

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. SESSION, AUGUST 26, 2024

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, August 26, 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, District Attorney Jessica Ventiere, Revenue Commissioner Oline Price and Coroner Daniel Sexton. News media in attendance: Observer news reporter Hannah Goldfinger and Opelika-Auburn news reporter Alex Husting.

Jimmie Dickie asked that the East Alabama Mental Health presentation be moved to the next meeting.

Judge English recognized Commissioner Gary Long with a longevity award which was presented at the ACCA Annual Conference in Orange Beach for his 16 years of service as a county commissioner. Judge English said Commissioner Long was unable to attend the conference, so he wanted to present it to him at the meeting.

Judge English recognized Sheriff Jones since today is his 70th birthday, everyone wished Sheriff Jones a "Happy Birthday".

District Attorney Jessica Ventiere first thanked the Commission for their funding support for her office. Mrs. Ventiere said funding received last year was allocated to support staffing; the \$50,000 helped cover 31.5% of the salary for a Juvenile Court Assistant District Attorney. The Juvenile ADA positively impacts our juvenile court program. Mrs. Ventiere said the funding is critical in continuing their efforts to support the position. Mrs. Ventiere asked the Commission to consider allocating an additional \$10,750 for other juvenile programs including Juvenile Drug Initiative Program, truancy prevention, and Juvenile mental health support. Mrs. Ventiere said presented several statistics showing the need for the services saying there were 307 vape pens recovered on school grounds with the youngest being a third grader. Mrs. Ventiere said there were 52 other drug offenses outside schools. Judge English asked what other funding is available besides the request to the Commission. Mrs. Ventiere said they have several grants including Helping Families Initiative and a mental health grant. Judge English asked what percentage is funded by the State. Mrs. Ventiere said 25% with a total overall budget for the District Attorney's Office of \$2 million with the greatest expense being salaries. She said the state funding doesn't even cover all the salaries. Judge English questioned the total number of staff in the DA's Office. Mrs. Ventiere said she has 27 employees. Commissioner Morris asked Mrs. Ventiere if she is again requesting \$50,000 as allocated last year plus an additional \$10,750 for the juvenile program. Mrs. Ventiere concurred.

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IT Director Amanda Sides gave a presentation on the new county website saying it is ADA Compliant and is more user friendly with cell phones, since today most people use cell phones instead of computers. Mrs. Sides said she and her staff, mainly Savanna Cooper and Naudia Henry, have been working diligently over the last year working to update the website. Mrs. Sides said they took pictures of historic places around the county and expanded on the information already included even adding interactive maps. Mrs. Sides said if the Commission would like to send their own pictures or other biographical information to her, she will add it. Commissioner Long questioned if access to Volunteer Fire Departments is available. Mrs. Sides said she could add a link to them. Mrs. Leverette said if any Commissioner has other suggestions, please email them to Mrs. Sides. Judge English complimented the staff saying they reached out to each department for input and took considerable time with the departments. Judge English and the entire Commission thanked Mrs. Sides and her staff for the website updates.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: listings of claims and a procurement card transactions listing and a copy of the August 12, 2024 minutes was emailed to each Commissioner prior to the meeting. Commissioner Cannon made a motion, seconded by Commissioner LaGrand, to approve the consent agenda items as provided. The motion carried unanimously.

Judge English opened the floor to a Public Hearing on the proposed county right-of-way vacation of Lee Road 57A. After noting there was no one in attendance, Assistant County Engineer Patrick Harvill asked the Commission if they desire to vacate the right-of-way, then the Commission needs to approve the following Resolution and authorize the Chairman to execute a quitclaim deed releasing the County's rights to the abutting property owners. Commissioner LaGrand made a motion, seconded by Commissioner Long to approve the following Resolution and authorize the Chairman to execute a quitclaim deed releasing the County's rights to the abutting property owners as presented. The motion carried unanimously.

Attorney Walter Northcutt thanked County Attorney Stan Martin and Mr. Harvill for their help saying each did a great job. Judge English concurred that the process is cumbersome on the front end.

