ala. Code §11-93-2 (1975), the County shall indemnify and hold harmless the State of Alabama, the Alabama Department of Transportation, its officers, officials, agents, servants, and employees.

For all claims not subject to Ala. Code §11-93-2 (1975), the County shall indemnify and hold harmless the State of Alabama, the Alabama Department of Transportation, its officers, officials, agents, servants, and employees from and against any and all damages, claims, loss, liabilities, attorney's fees or expense whatsoever or any amount paid in compromise thereof arising out of, connected with, or related to the (1) work performed under this Agreement, (2) the provision of any services or expenditure of funds required, authorized, or undertaken by the County pursuant to the terms of this Agreement, or (3) misuse, misappropriation, misapplication, or misexpenditure of any source of funding, compensation or reimbursement by the County, its officers, officials, agents, servants, and employees.

- F. The County will be obligated for the payment of damages occasioned to private property, public utilities or the general public caused by the legal liability (in accordance with Alabama and/or Federal Law) of the County, its agents, servants, employees or facilities.
- G. Upon completion and acceptance of this project by the State, the County will assume full ownership and responsibility for the portion of the project work on County right-of-way and maintain the project in accordance with applicable State law and comply with the Department's Local Road Maintenance Certification Policy.

PART FIVE (5): ACCOUNTING PROVISIONS

- A. The County will, when appropriate, submit reimbursement invoices to the State for work performed in carrying out the terms of this Agreement. Requests for reimbursement will

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be made on forms provided by the State and will be submitted through the Region Engineer for payment. The County may invoice the State not more often than once per month for the funds due for work performed under this Agreement. Invoices for payment will be submitted in accordance with state law and will indicate that the payment is due, true, correct, and unpaid, and the invoice will be notarized. Invoices for any work performed under the terms of this Agreement will be submitted within twelve (12) months after the completion and acceptance by the State of the work. Any invoices submitted after this twelve-month period will not be eligible for payment.

- B. The County will not assign any portion of the work to be performed under this Agreement or execute any contract, amendment or change order thereto, or obligate itself in any manner with any third party with respect to its rights and responsibilities under this Agreement, without the prior approval of the State.
- C. The County will establish and maintain a cost accounting system that must be adequate and acceptable to the State as determined by the auditor of the State. All charges to the Project will be supported by properly executed invoices, contracts, or vouchers, as applicable, evidencing in proper detail the nature and propriety of the charges in accordance with the requirements of the State. All checks, invoices, contracts, vouchers, orders or other accounting documents pertaining in whole or in part to the project will be clearly identified, readily accessible and to the maximum extent feasible, kept separate and apart from all other such documents.

The County will report to the State the progress of the project in such manner as the State may require. The County will also provide the State any information requested by the State regarding the project. The County will submit to the State financial statements, data, records, contracts and other documents and items of any respect related to the project as may be requested by the State.

The County will permit the State, the Comptroller General of the United States, and the Secretary of the USDOT, or either of them or their respective authorized representatives, to inspect, at any time, vehicles and equipment utilized or used in performance of the project and any and all data and records which in any way relate to the project or to the accomplishment of the project. The County will also permit the above noted persons to audit the books, records, and accounts pertaining to the project at any and all times, and the County will give its full cooperation to those persons or their authorized representatives, as applicable.

The County will comply with all audit requirements set forth in the 2 CFR Part 200 requirements, or the most current version of those requirements under federal law.

- D. The County will retain all books, records, and other documents relative to this Agreement for a minimum of three (3) years after project termination, expiration of Federal interest, or close out, and the State, the Comptroller General of the United States, and the Secretary of the USDOT, or either of them or their respective authorized representative, will have full access to and the right to examine any of said materials at all reasonable times during said period.
- E. Any user fee or charge to the public for access to any property or services provided through the funds made available under this Agreement, if not prohibited by a Federal, State or local law, must be applied for the maintenance and long-term upkeep of the project authorized by this Agreement.
- F. An audit report must be filed with the Department of Examiners of Public Accounts, upon receipt by the County, for any audit performed on this project in accordance with Act No. 94-414.

PART SIX (6): MISCELLANEOUS PROVISIONS

- A. By entering into this agreement, the County is not an agent of the State, its officers, employees, agents or assigns. The County is an independent entity from the State and nothing in this agreement creates an agency relationship between the parties.
- B. It is agreed that the terms and commitments contained in this Agreement shall not constitute a debt of the State of Alabama in violation of Article 11, Section 213 of the Constitution of Alabama, 1901, as amended by Amendment 26. It is further agreed that, if any provision of this Agreement shall contravene any statute or Constitutional provision or amendment, either now in effect or which may be enacted during the term of

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this Agreement, then the conflicting provision in this agreement shall be deemed null and void.

- C. By signing this Agreement, the contracting parties affirm, for the duration of the Agreement, that they will not violate Federal immigration law or knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama. Furthermore, a contracting party found to be in violation of this provision shall be deemed in breach of the Agreement and shall be responsible for all damages resulting therefrom.
- D. No member, officer, or employee of the County, during their tenure of employment and for one year thereafter, shall have any interest, direct or indirect, in this Agreement or the proceeds, profits, or benefits therefrom.
- E. The terms of this Agreement may be modified by revision of this Agreement duly executed by the parties hereto.
- F. This Agreement may be terminated by either party upon the delivery of a thirty (30) day notice of termination.
- G. Nothing shall be construed under the terms of this Agreement that shall cause any conflict with Section 23-1-63, Code of Alabama, 1975.
- H. Exhibits A, E, H, M and N are hereby attached to and made a part of this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed by those officers, officials and persons thereunto duly authorized, and the agreement is deemed to be dated and to be effective on the date stated hereinafter as the date of the approval of the Governor of Alabama.

EXHIBIT A

PARTICIPATION BY DISADVANTAGED BUSINESS ENTERPRISES IN FEDERAL AID PROGRAM Policy.

It is the policy of the U.S. Department of Transportation that Disadvantaged Business Enterprises (DBE) as defined in 49 CFR Part 26 shall have the opportunity to participate in the performance of contracts financed in whole or in part with Federal funds under this Agreement. Consequently, the DBE requirements of 49 CFR Part 26 apply to this Agreement.

DBE Obligation. The recipient of funds under the terms of this Agreement agrees to ensure that Disadvantaged Business Enterprises as defined in 49 CFR Part 26 have the maximum opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds provided under this Agreement. The recipient shall take all necessary and reasonable steps in accordance with 49 CFR Part 26 to see that Disadvantaged Business Enterprises have the opportunity to compete for and perform contracts and shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of U.S. Department of Transportation assisted contracts.

Failure of the recipient of funds under the terms of this Agreement, or failure of its subcontractor (if a subcontractor is authorized) to carry out the DBE requirements of this Agreement shall constitute a breach of contract, and may result in termination of the contract by the State, or such other remedy may be undertaken by the State as it deems appropriate.

EXHIBIT E

TERMINATION OR ABANDONMENT

- a. The State has the right to abandon the work or to amend its project at any time, and such action on its part shall in no event be deemed a breach of contract.
- b. The State has the right to terminate this Agreement at its sole discretion without cause and make settlement with the County upon an equitable basis. The value of the work performed by the County prior to the termination of this Agreement shall be determined. In determining the value of the work performed, the State shall consider the following:
 - 1. The ratio of the amount of work performed by the County prior to the termination of the Agreement to the total amount of work contemplated by this Agreement less any payments previously made.
 - 2. The amount of the expense to which the County is put in performing the

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work to be terminated in proportion to the amount of expense to which the County would have been put had he been allowed to complete the total work contemplated by the Agreement, less any payments previously made. In determining the value of the work performed by the County prior to the termination, no consideration will be given to profit, which the County might have made on the uncompleted portion of the work. If the termination is brought about as a result of unsatisfactory performance on the part of the County, the value of the work performed by the County prior to termination shall be fixed solely on the ration of the amount of such work to the total amount of work contemplated by this Agreement.

CONTROVERSY

IN any controversy concerning contract terms, or on a question of fact in connection with the work covered by this project, including compensation for such work, the decision of the Transportation Director regarding the matter in issue or dispute shall be final and conclusive of all parties.

CONTRACT BINDING ON SUCCESSORS AND ASSIGNS

- a. This contract shall be binding upon the successors and assigns of the respective parties hereto.
- b. Should the Agreement be terminated due to default by County, such termination shall be in accordance with applicable Federal Acquisition Regulations.

EXHIBIT H

EQUAL RIGHTS PROVISION

During the performance of this contract, the County for itself, its assignees and successors in interest agree as follows:

a. Compliance with Regulations

The County will comply with the Regulations of the Department of Transportation relative to nondiscrimination in federally-assigned programs of the Department of Transportation (Title 49, Code of Federal Regulations, Part 21, as amended by 23 CFR 710-405(b), hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the "contractor") agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

Pertinent Non-Discrimination Authorities

- Title VI of the Civil Rights Act of 1965 (42 U.S.C. § 2000d et seq., 78 stat. 252), prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), (prohibits discrimination on basis of sex);
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794 et seq.), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination based on age);
- Airport and Airway Improvement Act of 1982, (49 U.S.C. § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PJ 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of

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the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);

- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189 as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38);
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations.
- Executive Order 13166, Improving Access to Services for Person with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title XI of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq.).

b. Nondiscrimination

In accordance with Title VI of the Civil Rights Act, as amended, 42 U.S.C. § 2000d, Section 303 of the Age Discrimination Act of 1975, as amended, 42 U.S.C. § 6102, Section 202 of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12132, and Federal transit law at 49 U.S.C. § 5332, the County agrees that it will not discriminate against any employee or applicant for employment because of race, color, creed, national origin, sex, age, or disability. The County will not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices where the contract covers a program set forth in Appendix B of the Regulations.

The County will comply with all provisions of Executive Order 11246 of September 24, 1965 as amended by Executive Order 11375, and of the rules, regulations (41 CFR, Part 60) and relevant orders of the Secretary of Labor.

c. Solicitations

In all solicitations either by competitive bidding or negotiations made by the County for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor, supplier or lessor shall be notified by the County of the County's obligation under this contract and the Regulations relative to nondiscrimination on the ground of race, color, religion, sex or national origin.

d. Information and Reports

The County will provide all information and reports required by the Regulations or orders and instructions issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information and its facilities as may be determined by the State or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations, orders and instructions. Where any information required of a County is in the exclusive possession of another who fails or refuses to furnish this information, the County shall certify to the State, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.

e. Sanctions for Noncompliance

In the event of the County's noncompliance with the nondiscrimination provisions provided for herein, the State shall impose such contract sanctions as it may

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determine to be appropriate, including but not limited to,

1. withholding of payments to the County under contract until the County complies, and/or
2. cancellation, termination or suspension of the contract, in whole or in part.

f. Incorporation of Provisions

The County will include the foregoing provisions a. through f. in every subcontract, including procurements of materials and leases of equipment, unless excepted by the Regulations, orders or instructions issued pursuant thereto. The County will take such action with respect to any subcontract, procurement, or lease as the State may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided, however, that in the event a County becomes involved in, or is threatened with, litigation with subcontractors, suppliers, or lessor as a result of such direction, the County may request the State to enter into such litigation to protect the interest of the State.

g. Equal Employment Opportunity – The following equal employment opportunity requirements apply to the underlying contract:

1. **Race, Color, Creed, National Origin, Sex** – In accordance with Title VII of the Civil Rights Act, as amended, 42 U.S.C. § 2000e, and Federal Transit laws at 49 U.S.C. § 5332, the County agrees to comply with all applicable equal employment requirements of U.S. Department of Labor (U.S. DOL) regulations, “Office of Federal Contract Compliance Program, Equal Employment Opportunity, Department of Labor,” 41 C.F.R. Parts 60 et seq., (which implement Executive Order No. 11246, “Equal Employment Opportunity”, as amended by Executive Order No. 11375, “Amending Executive Order 11246 Relating to Equal Employment Opportunity”, 42 U.S.C. § 2000e note), and with any applicable Federal statutes, executive orders, regulations, and Federal policies that may in the future affect construction activities undertaken in the course of the Project. The County agrees to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, creed, national origin, sex, or age. Such action shall include, but not limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoffs or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. In addition, the County agrees to comply with any implementing requirements FTA may issue.
2. **Age** – In accordance with Section 4 of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. § 623 and Federal transit law at 49 U.S.C. § 5332, the County agrees to refrain from discrimination against present and prospective employees for reason of age. In addition, the County agrees to comply with any implementing requirements the FTA may issue.
3. **Disabilities** – In accordance with Section 102 of the Americans with Disabilities Act, as amended, 42 U.S.C. § 12112, the County agrees that it will comply with the requirement of U.S. Equal Employment Opportunity Commission, “Regulations to Implement the Equal Employment Provisions of the Americans with Disabilities Act”, 29 C.F.R. Part 1630, pertaining to employment of persons with disabilities. In addition, the Contractor agrees to comply with implementing requirements FTA may issue.

COST PRINCIPLES

The State’s cost principles for use in determining the allowability of any item of cost, both direct and indirect, in this Agreement, shall be the applicable provisions of Volume I, Federal Acquisition Regulations, Parts 30 and 31. The County shall maintain costs and supporting documentation in accordance with the Federal Acquisition Regulations, Parts 30 and 31 and other Regulations referenced with these Parts when applicable. The County shall gain an understanding of these documents and regulations. The applicable provisions of the above

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referenced regulations documents are hereby incorporated by reference herein as if fully set forth.

EXECUTORY CLAUSE AND NON-MERIT SYSTEM STATUS

- a. The County specifically agrees that this Agreement shall be deemed executory only to the extent of moneys available, and no liability shall be incurred by the State beyond the moneys available for this purpose.
- b. The County, in accordance with the status of County as an independent contractor, covenants and agrees that the conduct of County will be consistent with such status, that County will neither hold County out as, or claims to be, an officer or employee of the State by reason hereof, and that County will not, by reason hereof, make any claim, demand or application to or for any right or privilege applicable to an officer or employee of the State under the merit system or any other law of Alabama, including, but not limited to workmen's compensation coverage or retirement membership or credit or any Federal employment law. This paragraph also applies in like manner to the employees of County.

COUNTY'S CERTIFICATIONS

The County by acceptance of this contract certifies that the rates or composition of cost noted in Article IV – PAYMENTS are based on the current actual hourly rates paid to employees, estimated non-salary direct cost based on historical prices, the latest available audited indirect cost rate, and estimated cost of reimbursement to employees for travel (mileage, per diem, and meal allowance) based on the current policy of the county. The County agrees that mileage reimbursement for use of company vehicles is based on the lesser of the approved rate allowed by the General Services Administration of the United States Government or the reimbursement policies of the County at the time of execution of the Agreement. The County agrees that no mileage reimbursements will be allowed for the purpose of commuting to and from work or for personal use of a vehicle. The County agrees that the per diem rate will be limited to the rate allowed by the Stat at the time of execution of the Agreement. The County agrees that a meal allowance shall be limited to County employees while in travel status only and only when used in lieu of a per diem rate.

The County shall submit detailed certified labor rates as requested, and in a timely manner, to the External Audits Section of the Finance and Audits Bureau of the Alabama Department of Transportation. The County agrees that material differences between rates submitted with a proposal and rates provided as certified for the same proposal are subject to adjustment and reimbursement.

EXHIBIT M

CERTIFICATION FOR FEDERAL-AID CONTRACTS: LOBBYING

This certification is applicable to the instrument to which it is attached whether attached directly or indirectly with other attachments to such instrument.

The prospective participant/recipient, by causing the signing of and the submission of this Federal contract, grant, loan, cooperative Agreement, or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, and the person signing same for and on behalf of the prospective participant/recipient each respectively certify that to the best of the knowledge and belief of the prospective participant or recipient and of the person signing for and on behalf of the prospective participant/recipient, that:

- a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the prospective participant/recipient or the person signing on behalf of the prospective participant/recipient as mentioned above, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a member of Congress, an officer or

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employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, the prospective participant/recipient shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U. S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The prospective participant/recipient also agrees by submitting this Federal contract, grant, loan, cooperative agreement or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, that the prospective participant/recipient shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such subrecipients shall certify and disclose accordingly.

EXHIBIT N

FUNDS SHALL NOT BE CONSTITUTED AS DEBT

It is agreed that the terms and commitments contained herein shall not be constituted as a debt of the State of Alabama in violation of Article 11, Section 213 of the Constitution of Alabama, 1901, as amended by Amendment Number 26. It is further agreed that if any provision of this Agreement shall contravene any statute or Constitutional provision of amendment, either now in effect or which may, during the course of this Agreement, be enacted, then the conflicting provision in this Agreement shall be deemed null and void.

When considering settlement of controversies arising from or related to the work covered by this Agreement, the parties may agree to use appropriate forms of non-binding alternative dispute resolution.

TERMINATION DUE TO INSUFFICIENT FUNDS

- a. If the agreement term is to exceed more than one fiscal year, then said agreement is subject to termination in the event that funds should not be appropriated for the continued payment of the agreement in subsequent fiscal years.
- b. In the event of proration of the fund from which payment under this Agreement is to be made, agreement will be subject to termination.

NO GOVERNMENT OBLIGATION TO THIRD PARTY CONTRACTORS

The State and County acknowledge and agree that, notwithstanding any concurrence by the Federal Government in or approval of the solicitation or award of the underlying contract, absent the express written consent by the Federal Government, the Federal Government is not a party to this contract and shall not be subject to any obligations of or liabilities to the State, County, or any other party (whether or not a party to that contract) pertaining to any matter resulting from the underlying contract.

The County agrees to include the above clause in each subcontract financed in whole or in part with Federal assistance provided to FHWA. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subject to its provisions.

Mr. Hardee presented an Agreement for Subdivision Enforcement in the Phenix City Planning Jurisdiction. Mr. Hardee stated the agreement is similar to the one in place with the Cities of Opelika and Auburn. Mr. Hardee stated it has just come before the Commission because Phenix City has not had a new subdivision with infrastructure in their planning jurisdiction before. Therefore, the request is before the Commission for consideration. Commissioner Lawrence questioned whether it is within their corporate limits. Mr. Hardee stated it is located on the fringe of their corporate limits. Commissioner Lawrence questioned the county's benefit. Mr. Hardee stated the law stipulates it, the agreement stipulates if it is not built inside the city limits, the city can trump the county's regulations which is consistent with other cities. Commissioner Lawrence stated he has never agreed with the concept, since it is misleading to citizens. Commissioner Eckman stated she thinks it protects the citizen. Commissioner Lawrence disagreed because he said it appears to fall under the city, but the same

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city services are not provided to the residents. Mr. Hardee stated prior to the law change, the stricter requirements applied. Commissioner Long stated he has some major concerns with Phenix City. Commissioner Long described a situation in Autumn Creek Subdivision where Phenix City received an \$8,000 bond on the wear surface, but the Phenix City Council let the bond expire, since the bond amount would not cover the repair anyway. Commissioner Long stated it left the subdivision in terrible shape. Commissioner Long also questioned what happens where Smiths Station and Phenix City overlap. Mr. Hardee stated they have an equidistance share where it overlaps. Commissioner Long further stated he does not know the answer to it, especially where county regulations are more restrictive. Mr. Hardee stated the city provides the plans and the county is given a 30-day review period and can respond, but if it meets the county's minimum standards, then they sign off on the plans. Commissioner Lawrence questioned if the Commission chooses not to recommend it. Mr. Hardee stated the law says the city has authority to trump the county's regulations. Mr. Hardee stated if there is an agreement a joint inspection is performed four months prior to the bond expiration and Mr. Hardee stated if there is a base failure the county will submit in writing to the city of it and then the city has ability to contact the developer to fix or to cash in the performance bond to make the necessary repairs. Commissioner Long stated the City of Phenix City has not proven to him that they care about Lee County within their planning jurisdiction. Mr. Hardee stated the item can be tabled and to have an opportunity to talk further with the representatives from Phenix City of concerns. Commissioner Lawrence stated the goal is to work with Auburn, Opelika, Smiths Station and Phenix City to apply the codes consistently, and one would hope that would be done. Mr. Hardee stated discussion was held with Auburn and Opelika for one standard, but it is difficult since there are differences in urban and rural developments. Commissioner Long stated he did not want to give up on the final inspection. After more discussion, the item was tabled until the next meeting.

Mr. Rendleman presented six new job descriptions for Commission consideration. These six job descriptions included: 1) Assistant Supervisor – Property Assessment, Range 111; 2) Building and Grounds Supervisor, Range 115; 3) Assistant Building Official, Range 201; 4) Administrator–Building Inspection/Stormwater Management, Range 117; 5) Social Media Administrative Assistant, Range 114; and 6) Office Manager–Reappraisal, Range 113. Mr. Rendleman stated the new job descriptions will provide more opportunities for advancement and/or incentives for personnel. Commissioner Lawrence questioned if this will create new positions. Mr. Rendleman explained that these are for promotions, no additional personnel, and for added structure within a department. After discussion, Commissioner Lawrence made a motion, seconded by Commissioner Long to approve the six new job classifications as presented with their proposed pay range assignments. The motion carried unanimously.

Commissioner Ham made a motion at approximately 6:15 p.m. to adjourn. The motion was seconded by Commissioner Eckman and carried unanimously.

At the conclusion of the meeting, Judge English provided updated statistics on the COVID-19 situation in Lee County.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JUNE 8, 2020

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, June 8, 2020 at 5:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Lawrence.

The Chairman declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Sheila Eckman, Johnny Lawrence, Gary Long, Robert Ham and Richard LaGrand. Elected Officials in attendance: Sheriff Jay Jones. News media in attendance: Opelika-Auburn News reporter Mike Eads.

During citizens' communication, Commissioner LaGrand stated he felt the need to say a few words about the recent happenings going on across the nation. Commissioner LaGrand stated while he was working at the radio station, a lady requested Marvin Gaye's song "What's Going On". Commissioner LaGrand said he felt the song reflected what is happening and recited a few lines, ending with "war is not the answer, for only love can conquer hate".

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: listing of claims, two p-card transaction listings and minutes of the May 26 meeting. First reading to reappoint Mary Henry and Robert "Bob" Holley to the Lee County Communications (E911) Board was made. Commissioner Lawrence made a motion, seconded by Commissioner Eckman to approve the consent agenda items as received. The motion carried unanimously.

Under old business, County Administrator Roger Rendleman asked the Commission to amend the Temporary COVID-19 Policies as of June 6, 2020. Mr. Rendleman stated he is hoping these will be the last changes for a while. Mr. Rendleman stated he has made necessary changes under Item A, since most of the employees over 65 have returned to work. Mr. Rendleman indicated that individuals in that population must take measures for their own safety like being sure they wear a mask, and, using proper hand washing practices, as recommended by the CDC. Mr. Rendleman stated if a person with an underlying health condition has a doctor's letter stating they must remain out due to their condition as it relates to COVID-19, then the person is still covered under Item A, which follows Federal guidelines. Further, Mr. Rendleman stated the supplemental pay will end with the payroll ending June 19. After more discussion, Commissioner Eckman made a motion, seconded by Commissioner Ham to approve the amended Temporary COVID-19 Policies as presented. The motion carried unanimously.

RESOLUTION

WHEREAS, the President of the United States declared a national emergency on March 13, 2020 due to the COVID-19 Coronavirus epidemic; and

WHEREAS, the Governor of Alabama declared a state of emergency on March 13, 2020 due to the COVID-19 Coronavirus epidemic; and

WHEREAS, County Commissions have the power and authority to provide for the health and safety of persons, which includes county personnel;

WHEREAS, the Lee County Commission adopted an initial Temporary Personnel Policies at a duly called emergency meeting on March 17, 2020;

WHEREAS, the United States Congress has passed, and the President of the United States has signed the Families First Coronavirus Response Act (FFCRA) since such time;

WHEREAS, the Lee County Commission wishes to meet or exceed the minimum requirements of FFCRA for the health and safety of county personnel;

NOW, THEREFORE, BE IT RESOLVED by the Lee County Commission, that the following Personnel Policies for the COVID-19 Pandemic hereby replace the current Temporary Personnel Policies for those persons subject to the personnel policies of the Lee County Commission, effective June 6, 2020:

**Policies for the COVID-19 Pandemic
Effective June 6,2020**

These policies remain in effect as long as there is a declared national emergency regarding the COVID-19 Pandemic or otherwise determined by the Lee County Commission.

A. All personnel who:

1. *are 65 or older; or*
2. *with documented underlying health issues:*
 - have chronic lung disease.
 - have moderate to severe asthma.
 - have severe heart disease.
 - are immunocompromised.
 - with class III or severe obesity (BMI > 40).
 - with the following underlying medical conditions: diabetes, liver disease, and persons with chronic kidney disease undergoing dialysis; or

Should particularly adhere to Section F of these policies. Appointing Authorities with personnel in this category are to consider the following measures:

If they can telecommute and you can verify they are working/accomplishing projects, etc., then that is what you are suggested to assign them to do. If you need any assistance with getting laptops and access, please notify the County Administrator.

If they cannot telecommute, then consider for them to work in an office by themselves and limit interaction with others. If you need assistance with finding a space, please notify the County Administrator.

If they cannot telecommute or work in an office by themselves, consider a large open area where they can be spaced out and interaction can be curtailed. If you need assistance with finding a space, please notify the County Administrator.

B. All personnel who are directly impacted by COVID-19 in the following ways:

1. test positive for a case of COVID-19
2. subject to a government quarantine/isolation order
3. experiencing symptoms (according to Center for Disease Control guidance like fever, cough, shortness of breath) and seeking a medical diagnosis
4. a person within an immediate household who has tested positive for a case of COVID-19
5. have been advised by a health care provider in writing to quarantine related to COVID-19
6. are caring for an individual who subject to order related to COVID-19.

Shall report such to their appointing authority immediately.

B.1. *must self-isolate immediately. You will need to send a negative COVID-19 test result to your appointing authority before returning to work.*

B.2. *must follow the order. You will need to be released from the order to return to work.*

B.3. *must self-isolate for at least 14 days. You must not have symptoms after 14 days or test negative for COVID-19 along with approval by your Appointing Authority on a case by case basis.*

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B.4. *must self-isolate for at least 14 days. You must not have symptoms after 14 days or test negative for COVID-19 along with approval by your Appointing Authority on a case by case basis.*

B.5. *must be released by a healthcare provider*

B.6. *the individual needing care is released, or your assistance is no longer required*

Appropriate Documentation will be required for each of the above. Types of documentation are copy of orders, proof of tests and/or written certifications. (Be sure to read Section D. of these policies)

For B.1., B.2., B.3., B.4. and B.5., you will be compensated for time short of your regularly scheduled shifts.

For B.6., you will be compensated your ten (10) paid shifts (or two-week equivalent). After the ten (10) paid shifts are utilized, the employee will be paid 67% of their regular rate of pay.

C. All personnel who are caring for his or her child whose school or place of care is closed (or child-care provider is unavailable) due to COVID-19 related reasons may:

- Utilize ten (10) paid shifts (or two-week equivalent) starting April 1st, 2020
- After the ten (10) paid shifts are utilized, the employee will be paid 67% of their regular rate of pay up to ten additional weeks

D. Providing false documents or misleading and false statements associated with B and C above are Group Two Offenses under 11.4.2 A. (5) and (6).

In addition, anyone who is staying home under Category B is being paid to follow orders and instructions for public health and safety reasons. Failure to follow those orders and instructions is a Group Two Offense under 11.4.2 A. (7).

Such actions in this section are grounds for the employee's dismissal from employment.

E. All Appointing Authorities should continue to strongly encourage the public to utilize all available on-line and/or mail-in services.

Starting May 12, 2020, Public Access to the County Courthouse will be limited along with the following requirements:

- The public will have a single access point.
- Number of people allowed access at any given time will depend on the individual's destination, ability to maintain proper social distancing in the area and occupancy level of the area.
- Must maintain six feet of separation (except those in the same household)
- Screening checks including temperature will be conducted.
- Refusal to submit to a non-contact temperature check will result in denial of admission to the facility.
- If the person has a temperature above 100.3 or displays/expresses the following:
 - Persistent Cough

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- Shortness of breath or difficulty breathing

Or at least two of these symptoms:

- Chills
- Muscle pain
- Headache
- Sore throat
- New loss of taste or smell
- Must wear a face mask/covering.
- Refusal to wear a face mask/covering will result in denial of admission to the facility.

Some (if not all) of these measures should be utilized at other facilities depending on the level and type of interactions with the public at that facility.

F. Employees under the budgetary and administrative authority of the County Commission should protect the public, their coworkers and themselves by:

- NOT reporting to work and notifying their supervisor if they have:
 - temperature above 100.3

or are experiencing the following:

- Persistent Cough
- Shortness of breath or difficulty breathing

Or have two or more of these symptoms:

- Chills
- Muscle pain
- Headache
- Sore throat
- New loss of taste or smell

Employees under the budgetary and administrative authority of the County Commission that report to work will:

- Be subject to random temperature checks
- Maintain six feet of separation
- Wear a face mask/covering in areas with the public and in areas you are not isolated from other employees
- Sneeze or cough into a tissue, cloth or inside your elbow
- Practice proper handwashing and sanitizing on a regular basis, especially after touching frequently used items or surfaces

Employees failing to practice such safety measures are in violation of Group One Offense under 11.4.1 A. (6). Repeated failure to practice and/or absolute disregard to such safety measures are in violation of Group Two Offense under 11.4.2 A. (12) “Violation of safety practices that might endanger the life or health of the employee or others”.

(For Sheriff’s Service Employees, enforcement and discipline determination is solely the discretion of the Lee County Sheriff).

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- G.** Beginning with shifts ending on April 18, 2020 and ending June 19, 2020, county employees, under the budgetary and administrative authority of the Lee County Commission, working onsite will receive supplement pay per day based on scheduled shifts as follows:

Full-time Employees &	
<u>Part-time on full-time shifts</u>	<u>Part-time Employees</u>
8 - hour shift = \$12	4 - hour shift = \$6
10 - hour shift = \$15	6 - hour shift = \$9
12 - hour shift = \$18	

On-site means those who physically report to work at a county facility, at a worksite, or on patrol. Telecommuting (or working from home) isn't included.

This includes all exempt and non-exempt employees.

Partial completion of shifts may result in forfeit of the supplement depending on the circumstances causing the incomplete shift.

- H.** Leave under these temporary policies are subject to the document requirements under Section B.

All other use of sick leave is subject to existing documentation policies.

- I.** Due to the very changing nature of the pandemic, guidance from the CDC and Federal/State directives; the Chairman or Chief Administrative Officer are authorized to temporarily modify personnel policies based on CDC guidance in consultation with the other appointing authorities as deemed necessary.

Commissioner Eckman discussed a letter received from a citizen regarding the county policy requiring a face mask/covering and temperature checks at the doors. Commissioner Eckman stated the letter asked why she must adhere to the requirements as a free person. Commissioner Eckman stated as a free person herself, she does not think it is too much to ask. Judge English stated that the citizens' rights to not wear a mask in other places did not extend to jeopardizing the health of the county employees while in the buildings, and all employees with customer contact are required to wear the masks for their own protection and the protection of the other customers. Commissioner Eckman stated the letter contained a second question of how she can get her tag if she chooses not to wear a mask. Judge English questioned what happens when a person refuses and questioned Deputy Lee McLeroy, who was in attendance, to address the question. Officer McLeroy stated the deputies have had very little opposition; stating most people are cooperative and have been open-minded when asked to wear a mask. Commissioner Lawrence stated masks will continue to be provided for those entering the building, saying since the Courthouse is the "People's Building" he tries to abide by what is being recommended. Commissioner Lawrence asked Sheriff Jones how it was enforced. Sheriff Jones stated they address it on a case-by-case basis. The Commission agreed to continue the process currently in place.

Mr. Rendleman presented for Commission consideration a Resolution and Order Amending, Confirming and Ratifying the levy of a Countywide Sales Tax in Lee County for the Lee County Board of Education. Mr. Rendleman stated he wants to make clear that this involves no new taxes. Mr. Rendleman explained that the Board is in the process of issuing a Capital Outlay Warrant, Series 2020, for \$24,160,000 in a private placement with BBVA Compass Bank. Mr. Rendleman stated the issue is for the purpose of refunding an outstanding

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obligation of the Board issued for the purpose of providing funds to pay the costs of acquiring, constructing and renovating certain capital improvements to the public schools under the jurisdiction and control of the Board for the purpose of providing additional funds to pay the costs of acquiring, constructing and equipping certain additional capital improvements to the public schools. Mr. Rendleman stated the Board is requesting the Commission adopt the following Resolution and Order with respect to a current sales tax levy being pledged as security for the Warrant. Mr. Rendleman stated this just verifies that the Commission will not reduce or take off the existing levy while the debt is outstanding. After the presentation, Commissioner Ham made a motion, seconded by Commissioner Long to approve the following Resolution and Order as presented on behalf of the Lee County Board of Education. The motion carried unanimously.

