

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JANUARY 11, 2010

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, January 11 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Judge English.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Gary Long, Annell Smith and John Andrew Harris.

EMA Director Kathy Russell recognized Volunteer Dan Foy, who is leaving, for his service to the Emergency Management Agency since August 2007.

County Engineer Neal Hall recognized and congratulated Debra Brooks for her promotion to become the new Highway Department Administrator. Ms. Brooks stated that she has been employed with Lee County since August 2001. Judge English and the entire Commission congratulated Ms. Brooks.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, procurement card transactions, minutes of the December 14 meeting, announcement of a vacancy on the Beulah Utilities Board, and Bid #2 for uniform cleaning. Sheriff Jay Jones recommended the Commission accept the low bid of Fifth Avenue Cleaners. Commissioner Lawrence made a motion to approve the items as presented, seconded by Commissioner Long and unanimously carried.

Ms. Deborah Simmons, who was on the agenda at her request, was not in attendance at the meeting, so Commissioner Long addressed the agenda item concerning the situation on Lee Road 853. After much discussion in the pre-meeting, Commissioner Long during the meeting made a motion to accept the dirt portions of Lee Road 853 and Lee Road 488 not currently under county maintenance into the county system. The motion was seconded by Commissioner Lawrence and unanimously approved. Commissioner Long stated he would contact Ms. Simmons about the action.

Commissioner Harris requested that the Commission approve his travel expenses to attend the NACo Legislative Conference on March 6-10, 2010 in Washington, DC. Commissioner Holt made a motion, seconded by Commissioner Lawrence and unanimously carried that travel expenses for the NACo Legislative Conference be covered.

Mr. Hall stated that the Auburn City Council has asked for Commission action involving roads and portions of roads that have been annexed by Auburn on both sides and said that they would like for those to become the responsibility of the City of Auburn. Mr. Hall requested that the Commission adopt the adjustments to the official highway maintenance system, thereby reducing the paved road mileage by 9.263 miles. Commissioner Smith made a motion to adopt the changes as presented, seconded by Commissioner Long and unanimously carried.

County Administrator Roger Rendleman presented a proposal from Cost Control Associates, Inc. to perform audits of our energy and telecommunications costs. Mr. Rendleman stated that the agreement is a contingency agreement where the county only pays a percentage (45%) of the actual recovery on over-charging and on any county approved cost reduction for up to forty-eight months. Additionally, he stated that the percentage is reduced once certain levels are reached, and recommended that we start with just telecommunications. Commissioner Holt made a motion to authorize Mr. Rendleman to move forward on the assessment according to the guidelines presented, seconded by Commissioner Lawrence and unanimously carried.

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Mr. Rendleman presented a proposed employment agreement for a director of medical services for the jail. Mr. Rendleman requested that the Commission authorize the Chairman and the Sheriff to execute the employment agreement with Dr. John McFarland in the capacity of the Director of Medical Services for the Lee County Detention Facility. Commissioner Harris made a motion to authorize the Chairman and Sheriff to execute the employment agreement, seconded by Commissioner Smith and unanimously carried.

Next, Mr. Rendleman stated that the Sheriff currently has four Corrections Officer positions open and that the Sheriff has indicated the need to fill the positions in spite of the hiring freeze due to safety and security concerns in the jail. Commissioner Smith made a motion to grant the Sheriff's request to fill the four recently vacated Correction Officer positions. The motion was seconded by Commissioner Long and unanimously carried.

Mr. Rendleman discussed the Solid Waste Enforcement Officers and stated that due to current economic challenges and the risks and potential liability exposure to the county, the situation should be reviewed by the Commission. Mr. Rendleman presented a letter from Loss Control Supervisor Jerry Gill of Meadowbrook Insurance which raised several areas of concern, including: 1) several other counties have Solid Waste Enforcement Officers that report to the County Engineer, but those officers do not carry a gun; 2) Officers under the Solid Waste Disposal Act only have authority to enforce the provisions of the act; although one provision of the officers' job description states : "Provides assistance to other law enforcement agencies as needed and requested."; and 3) training provided to Solid Waste Enforcement Officers. Of the issues listed, Mr. Marshall stated that the Enforcement Officers receive the minimum twelve hours of annual training required for APOST certified officers and they receive annual pistol training. Mr. Rendleman stated that the training helps in the area of risk and somewhat in the area of liability exposure; however, the Commission could be exposed to significant liability with our current organizational structure with those duties assigned to Enforcement Officers. Mr. Rendleman stated that one consideration is that the Sheriff's Office is structured and operated solely as a law enforcement agency; whereas, the Highway Department/Environmental Services are not structured and/or operated as a law enforcement agency, which increases risk to the Commission. Additionally, the County Engineer is not a constitutional officer and neither are the County Commissioners; however, the Sheriff is such an official and as such receives sovereign immunity. Such immunity significantly reduces the county's liability exposure.

Sheriff Jones has submitted a proposal that will: 1) significantly reduce risk and liability exposure to the Commission, County Engineer and Solid Waste Director; 2) provide more efficient enforcement of the Solid Waste Act with 24/7 patrolling by the Sheriff's Office; 3) provide for annual allocation of \$50,000 from the Commission to the Sheriff, and require annual accounting thereof; and 4) reduce costs in the Environmental Services fund in excess of \$150,000 annually. Mr. Rendleman recommended that the Commission accept the Sheriff's proposal, considering the reduction in risk, reduction in liability exposure, reduction in overall costs and his offer to keep the existing personnel employed by using them to meet an immediate need for corrections officers. After much discussion, the Commission seemed to agree that the proposal had merit, but Commissioner Holt, stating he had been through something similar to this in his career, suggested that the item be moved to the next agenda. Commissioner Holt asked that the Sheriff, the Administrator, the Engineer, the Solid Waste Director and the two enforcement officers sit down together and discuss a solution and transition agreeable to everybody if possible.

