

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MAY 24, 2021

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, at 5:00 p.m. on Monday, May 24, 2021. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Long.

During citizens' communication, Peter Byrd appeared to discuss the availability of the minutes and agenda on the county's website, stating they were not available until after 11:00 am today. Mr. Byrd said he did not have enough time to review all the agenda items to adequately address them. Mr. Byrd stated he has appeared before the Commission numerous times asking for availability of information and transparency. Further, Mr. Byrd addressed one agenda item concerning the Solid Waste Management Plan, stating there was no information included in the packet concerning the cost of curbside pickup. Mr. Byrd said he hopes the Commission will address the cost to the county, the cost to the citizens and when curbside pickup is scheduled to begin, since that information has not been shared publicly.

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: Revenue Commissioner Oline Price. News media in attendance: Opelika Observer reporter Hannah Lester and Opelika-Auburn News reporter Mike Eads.

Jean Causey made a presentation on the Northridge Shelter for Women and Children. Mrs. Causey stated their vision and goal is to provide a county without homelessness and their goal, to live out the vision by providing emergency, temporary, and/or transitional shelter which will lead to permanent homes for individuals and/or families in Lee County. Mrs. Causey stated most people want a hand up, not a hand-out. Mrs. Causey stated the facility opened March 1, and that due to CDC guidelines they could only house seven women at this time, but the facility has the ability to house up to 14 women. Mrs. Causey shared that two of the residents are veterans. Mrs. Causey stated as part of the transitional plan, Northridge will stay with the ladies once they leave the facility. Lastly, Mrs. Causey said the cost to run the facility is \$9,000 per month and asked the Commission for support, indicating that any assistance is appreciated. Commissioner Ham asked Mrs. Causey to discuss the role that Southern Union plays for the women. Mrs. Causey stated that currently three residents are enrolled in the Ascend Program at Southern Union which prepares people to enter the workforce in manufacturing facilities. Mrs. Causey stated that once the course is completed Southern Union will assist with placement into a position. Further, Mrs. Causey stated all the ladies have chores at the facility, some like to cook, some like to clean, and others take care of the outside. Commissioner LaGrand stated he had an opportunity to visit the facility and thanked Mrs. Causey for her commitment to the project. Commissioner Ham asked Mrs. Causey to share the criteria for staying at the home. Mrs. Causey stated that Attorney Pep Melton helped devise the

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MAY 24, 2021

guidelines, which includes no drinking, no smoking, and no profanity. Mrs. Causey stated the facility is a pure miracle, stating the project has been completed in two years and already has ladies living in the facility. Commissioner Brown questioned if the needs are only monetary or if there are other needs. Mrs. Causey stated they do need monetary donations, but also, clothes and food are needed. Mrs. Causey informed the Commission that soon the facility will house its first mother and her child, so they are looking forward to that. Commissioner Ham thanked Mrs. Causey for all she does going above and beyond to help others in the community.

Judge English presented the results of the Beat 13 Special Election for Planning and Zoning that was held May 18, 2021. Judge English stated the vote resulted in 431 “Yes” votes and 219 “No” votes, and one “No” vote from the Absentee box, for a grand total of 431 “Yes” votes and 220 “No” votes. Judge English noted that four provisional ballots were cast, but after review by the Board of Registrars none of the four votes were eligible to be counted. Judge English said the vote for Planning and Zoning passed in Beat 13.

Chief Financial Officer Neil Cyriac informed the Commission that the Alabama County Administrators Association had presented the Excellence in County Government Award to Chief Administrative Officer Roger Rendleman at their annual conference last week. Mr. Cyriac stated the ACAA Committee decided to honor Mr. Rendleman acknowledging his work for counties through the various boards and committees he has served on and for providing assistance to fellow administrators across the state over the years. Mr. Rendleman stated he was honored to receive this recognition from his fellow administrators, especially when he realized that would be the last conference he would be attending as an administrator. Further, Mr. Rendleman stated today he had received about five phone calls from fellow administrators asking for his guidance on the recent federal recovery funds, since they knew he would be one of a few who had read the entire Act. Mr. Rendleman stated he has only read to page 140 of the 151 pages of the Act. Mr. Rendleman stated he does not mind helping others out, noting that the Administrator position is one that has no courses to take and no books to train on, indicating it is all hands-on training. Mr. Rendleman added that possibly one of the administrators that contacted him today may be a candidate as his replacement, since he did encourage a few to apply for the position here in Lee County. The Commission and the audience applauded Mr. Rendleman for the award.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: listing of claims, Blackbaud procurement card transactions and minutes of the May 10 meeting. Commissioner Cannon made a motion, seconded by Commissioner Brown to approve the consent agenda items as presented. The motion carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MAY 24, 2021