**A RESOLUTION AND ORDER AMENDING,
CONFIRMING AND RATIFYING THE LEVY OF A COUNTYWIDE
SALES TAX IN LEE COUNTY**

BE IT RESOLVED AND ORDERED by the Lee County Commission (herein called “the Commission”), the governing body of Lee County (herein called “the County”), as follows:

SECTION 1. Findings. The Commission hereby finds and declares that

- (a) there is now being levied in the County, pursuant to Sections 40-12-4 through 40-12-7 of the Code of Alabama of 1975, as amended (herein called “the Code”) and a Resolution adopted by the Commission on March 29, 1993, a special privilege license or excise tax (herein called “the Sales Tax”), a portion of the proceeds of which are allocated and apportioned to the Lee County Board of Education (herein called “the Board”), in accordance with said Section 40-12-4;
- (b) that the proceeds of the Sales Tax are authorized to be used for public school purposes, including capital improvements and the payment of debt service on obligations issued therefor; and to the public schools under the
- (c) that the Board proposes to issue its Capital Outlay Warrant, Series 2020, in the principal amount of \$24,160,000 (herein called “the Warrant”), for the purpose of (i) refunding an outstanding obligation of the Board which was issued for the purpose of providing the funds to pay the costs of acquiring, constructing and renovating certain capital improvements to the public schools under the jurisdiction and control of the Board and (ii) providing additional funds to pay the costs of acquiring, constructing and equipping certain additional capital improvements to the public schools under the jurisdiction and control of the Board and to pledge, for the payment of the principal of and interest on the Warrant, that portion of the proceeds of the Sales Tax presently being allocated, apportioned and paid to the Board, subject to a prior pledge thereof.

SECTION 2. Continuation of Sales Tax. The County hereby agrees that it shall continue to levy and provide for collection of the Sales Tax until the final retirement of the Warrant, now expected to occur on or before February 1, 2042.

ADOPTED this 8th day of June 2020.

Mr. Hardee presented a citizen request to reduce the speed limit on Lee Road 260, a paved road in District 4. Mr. Hardee stated the Lee County Highway Department conducted a traffic study and recommends reducing the speed limit from 45 mph to 35 mph on Lee Road 260. The Highway Department recommends this is a reasonable and safe maximum speed limit. Commissioner Ham stated lots of residents in the area walk with their children and their animals along this road and stated he feels it is a good idea to decrease the speed limit. Commissioner Lawrence stated since the road is less than 1½ miles, he agrees it should be reduced. Commissioner Ham made a motion, seconded by Commissioner LaGrand to reduce the speed limit from 45 mph to 35 mph on Lee Road 260. The motion carried unanimously.

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Last, Mr. Hardee presented an Adopt-a-Mile Application request from Mr. Victor Murry. Mr. Hardee stated Mr. Murry wants to adopt Lee Road 73, from Lee Road 72 to the Tallapoosa County line. Mr. Hardee asked the Commission to authorize Judge English to sign the application request as presented. Mr. Hardee explained that once the document is signed by himself and Judge English the application is forwarded to the Alabama Department of Transportation for final approval. Once approved, signs will be made and erected on the roadway. Commissioner Eckman made a motion, seconded by Commissioner Lawrence to authorize the Chairman to sign the application request for Lee Road 73. The motion carried unanimously.

EMA Director Rita Smith presented a 90-day update for her agency. Ms. Smith indicated she has been in her position for almost 120 days and stated the two-page summary does not encompass all the items performed by her Agency, just the highlights. Commissioner Ham stated the agency has had their hands full and indicated he has not heard any complaints. Commissioner Lawrence stated that most situations have a play book, but a pandemic does not and must be confronted head on. Further, Commissioner Lawrence stated he was pleased with the way all of the agencies including EMA and the Sheriff's Office handled the search & rescue of Vadie Sides. Ms. Smith stated an After-Action Review has been performed via Zoom with all the participating agencies. Ms. Smith was happy to report that two new employees will be coming on board in the next few weeks, they are: Steven Holden and Billy Browdy. Ms. Smith thanked Mr. Rendleman, Mr. Hardee and Deputy Administrator Alice McCall for their help during her first 90-120 days. Commissioner Long stated a few weeks ago there was an electrical storm in the Smiths area and EMA Planner Austin Jones and EMA Volunteer Mary Moore showed up with lighting and Gatorade for the residents affected. Commissioner Long stated he appreciated their efforts. Ms. Smith stated her agency assists county-wide and thanked the Commission for their time.

Commissioner Lawrence made a motion at approximately 5:30 p.m. to adjourn. The motion was seconded by Commissioner Eckman and carried unanimously.

At the conclusion of the meeting, Judge English provided updated information on the COVID-19 numbers in Lee County and Alabama.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JUNE 29, 2020

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, June 29, 2020 at 5:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Judge English.

During citizens' communication, Mr. James Floyd of the Mount Zion Missionary Baptist Church reminded the Commission that the Church was offering the Family Life Enrichment Center for use as a polling place in Loachapoka.

John Sophocleus stated he feels the county can afford a timer and asked that a 3-minute timer be provided during citizens' communication to have a visual indicator for the speaker when time is winding down, perhaps a timer with an indicator light that projects colors from green to yellow to red, so remarks can be ended with a closing statement rather than just being cut-off.

Lance Farrar appeared before the Commission on one of his random diatribes and spoke for the three minutes allotted. He had to be asked repeatedly to end his remarks after the expiration of the three minutes.

The Chairman declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Johnny Lawrence, Gary Long, Robert Ham and Richard LaGrand. Commissioner Sheila Eckman was absent. Elected Officials in attendance: Sheriff Jay Jones and Revenue Commissioner Oline Price. News media in attendance: Opelika Observer owner/reporter Michelle Key and Opelika-Auburn News reporter Hannah Lester.

EMA Director Rita Smith introduced two new EMA employees, Emergency Management Specialists: Billy Browdy and Steven Holden.

Next, Judge English held a "Swearing In" of the EMA Staff which included Ms. Smith, Austin Jones, Billy Browdy and Steven Holden.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: listing of claims, p-card transaction listings and minutes of the June 8 meeting. Commissioner Lawrence made a motion, seconded by Commissioner Long to approve the consent agenda items as received. The motion carried unanimously.

Under old business, second reading to reappoint Mary Henry and Robert "Bob" Holley to the Lee County Communications District (E911) Board was made. Commissioner Long made a motion, seconded by Commissioner Lawrence to approve the following Resolution for the reappointments to the Lee County Communications District (E911) Board.

BE IT RESOLVED, the Lee County Commission hereby reappoints Mary Henry and Robert (Bob) Holley to the Lee County Communications District (E911) Board to each serve four-year terms ending July 24, 2024.

Judge English informed the Commission that Lee County Circuit Clerk Mary Roberson stepped down as Absentee Election Manager since she was unable to obtain representation from the State or the Commission when named in a Federal lawsuit. Judge English stated he and Sheriff Jay Jones, the other two members of the Appointing Board, appointed retired Sheriff's Captain James Majors to replace her. Judge English feels that Mr. Majors will be substituted for Mrs. Roberson in the lawsuit and asked the Commission to authorize County Attorney Stan

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Martin to represent Mr. Majors in his capacity as Absentee Election Manager if the ACCA Self-Insurance Fund declines representation. Commissioner Ham made a motion, seconded by Commissioner Lawrence to authorize the county attorney to represent Mr. Majors in the litigation. The motion carried unanimously.

County Engineer Justin Hardee asked the Commission to set a Public Hearing on August 31, 2020 on a right-of-way vacation on Lee Road 179. Mr. Hardee stated the item has been on previous Agendas, but due to the Commission holding meetings by Zoom from the COVID-19 Coronavirus, the item has not been addressed, and is once again on the Agenda for discussion. Mr. Hardee stated, as has been done previously, the adjoining property owners and utility companies will be notified of the Public Hearing prior to the August 31 meeting. Commissioner Ham made a motion, seconded by Commissioner Long to set a Public Hearing on August 31, 2020 on the right-of-way vacation on Lee Road 179. The motion carried unanimously.

Terry Buford thanked the Commission for the opportunity to come before them once again. Mr. Buford discussed the operation of the Sandhill Recycling Center located next door to his property. Mr. Buford stated Commissioner LaGrand came to his home to see for himself the damage to the bricks on his house, and his driveway, which is less than two years old. Mr. Buford reminded the Commission he had been before them on numerous occasions and previously provided pictures of the dust, debris and materials that have been slung onto his property. Mr. Buford stated he has obtained legal representation, Attorney Julian McPhillips, because no attorneys in Lee County were willing to go up against the owners of the recycling center, Dick and Jimmy Starr. Mr. Buford stated he has invited numerous elected officials to his house to see the damage that has been caused by allowing the facility to continue to operate. Mr. Buford stated he is a veteran and now has sinus issues due to the dust and fumes being produced by the facility. Mr. Buford asked former Commissioner John Andrew Harris to speak on his behalf. Mr. Harris stated the Commission, during his tenure, agreed that the operation should be shut down. Mr. Harris stated he met with a state representative and ADEM Officials on the matter. Mr. Harris stated the materials being dumped at the facility are not approved for the location. Mr. Harris stated only stumps, limbs and trees are approved for the site. Next, Rev. Arthur Dowdell stated when he was on the Auburn City Council the city, under Mayor Dempsey, approved the license for the Sandhill Recycling Facility for inert material only. Rev. Dowdell reiterated what Mr. Harris stated that only limbs, trees and stumps should be dumped at the facility and occasionally the debris should be removed. Rev. Dowdell stated it has become an illegal dumping ground. Rev. Dowdell stated the smell is so bad, a person can't stand to be out there additionally stated slime is running in the creek. Rev. Dowdell stated ADEM has been called to look at the creek and the land, but they refuse. Rev. Dowdell stated ADEM's purpose is to protect the streams and land, but they refuse. Rev. Dowdell called on the Commission to help Mr. Buford. Mr. Buford stated he retired in 2012 and was hoping he could sit on his porch and drink coffee, but he is unable to do so because of the fumes and smells coming from the facility next door. Mr. Buford stated his wife retired from Auburn University and never had breathing issues before, but now has to use an inhaler due to the fumes coming from the facility. Commissioner Ham stated he has seen it firsthand; he met with Mr. Buford and then went over and talked to Chip Starr about the situation. Commissioner Ham questioned Mr. Buford's comment about putting money in the hands of Mr. Harris. Mr. Harris stated he gave Mr. Buford the name of the attorney who would represent him, but Mr. Harris clarified that Mr. Buford has not paid him for his help. Mr. Buford clarified stating he has paid the attorney, but not Mr. Harris or Rev. Dowdell, that he just misspoke. Commissioner Ham questioned what authority the Commission has to shut down the facility; but stated he is willing to help in any way possible. Mr. Buford stated the Starr's indicated to him they were going to do something about the facility, but it fell through. Commissioner LaGrand stated he and

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Commissioner Lawrence went over and talked to the Starr's about the fumes and dust coming from the facility. Commissioner LaGrand stated it is very important to him. Commissioner LaGrand stated he would continue to have open and honest communication with the Starr's. Mr. Harris then asked Mattie Hinkle to appear before the Commission to discuss her situation. Ms. Hinkle repeated her version of the nuisance situation that cost her one of her properties in Beulah. Ms. Hinkle stated the Commission allowed the Solid Waste Department to destroy her property which left her homeless. Ms. Hinkle stated a lien was placed on her property for \$20,000. Ms. Hinkle stated she had come before the Commission numerous times, to no avail.

Mr. Hardee presented a request from the Kreher Nature Preserve's Outreach Administrator Jennifer Lolly for assistance in grading the parking lot at the preserve. Mr. Hardee stated the facility has had a lot of traffic since citizens are doing more outdoor activities due to the Coronavirus pandemic. Commissioner Lawrence stated he serves on the advisory board for the preserve and noted that people from all over the county visit. Commissioner Ham made a motion, seconded by Commissioner Lawrence to authorize the Highway Department to assist by providing the necessary equipment and materials to grade the parking area at the Kreher Nature Preserve. The motion carried unanimously.

Commissioner Lawrence asked the Commission to consider two requests to use the Meeting Center. First, Jamie Popwell of Flags for Vets requested the Commission allow him to erect a flagpole in honor CSM Bennie Adkins at the Meeting Center. Mr. Popwell stated a 30-foot pole with a 6x10 flag would be erected, which will be illuminated. Mr. Popwell stated it could be done for approximately \$1,500. Commissioner Lawrence stated there are funds in the Bennie Adkins account which would cover the cost, but permission of the Commission is necessary. Commissioner Lawrence made a motion, seconded by Commissioner Ham to allow Flag for Vets to erect a flagpole in honor of CSM Adkins at the Meeting Center. The motion carried unanimously.

Next, Commissioner Lawrence asked for Commission permission to use the Meeting Center on July 25, 2020 for a reception, hosted by Flags for Vets, to honor CSM Bennie Adkins following a memorial service at the Opelika Performing Arts Center. Commissioner Lawrence made a motion, seconded by Commissioner Ham allowing for the use of the Meeting Center on July 25, 2020 for a reception honoring CSM Bennie Adkins. The motion carried unanimously. Mr. Popwell stated there currently are 69 living Medal of Honor recipients of which two are from Alabama.

Judge English discussed the need for the Commission to ask for their own Attorney General's opinion concerning the salary increases/adjustments sought by of Coroner Bill Harris. Judge English stated Coroner Bill Harris asked for an AG's opinion on whether or not he is entitled to the same cost of living raises as other county officials/employees receive. Mr. Harris stated according to the AG's Opinion issued in response to his request, the Attorney General's Office agreed that he should receive the same raises that other officials/employees are entitled to. Judge English stated Mr. Rendleman and Mr. Martin reviewed the AG's opinion and they do not agree with the opinion issued to the Coroner. Mr. Rendleman recommended the Commission ask for their own AG's Opinion since an opinion is only good for protection for the one that requested it. Further, Mr. Rendleman stated he and Mr. Martin agree that current law is inadequate and vague, so therefore another AG's opinion is recommended pursuant to the issues as presented by the County Commission. Commissioner LaGrand made a motion, seconded by Commissioner Ham to request an AG's opinion on behalf of the Commission to be drafted by Mr. Rendleman and Mr. Martin. The motion to adopt the following resolution carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JUNE 29, 2020

WHEREAS, The Lee County Coroner brought to the attention of the Lee County Commission a question regarding salary increases and adjustments; and

WHEREAS, the Coroner stated he had asked for and received an Attorney General's Opinion which stated that the Coroner was entitled to the same cost-of-living raises as other county officials and employees receive; and

WHEREAS, the County Administrator and County Attorney felt the reasoning used in the AG's Opinion was flawed; and

WHEREAS, the County Administrator recommended the Commission clarify the issue and ask for its own AG's Opinion as the current law is inadequate and vague; and

WHEREAS, the County Administrator reminded the Commission that Attorney General Opinions only offer protection to the parties to whom they are issued, and the Opinion to Mr. Harris would not protect the Commission.

NOW, THEREFORE BE IT RESOLVED that the Lee County Commission seeks additional clarification regarding salary increases and adjustments for county officials including the Coroner and directs the County Attorney Stan Martin to request on behalf of the Commission its own opinion from the Attorney General to resolve the issue.

Mr. Hardee presented a request from a citizen to reduce the speed limit on Lee Road 424 in District 4. Mr. Hardee stated the Highway Department has conducted a traffic study and recommends the speed limit be reduced from 45 mph to 35 mph on Lee Road 424. The Highway Department recommends this as a reasonable and safe maximum speed limit. Commissioner Ham made a motion, seconded by Commissioner Long to reduce the speed from 45 mph to 35 mph on Lee Road 424. The motion carried unanimously.

Mr. Rendleman discussed the Salem Hill tower replacement project. Mr. Rendleman stated after bidding the project out twice, once with one response and once with no response, the negotiation process allowed under Section 39-2-6(b) of the public works law has been started. Mr. Rendleman stated a proposal had been received from Dean's Commercial Two-Way of Cataula, Georgia. Mr. Dean Ginn prepared two estimates for constructing a new tower and removing the old tower. The only difference in the two proposals is to either dismantle the old tower with a crane or by letting the old tower fall in a controlled direction. Mr. Rendleman stated both estimates are less than the \$340,000 single bid received in the first bidding attempt. Mr. Rendleman stated sufficient funds are budgeted for the project in the Capital Projects Fund. Upon this explanation, Commissioner Lawrence made a motion, seconded by Commissioner Ham to approve entering into an agreement with Dean's Commercial Two-Way, Inc. for the replacement of the Salem Hill tower in an amount not to exceed \$314,100. The motion carried unanimously.

Mr. Rendleman presented for Commission review proposed changes to the personnel policies in compliance with Amendment 909. Mr. Rendleman stated no action is needed tonight, but the item will be on the next regularly scheduled Commission meeting agenda for consideration and any action will be taken at a following meeting. Mr. Rendleman presented four documents, including: 1) proposed policy revisions June 2020; 2) a summary sheet of employee outreach from Evergreen Solutions; 3) instructions for the employee performance evaluation; and 4) a copy of the employee performance evaluation form. Mr. Rendleman

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reviewed each of the proposed changes and explained that some items are for Commission consideration, not necessarily a recommendation of the change.

Mr. Rendleman presented the results of Bid #7 for printing services. Mr. Rendleman stated out of six bids mailed, five were returned. Mr. Rendleman stated since the maintenance costs had exceeded \$15,000 the need to bid the services was necessary. Mr. Rendleman recommended the Commission award the bid to the lowest responsive bidder, ABS Business Systems of Auburn, Alabama. Upon this recommendation, Commissioner Lawrence made a motion, seconded by Commissioner Ham to award Bid #7 for printing services to ABS Business Systems. The motion carried unanimously.

Commissioner Ham made a motion to add an item concerning landscaping of the triangles at intersections in Beulah to the Agenda. The motion was seconded by Commissioner Lawrence and carried unanimously. Commissioner Ham asked the Commission to allow the Highway Department to dump a load of class 1 riprap in Beulah to be used for several intersections in his district to keep people from driving over the landscaping the community has installed. Commissioner Ham made a motion, seconded by Commissioner LaGrand to authorize the Highway Department to deliver a load of class 1 riprap. The motion carried unanimously.

Judge English announced the Commission needed to adjourn into two Executive Sessions. The first requires the attendance of Revenue Commissioner Oline Price, County Attorney Stan Martin and Mr. Rendleman. Judge English stated the Executive Session should only last approximately 15-20 minutes and official action is anticipated afterwards. Commissioner Ham made a motion at approximately 6:24 pm to adjourn into Executive Session. The motion was seconded by Commissioner Lawrence and carried unanimously.

Upon reconvening after the first executive session, Commissioner Lawrence made a motion, seconded by Commissioner Ham to authorize Revenue Commissioner Oline Price to sign the agreement for legal services as presented in the Executive Session. The motion carried unanimously.

Next, Judge English announced the Commission would adjourn into the second executive session. Judge English stated Mr. Rendleman and Mr. Martin needed to attend, that it would last approximately 10 minutes and that official action is again anticipated afterwards. Commissioner Lawrence made a motion at 6:40 pm to adjourn into executive session. The motion was seconded by Commissioner Ham and carried unanimously.

Upon reconvening the second executive session at 6:45 pm, Commissioner Lawrence made a motion, seconded by Commissioner Ham to authorize Mr. Rendleman to list certain county owned property for sale on GovDeals.com and carried unanimously.

Commissioner Lawrence made a motion at approximately 6:50 p.m. to adjourn. The motion was seconded by Commissioner Ham and carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JULY 13, 2020

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, July 13, 2020 at 5:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Long.

During citizens' communication, John Andrew Harris appeared before the Commission to discuss voter suppression and announced he is trying to reactivate the NAACP Chapter in Lee County. Mr. Harris asked the Commission to involve the citizens of Lee County to make things better in the community by getting them involved in the process. Further, Mr. Harris stated he talked to Secretary of State John Merrill who indicated that Lee County does not have a plan which why the county is included in the lawsuit. Mr. Harris stated he is willing to offer his time and efforts to help Lee County come up with a plan since he has experience in the area. Further, Mr. Harris stated he is helping others by registering voters, helping reinstate their voting rights, and helping them to vote absentee. Mr. Harris questioned how the citizens can vote in the middle of a pandemic. Mr. Harris stated some individuals have not been able to get a voter identification card due to the pandemic and questioned how they will be able to vote. In closing, Mr. Harris questioned Lee County's voting plan.

Prophet/Apostle C. F. Davis appeared before the Commission to echo the sentiments of Mr. Harris and wished to make an addendum. Mr. Davis spoke of voter suppression by changing the voting location mid-election cycle. Further, Mr. Davis stated due to the pandemic, the change is unnecessary, nefarious, and illegal stating each Commissioner is elected by the citizens and the Commission has an obligation to serve the citizens not to suppress them.

The Chairman declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Sheila Eckman, Gary Long, Robert Ham and Richard LaGrand. Commissioner Johnny Lawrence was absent due to being hospitalized for COVID-19. Elected Officials in attendance: Sheriff Jay Jones. News media in attendance: Opelika-Auburn News reporter Mike Eads, and Opelika Observer owner/reporter Michelle Key via internet.

Sheriff Jones recognized the following deputies on their recent promotions, they included: Pam Revels-promoted to Sergeant; Jason Black-promoted to Captain; William "Lee" McLeroy-promoted to Sergeant; and Jeff Snyder-promoted to Sergeant. Sheriff Jones stated the most critical resource is our people. Further, Sheriff Jones stated that each promotion was well deserved by each individual. Commissioner Ham thanked each of them for their service. Commissioner LaGrand thanked the Sheriff's Office for hosting a seminar on human trafficking at Greater Peace Missionary Baptist Church recently.

Judge English recognized Maintenance Director Jerry Lynch for the efforts made by him and his staff in moving voting equipment and COVID-19 supplies without their usual assistance due to the pandemic. Judge English wished to thank Mr. Lynch in front of the entire Commission.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: listing of claims, p-card transaction listings, additional list of claims and minutes of the June 29 meeting. First reading of Robert (Bob) Dumas, Dozier Smith T and Chris Nunn on the East Alabama Health Care Authority Board was made. Announcement was made for the following board vacancies, they are: 1) five vacancies on the Cemetery Preservation Commission; 2) one vacancy on the Horseshoe Bend Regional Library; and 3) two vacancies on the Lee County Recreation Board (one in D3-Smiths Station & one in D4-Beauregard). Judge English stated County Attorney Stan Martin noted a word change on the AG's Opinion

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JULY 13, 2020

Resolution on the last paragraph to replace chairman with county attorney, so he has authority to submit it. Commissioner Ham made a motion, seconded by Commissioner Long to approve the consent agenda items as presented and the correction to the minutes. The motion carried unanimously.

Under old business, Judge English presented for Commission consideration voting location changes at Beat 5 in Loachapoka and Beat 8 in Salem. Judge English stated that the polling places are designated by the County Commission, not the Probate Judge. Code of Alabama §17-6-4(d) says that a polling place may not be changed within three months before an election unless an emergency exists. Judge English asked the Commission to consider the changes for the November 3 General Election.

The Beat 5 polling location was moved earlier this year from the Loachapoka Community Center to the Loachapoka Town Hall because the Community Center building was condemned due to subfloor failure. The first request is to move from the Loachapoka Town Hall to the Family Life Enrichment Center at Mount Zion Missionary Baptist Church, which has more space and more parking than either of the other two locations, and is ADA accessible.

The second request in Beat 8 is to move from Wacoochee Elementary School gymnasium lobby to the Board of Education's "LC2" building on Lee Road 145. Judge English reminded the Commission of the Board of Education's request to move the location away from the elementary school in October 2018. Commissioner Eckman made a motion, seconded by Commissioner LaGrand to move the location in Beat 5 to the Family Enrichment Center at Mount Zion Missionary Baptist Church and to move the Beat 8 location to the Board of Education's LC2 building. The motion carried unanimously.

Judge English stated the Federal lawsuit discussed at the previous meeting has substituted James Majors as Absentee Election Manager in place of Circuit Clerk Mary B. Roberson. Judge English stated the lawsuit added four new counties, they include: 1) Lowndes; 2) Madison; 3) Mobile; and 4) Wilcox. Judge English stated at the last meeting the county authorized County Attorney Stan Martin to represent Mr. Majors if necessary and Judge English requested the same consideration be allowed for him. County Attorney Stan Martin agreed stating a reservation of rights letter needs to be presented. Judge English stated Ken Webb of Webb & Eley has already been assigned to the lawsuit by ACCA. Commissioner Ham made a motion, seconded by Commissioner Eckman authorizing the county attorney to represent the Chairman in the same manner authorized by the Commission for James Majors as backup to the representation by ACCA's County Risk Services (CRS) in the Federal lawsuit. The motion carried unanimously.

County Administrator Roger Rendleman presented proposed changes to the Personnel Policies for Commission consideration. Mr. Rendleman reviewed each change and indicated that some are substantive, some are merely for clarification and some are to correct grammatical errors. Mr. Rendleman reviewed the highlighted changes, which included: 1) clarifying that the performance evaluation needs to be for performance at work; 2) incorporating temporary personnel policies for such situations as the COVID19 pandemic; 3) implementing employment contracts for certain employees; 4) allowing supplemental pay for additional job duties; 5) increasing amount county pays toward family coverage from \$100 to \$150 per month; 6) offering a sliding scale for insurance coverage to retired employees based on years of service; and 7) the addition of a social media policy. Additionally, Mr. Rendleman stated a review team, comprised of appointing authorities, will meet quarterly for policy review. Commissioner Eckman made a motion to approve the policy changes as presented. The motion was seconded by Commissioner Ham and carried unanimously. Commissioner Ham thanked Mr. Rendleman for his efforts.

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Mr. Rendleman stated the Commission needs to appoint a Commission representative for the ACCA's ONE Voice session in Prattville on August 20. Mr. Rendleman stated the member must attend the session and cast votes on the county's behalf at the business session. Commissioner Ham made a motion, seconded by Commissioner Eckman to appoint Commissioner Lawrence to represent Lee County at the ONE Voice session in Prattville. The motion carried unanimously.

Mr. Rendleman stated the Commission needs to appoint a representative for the ACCA's Legislative Committee. Commissioner Long made a motion, seconded by Commissioner Eckman to appoint Commissioner Ham to be the representative on the ACCA's Legislative Committee. The motion carried unanimously.

Mr. Rendleman presented a Digital Information Cooperative Agreement with the Alabama Department of Transportation (ALDOT) for orthographic photography. Mr. Rendleman stated the project is conducted jointly with the cities of Auburn and Opelika. The most recent flyover of the county was conducted in January 2020. In exchange for the funds provided in the grant, the county provides access to ALDOT to the completed project and associated information. Commissioner Ham made a motion, seconded by Commissioner Long to approve the following Resolution authorizing the Agreement with ALDOT as presented. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission authorizes the Chairman to sign the Digital Information Cooperative Agreement with the Alabama Department of Transportation (ALDOT) as presented at the July 13, 2020 meeting.

Last, Mr. Rendleman presented, for Commission consideration, information about granting Tier I benefits to Tier II employees and to submit a plan in accordance with Act 2019-132 to raise member contribution rates as required in Act 2011-676. Mr. Rendleman stated an effort has been made over the last two years by local governments to restore Tier I benefits since it is an effective tool in recruiting and retaining employees. Mr. Rendleman explained that Act 2012-377 created a second tier of employees hired after January 1, 2013 which has a higher contribution rate with about 40% less benefits. Mr. Rendleman explained that Act 2019-132 gives the Commission the choice to reclaim that tool and eliminate two separate classes of future retiree groups. The Commission must decide whether they want to provide Tier I retirement benefits to Tier II plan members employed within Lee County Commission's local unit. If the decision is made to grant those Tier I benefits to Tier II members, on October 1 their contribution rates will increase one percent, non-public safety from 6% to 7.5% and public safety from 7% to 8.5%. Next, Mr. Rendleman stated if the Commission grants Tier I retirement benefits to Tier II plan members, then the Commission has a second choice to make, which involves submitting a plan to the Retirement Systems of Alabama for increasing the contribution rates of Tier I employees to the same rate as Tier II employees. Mr. Rendleman explained if the Commission authorizes the change, beginning October 1, Tier II employees would contribute an additional one percent (non-public safety 6% to 7.5% and public safety 7% to 8.5%) and Tier I employees' contribution rate would increase 2.5% (non-public safety 5% to 7.5% and public safety from 6% to 8.5%). Mr. Rendleman explained that the implementation of Act 2019-132 and Act 2011-676 the county would recognize a cost savings and he would ask the Commission to consider a salary adjustment of 2.5% which would in essence offset the rate increase. Upon Mr. Rendleman's presentation, Commissioner Ham made a motion, seconded by Commissioner Eckman to approve the following Resolutions, to implement Act 2019-132 and Act 2011-676, and to submit the plan for increasing member contribution rates as adopted to the Employees' Retirement Systems. The motion carried on a vote of 3-0-1 with Commissioner LaGrand abstaining.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JULY 13, 2020

RESOLUTION TO PROVIDE TIER I BENEFITS TO TIER II PLAN MEMBERS

WHEREAS, under the provisions of Act 2019-132, employers who participate in the Employees' Retirement System pursuant to *Ala. Code* § 36-27-6 may elect to provide Tier I retirement benefits to Tier II plan members, and

WHEREAS, the Lee County Commission participates in the Employees' Retirement System pursuant to *Ala. Code* § 36-27-6 and wishes to improve retirement benefits for its Tier II plan members;

NOW, THEREFORE, BE IT RESOLVED, the Lee County Commission elects to provide Tier I retirement benefits to its Tier II plan members, subject to approval by the Employees' Retirement System Board of Control; that, if approved, such election shall be effective the following fiscal year and is irrevocable.

BE IT FURTHER RESOLVED, the Lee County Commission has reviewed the actuarial cost estimates provided by the Employees' Retirement System for such election and agrees to pay any resulting increases in the employer contribution rate.

BE IT FURTHER RESOLVED that beginning in the month that such election is effective, the Lee County Commission's Tier II plan members shall contribute 7.5% of their earnable compensation to the Employees' Retirement System and [the local government]'s Tier II plan members who are firefighters or law enforcement officers, as defined by *Ala. Code* § 36-27-59(a), shall contribute 8.5% of their earnable compensation to the Employees' Retirement System, as required by Act 2019-132.

BE IT FURTHER RESOLVED, the Lee County Commission has not increased the member contribution rates for its Tier I members as provided by Act 2011-676 and, as required by *Ala. Code* § 36-27-6.5, the Lee County Commission has submitted to the Employees' Retirement System a plan to increase such rates.

RESOLUTION FOR ACT 2011-676 PROVISIONS

WHEREAS, the Lee County Commission has elected to provide Tier I retirement benefits to its Tier II plan members as provided under Act 2019-132, and

WHEREAS, the Lee County Commission has not increased the member contribution rates for its Tier I members as provided by Act 2011-676 and, as required by *Ala. Code* §36-27-6.5, the Lee County Commission has submitted to the Employees' Retirement System a plan to increase such rates;

NOW, THEREFORE, BE IT RESOLVED, the Lee County Commission elects to come under the provisions of Act 2011-676 of the Regular Session of the 2011 Legislature.

BE IT FURTHER RESOLVED, that by electing to come under the provisions of Act 2011-676 the Lee County Commission agrees to increase employee contribution rates as specified by said Act for members of the Employees' Retirement System of Alabama.

BE IT FURTHER RESOLVED, that the provisions of Act 2011-676 shall become effective the same month of as the election provided under Act 2019-132.

BE IT FURTHER RESOLVED, that the election to come under the provisions of Act 2011-676 is irrevocable as of the effective date of this Resolution.

Judge English reminded everyone of the Runoff Election tomorrow with the polls opening from 7:00 AM to 7:00 PM CT countywide. Judge English predicted a 4-5% turnout,

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JULY 13, 2020

and stated absentees are up due to the pandemic.

Commissioner Ham stated Senator Randy Price is doing better today, but, has had some difficulty over the past week since being admitted to the hospital with COVID-19. Judge English stated Senator Price sounded better today.

Commissioner Ham made a motion at approximately 5:48 p.m. to adjourn. The motion was seconded by Commissioner Long and carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JULY 27, 2020

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, July 27, 2020 at 5:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Ham.

During citizens' communications, Commissioner LaGrand wished to commemorate the loss of an icon, U. S. Representative John Lewis, who died July 17, 2020. Commissioner LaGrand stated Representative Lewis' biggest accomplishment was 55 years ago when he crossed the Edmond Pettus bridge which marked the beginning of the Civil Rights movement. Commissioner Eckman stated she was able to watch the funeral coverage from Washington.

Lance Farrar appeared before the Commission stating there was not a copy of the bridge removal agreement on the county's website. Mr. Farrar stated he could only see a one-page memorandum concerning the agreement under old business. Mr. Farrar asked the Commission to consider allowing citizens access to the information prior to the meeting so they have the what, when and where prior to the meeting.

