

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR MEETING, NOVEMBER 28, 2022

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, November 28, 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, Gary Long, Tony Langley and John Andrew Harris. Elected Officials in attendance: Sheriff Jay Jones. News media in attendance: The Observer reporter Hannah Lester and Opelika-Auburn News reporter John West.

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 meeting on November 14, 2022. Commissioner Cannon made a motion, seconded by Commissioner Morris to approve the consent agenda items as presented. The motion carried unanimously.

Chief Administrative Officer Holly Leverette presented the following two Resolutions pertaining to the ARPA Water Authority Projects. Mrs. Leverette said IAC has released Implementation Policies and Procedures for water projects, as well as Addendum 1, a customized policy and procedure packet. Mrs. Leverette said the Implementation Policies and Addendum 1 will serve as guidance for granting eligible water authority projects for American Rescue Plan Act (ARPA) funds. Further, Mrs. Leverette said Policies and Procedures for Water Projects needs to be adopted prior to the Commission allocating Lee County ARPA funds to each of the water authorities for eligible projects to begin. Commissioner Langley made a motion, seconded by Commissioner Long authorizing the Chairman to sign the following Resolution to adopt the Implementation Policies and Procedures for water and sewer projects. The motion carried unanimously.

**RESOLUTION ADOPTING IMPLEMENTATION POLICIES AND PROCEDURES
FOR WATER AND SEWER INFRASTRUCTURE GRANT PROJECTS USING
AMERICAN RESCUE PLAN ACT FUNDS**

WHEREAS, Lee County, Alabama (the “County”) has received American Rescue Plan Act fiscal recovery funds (“ARPA funds”) and is charged with ensuring that such funds are expended in accordance with state and federal law; and

WHEREAS, the County may make necessary investments in water and sewer infrastructure using ARPA funds; and

WHEREAS, pursuant to 603(c)(3) of the ARPA, PL 117-2, March 11, 2021, 135 Stat. 4, the county may transfer ARPA funds to municipalities, water and sewer authorities, and other public third-party providers (“third-party providers”) in order to make these necessary investments; and

WHEREAS, the Lee County Commission (the “Commission”) has determined that appropriating ARPA Funds to enter into subawards with third-party providers to make necessary investments in water and sewer infrastructure is a necessary, eligible, and reasonable use of these

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funds.

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

- 1) The County shall take necessary steps to determine the eligibility of water and/or sewer infrastructure project(s) and engage a third-party provider to carry out the project(s) in accordance with the implementation policies and procedures set forth in Addendum 1 to this Resolution, the provisions of which are fully adopted and incorporated herein by reference.
- 2) The Chairman of the Commission shall assign a Project Monitor to ensure compliance with federal guidance, the ARPA award, and the implementation policies and procedures.

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 the 28th day of November, 2022.

Commissioner Langley made a motion, seconded by Commissioner Cannon authorizing the Chairman to sign the following Resolution, to formally allocate funds to Beulah Utilities District in support of the six identified eligible projects. The motion carried unanimously.

**RESOLUTION TO AUTHORIZE THE ALLOCATION OF
AMERICAN RESCUE PLAN ACT FUNDS FOR
ELIGIBLE WATER INFRASTRUCTURE PROJECT**

WHEREAS, Lee County, Alabama (the “County”) has received American Rescue Plan Act fiscal recovery funds (“ARPA funds”) and is charged with ensuring that such funds are expended in accordance with state and federal laws; and

WHEREAS, ARPA funds may be used for necessary investments in water and sewer infrastructure (“eligible water and sewer ARPA infrastructure projects”); and

WHEREAS, pursuant to 603(c)(3) of the ARPA, PL 117-2, March 11, 2021, 135 Stat 4, the County may transfer ARPA funds to municipalities, water and sewer authorities, and other public third-party providers (“third-party providers”) in order to make these necessary investments; and

WHEREAS, the County has identified, with assistance from an independent consultant, six (6) eligible ARPA infrastructure projects to serve the County’s citizens; and

WHEREAS, consistent with Code of Alabama 1975 § 11-89-13, the County may provide funds to a utility district to provide for the planning, development, undertaking, construction, extension, improvement, operation, or protection of water systems; and

WHEREAS, the County desires to enter into an agreement with the Beulah Utilities District, a public utility, to carry out the ARPA infrastructure project for a public purpose, and

WHEREAS, the County has determined that the project is a necessary, eligible, and reasonable use of these funds; and

WHEREAS, the County will conduct a satisfactory risk assessment of Beulah Utilities

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District and develop a monitoring plan for the ARPA infrastructure project.

