

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. SESSION, MARCH 25, 2024

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, March 25, 2024. 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 Richard LaGrand. Elected Officials in attendance: Sheriff Jay Jones and District Attorney Jessica Ventiere. News media in attendance: Opelika-Auburn News reporter Alex Husting and The Observer reporter Anita Stiefel.

Environmental Services Director John McDonald said his department is participating in the upcoming Alabama People Against a Littered State (PALS) Spring cleanup. The annual event takes place the entire month of April and the theme is “Don’t Drop it on Alabama”. Mr. McDonald said the event is very helpful in cleaning up litter along the roadways. Further, he said he hopes to get community participation from groups like Beulah Friends of the Community and citizens of Loachapoka who have participated in the past. Mr. McDonald said groups may reach out to his department for further information and to receive free materials and supplies.

Next, Mr. McDonald said his department attended a Touch-A-Truck event held last Friday at South Smiths Station Elementary School. Mr. McDonald said the department participated in the event and gave out educational materials and coloring books. Mr. McDonald said the event went well, saying his department will participate in other upcoming events. Mr. McDonald recognized his staff for their participation and recognized Recycling Manager Harold Whatley for doing a fantastic job of setting up at the event.

County Engineer Justin Hardee discussed the upcoming county parks opening day, due to the absence of Parks Director Ryan Norris. Mr. Hardee said opening day at Beulah Park will be held April 6, 2024 at 9:00 a.m. CST. Both Beauregard and Smiths Station Parks had to postpone their opening days due to weather and he is unaware of a makeup date. On April 8 at 5:00 p.m. CST the Smiths Station Youth Softball will play, and Beauregard Youth Softball Association will play at 5:45 p.m. CST. Mr. Hardee said Loachapoka Recreation League hopes to hold their opening day during the first week of May with the time to be determined later. Mr. Hardee thanked the Parks Department for doing a great job at each park and invited everyone to go out to see what they have done. Commissioner Cannon thanked the Highway Department for the work they performed at Loachapoka Park.

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 a copy of the minutes of the meeting on March 11, 2024. A supplemental list of claims for payment was provided today to each Commissioner. Commissioner Cannon made a motion, seconded by Commissioner Morris,

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to approve the consent agenda items as presented. The motion carried unanimously.

County Administrative Officer Holly Leverette presented the following Resolutions for Commission consideration for two initiatives previously allocated some of the \$10 million revenue replacement portion of the ARPA funds. Mrs. Leverette said the Commission voted to allocate \$500,000 on May 31, 2022 and another \$500,000 on September 12, 2022 from the revenue replacement funds to the Refuse Disposal Fund 140 to help offset the additional expenses incurred due to the significant volume increases at the collection sites during the pandemic. Second, the Commission voted on September 12, 2022 to allocate up to \$250,000 for design and construction of the Loachapoka Park. Mrs. Leverette said the Highway Department is close to completing the work at the park and the funds need to be transferred to the Highway Department for reimbursement. Commissioner LaGrand questioned the timeframe for the completion of the pavilion. Mrs. Leverette said she is not sure of the starting date. Mr. Hardee said the contractor, Beasley Construction, is moving onsite and according to the contract the work will be completed in 180 calendar days. Mrs. Leverette requested the Commission approve both Resolutions tonight in order to move forward. Commissioner Cannon made a motion, seconded by Commissioner Morris, to approve and authorize the Chairman to sign the following Resolutions regarding revenue replacement funds of up to \$100,000 to the Refuse Disposal Fund 140 and up to \$250,000 for design and construction of the Loachapoka Park as presented. The motion carried unanimously.

**RESOLUTION FOR THE EXPENDITURE OF AMERICAN
RESCUE PLAN ACT FUNDS FOR GOVERNMENT
SERVICES – REFUSE DISPOSAL FUND**

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, including waste management services; and

WHEREAS, following the pandemic, as part of ongoing operational duties, the County’s Environmental Services Department incurred additional costs, including, specifically, increased tipping fees due to additional refuse in the County; and

WHEREAS, the County has determined that it would be reasonable and prudent to cover certain costs, including tipping fees, previously incurred by the County; and

WHEREAS, the County has determined that reimbursement of the Refuse Disposal Fund to defray additional costs incurred by the County, as part of its ongoing government services in

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the community is a necessary, reasonable, and proportionate expenditure of ARPA funds; and

WHEREAS, the County has procured the lease for 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 \$1,000,000.00 of ARPA funds, which are hereby designated as ARPA revenue replacement funds, to facilitate the provision of the government services described herein.