RESOLUTION VACATING LEE ROAD 57A

WHEREAS, Henry L. Yancey, Jr., James E. Washington, Patricia Wilson and Franklin Lockhart owners of all of the real property abutting or in any way served by the property hereinafter described and the road, street or highway situated thereon, and own all the lands abutting on or touching said property, and are desirous of vacating said public road, street, highway or right-of-way over and across the property herein described, to-wit:

LEE ROAD 57A

Commence at the northwest corner of Section 32, T-19-N, R-25-E, Lee County, Alabama and run East 1864.4' to a point; thence run S00°20'E 1355.2' to an iron pin; thence run S89°39'00"E 727.40' to an iron pin on the westerly margin of Lee

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Road 57; thence run S00° 36'00"W 67.30' along said margin to an iron pin and the POINT OF BEGINNING of the property herein to be described; from said POINT OF BEGINNING, thence run S00°36'00"W 24.00' along said margin to an iron pin; thence leaving said margin, run N89°20'00"W 436.50' to an iron pin; thence run N00°26'00"E 23.9' to a spindle; thence run S89°20'47"E 436.57' to an iron pin and the original POINT OF BEGINNING.

The above-described property is located in Section 32, T-19-N, R-25-E, Lee County, Alabama.

WHEREAS, the Lee County Commission is the governing body of Lee County, Alabama; and

WHEREAS, heretofore, the Owners have executed and submitted to the Lee County Commission (a) a written Declaration of Vacation (herein referred to as the "Declaration of Vacation") and (b) a written Petition for Approval of, and Assent to, Vacation of Lee Road 57A (herein referred to as the "Petition") (complete, correct, full, genuine and true copies of which are attached hereto as Exhibits "1" and "2," respectively, and by this reference are incorporated herein) evidencing the Owners' desire and intent that Lee Road 57A be vacated, thereby divesting from the County and the public any and all interest in Lee Road 57A which heretofore may have been acquired by or dedicated to the County and the public by virtue of plat, prescription, public use or otherwise; and

WHEREAS, due and proper notice of the hearing on this vacation has been given by (a) notice to the utility companies (b) posting at the Lee County Courthouse, (c) mailing to all abutting property owners, namely, Henry L. Yancey, Jr., James E. Washington, Patricia Wilson and Franklin Lockhart all in the form, substance and time periods required by applicable law; and

WHEREAS, the County Commission finds:

- (1) that the names of the owner or owners of the lots or parcels of land abutting the streets are: Henry L. Yancey, Jr., James E. Washington, Patricia Wilson and Franklin Lockhart i.e. the Owners;
- (2) that there are no other owners of lots or parcels of land abutting Lee Road 57A which will be cut off from access thereby over some other reasonable and convenient way;
- (3) that it is in the interest of the public that Lee Road 57A be vacated;
- (4) that Lee Road 57A is no longer needed for public purposes;
- (5) that the retention of Lee Road 57A will not benefit the County or the public;
- (6) that vacation of Lee Road 57A will not deprive other property owners of such right as they may have adequate, convenient and reasonable means of ingress and egress to and from their respective real properties, which such right is afforded by an Ingress and Egress Easement being more specifically described in Exhibit A attached hereto; and
- (7) that no owner of real property served by Lee Road 57A objects to the vacation of the same.

NOW, THEREFORE, BE IT RESOLVED by the Lee County Commission:

1. That the Lee County Commission does hereby approve of and assent to the

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Owners' Declaration of Vacation and the Petition, and does hereby vacate Lee Road 57A so that Lee Road 57A be, and the same is hereby, vacated, thus divesting from the County and the public, and investing into the Owners, any and all right, title, claim and interest of the County and of the public in and to Lee Road 57A which heretofore may have been acquired by or dedicated to the County and the public by virtue of prescription, public use or otherwise.

2. That Lee County, Alabama does hereby remise, release, and quitclaim to the aforesaid Owners whatever right, title, and interest Lee County may have acquired in the property by virtue of any means, and that Bill English, Chairman of the Lee County Commission, is authorized to execute and deliver a Quitclaim Deed to the forenamed Owners or persons carrying out the intention of this paragraph and the Chief Administrator Officer of the Lee County Commission be and is hereby authorized and directed on behalf of Lee County to attest to the same.
3. That the Declaration of Vacation does not deprive other property owners of such right as they may have to adequate, convenient and reasonable means of ingress and egress to and from their respective real properties, which such right is afforded by and Ingress and Egress Easement being more specifically described in Exhibit A attached hereto.
4. That a copy of this Resolution, certified by the Chief Administrative Officer or other clerk or ministerial officer in charge of the records of the County, shall be attached to, filed and recorded with the Declaration of Vacation in the Office of the Judge of Probate of Lee County, Alabama, by Owners at Owners' expense.
5. That, upon recordation in the Office of the Judge of Probate of Lee County, Alabama, (a) the Declaration of Vacation and the Petition, together with a certified copy of this Resolution, shall operate to destroy by the force and effect of the dedication of Lee Road 57A and to divest all public rights, including any rights which may have been acquired by plat, prescription, public use or otherwise in and to the same, and (b) title and all public rights, including the right to close, Lee Road 57A hereby vacated shall vest in the Owners.
6. That notice of adoption of this Resolution and vacation of Lee Road 57A shall be published in *The Opelika Observer* no later than fourteen (14) days after the adoption of this Resolution, all in the form and substance required by applicable law.