Judge English presented for Commission consideration a proposal for professional services with Lehe Planning, LLC for the Lee County Zoning Regulations project. Judge English stated Mr. Jim Lehe and Planning Commission Chairman Kevin Flannagan are both in attendance to address any questions of the Commission. Mr. Flannagan asked the Commission to consider allowing the Lee County Planning Commission to engage Mr. Lehe for his guidance and expertise in planning. Mr. Lehe is an urban planner with over 40 years of experience as a professional planner and began his full-time consulting practice in 2000 with the establishment of Lehe Planning, LLC. Previously, Mr. Lehe held professional planning positions with municipal and county planning departments and regional planning agencies. Commissioner Brown questioned Mr. Lehe if after looking at Beat 13, will he look at zoning for the entire county. Mr. Lehe indicated that is the long-term goal for the entire county, but first the foundation must be built. Mr. Lehe stated there are currently only three Alabama counties that enforce zoning laws, they are: Jefferson, Shelby, and Baldwin. Judge English stated Lee and Macon are the other two that had legislation passed at about the same time. Mr. Lehe said the Acts enabled in these counties all are different, noting that municipalities are covered under a separate State law. Commissioner Brown asked that the Commission be proactive instead of reactive. Mr. Lehe stated he would build an ordinance that could apply to other Beats in the county. Judge English stated that conditional use needs to be addressed as well. After further discussion, Commissioner Ham made a motion, seconded by Commissioner Long to authorize the Chairman to sign the agreement for professional services with Lehe Planning, LLC. The motion carried unanimously.

**Agreement for Professional Services
Lee County Zoning Regulations Project**

THIS AGREEMENT made this 24th day of May 2021, by and between the Lee County Commission (“Commission”), having its offices in the Lee County Courthouse, 215 South 9th Street, Opelika, Alabama and Lehe Planning, LLC, (“Consultant”) an Alabama Limited liability company, having its principal place of business at 1836 Burning Tree Circle, Hoover, Alabama 35226.

WITNESSETH:

WHEREAS, the majority of qualified electors in Lee County Beat 13 voted on May 18, 2021, to authorize Zoning Regulations within the beat, and

WHEREAS, the Consultant is capable of providing professional services for preparing the Zoning Regulations and Zoning Map for Beat 13 for adoption by the Planning Commission and approval by the County Commission, (the “Project”) and

WHEREAS, the Commission needs the services provided by the Consultant to create the Zoning Regulations, and

WHEREAS, the Commission and the Consultant desire to enter into this Agreement under which the Consultant shall provide such services for the Commission as are set forth herein, and

WHEREAS, the Consultant’s work will be performed under the direction of the Chairman and Secretary of the Lee County Planning Commission.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MAY 24, 2021

NOW THEREFORE, the parties hereby agree as follows:

- 1) **Description of Services.** The Consultant will perform the following services, as required for completion of the Project:
 - (a) Project Principal. James E. Lehe, AICP, an urban planner with extensive professional experience in planning and zoning will serve as the principal planner for the Project.
 - (b) Professional Planning Services. The Consultant will perform all professional planning services required for Project completion as described in Attachment A, which is made a part of this Agreement.
- 2) **Use of Subconsultants.** The Consultant is authorized to engage the services of any individual to assist with the Project, if needed, at no additional cost to the Commission.
- 3) **Time for Performance.** The Consultant will complete the Project in accordance with the tentative schedule described in Attachment A, which may be extended by the Commission, as necessary to complete the Project.
- 4) **Payment and Expenses.**
 - (a) **Fixed fee payment.** The Commission will pay the Consultant a total fixed fee of \$25,000 unless the County Commission authorizes an increase by an amendment to this Agreement. This total fixed fee covers all professional services, travel, and other incidental expenses. The total amount shall be payable over the anticipated Project schedule described in Attachment A as follows:
 - \$7,500 upon execution of this Agreement;
 - \$5,000 per month thereafter for a period of 3 months; and
 - The \$2,500 balance upon completion of the Project. The completion date shall be the adoption date by the Commission of the final Zoning Regulations.
 - The balance of the total fee shall be paid if the Project is completed in a shorter period.
 - (b) **Method of Payment.** Consultant shall submit monthly invoices to the Commission for payment of work performed each month, until Project completion. Each invoice shall describe the work performed for the period. Payment shall be made by the Commission within thirty (30) days of its receipt of the Consultant's invoice.
- 5) **Term/Termination.** This Agreement shall terminate automatically upon completion by the Consultant of the services required by this Agreement. Either party may terminate this agreement by giving at least 30 days written notice. The Consultant will be paid for services and expenses incurred up to the termination date. The amount due the Consultant in the event of early termination shall be apportioned according to the percent of total work completed. If the percent of work completed is less than the amount paid to the Consultant, then the Consultant will be obligated to return the difference to the Commission.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MAY 24, 2021

