

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR MEETING, MAY 9, 2022

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, May 9, 2022. 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, Ross Morris, Robert Ham, and Richard LaGrand. Absent: Commissioner Gary Long. The Pledge of Allegiance was recited, followed by an invocation by Judge English. News media in attendance: The Observer reporter Hannah Lester.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: listings of claims, a procurement card transactions listing, and minutes of the April 25 meeting. Additionally, a list of claims for ratification was placed on the bench prior to the meeting. First reading to appoint Tom “Mac” Morris to the Lee County Cemetery Preservation Commission was made. Commissioner Cannon made a motion, seconded by Commissioner Morris to approve the consent agenda items as presented. The motion carried unanimously.

Commissioner Cannon made a motion to approve the following Resolution appointing two representatives for District 1 on the Lee County Planning Commission. The motion was seconded by Commissioner Morris and carried unanimously.

BE IT RESOLVED, the Lee County Commission hereby appoints Robin Raiford and Charles “Chuck” Sanders as the two District 1 representatives on the Lee County Planning Commission.

Next, Commissioner Cannon suggested the Commission hold several work sessions to discuss categories for distribution of the ARPA funds. Commissioner Cannon asked each Commissioner to come up with a list of five or six categories they would like to address. Commissioner Cannon made a motion to hold a work session to discuss ARPA funding at 5:00 p.m. on May 23, 2022, in the Commission chambers. The motion was seconded by Commissioner Morris and carried unanimously.

County Engineer Justin Hardee discussed the situation on Lee Road 196. Mr. Hardee said both parties attended the last meeting and Commissioner Ham had asked them to meet to try to work out an agreement among themselves. Additionally, County Attorney Stan Martin sent a letter to the Commission outlining the information that should be used to determine if the road is public or private, but that it is a County Commission determination. Mr. Hardee said Mr. Humphres is here tonight, but Attorney Blake Oliver representing JRBC Holdings sent an email stating he was unable to attend. Mr. Hardee said Mr. Humphres wants the Commission to affirm the public nature of the roadway. Judge English recognized Mr. Humphres and asked if he wanted to address the Commission. Mr. Humphres stated no

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negotiations have occurred between he and Mr. Massingill since the last meeting. Commissioner Ham reiterated that he would like the two parties to sit down and work on a compromise, otherwise they would have to take it to court. Mr. Humphres said he will take try again, but feels he has no power base without a determination of the road as public by the Commission, but he would try again as requested. No action was taken by the Commission.

Stacey Sanders representing the Lee County Association of Realtors appeared before the Commission to discuss broadband services and affordable housing in the county. Mrs. Sanders said Lee County is one of three fastest growing counties in the state mainly due to our schools, education, and industries. Mrs. Sanders said after research, many other counties across the State are encountering the same things. Mrs. Sanders said the housing market in Lee County has grown by 37% with 10% of the inventory in the county. Mrs. Sanders stated she has been in communication with State Representative Joe Lovvorn about broadband services and said the local delegation is engaged in committing \$30 million for broadband. Mrs. Sanders asked the Commission to consider providing more resources in the county for infrastructure and broadband services. Commissioner LaGrand thanked Mrs. Sanders for her presentation.

Chief Administrative Officer Holly Leverette presented the following Resolution and an agreement to participate in the Joint Bidding Program for counties participating in Investing in Alabama Counties (IAC) Program with the Association of County Commissions of Alabama (ACCA). The ACCA has agreed to administer a joint bidding program pursuant to §40-16-50(b) for counties participating in the IAC program for the joint bidding of certain equipment, materials, and supplies required to be competitively bid under Alabama's competitive bid law. Commissioner Cannon made a motion, seconded by Commissioner Morris to approve the following Resolution authorizing the Chairman to sign the agreement as presented. The motion carried unanimously.