Adopted this the 26th day of August, 2024.

Commissioner Morris said he failed to realize there was no motion at the last meeting on raises for the appointing authorities who warranted them. So, he said he would like to provide raises to the appointing authorities that are warranted a raise based on their performance evaluations as per the county policy. Commissioner Langley questioned if it is based on their current evaluations. Judge English concurred saying it was the ones discussed at the last meeting. Commissioner Morris made a motion, seconded by Commissioner Cannon, to provide raises to

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those appointing authorities who merited a raise based on their performance evaluations according to county policy. The motion carried on a vote of 4-1 with Commissioner Langley voting “No.”

Next, County Administrative Officer Holly Leverette presented the Broadband Expansion Grant Phase III award. Mrs. Leverette said this is identical to the Phase I project which was withdrawn after Point Broadband withdrew their proposal. Mrs. Leverette said this time proposals were received from two vendors, Spectrum and AT&T, and after review by a panel they determined Spectrum was the clear choice. During the meeting, Mrs. Leverette presented location maps of the project. Mrs. Leverette said the project will entail 9.1 miles with 89 households eligible to be serviced if they choose to pay for the service. Mrs. Leverette said the project totals \$575,760 with ARPA Funds of \$415,203.92 and Spectrum funding of \$160,556.08. Further, Mrs. Leverette said Taylor Vice of Spectrum was in attendance to address any questions. Mr. Vice first said it was a joy working with Mrs. Leverette and her staff. Commissioner Cannon questioned how soon the project would begin. Mr. Vice said it could begin as soon as contracts are signed. Mrs. Leverette said she can get the paperwork ready to sign this week. Commissioner LaGrand questioned how long it will take to complete the project. Mr. Vice said is it not a big project so it should not take that long to complete after the contract is received. Commissioner LaGrand made a motion, seconded by Commissioner Cannon, to authorize the Chairman to sign the Resolution to award Spectrum Southeast LLC the Broadband Expansion Grant Phase III. The motion carried unanimously.

**RESOLUTION AWARDING LEE COUNTY AMERICAN RESCUE PLAN ACT (ARPA)
FUNDED BROADBAND EXPANSION GRANTS**

WHEREAS, Lee County, Alabama 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, following completion of a broadband feasibility study performed to identify priority unserved and underserved areas where the county should expand broadband fiber optic infrastructure, the Lee County Commission voted unanimously at its regular meeting June 12, 2023, to allocate up to \$4,392,071.00 of ARPA funds for the expansion of broadband fiber optic infrastructure in unserved and underserved portions of Lee County; and

WHEREAS, at its regular meeting on June 10, 2024, the Lee County Commission unanimously approved the advertisement and solicitation of the third phase of grant applications to be funded with ARPA funds, to the unserved or underserved areas in the Loachapoka Region; and

WHEREAS, following the Commission’s approval, the broadband expansion grant applications were advertised and solicited with an application deadline submission date of July 19, 2024; and

WHEREAS, two grant applications were received by the submission deadline; and

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WHEREAS, following receipt of the above-referenced grant applications, a team of county officials and employees carefully reviewed and scored each regional application received based upon the objective criteria in the application, and following said review unanimously determined Spectrum Southeast, LLC is qualified to perform and complete the work and services required to complete the Phase III Loachapoka Project and has recommended that the Lee County Commission award the solicited broadband expansion grant in the amount of \$415,203.92; and

WHEREAS, the Commission hereby approves the recommendation of the evaluation team and further finds that expenditure of previously allocated funds to support this project represent an eligible, reasonable, and proportionate expenditure of the County's ARPA funds.

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

1. Based upon the recommendations of the review team as set out above, the Commission hereby approves a broadband expansion grant in the amount of \$415,203.92 to Spectrum Southeast, LLC for the Loachapoka Region as set out and proposed by the Lee County Commission in its grant application.