- 6) **Relationship of Parties.** It is understood by the parties that the Consultant is an independent contractor with respect to the Commission and not an employee.
- 7) **Entire Agreement.** This Agreement contains the entire agreement between the parties and there are no other promises or conditions in any other agreement whether oral or written. This Agreement supersedes any prior written or oral agreements between the parties.
- 8) **Amendment.** This Agreement may be modified or amended if the amendment is made in writing and is signed by both parties.
- 9) **Severability.** If any provisions of this Agreement shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court finds that any provision of this Agreement is invalid or unenforceable, but that by limiting such provision it would become valid and enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.
- 10) **Waiver of Contractual Right.** The failure of either party to enforce any provision of this Agreement shall not be construed as a waiver or limitation of that party's right to subsequently enforce and compel strict compliance with every provision of this Agreement.
- 11) **Effective Date.** This Agreement shall become effective upon its execution.
- 12) **Applicable Law.** The laws of the State of Alabama shall govern this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first set forth above.

Mr. Rendleman asked the Commission to postpone the Employee Advancement Program until July 3, 2021, replacing the original June 5, 2021 date. Mr. Rendleman stated he would like to see this program and the supplemental program begin at the same time. Mr. Rendleman again explained that this program is intended primarily for entry-level positions providing a promotion opportunity based on time and performance regardless of turnover rates in supervisory or high-level positions. Mr. Rendleman stated those positions with both a Level I and a Level II range assignments are the ones up for Commission consideration for the Advancement Program designation. Commissioner Long made a motion, seconded by Commissioner Cannon to postpone the starting date of the Employee Advancement Program to July 3, 2021. The motion carried unanimously.

Mr. Rendleman asked the Commission to adopt the supplemental program beginning July 3, 2021. Mr. Rendleman stated the supplemental program provides additional compensation to employees assigned specific and clearly defined duties and responsibilities which are not a part of the ordinary job description for the classification. Mr. Rendleman overviewed the information that was presented to the Commission at the last meeting. After

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MAY 24, 2021

review, Commissioner Long, seconded by Commissioner Ham to adopt the supplemental program beginning on July 3, 2021. The motion carried unanimously.

Mr. Rendleman asked the Commission to adopt several policy changes as explained in detail at the last meeting. Mr. Rendleman stated the changes will give clear guidance to the Commission. Those changes include: 1) under 2.2.1 for Unclassified Service Item E delete wording, "Any individual hired directly by the County Commission shall serve under an executed employment contract"; 2) under 11.0.0 Disciplinary Action, under 11.2.0 under Disciplinary Actions Policy the addition of bullet points D & E; and 3) Under Grievance section under 12.1.0 Policy Review to add additional wording to include, "or a Classified Service Appointing Authority". Commissioner Cannon made a motion, seconded by Commissioner Long to approve the policy changes as presented. The motion carried unanimously.

Mr. Rendleman addressed the temporary COVID-19 Policies asking that the Commission terminate them at the end of business on Friday, July 2, 2021. Mr. Rendleman stated Governor Ivey has already announced she will be ending the state of emergency for the State of Alabama on Tuesday, July 6, 2021. Mr. Rendleman stated once the policies are terminated, employees will be subject to the regular personnel policies concerning leave time and/or FMLA, if necessary. Commissioner Ham made a motion, seconded by Commissioner Long to terminate the COVID-19 Policies at the end of business on July 2, 2021. The motion carried unanimously.