The Chairman declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Sheila Eckman, Gary Long, Robert Ham and Richard LaGrand. Commissioner Johnny Lawrence was absent due to still being hospitalized for the coronavirus. Elected Officials in attendance: Sheriff Jay Jones. News media in attendance: Opelika-Auburn News reporter Mike Eads, and Opelika Observer reporter Hannah Lester.

Sheriff Jones recognized the following deputies on their recent promotions, they included: Jessica Daley-promoted to Lieutenant; Jarrod Foley-promoted to Lieutenant; and Casey Fuller-promoted to Sergeant. Sheriff Jones stated each promotion was well-deserved. Judge English thanked them for the job they perform.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: listing of claims, p-card transaction listings, and minutes of the July 13 meeting. An additional list of claims to be ratified was presented today. Commissioner Ham made a motion, seconded by Commissioner LaGrand to approve the consent agenda items as presented. The motion carried unanimously.

Under old business, Commissioner LaGrand asked County Engineer Justin Hardee to address the Lee Road 14 bridge removal agreement. Mr. Hardee stated the agreement, written by County Attorney Stan Martin, is for the removal of a steel bridge over Choctafaula Creek.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JULY 27, 2020

Mr. Hardee explained normally a bridge is removed prior to the construction of a new bridge, but this was a unique situation, since the bridge was located at a dead-end, so it had to be left in place for local traffic. Mr. Hardee stated adjoining property owners asked to be allowed to acquire the old steel bridge after completion of the new one. Mr. Hardee stated he talked with state and federal agencies and the Alabama Historical Commission concerning the removal of the bridge. All indicated they had no issue with it since the Highway Department is the owner of the bridge and is responsible for completing the approaches to the new bridge. Mr. Hardee stated discussions have been ongoing with the interested property owners since the new bridge was completed in August 2019. Mr. Hardee stated the other adjoining property owners are ready for the “attractive nuisance” to be removed. Mr. Hardee stated the contract gives them until August 31 to remove the old bridge, and if not, the Highway Department will remove it beginning September 1. Judge English questioned whether it can reasonably be removed in that timeframe. Mr. Hardee stated Mr. Starr said they could. Commissioner LaGrand made a motion, seconded by Commissioner Eckman authorizing the Chairman to sign the Agreement as presented. The motion carried unanimously.

Second reading of the reappointment of Robert (Bob) Dumas, Dozier Smith T and Chris Nunn to the East Alabama Health Care Authority Board was made. Commissioner Eckman made a motion, seconded by Commissioner Ham to authorize the following Resolution on the three reappointments. The motion carried unanimously.

BE IT RESOLVED the Lee County Commission hereby reappoints Robert (Bob) Dumas, Dozier Smith T and Chris Nunn to each serve six-year terms beginning October 1, 2020 and expiring September 30, 2026.

Sheriff Jones presented a restaurant retail liquor license application for “A Matter of Taste” located in District 3. Sheriff Jones stated no objections to the issuance of the license have been noted. Sheriff Jones stated the owner indicates the establishment is a restaurant, not a bar. Sheriff Jones stated today the ABC Board issued an order stopping consumption of alcohol after 11:00 p.m. for all restaurants, bars, and clubs beginning August 1 due to the coronavirus. Commissioner Long questioned if the establishment is located in Smiths Station should the Commission be voting on it or should the City of Smiths Station be responsible. Sheriff Jones affirmed the Commission should vote on it. Commissioner Long made a motion, seconded by Commissioner Ham to approve the following Resolution for the approval of the restaurant retail liquor license for A Matter of Taste. The motion carried unanimously.

BE IT RESOLVED the Lee County Commission hereby approves the issuance of a restaurant retail liquor license to A Matter of Taste located at 2368 Lee Road 430, Smiths Station, Alabama.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JULY 27, 2020

County Engineer Justin Hardee presented final plat approval for Haley Woods Subdivision, Phase V for Commission consideration. Mr. Hardee stated construction has been completed in accordance with the approved plans and meets the minimum requirements of the *Lee County Subdivision and Land Development Regulations*. The proposed subdivision is located adjacent to Lee Road 2087 and Lee Road 2191. Judge English questioned the number of lots. Mr. Hardee stated this phase includes 29 lots. Commissioner LaGrand made a motion, seconded by Commissioner Eckman to approve the final plat for Haley Woods Subdivision, Phase V as presented. The motion carried on a vote of 3-0-1 with Commissioner Long abstaining.

Mr. Hardee presented the following Resolution for resurfacing Lee Road 249 located in District 4 through the Columbus-Phenix City MPO. Mr. Hardee stated the resurfacing project is approximately 1.8 miles in length, from Lee Road 379 to Lee Road 318. Mr. Hardee stated once the Resolution is adopted, the Highway Department will initiate the project through the Columbus-Phenix City Metropolitan Planning Organization (MPO). If approved, the project will be funded on an 80/20 split, with 80% of the funding from the Columbus-Phenix City MPO and a 20% match by Lee County. Commissioner Ham made a motion, seconded by Long to adopt the following Resolution. The motion carried unanimously.

RESOLUTION

WHEREAS, the County Commission of Lee County, Alabama is desirous of constructing or improving, by force account, by contract or both, a section of road included in the Lee County Road System and described as follows:

Full depth reclamation with cement, resurface, traffic stripe and other safety improvements on Lee Road 249, from the junction of Lee Road 379, then Northeasterly approximately 1.808 miles to the junction of Lee Road 318.

WHEREAS, the County agrees to all of the provisions of the County-wide agreement executed between the State and the County covering preliminary engineering by State forces and equipment on the project, and

WHEREAS, the County intends to apply for Federal Aid funds for the construction of the above referenced project, and

BE IT RESOLVED by the Lee County Commission, that the County agrees to all of the provisions of any agreement which has been executed or will be executed covering the construction of the project.

Mr. Hardee presented the following Resolution for resurfacing Lee Road 318 located in Districts 3 and 4 through the Columbus-Phenix City MPO. Mr. Hardee stated the resurfacing project is approximately 4.7 miles in length, from Lee Road 248 to Lee Road 249. Mr. Hardee stated once the Resolution is adopted, the Highway Department will initiate the project through

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JULY 27, 2020

the Columbus-Phenix City Metropolitan Planning Organization (MPO). If approved, the project will be funded on an 80/20 split, with 80% of the funding from the Columbus-Phenix City MPO and a 20% match by Lee County. Commissioner Long made a motion, seconded by Ham to adopt the following Resolution. The motion carried unanimously.

RESOLUTION

WHEREAS, the County Commission of Lee County, Alabama is desirous of constructing or improving, by force account, by contract or both, a section of road included in the Lee County Road System and described as follows:

Full depth reclamation with cement, resurface, traffic stripe and other safety improvements on Lee Road 318, from the junction of Lee Road 248, then Northwesterly approximately 4.702 miles to the junction of Lee Road 249.

WHEREAS, the County agrees to all of the provisions of the County-wide agreement executed between the State and the County covering preliminary engineering by State forces and equipment on the project, and

WHEREAS, the County intends to apply for Federal Aid funds for the construction of the above referenced project, and

BE IT RESOLVED by the Lee County Commission, that the County agrees to all of the provisions of any agreement which has been executed or will be executed covering the construction of the project.

County Administrator Roger Rendleman presented change order #1 for the Justice Center courtroom finish out project. Mr. Rendleman stated the change is a deduction for an unused allowance of \$6,588.85. Mr. Rendleman stated the change will reduce the contract from \$2,127,700 to \$2,121,111.15 and allow the closeout of the contract. Commissioner Eckman made a motion, seconded by Commissioner Long to authorize change order #1 on the Justice Center courtroom to close out the project. The motion carried unanimously.

Judge English reported that Commissioner Lawrence was having another bronchoscope today and stated he is still at 100% on the ventilator and his O₂ saturation numbers are ok. Commissioner Ham said Senator Randy Price had a good weekend and continues to improve but asked for continued prayers for Senator Price and Commissioner Lawrence.

Commissioner Ham made a motion at approximately 5:21 p.m. to adjourn. The motion was seconded by Commissioner Long and carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, AUGUST 10, 2020

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, August 10, 2020 at 5:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Judge English.

Judge English stated this is the first time during his tenure on the Commission to have a County Commissioner die in office, and he was also a personal friend. Judge English recognized Maggie Lawrence and Jimmy Lawrence, wife and brother of Commissioner Lawrence, who were in attendance. Judge English spoke about the life of Commissioner Johnny Lawrence beginning when he graduated from Auburn High School in 1976, started with the Auburn Fire Department in 1981, to 1990 when he married Margaret Crowder and 2000 when their daughter Julia was born, his pride and joy. Further, Judge English stated Johnny ran for Commissioner in 2002, retired from the Auburn Fire Department in 2006 as a Battalion Chief, and served as a Commissioner until his untimely death on July 31, 2020 from the coronavirus. Judge English read a statement from the Lawrence family asking that everyone wear their mask, wash their hands, serve the public, and be kind to each other.

The Chairman declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Sheila Eckman, Gary Long and Richard LaGrand. Absent: Commissioner Ham. Elected Officials in attendance: Representative Debbie Wood, Sheriff Jay Jones and Revenue Commissioner Oline Price. News media in attendance: Opelika Observer owner/reporter Michelle Key with photographer G. Robert Noles, Opelika-Auburn News reporter Mike Eads and Channel 9 news reporter Ken Ward.

Governmental Relations/Safety Coordinator Wendy Swann introduced Dr. Robert Bubb who was in attendance to recognize two scouts who had earned the rank of Eagle Scout in the Boy Scouts of America. Dr. Bubb stated both Taylor Brady and Ryan Ketring had accomplished this noteworthy honor. Taylor Brady was present and called up for recognition before the Commission, but unfortunately, Ryan Ketring was unable to make the meeting.

**COMMENDING TAYLOR BRADY ON ATTAINING THE RANK
OF EAGLE SCOUT IN THE BOY SCOUTS OF AMERICA**

WHEREAS, noted with highest commendation is the attainment of the rank of Eagle Scout, the highest rank in the Boy Scouts of America, by Taylor Brady of Auburn, Alabama; and

WHEREAS, the Eagle Scout Award involves completion of an Eagle Project and represents many years of diligence in pursuit of a worthy goal which brings honor to the scout, his family, and his troop; and

WHEREAS, a member of Troop 354, Taylor progressed through the levels of scouting, meeting the demanding requirements for achieving this coveted award; and

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, AUGUST 10, 2020

WHEREAS, Taylor’s Eagle Project was to build two reflection benches and an information board and place them between the two segregated sections of County Line Cemetery; Taylor used salvaged wood and donated materials to construct the benches and board and with assistance from his troop and leaders installed both the benches and board; and

WHEREAS, the board reads:

“Past this sign are the interments of enslaved and freed persons in the margins of a White cemetery. Unlike a White cemetery, no names nor monuments mark a life lived, just depressions in the ground and, for a select few, field stones—a consistent reminder that not even in death could one escape racial injustice. It is also a place for reflection. Slavery was inhumane and brutal while segregation was degrading and humiliating. Despite the harsh reality of the time, persons of African descent endured, persevered and overcame adversity with determination to establish their own communities, churches, and cemeteries.

We invite you to sit on the benches that separate these two burial grounds—look back and forth between both sides and reflect on the tragedies of the past, race relations today and what these experiences mean for our collective future.

Although the names of those in the 130+ plots beyond this sign will never be known for sure, they were likely the ancestors of several members of Mountain Springs Baptist Church. A search of wills, probate, and property records suggest the following individuals could be interred here: James, Matilda, Bitty, Jane, Hannah, Alfred Harriett, Miley, Mariah, Davad, Perry, Henry, Esther, Claripa, Peter, America, Eva Wicks, Moses, Levi, Lona Martin”; and

WHEREAS, Taylor’s project was approved by the Lee County Cemetery Preservation Commission, Mountain Springs Baptist Church and descendants of those interred; and

WHEREAS, through the years Taylor has exhibited those hard-won characteristics of self-discipline, good citizenship and honorable conduct, all components of the scouting program; he has earned the esteem of his community and fellow scouts; now therefore,

BE IT RESOLVED BY THE LEE COUNTY COMMISSION, that in recognition of his outstanding accomplishment in attaining the rank of Eagle Scout, Taylor Brady is heartily congratulated, and this resolution is provided in tribute along with the warm personal regards of the citizens of Lee County.

**COMMENDING RYAN KETRING ON ATTAINING THE RANK
OF EAGLE SCOUT IN THE BOY SCOUTS OF AMERICA**

WHEREAS, noted with highest commendation is the attainment of the rank of Eagle Scout, the highest rank in the Boy Scouts of America, by Ryan Ketring of Auburn, AL; and

WHEREAS, the Eagle Scout Award involves completion of an Eagle Project and represents many years of diligence in pursuit of a worthy goal which brings honor to the scout, his family, and his troop; and

WHEREAS, a member of Troop 354, Ryan progressed through the levels of scouting, meeting the demanding requirements for achieving this coveted award; and

WHEREAS, Ryan’s Eagle Project consisted of the rebuilding of a grave shed in the County Line Cemetery that originally covered the grave of a little girl which vandals burned down several years ago; Ryan used archived pictures of the shed and replicated, to the best of his ability, its dimensions and reconstructed using discarded materials donated from local construction sites and purchased with donated funds; and

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WHEREAS, Ryan, his troop, and his leaders built and painted the shed off-site and then moved it to its current location in the cemetery with the support and approval of descendants and the Lee County Cemetery Preservation Commission.

WHEREAS, through the years Ryan has exhibited those hard-won characteristics of self-discipline, good citizenship and honorable conduct, all components of the scouting program; he has earned the esteem of his community and fellow scouts; now therefore,

BE IT RESOLVED BY THE LEE COUNTY COMMISSION, that in recognition of his outstanding accomplishment in attaining the rank of Eagle Scout, Ryan Ketring is heartily congratulated, and this resolution is provided in tribute along with the warm personal regards of the citizens of Lee County.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: listing of claims, p-card transaction listings, and minutes of the July 27 meeting. First reading of Mike Hollingsworth to the Lee County Recreation Board for District 3 was made. Commissioner Long made a motion, seconded by Commissioner LaGrand to approve the consent agenda items as presented. The motion carried unanimously.

Under old business, Commissioner LaGrand gave a report on the Sandhill Recycling facility situation. Commissioner LaGrand stated he has seen a good response from the owners including the following improvements: 1) water trucks to minimize the dust; 2) odor neutralizers for odor control; 3) installed turbines for odor control; and 4) installed new fire hydrants. Commissioner LaGrand stated he feels this is a step in the right direction. Judge English stated it seems like a lot has been done in a short amount of time. Commissioner Eckman stated she is happy with the progress since she has friends that live in the area. Commissioner LaGrand agreed and gave Commissioner Lawrence credit for initiating some of those discussions.

Judge English asked the Commission to nominate someone to replace Commissioner Lawrence as the Commission representative for the ACCA's ONE Voice Session in Prattville on August 20. Judge English reminded them that Commissioner Ham stated he was unavailable on that date. Commissioner Long stated he would be the county representative at the session. Commissioner Eckman made a motion, seconded by Commissioner LaGrand to appoint Commissioner Long as the Commission Representative at ACCA's ONE Voice session. The motion carried unanimously.

Judge English stated eight Citizen Interest forms were received for five vacancies on the Lee County Cemetery Preservation Commission. Judge English stated of the eight forms, five forms are from the five incumbents, which include: Edna Ward, Talitha Norris, Arthur Lee

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Jones, Carmilla Tindal and Tiffany Hilyer. The other three forms were received from Fred Woods, John Dale Rector and Erica Ashley Hale. Commissioner Eckman indicated she would like to reappoint the incumbents to the five vacancies. Commissioner Eckman made a motion to approve the five incumbents. The motion was seconded by Commissioner Long and carried unanimously. Judge English noted this is first reading, but a vote was required because there were more citizens interested than positions available. The item will be carried to the next agenda for second reading and official appointment.

Tara Brumfield asked that Representative Debbie Wood be the first to address the Commission on the quarry issue. Representative Wood thanked the Commission for allowing her to discuss the quarry issue with them. Rep. Wood shared that she and Commissioner Lawrence were elected the same year and stated Johnny loved this whole community. Representative Wood stated the quarry was stopped from locating in Opelika, but now the same company has moved to the Beulah community. Rep. Wood stated the residents are fearful and want to protect their property and its value. Rep. Wood presented a petition containing over 500 names and noted that another online petition already contains over 1,500 signatures. Also, a map was presented to the Commission showing the location of the proposed quarry site. Rep. Wood stated it is her understating that the company is currently performing testing on the property. Rep. Wood stated the property surrounding Sentinel Hills Subdivision is owned by Beulah Properties who indicated they want to build more homes, but, will not if the quarry locates in the area. Rep. Wood stated the people don't want a quarry because it will affect the people negatively. Judge English stated Rep. Wood knows that the county has no zoning authority because of her time as Chairman of the Chambers County Commission. Lee County cannot regulate private use of property and the Commission has no authority to say "no" to an ADEM permit application. Judge English stated the County Engineer reached out to ADEM who indicated that no permit application has been received for a quarry in that area. Judge English stated the understanding is that the company is doing exploratory boring which does not require a permit. Rep. Wood stated she and Senator Price want to stand with the Commission and would like to know what is needed so all can work together. Judge English stated that Rep. Wood understands that legislation would be necessary for anything to be done on a county level, which takes time. Next, Tara Brumfield appeared before the Commission stating her family owns property and runs a cattle farm and expressed her concern for her property values and her business if a quarry develops at that location. Mrs. Brumfield begged the Commission to please stop the efforts of the quarry stating we've stopped it before; we can do it again. Mrs. Brumfield questioned the Commission if there it anyway they can help to stop it. Judge English addressed Mrs. Brumfield and stated ADEM's only concern is with air quality and water quality, and those items should be the focus of their arguments. ADEM is not allowed by law to consider truck traffic, noise or vibration concerns, or property values, stating not that those issues are important, but that is not included in ADEM's authority. Commissioner LaGrand echoed Judge English's statement on air and water quality; stating a public hearing can be requested if a permit application is being considered. Judge English stated that if a public

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hearing is scheduled the Commission would consider using a facility like the Opelika Performing Arts Center so that everyone would be able to attend and voice their concerns. Commissioner Eckman stated she started in politics because of the quarry in western Lee County and encouraged the citizens to contact Auburn University for guidance on air and water quality concerns. Teresa Sykes stated if they are not concerned about endangered species, then perhaps PETA should be contacted to be involved. Ms. Sykes stated she owns a hair salon about two miles north of the proposed location and stated she had talked to ALDOT about the big trucks going over the speed limit and logging trucks passing on the double-yellow line, stating it sounds as if the citizens need to petition ADEM, instead of the County Commission. Commissioner LaGrand gave the audience members ADEM's address. Joe Howell spoke on the issue of silica, a by-product of the dust which affects old and young people, especially individuals with pre-existing conditions. Danielle Ritch stated she was here to voice the concerns of all the community members. Mrs. Ritch stated she has gathered information from landowners who have stated they have been bullied by quarry representatives. Mrs. Ritch stated they want to be sure to speak on the issue early and voice their opinions before it is too late. Mrs. Ritch stated the air quality, dust particles, and silica all affect not only humans but the wildlife and the creeks and ponds too. Mrs. Ritch stated Highway 29 is a well-traveled road and a main access road from Beulah to Opelika and to the interstate. Mrs. Ritch stated she was told that 60 dump trucks per day would pull out of the quarry location if it becomes reality. Further, she stated it will be on the cusp of both Opelika's Industrial Park and Chambers County's Industrial Park. Mrs. Ritch stated it would affect infrastructure including the Sabel Trail gas pipeline. Mrs. Ritch stated Halawakee Creek feeds Lake Harding and noted there are natural ponds in the vicinity. Mrs. Ritch stated the quarry will cause sinkholes and erosion. Further, Mrs. Ritch stated they want everyone to be on the same page when going against the quarry. Last, Mrs. Ritch indicated that several people have requested to be added to ADEM's site for notifications. Judge English explained the differences in limestone and granite quarries. Judge English stated Spring Villa was a limestone quarry which has much greater propensity to cause sinkholes and affect the water table and a granite quarry would be more like the quarry located in Loachapoka. Judge English stated his job is to protect the Commission and he has a proposed Resolution he would like to present to the Commission for consideration. Commissioner LaGrand stated he personally is 200% against the quarry, and stated Commissioner Ham has indicated he is opposed to the quarry also. After review of the proposed Resolution, Commissioner Eckman made a motion, seconded by Commissioner LaGrand to approve the Resolution as presented by Judge English. The motion carried unanimously.

**RESOLUTION OF THE LEE COUNTY COMMISSION OPPOSING
THE LOCATION OF QUARRIES IN LEE COUNTY**

WHEREAS, the Lee County Commission, along with the City of Opelika, went on record in February of this year in opposition to a previous proposed quarry permit application made by Creekwood Resources, LLC ("Creekwood") on Lee Road 168, on property owned by Weyerhaeuser Company; and

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WHEREAS, after much public discourse, and the threat of litigation, Creekwood subsequently withdrew their Alabama Department of Environmental Management permit application for that location; and

WHEREAS, according to the minutes from the May 11, 2020 Commission meeting, District 4 Lee County Commissioner Robert Ham indicated he had talked to the owners of Creekwood Resources who stated they are looking at another location in Chambers County, not Lee County; and

WHEREAS, Creekwood is now exploring another property in Lee County, this time on Lee Road 177 in the Beulah community, again in anticipation of establishing a granite quarry; and

WHEREAS, the Lee County Engineer has consulted with the Alabama Department of Environmental Management (“ADEM”) and has been informed that the Department has not received applications for either type of permit for a new quarry by Creekwood in Lee County, nor has ADEM been made aware by Creekwood Resources of any plans it may have related to this topic; and

WHEREAS, the new location borders Halawakee Creek, also on property owned by Weyerhaeuser Company, upstream from historic Bean’s Mill; and

WHEREAS, the new location borders and surrounds the Sentinel Hills Subdivision, with more than 60 residential parcels; and

WHEREAS, this property is less than one mile from the City of Opelika corporate limits, and well within their planning jurisdiction; and

WHEREAS, a granite quarry would be expected to operate for more than fifty (50) years; and

WHEREAS, granite quarry operations will require blasting and crushing, which will result in significant noise and dust from the operation of quarry equipment and heavy trucks; and

WHEREAS, extremely fine granite dust particles will settle on the land and on bodies of water, potentially causing damage to residents, water supply, local flora and fauna; and

WHEREAS, such dust in the air is a respiratory hazard, including silica, a known carcinogen; and

WHEREAS, Halawakee Creek provides water to rural Lee County residents as well as to the City of Opelika; and

WHEREAS, the proposed quarry would have no option but to discharge its “treated drainage” into Halawakee Creek; and

WHEREAS, the proposed quarry may affect ground-water and surface-water systems, depress the water table in the area, and affect nearby wells, springs and bodies of surface water; and

WHEREAS, Halawakee Creek flows into Lake Harding, which supplies the Chattahoochee River above the “Goat Rock” dam; and

WHEREAS, it is in the public interest to ensure the long-term water needs of Lee County; and

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WHEREAS, the significant increase in heavy truck traffic would all exit the property onto Lee Road 177 and would reasonably be expected to cause substantial deterioration to the roadway which Lee County is responsible for maintaining; and

WHEREAS, such a large volume of heavy truck traffic would endanger the traveling public on such a two-lane county road; and

WHEREAS, from Lee Road 177, the heavy truck traffic would have no options but to travel northward into Chambers County, or southward onto U. S. Highway 29; and

WHEREAS, on U. S. Highway 29, the heavy truck traffic would have the potential to cause noticeable congestion to that two-lane Federal highway and it can reasonably be predicted that a significant portion thereof will exit U. S. Highway 29 onto either Interstate 85 North or South.

NOW THEREFORE, BE IT RESOLVED, by the Lee County Commission, that we hereby state our opposition to this proposed quarry, and any such similarly situated quarries in Lee County; and

BE IT FURTHER RESOLVED that the Lee County Commission requests that ADEM review the current exploration to see whether any state laws have been violated; and

BE IT FURTHER RESOLVED that the Lee County Commission requests that ADEM deny any quarry permit applications by Creekwood Resources in Lee County; and

BE IT FURTHER RESOLVED that the Lee County Commission requests that ADEM hold a public hearing in Lee County on any permit applications related to this Resolution, should it deem such necessary; and

BE IT FURTHER RESOLVED that the Lee County Commission authorizes the Chairman of the County Commission and/or the County Administrator to perform any other acts they deem advisable or appropriate in furtherance of the intent of this Resolution.

County Engineer Justin Hardee discussed the Rebuild Alabama Act and County Transportation Plan (CTP) and stated no action is needed tonight. Mr. Hardee stated the plan is part of the transparency and accountability requirements for the Rebuild Alabama Act passed in 2019. Mr. Hardee stated the plan outlines the projects Lee County intends to construct utilizing the additional revenue from the Rebuild Alabama Act gasoline tax increase, as well as funds from the Federal Aid Exchange program. The format of this plan has been developed by the Association of County Engineers of Alabama (ACEA) and approved by the State auditors to comply with the law. Once passed, this plan will be posted in the Lee County Courthouse, the Commission Office, the Highway Department and on Lee County's website for citizens to have access to it. Mr. Hardee stated this will be the second year of implementation of the Rebuild Alabama Act and stated there is some carryover from last year. Mr. Hardee stated the same prioritization process used for local funds has been used in selecting roads for resurfacing while also following the requirements required by the Rebuild Alabama Act for expenditure of the Federal Aid Exchange Funds. Mr. Hardee stated it includes 11 projects, full-depth reclamation, resurfacing and traffic striping, approximately 8.548 miles. Mr. Hardee stated the Commission has until August 31 to approve the County Transportation Plan for proceeding in accordance

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with the law.

Next, Mr. Hardee presented for Commission consideration a HRRR Funding Agreement of approximately \$200,000 to upgrade the guardrail and end anchors at seven different bridges across Lee County. Mr. Hardee stated the agreement is a 90/10 match. Upon this presentation, Commissioner Long made a motion, seconded by Commissioner Eckman to authorize the Chairman to sign the Agreement as presented. The motion carried unanimously.

RESOLUTION

BE IT RESOLVED, by the Lee County Commission as follows:

that the County enter into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation relating to a project for installation of:

installation of guardrail and guardrail end anchors at BIN 004430 on CR-379 over Mill Creek; BIN 004750 on CR-148 over Phelps Creek; BIN 010292 on CR-188 over Loblockee Creek; BIN 003310 on CR-175 over a tributary to Little Uchee Creek; BIN 004416 on CR-183 over Wacoochee Creek; BIN 003645 on CR-126 over Brush Creek; and BIN 005051 on CR-29 over Cossey Branch; Project #HRRR-4120(250), LCP 41-154-19; CPMS Ref#100071469.

Which agreement is before this Commission, and that the Agreement be executed in the name of the County, by the Chairman for and on its behalf and that it be attested by the County Clerk and the official seal of the County be affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the agreement by all parties, that a copy of such agreement be kept on file by the County.

Sheriff Jones presented a Retail Beer and Retail Table Wine application for the Corner Store in District 4 for Commission approval. Sheriff Jones stated no objections have been received on license which is a transfer from the previous owner. Commissioner Eckman made a motion to approve the license application for the Corner Store. The motion died for the lack of a second. Commissioners Long and LaGrand stated Commissioner Ham had not contacted them on whether he wanted to approve the license transfer.

County administrator Roger Rendleman presented four educational reimbursement requests for Commission consideration. Mr. Rendleman stated one was received from Monica Holloway of the Building Maintenance Department and the others from Christopher Kyle Maxwell and Heather Freeman of the Sheriff's Office. Mr. Rendleman stated the courses reflect the current positions held by each employee. Mr. Rendleman reminded the Commission the tuition will be reimbursed after successful completion of the course with a "B" or better. Commissioner Eckman made a motion, seconded by Commissioner Long to approve the educational reimbursement requests as presented. The motion carried unanimously.

Commissioner LaGrand made a motion at approximately 6:15 p.m. to adjourn. The motion was seconded by Commissioner Eckman and carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, AUGUST 31, 2020

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, August 31, 2020 at 5:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Long.

The Chairman declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Sheila Eckman, Gary Long and Richard LaGrand. Absent: Commissioner Ham. No replacement for Commissioner Lawrence has been named by the Governor yet. Elected Officials in attendance: Sheriff Jay Jones. News media in attendance: Opelika-Auburn News reporter Mike Eads and a WTVM reporter who did not sign the media roster.

Judge English received notification from the Association of County Commissions of Alabama about two employees who had recently completed their certifications. County Engineer Justin Hardee recognized Kendall Andrews who received a certificate in County Engineering Administration. Mr. Hardee stated to receive the certification Mr. Andrews had to attend four basic level courses plus seven certification level classes and pass an exam for each class. Further, Mr. Hardee stated Mr. Andrews, who has worked for Lee County for four years, received his Professional Engineering license in June.

County Administrator Roger Rendleman recognized Human Resources Technician Martecia Rogers who received a Basic Level Certificate. Mr. Rendleman stated the basic level classes provide an overview of county government.

Next, Mr. Rendleman introduced the new Lee County Parks Manager Ryan Norris to the Commission. Mr. Rendleman stated he is happy to have Mr. Norris on board since he will be responsible for the two new parks at Beulah and Beauregard, which are near completion, as well as the Lee County Park at Smiths Station. Mr. Rendleman stated overseeing the park projects has turned into a full-time job, and that he already has a full-time job. Mr. Rendleman presented pictures of the Beulah Park, which is almost complete, and of the Beauregard Park, which he stated should be finished in a few months. Mr. Rendleman stated the Beauregard Park project was put on hold since they did not have water at the location; water lines were recently installed. Mr. Rendleman stated not much success has been made in locating appropriate property in the Loachapoka area. Mr. Rendleman stated Mr. Norris has a big learning curve since he will be starting the program from scratch and that Mr. Norris will have to get up to speed quickly. Mr. Norris thanked the Commission for the opportunity to work for Lee County and agreed with Mr. Rendleman, stating he has done a lot of reading over the past two weeks. The Commission welcomed Mr. Norris.

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Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: listing of claims, a p-card transaction listing, and minutes of the August 10 meeting. Commissioner Eckman made a motion, seconded by Commissioner Long to approve the consent agenda items as presented. The motion carried unanimously.

Under old business, Tara Brumfield and Danielle Ritch again appeared before the Commission to discuss the potential quarry in Beulah. Mrs. Brumfield stated she wanted to come before the Commission again to discuss their progress to date and receive guidance from the Commission on their next step. Mrs. Brumfield stated, if not already, the Commission should begin receiving letters from citizens from the Beulah community and surrounding areas. Mrs. Brumfield questioned if the Commission contacted the Cities of Opelika and Auburn for their support in opposing the quarry. Commissioner Eckman stated Mrs. Brumfield should take her message to each of the two cities and request a Resolution in opposition to the proposed quarry. Mrs. Brumfield stated she must have misunderstood because she thought at the last meeting the Commission said they would request a Resolution from the cities. Mrs. Brumfield stated she talked with Mayor Fuller who indicated he is waiting to hear from the Commission to request a Resolution from Opelika. Commissioner LaGrand stated he is still 200% against another quarry coming to Lee County. Danielle Ritch stated people are asking them what the next step is in the process and asked for Commission guidance. Ms. Ritch stated she understands that once Creekwood Resources applies for a permit, there will not be much time for opposition. Commissioner Long questioned if there is a petition for people to sign in opposition. Ms. Ritch stated they have a Facebook page, but realize not everyone has computer access, so petitions have been placed at various locations in the community as well. T. K. Jimmerson voiced his concerns about a natural gas line that runs through his property which is in close proximity to the proposed quarry site. Commissioner Eckman again stated that if a hearing is granted by ADEM on the permit request, ADEM will only consider items that affect air quality and water quality.

Judge English presented second reading of one vacancy on the Lee County Recreation Board in District 3 for Commission consideration. Commissioner Long made a motion, seconded by Commissioner Eckman to approve the following Resolution to reappoint Mike Hollingsworth to the Lee County Recreation Board in District 3. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission hereby reappoints Mike Hollingsworth to the Lee County Recreation Board in District 3 to serve a five-year term from October 14, 2020 to October 14, 2025.

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Next, Judge English stated second reading of five vacancies on the Cemetery Preservation Commission is up for consideration. Commissioner Eckman made a motion, seconded by Commissioner Long to approve the following Resolution to reappoint the five members to the Lee County Cemetery Preservation Commission. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission hereby reappoints Edna Ward, Arthur Lee Jones, Talitha Norris, Carmilla Tindal and Tiffany Hilyer to the Lee County Cemetery Preservation Commission to each serve four-year terms from September 30, 2020 to September 30, 2024.

Sheriff Jones again presented a retail beer and retail table wine license for the Corner Store in District 4. Commissioner Eckman made a motion to approve the application for the Corner Store. Judge English reminded the Commission that the location is in Commissioner Ham's district. Commissioner Long and LaGrand again said they are not aware of his stance on the issuance of the license. Commissioner Eckman rescinded her motion. Judge English suggested the item be moved to the next Agenda.