Mr. Rendleman asked the Commission to give him clear direction on underwriting services for the proposed countywide bridge replacement program bond issue. Mr. Rendleman stated that the Commission could either a) engage Frazer-Lanier, b) engage some other firm, or c) send out an RFP. Commissioner Smith made a motion to authorize Mr. Rendleman to send out an RFP for investment banking services as soon as possible with a due date of January 22, and to review the proposals and bring a recommendation back to the Commission at its meeting on January 25, 2010. The motion was seconded by Commissioner Lawrence and unanimously carried.

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Mr. Rendleman presented the bids for the electrical bid for the new Highway Administration Building. Mr. Rendleman stated that four companies attended the mandatory pre-bid conference on December 9, that two bids were received on December 15 and that he would request that the Commission accept the low bid of East Alabama Electric of Auburn, Alabama for \$112,600. Commissioner Smith made a motion to accept the low bid of East Alabama Electric for \$112,600, seconded by Commissioner Lawrence and unanimously carried.

County Attorney Stan Martin requested that the Commission adjourn into Executive Session to discuss a matter of current litigation. Mr. Martin stated that County Engineer Neal Hall, County Administrator Roger Rendleman, Assistant County Engineer Justin Hardee, Attorney Jimmy Sprayberry and Attorney Chip Vercelli needed to be in attendance. Mr. Martin stated that the executive session may last approximately 30 minutes and no official action was expected to be taken afterwards. Commissioner Lawrence made a motion at approximately 6:25 p.m. to adjourn into executive session, seconded by Commissioner Smith and unanimously carried.

Commissioner Smith made a motion at approximately 7:30 p.m. to adjourn, seconded by Commissioner Lawrence and unanimously carried.

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JANUARY 25, 2010

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, January 25 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Long.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Gary Long, Annell Smith and John Andrew Harris.

Sheriff Jay Jones recognized Sgt. Freddy Martinez as Deputy of the Month for September. Sheriff Jones wanted to remind the Commission that the recognitions were being initiated by Custom Systems a local business, who wishes to recognize outstanding officers for their service. Sheriff Jones stated that Sgt. Martinez displayed outstanding leadership and honorable compassion during the devastating death of fellow officer Deputy James Anderson. Sgt. Martinez went above and beyond his duties by organizing people and events on his own time. He used his personal vehicle without question and did not ask for anything in return. He was there for the family in every need, often even before they realized there was a need. He played a major role in planning the funeral arrangements. Sgt. Martinez went a lot of hours without sleep to make sure everything was done right. He was also instrumental in devising a new form for the Sheriff's Office in the event of the death of a Deputy. Sgt. Martinez's insight and leadership skills during this tough time made it easier for the family of James Anderson and the Sheriff's Office family to show the respect and admiration to Deputy James Anderson that he deserved. Judge English thanked Sgt. Martinez for his service.

Next, Sheriff Jones recognized Investigator Rob Kloeti as Deputy of the Month for November. Sheriff Jones stated that Inv. Kloeti relentlessly searched for three suspects involved in a forcible, armed home invasion on Lee Road 768 in Salem. Additionally, he was instrumental in solving a rash of break-ins that were occurring at Advantage Mini Storage located on Lee Road 212 in Smiths. Sheriff Jones commended Inv. Kloeti for his diligence and professionalism while working these cases and all the other, unmentioned, cases that he has been assigned and has solved. Judge English on behalf of the entire Commission thanked Inv. Kloeti for his service.

Additionally, Sheriff Jones wanted to inform the Commission of an event coming to Lee County on October 4-7, 2010. Sheriff Jones stated that a statewide SWAT team competition and SWAT training would be held in Lee County, utilizing the old Johnson Galleries building.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, minutes of the January 11 meeting, and Bid #3 for virtual training equipment. Upon discussion, Sheriff Jones asked that Bid #3 be moved to the next agenda because more time was needed to review the bids. Commissioner Lawrence made a motion to approve the items as presented less Bid #3, seconded by Commissioner Smith and unanimously carried.

After discussion at the last meeting, Mr. Rendleman returned with another recommendation for the Solid Waste Enforcement situation. Mr. Rendleman stated during the pre-meeting that the financial factors of the proposal have been more specifically defined, and a more beneficial solution found. The current recommendation is to enter into an agreement with the Sheriff's Office for them to enforce the Solid Waste Act for Lee County. For the initial start-up and operations, the Commission would provide an appropriation of \$110,000 to the Sheriff's Office from the Environmental Services Fund, with the requirement that they provide an annual report on enforcement efforts along with their annual budget request. After the initial transition, the appropriation for on-going operations would be approximately \$60,000 per year. The new program would have an estimated savings to the Environmental Services Fund of \$92,000 in the

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first year, then \$143,000 annually thereafter. Additionally, the current Solid Waste Officers can be transferred into an area of the Sheriff's Office that has an immediate need for sworn APOST certified officers, which would also assist in reducing liability exposure concerning inmate transportation operations. This is necessary due to a recent court case (involving another county) dealing with the liability for transport of county inmates. Sheriffs are now being strongly encouraged to utilize sworn officers for the transportation of inmates. Due to this situation, the current proposal now includes the creation of a new classification in the Sheriff's Office of a Transportation/Correction Officer, which requires the employee to be a sworn APOST certified officer. The position would also be utilized in a flex type role with tasks like cell searches and court security. The new position would be a Pay Grade thirteen (13), which is one grade above a non-sworn corrections officer. During the meeting, Mr. Rendleman requested the Commission to approve the creation of the Transportation/Corrections Officer position in the Sheriff's Office at a pay grade 13 and to accept the proposal from the Sheriff for the enforcement of the Solid Waste Act in exchange for an initial appropriation of \$110,000 from the Environmental Services Fund with the requirement to provide an annual report on enforcement efforts with the annual budget request each year. Commissioner Lawrence made a motion to accept the Sheriff's proposal and to establish the Transportation/Corrections Officer position at a pay grade 13. The motion was seconded by Commissioner Smith and unanimously carried. Commissioner Smith stated that she appreciated each individual's positive attitude during this transition.