**RESOLUTION AND AGREEMENT TO PARTICIPATE IN THE
JOINT BIDDING PROGRAM FOR COUNTIES PARTICIPATING IN
“INVESTING IN ALABAMA COUNTIES”, A PROGRAM OF THE
ASSOCIATION OF COUNTY COMMISSIONS OF ALABAMA**

WHEREAS, Section 40-16-50(b), Code of Alabama 1975, authorizes two or more counties in the state to enter into agreements for the joint bidding and purchase of items required to be bid under Alabama's competitive bid law (§§ 41-16-50 *et seq.*, Code of Alabama 1975); and

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WHEREAS, the Association of County Commissions of Alabama (the "Association") has agreed to administer a joint bidding program pursuant to § 40-16-50(b) for counties participating in the Association's Investing in Alabama Counties ("IAC") program for the joint bidding of certain equipment, materials, and supplies required to be competitively bid under Alabama's competitive bid law (the "IAC joint bidding program" or "program"); and

WHEREAS, pursuant to § 41-16-50, each county participating in the IAC program that desires to participate in the IAC joint bidding program is required to adopt a similar resolution, signifying its desire to participate and its agreement to the terms and conditions of participation; and

WHEREAS, the Lee County Commission (the "Commission") desires to join and participate in the IAC joint bidding program and understands and agrees to the procedures as set out below:

- 1) That the Association, a non-profit organization devoted to providing support and services to its membership of the counties in Alabama, shall provide administrative services to the program, and in this regard, shall:
 - oversee the development of written specifications for each item to be bid,
 - provide notice by mail or as otherwise authorized by Alabama's competitive bid law to respective bidders for each item to be jointly bid as required by law,
 - open bids pursuant to bid specifications at its office at 2 North Jackson Street in Montgomery, Alabama, and
 - provide other services as necessary excluding the awarding of the contracts.
- 2) That to participate in the program, the Commission shall forward to the Association the names and addresses of each person or company who has submitted a written request to be included in solicitations of bids for a particular item (its "vendor list"), and that following receipt of said vendor lists, the Association shall mail, or as otherwise authorized by Alabama's competitive bid law, appropriate bid specifications to each applicable person or company if that particular item is being bid, as provided in § 41-16-54.
- 3) That in compliance with § 41-16-54, the Commission shall not be eligible to purchase an item under a contract awarded through the program unless it has provided the Association with its vendor list for that item, if such a list is held by the County.
- 4) That the Association will provide the Commission notice of each solicitation for bid and in compliance with § 41-16-54, the Commission shall post said notice on a bulletin board in the County's purchasing office.
- 5) That in compliance with § 41-16-54, the Commission agrees that it shall not be eligible to purchase an item under a contract awarded through the program unless it has posted such notice.
- 6) That following the opening of bids, a pre-designated county commission will serve as awarding authority for the IAC joint bidding program and shall determine the lowest responsible bidder and award any contract bid through the program at a regular meeting of the designated county commission as announced at the opening of bids.

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7) That the Association shall not serve as the awarding authority for any item bid through the program.

8) That participation in the program is strictly voluntary, and that, subject to the conditions set out in paragraphs 2, 3, 4, and 5, once a contract has been awarded for a particular item bid through the program, the Commission may purchase that item during the contract period under the terms of and at the price established under the contract but shall not be required to purchase any particular item under the contract awarded through the program.

9) That if the Commission decides to purchase an item other than through the program, it must separately bid that item if such bidding is required by Alabama's competitive bid law.

10) That following the award of a contract under the program, purchases of items through the program by the Commission shall be made directly from the successful bidder by the County pursuant to its own purchasing policy, and that there shall be no joint purchasing agent representing the program or any counties participating in the program.

11) That the Commission shall remain a member of the program so long as it desires and agrees to participate in this joint bidding agreement under its terms and conditions, and that the Commission shall give at least thirty (30) days' notice in writing to the Association of its intent to terminate its participation in the program and the date on which its participation will terminate.

12) That following the termination of the Commission's participation in the program, the Commission shall be removed from the program and from any correspondence or advertisement regarding the program or any item to be bid under its terms and conditions.

13) That following its termination from the program, the Commission shall not be eligible to make purchases under the terms and at the cost of the contract award for a particular item and will be required to bid each item on its own under the requirements of Alabama's competitive bid law.

14) That this resolution, once adopted by the Commission, shall serve as its agreement and contract with all other counties participating in the program for the joint bidding of certain items required to be bid under Alabama's competitive bid law.