Mr. Hardee stated the request by Boral Brick for a public hearing to vacate right-of-way on Lee Road 179 had previously been postponed due to the coronavirus. Mr. Hardee noted the property owner has been very patient in the process. Mr. Hardee indicated the vacation request is located in District 4 and that the Commissioner in that district must make the motion to vacate it. Mr. Hardee stated that Alabama Code has specific instructions on notification requirements for a right-of-way vacation, which has been done. Mr. Hardee stated the public hearing can proceed tonight and any public comments will be noted.

Judge English opened a Public Hearing at 5:32 p.m. for comments on the vacation of right-of-way on Lee Road 179. No one was in attendance to address the Commission on the issue. At approximately 5:32 p.m. Judge English closed the public hearing. Mr. Hardee stated the actual action to vacate will be carried forward to the next agenda.

Brooke Burks appeared before the Commission to discuss issues with the quarry in Loachapoka. Ms. Burks stated her relative lives on Lee Road 1 and due to recent surgeries, Ms. Burks has been caring for her. Ms. Burks stated she heard a blast from the quarry last week after midnight, she stated it woke her up and after looking at her clock she noted it was 12:01 a.m. and stated they blast all times of the day and night. Ms. Burks said the blasting over the years has caused cracks to form in the foundation of the house, crown molding to separate from the ceiling and numerous other issues. Ms. Burks concurred that Lee County does not need another quarry and expressed her opposition to the proposed quarry in Beulah. Judge English stated he recalls there may be restrictions on hours of blasting; but was not certain and

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questioned Mr. Hardee and County Attorney Stan Martin, but neither could remember. Judge English questioned if Ms. Burks had heard a whistle blow prior to the blasting, but she indicated she did not hear anything but the blasting.

Leland Williams appeared before the Commission regarding the status of the non-county maintained portion of Lee Road 110. Mr. Hardee had indicated that the County maintains approximately 0.2 mile on the northern end of Lee Rd 110, and approximately 0.4 mile on the southern end, but not the middle quarter of a mile that Mr. Williams is referencing. Mr. Williams stated the road is in the middle of a subdivision and asked the Commission to maintain the portion not currently being maintained. Mr. Williams stated it is ridiculous to him that it is not county maintained. Mr. Hardee stated the road is non-county maintained because the developer/owner built the subdivision and paved the road without the knowledge of the Highway Department. Mr. Williams argued that the roads maintained by the county are not to standard either. Mr. Williams stated whatever it takes for the roads to be accepted by the county should happen. Judge English explained that minimum standards must be met and inspected for the road to be accepted, which in this case was not done. Commissioner Eckman questioned if the road would need full-depth reclamation to repair it. Mr. Hardee stated he would recommend it. Judge English stated the residents of the subdivision could get together and get the road up to county standards, then ask the Commission to accept it for maintenance. Judge English asked Mr. Hardee a ballpark estimate on paving a mile of roadway. Mr. Hardee responded \$195,000/per mile for full-depth reclamation. No action was taken by the Commission.

Judge English stated two citizen interest forms were received for one vacancy on the Lee County Recreation Board in District 4. The two forms received were from: 1) Richard “Dickie” Brown, the incumbent; and 2) Steve Ballew. Judge English stated due to the absence of Commissioner Ham the item will be carried forwarded.

Mr. Hardee presented for Commission approval Lee County’s FY2021 County Transportation Plan (CTP). Mr. Hardee reminded the Commission the plan was presented for Commission review at the last meeting and now he would like to request the Commission move forward with the projects outlined in the CTP. This meeting is the deadline to comply with the Rebuild Alabama requirements. Those projects total \$1,683,956.00 and include the following: 1) Lee Road 188-1.441 miles; 2) Lee Road 44-1.160 miles; 3) Lee Road 719-0.310 miles; 4) Lee Road 2104-0.215 miles; 5) Lee Road 147-1.796 miles; 6) Lee Road 922-0.115 miles; 7) Lee Road 706-0.375 miles; 8) Lee Road 63-0.450 miles; 9) Lee Road 461-0.450 miles; 10) Lee Road 282-1.116 miles; and 11) Lee Road 380-1.120 miles. Commissioner Eckman made a motion, seconded by Commissioner LaGrand to approve the County Transportation Plan as presented. The motion carried unanimously.

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Mr. Hardee presented a request from a citizen to decrease the speed limit in Royal Oaks Subdivision. Mr. Hardee stated the Highway Department conducted a traffic study and recommends that the speed limit be reduced from 45 mph to 25 mph on Lee Road 2194 and to reduce the speed limit from 45 mph to 20 mph on Lee Roads 2195 and 2203. The Highway Department recommends these as reasonable and safe maximum speed limits. Commissioner Long made a motion, seconded by Commissioner Eckman to reduce the speed limits as recommended by the Highway Department. The motion carried unanimously.

Next, Mr. Hardee presented a request from a citizen asking the Highway Department to decrease the speed limit on Lee Road 482 in District 3. Mr. Hardee stated the Highway Department conducted a traffic study and recommends the speed limit be reduced from 45 mph to 20 mph on Lee Road 482. The Highway Department recommends this is a reasonable and safe maximum speed limit. Commissioner Long made a motion, seconded by Commissioner Eckman to reduce the speed on Lee Road 482 as recommended. The motion carried unanimously.

Mr. Hardee requested the Commission authorize him to hire two part-time civil engineering interns who will assist in designing and construction oversight of both bridge replacement and road resurfacing projects. Mr. Hardee stated the engineering students will gain applicable experience while working with their class schedule, and a lower hourly salary can be paid compared to a full-time position. Mr. Hardee stated based on their experience a salary of \$12.00 to \$14.00/hour will be offered. The students will be utilized for less than 11 months and they will not work more than 29 hours per week. Judge English questioned if the Commission could authorize the use of interns for a year so Mr. Hardee will not have to come before the Commission each time. Mr. Rendleman said according to policy this is the way it should be handled. Commissioner Long made a motion, seconded by Commissioner LaGrand to authorize the Highway Department to hire two interns effective for no more than eleven months. The motion carried unanimously.

Mr. Hardee presented an Adopt-A-Mile Application from UnlockItForMe LLC wishing to adopt Lee Road 112 in Districts 4 and 5. Commissioner LaGrand made a motion, seconded by Commissioner Long to authorize the Chairman to sign the Adopt-A-Mile application request as presented. The motion carried unanimously.

Mr. Rendleman discussed the process for the upcoming FY2021 Budget. Mr. Rendleman reviewed the worksheet that was in the packets and asked the Commission to review it and rank the items according to their preference. Mr. Rendleman stated if anyone had questions to please contact him prior to the next meeting. Mr. Rendleman also requested the

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Commission to set a budget work session immediately following the next Commission meeting. Judge English questioned if the work session could be held prior to the meeting, so that during the meeting the budget could possibly be approved if all members agreed. Commissioner Long made a motion, seconded by Commissioner Eckman to hold a budget work session at 4:00 pm on September 14 in the Commission chambers. The motion carried unanimously.

Commissioner Long made a motion at approximately 6:15 p.m. to adjourn. The motion was seconded by Commissioner Eckman and carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, SEPTEMBER 14, 2020

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, September 14, 2020 at 5:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Ham.

Prior to the 4:00 p.m. budget work session, new District 2 Commissioner Sarah Brown was sworn in. Attending the ceremony was her husband Drew Brown who held a Bible while she took her oath of office. Commissioner Brown was appointed by Governor Kay Ivey to replace long-time Commissioner Johnny Lawrence who passed away July 31 from the coronavirus.

The Chairman declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Sarah Brown, Gary Long, Robert Ham and Richard LaGrand. Absent: Commissioner Eckman. Elected Officials in attendance: Sheriff Jay Jones. News media in attendance: Opelika-Auburn News reporter Mike Eads and Opelika Observer reporter Hannah Lester.

During citizens communications, Commissioner LaGrand stated he is concerned about the amount of litter in Loachapoka. Commissioner LaGrand stated he would like ask people especially in this area to stop littering. Commissioner LaGrand stated he would like to see the enforcement of the litter law and anyone caught littering fined. Further, Commissioner LaGrand thanked Commissioner Ham for helping him look at potential property in Loachapoka for recreation.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: listing of claims, two p-card transaction listings, and minutes of the August 31 meeting. First reading of Susan Anderson to the Horseshoe Bend Regional Library board was made. Commissioner Long made a motion, seconded by Commissioner LaGrand to approve the consent agenda items as presented. The motion carried on a vote of 3-0-1 with Commissioner Ham abstaining.

Under old business, Judge English noted two citizen interest forms were received for one vacancy on the Lee County Recreation Board from District 4, they are: 1) Richard L Brown, Sr. (incumbent) and 2) Steve Ballew. Commissioner Ham made a motion for first reading of Richard L. Brown, Sr. to the Lee County Recreation Board to serve another term. The motion was seconded by Commissioner Long and carried unanimously.

Next, Commissioner Ham made a motion to approve the following Resolution to approve the transfer of a retail beer and retail table wine application for the Corner Store located

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in District 4. The motion was seconded by Commissioner LaGrand and carried unanimously.

BE IT RESOLVED, the Lee County Commission hereby approves the transfer of a retail beer and retail table wine application for the Corner Store at 2028 Lee Road 166, Opelika, Alabama.

County Engineer Justin Hardee presented for Commission consideration a proposed agreement for subdivision enforcement in Phenix City's planning jurisdiction. Mr. Hardee stated the Highway Department followed the same process several years ago with the cities of Opelika and Auburn. Mr. Hardee stated he and Commissioner Long have been working with the City of Phenix City on this agreement. Mr. Hardee stated the item had been presented before the Commission previously, but, that Commissioner Long had concerns about the way a subdivision was handled in the county and wanted to talk with Phenix City representatives before voting on the matter. After several meetings with Phenix City representatives his concerns have been addressed. Mr. Hardee stated both Mr. Martin and the city's attorney have reviewed and are satisfied with the proposed Agreement. Mr. Hardee also noted Phenix City's Mayor and the Phenix City Planning Commission approved the agreement earlier this year. After discussion, Commissioner Long made a motion, seconded by Commissioner Brown to authorize the Chairman to sign the Agreement with the city for subdivision enforcement in the planning jurisdiction of Phenix City. The motion carried on a vote of 3-1 with Commissioner LaGrand voting "No."

**AGREEMENT
TO CLARIFY THE SUBDIVISION REVIEW AND APPROVAL PROCESS
IN THE MUNICIPAL PLANNING JURISDICTION OF
THE CITY OF PHENIX CITY, ALABAMA**

The CITY OF PHENIX CITY, ALABAMA, hereinafter referred to as the "CITY" and LEE COUNTY, ALABAMA, BY AND THROUGH THE LEE COUNTY COMMISSION, hereinafter referred to as the "COUNTY," enter into this Agreement on this the 14th day of September, 2020.

WITNESSETH:

WHEREAS, Act #2012-297 was signed into law by Governor Robert Bentley with an effective date of October 1, 2012, and

WHEREAS, Act #2012-297 amends the Code of Alabama, § 11-52-30, by providing that if a county commission has adopted subdivision regulations, those subdivision regulations shall apply to the development of subdivisions within the planning jurisdiction of a municipal planning commission outside the corporate limits of a municipality and shall be regulated and enforced by the county in the same manner and to the same extent as other subdivision development governed by the county's subdivision regulations, and

WHEREAS, the Code of Alabama, § 11-52-30, also provides that a county commission and a municipal planning commission may enter into a written agreement providing that the

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municipal planning commission shall be responsible for the regulation and enforcement of the development of subdivisions within the planning jurisdiction of the municipal planning commission, and

WHEREAS, the COUNTY adopted its subdivision regulations on April 14, 2008, and

WHEREAS, since April 14, 2008, the CITY has been the primary entity responsible for subdivision development review and approval in its territorial jurisdiction, and

WHEREAS, since April 14, 2008, the COUNTY has provided subdivision development review assistance such that the CITY and COUNTY are able to always apply the more stringent standard of each entity's subdivision regulations, and

WHEREAS, this established subdivision review and approval process has worked to the mutual benefit of the CITY, the COUNTY, and their citizens;

NOW, THEREFORE, in order to comply with Act #2012-297 and to have an efficient and effective subdivision review, approval, regulation, and enforcement process, the CITY and COUNTY agree as follows:

1. In consideration of the foregoing and subject to the following provisions and the publication of this Agreement as required by law, the COUNTY does hereby give its consent and specifically agrees to have the CITY exercise territorial jurisdiction over the subdivision of land and to exercise jurisdictional authority over proposed subdivisions and over proposed additions to subdivisions of land lying outside the municipal corporate limits of the CITY, but within the territorial jurisdiction of the CITY, unless otherwise excepted below.
2. In recognition of the continuing growth of the CITY and the importance of coordinated efforts by both the CITY and COUNTY with regard to the regulation of subdivisions, an "Area of Review" is hereby created. CITY agrees that all proposals for subdivisions located in this area shall be submitted to both the CITY and COUNTY for review and comment. The "Area of Review" shall be all land outside the municipal corporate limits but within the planning jurisdiction of the CITY now or as may be expanded in the future.
3. Comments of the COUNTY, if more restrictive and which are directly related to a provision in the adopted Subdivision and Land Development Regulations of the COUNTY and any policies referenced therein, now, or as may be amended from time to time, shall be incorporated into the CITY'S approval of said subdivision, as well as into the engineering plans governing the development. All comments of the COUNTY shall be submitted to the CITY'S Engineering Department within thirty (30) days of the delivery of a copy of the proposal for subdivision to the Lee County Engineer. If the COUNTY does not submit its comments to the CITY within thirty (30) days as required herein, it shall be conclusively presumed by the CITY that the COUNTY does not have any comments relative to same.
4. The City shall at all times hereafter employ or contract with a licensed professional engineer who shall conduct inspections of the construction of the subdivision; or, direct the City Inspector or other qualified City employee, under his or her responsible charge, to conduct inspections of the construction of the subdivision. The licensed professional engineer employed or contracted by the City to perform such services shall certify to the COUNTY, in writing, the compliance with the approved engineering plans regulating the development.

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5. The CITY and the COUNTY understand and agree that if a licensed professional engineer, employed or contracted by the CITY, does not: 1) conduct inspections of the construction of the subdivision or direct the City Inspector or other qualified City employee, under his or her responsible charge, to conduct inspections of the construction of the subdivision; and 2) certify to the COUNTY, in writing, that such construction is in compliance with the engineering plans governing the development; the COUNTY is prohibited by law from accepting any roads or bridges within the subdivision for COUNTY maintenance at any point thereafter.
6. The CITY shall require a performance and maintenance bond from the developer, payable to the CITY, consistent with the requirements for bonds in the CITY'S subdivision regulations. No later than four (4) months prior to the expiration of the bond, both entities (CITY and COUNTY) shall jointly inspect the development for deficiencies. All deficiencies noted by the COUNTY shall be submitted to the CITY'S Engineering Department within thirty (30) days of the inspection. Deficiencies noted by the COUNTY shall be incorporated into the CITY'S comments and forwarded by the CITY to the developer. If the COUNTY does not submit its comments to the CITY within thirty (30) days as required herein, it shall be conclusively presumed by the CITY that the COUNTY does not have any comments relative to same. Bonds may be extended if the developer gets approval from the CITY per the requirements outlined in the CITY's Subdivision Regulations.
7. The CITY shall have the authority and responsibility to execute on the bond to correct any deficiencies noted by the joint inspection that have not been corrected by the developer prior to the expiration of the bond.
8. The CITY may hereafter withdraw their exercise of jurisdiction over future subdivisions located outside the corporate limits of the municipality after not less than six months' notice to the COUNTY. After withdrawal, the CITY may not reinstate the authority granted in Code of Alabama, §11-52-30, for 24 months after the effective date of its withdrawal.
9. That this Agreement does not and shall not affect or otherwise govern the acceptance of roads or streets for maintenance by the CITY or otherwise obligate or create a duty upon the CITY other than the exercise of jurisdiction over proposed subdivisions and over proposed additions to subdivisions of land lying outside the municipal corporate limits but within the planning jurisdiction of the CITY, unless otherwise excepted herein. In addition, the exercise of jurisdiction by the CITY over the subdivision of land outside the municipal corporate limits of the CITY shall not be deemed to require the CITY to accept any road or street for maintenance nor create any responsibility or duty on behalf of the CITY with regard to roads or streets outside the municipal corporate limits of the CITY other than is already provided by law. It is specifically understood, without limitation, that this Agreement does not alter the rights and duties of the CITY and COUNTY set forth in the Code of Alabama, § 11-49-80, with regard to the future annexation of unincorporated territory into the municipal corporate limits of the CITY.

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10. Nothing contained in this Agreement shall be deemed to otherwise relieve either the CITY or the COUNTY and their officers or employees of any duty or responsibility for approval of subdivision plans required at any time under Alabama law.
11. Any written notice, comments, deficiencies, or any other requirements of any notice to CITY or COUNTY shall be sent by certified mail, return receipt requested, or by hand delivery to the following addresses: Lee County, Alabama c/o Lee County Engineer, 100 Orr Avenue, Opelika, Alabama 36803-1007 and City of Phenix City, Alabama c/o The Phenix City Engineering Department, 601 12th Street, Phenix City, Alabama 36867.

Next, Mr. Hardee presented a right-of-way vacation for a portion of Lee Road 179 located in District 4. Mr. Hardee stated there were no objections during a public hearing held at the last Commission meeting, so the item is back before the Commission for their consideration. Judge English stated according to the Code of Alabama, the Commissioner of that district must make the motion to vacate it. Commissioner Ham made a motion, seconded by Commissioner Long to vacate the right-of-way on that portion of Lee Road 179. The motion carried unanimously.

ASSENTING TO THE RIGHT-OF-WAY VACATION OF PORTION OF LEE RD 179

WHEREAS, the Lee County Commission has received a petition to vacate certain right-of-way described in the attached Petition for Vacation of that portion of Lee Road 179 located in Lee County, Alabama; and,

WHEREAS, the petition is filed in accordance with the provisions of Section 23-4-20 of the Code of Alabama, 1975 which provides that any street or alley may be vacated, in whole or in part, by the owner or owners of the land abutting the street or alley or abutting that portion of the street or alley desired to be vacated; and,

WHEREAS, all owners of land abutting the portion of right-of-way proposed to be vacated have joined in the petition to vacate said right-of-way; and

WHEREAS, the Petition for Vacation of that portion of Lee Road 179 states that no property owner will be deprived of any right they may have to convenient and reasonable means of ingress and egress to and from their property as a result of the requested vacation; and,

WHEREAS, a public hearing was conducted by the Lee County Commission on the 31st day of August 2020, at which time all persons were given an opportunity to be heard in favor of or opposition to the proposed right-of-way vacation; and

WHEREAS, public notice of the public hearing was provided in accordance with Section 23-4-2 of the Code of Alabama 1975; and

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WHEREAS, the Lee County Commission has determined that it is in the best interest of the County to vacate that portion of the right-of-way described in the attached Petition for Vacation of that portion of Lee Road 179 and that such portion of the right-of-way as stated therein should be returned to the abutting landowner.

NOW THEREFORE, BE IT RESOLVED that the Lee County Commission of the State of Alabama, does hereby assent to the right-of-way vacation as described in the attached Petition for Vacation of that portion of Lee Road 179.

BE IT FURTHER RESOLVED that Lee County, Alabama, does hereby remise, release, and quit claim to Meridian Brick LLC whatever right, title and interest Lee County, Alabama may have in the property, and that Bill English, Lee County Commission Chairman, is authorized to execute and deliver a Quit Claim Deed to Meridian Brick LLC carrying out the intention of this paragraph and the Lee County Administrator be and is hereby authorized and directed on behalf of the Lee County to attest the same.

BE IT FURTHER RESOLVED that the Lee County Commission shall cause a copy of this resolution to be filed in the Probate Court of Lee County, Alabama and shall further cause a copy of this resolution to be published once in a newspaper in Lee County, Alabama no later than 14 days after its adoption.

ADOPTED and APPROVED by the Lee County Commission of the State of Alabama, this the 31st day of August 2020.

During a budget work session prior to the meeting, Mr. Rendleman presented the FY2020/2021 Budget. During the meeting, Mr. Rendleman presented the following FY2020-2021 updated budget, based on Commission discussion during the work session, for Commission consideration. Mr. Rendleman stated the \$48.7 million budget does not include capital items, stating those items will be presented later before the Commission for consideration. Upon this presentation, Commissioner Long made a motion, seconded by Commissioner Ham to adopt the FY2020-2021 Budget as presented by Mr. Rendleman. The motion carried unanimously.

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Fiscal Year 2020 - 2021
County Commission Budget

<u>Commission Funds</u>	<u>Carryover**</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>Operating Transfers In / (Out)</u>	<u>Increase/ (Decrease)</u>
General Fund		32,708,050	27,647,776	(5,002,386)	57,888
SRO		937,354	995,800		(58,446)
Recreation		915,000	645,539	(268,903)	558
General Fund - Total	0	34,560,404	29,289,115	(5,271,289)	0
Gasoline Tax Fund	421,005	3,362,000	7,170,380	3,387,375	0
RRR Gasoline Tax Fund	324,605	2,845,500	3,170,105		0
Rebuild Alabama Act Fund	1,000,000	1,200,000	2,200,000		0
Federal Aid Exchange Fund		400,000	400,000		0
Highway - Total	1,745,610	7,807,500	12,940,485	3,387,375	0
Reappraisal Fund	532,114	1,000,000	1,532,114		0
Refuse Disposal Fund		3,381,000	3,856,340	475,340	0
Capital Improvement Fund		600,000	600,000		0
Judicial Facilities Fund		350,000		(350,000)	0
Operational	2,277,724	47,698,904	48,218,054	(1,758,574)	0
Debt Service					
2004 Debt Service - Jail Expansion		715,716	1,296,850	581,134	0
2010 Debt Service - Bridge Program			543,700	543,700	0
2013 Debt Service - Justice Center Expansion			659,340	659,340	0
2018 Debt Service - Recreation & Facilities			485,525	485,525	0
Total County Commission Funds:	2,277,724	48,414,620	51,203,469	511,125	0

** = Funds available above restricted, reserved and designated fund balances for one-time expenditures like capital equipment or projects

Next, Commissioner Long made a motion, seconded by Commissioner Ham to amend the county's pay plan by a 2.0% increase effective September 26, 2020. The motion carried unanimously.

Next, Commissioner Ham made a motion, seconded by Commissioner LaGrand to adjust employee pay with a 2.5% increase effective September 26, 2020 to account for the Resolution passed by the Commission on July 20, 2020 to provide Tier I retirement benefits to

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Tier II plan members under Act 2019-132 which will result in employees having to make an additional contribution to the retirement system. The motion carried unanimously.

Next, Commissioner Brown made a motion, seconded by Commissioner LaGrand to approve the following Resolution to adjust the Coroner’s salary with a 4.55% increase. The motion carried on a vote of 3-1 with Commissioner Long voting “No”.

BE IT RESOLVED, the Lee County Commission hereby approves a 4.55% pay increase for the Coroner.

Next, Commissioner Long made a motion, seconded by Commissioner LaGrand to authorize the Chairman to execute the funding agreements with the agencies and amounts shown below on the Service Contracts and Appropriation list for FY2020-2021.

Contract Agencies:

Lee-Russell Council of Governments	\$157,900
EAMC Emergency Medical Services	<u>\$375,476</u>
Total Contract Agencies:	<u>\$533,376</u>

Appropriation Agencies:

Dept. Human Resources (Local)	\$4,725
Lee County Health Department	\$118,168
East Alabama Mental Health	\$64,050
Airport Terminal Project	\$100,000
Auburn University Airport FAA projects	\$30,000
Lee County Alternative Sentencing Board	\$70,000
Judicial Volunteer Program	\$12,000
Alabama Cooperative Extension	\$106,542
Soil & Water Conservation	\$6,000
Lee County Firefighters Association	\$4,000
Valley Haven School	\$8,000
Horseshoe Bend Library	\$25,000
East Ala. Services for the Elderly	\$10,000
Domestic Violence Intervention Center	\$6,000
Child Advocacy Center of East Alabama	\$17,500
American Red Cross - Lee Co Chapter	\$12,000
Community Market	\$2,650
Auburn Daycare Association	\$6,000
Museum of East Alabama	\$6,600
Lee County Historical Society	\$13,000
Family Enrichment Center of Loachapoka	\$27,551
The Salvation Army of Lee County	\$3,000
East Alabama Food Bank (Bldg. Renovations)	\$8,333
Alabama Kidney Foundation	<u>\$5,000</u>
Total Appropriation Agencies:	<u>\$666,119</u>

TOTAL OUTSIDE APPROPRIATIONS \$1,199,495

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Last, Commissioner Brown made a motion, seconded by Commissioner Long to authorize granting merit raises for FY2020-2021 based upon the employee annual evaluations. Such increases will be as follows:

- The employee must obtain at minimum:
 - a. “Meets Expectations” for 0.5% increase
 - b. “Exceeds Expectations” for 1.0% increase
 - c. “Consistently Exceeds Expectations” for 1.5% increase

The motion carried on a vote of 3-0-1 with Commissioner LaGrand abstaining. Mr. Rendleman thanked the Commission for passing the budget as presented.

Sheriff Jones presented a retail beer and retail table wine license application for Lulus Bakery and Market located in District 1. Sheriff Jones stated no objections have been noted at the location. Commissioner Ham made a motion, seconded by Commissioner Long to approve the following Resolution.

BE IT RESOLVED the Lee County Commission hereby approves the retail beer and retail table wine application for Lulus Bakery and Market located at 3010 Alabama Hwy 14 West, Auburn, Alabama.

Sheriff Jones presented an application for transfer of a retail beer license for Cusseta Travel Plaza in located in District 4. Sheriff Jones stated no objections have been noted on the potential transfer of the license at this location. Commissioner Ham made a motion, seconded by Commissioner LaGrand to approve the following Resolution for the transfer of the retail beer license for Cusseta Travel Plaza

BE IT RESOLVED the Lee County Commission hereby approves the transfer of a retail beer application for Cusseta Travel Plaza located at 5495 Co. Road 388, Cusseta, AL.

Sheriff Jones presented an application for the transfer of a restaurant retail liquor license application for Pizza D Action located in District 4. Sheriff Jones stated no objections have been noted on the proposed transfer of the restaurant retail liquor license at this location. Commissioner Ham made a motion, seconded by Commissioner Long to approve the following Resolution for the transfer of the license for Pizza D Action.

BE IT RESOLVED the Lee County Commission hereby approves the transfer of a restaurant retail liquor application for Pizza D Action located at 8018A Lee Rd 379, Salem, AL.

Mr. Rendleman presented the following Resolution for Commission consideration to designate the Lee County Meeting Center as a Courthouse annex so the Lee County courts may

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utilize the facility for any and all court business. Commissioner Long made a motion, seconded by Commissioner Ham to approve the following Resolution designating the Lee County Meeting Center as a Courthouse Annex. The motion carried unanimously.

RESOLUTION

WHEREAS, the Lee County Commission is the governing body of Lee County, Alabama (the “County”) and wishes to designate additional space as a temporary county courthouse annex; and,

WHEREAS, Alabama law provides that county commissions may locate county offices, including courthouses, to property outside the county courthouse, provided the building is designated as a courthouse annex by order of the county commission at a regular meeting; and,

WHEREAS, the County Commission wishes to designate property located at 205 South 10th Street, Opelika, Alabama 36801 (“the Lee County Meeting Center”), as a temporary courthouse annex to accommodate judicial duties and court proceedings pursuant to, but not limited to, Code of Alabama § 11-3-11 (1975); and,

WHEREAS, the Commission wishes to permit any duly appointed judge or duly empaneled jury performing judicial duties in Lee County to conduct any and all court business as needed at the above-listed courthouse annex as if such business were being conducted in the Lee County Courthouse Justice Center located at 2311 Gateway Drive, Opelika, AL 36801; and,

WHEREAS, upon motion having duly made by Commissioner Long, and seconded by Commissioner Ham, with discussion having been had thereon and a vote having been taken, upon which vote said motion carried by the vote of 4 to 0.

IT IS HEREBY RESOLVED by the Lee County Commission as follows:

1. The Lee County Meeting Center, which is located at 205 South 10th Street, Opelika, AL 36801, is hereby designated as a courthouse annex;
2. Any duly appointed judge and or duly empaneled jury performing their duties in Lee County may conduct any and all court business at the Lee County Meeting Center as if it were being conducted at the Lee County Courthouse Justice Center located at 2311 Gateway Drive, Opelika, AL 36801;
3. This resolution shall take effect on the date it is approved and adopted and shall remain in effect for one (1) calendar year, unless extended by further order of this Commission.

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Mr. Rendleman stated that the current financial software provider will be discontinuing support at the end of 2021 and will discontinue any updates of the payroll module at the end of this calendar year for our current payroll module in Financial Edge, our current financial software suite. Mr. Rendleman stated after exploring different options he recommends moving payroll to the Kronos Workforce Ready Payroll module. The software module is fully compatible and can be integrated with the Kronos timekeeping system currently being used. Additionally, Mr. Rendleman asked the Commission to authorize another component of the Workforce Ready HR module to further enhance and automate our human resources process. Mr. Rendleman asked the Commission to approve the order under the existing master agreement for the addition of Workforce Ready Payroll and the HR modules for a total of \$21,000, which will be paid quarterly. Commissioner Ham made a motion, seconded by Commissioner Long to approve the addition of the Workforce Ready Payroll and HR modules as presented. The motion carried unanimously.

Next, Mr. Rendleman asked the Commission to approve the following updates to the COVID-19 Policy. Mr. Rendleman stated to enter the building, the only change would be to stop taking temperatures, which may alleviate some of the law enforcement officers duties. Mr. Rendleman stated he would strongly encourage the use of wearing a mask by both visitors and employees and to continue social distancing of visitors while inside the building.

RESOLUTION

WHEREAS, the President of the United States declared a national emergency on March 13, 2020 due to the COVID-19 Coronavirus epidemic; and

WHEREAS, the Governor of Alabama declared a state of emergency on March 13, 2020 due to the COVID-19 Coronavirus epidemic; and

WHEREAS, County Commissions have the power and authority to provide for the health and safety of persons, which includes county personnel;

WHEREAS, the Lee County Commission adopted an initial Temporary Personnel Policies at a duly called emergency meeting on March 17, 2020;

WHEREAS, the United States Congress has passed, and the President of the United States has signed the Families First Coronavirus Response Act (FFCRA) since such time;

WHEREAS, the Lee County Commission wishes to meet or exceed the minimum requirements of FFCRA for the health and safety of county personnel;

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NOW, THEREFORE, BE IT RESOLVED BY THE LEE COUNTY COMMISSION, that the following Personnel Policies for the COVID-19 Pandemic hereby replace the current Temporary Personnel Policies for those persons subject to the personnel policies of the Lee County Commission, effective June 6, 2020:

**Policies for the COVID-19 Pandemic
Updated September 15, 2020**

These policies remain in effect as long as there is a declared national emergency regarding the COVID-19 Pandemic or otherwise determined by the Lee County Commission.

A. All personnel who:

1. *are 65 or older; or*
2. *with documented underlying health issues:*
 - have chronic lung disease.
 - have moderate to severe asthma.
 - have severe heart disease.
 - are immunocompromised.
 - with class III or severe obesity (BMI > 40).
 - with the following underlying medical conditions: diabetes, liver disease, and persons with chronic kidney disease undergoing dialysis; or

Should particularly adhere to Section F of these policies. Appointing Authorities with personnel in this category are to consider the following measures:

If they can telecommute and you can verify they are working/accomplishing projects, etc., then that is what you are suggested to assign them to do. If you need any assistance with getting laptops and access, please notify the County Administrator.

If they cannot telecommute, then consider for them to work in an office by themselves and limit interaction with others. If you need assistance with finding a space, please notify the County Administrator.

If they cannot telecommute or work in an office by themselves, consider a large open area where they can be spaced out and interaction can be curtailed. If you need assistance with finding a space, please notify the County Administrator.

If an employee identified in this section still wishes not to return to work, they can utilize any accumulated leave. Once they run out of leave, they can go into a standard non-paid status, which includes the requirement of making payment for the continuation health insurance

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coverage. They are not entitled to FMLA and emergency leave donations. FMLA is only available if the employee can qualify under the current FMLA regulations.

- B.** All personnel who are directly impacted by COVID-19 in the following ways:
1. test positive for a case of COVID-19
 2. subject to a government quarantine/isolation order
 3. experiencing symptoms (according to Center for Disease Control guidance like fever, cough, shortness of breath) and seeking a medical diagnosis
 4. a person within an immediate household who has tested positive for a case of COVID-19
 5. have been advised by a health care provider in writing to quarantine related to COVID-19
 6. are caring for an individual who subject to order related to COVID-19.

Shall report such to their appointing authority immediately.