2. Upon confirmation and agreement on all terms and conditions, the Lee County Commission shall enter into written agreements with Spectrum Southeast, LLC, memorializing the terms and conditions of the respective grant projects including, but not limited to, agreement to comply with the projects as set out in the grant applications and all federal rules and regulations for project execution and reporting.

3. The Chairman of the Commission is hereby delegated the authority to execute a subrecipient agreement with Spectrum Southeast, LLC, provided that the subrecipient agreement is consistent with this resolution, state and federal law, and the ARPA terms and conditions.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of the August 26, 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 26th day of August 2024.

Environmental Services Director John McDonald presented a three-year contract renewal with Arrow Disposal Service, Inc. for residential solid waste collection and transport. Mr. McDonald said this will extend the contract an additional three years from February 28, 2025 to February 29, 2028. Commissioner Cannon made a motion, seconded by Commissioner Morris, to authorize the Chairman to sign the three-year contract extension. The motion carried on a vote of 4-1 with Commissioner LaGrand voting "No".

EXTENSION OF CONTRACT

This extension of contract ("Extension") is made this 26th day of August, 2024, for the purpose of extending the Contract for Residential Solid Waste Collection and Transport, said Contract having been entered into originally on November 19, 2021 ("Original Contract") between Lee County, Alabama ("the County") and Arrow Disposal Service Incorporated ("the

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Contractor”), collectively referred to as “the Parties”.

WHEREAS, the initial term of the Original Contract for Residential Solid Waste Collection and Transport is set to expire at midnight February 28, 2025; and

WHEREAS, the County and the Contractor hereby agree to the following:

1. In accordance with Section 7 “Option to Renew”; the parties agree to extend the Contract for (1) one additional (3) three-year term, which shall begin on March 1, 2025 and shall end on February 29, 2028.
2. All other terms and conditions of the Original Contract shall remain in full force and effect.

Next, Mr. McDonald presented a contract renewal with GFL Environmental Inc. for disposal of solid waste. Commissioner Langley made a motion, seconded by Commissioner Cannon, to authorize the Chairman to execute the contract renewal with GFL Environmental Inc. for disposal of solid waste as presented. The motion carried unanimously.

AMENDMENT TO CONTRACT FOR DISPOSAL OF SOLID WASTE

This Amendment to Contract for Disposal of Solid Waste dated March 7, 2014 between GFL Environmental Inc., a corporation (the “Service Provider”), and Lee County, Alabama, a political subdivision of the State of Alabama (the “User”). This Amendment is dated the 26th day of August, 2024, with an effective date of February 28, 2025.

WITNESSETH

WHEREAS, Advanced Disposal Services Alabama, LLC and the User entered into a Contract for Disposal of Solid Waste on March 7, 2014;

WHEREAS, said Contract was amended by Amendment dated August 8, 2022 with an effective date of February 28, 2023;

WHEREAS, the Contract dated March 7, 2014 was assigned to Waste Management, Inc., which later assigned the Contract to GFL Environmental Inc., which is the current Service Provider, on October 30, 2020;

WHEREAS, the Service Provider owns and operates the transfer station in Opelika, Lee County, Alabama;

WHEREAS, the current term ends on February 28, 2025, and both parties wish to renew the Contract;

WHEREAS, both parties want the previous term and conditions of the Contract dated March 7, 2014 and the Amendment dated August 8, 2022 to remain in full force and effect, except that this current renewal shall end at midnight on February 29, 2028.

NOW, THEREFORE, in consideration of the mutual grants and covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Service Provider and the User agree as follows:

1. The parties have properly notified each other of their intention to renew the Contract dated March 7, 2014, as amended on August 8, 2022, and the parties waive any claim of any sort that such intention was not given by mutual written consent at least one hundred eighty (180) days prior to the end of the current term of the Contract, being

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February 28, 2025.

2. The Contract renewal period for this next renewal shall be for three (3) years, that is, from February 28, 2025, until midnight on February 29, 2028.
3. Any successive renewal terms of the Contract, that is, after February 28, 2025, shall be for three (3) years.
4. All other terms and conditions of the Contract dated March 7, 2014, as amended on August 28, 2022, shall remain in full force and effect.
5. This Amendment was approved by the Lee County Commission in its regular meeting on August 26, 2024, and the Chairman of the Lee County Commission, Bill English, was authorized to execute this Amendment on behalf of the User. Carney Sharpe is the General Manager for the Service Provider, and he is fully authorized to execute this Amendment on behalf of the Service Provider.