15) That prior to soliciting any bids for items to be jointly bid under the program, the Association shall forward a list of all participating counties to the Office of Examiners of Public Accounts.

16) That for a county to purchase an item through the program, it must have joined the program by adopting this resolution prior to the solicitation of bids for that item, but that once the county has joined the program, it shall remain a member, and subject to the conditions set out in paragraphs 2, 3, 4, and 5 above, shall be eligible for the purchase of all items thereafter bid under the program until and unless it terminates its participation as set out in paragraphs 11, 12, and 13 above.

BE IT RESOLVED BY THE COMMISSION that it agrees to all terms and conditions of the IAC joint bidding program as set out above, and desires to participate in said program.

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BE IT FURTHER RESOLVED that it is the intent of the Commission by adoption of this resolution to enter into a joint bidding agreement with all other counties participating in the IAC joint bidding program.

BE IT FURTHER RESOLVED that a copy of this resolution be immediately forwarded to the Association with a request that the Lee County Commission be included in the IAC joint bidding program for all items bid through the program until and unless notified of the County's desire to terminate its participation under the procedures set out in paragraphs 11, 12, and 13 above.

Mr. Hardee presented final plat approval of Oliver Trails Phase V-B Subdivision for Commission consideration. Mr. Hardee said the construction of Phase V-B 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 318 and Lee Road 320. Commissioner Ham made a motion, seconded by Commissioner Morris to approve final plat approval for Oliver Trails Phase V-B Subdivision. The motion carried unanimously.

Environmental Services Director John McDonald wanted to give an update on Arrow Disposal during their third month. Mr. McDonald said the company has delivered approximately 19,400 carts and providing service for about 3,800 carts per day. Mr. McDonald said after the numerous calls from citizens who had not received their carts in the beginning, he said his office is getting less than 5 calls per day now. Additionally, Mr. McDonald stated they are beginning to get some relief at the disposal sites. Mr. McDonald said the next phase will be curbside bulk pickup, and those trucks are scheduled for delivery in June.

Mr. McDonald presented an agreement with Soft-Pak Software Solutions for Commission consideration. Mr. McDonald said the software will be beneficial in the next phase in assisting the department in routing, customer management, productivity and any billing aspects associated with the new collection system. Mr. McDonald stated he previously talked with the Information Services Department about the software, and Mr. Martin has reviewed the agreement. Commissioner Ham thanked Mr. McDonald for the good job he has done. Commissioner Cannon concurred stating he has received zero calls. After discussion, Commissioner Ham made a motion authorizing the Chairman to sign the agreement with Soft-Pak Software Solutions for the Environmental Services Department. The motion was seconded by Commissioner Cannon and carried unanimously. Judge English congratulated Mr. McDonald on being a new daddy.

Before concluding the meeting, Judge English said Commissioner Ham would like to add an item to the agenda concerning an agreement between Oak Bowery Volunteer Fire

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Department and Plainview Volunteer Fire Department. Commissioner Ham made a motion, seconded by Commissioner Morris to add the item to the agenda. The motion carried unanimously.

Commissioner Ham asked the Commission to consider authorizing County Attorney Stan Martin to draw up an agreement between Lee County Commission and Oak Bowery Volunteer Fire Department. Commissioner Ham said that Revenue Commissioner Oline Price indicated she cannot send the fire fees from Plainview VFD to Oak Bowery VFD, since that department is in Chambers County. Due to this situation, Commissioner Ham said he has asked Senator Randy Price to introduce a bill giving Mrs. Price authority to remit the fire fees to Oak Bowery Volunteer Fire Department. Commissioner Ham made a motion, seconded by Commissioner Cannon to authorize Mr. Martin to draw up an agreement between Lee County Commission and Oak Bowery VFD, after Mr. Martin is satisfied with the legality of it. The motion carried unanimously.

Judge English reminded everyone that the next Commission meeting will be held on Tuesday, May 31 instead of May 30, due to the Memorial Day holiday. Additionally, he reminded everyone to vote on Tuesday, May 24, 2022, in the Primary Election.

At approximately 5:45 p.m. Commissioner Ham made a motion, seconded by Commissioner Cannon to adjourn. The motion carried unanimously.