B.1. *must self-isolate immediately. You will need to send a negative COVID-19 test result to your appointing authority before returning to work.*

B.2. *must follow the order. You will need to be released from the order to return to work.*

B.3. *must self-isolate for at least 14 days. You must not have symptoms after 14 days or test negative for COVID-19 along with approval by your Appointing Authority on a case by case basis.*

B.4. *must self-isolate for at least 14 days. You must not have symptoms after 14 days or test negative for COVID-19 along with approval by your Appointing Authority on a case by case basis.*

B.5. *must be released by a healthcare provider*

B.6. *the individual needing care is released, or your assistance is no longer required*

Appropriate Documentation will be required for each of the above. Types of documentation are copy of orders, proof of tests and/or written certifications. (Be sure to read Section D. of these policies)

For B.1., B.2., B.3., B.4. and B.5., you will be compensated for time short of your regularly scheduled shifts.

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For B.6., you will be compensated your ten (10) paid shifts (or two-week equivalent). After the ten (10) paid shifts are utilized, the employee will be paid 67% of their regular rate of pay.

- C.** All personnel who are caring for his or her child whose school or place of care is closed (or child-care provider is unavailable) due to COVID-19 related reasons may:
- Utilize ten (10) paid shifts (or two-week equivalent) starting April 1st, 2020
 - After the ten (10) paid shifts are utilized, the employee will be paid 67% of their regular rate of pay up to ten additional weeks
- D.** Providing false documents or misleading and false statements associated with B and C above are Group Two Offenses under 11.4.2 A. (5) and (6).

In addition, anyone who is staying home under Category B is being paid to follow orders and instructions for public health and safety reasons. Failure to follow those orders and instructions is a Group Two Offense under 11.4.2 A. (7).

Such actions in this section are grounds for the employee's dismissal from employment.

- E.** All Appointing Authorities should continue to strongly encourage the public to utilize all available on-line and/or mail-in services.

Starting September 15, 2020, Public Access to the County Courthouse will be limited along with the following requirements:

- The public will have a single access point.
- Number of people allowed access at any given time will depend on the individual's destination, ability to maintain proper social distancing in the area and occupancy level of the area.
- Must maintain six feet of separation (except those in the same household)
- In an effort to remain in compliance with social distancing and maximum occupancy mandates, visitors who are not entering to conduct courthouse business will not be allowed to enter.
- A person should not enter the facility if they have a temperature above 100.3 or has the following:

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- Persistent Cough
- Shortness of breath or difficulty breathing

Or at least two of these symptoms:

- Chills
- Muscle pain
- Headache
- Sore throat
- New loss of taste or smell
- Must wear a face mask/covering.
- Refusal to wear a face mask/covering will result in denial of admission to the facility.

Some (if not all) of these measures should be utilized at other facilities depending on the level and type of interactions with the public at that facility.

F. Employees under the budgetary and administrative authority of the County Commission should protect the public, their coworkers and themselves by:

- NOT reporting to work and notifying their supervisor if they have:
 - temperature above 100.3

or are experiencing the following:

- Persistent Cough
- Shortness of breath or difficulty breathing

Or have two or more of these symptoms:

- Chills
- Muscle pain
- Headache
- Sore throat
- New loss of taste or smell

Employees under the budgetary and administrative authority of the County Commission that report to work will:

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- Be subject to random temperature checks
- Maintain six feet of separation
- Employees must wear a face mask/covering in areas with the public and in areas you are not isolated from other employees
- Sneeze or cough into a tissue, cloth or inside your elbow
- Practice proper handwashing and sanitizing on a regular basis, especially after touching frequently used items or surfaces

Employees failing to practice such safety measures are in violation of Group One Offense under 11.4.1 A. (6). Repeated failure to practice and/or absolute disregard to such safety measures are in violation of Group Two Offense under 11.4.2 A. (12) “Violation of safety practices that might endanger the life or health of the employee or others”. Repeated failure and/or absolute disregard should be a suspension without pay at a minimum.

(For Sheriff’s Service Employees, enforcement and discipline determination is solely the discretion of the Lee County Sheriff).

- G.** Beginning with shifts ending on April 18, 2020 and ending June 19, 2020, county employees, under the budgetary and administrative authority of the Lee County Commission, working onsite will receive supplement pay per day based on scheduled shifts as follows:

Full-time Employees &	
<u>Part-time on full-time shifts</u>	<u>Part-time Employees</u>
8 - hour shift = \$12	4 - hour shift = \$6
10 - hour shift = \$15	6 - hour shift = \$9
12 - hour shift = \$18	

On-site means those who physically report to work at a county facility, at a worksite, or on patrol. Telecommuting (or working from home) isn’t included.

This includes all exempt and non-exempt employees.

Partial completion of shifts may result in forfeit of the supplement depending on the circumstances causing the incomplete shift.

- H.** Leave under these temporary policies are subject to the document requirements under Section B.
All other use of sick leave is subject to existing documentation policies.

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- I. Due to the very changing nature of the pandemic, guidance from the CDC and Federal/State directives; the Chairman or Chief Administrative Officer are authorized to temporarily modify personnel policies based on CDC guidance in consultation with the other appointing authorities as deemed necessary.

Mr. Hardee presented each Commissioner a spiral bound updated Highway Reference Guide and a large county road map containing the roads that Lee County maintains. Mr. Hardee stated no action is requested tonight, but he would like the Commission to review the documents and will ask for Commission action at the next meeting on September 28, 2020. Mr. Hardee stated the Highway Reference Guide was started by former Engineer Neal Hall in 2004 or 2005. Mr. Hardee stated the Highway Reference Guide is for Commissioners' convenience in determining whether a road is county maintained or not. Mr. Hardee stated he likes to give credit where credit is due, and all the credit for these updates goes to Patrick Harvill for checking the existing roadways for accuracy. Commissioner Ham noted to Commissioner Brown that she has three dirt roads in her district, but he has three pages of dirt roads in his district.

Mr. Hardee stated pursuant to the Rebuild Alabama Act passed last year, counties will receive an annual allocation of \$400,000 from the State in exchange for the \$533,000 federal allocation counties had been receiving through the state. Mr. Hardee stated these funds can be used on resurfacing or bridge replacement projects let locally by the county, administered by the Highway Department, and overall authority lies with the County Commission as opposed to ALDOT. Mr. Hardee asked the Commission to authorize the Chairman to execute the Memorandum of Agreement with the State to allow for the exchange of these funds. Commissioner Long made a motion, seconded by Commissioner Ham to authorize the Chairman to sign the Agreement as presented. The motion carried unanimously.

MEMORANDUM OF AGREEMENT

PART ONE (1): INTRODUCTION

This Memorandum of Agreement is made and entered into by and between the Alabama Department of Transportation (ALDOT), hereinafter referred to as the STATE; and the Lee County Commission, Alabama, hereinafter referred to as the COUNTY.

WHEREAS, the STATE and the COUNTY desire to cooperate in the allocation of Rebuild Alabama Act Funds in the amount of \$400,000 to the COUNTY in exchange for the annual \$533,000 federal allocation, in accordance with the provisions of Act 2019-2 (Rebuild Alabama Act). Here forth, the \$400,000 annual allocation specified in the Rebuild Alabama Act shall be known as Federal Aid Exchange Funds (FAEF),

WHEREAS, the parties agree it is in the mutual interest of State and the County,

NOW, THEREFORE, the State and the County for, and in consideration of the

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premises stated herein, do hereby mutually promise and agree as follows:

- A. The County may petition the State in writing to request an exchange of any total current balance of unauthorized federal allocation equaling \$300,000 or less for State Public Road and Bridge funds, thus reducing the federal allocation to a balance of \$0. The exchange rate shall be State Public Road and Bridge funds in an amount not to exceed 75% of the total current federal allocation balance.
- B. As stated in Act 2019-2 (Rebuild Alabama Act) under paragraph b of subdivision (1) of subsection (c) of Section 7, "ALDOT will allocate \$400,000 to each county in exchange for the annual federal allocation of \$533,000 which was being distributed to each county on the effective date of this act. Nothing in this act shall prohibit ALDOT from utilizing these exchanged federal funds at its discretion and in a manner consistent with Federal Highway Administration (FHWA) procedures".
- C. After execution of this Memorandum of Agreement, any previously authorized federal projects using the County's federal allocation that have an underrun in costs which results in the balance of the County's federal allocation to be greater than \$0 and less than \$300,000 shall receive an exchange for State Public Road and Bridge funds at a rate not to exceed 75% of the total current federal allocation balance following the end of each fiscal year. Any previously authorized federal projects using the County's federal allocation that have an overrun in costs which causes the balance of the County's federal allocation to be less than \$0 shall have the amount of the overage, along with the matching funds associated with that federal allocation, deducted from the \$400,000 annual FAEF allocation for the following fiscal year at the end of each fiscal year.
- D. The County shall be responsible for any and all reporting provisions contained within Act 2019-2 (Rebuild Alabama Act) pertaining to the use of FAEF.
- E. Modification, amendment, or termination of this Agreement as necessary shall be accomplished by the parties in the same manner as the original Agreement.
- F. Any disputes between the parties, senior officials of State and County who have the authority to bind their principles to any agreement they should reach, shall meet and engage in a good faith attempt to resolve the dispute. Should negotiations not produce a resolution, the parties agree that the dispute shall be submitted to non-binding mediation, to be conducted in a mutually agreed location utilizing mediators selected from the roster maintained by the Alabama Center for Dispute Resolution. This right of the State's to the use of alternative methods to attempt to resolve a dispute is not a waiver of the State's right to assert sovereign immunity.
- G. The County shall be responsible at all times for all of the work performed utilizing the funds specified under this Agreement and, as provided in Ala. Code §11-93-2 (1975), the County shall indemnify and hold harmless the State of Alabama, the Alabama Department of Transportation, its officers, officials, agents, servants, and employees.

For all claims not subject to Ala. Code §11-93-2 (1975), the County shall indemnify and hold harmless the State of Alabama, the Alabama Department of Transportation,

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its officers, officials, agents, servants, and employees from and against any and all damages, claims, loss, liabilities, attorney's fees or expense whatsoever or any amount paid in compromise thereof arising out of, connected with, or related to the (1) work performed under this Agreement (2) the provision of any services or expenditure of funds required, authorized, or undertaken by the County pursuant to the terms of this Agreement, or (3) misuse, misappropriation, misapplication, or mis expenditure of any source of funding, compensation or reimbursement by the County, its officers, officials, agents, servants, and employees.

- H. By entering into this Agreement, the County is not an agent of the State, its officers, employees, agents or assigns. The County is an independent entity from the State, and nothing in this Agreement creates an agency relationship between the parties.
- I. It is agreed that the terms and commitments contained in this Agreement shall not constitute a debt of the State of Alabama in violation of Article 11, Section 213 of the Constitution of Alabama, 1901, as amended by Amendment 26. It is further agreed that, if any provision of this Agreement shall contravene any statute or Constitutional provision or amendment, either now in effect or which may be enacted during the term of this Agreement, then the conflicting provision in this agreement shall be deemed null and void.
- J. By signing this Agreement, the contracting parties affirm, for the duration of the Agreement, that they will not violate Federal immigration law or knowingly employ, hire for employment, or continue to employ an unauthorized alien within the State of Alabama. Furthermore, a contracting party found to be in violation of this provision shall be deemed in breach of the Agreement and shall be responsible for all damages resulting therefrom.
- K. No member, officer, or employee of the County, during the tenure of employment for one year thereafter, shall have any interest, direct or indirect, in this Agreement or the proceeds, profits, or benefits therefrom.
- L. The terms of this Agreement may be modified by revision of this Agreement duly executed by the parties hereto.
- M. This Agreement may be terminated by either party upon the delivery of a thirty (30) day notice of termination.
- N. Nothing shall be construed under the terms of this Agreement that shall cause any conflict with Section 23-1-63, Code of Alabama, 1975.
- O. Exhibits A, E, H, M, and N are hereby attached to and made a part of this Agreement.

Mr. Hardee presented the following results on Bids #8-#10 for the FY2020-2021 Highway Department annual maintenance bids. Commissioner Long made a motion, seconded by Commissioner Ham to award Bids #8 and #10 as presented and to reject and allow the Highway Department to negotiate downward on Bid #9. The motion carried unanimously.

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FY2020-2021 Highway Maintenance Bids:

Bid#08-Grader Cutting Edges (SE Regional)-----Thompson Tractor Company
Tractor and Equipment Co.
Bid#09-Emulsified Asphalt-----Reject Bid and Negotiate
Bid#10-Maintenance Stone-----Martin Marietta
Vulcan Materials

Commissioner Long made a motion, seconded by Commissioner Ham to award the following bid extensions for FY2019-2020 as presented. The motion carried unanimously.

The following vendors awarded a one (1) year extension period on bids as stated in the bids under Section 2.1:

First Extension (FY 2019-2020)

Bid #12-Bales of Grass Hay-----Parker Grassing, Inc.
Bid #13-Cement Mortar Flowable Backfill-----Fairburn Ready Mix
Bid #14-Gasoline-----Petroleum Traders Corp.
W. H. Thomas Oil Co., Inc.
Bid #15-Grader Cutting Edges (SE Regional)-----Thompson Tractor Co.
Bid #16-Maintenance Stone-----Martin Marietta
Vulcan Materials
Wadley Crushed Stone Co., LLC
Bid #17-Cold Mix-----Advanced Asphalt Products
Chris Clark Grading & Paving, Inc.

Last, Commissioner Long made a motion, seconded by Commissioner LaGrand to award the following second bid extensions for FY2018-2019 and FY2019-2020 as presented. The motion carried unanimously.

Second Extension (FY 2019-2020)

Bid #18-Ready Mixed Concrete-----Fairburn Ready Mix
Second Extensions (FY2018-2019)
Bid #01-Tied Concrete Block Erosion Control Mat-----Grogreen Solutions
Premier Concrete Products
Bid #03-Diesel Fuel-----W. H. Thomas Oil Co., Inc.
Bid #05-Emulsified Asphalt-----Ergon Asphalt & Emulsions, Inc.
Bid #07-Picked up at the Plant Bituminous Treatment-----East Alabama Paving Co.

EMA Director Rita Smith stated she was recently notified of a certification requirement by the Alabama Board of Architects and Engineers for inspection of the storm shelters. Ms. Smith stated this is a new requirement, but the Commission can waive the inspection requirements, since they have the authority to do so. Ms. Smith stated she provided a copy of

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the form to Judge English. Ms. Smith stated the inspection requirement has caused a delay in the installation of the safety shelters for those individuals that met the qualifications. Ms. Smith stated the inspection would add an additional cost per shelter, stating most of the families that qualified for the shelters received outside assistance to pay for their portion of the shelter cost and would not be able to pay for the inspection. Representatives from Lake Martin Storm Shelters were in attendance stating that there are three levels of liability, they are: 1) with the vendor/installer; 2) with the manufacturer; and 3) the engineer who approved the design.

Judge English stated he and Mr. Hardee have looked at the certification instructions and form, which states, “the authority having jurisdiction waives the special inspection in accordance with ICC 500 § 106.3.1”. Judge English stated his concern is that § 106.3.1 states the jurisdiction having authority can waive the special inspection if it verifies that the anchorage and, where required, the foundation, complies with the requirements of the shelter design as provided in documentation required by Section 107. His concern is that waiving the special inspection without verifying the anchorage/foundation would place liability on Lee County. Mr. Rendleman stated he talked to County Attorney Stan Martin who stated if the county signs the waiver it would put liability on the county, not the installer. Further, Mr. Rendleman stated to comply with 106.3.1, which specifies the jurisdiction having authority verifies the anchorage, the county must verify it some way.

Ms. Smith stated it would cost approximately \$46,000 to comply with the requirement for all 115 shelters. Mr. Rendleman stated the capital budget has not been passed yet, and if the Commission desired, they could decide to pay for the inspections or verifications out of the capital budget. Judge English stated the inspection would be required to be performed by a professional engineer and questioned Mr. Hardee if he has available staff to inspect them. Mr. Hardee indicated he does not have the staff required to inspect 115 shelters. After more discussion, Judge English stated the quickest way to resolve the issue might be to provide an official inspection by having an engineer to go out and inspect each shelter upon installation. Alternatively, Lee County could have someone verify the installation and operate as the County’s verifying agent under the waiver, whichever option would be cheaper and/or quicker. Commissioner Brown questioned the timeframe on an installation. Mr. Rogers of Steel Safe Shelters stated the type he installs takes a day to install. Commissioner Ham stated he would like to see good coordination between the engineer doing the inspection and the installation. Judge English stated no Commission action is needed at this time.

Governmental Relations/Safety Manager Wendy Swann presented the ACCA’s Safety Incentive Discount Program verification form for Commission approval. Mrs. Swann explained that all necessary requirements to qualify for SIDP discount have been met for the current year. Additionally, Mrs. Swann stated the Safety Committee meets on a regular basis and addresses items including departmental safety concerns, trainings, quarterly review of accidents/losses and discusses findings from the yearly walkthrough review. Further, Mrs. Swann informed the Commission Lee County received 3rd Place for a Safety Award and will receive \$1,000 for it. Mrs. Swann requested the Commission authorize the Chairman to sign the verification form as

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presented. Commissioner Ham made a motion, seconded by Commissioner Long to authorize the Chairman to sign the necessary paperwork for the ACCA's Safety Incentive verification form for the current year. The motion carried unanimously.

Ms. Smith gave an update on the EMA Department's activities to date. A detailed 180-day update was included in the packets. Ms. Smith stated she now has been serving in the position for seven months. Ms. Smith stated an outline was included in the Commission packets detailing the departments activities since her last report. Ms. Smith stated along with support from the Cities of Auburn and Opelika, for the first time, the City of Smiths Station has agreed to allocate \$5,000 to EMA for equipment upgrades. Commissioner Ham stated he and Commissioner Lawrence had many conversations about how hard Ms. Smith has been working since taking the position. Ms. Smith thanked Commissioner Ham stating she has a great team who all work together. Commissioner Ham stated Ms. Smith's hard work is appreciated.

Judge English stated the Commission needed to adjourn into Executive Session to discuss two items: 1) a potential real estate transaction and 2) Federal election litigation. Judge English stated County Attorney Stan Martin, County Administrator Roger Rendleman and possibly Sheriff Jay Jones need to attend. Judge English stated the two sessions should last approximately 15 minutes each for a total of approximately 30 minutes with action anticipated on the potential real estate transaction at the conclusion. Commissioner Long made a motion at approximately 6:30 p.m. to adjourn into Executive Session. The motion was seconded by Commissioner Ham and carried unanimously.

Upon reconvening the Executive Session, Commissioner Ham made a motion to authorize the Chairman to execute the agreement for the real estate transaction wherein the County will accept the offer of \$247,816 and will sell the original 40 acre parcel in Beauregard that is no longer needed for recreation. The motion was seconded by Commissioner Long and carried unanimously.

Commissioner Long made a motion at approximately 7:00 p.m. to adjourn. The motion was seconded by Commissioner Ham and carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, SEPTEMBER 28, 2020

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, September 28, 2020 at 5:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Judge English.

During citizens' communication, John Rice of the group Heritage Action For America appeared before the Commission to ask them to make a pledge to "Back the Blue". Mr. Rice stated he would stay until the end of meeting for each Commissioner to sign a pledge.

Next, Ernest Griggs of Lee Road 188 appeared before the Commission concerning two items: 1) trash along Lee Road 188; and 2) location of possible land for recreation in Loachapoka. First, Mr. Griggs voiced his concern of the amount of trash along Lee Road 188. Mr. Griggs explained that the road is a thoroughfare for people travelling through Loachapoka. Mr. Griggs stated within a few days after a Lee County Litter Crew had spent a week cleaning up the roadway it was in the same shape as before. Mr. Griggs asked the Commission to enforce the litter laws. Next, Mr. Griggs stated as a member on the Lee County Recreation Board another favorable parcel of land has been located for recreation. Commissioner LaGrand stated he along with Commissioner Ham looked at the location. Next, Commissioner LaGrand stated he has a game plan to address the littering issue and will present it at the October 14 meeting. Commissioner Ham asked Mr. Griggs to provide his contact information.

Last, Judge Bill English addressed the public during citizens' communications to announce that Lee County settled their involvement in the Federal election lawsuit on the last day of trial. Judge English stated the settlement agreement is confidential, but he is required to announce certain terms in public. He stated the settlement included the following for absentee voting. First, three Saturdays in October will be available for persons to vote absentee in person, to include: 1) October 10 in the Smiths Station Satellite Office; 2) October 17 at the Auburn Satellite Office; and 3) October 24 at the Courthouse. In addition, the absentee office in the Courthouse will remain open until 6:00 p.m. every Tuesday and Thursday in October. Judge English stated the record of 3,024 absentee ballots in the 2016 Presidential Election was broken already this year. Judge English stated it is not a "no excuse" absentee voting, a citizen can check either box #2 or #3 if their issue is potential exposure to the coronavirus. He added that there would not be any "curbside voting" in Lee County this year.

The Chairman declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Sheila Eckman, Sarah Brown, Gary Long, Robert Ham and Richard LaGrand. Judge English noted that it is the first time in several months that all 6 seats are filled. Elected Officials in attendance: Sheriff Jay Jones and Coroner Bill Harris. News media in attendance: Opelika-Auburn News reporter Mike Eads and Opelika Observer reporter Hannah Lester.

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Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: listing of claims, p-card transaction listing, and minutes of the September 14 meeting. Announcement of one vacancy on the Beulah Utilities District Board was made. Commissioner Ham made a motion, seconded by Commissioner Brown to approve the consent agenda items as presented. The motion carried on a unanimous vote.

Judge English stated second reading of the reappointment of Susan Anderson to the Horseshoe Bend Regional Library is up for Commission consideration. Commissioner Eckman made a motion, seconded by Commissioner Long to approve the following Resolution to reappoint Susan Anderson to the Horseshoe Bend Regional Library. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission hereby reappoints Susan Anderson to the Horseshoe Bend Regional Library to serve a four-year term from October 1, 2020 until October 1, 2024.

Judge English announced second reading to appoint Richard Brown to the Lee County Recreation Board (D4) is up for Commission consideration. Commissioner LaGrand made a motion to approve the following Resolution to reappoint Richard Brown to the Lee County Recreation Board, and said he wanted to make the motion since he played football and basketball under Coach Brown at Beauregard High School. The motion was seconded by Commissioner Ham and carried unanimously.

BE IT RESOLVED, the Lee County Commission hereby reappoints Richard Brown to the Lee County Recreation Board as the District 4 Beauregard Representative to serve a five-year term from October 14, 2020 until October 14, 2025.

County Engineer Justin Hardee presented for Commission consideration a proposed agreement with Barrett-Simpson to provide services of verifying the anchors and foundations of the storm shelters for Lee County citizens who have applied for the FEMA Grant through Lee County Emergency Management Agency. Mr. Hardee stated the proposal has been reviewed by himself, County Attorney Stan Martin, EMA Director Rita Smith, and County Administrator Roger Rendleman. Ms. Smith stated she has discussed with the State EMA Office and the FEMA Office about the additional \$46,000 inspection/verification costs. Ms. Smith indicated she has had several discussions with both State EMA and FEMA Offices who indicate after receiving the funds the county will owe approximately \$6,000. Ms. Smith indicated she will receive that information in writing and forward a copy to Mr. Rendleman. Commissioner Ham made a motion, seconded by Commissioner Brown to authorize Judge English to sign the agreement with Barrett-Simpson for services. The motion carried unanimously. Commissioner

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Ham thanked Ms. Smith for working that out. Judge English questioned which fund it will come from. Mr. Rendleman indicated from Fund balance which will be reduced by \$46,000 and any leftover will be reallocated to capital.

Next, Mr. Hardee presented for Commission consideration the Highway Reference Guide as presented at the last meeting. Mr. Hardee stated it is a “living document” as it is updated periodically. Commissioner Long made a motion, seconded by Commissioner Ham to adopt the FY2020/2021 Highway Reference Guide as presented. The motion carried unanimously. Commissioner Ham thanked Mr. Hardee and his department.

Joseph Dean of Frederick-Dean Funeral Home appeared to discuss decedent body transports. Mr. Dean indicated he would like to present a proposal to the county which could be a savings to the county. Mr. Dean stated he received a letter from Coroner Bill Harris dated July 19, 2019 indicating that transport services were going to be transported by H&H Transport of Opelika. The letter further indicated that “no paid member of the coroner’s office will have any affiliation with any funeral home or with any transport service that provides services to the coroner’s office.” Mr. Dean stated the current transport provider is a paid employee of the Coroner’s Office and is affiliated with Jeffcoat-Trant Funeral Home; he sells caskets for them. Mr. Dean stated he is not aware of county’s bid process or how contracts are awarded. Mr. Dean stated the current cost is \$125 for removal of the body plus \$350 for a round trip to transport a body to and from Alabama Department of Forensic Sciences, for a total of \$475. He said he is offering to provide the same services for \$100 for removal and \$150 for the round trip, for a total of \$250, which equates to a 45% savings. Mr. Dean stated he installed coolers for his business and for transports in April and June of 2019, but shortly after received the letter from Mr. Harris. Commissioner Eckman questioned if it is a long-standing agreement. County Administrator Roger Rendleman stated it is solely the Coroner’s responsibility to transport decedent bodies, but if the services go over \$15,000 then we would need to take a look at it according to Alabama Bid law. Mr. Rendleman further stated the bid law is \$15,000 per entity per year, which has not been met this year. Judge English asked Mr. Harris if he would like to comment. Mr. Harris stated deputy coroner Jackie Hamby is no longer paid by the Coroner’s Office and stated the transport service belongs to his ex-wife Britney Hamby. Further, Mr. Harris stated the transport service contracts with Jeffcoat-Trant for use of their cooler facility, but that Mr. Hamby is not an employee. Mr. Dean disagreed stating that he believes the two are still married and that Mr. Hamby sells caskets for Jeffcoat-Trant Funeral Home, which is a conflict of interest. Commissioner Brown questioned Mr. Harris if he has had a chance to talk to Mr. Dean. Mr. Harris stated he first learned of his attendance at the meeting when he received a copy of the agenda, but stated he will, but he would prefer that a funeral home not handle the transports. Commissioner Ham stated at a 45% savings he like to see a funeral home be involved in them. Commissioner Eckman agreed. Commissioner Ham suggested they meet to discuss the issue and offered to be a referee/mediator for them.

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Judge English discussed the organizational meeting which will be the first meeting in November after the General Election. Judge English stated normally the Commission would meet on the Wednesday following the election. Judge English noted that the date this year falls on Wednesday, November 11, which is Veteran's Day and a county, state and federal holiday. Judge English stated the ACCA recommends the Commission meet on the holiday since Alabama Code §11-3-1(e) requires the county commission to meet on the Wednesday following the election, and at that meeting, establish its regular meeting days. Judge English stated he believes that Alabama Code §11-3-8(c) authorizes the Commission to meet on the next day following a holiday, but said he will leave the decision up to the pleasure of the Commission, whether to meet on November 11 or 12. Commissioner Eckman indicated she would not be on the Commission since she did not run for re-election. Commissioner Ham stated he does not want to do anything illegal. Commissioner Long stated he will meet on either day. Judge English questioned Mr. Rendleman if employees will be paid double time if they work on the holiday. Mr. Rendleman stated it would be time and a half, not double. Commissioner LaGrand stated if it affects the employees, then he would like to meet on Thursday, November 12. Mr. Rendleman stated the ACCA advocated for this law in 2000 to replace the "lame-duck" officials as soon as possible, rather than waiting until January as was done previously. Commissioner Brown questioned if anyone has talked to other counties about what day they intend to hold their organizational meeting. Mr. Rendleman stated the ACCA has their opinion and put out a memo. Mr. Rendleman further stated Judge English has his opinion and stated he agrees with Judge's opinion. Judge English stated he believes the Commission has the authority to move the meeting to the day following the holiday. Commissioner Long agreed stating the code is specific stating no meeting can be held until the Wednesday after the election, but it does not state that the meeting can't be moved. After discussion, Commissioner Ham made a motion, seconded by Commissioner LaGrand to set the organizational meeting for Thursday, November 12, 2020. The motion carried unanimously.

Judge English discussed the use of electronic pollbooks for the upcoming election. Judge English stated he feels he is being pressured since the electronic pollbooks will be reimbursed 100% under the CARES Act if used in the Presidential Election. Judge English stated the upcoming election will be the worst time to introduce something new. Commissioner Ham asked if he was being forced to use them. Judge English stated he can't afford to pass up pollbook costs of \$169,000 in state funds which would otherwise come from county funds. Commissioner Ham also questioned Judge English if he is planning extensive training on the pollbooks. Judge English answered in the affirmative since the pollbooks will be used in the check-in process. Judge English stated he is planning to appoint approximately 400 poll workers, which is the most ever appointed, so he will be holding several poll schools. Commissioner Eckman questioned if he was having a hard time getting poll workers who will work on election day. Judge English indicated he has yet to appoint the poll workers, but he will be holding five poll worker training sessions and will bring in the chief inspectors for a separate training. Commissioner LaGrand made a motion, seconded by Commissioner Ham to

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authorize Judge English to enter into an agreement to purchase electronic pollbooks and then be reimbursed for them with state funds. The motion carried unanimously.

Mr. Hardee presented a speed limit reduction request for Lee Roads 326, 711 and 712. Mr. Hardee stated the Highway Department conducted traffic studies and recommends the speed limit be reduced from 35 mph to 25 mph for Lee Road 326; and, from 35 mph to 20 mph for Lee Roads 711 and 712. The Highway Department recommends this as a reasonable and safe maximum speed limit. Upon the recommendation, Commissioner Ham made a motion, seconded by Commissioner Long to adopt the speed limit of 25 mph for Lee Road 326 and 20 mph for Lee Roads 711 and 712. The motion carried unanimously.

Mr. Hardee presented for final plat approval a property division of Lots 4 and 5 in Avalon Acres located in District 4. Mr. Hardee stated the plat has been reviewed and meets the minimum requirements of the *Lee County Subdivision and Land Development Regulations*. Mr. Hardee stated the subdivision is located adjacent to Lee Road 282 and the adjacent property owners were properly notified of the development. Commissioner Ham made a motion, seconded by Commissioner LaGrand to approve the final plat for property division of Lots 4 and 5 in Avalon Acres into four separate lots. The motion carried unanimously.

Last, Mr. Hardee presented a final plat approval for the replat of Parcel C3.1 on Lee Road 2163 located in District 5. Mr. Hardee stated the plat has been reviewed and meets the minimum requirements of the *Lee County Subdivision and Land Development Regulations*. Mr. Hardee stated the proposed subdivision is located adjacent to Lee Road 2163 and Alabama Highway 169. The adjacent property owners were properly notified of the development. Commissioner LaGrand made a motion, seconded by Commissioner Ham to approve the final plat for property division of Parcel C3.1 into four separate lots. The motion carried unanimously.

Human Resources Director Erica Norris presented for Commission consideration a pay grade change from Grade 112 to Grade 114 for the Chief Animal Control Officer. Judge English questioned if the position was budgeted. Mr. Hardee indicated he had talked with Environmental Services Director John McDonald about implementing the change in the pay scale and indicated it is a budgeted position. Further, Mr. Hardee stated it would be a promotion within the department. Commissioner Eckman made a motion, seconded by Commissioner Long to approve the pay grade change for the Chief Animal Control Officer as presented. The motion carried unanimously.

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Benefits Coordinator Wendy Swann presented a request for \$500 to be allocated from the Contingent fund for the upcoming benefits fair on October 21. Mrs. Swann stated the benefits fair will look different this year due to COVID-19 and its social distancing measures. Mrs. Swann stated health screens, flu shots and three supplemental insurance vendors will be attending this year. Mrs. Swann stated the funds requested will be used to purchase bottled water, packaged snacks and any other necessary items for the benefits fair. Commissioner Ham made a motion, seconded by Commissioner Eckman to approve up to \$500 from the Contingent fund to be used for items for the benefits fair. The motion carried unanimously.

Commissioner Eckman made a motion at approximately 6:00 p.m. to adjourn. The motion was seconded by Commissioner LaGrand and carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, OCTOBER 13, 2020

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Tuesday, October 13, 2020 at 5:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Long.

During citizens' communication, Ernest Griggs appeared before the Commission wearing a "Pride of Poka" t-shirt. Mr. Griggs stated it represents PIP or Progress in Loachapoka or Picked-up in Loachapoka. Mr. Griggs wished to personally thank the Commission for the road work done on Willis Turk Road and Lee Road 188. Mr. Griggs stated the northern part of Lee Road 188 is being paved and questioned if the southern end will be paved as well. Last, Mr. Griggs stated since gifts cannot be given to a Commissioner, he would like to offer Commissioner LaGrand a lifetime loan of a "Pride in Poka" t-shirt. Commissioner LaGrand thanked Mr. Griggs for the lifetime loan of the t-shirt.