2) The County Administrator and Chief Financial Officer are hereby authorized to reimburse the Refuse Disposal Fund to defray the costs incurred after March 11, 2021, up to \$1,000,000.00 in order to facilitate the provision of these services.

3) The ARPA Program Director 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 25th day of March, 2024.

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

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, including the provision of public parks; and

WHEREAS, the County has determined that the construction of a new park in the Loachapoka area, inclusive of site work performed by the County (the “Project”) is a necessary, reasonable, and proportionate measure to facilitate the provision of these government services; and

WHEREAS, the County will procure any goods and services needed to support the Project in a manner consistent with the Public Works law and federal guidelines, including compliance with the Uniform Administrative Requirements, Cost Principles, and Audit

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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 \$250,000.00 of ARPA funds, which are hereby designated as ARPA revenue replacement funds, to facilitate the provision of the government services described herein.
- 2) The County Administrator or Chief Financial Officer are hereby authorized to expend these funds to cover costs necessary to facilitate the Project including, but not limited to, materials purchased for portions of the work performed by County staff or goods and services from qualified contractors as described herein from appropriately procured vendors to facilitate the provision of these services.
- 3) The ARPA Program Director 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 25th day of March 2024.

Next, Mrs. Leverette presented a Resolution for allocation of the American Rescue Plan Funds for broadband expansion. Mrs. Leverette presented maps showing the location of projected projects for Phase II. Mrs. Leverette said the maps represent areas the county is interested in serving and in turn the ISP's must submit their proposals along with an application for the funds. Commissioner Cannon asked what was received from the IAC. Mrs. Leverette said it is the application included in the packet to use the ISP's creativity beyond the areas the county wants to consider. She said then Sain Associates will review it. Mrs. Leverette said the packets will go out on Wednesday, March 27 for a return date of May 10. Mrs. Leverette said she hopes to have it all back before the Commission for consideration at the last June meeting for award of the projects, so they can be contracted by the end of the year. Judge English questioned the blue areas of the map. Mrs. Leverette said those are Federal dollars in unserved areas which are more rural where there is more of a need for broadband expansion, and we cannot allocate funds to those areas. Commissioner Cannon made a motion to approve the following Resolution for Broadband Expansion, Phase II. The motion was seconded by Commissioner Morris and carried on a 4-1 vote with Commissioner LaGrand voting "No".

**RESOLUTION ALLOCATING FUNDS
AND APPROVING A LEE COUNTY
BROADBAND EXPANSION GRANT PROGRAM AND APPLICATION**

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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 broadband infrastructure using ARPA funds; and

WHEREAS, the County has committed to using a portion of its ARPA funds to expand broadband infrastructure in unserved and underserved areas of the county where expansion of broadband fiber optic infrastructure can be constructed in accordance with ARPA federal guidance, and to that end has previously approved three broadband expansion grant projects (one in the Loachapoka Region, one in the Salem Region, and one in the South Central Region) based upon the results of a broadband feasibility study conducted for the County in 2023; and

WHEREAS, it appears there may be additional unserved and/or underserved areas of the county where a broadband expansion project not covered by the previously awarded Lee County grants and not part of other government-funded broadband expansion projects; and

WHEREAS, the County believes it would be in the interest of citizens in the County to pursue additional grant opportunities for broadband expansion projects in these areas of the County, provided it can identify qualified providers with viable project proposals that would construct broadband fiber optic infrastructure and provide services in currently unserved and/or underserved areas of the county in accordance with the specifications and requirements set out in the grant application to be approved, advertised, and solicited by the Lee County Commission;

THEREFORE, BE IT RESOLVED BY THE LEE COUNTY COMMISSION THAT:

1. The County hereby allocates up to \$3,407,639 of its ARPA funds to be awarded, as appropriate and authorized under state and federal law, to qualifying third-party providers to assist with the funding of eligible broadband infrastructure projects as described herein.
2. To this end, the County hereby approves the content and format of the Lee County Broadband Expansion Grant Application as set before them.
3. The Lee County Broadband Expansion Grant Application is hereby approved for advertisement and solicitation in compliance with federal and state requirements and guidelines, with said advertisement to begin as soon as is practicable or on a date to be determined by the Commission.
4. Lee County Administrator Holly Leverette is hereby designated to administer and oversee all aspects of the application process, including but not limited to,
 - (a) publishing and disseminating announcement of the grant opportunities as widely as possible and in compliance with federal and state requirements and guidance, and
 - (b) monitoring the application process and addressing questions from potential applicants, and
 - (c) providing for careful review of all properly submitted applications received by the deadline for submission to allow for the grant award to be made to the most qualified applicants, and
 - (d) performing any other tasks as necessary and/or requested by members of the Lee County Commission.

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5. That following the submission and review of applications, the Lee County Commission may by a vote of the county commission award a grant or grants to qualified applicants submitting a viable project proposal in line with the requirements established by the County and thereafter enter into agreements for such projects to be completed no later than December 31, 2026, with such agreements including all terms and conditions required by federal and state requirements and guidance.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of the March 25, 2024 meeting of the Lee County Commission.

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 25th day of March, 2024.

Sheriff Jones presented results of Bid #2024-03 for emergency equipment for 14 or more Chevrolet Tahoes. Sheriff Jones said out of 12 bids mailed only three were returned. Sheriff Jones recommended the bid be awarded to the lowest responsive bidder Mobile Communications for \$148,127.70. Sheriff Jones said this is a budgeted item. Judge English questioned the price difference from the totals on the tabulation sheet included in the Commission packets. Sheriff Jones said Mobile Communications inadvertently overlooked one item, wire covers, and submitted an updated total, but the bid is still the lowest. The other two bidders were: 1) Interceptor Public Safety Products, Inc. for \$161,984.14; and 2) ProLogic ITS for \$164,803.52. Commissioner Long made a motion, seconded by Commissioner LaGrand to award Bid #2024-03 for emergency equipment for 14 or more Chevrolet Tahoes to Mobile Communications for \$148,127.70. The motion carried unanimously.

Mrs. Leverette presented the following Resolution allocating ARPA Local Tribal Consistency Fund for replacement cameras at the Justice Center. Mrs. Leverette said there is a desperate need to replace the cameras, saying this is a good use of these funds. Mrs. Leverette said a proposal of \$86,000 to replace the 2nd floor cameras has been received from DPS Group. Commissioner Cannon questioned if cameras were included at the Highway Department Complex. Mrs. Leverette affirmed, saying cameras were included in the bid. Commissioner Long made a motion, seconded by Commissioner Langley to authorize Judge English to sign the contract for \$86,000 with DPS Group for cameras for the 2nd floor of the Justice Center. The motion carried unanimously.

**RESOLUTION FOR THE EXPENDITURE OF AMERICAN RESCUE PLAN ACT
LOCAL AND TRIBAL CONSISTENCY FUNDS FOR GOVERNMENT PURPOSE -
SECOND FLOOR JUSTICE CENTER COURTROOM CAMERAS**

WHEREAS, Lee County, Alabama (the “County”) has received American Rescue Plan Local and Tribal Consistency Funds (“LATCF funds”) and is charged with ensuring that such funds are expended in accordance with state and federal law; and

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WHEREAS, the County may use LATCF funds for a governmental purpose, including the provision of security within county-owned buildings; and

WHEREAS, the County has determined that it would be reasonable and prudent to install cameras in the Justice Center; and

WHEREAS, the County issued a Request for Proposal seeking quotes from qualified vendors for the purchase, delivery, installation including wiring, and providing warranties for camera equipment on the second floor of the Justice Center; and

WHEREAS, the County received a quote from DPS Group to provide the goods and services described above; and

WHEREAS, after consideration of the quote, the Lee County Commission finds that engaging DPS Group to provide the above-described goods and services is a necessary, reasonable, and proportionate expenditure of LATCF funds; and

WHEREAS, the County has procured the lease for 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; and

WHEREAS, consistent with Code of Alabama (1975) § 39-5-1(b), the Commission hereby certifies that the award of the contract is in substantial compliance with the Public Works Law.