Revenue Commissioner Oline Price gave her annual Report of Insolvencies, Errors and Taxes in Litigation for the Tax Year 2020 and Uncollected Insolvencies and Taxes in Litigation for previous years, as required by Code of Alabama 1975, Sections 40-5-23 & 40-5-29. Mrs. Price stated normally she breaks even, but this year the State owes her six cents. Mrs. Price explained this is caused by rounding issues in their program. Commissioner Ham made a motion to adopt the following resolution, seconded by Commissioner Cannon, 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 2020 and Uncollected Insolvencies and Taxes in Litigation for previous years are 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.

Revenue Commissioner Oline Price asked the Commission to approve the following Resolution to address the monetary limitation on the annual supernumerary salary to be

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MAY 24, 2021

effective upon the date she assumes supernumerary status or at the time of her death while serving as Lee County Revenue Commissioner. Mrs. Price stated she does not have a retirement program, it is self-funded, and in 1993 the Legislature decided to put a cap on it. Mrs. Price explained that there are 6 left in the State, stating that a couple of other counties have passed a good faith resolution in support of removing the cap. Commissioner Ham made a motion, seconded by Commissioner Long to approve the following Resolution. The motion carried on a vote of 4-0-1 with Commissioner LaGrand abstaining.

RESOLUTION NO. 05242021

WHEREAS, Ala. Code 40-6-3 sets the annual salary of a supernumerary official with 18 or more years of service at an amount not to exceed forty-nine thousand six hundred dollars (\$49,600) per year; and

WHEREAS, the same code section authorizes the county governing body, by majority vote of the membership, to elect to increase or remove this monetary limitation on compensation for any person who assumed supernumerary status after September 30, 1993; and

WHEREAS, Oline W. Price will be the only supernumerary official in Lee County to be affected by Ala. Code 40-6-3; and

WHEREAS, the County Commission of Lee County, Alabama, as the county governing body, has determined that it is right and proper to remove the monetary limitation on Oline W. Price upon her assuming supernumerary status; and

NOW, THEREFORE, BE IT RESOLVED by the County Commission of Lee County, Alabama, as follows:

It is the intention of the County Commission of Lee County, Alabama, as the county governing body, to remove the monetary limitation after Oline W. Price has assumed supernumerary status by appointment of the Governor of the State of Alabama or upon her death while in office, and a resolution to that effect will be passed at that undetermined future date.

Approved and adopted this 24th day of May 2021.

Judge English presented for Commission consideration the following Resolution to adopt the "Lee County Zoning Regulations" and a Beat 13 zoning map as adopted by the Lee County Planning Commission. Commissioner Long made a motion, seconded by Commissioner Ham to approve the following Resolution as presented. The motion carried unanimously.

RESOLUTION

WHEREAS, a petition containing 633 signatures was filed in the office of the Lee County Judge of Probate on February 3, 2021, seeking a special election in Beat 13 pursuant to Act No. 2007-401, as amended by Act 2008-409, enacted at the 2007 and 2008 Regular Sessions of the Legislature of Alabama, (as codified at Acts of Alabama, §45-41-260 *et seq*); and

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MAY 24, 2021

WHEREAS, said petition sought to apply “the authority of the commission, its master plan, and the zoning regulations” in Beat 13 through the special election process; and

WHEREAS, Probate Judge Bill English verified that the petition was substantially in compliance with those Acts, and that it contained more than enough valid signatures (445) of Beat 13 registered voters who reside in and who own real estate in the beat to meet the requirements of the Act, and so informed the Lee County Commission on February 8, 2021; and

WHEREAS, in regular meeting on February 8, 2021, the Lee County Commission timely called for a special election to be held in Beat 13 on May 18, 2021; and

WHEREAS, notice of the special election for Beat 13 was timely published and posted in two public places in Beat 13 as required by law; and

WHEREAS, that special election was held on May 18, 2021 in Beat 13, with 431 voters casting “YES” votes, 220 voters casting “NO” votes, and four (4) voters whose eligibility was questioned casting provisional ballots; and

WHEREAS, the Lee County Planning Commission, at its regularly scheduled meeting on May 19, 2021, and in accordance with the 2010 “Lee County Master Plan”, unanimously adopted the “Lee County Zoning Regulations” and Beat 13 zoning map and recommended that same be forwarded to the Lee County Commission for approval; now therefore,

BE IT RESOLVED and ordered as follows: that, pursuant to the provisions of Act No. 2007-401, as amended by Act 2008-409, the Lee County Commission hereby approves the promulgated “Lee County Zoning Regulations” and Beat 13 zoning map as submitted by the Lee County Planning Commission; and

BE IT FURTHER RESOLVED and ordered as follows: that, pursuant to the aforementioned Acts, in compliance with the 2010 “Lee County Master Plan”, and by authority of the results of a special election held on May 18, 2021 in Beat 13, the authority of the Lee County Planning Commission, its master plan and the zoning regulations are hereby applied to Beat 13, effective May 24, 2021.