Next, Ms. Judy Lockhart appeared to thank the Commission for the paving of Lee Road 57/Willis Turk Road and the northern portion of Lee Road 188. Ms. Lockhart thanked Sheriff Jones for providing deputies for traffic control for a meal distribution at the Loachapoka United Methodist Church; stating the deputies did an excellent job. Further, she asked for the same assistance during the upcoming General Election on November 3 along Park Street and Daylily Street. Ms. Lockhart thanked County Engineer Justin Hardee for the work done on Daylily Street in preparation of the upcoming election. Further, Ms. Lockhart once again thanked Sheriff Jones for providing assistance when she calls to complain about the litter along Lee Road 188.

Next, Tammy Morgan of Loachapoka appeared to discuss the trash issue as well. Ms. Morgan stated she spends many hours cleaning up the roadway along Lee Road 398 where she lives. Ms. Morgan stated she is in attendance to hear what the Commission is planning to implement to address the litter situation. Ms. Morgan stated she has called several times about the litter and each time a litter crew arrives and cleans up the litter strewn along the road. Ms. Morgan thanked the Commission for the timely response.

Next, Peter Byrd appeared before the Commission to address an issue with the local hospital. Mr. Byrd stated he has been paying taxes in Lee County for 25 years. Mr. Byrd stated he has an issue about a disparity of treatments he received on two instances at the emergency room. Mr. Byrd indicated after receiving his bill, he requested specificity, but received none. Mr. Byrd stated he has sent a certified letter, left messages on answering machines and is still awaiting a response and for his records. Mr. Byrd questioned if the county provides support to the hospital. Mr. Byrd said we need to talk to the Board.

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Last, Judge Bill English addressed the public during citizens' communications as required by the settlement of the Federal lawsuit to announce that the absentee office will be open extended hours to voters every Tuesday and Thursday in October until 6:00 p.m. CT. Judge English stated the deadline to apply for an absentee ballot is October 29 and it must be returned or postmarked by November 2, 2020 to be counted. Judge English stated the first off-site absentee voting location was held this past Saturday at the Smiths Station Satellite Office and approximately 80 citizens turned out to vote. In-person absentee voting will be held from 9:00 a.m. until 1:00 p.m. CT at the Auburn Satellite Office on October 17 and at the Courthouse on October 24. Judge English noted that to date 7,200 absentee applications have been received; stating the prior record was 3,100 absentee ballots returned in the 2016 Presidential General Election.

The Chairman declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Sheila Eckman, Sarah Brown, Gary Long, Robert Ham and Richard LaGrand. Elected Officials in attendance: Sheriff Jay Jones, Revenue Commissioner Oline Price, Coroner Bill Harris, Loachapoka Council members Jim Grout and Pat Conover. News media in attendance: Opelika-Auburn News reporter Mike Eads and Opelika Observer reporter Hannah Lester.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: listing of claims, p-card transaction listing, Blackbaud procurement card transactions from September and minutes of the September 28 meeting. Commissioner Ham made a motion, seconded by Commissioner Eckman to approve the consent agenda items as presented. The motion carried on a vote of 4-0-1 with Commissioner Long abstaining since he did not receive his packet prior to the meeting.

Commissioner LaGrand recognized that October is breast cancer awareness month, sporting a pink shirt and pink striped tie, he asked everyone to think of the survivors and to remember those that have lost their battle to breast cancer. First, Commissioner LaGrand addressed the major problem of litter in the Loachapoka area. Commissioner LaGrand announced the Auburn University ROTC Cadets will be in Loachapoka on November 4 to pick-up litter along Lee Road 188. Next, Commissioner LaGrand displayed a sign which states, "*We take Pride in Loachapoka Please Don't Litter Violators will be fined or prosecuted.*" Commissioner LaGrand asked everyone in attendance to note the last two lines, "fined or prosecuted". Commissioner LaGrand thanked Mr. Hardee for his help in obtaining the signs; stating they were funded by the private sector, not with county funds. Commissioner LaGrand stated the signs will be placed on Lee Road 188 and on Willis Turk Road. Commissioner LaGrand thanked PALS and citizens in the community who have been cleaning up their roads themselves. Mr. Hardee stated a crew in August cleaned up along Lee Road 188 and ended up

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with a total of 109 bags of trash. Commissioner LaGrand stated 109 bags of trash is unacceptable. Commissioner Brown questioned the ROTC group coming on November 4 and questioned if the community could get involved and possibly hold a community-wide clean-up day. Commissioner LaGrand stated he would participate and stated he hoped the community would get involved as well. Commissioner Brown suggested hosting a “Pride in Poka” Clean-up Day stating a job like that is more fun if you have a large group participating. Further, Commissioner Brown said she would participate. Commissioner Ham stated he would participate too. Commissioner LaGrand stated he would try to coordinate that effort.

Next, Commissioner LaGrand stated potential recreation property in Loachapoka is being considered, but he is not able to disclose the location yet. Commissioner LaGrand stated the plat of the property will be obtained and given to Mr. Rendleman for his feedback.

Mr. Rendleman stated after the last meeting discussion of decedent transport by the Coroner’s Office he further researched the issue. Mr. Rendleman stated he looked at how decedent transports were being handled by other counties stating according to Title 11-5-50 the Coroner is responsible for the pick-up and transport unless there is a local agreement in place. Further, the cost incurred for storage and transportation of a decedent shall be paid by the law enforcement agency with primary jurisdiction surrounding the death. Mr. Rendleman explained that the Coroner currently provides an itemized spreadsheet of them and the county pays the transport company for their services, then the county invoices the responsible agency for reimbursement. Mr. Rendleman stated his concern was confirmed by the State Examiners Office and for the county to continue the practice, either: 1) the county must comply with the Alabama bid law and bid the transport services; or 2) the Coroner must front the transport costs then request reimbursement. Coroner Harris stated once he received the email from Mr. Rendleman, he changed his plan for decedent transport service beginning October 1. He stated Hudson Mortuary Transport will bill each responsible agency for their transport services, except for those for the Lee County Sheriff’s Office, which will be billed to Lee County Commission. Mr. Harris disagreed with bidding the service since he believes the services are “sole source”. Mr. Rendleman stated his concern is for the County Commission, who he reports to. Mr. Rendleman stated “sole source” is a difficult claim to meet. Mr. Rendleman stated that there may be only one responder, even if there is more than one provider. Mr. Rendleman stated the Commission cannot cut checks for more than \$15,000 for these services, the Commission must bid them, to comply with the bid law. Mr. Harris responded that the information is true if no other plan is developed, which he has done to comply beginning October 1. Mr. Rendleman stated the way the law is written that the Coroner pays the bill for decedent services directly and the reimbursement check goes to the Coroner directly. Mr. Rendleman stated the Alabama bid law does not name the Coroner specifically. Commissioner Eckman questioned the savings of 40% as presented at the last meeting by Joseph Dean to provide the services. Mr. Harris stated Mr. Dean did not have the criteria for transporting decedent bodies for the Coroner’s purposes.

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Commissioner Long stated he would prefer to have the Coroner pay the costs upfront. Mr. Harris stated he does not get paid enough, stating he has done that in the past and lost money. Mr. Rendleman indicated then the services must be bid. Commissioner Long stated if Mr. Harris is adamant, then he would suggest, Mr. Harris pay the costs upfront, stating he does not care about his agreement. Mr. Rendleman again stated if the services total over \$15,000 the service must be bid or either let the Coroner pay upfront. Commissioner Brown questioned Mr. Harris if he would be willing to bill each entity. Mr. Harris stated he has changed the agreement beginning October 1 with his provider and each entity will be billed separately as stated. Judge English asked the Coroner for a copy of his transport criteria and the current transport contract he is operating under.

First, Judy Lockhart thanked Commissioner LaGrand for his service to the Loachapoka area since he was elected in 2018. Next, Ms. Lockhart thanked Commissioner Brown for the suggestion of holding a community-wide litter pick-up day in Loachapoka and for committing to assist, stating due to COVID-19 large gatherings are being avoided. Town Council member Pat Conover of Lee Road 188 stated the local community gets groups like the Boy Scouts and Church groups to participate in clean-ups from time to time. Ms. Lockhart stated litter is not only a health and safety threat, it is bad for the environment. Ms. Lockhart stated a variety of items have been gathered from the roadways including mattresses, old furniture, beer cans, tires and even baby diapers. Ms. Lockhart stated the signs presented by Commissioner LaGrand are a good start, questioning who will decide the amount of the littering fines. Commissioner LaGrand stated he will recommend a starting fine of \$500. Commissioner Long questioned if the fines are determined by State law. Judge English stated he is not sure. Sheriff Jones stated the fines would follow State law, but the amount of the fine would be in the hands of the presiding Judge. Further, Sheriff Jones stated it depends on the circumstances and whether there is a charge of criminal littering. Commissioner Eckman questioned which Judge would preside over a case. Judge English stated it would be held in District Court, either Judge Speakman or Judge Bush. Commissioner Ham stated a public service campaign should take place to get the word out and to get it publicized. Sheriff Jones stated littering is a Class B misdemeanor and fines increase for subsequent offences.

Revenue Commissioner Oline Price presented for Commission consideration a security services contract with Global K9 Protection Group. Mrs. Price stated the security services will be provided at the Auburn and Smiths Station satellite offices since the Sheriff's Office has been spread too thin to continue to cover those locations. Mrs. Price stated the two satellite locations have been without deputies since schools reopened. Mrs. Price stated in addition to normal operations this is the busy time of year for her office due to the collection of property taxes which are due by December 31. Mrs. Price stated that hopefully the CARES Act will cover the costs due to COVID-19. Mr. Rendleman stated it clearly falls under the parameters of the CARES Act and these costs will be submitted for possible reimbursement. Mrs. Price stated

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there will be two officers, without a K9, located at each satellite office if approved by the Commission. Commissioner Ham made a motion, seconded by Commissioner Long to authorize the Chairman to sign the contract with Global K9 Protection Group after review by County Attorney Stan Martin. The motion carried unanimously.

After the motion was made, an outburst from Lance Farrar in the audience was heard, the citizen continued to disrupt the Commission meeting and was escorted from the Commission chambers by a deputy while continuing to yell obscenities at the Commission members.

Mr. Rendleman presented for Commission consideration a proposal from Harmon Engineering for removal and closure assessment of a diesel tank at the EMA Building. Mr. Rendleman stated prior to beginning the EMA expansion project, an assessment of the diesel tank is required by the Alabama Department of Environmental Services. Mr. Rendleman stated the diesel tank was for a diesel generator used by EMA. Mr. Rendleman stated the estimate to remove the tank and for monitoring services is approximately \$20,000. Commissioner Eckman made a motion, seconded by Commissioner Long to approve the proposal from Harmon Engineering for closure assessment and removal of the diesel tank at the EMA Building. The motion carried unanimously.

Mr. Hardee presented for Commission consideration to accept for permanent maintenance Sedona Ridge Subdivision of approximately 1.5 miles of new roadways. Mr. Hardee stated a final inspection was conducted on October 5, 2020 and all improvements have been completed. Mr. Hardee recommended the acceptance of Lee Roads 2206 (0.609 miles), 2207 (0.269 miles), 2208 (0.272 miles), 2209 (0.125 miles) and 2210 (0.244 miles) for permanent maintenance by the Lee County Highway Department. Upon this recommendation, Commissioner Ham made a motion, seconded by Commissioner LaGrand to accept the approximately 1.5 miles of new roadways for permanent county maintenance in Sedona Ridge Subdivision. The motion carried unanimously.

Mr. Hardee presented for Commission consideration Halawaka Cove Subdivision, a proposed subdivision on a small dirt road, taking one parcel and dividing it into three lots, with no new infrastructure. Commissioner Ham thanked Mr. Hardee for working with the developer in finding a workable solution. Commissioner Ham made a motion, seconded by Commissioner Long to approve Halawaka Cove Subdivision, Phase I as presented. The motion carried unanimously.

EMA Director Rita Smith presented for Commission consideration an Agreement with Smiths Station Fire & Rescue for an equipment purchase with CARES funds. Ms. Smith stated

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the purchase totals \$166,939.53 for three cardiac monitors and three auto pulse CPR devices to be placed on three ambulances at Smiths Station Fire and Rescue. Ms. Smith explained that the purchase must be made by Lee County to qualify for possible reimbursement by the CARES Act. The Agreement states that Smiths Station Fire and Rescue will reimburse Lee County Commission if the purchase is not reimbursed to the county. If the funds are not reimbursed, Mr. Rendleman stated the funds would be reimbursed by Smiths Station Fire and Rescue from the fire fees collected and a payment plan would be formulated. Mr. Rendleman applauded Assistant Fire Chief Daniel Sexton stating he has done his homework on the matter. Mr. Rendleman stated the CARES dollars are for items that would not necessarily be expended if not for COVID-19. Mr. Sexton stated the equipment would be used to treat COVID-19 patients since utilizing this equipment would be safer for both the patient and the first responders. Mr. Sexton stated the equipment is used during the transit of a patient, the Zoll X-Series is used for advanced resuscitation and the Zoll Auto Pulse is used for CPR on the patient which is more efficient. Commissioner Brown questioned if there is a list of approved equipment covered under the CARES Act. Ms. Smith stated unfortunately it is not specific, this is a gray area. Mr. Rendleman stated Mr. Sexton's communication with the State Comptroller's Office stated they would cover the equipment cost. Upon further guidance, the State says that if the Federal Agency does not approve it, then the county would be responsible for reimbursing the State for the expense. Due to this uncertainty, Mr. Rendleman explained is the reason for the Agreement with Smiths Station Fire and Rescue. They will reimburse the county if the item is not reimbursed by the CARES Act.

Upon this discussion, Commissioner LaGrand made a motion, seconded by Commissioner Ham to approve the Agreement with Smiths Station Fire and Rescue for the equipment purchase totaling \$166,939.53 contingent upon the county being reimbursed by the CARES Act. The motion carried on a vote of 4-0-1 with Commissioner Long abstaining.

Chief Financial Officer Neil Cyriac presented for Commission consideration the refinancing of the 2013 Bond Issue for the Justice Center expansion. Mr. Cyriac stated the proposed refinancing would save the county approximately \$430,000.00. Commissioner Long questioned if it is only refinancing, not extending the repayment of it. Mr. Cyriac affirmed. Mr. Rendleman stated a good portion of the debt is paid by the court fee, with the remainder paid by the General Fund which would benefit from the refinancing. Upon this presentation, Commissioner Brown made a motion, seconded by Commissioner Long to authorize the Chairman to sign the following Resolution to execute the Warrant Purchase Agreement. The motion carried unanimously.

**A RESOLUTION AUTHORIZING THE ISSUANCE OF
TAXABLE GENERAL OBLIGATION WARRANTS, SERIES 2020**

RECITALS

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WHEREAS, Lee County, Alabama (the “County”) has heretofore issued its General Obligation Warrants, Series 2013A (the “Series 2013A Warrants”) for the purpose of financing an expansion to the T.K. Davis Justice Center, which is the County’s judicial courthouse facility;

WHEREAS, the County intends to refund the outstanding Series 2013A Warrants maturing in 2026 and thereafter (the “Refunded Warrants”), and for such purpose to issue the warrants herein authorized;

WHEREAS, the County proposes to issue its Taxable General Obligation Warrants, Series 2020 (the “Series 2020 Warrants”) in an aggregate principal amount not to exceed \$6,500,000 to refund the Refunded Warrants;

WHEREAS, the Series 2020 Warrants will be sold to The Frazer Lanier Company Incorporated (the “Underwriter”) pursuant to a purchase contract (the “Warrant Purchase Agreement”) between the County and the Underwriter;

WHEREAS, a preliminary official statement (the “Preliminary Official Statement”) has been prepared for delivery to prospective purchasers of the Series 2020 Warrants for the purpose of marketing the Series 2020 Warrants. After execution of the Warrant Purchase Agreement, a final official statement describing the terms and conditions of the Series 2020 Warrants will be prepared for distribution to the purchasers of such warrants;

WHEREAS, in order to take advantage of, or protect against, changing market conditions, the County wishes to authorize the Chairman of the County Commission to execute the Warrant Purchase Agreement and obligate the County with respect to the Series 2020 Warrants, subject to the parameters set forth below. After the Series 2020 Warrants have been marketed and sold, the County Commission will ratify and approve the pricing set forth in the Warrant Purchase Agreement pursuant to a definitive Warrant Resolution and Order duly adopted by the County Commission; and

WHEREAS, the governing body of the County wishes to memorialize its consent and authorization for the issuance of the Series 2020 Warrants as follows and to authorize the execution and delivery of the Warrant Purchase Agreement by adopting this resolution.

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

1. **Approval of Issuance of Series 2020 Warrants.** The County Commission hereby authorizes the issuance and sale of the Series 2020 Warrants in an aggregate principal amount not to exceed \$6,500,000 at such maturities and other terms as may be negotiated with the Underwriter and hereby acknowledges that the Underwriter has the authority to sell such Series 2020 Warrants on behalf of the County. The Series 2020 Warrants shall be general obligations of the County.

2. **Authorization of Offering Documents.** The County does hereby approve and authorize the form of Preliminary Official Statement with respect to the Series 2020 Warrants that has been presented to the County Commission at the meeting at which this resolution is adopted, with such changes and additional terms as the Chairman of the County Commission, the County Administrator or the Chief Financial Officer of the County (each, an “Authorized Officer”) shall approve. Any Authorized Officer is hereby authorized to oversee the completion of the Preliminary Official Statement, and the distribution of the Preliminary Official Statement to prospective purchasers. Any Authorized Officer is hereby authorized and directed to oversee the preparation of a final Official Statement in the name and on behalf of the County with such changes or additions thereto or deletions therefrom as any Authorized Officer shall approve, which approval shall be conclusively evidenced by his delivery of such document.

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3. **Approval of Warrant Purchase Agreement.** The Chairman of the County Commission is hereby authorized and directed to execute and deliver the Warrant Purchase Agreement on behalf of the County, on such terms as the Chairman of the County Commission may deem appropriate and as are consistent with this resolution, and such Warrant Purchase Agreement shall constitute a binding obligation of the County; provided, however, that

- (a) The Series 2020 Warrants shall be issued as taxable, fixed rate warrants. The Series 2020 Warrants may be issued as serial warrants, term warrants or any combination thereof.
- (b) The aggregate principal amount of the Series 2020 Warrants may not exceed \$6,500,000; and
- (c) The all-in true interest cost with respect to the Series 2020 Warrants may not exceed 2.40%.

4. **Engagement of Professionals.** The County Commission hereby engages The Frazer Lanier Company, Incorporated as Underwriter and Maynard, Cooper & Gale, P.C. as bond counsel (“Bond Counsel”) to assist the County with the issuance of the Series 2020 Warrants. The Underwriter and Bond Counsel are hereby authorized and directed to proceed with preparation of all documents and information necessary to prepare the County to enter the market for the issuance of the Series 2020 Warrants. Should the County, in its sole discretion, elect not to proceed with the issuance of the Series 2020 Warrants for any reason, no fees or expenses shall be payable to the Underwriter or Bond Counsel by the County.

5. **Other Documents.** Any Authorized Officer is hereby authorized to execute and deliver any or all other documents necessary or convenient to carry into effect the intent of the provisions of this resolution; provided, however, that the County Commission shall adopt a formal authorizing ordinance for the final approval of the Warrants at the first County Commission meeting following the sale of the Series 2020 Warrants.

ADOPTED and APPROVED on this 13th day of October 2020.

Human Resource Director Erica Norris presented for preapproval of an educational reimbursement request by Deputy Kyle Maxwell. Ms. Norris stated the request is for two courses in Homeland Security. Commissioner Brown questioned if there is a grade requirement tied to reimbursement. Ms. Norris affirmed stating a grade of “B” or better is required for tuition reimbursement. Commissioner Eckman made a motion, seconded by Commissioner Ham to approve the educational reimbursement request as presented. The motion carried unanimously.

Prior to adjourning the meeting, Commissioner Long questioned if the meetings are streamed live stating the outburst by Mr. Farrar was recorded. Mr. Rendleman answered in the affirmative. Commissioner Eckman stated that is the reason security should be provided at all county offices. Commissioner Ham stated he is only one member on the Commission, but he would ask that the person be dealt with on a permanent basis, stating he would say it publicly.

Commissioner Long made a motion at approximately 6:25 p.m. to adjourn. The motion was seconded by Commissioner Eckman and carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, OCTOBER 26, 2020

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, October 26, 2020 at 5:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Long.

During citizens' communication, Peter Byrd once appeared before the Commission again to discuss his issue with the local hospital. Mr. Byrd stated his property tax receipt shows a hospital tax of 4.5 mils. Mr. Byrd stated the county "sorta" shares ownership of the local hospital. Mr. Byrd stated he would do some more research on the relationship between Lee County and the hospital. As Mr. Byrd's three-minute time limit expired he questioned Judge English if he could request some documents. Judge English stated his three-minutes had expired.

Next, Eric Gansauer of Lee Road 518 in Kennington Subdivision stated the Lee County Highway Department had done a wonderful job on the entrance to the subdivision, but he would like to address the trees that were torn up at the entrance. Mr. Gansauer stated he left messages for County Engineer Justin Hardee about them. Mr. Gansauer stated he is a certified arborist and he is concerned about the way the county trims the trees. Mr. Gansauer stated locally Auburn University has people that can assist and train county employees on the proper ways to cut trees. Mr. Gansauer had asked Mr. Hardee if the Highway Department will fix the trees once the work on the subdivision entrance is complete. Mr. Hardee indicated they would not. Mr. Gansauer stated he would fix the trees, but once finished he would bill the county for his work. Commissioner Long questioned Mr. Hardee if the trees are located on private property. Mr. Hardee stated the trees are located on county right-of-way and were cut by the brush cutter so county vehicles could park off the roadway while working on the subdivision entrance. Mr. Gansauer stated the manner in which the trees were cut is not to industry standard. Again, Mr. Gansauer stated residents were happy to see the improvements to the road, but not at the expense of the trees.

Last, Judge Bill English addressed the public during citizens' communications as required by the settlement of the Federal election lawsuit. Judge English stated Saturday voting in Smiths Station on October 10 generated approximately 80 voters. The second Saturday on October 17 at the Auburn Satellite Office generated about 160 voters. This past Saturday approximately 275 voters cast absentee ballots at the Courthouse. Again, Judge English stated the deadline to apply for an absentee ballot is Thursday, October 29. Judge English stated out of 125,000 registered voters over 11,000 have already requested an absentee ballot. Judge English stated people are treating it as early voting, not absentee voting. Commissioner Brown asked Judge English to thank his staff for their work. Judge English stated the Probate staff is not handling absentees and said the praise should go to Absentee Election Manager James Majors and his staff who have done an outstanding job handling the absentee voters.

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The Chairman declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Sheila Eckman, Sarah Brown, Gary Long, and Richard LaGrand. Absent: Commissioner Robert Ham. Elected Officials in attendance: Sheriff Jay Jones. News media in attendance: Opelika-Auburn News reporter Mike Eads and Opelika Observer reporter Hannah Lester.

Sheriff Jones recognized ten employees who recently were promoted. Sheriff Jones stated the promotions are earned not only by hard work, but each had to take tests for promotion consideration. Sheriff Jones stated congratulated each stating the best resource is our people.

Those promoted included: 1) Patrol Division: Erin Pierce-promoted to rank of Sergeant; Lee Crisp-promoted to promoted to rank of Corporal; and Jason Purvis-promoted to rank of Corporal; 2) Investigations Division–Mitch Allen-promoted to rank of Corporal; 3) School Resource Division–Rob Alexander-promoted to rank of Corporal; and 4) Court Security Division–Brent Davis promoted to rank of Corporal.

Next, EMA Director Rita Smith appeared before the Commission to recognize three EMA employees who were recently deployed to Baldwin County following Hurricane Sally. Ms. Smith recognized Austin Jones, Billy Browdy and Steven Holden. Ms. Smith stated in total 36 people from Lee County were deployed to assist in Baldwin County.

Next, Sheriff Jones recognized Captain Chris Wallace who accepted certificates as representative of each of the employees from the Sheriff's Office who were deployed to Baldwin County. They included: Deputy Angie Spates, Deputy Kyle Maxwell, Civil Process Server Roxanne Laney, Deputy Chris Salomone, Civil Process Server Hal Cooper, Deputy Shawn McDevitt, Deputy Andrew Hammond, Deputy Terry Breaux, Deputy David Zamaitis, Deputy Randy Floyd, Deputy Ridge Zimmerman, Corporal Jason Purvis, Sergeant Casey Fuller and Captain Chris Wallace.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: listing of claims, p-card transaction listing and minutes of the October 13 meeting. An additional list of claims for ratification was placed on their desks prior to the meeting. First reading of David Jackson to serve another term on the Beulah Utilities District Board was made. Judge English noted only one citizen interest form was received for the one vacancy. Commissioner Long made a motion, seconded by Commissioner LaGrand to approve the consent agenda items as presented. The motion carried unanimously.

Commissioner LaGrand updated the Commission on the litter plan for Loachapoka. Commissioner LaGrand stated two of the litter signs displayed at the last meeting will be placed

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, OCTOBER 26, 2020

on Lee Road 188, two signs on Willis Turk Road and two signs on Highway 14 on private property. Commissioner LaGrand reminded the Commission that from 6:00 am to 8:00 am on November 4 the Auburn University ROTC Cadets will be performing their annual clean-up service project in Loachapoka. Commissioner LaGrand stated a dumpster will be provided by the private sector and he will be hosting a radio show in Loachapoka that day as well. Commissioner Eckman questioned if citizens can bring items to the dumpster that day. Commissioner LaGrand answered in the affirmative. Commissioner Brown questioned the hours from 6:00 am to 8:00 am and affirmed her commitment to assist. Judge English questioned whether it would still be dark at 6:00 am. Commissioner LaGrand reminded him of the time change which takes place on November 1.

Judge English presented the following Resolution for Commission consideration. Judge English stated this is a corrective deed for the alley way located behind Alabama Office Supply that the County previously deeded to the City of Opelika. Judge English stated City Attorney Guy Gunter and County Attorney Stan Martin have reviewed the documents and are in agreement. Commissioner Brown made a motion, seconded by Commissioner Eckman to authorize Judge English to sign the Resolution and the corrective statutory warranty deed as presented. The motion carried unanimously.

**RESOLUTION NO. 2020-1026
RESOLUTION OF THE LEE COUNTY COMMISSION APPROVING
CORRECTIVE STATUTORY WARRANTY DEED CONVEYING
PARCEL OF LAND TO THE CITY OF OPELIKA**

WHEREAS, on December 1, 2015, Lee County, Alabama, a political subdivision of the State of Alabama, executed a statutory warranty deed to the City of Opelika, a municipal corporation, said deed being of record in Deed Book 2474 at Page 767, et. Seq., in the Office of the Probate Judge of Lee County, Alabama; and

WHEREAS, there are errors in the legal description of the property in the aforementioned deed; and

WHEREAS, to correct the description a corrective statutory warranty deed is necessary.

NOW, THEREFORE, BE IT RESOLVED, by the County Commission of Lee County, Alabama, (the "Commission"), as follows:

Section 1. That the corrective statutory warranty deed, a copy of which is attached hereto and incorporated here by reference, be and the same is hereby approved.

Section 2. That the Chairman of the Lee County Commission is hereby authorized to execute said corrective statutory warranty deed in the name and on behalf of Lee County and the County Administrator is hereby authorized and directed to attest the same.

ADOPTED this the 26th day of October 2020.

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Due to recent events at a previous Commission meeting, Judge English presented a Firearms Policy for county buildings. Judge English stated for years a no firearms notice was posted at each entrance of the county buildings, but due to the recent renovations those signs were not posted at the back entrance of the Courthouse. Judge English stated new signs will be posted. Judge English cited Code of Alabama §13A-11-61.2(a), which says that a person, (including a person with a permit) “*may not knowingly possess or carry a firearm*”... (4) “*inside a courthouse, courthouse annex, a building in which a district attorney’s office is located, or a building in which a county commission or city council is currently having a regularly scheduled or specially called meeting*” (b) “*without the express permission of a person or entity with authority over the premises*”. Judge English asked the Commission to give either he and/or County Administrator Roger Rendleman the discretion and authority to grant that permission upon request. Upon this discussion, Commissioner Long made a motion, seconded by Commissioner Eckman to authorize Judge English and/or Mr. Rendleman to grant or deny such express written permission. Judge English informed the Commission that any of those persons denied such permission would be able to appeal to the County Commission. The motion carried unanimously.

Sheriff Jones presented a lounge retail liquor license application for Cowboy Liquors in Cusseta. Sheriff Jones stated this is for the location at the Perlis Truck Stop where part of the building is located in Lee County and another part is located in Chambers County which is the reason it is before the Commission for consideration. After discussion, Commissioner Eckman made a motion, seconded by Commissioner Brown to approve the following Resolution. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission hereby grants a lounge retail liquor license to Cowboy Liquors located at 5495 County Road 388, Cusseta, Alabama.

Assistant County Engineer Patrick Harvill presented for Commission consideration the FY2021 ATRIP-II Program. Mr. Harvill stated with the passage of the Rebuild Alabama Act of 2019, the Alabama Transportation Rehabilitation and Improvement Program (ATRIP-II) was created to fund projects of local interest on the state-maintained highway system. Mr. Harvill stated the overall program is funded at \$30,000,000 with the maximum funding to any project capped at \$2,000,000. Mr. Harvill stated for this program all phases of an awarded project, including preliminary engineering, right-of-way acquisition, and construction, will be performed or overseen by ALDOT. Mr. Harvill stated that while any proposed project must provide a benefit to the state-maintained highway system, if the project is selected by the ATRIP-II Committee, the County is responsible for any overruns in project cost and any utility relocation. Mr. Harvill stated keeping in mind project cost, eligibility, and constructability considerations, and after a meeting with the ALDOT District Administrator, the Highway Department proposes to submit for the ATRIP-II project to improve safety at the intersection of

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, OCTOBER 26, 2020

Lee Road 249 and U.S. 280 East with the installation of a right-turn deceleration lane and right-turn acceleration lane on U.S. 280 in Salem, Alabama. Commissioner Long stated even though this road is not located in his district, he gets a lot of phone calls about it, stating he is happy for it to finally be addressed. Judge English stated the project is 100% State funded with no county match. Mr. Harvill stated no county funds will be utilized unless there is an overrun or if utility relocation is necessary. Judge English stated the contingency should cover it if needed. Mr. Harvill stated applications are due by October 30, 2020, at this time a date has not been set when the county would be notified of award, but would expect to hear something around the beginning of the year and funds are available to be let to contract within two years of the notice of award. Judge English stated County Engineer Justin Hardee wanted to give an “Atta Boy” to Mr. Harvill. Mr. Hardee stated Mr. Harvill spear-headed the project, even waiting a year to see how other counties handled similar projects. Mr. Hardee credited Mr. Harvill for the job he does for Lee County. Commissioner Long made a motion, seconded by Commissioner LaGrand to authorize the Chairman to sign the letter of intent to apply for the ARIP-II funds. The motion carried unanimously.

Parks Director Ryan Norris presented for Commission consideration proposed rules for utilizing the Beulah Park Complex. Mr. Norris stated the rules will be posted at the complex once approved. Judge English questioned what happens if a person does not comply. Mr. Norris stated he hopes it is not necessary but indicated the Sheriff’s Office will be utilized if it becomes an issue. Commissioner LaGrand thanked Mr. Norris for developing the rules for the park. Mr. Norris stated it is in place to hold people accountable. Judge English questioned if the rules have been presented to the Lee County Recreation Board. Mr. Norris answered in the affirmative. Commissioner Long made a motion, seconded by Commissioner Eckman to approve the rules for the Beulah Sports Complex as presented. The motion carried unanimously.

Prior to adjourning, Judge English reminded everyone of the upcoming election on November 3 stating polls will be open from 7:00 am until 7:00 pm CT and asked everyone to go vote and predicted a 65% voter turnout that day. Also, Judge English reminded everyone that the next Commission meeting will be an Organizational Meeting which will be held on Thursday, November 12.

Commissioner Eckman made a motion at approximately 5:40 p.m. to adjourn. The motion was seconded by Commissioner Brown and carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, NOVEMBER 12, 2020

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Thursday, November 12, 2020 at 5:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Judge English.

Judge English opened the meeting with a swearing-in ceremony for two Commissioners. First, newly elected District 1 Commissioner Doug Cannon with his wife Amanda by his side holding a Bible for the memorable event along with Brittany and Russell Dement, his daughter and son-in-law in attendance. Visitors in attendance for the ceremony included close friends US Senator-Elect Tommy Tuberville and his wife Suzanne. Next, re-elected District 3 Commissioner Gary Long was sworn in with three of his grandchildren (Kendall Flowers, Hadlee Pittman, and Lawson Pittman) holding their family Bible along with his wife Brenda looking on.