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

- 1) The County shall use up to \$43,287.33 of LATCF funds to facilitate the public purpose described herein.
- 2) The Commission resolves to award a contract to DPS Group, consistent with the request for proposal and quote received to provide the goods and services described therein.
- 3) The Chairman of the Commission is hereby delegated the authority to enter into a contract on behalf of the County with DPS Group for the provision of the goods and services herein described, provided:
 - a. that the contract is consistent with this Resolution, state and federal law, and the terms and conditions of the County's LATCF award; and
 - b. that the terms and conditions are, in the Chairman's discretion, in the best interest of the County.
- 4) Upon execution of the contract, the County Administrator and Chief Financial Officer are hereby authorized to expend LATCF funds to DPS Group in furtherance of the public purpose.

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5) The ARPA Program Director is charged with ensuring that LATCF funds allocated and expended to provide for this governmental purpose will not be used for lobbying purposes or any other purpose determined to be ineligible by the LATCF terms and conditions or federal law.

6) Expenditure of these funds, as authorized by this Resolution, shall be contingent on the continued appropriation and availability of LATCF funds for this purpose.

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 25th day of March, 2024.

Next, Mrs. Leverette discussed the need to upgrade the ProWatch electronic boards, cards and software that operates the access controls to county buildings. Mrs. Leverette said the current electronic boards, cards and software are obsolete, and parts are not available in the event of failure. Mrs. Leverette said this causes a huge security risk to our buildings. Additionally, our current technology is not compatible with the updated technology. Mrs. Leverette said she included two proposals from DPS Group in the packets for Commission consideration. Mrs. Leverette said Option 1 implements the change gradually over time at a cost of \$162,445, whereas Option 2 implements the changes all at once for \$341,178. Also, Mrs. Leverette said there are two funding options for the project. One is to recognize unassigned General Fund balance as revenue and amend the current FY2024 Capital Fund budget to include it or to use up to \$341,178 of ARPA Revenue Replacement Funds for a governmental purpose. This would leave a balance of \$27,438 in ARPA Revenue Replacement Funds to be allocated. Commissioner Long questioned the two options, questioning how you can remedy a system that cannot be fixed and questioned how it became this dire without notice and why it was not discussed last year during budget time. Mrs. Leverette explained it is like outdated cell phones, over time technology becomes obsolete and it had come to her attention right after the budget was complete. Commissioner Long said he feels there is a better way of tracking this especially if it is putting county buildings at security risk. Commissioner Cannon questioned if there is only one company that does this work. Mrs. Leverette said they received two proposals but only one company has knowledge of our system and of compatibility issues with other equipment. Commissioner LaGrand said he feels neither option is a good investment at this time. Commissioner Cannon made a motion to table the item until the next meeting. The motion to table was seconded by Commissioner LaGrand and carried unanimously.

Mr. Hardee asked the Commission to table the Interim Planning Director position until the next meeting. Commissioner Long made a motion, seconded by Commissioner Morris, to table the item. The motion carried unanimously.

Building Inspector Official Eric Parten presented the following Resolution to update the FEMA Flood Damage Prevention Plan. Mr. Parten said he has also included Article 6 –

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Definitions, which were left out last time. Commissioner Cannon made a motion, seconded by Commissioner Morris to authorize the Chairman to sign the following Resolution. The motion carried unanimously.