IN WITNESS WHEREOF, the Service Provider and the User have caused this Amendment to Contract for Disposal of Solid Waste to be executed by their duly authorized representatives as of the date first written above.

Ms. Susan Ham-Mims was not in attendance on the access issue on Lee Road 279.

Sheriff Jones presented a Retail Beer and Retail Table Wine License for Family Dollar Stores of Alabama LLC located in District 4. Sheriff Jones said there were no objections to the issuance of the license. Commissioner Langley made a motion, seconded by Commissioner Cannon, to approve the Retail Beer and Retail Table Wine License for Family Dollar Stores of Alabama LLC. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission hereby approves the Retail Beer and Retail Table Wine license for Family Dollar Stores of Alabama LLC located at 2300 Lee Road 112, Opelika, Alabama.

Next, Sheriff Jones presented a Special Events Retail License for Premium Pours LLC for two events to be held in District 5. Sheriff Jones said it is for three separate one-day events to be held on September 6 and September 20 at Twenty-One Acres and an event on September 27 at Stone and Ivey. Commissioner LaGrand made a motion, seconded by Commissioner Langley, to approve the following Resolutions for the two events at Twenty-One Acres. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission hereby approves the Special Events license for Premium Pours LLC for one-day events on September 6, 2024 and September 20, 2024 at Twenty-One Acres located at 5535 Wire Road, Auburn, Alabama.

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Sheriff Jones presented a Special Events Retail License for Premium Pours LLC located in District 4. Sheriff Jones said it is for a one-day event to be held on September 27 at Stone and Ivey. Commissioner Langley made a motion, seconded by Commissioner LaGrand to approve the following Resolution for the event at Stone and Ivey. The motion carried unanimously.

BE IT RESOLVED, the Lee County Commission hereby approves a Special Events license for Premium Pours LLC for a one-day event on September 27, 2024 at Stone and Ivy located at 2611 Columbus Parkway, Opelika, Alabama.

Sheriff Jones presented an educational reimbursement request from Lieutenant Pamela Revels. Sheriff Jones said the courses pertain to her current position. They are: 1) Public Administration Ethics, Statesmanship and Governance (PADM 700-BO3); and 2) Human Resources and the Legal and Regulatory Context of Public Administration (PADM 704-DO2). Commissioner Cannon made a motion, seconded by Commissioner Morris, to approve the educational reimbursement request as presented. The motion carried unanimously.

Revenue Commissioner Oline Price presented the results of Bid #2024-10 for Automated Payment Kiosks to be located at the Courthouse and the Auburn Satellite Office. Mrs. Price said her department sent invitations to three vendors and only one bid was returned. Mrs. Price said that AdComp Systems Group of Lewisville, Texas presented a bid for \$25,276/per unit. Mrs. Price said she will purchase two kiosks; one will be placed at the Courthouse and the other one will be located at the Auburn Satellite Office. Commissioner Long questioned if one will be placed in Smiths Station. Mrs. Price said she was waiting to see what is going to be done in Smiths Station, but she does have plans to put one there as well. Mrs. Price said it is not a budgeted purchase, it will be paid out of her Special Motor Vehicle Technology Fund. Mrs. Price recommended the Commission award the bid for the automated payment kiosks to the lone bidder AdComp Systems. Commissioner LaGrand made a motion, seconded by Commissioner Long, to award Bid #2024-10 to AdComp Systems for an automated payment kiosk at a cost of \$25,276/per unit or a total of \$50,552 for two units. The motion carried unanimously.

Patrick Harvill discussed the FY2024 Safe Streets and Roads for All grant application. Mr. Harvill said the Bipartisan Infrastructure Law (BIL) established the Safe Streets and Roads for All (SS4A) discretionary grant program which funds initiatives to prevent roadway deaths and serious injuries. Mr. Harvill said the deadline for application submission is Thursday, August 29, 2024. Mr. Harvill explained that to be eligible for an implementation (i.e. construction) grant, the Highway Department must first develop a Comprehensive Safety Action Plan that meets all criteria set forth by the US Department of Transportation. The development of this plan is eligible for SS4A funding via a planning grant, which is what the Highway Department is seeking this application cycle. Mr. Harvill said it is an 80/20 match; if awarded \$240,000 of SS4A

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Planning Grant funds, the county will provide 20% or \$60,000 in matching funds. Mr. Harvill said a copy of the letter was enclosed in the packets which will be submitted for consideration. Commissioner Long made a motion, seconded by Commissioner Langley, to authorize the Chairman to sign the letter of intent to develop a compliant Comprehensive Safety Action Plan. The motion carried unanimously.