Mr. Rendleman covered each of the seven responses he received from the RFP for investment banking services. He pointed out benefits and disadvantages about each response, and narrowed it down to his top two choices. Mr. Rendleman stated that there was an \$800 difference between the two lowest appropriate responses. Mr. Rendleman requested that the Commission decide which company they wanted to engage, one if they wanted to continue doing business with the traditional provider, and the other if they wanted to change providers. Mr. Rendleman stated that Frazer-Lanier was already familiar with Lee County, and that Merchant Capital would have to be brought up to speed on Lee County, which would require additional work from him. Mr. Rendleman therefore recommended that the Commission use Frazer-Lanier unless they felt a need to use someone else, in that case his recommendation would be Merchant Capital. Commissioner Lawrence made a motion to award the investment banking services to the lowest responder, and the motion was seconded by Commissioner Smith. After Judge English explained that Merchant Capital was the lowest responder, Commissioner Smith withdrew her second. After no other second came forth, the motion died for lack of a second. Commissioner Smith then made a motion to accept the proposal from Frazer-Lanier, seconded by Commissioner Long. Judge English asked what were the amounts of the two responses, and Mr. Rendleman replied that one was about \$51,200 and the other about \$52,000. Commissioner Lawrence asked how much the county has paid Frazer-Lanier in fees over the years, and Mr. Rendleman replied that the only bond issue done with them in his 8 years with the county was the jail project, involving about \$123,500 in fees. Commissioner Smith's motion passed on a vote of 4-1 with Commissioner Lawrence voting "No".

Upon further discussion of the North Donahue bridge project bids coming in much higher than estimated, Commissioner Lawrence made a motion to move forward with the low bidder if we could negotiate for the City of Auburn to accept Lee Road 72 from Lee Road 91 to US 280. The motion was seconded by Commissioner Holt for discussion. Judge English stated that since this was a public meeting, the negotiations may be hampered if the particulars and limits were discussed and suggested that the Commission authorize Mr. Hall to negotiate the situation to his satisfaction or let him bring it back to the Commission. Commissioner Harris objected, stating that there needed to be a clear understanding and not just assumptions made before negotiations. After the discussion, the motion and the second were withdrawn. Next, Commissioner Holt made a motion to move this item to the next agenda so that further research could be done, seconded by Commissioner Lawrence. Mr. Hall stated that the City of Auburn planned to award the bid at their meeting on February 2 and that the bid price guarantee may not extend that long. Commissioner Smith recommended that the Commission go on Judge English's suggestion and allow Mr. Hall to negotiate. Then Commissioner Holt's motion to carry-over and that second were withdrawn. Commissioner Lawrence then made a motion to allow Mr. Hall to negotiate

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with the City of Auburn on Lee Road 72 to his satisfaction. The motion was seconded by Commissioner Holt and passed on a vote of 4-1 with Commissioner Harris voting "No".

Revenue Commissioner Oline Price requested that the Commission lift the hiring freeze and allow her to promote from within her office to fill her vacant Chief Clerk position and be allowed to hire another employee to fill the open position resulting from the internal promotion(s). She also asked to be allowed to hire a new part-time person to accommodate her staffing issues. Mrs. Price stated that she needed a total of one full-time and one part-time person and that each were budgeted positions. After discussion, Commissioner Smith made a motion to allow Mrs. Price to hire the part-time position and replace the Chief Clerk opening from within and hire to fill the resulting vacancy, seconded by Commissioner Long and unanimously carried.

Lee County Coroner Bill Harris appeared before the Commission to request funding to cover body transport fees to the Dept. of Forensic Sciences in Montgomery. Mr. Harris stated that during the budget hearings his understanding was that the Commission agreed to cover the transport fees on a case by case basis. He recently submitted a request for a \$600 reimbursement of two transports and was informed by the Commission Office that no funds had been budgeted. Mr. Rendleman stated that during the budget process the Commission was informed by the ACCA that the State budget included \$250,000 for ADFS transport fees, so nothing was included in the Coroner's budget for this purpose. Commissioner Lawrence stated that he felt that if the State had budgeted money for this service, then they should be responsible for the expense and he could not support local dollars going for this. Mr. Harris stated that he was under the impression that the county was going to pay their share, since the Cities of Auburn and Opelika had already committed their share for their cases. Commissioner Lawrence questioned if there was money in the contingency fund for this expense. Mr. Rendleman stated that there was approximately \$8,000 in that fund. Commissioner Lawrence then asked Mr. Harris what would happen if the Commission decided not to pay these expenses and let him take them from the Coroner's expense budget. Mr. Harris responded that he would not send another case to Montgomery if that happened. Sheriff Jones stated that his department only requested to send those cases that were necessary. Mr. Rendleman suggested that since this is a statewide problem and that the situation was being discussed during this session by the Legislature, and that currently the best interpretation is that the Coroner's Office is responsible for the transportation costs, that the Commission pay on a case-by-case basis out of the contingent fund until resolved at the State level. Upon this recommendation, Commissioner Holt made a motion to allocate up to \$3,000 out of the Contingent Fund for transport costs to be reimbursed on a case-by-case basis, with such amount to include reimbursement of the \$600 already spent by the Coroner, seconded by Commissioner Long and unanimously carried.

Commissioner Harris made a motion to approve the following retail beer and retail table wine licenses (off premises only) for Lil Joe's Community Store, seconded by Commissioner Smith. The motion carried on a vote of 4-0-1, with Commissioner Long abstaining.