**FLOOD DAMAGE PREVENTION RESOLUTION
Lee County, Alabama (Unincorporated Areas)
2024 Update**

SEE ENTIRE 33 PAGE RESOLUTION IN OFFICIAL COPY IN COMMISSION OFFICE

Assistant County Engineer Patrick Harvill presented “no truck” and weight restricted routes for discussion. Mr. Harvill said the Highway Department has been using historical Commission minutes to develop a list of roads that the Commission has established as “no trucks” and weight restricted routes throughout the years. The list of those designated as such and a location map was included in the Commission packets. Mr. Harvill said some roads may have signs that have not had official action by the Commission. Further, Mr. Harvill said the Highway Department would like to move the roads designated as weight restricted to designate the roads as “no truck” routes, since there is no way to weigh them without scales. Mr. Harvill said that is part of the reason the Highway Department would like the Commission to review the list as presented and come back at the April 8 meeting to reaffirm the roads that the Commission would like to remain as posted routes, to remove any that may no longer need to be posted and to add any roads the Commission would like to formally adopt as posted routes. Commissioner Langley said he did not see Lee Road 177 on the list, but said it is posted “no trucks”. Mr. Harvill said that is the reason for getting a comprehensive list and to remove signs, if necessary, so the Sheriff’s Office can be in a position to enforce. Commissioner Langley said Lee Road 177 is a cut-thru to the landfill and he receives calls constantly since the road is in bad condition already. Mr. Harvill said the Highway Department has nothing on record for that road, saying ideally cut-thru roads and residential roads would be designated “no truck” routes. Mr. Hardee interjected saying the roads must be appropriately dedicated by the County Commission, must have a starting point. Commissioner Morris questioned the penalty. Mr. Harvill said he would defer the question to the Sheriff. Sheriff Jones said it would be a fine situation, no jail time. No Commission action was taken, and the matter will be considered in the future.

Mr. McDonald said it is time to renew the Solid Waste Management Plan. Mr. McDonald said this is a 10-year plan required by ADEM that addresses the handling and disposal of solid waste within Lee County. This plan also includes our local municipalities who participate in the cost of the update based on census population data. CDG Engineering and Associates has been selected to work with Lee County in completing the update. Mr. McDonald said CDG Engineering and Associates have a local office in Lee County and have worked with other Alabama counties on their updates. Mr. McDonald asked the Commission to consider the proposal from CDG Engineering and Associates for \$27,400. Mr. McDonald added that the

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Cities of Auburn, Opelika, Smiths Station and the Town of Loachapoka have all agreed to move forward with CDG Engineering and Associates. Commissioner Cannon made a motion, seconded by Commissioner Morris to authorize the Chairman to execute the agreement with CDG Engineering and Associates as presented. The motion carried unanimously.

Last, Mr. Hardee said the Parks Department had been contacted by a 501(c)(3) non-profit organization, asking if there was any discounted rate available for the use of Lee County ballfields. Mr. Hardee said this is the first time they have been asked about discounted rates saying there is a fee for field usage and for lighting if it is needed. Mr. Hardee said the fees are used to offset the cost to use and maintain the parks. Mr. Hardee said the amounts have been in place since November 2020 when the Commission approved the rental agreement and the fee schedule. Mr. Hardee said it is at the discretion of the Commission whether to give a discount on the rental fees or not. Commissioner Long questioned if it was a one-time request. Mr. Hardee said this is a one-time request, but they may request it again in the future. Commissioner Long asked Mr. Hardee to send the request to the Commission. Commissioner LaGrand said he would be in favor of granting a discount, perhaps 25% discount. Commissioner Morris said he is in favor of giving a discount. Commissioner Long said he was not opposed to a discount but would like to look into it further. Mr. Hardee said this is the first request but would like the Commission to look at it and to consider it at the next meeting. Commissioner Langley questioned if the Commission could schedule a work session to discuss it further.

Commissioner Langley made a motion to add an item to the agenda to propose setting a 4:00 p.m. work session prior to the April 8, 2024 meeting. The motion was seconded by Commissioner Cannon and carried unanimously. Next, Commissioner Langley made a motion to add a work session at 4:00 p.m. prior to the April 8 meeting to discuss the following three items, they are: 1) Prowatch Technology upgrade; 2) the Interim Planning Director and; 3) field rental fees. The motion was seconded by Commissioner Cannon and carried unanimously.

At approximately 5:54 p.m. Commissioner Langley made a motion to adjourn. The motion was seconded by Commissioner Cannon and carried unanimously.