Next, Mr. Harvill presented Lee County's FY2025 County Transportation Plan (CTP) for allocation of the Rebuild Alabama and Federal Exchange funds. Mr. Harvill said after initially submitting the CTP at the last Commission meeting, the Highway Department recommends moving forward with the projects outlined in the CTP. The roads were identified as priorities based on the condition of the road and the amount of traffic they carry. The list includes: 1) resurfacing of 11 roads, and 2) construction of a roundabout at the intersection of Lee Road 146 and Lee Road 54. The total project is estimated at \$2,864,881.90 for a total of 7.745 miles. Commissioner Cannon made a motion, seconded by Commissioner Morris, to approve Lee County's FY2025 County Transportation Plan for allocation of the Rebuild Alabama and Federal Exchange Funds. The motion carried unanimously.

Next, Mr. Harvill presented a request to authorize Judge English to execute the Federal Aid Agreement and Resolution for the resurfacing of Lee Road 137 from the Macon County line to Chadwick Lane (3.352 miles). The Federal Aid Agreement and Resolution are typically executed prior to the construction; however, Lee County received these documents from ALDOT on Tuesday, August 6, 2024, even though the project has already been completed. Commissioner Morris made a motion, seconded by Commissioner LaGrand, to authorize Judge English to execute the Federal Aid Agreement and Resolution.

RESOLUTION

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

That the County enter into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation relating to a project for:

Widening and resurfacing on Wire Road (CR-137) from the Macon County line to Chadwick Lane; Project#STPSU-4123(250); LCP41-137-22; CPMS Ref#100070043.

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

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

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

(The Construction Agreement is on file at the Lee County Highway Department)

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Last, Mrs. Leverette presented an ARPA Subrecipient Grant request from Loachapoka Water Authority for a new infrastructure project for the remainder of the Loachapoka Water Authority's allocation of \$328,520.98. Mrs. Leverette explained that it is not an entirely new project, but rather a portion of one of the projects that was initially included in the first round of applications, but later removed. The project would upgrade pipes on Lee Road 61 to 12" lines, including two-paved road crossings and all appurtenances necessary to connect to the existing 12" water main. Commissioner Cannon made a motion, seconded by Commissioner Morris, to approve the remaining portion up to \$328,520.98 of the Loachapoka Water Authority's allocation as presented and authorize the Chairman to sign the Resolution and enter into the subrecipient agreement. The motion carried unanimously.

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

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, consistent with Code of Alabama (1975) §11-88-13, the County may provide funds to a water authority to provide for the planning, development, undertaking, construction, extension, improvement, operation, or protection of water systems; and

WHEREAS, the Loachapoka Water Authority has requested funds to complete a water main project on Lee Road 061; and

WHEREAS, with assistance from a third-party consultant, the County has confirmed that this project represents an eligible use of APA funds; and

WHEREAS, the County desires to enter into a subrecipient agreement with Loachapoka Water Authority, a public water authority, to carry out the ARPA infrastructure project for a public purpose; and

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

WHEREAS, the County will conduct a satisfactory risk assessment of Loachapoka Water Authority 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 \$328,520.98 of its ARPA funds to Loachapoka Water Authority to be distributed to cover part or all of the costs associated with the upgrade of pipes on Lee Road 061 to 12" lines, including two paved road crossings and all appurtenances necessary to connect to the existing 12" water main.

2) This allocation is conditioned upon meeting federal requirements as set forth in

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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 Loachapoka Water Authority to establish a subrecipient agreement for the above-referenced project consistent with this resolution and the terms of conditions of the County's ARPA Award.

4) The Chairman is hereby delegated to enter into the subrecipient agreement if the agreement is 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 subrecipient agreement, the Chairman is hereby authorized to expend ARPA funds for costs of the projects in accordance with the terms of this Resolution and the subrecipient 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 cost 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 26th day of August, 2024.

At approximately 6:15 p.m. Commissioner Cannon made a motion, seconded by Commissioner Morris, to adjourn into a budget work session. Judge English said there would be a 10-minute recess before the work session begins. The motion carried unanimously.