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

- 1) The County hereby conditionally allocates up to \$2,697,986.77 of its ARPA funds to Beulah Utilities District to be distributed as follows to cover part or all of the costs associated with the following infrastructure projects:
 - a. Approximately \$457,975 to replace a water main along Lee Road 375 to reduce potential contamination from breakages in the current line; and
 - b. Approximately \$482,150 to replace a 6-inch main on the lake waterbed with an 8-inch underground line around Lee Roads 792 & 936 to reduce potential contamination and improve water pressure; and
 - c. Approximately \$246,900 to install a new water line near Lee Road 259 to provide service to customers currently on wells, improving long-term public health and increasing resiliency during a drought; and
 - d. Approximately \$519,200 to replace a 6-inch main on the lake waterbed with a 6 to 8-inch underground line around Lee Roads 743 & 338 to reduce potential contamination and improve water pressure; and
 - e. Approximately \$215,475 to install over 4,000 feet of 6-inch water line along Lee Road 252 to create a loop to improve water pressure and ensure residents have water in the event of a break; and
 - f. Approximately \$191,150 to install a new 6-inch water line along Lee Road 345 to improve maintenance access and correct potential breaks.
- 2) This allocation is conditioned upon meeting federal requirements as set forth in paragraph 3 and further review of cost estimates of the project.
- 3) Following the successful completion of a risk assessment and development of a monitoring plan, the County is hereby directed to negotiate with the Beulah Utilities Board to establish sub-recipient agreements for each of the above-referenced projects consistent with this resolution and the terms and conditions of the County's ARPA Award.
- 4) The Chairman is hereby designated to enter into the sub-recipient agreements if the agreements are consistent with this resolution and if, in his discretion, the terms and conditions are in the best interest of the County.
- 5) Upon execution of the sub-recipient agreements, the Chairman is hereby authorized to expend ARPA funds for costs of the projects in accordance with the terms of this Resolution and the sub-recipient agreements.
- 6) Expenditure of these funds, as authorized by this Resolution, shall be contingent on the continued appropriation and availability of ARPA funds for this purpose and in no event shall be used for any costs associated with the projects that are not obligated on or before December 31, 2024, and expended on or before December 31, 2026.

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 the 28th day of November, 2022.

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Next, Mrs. Leverette presented the following Resolution for Commission consideration to allocate funds from previously set aside ARPA revenue replacement funds for the purchase and installation of equipment for the EMA communications room.

Mrs. Leverette said the Commission first discussed this during a work session on May 23, 2022 to have IAC review purchases by EMA which were not included in the EMA building construction costs to see if any of the purchases would be eligible for use of ARPA funds. Upon review, IAC has recommended the only purchase the county could move forward using ARPA revenue replacement funds for is the purchase and installation of equipment from Motorola Solutions, Inc. in the amount of \$288,327.49. Commissioner Morris made a motion, seconded by Commissioner Long to approve the following Resolution allocating \$288,327.49 from ARPA revenue replacement funds for the purchase and installation of equipment from Motorola Solutions, Inc. for the EMA communications room. The motion carried unanimously.