BE IT RESOLVED that the Lee County Commission approve the application for a retail beer and a retail table wine license for **Lil Joe's Community Store** located at 2241 Lee Road 47, Opelika, Alabama.

Commissioner Harris made a motion to approve the following retail beer and retail table wine licenses (off premises only) for **Crabb Grocery**, seconded by Commissioner Smith. The motion carried on a vote of 4-0-1, with Commissioner Long abstaining.

BE IT RESOLVED that the Lee County Commission approve the application for a retail beer and a retail table wine license for **Crabb Grocery** located at 1671 Lee Road 188, Auburn, Alabama.

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Judge English recognized a group of 10 undergraduate students from Kangwon National University in South Korea who were in attendance at the Commission meeting. The group is here for a four-week study of American governments, American cultures and conversational English language. They were escorted by Dr. Don-Terry Veal and Maria Folmar of the Auburn University Center for Governmental Services Department.

Commissioner Lawrence made a motion at approximately 6:35 p.m. to adjourn, seconded by Commissioner Long and unanimously carried.

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, FEBRUARY 8, 2010

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, February 8 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Holt.

During the pre-meeting, Judge English announced an unfortunate tragedy which occurred on Lee Road 72 earlier in the day in which an employee of East Alabama Paving lost his life in an accident involving a county dump truck in use on the Farmville Road resurfacing project. Judge English offered his condolences to the family of the deceased individual and sent his prayers to the county employee and the entire Lee County Highway Department after such an incident.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, and Gary Long. Commissioners Annell Smith and John Andrew Harris were absent.

Ms. Suzie Anderson of the Horseshoe Bend Regional Library presented each Commissioner a copy of a Special Alabama version of *Tom Sawyer* as part of the "Big Read" project. Additionally, Ms. Anderson read an excerpt from the book and encouraged each Commissioner to read the book in its entirety.

County Administrator Roger Rendleman gave an overview of the unaudited 2009 Financial Statements. Mr. Rendleman stated that they were available for viewing on the county website at www.leeco.us.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, procurement card transactions, minutes of the January 25 meeting, Bid #3 for virtual training equipment and the announcement for the Alternative Sentencing Board. Sheriff Jones recommended that Bid #3 be awarded to the lowest bidder that met bid specifications to Ti Training Corporation of Golden, Colorado for \$45,380. Commissioner Lawrence made a motion to approve the items as presented, seconded by Commissioner Long and unanimously carried.

County Engineer Neal Hall reported on the agreement reached with the City of Auburn on the North Donahue Road project. Mr. Hall stated that it was a win-win situation for both the County and the City. Mr. Hall further stated that repair work had begun on the Farmville Road portion of the project.

Judge English updated the Commission on a meeting he attended Thursday night with the Volunteer Fire Departments. Judge English stated that he had worked with Legislative Reference Service on wording the ballot to everyone's satisfaction and asked that the Commission pass a resolution of support at the appropriate time.

Mr. Wes Cumbie appeared before the Commission to voice his complaints about noise from the Vulcan quarry in Loachapoka and their hours of operation. Mr. Cumbie stated that his home was located closest to the quarry pit and stated that once or twice pictures had fallen off the walls in his home and stated that the noise is unbearable at times, especially during the evening hours when he and his wife are trying to sleep. Mr. Cumbie stated he recently received a notice that operations would increase to 22 hours per day. Mr. Cumbie stated that he questioned whether this was a temporary situation or not and he was informed that it was not temporary. Mr. Cumbie pleaded with the Commission to use every avenue to try and limit the quarry as far as the noise impact on citizens and their hours of operation. Judge English empathized with Mr.

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Cumbie, but stated that the Commissions hands are tied because Alabama doesn't provide for home rule for county governments. Mr. Ben Steltenpohl and Mr. Joe Howle of Vulcan Materials were asked by Commissioner Holt to be in attendance also and to address the comments. Mr. Howle explained that Vulcan Materials made big rocks and turned them into little rocks, which was a noisy business. Mr. Howle further stated that Vulcan Materials liked to hear from the citizens and they wanted to cooperate in any way possible to alleviate some of the concerns. Mr. Howle stated that they would address the noise issue of Mr. Cumbie. He stated some things had already been addressed and hopefully, some of the noise would be reduced, but it could not be eliminated completely. Commissioner Lawrence asked each party to communicate and try to work to resolve their issues. Further, he stated that it would be hard to get legislation passed to address these issues. Commissioner Holt stated that the quarry was in his district and he begged the representatives from Vulcan to work with these people to help their situation, especially since they were expecting their first child in a few days. He further stated that he would be happy to talk with both parties to look for a solution. He stated that a solution between them would be better than anything that could be legislated. Mr. Howle stated that they were willing to work with their neighbors as they had done in the past. Judge English told Mr. Cumbie the only entities with the authority to resolve his situation would be the legislature or the circuit court.

Judge English presented the annual levy of taxes and fees for 2010. Commissioner Lawrence made a motion to adopt the following tax levy, seconded by Commissioner Holt and unanimously carried.

1. That a tax, at the rate of 6 ½ mills on each \$1.00 or sixty-five cents on each one hundred dollars worth of taxable property in the County, be and the same is hereby levied for the general use of Lee County for the tax year beginning October 1, 2009.

2. That a tax, at the rate of 3 mills on each \$1.00, or thirty cents on each one hundred dollars worth of taxable property in the County, be and the same is hereby levied for the construction and maintenance of public buildings, roads and bridges in Lee County for the tax year beginning October 1, 2009.