Judge English stated at this time there is not a need to set a Public Hearing on the zoning regulations but stated it possibly will be ready by the next Commission meeting on June 14.

Judge English stated the letter to ADEM concerning permits for the quarry was finalized over the weekend and the final version was on their desk for review. Judge English stated the document outlines water quality and air quality issues for submitting it before the Thursday deadline. Further, Judge English stated a more technical letter has been written by the law firm hired by Lee County and will be mailed to ADEM as well. Commissioner Long made a motion, seconded by Commissioner LaGrand authorizing Judge English to mail the letter as presented. The motion carried unanimously.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MAY 24, 2021

County Engineer Justin Hardee presented Sentinel Hills Subdivision, Phase 2 for permanent maintenance. Mr. Hardee stated Sentinel Hills, Phase 2 completed the required maintenance period by the owner on May 19, 2021. The final inspection was conducted on May 20, 2021 and all improvements have been completed. Mr. Hardee recommended the roads in the subdivision, Lee Road 2214 and Lee Road 2215 totaling approximately 0.216 miles be accepted by the Commission for permanent maintenance by the Lee County Highway Department. Commissioner Ham made a motion, seconded by Commissioner Long to accept Sentinel Hills Subdivision, Phase 2 for permanent maintenance. The motion carried unanimously.

Mr. Hardee presented a request from Kreher Preserve and Nature Center Administrator Jennifer Lolley to assist with some trenching for two utility lines to their new pavilion. Mr. Hardee stated the Highway Department estimates the work can be done by two employees using the skid steer trenching equipment in one day if they do not run into any complications. Mr. Hardee noted that there is a substantial amount of rock across the road in an adjacent subdivision, Tuscany Hills, so, if they are unable to break through it, he has explained to Mrs. Lolley they will have to stop to see what the next step will be which would likely greatly increase the time and cost to the county. Mr. Hardee stated that Mrs. Lolley understands there are some unknowns. Mrs. Lolley concurred and stated to her knowledge they have not encountered any rock material on their side of the road. Mrs. Lolley stated since COVID hit their numbers have increased tremendously to around 45,000 annually. Mrs. Lolley stated this would provide water and power to the pavilion and is needed for their teaching programs. Commissioner Long questioned the depth of the trench. Mr. Hardee stated about 3 feet deep along an existing pathway. Commissioner Brown encouraged anyone to go out to see the Kreher Preserve and Nature Trail if they have not visited. Mrs. Lolley stated they are open to the public year-round and it includes about 6 miles of trails. Upon acknowledging the fact that this project was near and dear to Commissioner Lawrence, Commissioner Brown made a motion authorizing the Highway Department to perform the trenching work as indicated by Mr. Hardee and discontinue if they run into any rock and bring the item back before the Commission. The motion was seconded by Commissioner LaGrand and carried unanimously.

Mr. Rendleman presented the following Resolution approving the Gogue Performing Arts Center as a Courthouse Annex. Mr. Rendleman explained that the larger location is necessary for an upcoming trial with a jury pool of approximately 150 due to COVID restrictions placed by the Department of Justice. Commissioner Ham made a motion, seconded by Commissioner Brown to approve the following Resolution. The motion carried unanimously.

RESOLUTION

WHEREAS, the Lee County Commission is the governing body of Lee County,

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MAY 24, 2021

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 910 South College Street, Auburn, Alabama 36830 (“the Gogue Performing Arts 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 Ham and seconded by Commissioner Brown, with discussion having been had thereon and a vote having been taken, upon which vote said motion carried by the vote of five to zero.

IT IS HEREBY RESOLVED by the Lee County Commission as follows:

1. The Gogue Performing Arts Center, which is located at 910 South College Street, Auburn, AL 36830, 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 Gogue Performing Arts 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.

ADOPTED AND APPROVED this 24th day of May 2021.