RESOLUTION FOR THE EXPENDITURE OF AMERICAN RESCUE PLAN ACT FUNDS FOR GOVERNMENT SERVICES

WHEREAS, Lee County, Alabama (the “County”) has received American Rescue Plan Act fiscal recovery funds (“ARPA funds”) and is charged with ensuring that such funds are expended in accordance with state and federal law; and

WHEREAS, in accordance with the provisions of final rule published by the United States Department of Treasury dated January 6, 2022, the County has duly elected to designate a standard allowance of up to \$10,000,000 of its ARPA funds as revenue replacement (“ARPA revenue replacement funds”); and

WHEREAS, the County may use ARPA revenue replacement funds to fund government services; and

WHEREAS, the County has determined that there is a need to provide for emergency communications equipment for the Lee County Emergency Management Agency; and

WHEREAS, the County has determined that the purchase of emergency communications equipment from the below listed vendor is a necessary, reasonable, and proportionate measure to facilitate the provision of these government services. The cost for said equipment is as follows:

\$288,327.49 from Motorola Solutions, Inc. for Communications Room Equipment; and

WHEREAS, the County has procured these goods in a manner consistent with state law and federal guidelines, including compliance with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 C.F.R. Part 200), as applicable to ARPA revenue replacement funds.

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

1) The County shall use up to \$288,327.49 of ARPA funds, which are hereby designated as ARPA revenue replacement funds, to facilitate the provision of the government services described herein.

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2) The Chief Administrative Officer is hereby authorized to expend these funds towards the purchase of the equipment as described herein from the designated vendor to facilitate the provision of these services.

3) The Chief Administrative Officer is charged with ensuring that ARPA revenue replacement funds allocated and expended to provide these government services will not be used in such a way as to frustrate COVID-19 mitigation guidance issued by the Centers for Disease Control, or for any other use prohibited by the Final Rule or any applicable state or federal law.

4) Expenditure of these funds, as authorized by this Resolution, shall be contingent on the continued appropriation and availability of ARPA revenue replacement funds for this purpose and in no event shall be used for any expenses not obligated by December 31, 2024, and expended by December 31, 2026.

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 the 28th day of November, 2022.

Sheriff Jones presented two ABC license applications for Commission consideration. Sheriff Jones said these are transfers from Delta Food for a retail beer and retail table wine and a lounge retail liquor (package) for Delta Food Package. Sheriff Jones said no objections have been noted regarding the transfer of the licenses. Commissioner Long questioned if these are located inside the Smiths Station city limits. Sheriff Jones responded no; they had checked. Commissioner Long made a motion, seconded by Commissioner Cannon to approve the following resolutions pertaining to the two license transfers.

BE IT RESOLVED, the Lee County Commission hereby approves the transfer of the retail beer and retail table wine license for Delta Food located at 9870 Lee Road 240, Phenix City, Alabama.

BE IT RESOLVED, the Lee County Commission hereby approves the transfer of the lounge retail liquor license for Delta Food Package located at 9870 Lee Road 240, Phenix City, Alabama.

Next, Sheriff Jones presented educational reimbursement requests for Deputy Shawn McDevitt and Investigator Ben Causland. Sheriff Jones stated the classes pertain to their current duties and he recommends approval. Commissioner Cannon made a motion, seconded by Commissioner Morris to approve the educational reimbursement requests as presented. The motion carried unanimously.

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County Engineer Justin Hardee presented for Commission consideration a Local Roads Safety Initiative funding agreement. Mr. Hardee stated Lee County was awarded \$246,607.88 through the State's Local Roads Safety Initiative (LRSI) for 2-foot paved shoulders, edge-line rumble strips, and striping at six (6) horizontal curves on Lee Road 379 just north of Lake Harding, for a distance of approximately 1.4 miles. Mr. Hardee said the funds require a 10% match of \$27,400.87, which must be authorized by Commission action. Mr. Hardee commended Assistant Engineer Patrick Harvill on the job he did for the county to be awarded the funds. Commissioner Long questioned how 2-foot would be added. Mr. Hardee stated they would build the shoulders out and extend the pipe in those areas. Judge English said they will have to be extremely careful when the work is being performed. Mr. Hardee agreed. Commissioner Langley made a motion, seconded by Commissioner Harris to authorize the Chairman to execute the Local Roads Safety Initiative construction agreement as presented. The motion carried unanimously.

At approximately 5:20 p.m., Commissioner Long made a motion, seconded by Commissioner Cannon to adjourn. The motion carried unanimously.