3. That, pursuant to the provisions of Section 269 of the Constitution of Alabama 1901, and approval of the electors of Lee County, Alabama at an election held March 17, 1992, a County-wide tax at the rate of 1 mill on each \$1.00, or ten cents on each one hundred dollars worth of taxable property in the County, be and the same is hereby levied for the tax year beginning October 1, 2009 for the support of public school purposes (See Commission Volume 8, Pages 83-86 inc.).

4. That, pursuant to the provisions of Amendment 3 and Amendment 373 to the Constitution of Alabama 1901, and approval of the electors of Lee County, Alabama, at an election held March 17, 1992 (See Commission Minutes Volume 8, Pages 83-86 inc.), a special County-wide tax of 4 mills on each \$1.00 or forty cents on each one hundred dollars worth of taxable property in the County is hereby levied for the tax year beginning October 1, 2009 for public school purposes.

5. That, pursuant to the provisions of Amendment 3 to the Constitution of Alabama 1901 and authority conferred on the governing body of Lee County, Alabama at a special tax election held October 13, 1992 (See Commission Minutes Volume 8, Pages 12-17 inc.), there is hereby levied for the tax year beginning October 1, 2009, in addition to all other taxes authorized by law, a special District tax at the rate of 3 mills on each \$1.00 or thirty cents on each one hundred dollars worth of taxable property in the Lee County School District and Auburn and Opelika for public school purposes.

6. That, pursuant to the provisions of Amendment 147 to the Constitution of Alabama 1901 and authority conferred on the governing body of Lee County, Alabama, at a special Lee County School District school property tax election held in said District on October 13, 1992 (See Commission Minutes Volume 8, pages 10-12 inc.) there is hereby levied for the tax year beginning October 1, 2009 in addition to all other taxes authorized by law, a special school property tax at the rate of 5 mills on each \$1.00 or fifty cents on each one hundred dollars worth

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of value of the taxable property in the territory of the Lee County Board of Education.

7. That, pursuant to the provisions of Amendment 309 of the Constitution of Alabama 1901 and authority conferred on the governing body of Lee County, Alabama at a special Lee County School District school property tax election held in said District on March 9, 1993 (See Commission Minutes Volume 8, page 83, et seq.) there is hereby levied for the tax year beginning October 1, 2009 in addition to all other taxes authorized by law, a special school property tax at the rate of 5 mills on each \$1.00 or fifty cents on each one hundred dollars worth of taxable property in the school tax District of Lee County, Alabama being all of the territory in Lee County, Alabama outside the corporate limits of the cities of Opelika and Auburn as established by the Lee County Board of Education.

8. That, pursuant to the provisions of Amendment 3 and Amendment 373 of the Constitution of Alabama 1901, and authority conferred on the governing body of Lee County, Alabama at a special Lee County School District property tax election held in said District on February 26, 2002 (See Commission Minutes Volume 10, Pages 359-360), there is hereby levied for the tax year beginning October 1, 2009 in addition to all other taxes authorized by law, a special school property tax at the rate of 3 mills on each \$1.00 or thirty (30) cents on each one hundred dollars worth of taxable property in the territory of the Lee County Board of Education.

9. That, pursuant to authority conferred on the governing body of Lee County at a special tax election held in said County on December 13, 1949 and ordered increased on July 31, 1979 by authority of Amendment 373 to the Constitution of Alabama 1901 (See Commission Minutes Volume 2, Page 184) there is hereby levied for the tax year beginning October 1, 2008, in addition to all other taxes authorized by law, a special county tax of 2 ½ mills on each \$1.00 or twenty-five cents on each one hundred dollars worth of taxable property in Lee County, to be used solely for acquiring by purchase, lease or otherwise, constructing, operating, equipping or maintaining County hospitals, non-profit hospitals and public health facilities (See Commission Minutes Volume I, Pages 508-510, inc., and Page 546).

10. That, pursuant to authority conferred on the governing body of Lee County, Alabama, at an election held on October 14, 1991, (See Commission Minutes Volume 7, Page 319) there is hereby levied for the tax year beginning October 1, 2009, in addition to all other taxes authorized by law, a special County ad valorem tax at the rate of 1 ½ mills on each \$1.00 or fifteen cents on each one hundred dollars worth of taxable property in Lee County as assessed for state taxation, the proceeds of which shall be used for the purpose of improving the enforcement in Lee County, Alabama, of laws relative to neglected, delinquent and dependent children and enlarging and improving and providing new services to and facilities for handling neglected, delinquent and dependent children.

11. That, pursuant to Act 754, 1973 Special Session of the Legislature of Alabama, in addition to any and all other licenses, excises and taxes, every person, firm, corporation or association that purchases wine, whiskey or other distilled alcoholic spirits from the State Alcoholic Beverage Control Board for the purpose of resale within a place of business located in Lee County outside the police jurisdiction of any incorporated municipality, shall pay into the general fund of the treasury of said County an amount equal to twenty percent (20%) of the cost of such beverages purchased from the Alcoholic Beverage Control Board. Such amount shall be payable to the County Treasurer on or before the tenth of each month and if not paid as herein above set forth, a penalty of twenty percent (20%) shall be added to the amount then due.

12. That, pursuant to authority conferred on the Lee County Commission by Act No. 81-737, 1981 Regular Session of the Alabama Legislature, to levy and provide for the collection of a solid waste disposal fee on residents of Lee County, a solid waste disposal fee at the rate of \$16.00 per month is levied on each residential unit not exempt as set out in Paragraphs 4, 5, 6 and 7 in Resolution passed by the Lee County Commission on January 9, 1984, and recorded in Commission Minutes Volume 4, Pages 362-363, including mobile homes and residences located on real property. A solid waste disposal fee at the rate of \$48.00 per month is hereby levied upon any user of solid waste disposal services who is not included in the levy on residential units; provided that the levies herein made affect only those areas in Lee County, Alabama outside the municipal limits of the cities of Opelika, Auburn and Smiths Station and shall not

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affect any user who has a contract for private garbage disposal service. Additionally, the Commission passed a Resolution at its meeting of July 13, 2009 which authorized a yearly adjustment, beginning October 2011, based on the Consumer Price Index table for All Urban Consumers (CPI-U), South Urban region, Size B/C (pop. 50,000-1,500,000) as of October 2010. Beginning October 1, 2009 and each October 1 thereafter, the fee shall become a fixed charge against the property for the succeeding 12 months and shall be collected between October 1 and December 31 of each succeeding year by the Revenue Commissioner of Lee County, Alabama at the same time that ad valorem taxes are collected.