During citizens' communication, Lindsey Bickerstaff appeared concerning the election in District 1. Mr. Bickerstaff stated he has been trying to get absentee ballot results from Absentee Election Manager James Majors who stated he is still receiving military ballots. Mr. Bickerstaff stated it concerns him since the Commission held a swearing in ceremony prior to all absentee votes being counted. Also, Mr. Bickerstaff stated he protests the Opelika Daily News because they printed an article about his seeking the District 1 seat one day prior to the election. Further, Mr. Bickerstaff questioned Commissioner LaGrand about an advertisement with the local radio station. Commissioner LaGrand acknowledged Mr. Bickerstaff's request, stating he talked to the station's manager who said a candidate must purchase ad space. Judge English explained that all absentee ballots are counted if received by election day, stating there are certain categories of ballots that may be accepted up to 7 days post-election. Judge English stated those categories of absentees, such as military or overseas, are counted along with the provisional ballots on the Tuesday seven days after the election. Mr. Bickerstaff then questioned where he could get absentee results. Judge English stated the results from the absentee box have been displayed for over a week on the window near the back door of the Courthouse.

John Sophocleus appeared to applaud Secretary of State John Merrell for getting the e-pollbooks for the election saying it was a pleasant change. Mr. Sophocleus welcomed the two new faces on the Commission and applauded Commissioner Cannon for attending numerous meetings prior to being elected. Further, he asked the Commission to consider getting a 3-minute clock that is visible to those addressing the Commission. Judge English stated the clock is in the back of the room. Mr. Sophocleus asked if a new clock can't be obtained could a mirror be placed on the current clock. Mr. Sophocles asked the new Commissioners to show improvement upon the past.

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Peter Byrd once again appeared before the Commission to discuss his issue with the local hospital. Commissioner Brown interjected to let Mr. Byrd know that she contacted someone at the hospital who is willing to call Mr. Byrd about his concerns.

Mr. Byrd continued, stating he has raised an alarm twice and questioned what is going on with the hospital. Mr. Byrd once again said he thinks the hospital is county owned since a “hospital tax” is included on the property tax bill. Mr. Byrd reiterated his concerns about the hospital and wished the Commission would discuss it further. Commissioner Brown once again stated she has the email address of a person to contact at the hospital.

Commissioner Brown thanked the election team, both those on staff and volunteers. Commissioner Brown wanted to commend everyone who was involved in the election. Commissioner Brown stated the Clarion Inn where she votes was very well organized. Judge English stated 400 volunteers were appointed as poll workers, including over 100 new ones working their first election. Judge English stated the longest wait time he heard about was a little over 1½ hours and asked if anyone had a bad experience to please email him. Judge English thanked his staff and wanted to especially thank those that volunteered as poll workers. Commissioner Brown questioned if poll books were used at all voting locations. Judge English stated they were not since four locations had connectivity issues. Judge English thanked the county staff stating many departments pitched-in to help involving several additional tasks due to coronavirus and e-pollbooks that had not been necessary previously. Judge English stated Amanda Sides and her staff and Safety Manager Wendy Swann worked together to create a training video for the e-pollbooks; Sheriff’s deputies assisted with the e-pollbooks after the election; and Mr. Hardee and six employees from the Highway Department jumped in to help count absentees on election night. Judge English stated every department pitched-in and went above and beyond and wanted to be sure the Commissioners were aware how crucial the contributions made by county employees were. Judge English also thanked Maintenance Director Jerry Lynch and his staff for the extra duties they performed for this election, including distributing voting machines, ballots, e-pollbooks and PPE to voting locations.

The Chairman declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Doug Cannon, Sarah Brown, Gary Long, Robert Ham and Richard LaGrand. Elected Officials in attendance: US Senator-Elect Tommy Tuberville and Sheriff Jay Jones. News media in attendance: Opelika-Auburn News reporter Alex Hosey and Opelika Observer reporter Hannah Lester.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: listing of claims, p-card transaction listing and minutes of the October 26 meeting. An additional list of claims for ratification was placed on their desks prior to the meeting.

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Announcement of one vacancy on the Lee County Recreation Board, the District 5 Beauregard appointee, was made. Commissioner Long made a motion, seconded by Commissioner Brown to approve the consent agenda items as presented. The motion carried on a vote of 4-0-1 with Commissioner Cannon abstaining due to not having been on the Commission at that time.

Upon discussion of items on the consent agenda, Commissioner Brown asked EMA employee Austin Jones for an update on storm shelter installations. Mr. Jones stated that 26 shelters have been installed and verified; twelve are scheduled to be installed next week; 54 citizens who have applied are awaiting approval from FEMA and seven citizens have withdrawn their application.

Commissioner Ham made a motion, seconded by Commissioner Long to approve the following Resolution to reappoint David Jackson to serve another term on the Beulah Utilities District Board. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission hereby reappoints David Jackson to the Beulah Utilities District Board to serve another four-year term from December 1, 2020 to December 1, 2024.

The next agenda item concerning decedent body transports was requested to be moved to the next meeting by Joseph Dean because he had a conflict with attending tonight's meeting.

Judge English stated the county commission shall establish the day or days of each month on which regular meetings of the county commission shall be held at their first meeting following each election of county commissioners, according to Code of Alabama §11-3-8. Judge English stated traditionally the Commission meets on the second and last Mondays of each month, but the Code only requires the Commission meet once a month. Judge English explained this schedule is modified slightly when the Commission adopts the annual Holiday schedule, and the meetings that fall on holiday Mondays are re-scheduled for the Tuesday following. Also, he noted the Commission often votes to dispense with the second December meeting, which falls between Christmas and New Year's. The last time the Commission held a second December meeting was in 2012. Further, Judge English noted that this is the first Thursday meeting since 2004. After discussion, Commissioner Brown made a motion to hold the regular Commission meetings on the second and last Mondays of each month at 5:00 pm in the Commission chambers. The motion was seconded by Commissioner LaGrand and carried unanimously.

County Administrator Roger Rendleman presented the FY2021 Capital Equipment and Projects Request for Commission consideration. Mr. Rendleman presented a spreadsheet

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showing each of the departments request for capital items. Mr. Rendleman stated there is only \$2,000,000 unrestricted, undesignated available fund balance for requests totaling \$2,362,572, so some items will either be funded partially or not at all. Commissioner Ham questioned Mr. Hardee about the animal control software. Mr. Hardee stated their current tracking software is outdated, so they are looking to upgrade it. Commissioner Ham questioned if there is a way to possibly integrate the new system with the Lee County Humane Society to help people find their lost pet. Mr. Hardee stated he would check on it. Commissioner Brown questioned the request for weapons for the Coroner's Office. Mr. Rendleman recommended against that stating that if the Commission purchased weapons for them, then the Commission would be liable, and they are not sworn law enforcement officers. After more discussion, Commissioner Brown made a motion, seconded by Commissioner Cannon to amend the 20201 Fiscal Year Budget for capital equipment and projects as follows as recommended by Mr. Rendleman. The motion carried unanimously.

General Fund

Capital In	\$1,125,000
Operational Transfer Out	\$ 850,000

Capital Projects Fund

Operational Transfer Out	\$ 850,000
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School Resource Officer's Fund

Capital In	\$ 227,240
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Highway Gas Tax Fund

Capital In	\$ 296,000
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Environmental Service Fund

Capital In	\$ 505,000
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Next, Mr. Rendleman discussed a potential retirement incentive for any eligible employee who retires by January 31, 2021. Mr. Rendleman stated he is not asking for action tonight, but at the next meeting action will be recommended. Mr. Rendleman stated a potential reason for this comes from the Evergreen Plan and Classification study to make Lee County more attractive to new employees. Mr. Rendleman stated the study developed a Supplemental Pay and Advancement Program for implementation. Mr. Rendleman explained that the Supplemental Pay program will provide additional equity for those positions with defined additional responsibilities. The Advancement Program will create opportunities for career advancement which the current structure lacks. Mr. Rendleman stated additional positions will be added, not additional people. These programs will increase personnel costs associated with pay advancement. Mr. Rendleman said a way to free up funds for these programs is to offer a

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one-time retirement incentive. Mr. Rendleman explained the reasons to offer the retirement incentive are two-fold: 1) free up money in the budget; and 2) to give others an opportunity for advancement. Judge English questioned the number of employees who may qualify for the incentive. Mr. Rendleman stated approximately 10 employees. Mr. Rendleman stated it would be a one-time \$3,500 incentive for eligible employees currently on the Retirement Systems of Alabama. As stated earlier, Mr. Rendleman said no action is needed tonight, but it will be on the next Agenda for Commission consideration.

County Engineer Justin Hardee stated Commissioner Ham called to request the Highway Department move in-field dirt from the Beulah Park project to the fields at Beulah High School. Mr. Hardee stated the Commission has to provide permission to the Highway Department to provide assistance off the county rights-of-way. Commissioner Ham made a motion, seconded by Commissioner Long to allow the Highway Department to transport one load of dirt, haul only, from the Beulah Park to the field at Beulah High School. The motion carried unanimously.

Next, Mr. Hardee presented the following Resolution for Commission consideration. Mr. Hardee stated once the Resolution is adopted, the Highway Department will be able to initiate the project through the Columbus-Phenix City Metropolitan Planning Organization (MPO) to resurface Lee Road 379, from US 280 to Lee Road 346, approximately 8.6 miles, which is located in both District 3 and District 4. The approximately \$1.3 million project will be funded on an 80/20 split, with 80% of the funding from the Columbus-Phenix City MPO and a 20% match by Lee County. Commissioner Ham stated those are heavily traveled roads and he is glad to see that they will be widened. Commissioner Long questioned whether the project stops before the Long Bridge. Mr. Hardee answered in the affirmative stating the Columbus-Phenix City MPO service area eligibility for funding stops at West Side Drive. Judge English questioned how long it will take to complete. Mr. Hardee stated approximately six weeks to two months, but the road will remain open so construction delays will be expected. Judge English said he would recommend a Public Service Announcement be made prior to the start of the project. Mr. Hardee agreed. After discussion, Commissioner Ham made a motion, seconded by Commissioner Brown to approve the following Resolution as presented. The motion carried unanimously.

RESOLUTION

WHEREAS, the County Commission of Lee County, Alabama is desirous of constructing or improving, by force account, by contract or both, a section of road included in the Lee County Road System and described as follows: widen, patch, level, resurface, traffic stripe and other safety improvements on Lee Road 379, from US-280, then Northerly approximately 8.627 miles to the junction of Lee Road 346.

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WHEREAS, the County agrees to all of the provisions of the County-wide agreement executed between the State and the County covering preliminary engineering by State forces and equipment on the project, and

WHEREAS, the County intends to apply for Federal Aid funds for the construction of the above referenced project, and

WHEREAS, the County agrees to all of the provisions of any agreement which has been executed or will be executed covering the construction of the project.

Done at the regular session of the County Commission of Lee County, this day of November 12, 2020.

Parks Manager Ryan Norris presented for Commission consideration a Lee County Sports Complex Use Agreement with Beulah Recreation Association and a Sports Complex Rental Agreement, as follows. Mr. Norris stated this would be an annual contract for use of the complex by the Beulah Recreation Association. Commissioner Brown thanked Mr. Norris for developing these agreements. Mr. Rendleman stated they would be relying on the Associations to continue to run the youth programs as they have been doing; but, needed to implement rules for the use of the facility. Judge English questioned if the Association will be responsible for unauthorized users. Mr. Norris stated he would rely on them to monitor the use of the facility, and he has talked to the Sheriff's Office to patrol the area when not in use. Additionally, the gates will be locked to try to prevent unauthorized use and/or damages. Mr. Norris stated the second agreement is the rental agreement for use of the park. Commissioner Brown questioned where fees would be turned-in and paid. Mr. Norris stated they would come to his office to pay the fees. After more discussion, Commissioner Ham made a motion, seconded by Commissioner LaGrand to approve the Lee County Sports Complex Use Agreement and the Lee County Sports Complex Rental Agreement. The motion carried unanimously.

LEE COUNTY SPORTS USE AGREEMENT

WHEREAS, Lee County, Alabama, hereinafter Lee County, has constructed and maintains a sports complex known as "Lee County Sports Complex - Beulah Park" in the general vicinity of 11061 Lee Road 379, Valley, Alabama, 36854.

WHEREAS, Lee County, by this Agreement, will place the operation of the league activity in the hands of a 501(c)(3) corporation, identified as Beulah Recreation Association. The "Beulah Recreation Association" is identified as "ANY type of ball activity played on the complex that is under this corporation by contract with the Lee County Commission". All sports which are played on the fields, viz., football, soccer, baseball, softball, shall be a member of a league, which must then play under the authority of the "Beulah Recreation Association". All other activities at the complex must be coordinated and controlled by the Lee County Parks Department; and

THESE PREMISES CONSIDERED, and for other good and valuable consideration, in hand received of the other, the parties covenant and agree as follows:

1. Beulah Recreation Association, by executing this Agreement, accepts the league

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activities at the complex, which must be under its direct control, for a period of twelve (12) months from the date of executing this Agreement. Beulah Recreation Association understands that all activity not directly under its control remains under the jurisdiction of the Lee County Parks Department.

2. Beulah Recreation Association has appointed the Association President, currently Jimmy Traylor, as the contact person for all matters regarding approved league activity at the complex under its direct control. If the appointed “contact person” changes for any reason within the next twelve (12) months, the Agreement will still be in effect and does not require being updated or changed. Beulah Recreation Association shall provide written notification to the Lee County Parks Department within seven (7) days of a change in contact person.

3. Beulah Recreation Association shall be responsible for all approved league operations at Beulah Park, shall oversee scheduling approved games of the season, shall maintain a list of officers for each youth volunteer organization, and shall be responsible for all matters regarding the league operation of the facility.

4. The purpose of this Agreement is to ensure that any youth who is eligible to participate in a league sport, in accordance with the rules governing the chartered organization, shall not be excluded from play without just cause.

5. Beulah Recreation Association shall not enter into any financial contract or any other agreement that would be an obligation of the Lee County Commission.

6. Beulah Recreation Association shall not sublet or otherwise delegate its responsibilities under this Agreement to any other group, person, or organization, and it is limited to the approved league activities.

7. Beulah Recreation Association is prohibited from allowing any other group(s), person(s), or association(s) from acting under its name. Beulah Recreation Association cannot allow athletic groups, clinics, instructive activity, or for-profit use of the complex under its name. All clinics, for-profit activity, and instructional clinics shall be authorized solely by the Lee County Commission through the Lee County Parks Department. The fields used for playoffs or other purposes approved by the Lee County Commission shall rent for a minimum of Fifty Dollars (\$50.00) per day per field paid directly to Lee County Commission in advance.

8. There shall be no balls hit or thrown into fencing surrounding the playing fields or against concession walls or other structures. Damages directly associated with neglect, misuse, or abuse of Beulah Park facilities (such as: fencing, scoreboards, structures, infrastructures, buildings, concession equipment, or any other Lee County property) by the league will be the responsibility of Beulah Recreation Association. Necessary repairs or replacement may be made by Lee County with the league billed for all expenses. Unpaid bills will void the complex use Agreement at the sole discretion of the Lee County Commission.

9. All coaches must complete background checks, and these background checks shall be delivered to the Lee County Parks Department, 215 S. 9th St. or P.O. Box 666, Opelika, Alabama 36803-0666, before any coach shall be allowed to coach any team. Background checks shall be completed through the Lee County Sheriff’s Department or by submitted form to the Alabama Law Enforcement Agency (ALEA).

10. Beulah Recreation Association shall provide an insurance policy of One Million

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Dollars (\$1,000,000.00) for general liability coverage and Twenty-Five Thousand Dollars (\$25,000.00) for medical payments coverage for all Association participants (president, directors, coaches, and players). Said policies and confirmation of coverage shall be promptly provided to the Lee County Commission. All sports played on this complex, if not specifically covered in the Beulah Recreation Association, must provide their own coverage in like amounts. Proof of coverage shall be provided to the Beulah Recreation Association and to the Lee County Parks Department before they will be allowed to play on Lee County fields. All such insurances shall name Lee County, Alabama, the Lee County Commission, and Lee County Parks Manager as additional named insureds.

11. Beulah Recreation Association shall be responsible for maintaining the playing field areas in acceptable condition. Lee County shall maintain and care for the sod/seed areas, as well as irrigation, plumbing, and lighting within the complex. Beulah Recreation Association shall be responsible for utilities (water, electricity, plumbing) used or consumed within Beulah Park beyond the designated curfew of 10:00 PM CST, unless Beulah Recreation Association has received written approval from Lee County Parks and Recreation Department to operate within Beulah Park beyond the designated curfew.

12. Beulah Recreation Association shall monitor all parking and prohibit all participants (coaches, parents, officials) from parking on any sod/seed area. Damages directly in violation of this section by the league will be the responsibility of Beulah Recreation Association. Necessary repairs or replacement may be made by Lee County with the league billed for all expenses. Unpaid bills will void the complex use Agreement at the sole discretion of the Lee County Commission.

13. Entrance gate, concession entrance and walk-up window, storage rooms and units/buildings, and restroom doors shall remain locked unless the complex is open for league or Lee County approved activities. Activities on the multi-purpose field shall cease at dusk. All lights shall be out by 10:00 PM CST.

14. Beulah Recreation Association shall strictly comply with all federal, state, and local laws, rules, regulations, and ordinances. Beulah Recreation Association shall ensure that all participants (players, parents, coaches, officials) are treated with respect. Fighting and the use of profanity is strictly prohibited. Any use of profanity and/or arguments with other participants or Lee County agents, servants, employees, or representatives, or verbal abuse of Lee County agents, servants, employees, or representatives shall result in the termination of this Agreement and the forfeiture of all fees paid.

15. Beulah Recreation Association and all participants in its programs agree to abide by the rules and regulations regarding use of Lee County parks, including regulations regarding the use, possession, and consumption of alcoholic beverages at Beulah Park. Alcoholic beverages, glass containers, and illegal drugs or substances are prohibited. Failure to comply with said rules and regulations may result in suspension or termination of this Agreement.

16. Good judgement shall be used when considering weather conditions. Beulah Park is not to be utilized in unfavorable weather or playing conditions when injury to a player or damage to the fields could occur. The Lee County Parks Manager may also determine playability of the fields and usage of the complex. Beulah Recreation Association shall be responsible for any

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player injury or field/complex damages incurred if the complex is deemed unplayable by Lee County.

INDEMNIFICATION AND HOLD HARMLESS

17. Beulah Recreation Association agrees to defend, indemnify, and hold harmless Lee County, Alabama, the Lee County Commission, Lee County Commissioners, Lee County Parks Manager, their agents, servants, employees, and representatives from any and all claims resulting from any injuries, including death, damages, and losses including, but not limited to, the general public, which may arise or may be alleged to have arisen out of or in connection with the league's use of the equipment or complex or anything relating to or connected with this Agreement.

CONCESSION STAND

18. Operation of the concession stand shall be the responsibility of Beulah Recreation Association. The concession stands will be inspected by the Lee County Parks Manager and the Lee County Health Department periodically to ensure health rules and regulations are followed. Failure to comply with said rules and regulations may result in suspension or termination of concession stand use.

19. Beulah Recreation Association shall leave all Lee County facilities clean and shall remove rubbish to suitable containers.

REVOCAION AND TERMINATION OF AGREEMENT

Lee County Commission should have the sole authority to terminate this Agreement should it be determined that the Beulah Recreation Association has not complied with this Agreement. Lee County shall give Beulah Recreation Association a thirty (30) day notice that it intends to terminate the Agreement and allow Beulah Recreation Association to cure any defect and correct any violation within that time. Beulah Recreation Association shall appear before the Lee County Commission during the first (1st) meeting in January of each year and report to the Commission activities and the general operation of the sports facility. The Commission, should it need further information, shall at any time have the right to request a written or oral report from the Beulah Recreation Association. The Lee County Commission can at any time request the person or persons who are listed as the "point of contact" with the Lee County Parks Department be changed.

LEE COUNTY SPORTS COMPLEX RENTAL AGREEMENT

Rules and Procedures

1. The renter will be contacted regarding final decisions on field conditions. Cancellations will be made by the Lee County Parks Department.

2. A One Million Dollar (\$1,000,000.00) general liability insurance policy is required for teams not sanctioned by the Beulah Recreation Association or the Beaugard Athletic Association. Written proof shall be presented at the time of application.

3. Equipment is not furnished with the rental of any facility.

4. Practices may be scheduled, based upon availability, through the Lee County Parks Department. If a team is not sanctioned by the Beulah Recreation Association or the Beaugard Athletic Association, the applicant must provide written proof that eighty percent (80%) of the participants live or work in Lee County, Alabama, specifically the communities of Beulah or

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Beauregard.

5. All outside vendors require prior approval. All vendor set-up shall be coordinated with the Lee County Parks Department. Vendors shall provide written proof of a current and valid State of Alabama business license and carry and provide written proof of a general liability insurance policy of One Million Dollars (\$1,000,000.00). All vendors are obligated to pay ten percent (10%) of all total gross revenue collected to the Lee County Commission, 215 S. 9th Street, or P.O. Box 666, Opelika, Ala. 36803-0666, within seventy-two (72) hours of the conclusion of the event, and must provide written proof of the gross revenue collected. Any vendor that sets up without prior approval is subject to removal from the park and being prohibited from future rental.

6. Tents larger than 12'x12' require prior approval and are subject to being restricted to specific areas of the complex. Approved tents larger than 12'x12' may not be set up within 50' of the bleachers for the baseball and/or softball fields.

7. Grills and/or any food preparation devices are not allowed in the Sports Complex.

8. Applications must be completed, received, approved, and fees paid no less than twenty-one (21) days prior to the beginning of the event.

9. Fees shall be coordinated with the Lee County Parks Department and paid to the Lee County Commission, 215 S. 9th Street, or P.O. Box 666, Opelika, Alabama 36803-0666.

10. All applications shall be reviewed, accepted, or denied by the Lee County Parks Department after the application is received and fees are paid. Fees shall be refunded if the application is denied.

11. The Lee County Parks Department will notify the applicant of approval or denial of the request either by telephone or email.

12. Refunds are granted only when the scheduled activity is cancelled two (2) or more days prior to the beginning of the event. The Lee County Parks Department must be notified in writing, via email (Rnorris@leeco.us) or submitted to 215 S. 9th Street, or P.O. Box 666, Opelika, Alabama 36803-0666, to be considered for a refund. The Lee County Parks Department reserves the right to cancel or deny any event due to inclement weather. Refunds shall be granted if/when the Lee County Parks Department decides conditions are unfavorable for an event.

13. The Lee County Parks Department may cancel or deny the rental application of any person(s) or group(s) when it is determined by the Lee County Commission, the Lee County Parks Department, or their authorized designee that the proposed use of the park or facility will not be in the best interest of Lee County.

14. Curfew times for all facility activities shall be 10:00 PM CST.

15. The Lee County Commission and its employees are not to be held responsible for chaperoning any event, group, or individual. Applicants shall have a minimum of one (1) adult (25 years or older) for every ten (10) children under the age of thirteen (13) years old responsible for the event, excluding athletic events. Applicant's event is subject to be cancelled if, within fifteen (15) minutes of the beginning of the event, the responsible adult has not arrived. All fees are non-refundable.

16. Applicants are responsible for set-up and clean-up before, during, and after the

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applicant's event.

17. No Lee County facility shall be used for meetings by candidates for political office or for electoral rallies and/or meetings sponsored by political parties or affiliations.

18. All food, beverages, trash, and other debris shall be removed from the facility and the facility returned to its original state. Decorations shall leave no trace of existence. Alcoholic beverages, glass containers, and illegal drugs or substances are prohibited. Smoking/vape use in designated areas only.

19. The use of nails, staples, screws, or other fasteners that leave permanent residue/damage on complex walls, lights, or other facilities is not permitted. If the facility or any equipment is damaged, marred, or defaced by the act, default, or negligence of the renter, his/her employee or employees, patrons, guests, or any person(s) admitted to the event by the renting party, the renter will pay to the Lee County Commission from the damage deposit to restore the facility or equipment to its condition prior to such damage. Should charges exceed the amount of deposit, the renter shall be billed for the difference and allowed thirty (30) calendar days in which to make payment.

20. All outside inflatables (air, water, other), artificial sound systems, and any other means of entertainment shall be subject to approval/denial of the Lee County Parks Department. Lee County or the Lee County Parks Department will not provide electricity. Outside inflatables are not allowed on the actual playing fields but may be set up in the parking lot.

21. Parking in designated parking areas only. Vehicles parked illegally are subject to fines and/or being towed at the owner's expense.

Any violation of these rules, policies, and/or procedures pertaining to the use of any County facility may result in forfeiture of security deposits and possible restrictions from future use of Lee County Parks facilities.

The approval or denial of all applications submitted are at the discretion of the Lee County Commission and Lee County Parks Department.

Fees

Baseball/Softball Fields:

- o One (1) field: up to four (4) hours \$50.00 per day
- o One (1) field: more than four (4) hours \$75.00 per day
- o Two (2) or more fields: up to four (4) hours \$50.00 per field per day + \$100.00 Deposit
- o Two (2) or more fields: more than four (4) hours \$75.00 per field per day + \$100.00 Deposit

Multipurpose (MP) Field:

- o Half field – up to four (4) hours \$50.00 per day
- o Half field – more than four (4) hours \$75.00 per day
- o Entire MP field – up to four (4) hours \$100.00 per day + \$100.00 Deposit
- o Entire MP field – more than four (4) hours \$150.00 per day + \$100.00 Deposit

Tournaments:

- o \$40.00 per field per day
- o \$30.00 per team per tournament
- o \$175.00 Security Deposit
 - o Required at time of application

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- o Returned at conclusion of event, provided there were no damages incurred/necessary repairs to County property
- o Returned at conclusion of event, provided there were no damages incurred/necessary repairs to County property

Gate/Admission Receipts:

In the event the applicant/renter should collect a gate or admission fee, the Lee County Commission shall receive the following:

- o Fee = \$0.01 - \$5.00/Lee County receives \$1.00 per entrant
- o Fee = \$5.01 - \$10.00/Lee County receives \$2.00 per entrant
- o Fee = \$10.01 and over/Lee County receives \$3.00 per entrant

Field Lighting:

Baseball and softball fields are currently the only fields that have lights

- o \$25.00 per hour per field
- o Estimated and collected at the time of application

Next, Mr. Norris presented the results of Bid #2021-01 for landscaping maintenance at the Beulah Sports Complex. Mr. Norris stated five bids were returned and the lowest responsive bid of \$62,475/annually was received from Turfwell Athletic Fields of Acworth, Georgia. Commissioner Brown questioned if they met all the bid requirements. Mr. Norris answered in the affirmative. After discussion, Commissioner Ham made a motion, seconded by Commissioner LaGrand to approve Bid #2021-01 for landscaping maintenance at the Beulah Sports Complex. The motion carried unanimously.

Mr. Norris presented for Commission consideration an easement to Alabama Power Company to run power to the Beauregard Park. Commissioner Ham made a motion, seconded by Commissioner Long to authorize Judge English to sign the agreement to grant an easement to Alabama Power for the Beauregard Park. The motion carried unanimously.

Commissioner LaGrand asked Mr. Norris when he has time, he would like him to look at a piece of property in Loachapoka for recreation purposes.

Commissioner Brown made a motion at approximately 6:00 p.m. to adjourn. The motion was seconded by Commissioner LaGrand and carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, NOVEMBER 30, 2020

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, November 30, 2020 at 5:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Brown.

During citizens' communication, Dr. Jerry Chase appeared before the Commission concerning Island Point Estates. Dr. Chase questioned if the developer is aware there is a shooting range just beyond the proposed development and stated he just wanted to be sure they are aware of it.

Next, John Sophocleus appeared to reply to Judge English's request at the last meeting for comments concerning the election. Mr. Sophocleus stated at Beauregard there was more than a 90-minute wait, and he would like to provide the following suggestions that may help, they are: 1) to provide additional voting machines, and 2) to determine off-peak times that voters could come to the voting location. Mr. Sophocleus stated 2:00 pm seemed to be an off-peak time at Beauregard. Further, he thanked Commissioner Brown for providing chainsaws to each Volunteer Fire Department because Commissioner Lawrence would applaud her for doing so. Last, Mr. Sophocleus offered an invitation to Commissioner Brown to join their breakfast club at Chappy's Deli each Friday morning.

Theresa Davila appeared before the Commission stating this was the first time attending a Commission meeting and questioned the Island Point Estates project. Mrs. Davila questioned the proximity of the development to their property and when the project would begin. Judge English stated the item would be addressed later on the Agenda.

Last, Peter Gray Loyola appeared before the Commission to introduce the members of the newly formed Lee County Libertarian Party. Mr. Loyola stated he is the Chair and others in attendance include Kaleb Corcoran elected Secretary and Danielle Shamp elected Treasurer for the Lee County Libertarian Party.

The Chairman declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Doug Cannon, Sarah Brown, Gary Long, Robert Ham and Richard LaGrand. Elected Officials in attendance: Sheriff Jay Jones. News media in attendance: Opelika-Auburn News reporter Alex Hosey and Opelika Observer reporter Hannah Lester.

Highway Department Administrator Debra Brooks, graduate and mentoring board member of Leadership Lee County, along with Leadership Lee County Director Christin Bancroft recognized recent Leadership Lee County Graduates that work for Lee County, they are: Commission Office Accounts Payable Clerk Belinda Smith and Environmental Services

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Supervisor Tommy Johnson. Ms. Brooks stated the program came to an abrupt halt due to the coronavirus, but the Class of 2019/2020 trudged through adversity and the class was able to complete their group project which she felt deserved recognition. Ms. Brooks stated the group chose Our House as their service project. They were able to do a landscape makeover consisting of constructing a “Gaga Ball” pit, building a fence, and had signs created and painted them for Our House buildings. Additionally, Ms. Brooks stated Mrs. Smith and Mr. Johnson were unable to experience a proper graduation ceremony, but the class members turned out for an unconventional “drive-thru” event on Thursday, November 5 to receive their graduation plaques.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: listing of claims, p-card transaction listing and minutes of the November 12 meeting. Commissioner Long made a motion, seconded by Commissioner Ham to approve the consent agenda items as presented. The motion carried unanimously.

As discussed in the last meeting, County Administrator Roger Rendleman presented a one-time retirement incentive for Commission consideration. Mr. Rendleman stated the incentive is a one-time \$3,500 retirement incentive for eligible employees if they retire on or before February 1, 2021. As discussed previously, the funds that will be freed up from those taking advantage of the incentive will be used for the Supplemental Pay program and the Advancement program. Commissioner Long made a motion, seconded by Commissioner Brown to approve the one-time \$3,500 retirement incentive to any employee eligible under the Retirement Systems of Alabama if they retire on or before February 1, 2021. The motion carried on a vote of 4-0-1 with Commissioner LaGrand abstaining because his son is employed by the county.

Commissioner Brown opened discussion with the Commission concerning a litter campaign. Commissioner Brown stated after participating in the clean-up efforts in Loachapoka and complaints from citizens about trash, she would like to open discussion and get the blessings of the other members on a few options. Commissioner Brown stated she believes several things have caused the issue to be more noticeable, they are: 1) lack of respect by citizens throwing trash out; 2) people having to haul their trash to the dumpsters and not securing it enroute; and 3) the county not being able to utilize inmates or volunteers to assist in picking up trash along the roadways due to the COVID pandemic. Commissioner Brown stated she and County Engineer Justin Hardee had met and discussed the issue. During their discussion the Adopt-A-Mile Program was mentioned which is an existing program. Commissioner Brown stated Lee County has 625 miles of paved roads, 175 miles of dirt but there have only been 21 miles adopted in the past, with only 2 of those roads still in the current agreement period. Commissioner Brown suggested a “Lovely County” campaign to adopt a

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mile of county road, and, suggested that each Commissioner adopt a mile to kick-off the campaign. Commissioner Brown then asked for feedback from the Commission. Commissioner Ham thanked Commissioner Brown for bringing the issue to their attention stating he would like to be the first to sign up. Commissioner Ham also stated Walker County installed cameras where trash was being dumped and suggested having someone from there come talk to the Commission on how they addressed trash in their county. Commissioner Brown stated it would be a multi-step process and suggested another option would be to coincide a clean-up day with Earth Day to take advantage of another existing program. Judge English questioned Mr. Hardee about the Adopt-a-Mile Program. Mr. Hardee indicated he had talked to Ms. McLeroy who handles the program for the State and that she indicated that usually a business or individual will continue to clean up beyond the two-year agreement. Commissioner Brown stated she would like to get information about the program and to get the word out so that individuals and businesses will be able to participate. Mr. Hardee stated that his department will provide trash bags and will pick-up the trash from one centralized location and dispose of it after the “clean-up” is finished if people will let the Environmental Services Department know when they want to participate in a “Clean-up Day”, as done for the event in Loachapoka. Commissioner LaGrand thanked Commissioner Brown and indicated he would like to participate. Commissioner Ham thanked Commissioner LaGrand for getting the ball rolling with his event in Loachapoka and hoped it would continue.