Mr. Rendleman presented information for Commission consideration to establish a Trust Fund for Other Post-Employment Benefits or OPEB. Mr. Rendleman explained that in the early 2000’s when medical costs started increasing by double digits annually, the Governmental Accounting Standards Board (GASB) was concerned that other post-employment benefits, like health insurance, weren’t being recognized as a long-term liability for these future obligations like pensions were being reported. Mr. Rendleman stated to shorten a very long story, they required governmental units to start booking and reporting OPEB liabilities around 2006. This became a very big deal, so the Alabama Legislature passed the Post Employment Benefit Act of 2008 for setting up of trust funds addressing this very large obligation for cities and counties. Mr. Rendleman indicated if the Commission wants some light reading material, it is Code of Alabama, 1975 Title 11, Section 104. As fortune would have it, this happened during the Great Recession and OPEB became less of a pressing problem. Recently, this subject is coming around again with rating agencies asking more questions about any future funding plans.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MAY 24, 2021

Although the pandemic has pushed back the interest in OPEB funding for now, the result will likely bring this back to the forefront as we can expect double digit increases again in healthcare costs as the pandemic has severely crippled the healthcare industry and the supplementary funding from the federal government will end. Mr. Rendleman stated from a series of unrelated events and fortunate timing, we can address the challenges of OPEB funding before the problem comes back to the forefront. As of the end of Fiscal Year 2020, our unfunded liability for OPEB is \$5,962,657. Last year, we paid \$331,128 to cover health insurance for retirees. To put this in perspective, we only paid \$53,690 for retiree health insurance in Fiscal Year 2008. The goal is to set up a trust fund that generates enough revenue to cover annual costs, and the \$331,128 could go to hiring more deputies and litter crews or for road repairs. Commissioner Cannon made a motion, seconded by Commissioner Brown to authorize the establishment of a trust fund for the purpose of funding other post-employment benefits, per Title 11, Section 104 of the Code of Alabama. The motion carried unanimously.

Judge English opened the floor to a Public Hearing at approximately 6:20 p.m. for public comments on an amendment to the Lee County Solid Waste Management Plan. Mr. Hardee explained that the Amendment is for the following: "The County may, in the future, elect to collect solid waste at the point of generation (curbside pickup for household waste and/or container pickup for commercial waste). The County may elect to contract with private haulers for collection services. If the County elects to collect solid waste at the point of general or contract with private haulers, they may continue operating some or all of the current drop-off centers or discontinue them if so desired." Mr. McDonald stated they are looking at other options but at this time have not determined the most cost-effective method for the county. Mr. Dale Story of Engineering Service Associates concurred they are only addressing the amendment to the Solid Waste Management Plan with no plan at this time to change the current system. Mr. Story added that it only adds verbiage to include curb-side service into the plan, which adds an additional option to the current system.

At approximately 6:20 pm, since no comments were made, Judge English closed the Public Hearing concerning an amendment to the current Solid Waste Management Plan.

Upon closure of the Public Hearing, Commissioner Long made a motion, seconded by Commissioner Brown to approve the following Resolution to amend the Solid Waste Management Plan as provided. The motion carried unanimously.

RESOLUTION

WHEREAS, the Lee County Commission ("Commission") is required by the Alabama Solid Waste and Recyclable Materials Management Act (SWRMMA), Code of Alabama 1975, 22-27-47, to periodically submit a minimum ten-year Solid Waste Management Plan (SWMP) to address solid waste management within the County; and

WHEREAS, the Lee County Commission has retained the engineering firm of Engineering Service Associates, Inc. to prepare an Amendment to the current SWMP to allow

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MAY 24, 2021

the option to collect solid waste via curbside pickup, and has conducted a public hearing to solicit input, and has consolidated citizen comments and concerns into the development of the amendment to the SWMP; and

WHEREAS, the Amendment to the Solid Waste Management Plan must be adopted through a resolution by the County Commission before submission to the Alabama Department of Environmental Management.

NOW, THEREFORE, BE IT RESOLVED that the Lee County Commission approves and adopts the Amended Lee County Solid Waste Management Plan 2014, and the Commission Chairman is hereby authorized to sign all necessary correspondence involved in the submission of this Amendment to the Alabama Department of Environmental Management, and that the Amended 2014 Solid Waste Management Plan will serve as the basis for solid waste management within Lee County from the date of adoption through December 31, 2024, unless amended prior to that date.

Passed and adopted this 24th day of May 2021.

Commissioner Long at approximately 6:21 p.m. made a motion, seconded by Commissioner Brown to adjourn. The motion carried unanimously.