13. That, pursuant to the provisions of Act No. 89-390 enacted at the Regular Session of the Legislature of Alabama and election held on May 30, 1989 in Fire Districts Nos. 1, 2, 4, 7 and 8 in Lee County, and an election held on May 22, 2001 in Fire District No. 5 in Lee County, as established and the boundaries fixed by the Lee County Commission, there is hereby levied: in Fire District No. 1 served by the Friendship Volunteer Fire Department, in Fire District No. 2 served by the Beauregard Volunteer Fire Department, in Fire District No. 4 served by the Plainview Volunteer Fire Department, in Fire District No. 5 served by the Salem Volunteer Fire Department, in Fire District No.7 served by the Southwest Lee County Fire Protection Authority and in Fire District No. 8 served by the Farmville Volunteer Fire Department for the fiscal year of the County that began on October 1, 2008 a financial charge of \$25.00 with respect to each Unit of Property (as defined in Act No. 89-390) in such District, unless such Unit of Property is exempted from such financial charge as provided in Act No. 89-390. The financial charge hereby levied shall become due and payable on October 1, 2009 and delinquent if not paid before January 1, 2010 and shall be collected by the Revenue Commissioner at the same time as Ad valorem taxes are collected.

14. That the Revenue Commissioner of Lee County, Alabama be and she is hereby directed to calculate the taxes and fees levied in Paragraphs 1 through 13 inclusive, and to enter them in the Abstract and Assessments of said County, and collect said taxes and fees at the same time and in the same manner as State ad valorem taxes are collected, and make proper remittance therefore.

Judge English presented a letter from the State Alcoholic Beverage Control Board asking that the County levy county beer, liquor and wine licenses for the fiscal year 2010-2011. The following Resolution was offered by Commissioner Lawrence, seconded by Commissioner Holt and carried unanimously;

BE IT RESOLVED by the Lee County Commission that the County license levies for the sale of liquor, beer and wine for the fiscal year beginning October 1, 2010 to be set in the following amounts:

010 Lounge Retail Liquor – Class I	150.00
011 Lounge Retail Liquor – Class II (Package)	150.00
020 Restaurant Retail Liquor	150.00
031 Club Liquor – Class I	150.00
032 Club Liquor – Class II	375.00
040 Retail Beer – (On or Off Premises)	75.00
050 Retail Beer - (Off Premises Only)	50.00
060 Retail Table Wine – (On or Off Premises)	75.00
070 Retail Table Wine – (Off Premises Only)	75.00
080 Liquor Wholesale	500.00
090 Wholesale Beer Only	275.00
100 Wholesale Table Wine Only – 14.9% or Less	275.00
110 Wholesale Table Wine & Beer Combined	375.00
120 Warehouse License	100.00
130 Additional Warehouse – Wine, Beer or Both	100.00
140 Special Events Retail	75.00
150 Special Retail License – 30 Days or Less	100.00
160 Special Retail – More than 30 Days	250.00
170 Retail Common Carrier	150.00

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200 Manufacturer	500.00
210 Importer	250.00
220 Brewpub	500.00
230 International Motor Speedway	3,000.00

Mr. Hall stated that the agenda item concerning Lee Road 592 had been resolved, therefore the item was removed.

Mr. Rendleman reported that Corrections Officer Charolette Moore had presented all the necessary paperwork for pre-approval of two educational reimbursements which have been approved by the proper officials within the Sheriff's Department. Upon this request Commissioner Lawrence made a motion to pre-approve the educational reimbursements for Corrections Officer Charolette Moore, seconded by Commissioner Long and unanimously carried.

Human Resources/Safety Manager Kim Oas reported that the Commission needed to look at implementing a policy on employing minors due to the fact that there had been a change in law which requires employers who hire minors under the age of 18 to obtain a Child Labor Certificate from the Alabama Department of Labor just prior to hire. Mrs. Oas offered the following choices: 1) no employment of minors, 2) utilize a student program such as the Summer Youth Employment Program with ADECA, in which the County would not be required to purchase a certificate; or 3) allow for the employment of minors, with the implementation of a policy requiring the Appointing Authority to provide sufficient written advance notice to the Personnel Department, to allow for the completion of the process to purchase a certificate for that location. Mr. Rendleman requested that the Commission consider either option 1 or 2. After discussion, Mr. Rendleman was instructed to research option #2 and return with a recommendation.

Governmental Relations Coordinator Wendy Swann suggested that the Commission resubmit the same Federal Appropriations requests as last year, unless the Commission wanted to add any new items. Upon discussion, Commissioner Lawrence made a motion to submit requests for three items: 1) solar power; 2) parks and recreation; and 3) roads impacted by BRAC. The motion was seconded by Commissioner Long and unanimously carried.

Next, Mrs. Swann informed the Commission that the State had recently provided guidance for the Recovery Zone Bonds and stated that the county must submit a non-binding Notice of Intent to let the State know that we have an interest in utilizing the bonds. Mrs. Swann stated that she had been contacted by a private developer and a city stating that they may want to use them. Commissioner Lawrence questioned if they could be transferred to another county, and Mrs. Swann answered in the affirmative. Mr. Rendleman recommended that the Commission submit the Notice of Intent to utilize the funds to secure them for now, with the understanding that they would go back to the State if we did not ultimately claim them. Upon further discussion, Commissioner Lawrence made a motion to send a Letter of Intent to the State, seconded by Commissioner Holt and unanimously carried.