Next, Commissioner Brown asked the Commission to consider giving chainsaws to the Volunteer Fire Departments as has been done in the past. Commissioner Brown stated the last time they were supplied chainsaws was in 2017, which included 2 extra bars, 2 extra chains and a case. Commissioner Brown questioned if the purchase fits in the budget. Mr. Hardee indicated the item would come from the Highway Department’s small tools budgeted line item, stating it is small tools, but it is a big item to his department. Mr. Hardee stated the Volunteer Fire Departments assist them during weather events by assisting to get the roads open for first responders, then the Highway crews come along and remove the trees and/or debris to get roads completely opened. Commissioner Long agreed this is the best way to show support of the Volunteer Departments. Commissioner Brown made a motion, seconded by Commissioner Ham to authorize the purchase of a chainsaw for each of the seven volunteer fire departments. The motion carried unanimously.

Judge English presented the following Resolution for Commission consideration. Judge English stated it is for the statewide voter reidentification program and a postcard will be mailed to every voter to verify their address. Judge English stated it is streamlined through the State and is done every four years following a Presidential Election. Judge English explained that if no response is received the voter is assumed to be current, but that if the mailing is returned undelivered, then the voter is placed on an inactive status but not removed from the voters list. If they subsequently appear at the polls, they must simply update their information before

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voting. Upon this explanation, Commissioner Brown made a motion, seconded by Commissioner Cannon to approve the following Resolution for the voter file maintenance program. The motion carried unanimously.

RESOLUTION

WHEREAS, Act 95-769 requires the Lee County Board of Registrars to implement a voter file maintenance process, and

WHEREAS, Act 95-769 also requires the Lee County Commission to pay the cost of postage necessary to mail certain notices to voters and to subsequently apply for and receive reimbursement for such costs from the State of Alabama, and

WHEREAS the Alabama Secretary of State has indicated that his office is willing to serve as the agent for the Lee County Commission for the purpose of paying postage costs and collecting reimbursements for such costs from the State Elections Fund as provided for in Act 95-769, now therefore

BE IT RESOLVED by the Lee County Commission that it hereby agrees to appoint the Secretary of State to serve as its agent for the purposes of paying postage costs necessary for the mailing of certain notices to voters as required by Act 95-769 and collecting reimbursements for such costs from the State Elections Fund as provided for in the Act, and now

BE IT FURTHER RESOLVED the Chairman of the Lee County Commission is authorized to execute an agency agreement to be entered into between this county and the Office of the Alabama Secretary of State.

Mr. Hardee turned over discussion of the 2021 Rebuild Alabama Act Annual Grant Program Application to Assistant Engineer Patrick Harvill since he is responsible for submitting the application. Mr. Harvill stated the Rebuild Alabama Act of 2019 stipulates that the Alabama Department of Transportation (ALDOT) shall create an annual grant program for no less than \$10,000,000; and, projects will be awarded through a competitive project selection process administered by ALDOT. Mr. Harvill stated ALDOT has capped the maximum funding available for any project in FY2021 at \$250,000, and the funds are available for one-year from the notice of award. Mr. Harvill noted the deadline to submit applications is November 30, 2020, but ALDOT was notified of the conflict between the Commission meeting date and the deadline date, so ALDOT allowed an additional day to submit the application. Mr. Harvill explained that since there is a relatively short timeframe to design, let, and award the project, the Highway Department will apply for funding to resurface approximately 1.12 miles of Lee Road 380, from Lee Road 379 to Cary Bridge over Lake Harding. Mr. Harvill stated Lee Road 380 was chosen primarily because of its poor condition and traffic count, but also

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because the project cost closely mirrors the available funding through the grant. Mr. Harvill recommended that the Commission authorize the chairman to sign a letter of intent to apply for the RAA Grant Program funds for the project as presented. Upon this recommendation, Commissioner Ham made a motion, seconded by Commissioner LaGrand to authorize the chairman to sign the documents as presented. The motion carried unanimously.

Mr. Hardee presented for Commission consideration a preliminary plat approval for Island Point Estates. Mr. Hardee stated the preliminary plat has been reviewed and meets the minimum requirements of the *Lee County Subdivision and Land Development Regulations*. The proposed subdivision is located adjacent to Lee Road 334 and Lee Road 338. The adjacent property owners were notified of the development by letters mailed on November 11, 2020, and several were in attendance. The Highway Department recommends the Commission grant preliminary plat approval for the development.

Next, Mr. Hardee presented a preliminary plat for Island Point Estates, First Addition for Commission consideration. Mr. Hardee stated the preliminary plat has been reviewed and meets the minimum requirements of the *Lee County Subdivision and Land Development Regulations*. The proposed subdivision is located adjacent to Lee Road 334, Lee Road 340, and Lee Road 743. The adjacent property owners were notified of the development by letters mailed on November 11, 2020. The Highway Department recommends the Commission grant preliminary plat approval for the development. Upon these recommendations, Commissioner Ham made a motion, seconded by Commissioner Cannon to grant the preliminary plats for Island Point Estates and Island Point Estates, First Addition as presented. The motion carried unanimously.

Mr. Hardee stated a citizen approached the Highway Department about decreasing the speed limit on Lee Road 253. The Highway Department has conducted a traffic study and recommends that the speed limit be reduced from 35 mph to 25 mph for Lee Road 253. The Highway Department recommends this is a reasonable and safe maximum speed limit. Commissioner Ham made a motion, seconded by Commissioner Brown to adopt a 25 mph speed limit for Lee Road 253. The motion carried unanimously.

Mr. Hardee stated Commissioner LaGrand approached him about performing exploratory digging on a potential recreation site in Loachapoka. Commissioner LaGrand stated the property is a prime location for recreation. Mr. Hardee stated his understanding is that the landowner has provided written permission to perform the exploratory digging on the property. Mr. Hardee stated since the work is off county right-of-way, he is seeking approval of the Commission. Commissioner LaGrand made a motion, seconded by Commissioner Ham to grant approval for the Highway Department to perform exploratory digging to help the Commissioner determine the suitability of the site. The motion carried unanimously.

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Mr. Rendleman presented requests for assistance from the school systems of Auburn, Opelika and Lee County. Mr. Rendleman explained that Lee County Commission was designated up to \$4,371,802 in funds to assist with COVID-19 response. Mr. Rendleman indicated that there is no way the county will spend the total amount designated; therefore, he would recommend partnering with the three school systems in their requests. The requests include the following: 1) Lee County Schools request of \$47,332 to increase their data capacity for data management and storage; 2) Opelika City Schools request of \$183,974.46 to expand the virtualized server infrastructure to support students and staff of Opelika City Schools; and 3) Auburn City Schools request of \$524,590 for expenditures to facilitate distance learning within Auburn City Schools. Mr. Rendleman stated as was done with Smiths Station Fire & Rescue, the agreement includes reimbursement from the respective entity if the expenditures are deemed ineligible for CARES Act funding at a later date. Mr. Rendleman recommended the Commission authorize entering into agreements with the school systems for CARES Act funding associated with their COVID-19 response. Upon this recommendation, Commissioner Long made a motion, seconded by Commissioner Brown to authorize the Chairman to enter into agreements with the three school systems for CARES Act funding associated with their COVID-19 response. The motion carried unanimously.

Mr. Rendleman presented the bid results for the Beulah Park concession and restroom building. Mr. Rendleman stated on October 7, 2020 five bids were received for the project. The bids ranged from \$632,900 to \$745,000 which is 45% to 75% higher than the expected maximum of \$425,000. Mr. Rendleman stated he would recommend the Commission reject the bids since they far exceed the estimated cost of the project. Mr. Rendleman stated a redesign will be considered along with adding the Beauregard Park to possibly receive better pricing. Commissioner Ham stated he would agree to rebid but asked that it be made a priority since the teams in Beulah hope to use the fields in the Spring. Mr. Rendleman indicated the architect is already looking at ways to redesign the project to help improve the building costs. Commissioner Brown questioned if the prices were due to the spike in lumber prices. Mr. Rendleman stated the project did not include much lumber, so he does not believe that was the main factor. Commissioner Ham made a motion, seconded by Commissioner Cannon to reject the bids as recommended. The motion carried unanimously.

Sheriff Jones presented an application for a retail beer and retail table wine license for Salem Get N Go. Sheriff Jones stated no objections were noted on the transfer of the license. Commissioner LaGrand made a motion, seconded by Commissioner Ham to approve the following Resolution for the transfer of the license for Salem Get N Go. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission hereby approves the transfer of a retail beer and retail table wine license application for Salem Get N Go located at 942 Lee Road 240, Salem, Alabama.

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Sheriff Jones presented an application for a restaurant retail liquor license for Moodys. Sheriff Jones stated no objections were noted on the proposed issuance of the license. Commissioner Ham made a motion, seconded by Commissioner Brown to approve the following Resolution for approval of the restaurant retail liquor license for Moodys. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission hereby approves the restaurant retail liquor license application for Moodys located at 2969 Lee Road 380, Smiths Station, Alabama.

EMA Director Rita Smith presented the following Resolution for Commission consideration. Ms. Smith stated the plan is required and affects all FEMA reimbursements regarding Hazard Mitigation Grants and Federal disaster claims. Ms. Smith stated the plan must be updated every five years. Commissioner Ham made a motion, seconded by Commissioner Brown to approve the following Resolution as presented. The motion carried unanimously.

RESOLUTION NO. 2020-1130

WHEREAS, the Lee County Commission recognizes the threat that natural hazards pose to people and property within the county; and

WHEREAS, Lee County has participated in the preparation of a regional multi-hazard mitigation plan, hereby known as the East Alabama Regional Multi-Jurisdictional Hazard Mitigation Plan, Phase One, 2020 in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, the East Alabama Regional Multi-Jurisdictional Hazard Mitigation Plan, Phase One, 2020 identifies mitigation goals and actions to reduce or eliminate long term risk to people and property in Lee County from the impacts of future hazards and disasters; and

WHEREAS adoption by the Lee County Commission demonstrates their commitment to hazard mitigation and achieving the goals outlined in the East Alabama Regional Multi-Jurisdictional Hazard Mitigation Plan, Phase One, 2020.

NOW THEREFORE, BE IT RESOLVED BY LEE COUNTY, ALABAMA, that: The East Alabama Regional Multi-Jurisdictional Hazard Mitigation Plan, Phase One, 2020 is hereby adopted.

PASSED, APPROVED AND ADOPTED, this 30TH day of November 2020.

Parks Director Ryan Norris presented reimbursement requests from the Beulah Recreation Association and the Beauregard Baseball Association. Mr. Norris stated each association incurred expenses they would like to be considered for reimbursement. Mr. Norris stated the request from Beulah Recreation Association is for mower repairs totaling \$1,390.48. Judge English questioned ownership of it. Mr. Norris stated his understanding is the county

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purchased it back in 2008 for Beulah. Mr. Norris stated the reimbursement request from Beauregard is for \$3,159.98 for baseball equipment purchased for season which had to be cancelled due to the pandemic. Mr. Norris stated each are asking for reimbursement due to the lack of revenue and productivity of the Associations over the past year. Commissioner Ham made a motion, seconded by Commissioner Long to reimburse each association respectively. The motion carried unanimously.

Governmental Relations/Safety Coordinator Wendy Swann presented the following proposed Holiday schedule for Commission consideration.

Proposed FY2021 Holiday Schedule

New Year's Day	Friday, January 1, 2021
Martin Luther King, Jr. Day	Monday, January 18, 2021
Presidents' Day	Monday, February 15, 2021
Memorial Day	*Monday, May 31, 2021
Independence Day	Monday, July 5, 2021
Labor Day	Monday, September 6, 2021
Columbus Day	*Monday, October 11, 2021
Veterans' Day	Thursday, November 11, 2021
Thanksgiving	Thursday, November 25, 2021
	Friday, November 26, 2021
Christmas	Friday, December 24, 2021
*Normal Commission Meeting Days	
Note:	Monday, May 31 meeting moved to Monday, May 24, 2021
	Monday, October 11 meeting moved to Tuesday, Oct. 12, 2021

Judge English stated several employees asked if the Commission would consider giving an extra day for Christmas since it falls on Saturday and often two days are granted. Commissioner Brown stated she would suggest giving employees an additional day on Thursday, December 23. After this discussion, Commissioner Ham made a motion to pass the FY2021 Holiday Schedule as presented with an additional day for Christmas on Thursday, December 23. The motion was seconded by Commissioner Brown and carried unanimously.

Judge English indicated the Commission needs to adjourn into executive session to discuss two items: 1) appeal of a disciplinary action and subsequent personnel policy review; and 2) potential litigation threatening the county. Judge English stated the two executive sessions will last approximately an hour and those that should attend included: Mr. Rendleman, Mr. Hardee, County Attorney Stan Martin, Attorney Robbie Hyde and the employee seeking appeal of a disciplinary action. At 6:05 p.m., Commissioner Ham made a motion, seconded by Commissioner Cannon to adjourn into Executive Session. The motion carried unanimously.

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At the conclusion of the first Executive Session at approximately 6:50 p.m., the Commission went back into public session. No formal action was taken by the Commission, meaning that the personnel policy review appeal did not result in any of the decisions by the Appointing Authority and County Administrator being overturned.

At approximately 6:55 p.m., Commissioner Long made a motion, seconded by Commissioner Ham, to adjourn into Executive Session to discuss threatened litigation. The motion carried unanimously. At the conclusion of the second Executive Session at approximately 7:25 p.m., the Commission went back into public session. No formal action was taken by the Commission.

Commissioner Ham made a motion at approximately 7:27 p.m. to adjourn. The motion was seconded by Commissioner Brown and carried unanimously.

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The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, December 14, 2020 at 5:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Long.

During citizens' communication, several individuals signed in, but after announcing the names, several were present for an item on the Agenda. Judge English stated the individuals would be recognized during discussion of the Agenda item.

Peter Byrd appeared before the Commission to once again discuss his issue with the hospital billing. Mr. Byrd again stated he had a procedure performed at the hospital and feels he was erroneously billed for services. Mr. Byrd stated after talking with a hospital representative, anesthesia charges have been dropped, but recovery room charges remain. Mr. Byrd asked that the item be added an upcoming Agenda for discussion. Mr. Byrd questioned whether he would need a Commissioner to sponsor his request so the item will be added to the Agenda. Judge English responded that the Commission appoints members to the hospital board and that the county does not own, operate or manage the hospital. Once again, Mr. Byrd stated that the county owns the hospital because of the 2½ mills hospital tax that is assessed on property tax bills. Judge English stated he would add the item to the upcoming Agenda, but that Mr. Byrd will probably not get the answers he is trying to obtain, since the matter is between he and the hospital.

The Chairman declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Doug Cannon, Gary Long, Robert Ham and Richard LaGrand. Absent: Commissioner Sarah Brown. News media in attendance: Opelika Observer reporter Hannah Lester.

County Engineer Justin Hardee recognized the upcoming retirement of Highway Supervisor John Swatts a dedicated employee with over 35 years of service to Lee County. Mr. Hardee stated Mr. Swatts was hired in 1985 as a flagman and has held several positions over his tenure. Mr. Hardee stated he wanted to let the Commission be aware of Mr. Swatts service and upcoming retirement. Mr. Hardee thanked Mr. Swatts stating it has been a pleasure working with him over the years and stated he is proud to call him a friend. Commissioner Ham thanked Mr. Swatts for his service to Lee County.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: listing of claims, p-card transaction listing and minutes of the November 30 meeting. In addition, a list of claims for approval were placed on each Commissioners desk prior to the meeting. Announcement was made for vacancies on the Beauregard Water Authority Board

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and the Smiths Water and Sewer Authority Board. Commissioner Ham questioned Mr. Hardee about a charge for a motor repair on the procurement card list. Mr. Hardee stated it is for the repair of a motor malfunction on one of the 12M motor graders. Mr. Hardee stated his department has worked with Thompson Tractor on this matter since the warranty has expired. Commissioner Ham made a motion, seconded by Commissioner Long to approve the consent agenda items as presented. The motion carried unanimously.

Mr. Hardee presented the final plat approval for Eddins Creek Subdivision. Mr. Hardee stated the plat has been reviewed and meets the minimum requirements of the *Lee County Subdivision and Land Development Regulations*. Mr. Hardee stated the subdivision is located adjacent to Lee Roads 249 and 330. Mr. Hardee stated the adjacent property owners were notified by letters mailed out December 2, 2020. Several citizens were in attendance for discussion of this development. First, Donald Pitts appeared stating his property is adjacent on the northeast side of the proposed development. Mr. Pitts stated his letter was handed to him on December 8. Mr. Pitts questioned the dimensions of the development since his understanding is there is supposed to be a 50 ft. off the sideline. Mr. Hardee stated in the county there is a 30 ft. right-of-way, not 50. Mr. Pitts stated on his plat it indicates a 50 ft. from front line and 150 ft. from back of lot. Commissioner Ham stated that is the back sets and lot lines of buildings. Mr. Pitts then questioned the development having six buildings located on less than two-acres per lot. Mr. Pitts stated his covenants state a lot must be five or more acres. Mr. Pitts stated the whole subdivision must be advised of the development and if they desired, they could come to an agreement on the development according to the covenants, which as far as he knows has not been agreed to. Mr. Pitts stated he does not understand how the developer can put six houses on a lot less than 10 acres. Additionally, Mr. Pitts questioned how the item can be on the agenda for final plat approval when the letter he received did not mention it being presented before the Commission. Judge English requested the recorded book and page number listed on the plat. Mr. Hardee stated Book 2465 page 967. Commissioner Ham again questioned Mr. Pitts when he received his letter. Mr. Pitts stated December 8 stating the letter did not indicate the matter would be on this agenda. Mr. Pitts stated he would like to see the survey points. Commissioner Ham thanked Mr. Pitts and questioned Mr. Hardee on the timeframe of the project. Mr. Hardee stated he would like to table it to research what has been presented. Next, Shannon Laws appeared before the Commission stating she did not receive notification, but, was informed of the development by her neighbor. Mrs. Laws questioned why she was not notified of a development which is within 450 meters from where she and her husband are building. Commissioner Ham indicated the Highway Department is going to look at it and bring it back before the Commission at the first meeting in January. Jillian Andes appeared stating she purchased her home in September and her covenants state two dwellings for every seven acres and said she can't understand how six houses can be built on less than 10 acres. Commissioner Ham questioned where she lives. Ms. Andes stated she is directly across from Eddins Creek Subdivision in the Backwater Subdivision. The item was tabled until the first January meeting on January 11, 2021.

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Mr. Hardee stated after presenting the preliminary plat approval for Island Point Estates at the last meeting his office received numerous phone calls and emails and so he wanted to address some of the concerns. Mr. Hardee stated he wanted to report on the steps that have been taken to resolve some concerns presented at the last meeting. Mr. Hardee stated one of the concerns was how traffic would affect existing roads with the addition of 45 new homes. Mr. Hardee stated the developer, as a contingency of final plat approval, must widen Lee Roads 338 and 340 to 20 ft. Mr. Hardee indicated that Lee Roads 334, 380 and 743 all meet minimum county standards. Janet Davis appeared stating she had talked to Assistant County Engineer Kendall Andrews, who had been very helpful, in discussing the matter stating her concern is poor road conditions. Ms. Davis stated on Lee Road 334 and Lee Road 340, going toward PoBoys Landing, there is a blind spot and suggested a turn-lane be installed. Commissioner Ham thanked Ms. Davis for bringing this to their attention. Next, David Harrell stated he is concerned with the infrastructure and the roads too. John Donovan questioned the eastern side of Lee Road 339, stating the road is deplorable and is no wider than a driveway. Further, Mr. Donovan stated he is concerned with the increased traffic due to more full-time residences than in years past. Next, Mellanie Vinyard stated she lives on Lee Road 379 and is not opposed to the homes, but, is concerned about the infrastructure. Mr. Hardee stated at the last meeting the preliminary plat was approved by the Commission. Commissioner Ham stated they would work with the developer about these concerns.

Hannah Krawczyk appeared before the Commission to question Commission involvement in a proposed prison project in Tallassee. Ms. Krawczyk stated she understands the project will be a public/private project to design, build, lease agreement in which CoreCivic would design, build and own the facilities, while the state would lease from them for \$88 million a year for 30 years, which is renegotiable every year. Ms. Krawczyk stated everyone will become the renters of a privately owned mega prison, and at the end of a two-billion dollars lease; the state owns nothing. Ms. Krawczyk stated it is a preposterous idea. The plan was done without public consent and all in response to a Department of Justice mandate that stated our prisons are operating unconstitutionally. These failures include ADOC's failure to protect inmates from violence, excessive use of force by correctional officers, and, most of all, inhumane overcrowding. Ms. Krawczyk stated they have been working with a group of concerned citizens in recent months to seek clarity on how local governments in this region may be involved with the prison-building plan in Tallassee. The City of Auburn, Tallassee, Elmore County, Bibb County, Camp Hill and more, have been or will be approached and asked the same questions being asked of the Commission tonight. Ms. Krawczyk stated their goal is to reach clarity on who has been contacted, if at all, about this prison plan. Ms. Krawczyk presented the following three questions to assist in her information-gathering process, they are: 1) have representatives from the Lee County Commission been involved in any conversations related to the prison being built in Tallassee?; 2) has the Lee County Commission been asked to contribute any resources, information, or other needs from other entities related to the prison-project in Tallassee? (For example, has the Commission been contacted about utilities needs?);

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3) If yes to either of the previous questions, what has the Commission said or promised in these conversations about the prison plan, or contributed to, the prison-project in Tallassee?. Commissioner Ham questioned if this stems from the Department of Justice suit filed last week. Ms. Krawczyk answered in the affirmative. Judge English stated the Commission has not been contacted or asked to assist. Lastly, Ms. Krawczyk asked on behalf of Lee County community members, we have 5 actionable items the Commission could pursue as a commission. Ms. Krawczyk asked that the Commission:

- 1) Join with other municipalities, counties and towns, in our region to request, in writing, that public hearings be held by the State. These hearings would need to safely accommodate all interested attendees, in-person and online. They would need to give ample notice to publicize the event beforehand.
- 2) Ask that the Commission appoint a representative to coordinate with existing interested parties for and against the project, to keep the council informed on both sides of this important issue.
- 3) Pass a Resolution to support an independent study group, with representatives from each affected municipality, to consolidate and address citizen concerns in an open and transparent way, with meetings and documents available to the public.
- 4) Empower this study group to solicit the opinions of experts on the issues surrounding for-profit incarceration, environmental and social impacts of rural prisons, the validity of claimed economic benefit, and other related concerns.
- 5) Request that the state delay any movement on contracts or land purchases until this study group is able to compile a public report and submit it for comment.

Ms. Krawczyk stated she understands the Commission does not have jurisdiction over the matter; but asked that the Commission resolve not to provide any assistance to individuals or municipalities seeking utilities assistance for projects that infringe on basic human rights guaranteed in our constitution. Ms. Krawczyk thanked the Commission for their time.

Judge English stated first reading of one vacancy on the Lee County Recreation Board from District 5 is up for consideration. Judge English stated two Citizen Interest forms were received for one vacancy. Commissioner LaGrand made a motion for first reading of Cheryl Binford-Piner to the Lee County Recreation Board for the District 5 Beauregard representative. The motion was seconded by Commissioner Ham and carried unanimously.

Mr. Hardee deferred discussion of the request for maintenance of a paved road off Lee Road 18 to Commissioner LaGrand. Commissioner LaGrand stated at the request of a citizen he had gone out and looked at the road which has not been formally adopted by the county, but that the Highway Department paved the road and has performed maintenance on it in the past. Mr. Hardee stated Mr. Philpott called about maintenance on the road which is not currently in their records. Mr. Hardee stated upon review of the records, and discussion with the Highway Superintendent, there is indication the road was paved in 1995 by the Lee County Highway

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Department when paving the rest of Lee Road 18. Mr. Hardee stated this portion is 331 feet in length and 10 feet wide. Mr. Hardee further stated there has been no formal action by the Commission on record to vacate or abandon this road, and with evidence that the Highway Department has performed maintenance on the road in the past, he would request the Commission adopt this portion of road into our formal maintenance system since it seems to have been overlooked. Mr. Hardee stated it will be given an internal designation of Lee Road 18A for Highway Department records. Commissioner Ham questioned the number of homes on the road, stating he has concerns with the width of it. Mr. Hardee stated there are three or four lots on it. After more discussion, Commissioner LaGrand made a motion, seconded by Commissioner Ham to accept for maintenance Lee Road 18A. The motion carried unanimously.

Judge English discussed canceling the second December meeting, as has been done the last seven years. Judge English stated he had emailed the Sheriff, Revenue Commissioner, County Engineer and County Administrator, and all indicated there were no pressing items at this time that would necessitate a second December meeting. Commissioner Cannon made a motion, seconded by Commissioner LaGrand to cancel the last December meeting. The motion carried unanimously. Judge English announced the next Commission meeting will be held January 11, 2021.

Mr. Hardee presented an Adopt-a-Mile application from G & J Contracting in District 3. Mr. Hardee stated the application is a request to adopt one mile of Lee Road 430, from U.S. Highway 280 to the Norfolk Southern railroad overpass, just north of Lee Road 294. Mr. Hardee stated it is located in District 3 and extends into the City of Smiths Station. Mr. Hardee indicated he has spoken with Mayor Copeland and he supports the application. Mr. Hardee explained that once it is approved by the Commission the application goes to the State for final approval. Commissioner Long made a motion, seconded by Commissioner Ham to authorize the Chairman to approve the Adopt-A-Mile application from G & J Contracting. The motion carried unanimously.

Mr. Hardee presented for Commission consideration the following High Risk Rural Road (HRRR) Resolution on Lee Road 179 in District 5. Mr. Hardee explained it falls under the HRRR Special Rule which has been placed in effect for the State of Alabama for FY2021. The HRRR Special Rule is triggered when the fatality rate on rural roads increases over the most recent two-year period. The HRRR Special Rule requires that Alabama, one of nine states where the rate increased, must obligate \$4,124,978 towards projects for HRRRs as defined in Section 148(a)(1) of Title 23, United States Code. The HRRR FY2021 program is focused on the reduction of fatal and serious injury lane departure and run-off-road crashes by helping drivers stay in their lane, reducing the potential of crashes if drivers leave their lane, or

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minimizing the severity in the event that a crash does occur. Lee County was awarded a project as part of this year's allocation. The project submitted for consideration is on Lee Road 179, approximately 1.0 mile south of the intersection at Lee Road 240 and Lee Road 179. The project was selected based on an evaluation of crash data and the existing roadway geometry. This section of roadway has a horizontal curve approaching a county bridge over Little Uchee Creek where there is evidence of roadway departure crashes. The roadway improvements will include super-elevation correction, signage, and guardrail installation. Mr. Hardee stated this is a 90/10 match, the total estimate is \$266,153.94, with a federal amount of \$239,538.55 and county funds of \$26,615.39 as part of the program requirements. Commissioner Long stated back in the 70's a good friend of his was killed there when he went thru the guardrail and into the creek; he said this is a great idea, because some places don't have enough history for action to be taken. Commissioner LaGrand made a motion, seconded by Commissioner Long to approve the HRRR Resolution as presented. The motion carried unanimously.

RESOLUTION

WHEREAS, the County Commission of Lee County, Alabama is desirous of constructing or improving, by force account, by contract or both, sections of road included in the Lee County Road System and described as follows:

Safety improvements at horizontal curve on Lee Road 179 approximately 1.0 mile south of the LR 179 and LR 240 intersection, utilizing High Risk Rural Road (HRRR) funding.

(Location map located at Lee County Highway Department)

WHEREAS, the County agrees to all of the provisions of the County-wide agreement executed between the State and the County covering preliminary engineering by State forces and equipment on this project, and

WHEREAS, the County agrees to all of the provisions of any agreement which has been executed or will be executed covering the construction of this project.

Done at the Regular session of the County Commission of Lee County, this 14th day of December 2020.

Mr. Hardee presented an agreement for roadway design for the Beauregard Recreation Park. Mr. Hardee stated the Highway Department has negotiated with Foresite Group, LLC to provide the design for the roadway that will provide access to the Beauregard Recreation Park currently under construction. Mr. Hardee stated the agreement provides the necessary professional services required to design the roadway to move forward with bidding the construction of the roadway. Mr. Hardee stated this will allow the Highway Department crews to continue work on existing infrastructure and to ensure the Highway Department meets current deadlines for other funding that has been secured. Mr. Hardee stated County Attorney Stan Martin has reviewed the agreement. Commissioner Long questioned if the funding will come out of recreation funds. Mr. Rendleman answered in the affirmative, from the proceeds from the recent sale of the original Beauregard recreation property. Commissioner Ham made a

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motion, seconded by Commissioner Long to authorize the Chairman to sign the agreement for roadway design at the Beauregard Recreation Park with Foresite Group, LLC as presented. The motion carried unanimously.

Mr. Rendleman presented for Commission consideration five renewal agreements with Avenu Insights and Analytics. Mr. Rendleman stated Avenu Insights & Analytics handles the administration for sales and use taxes, for alcohol tax, for severance tax, for cable franchise tax and for video rental tax. Mr. Rendleman stated the current three-year agreement has expired and recommends authorizing the Chairman to sign the three-year agreements. Commissioner Long made a motion, seconded by Commissioner LaGrand to authorize the Chairman to sign three-year renewal agreements with Avenu Insights and Analytics. The motion carried unanimously.

Mr. Rendleman presented the following Resolution for Commission consideration. Mr. Rendleman stated this will lock-in the interest rates for the warrants to refinance the original 2013 Warrants issued for the Justice Center expansion. The issuance will be presented to the Commission for closing at the first meeting in January after the sale of the 2021 refinancing warrants. Mr. Rendleman stated this is information that the Chief Financial Officer Neil Cyriac has prepared. Mr. Rendleman stated the refinancing will save approximately \$33,000-\$36,000 per year in debt service. Commissioner Ham made a motion, seconded by Commissioner Cannon to authorize the Chairman to execute the purchase agreement for the issuance of the 2021 refinancing warrants. The motion carried unanimously.

RESOLUTION

WHEREAS, Lee County, Alabama (the “County”) has heretofore designated The Frazer Lanier Company, Incorporated (“Frazer Lanier”) as underwriter of the County’s General Obligation Warrants, Series 2021 (the “Series 2021 Warrants”), for the refunding certain indebtedness of the County.

WHEREAS, due to the unpredictable nature of the bond market and the need for the County to access the market without delay, the County finds it in order to delegate to the Chairman of the County Commission the responsibility and the authority to enter into a warrant purchase agreement to lock in the rates and terms of the Series 2021 Warrants;

NOW, THEREFORE, BE IT RESOLVED by Lee County, Alabama, as follows:

- 1) The issuance of the Series 2021 Warrants is approved and preparation of the documentation and performance of the actions necessary for the consummation of the transactions herein described and authorized.
- 2) The Chairman of the county Commission is hereby authorized to execute a warrant purchase agreement between the County and Frazer Lanier and any other document deemed necessary to facilitate the sale of the Series 2021 Warrants.

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Mr. Rendleman presented a request on behalf of Lee County Youth Development Center to give them a similar courtesy for the CARES Act Funds as was done for the school systems at the last meeting. Mr. Rendleman stated Executive Director Laura Cooper was in attendance to address any questions or concerns by the Commission. Commissioner LaGrand thanked Mrs. Cooper for the job she performs. Mrs. Cooper stated it has been a hard 10 months and they had expenses that were not anticipated stating the reimbursement would be helpful. The request is for approximately \$120,000, which will require them to reimburse the County if the expenditures are deemed ineligible for CARES Act funding at a later date. Commissioner LaGrand made a motion, seconded by Commissioner Ham to authorize the Chairman to sign the agreement with the Lee County Youth Development Center for CARES Act funding associated with COVID-19 response related expenditures. The motion carried unanimously.

Judge English stated Commissioner Ham would like to add an agenda item, which must have unanimous consent of the entire Commission. Commissioner Ham made a motion, seconded by Commissioner LaGrand to add an item to the agenda concerning use of the meeting center. The motion to add the item passed unanimously. Commissioner Ham requested use of the Lee County Meeting Center on December 22 and 23, as has been requested in the past. Commissioner Ham stated the Meeting Center will be used to wrap gifts and package food for needy families in the community as determined by Lee County Department of Human Resources. Commissioner Ham made a motion, seconded by Commissioner Long to allow the use of the Lee County Meeting Center on December 22 and 23 as presented. The motion carried unanimously. Commissioner Ham invited anyone who wanted to participate to come out and help package the food and wrap gifts. Commissioner Ham stated he had been doing it for 22 years along with Attorney Jere Colley, who dresses up as Santa, saying this is the best day of the year for him.

Judge English indicated the Commission needs to adjourn into executive session to discuss a potential real estate transaction. Judge English deferred the matter to Mr. Rendleman. Mr. Rendleman stated the executive sessions will last approximately 15-20 minutes and no action is anticipated at the conclusion. Mr. Rendleman stated he and County Attorney needed to attend. At approximately 6:25 p.m., Commissioner Long made a motion, seconded by Commissioner Ham to adjourn into Executive Session. The motion carried unanimously.

At the conclusion of the Executive Session at approximately 6:55 p.m., Commissioner Ham made a motion, seconded by Commissioner Long to adjourn. The motion carried unanimously.