Mrs. Swann presented a Resolution supporting the Drug Court Program application for a grant through the Bureau of Justice Assistance. Commissioner Holt made a motion to approve the following Resolution, seconded by Commissioner Long and unanimously carried.

RESOLUTION

WHEREAS, the Lee County Circuit Court currently does not have an adult drug court program to address defendants with substance abuse issues; and

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WHEREAS, the many defendants appearing before the court have committed non-violent crimes associated with their substance abuse addictions; and

WHEREAS, court officials and community partners including East Alabama Mental Health have recognized a need to address these non-violent offenders; and

WHEREAS, the Lee County Circuit Court has begun the process of establishing a pre-adjudication Drug Court Program and is seeking a grant from the Bureau of Justice Assistance to implement the program.

NOW, THEREFORE, BE IT RESOLVED, that the Lee County Commission pledges its support and assistance for an Adult Drug Court Program to address the substance abuse addictions in non-violent defendants sentenced through the Lee County Circuit Court.

Mrs. Swann requested that the Commission schedule a joint work session with the Lee County Planning Commission to review the Lee County Master Plan and to schedule a date for the Open House which is tentatively scheduled in March. The Commission agreed to move this item to the next meeting.

Commissioner Lawrence made a motion at approximately 6:55 p.m. to adjourn, seconded by Commissioner Long and unanimously carried.

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, FEBRUARY 22, 2010

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, February 22 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Lawrence.

Mrs. Delores Trimble and Mr. Clifford Trimble appeared before the Commission requesting to collect pocket change from each person in attendance for a Humanitarian Project they were supporting a Haitian Relief Fund and to support their church. The funds would be used to sponsor two young men to purchase round-trip tickets to Haiti and provide financial support for them.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Gary Long, Annell Smith and John Andrew Harris.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims and the minutes of the February 8 meeting. Commissioner Lawrence made a motion to approve the items as presented, seconded by Commissioner Holt and carried on a vote of 4-0-1 with Commissioner Smith abstaining.

After discussion in the pre-meeting, Commissioner Smith made a motion in the meeting to set a joint worksession with the Lee County Planning Commission on Monday, March 1 at 3:00 p.m. CDT at the Johnson Galleries Building to discuss the proposed open house for the comprehensive plan for Lee County. The motion was seconded by Commissioner Harris and unanimously carried.

Mr. Charlie Pruitt representing the Rhythm and Blues Sports Bar appeared before the Commission to seek approval for a retail beer license that is currently being reviewed by the Lee County Sheriff's Office. Mr. Pruitt stated that he and his partner Mr. Steve Jackson had purchased the building location and 6.7 acres which they intend to develop in the future. Mr. Pruitt assured the Commission that their purpose was to enhance the area with this development. Commissioner Smith stated that she would support the license as long as Sheriff Jones had no objections to the application. No action was taken by the Commission because no license application has been received yet.

Mr. David Slocum of the Auburn Legends RV Resort came before the Commission seeking preliminary plat approval for the Auburn Legends RV Resort. Mr. Slocum stated that this development is classified as a group development under the Lee County Subdivision Regulations. Mr. Slocum stated that the City of Auburn had already approved their portion and the Lee County Health Department had approved the septic system. County Engineer Neal Hall stated that he had met with the developer and he would recommend that the Commission approve the preliminary plat. Commissioner Harris questioned how the lots would be sold. They responded that they would be sold like a condominium (1/67 of the whole). Commissioner Lawrence questioned if that 1/67th included the amenities, and they responded in the affirmative. Judge English questioned who would be the owner of record. Mr. Slocum stated that it would be Auburn Legends, LLC. After discussion, Commissioner Harris made a motion to approve the preliminary plat approval, seconded by Commissioner Smith and unanimously carried.

Commissioner Holt presented a proposal to abolish the dirt road paving program until the county can afford to maintain the paved roads in a timely manner. Commissioner Holt suggested that the change be made immediately and that any unused funds that have been allocated to the dirt road program be used at Mr. Hall's discretion. Further, Commissioner Holt stated that the program could be revisited once the economy lends itself to being able to afford maintaining the

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paved roads and paving more dirt roads. After a lengthy discussion during the pre-meeting concerning the suspension of the dirt road paving program, some Commissioners stated a desire to move toward a true unit system, but some also felt that this was not the time to abolish the dirt road paving program. Judge English suggested to leave the paving of dirt roads to the discretion of Mr. Hall in Districts 1 through 4, and to allocate \$113,400 (\$67,500 per mile times 1.68 miles in District 5) to District 5 to continue the dirt road paving in that district and to place the remaining funds from dirt road paving into the Highway Department budget for use as Mr. Hall sees fit. Mr. Hall indicated that those funds would be used for resurfacing at the present time. Commissioner Smith questioned the current dirt road paving list. Mr. Hall stated he would like direction from the Commission and he understood that they wanted to complete the roads that were currently under construction. Judge English read from the FY 07/08 and FYs 08/09 – 11/12 Paving Priority Agendas and stated that the roads already under construction or otherwise due to be finished were Lee Roads 145, 132, 665, 029 and 522. There seemed to be agreement among the Commissioners about the roads to be finished. After discussion, Commissioner Holt made a motion to allocate \$113,400 solely to the paving of dirt roads in District 5, with all other funds traditionally allocated to dirt road paving to be placed in the Highway Dept. budget for use as Mr. Hall sees fit, seconded by Commissioner Harris. The motion passed on a vote of 3-2, with Commissioners Lawrence and Smith voting “No”.

Judge English asked that the Commission move the voting location in Beat 8, which has been the Old Salem School for decades, due to the building suffering tornado damage and having been declared unsafe. Judge English stated he asked Superintendent Steve Nowlin about using the building for this year’s election, and he stated that Dr. Nowlin was uncomfortable with the liability of having the public use the building. Dr. Nowlin offered the use of the recently renovated Wacoochee School for election purposes. Judge English stated that this location is still in Beat 8 and in close proximity to the Old Salem School. After discussion, Commissioner Smith made a motion to move the voting location as presented, seconded by Commissioner Long and unanimously carried.

Commissioner Smith made first reading for Mr. Hugh Dicks to the Beulah Utilities Board position, the motion was seconded by Commissioner Lawrence and unanimously carried. Commissioner Smith asked about the expansion of that board from 3 members to 5, and Judge English said it would be on the next agenda for discussion.

Commissioner Lawrence made a motion to approve the following retail beer license (off premises only) for Country Market 430, seconded by Commissioner Smith. The motion carried on a vote of 4-0-1, with Commissioner Long abstaining.

BE IT RESOLVED that the Lee County Commission approve the application for a retail beer license for **Country Market 430** located at 2505 Lee Road 430, Smiths Station, Alabama.

County Administrator Roger Rendleman presented an agreement with the Alabama Department of Forensic Sciences as provided by the Association of County Commissioners of Alabama. The agreement includes a contract for Lee County to enter into with the Department of Forensic Sciences to receive a pro rata share of the allocation funds to off-set some of the transportation costs incurred by the county. Commissioner Smith made a motion to approve the Chairman to sign the agreement as presented, seconded by Commissioner Harris and unanimously carried.

This Agreement (the “Agreement”), dated February 22, 2010, is entered into between Lee County in the State of Alabama (the “County”) and the Alabama Department of Forensic Sciences (the “Department”).

WHEREAS, Department wishes to fully comply with the intention of the Alabama Legislature (the “Legislature”);

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WHEREAS, the Legislature appropriated to the Department the sum of \$250,000.00 in the Fiscal Year 2010 General Fund Appropriation Bill, Acts of Alabama, Act 2009-550 for the specific purpose of funding costs incurred arising from the transportation of decedents for autopsies by the Department;

WHEREAS, the Association of County Commissioners of Alabama (“Association”) and the Department and Department sought to find the most fiscally sound use of the funds the Legislature appropriated to the Department for the costs associated with the transport of decedents pursuant to autopsy;

WHEREAS, it was resolved that the Department would disburse the funds appropriated by the Legislature earmarked for the specific purpose of funding cost incurred arising from the transportation of decedents by the Department in a specified manner to the Counties of the State of Alabama in order to offset the costs incurred by each county’s coroner related to the transport of decedents to the Department’s medical examiner facilities;

WHEREAS, it was agreed by the Association and the Department that Mobile County and Jefferson County would be exempted from the pro rata share of the earmarked appropriation from the Legislature for the costs associated with decedent transport;

WHEREAS, it was agreed by the Association and the Department that the pro rata share of the earmarked appropriation which would be disbursed to Tuscaloosa County, where the Department serves as the County Medical Examiner, would be retained by the Department;

WHEREAS, it was agreed by the Association and the Department that Montgomery and Madison Counties would not receive the pro rata share, but would receive a flat fee of twenty-five dollars (\$25.00) per decedent received by the Department for autopsy;

WHEREAS, the amount of the earmarked appropriation that is reduced by, either, the Governor of the State of Alabama, the Alabama Department of Finance, or any other entity unidentified at the time of this agreement, due to a reduction of the Department’s Fiscal Year 2010 General Fund appropriated budget, be it through proration or some other type of budget management strategy, act, plan, or scheme, will reduce the \$250,000 appropriated for the purpose of transportation of decedents by the Legislature by an equivalent percentage;

WHEREAS, the amount of the pro rata share will be determined by computing the average of the number of cases submitted over the previous two fiscal years (fiscal years 2008 and 2009) (Lee County–114 cases as shown on Appendix) for post mortem examination by all Counties to the Department, exempting Mobile and Jefferson Counties, which will be divided into the remaining corpus (\$250,000 minus any amount or reduction in the Department’s General Fund allocation and minus the value of the average number of decedents from Montgomery and Madison Counties multiplied by \$25.00) of the funds appropriated by the Legislature, yielding a per decedent value. That per decedent value will be multiplied by the average number of decedents annually submitted to the Department during fiscal years 2008 and 2009 – again exempting Mobile and Jefferson Counties-until the corpus of the \$250,000, minus any reduction due to proration or a budget management strategy and the value of the average number of decedents from Montgomery and Madison Counties multiplied by \$25.00, is depleted;

WHEREAS, it is also understood and agreed that the disbursement of the pro rata share of the earmarked decedent transport funds to the Counties shall be disbursed in two installments—once in the third quarter of fiscal year 2010 and again during the thirteenth accounting period of fiscal year 2010.

NOW, THEREFORE, an agreement is made this 22nd day of February, 2010 between the County and Department. Department agrees to pay the County its pro rata share of the earmarked decedent transport funds, as appropriated by the Alabama Legislature in Acts of Alabama, Act 2009-550 and pursuant to the recitals, as detailed above--\$250,000 (or less dependent upon a reduction in the General Fund allocation to the Department) minus the amount to be paid to Montgomery and Madison Counties (which are to be computed by the average number of decedents for fiscal years 2008 and 2009 of each county multiplied by \$25), divided by 1,451.5 or the annual average of decedents submitted to the Department for autopsy for fiscal years 2008 and 2009, times the average annual number of decedents submitted by the County for autopsy to the Department in fiscal years 2008 and 2009.

It is understood that the Department will disburse the County’s pro rata share of the earmarked decedent transport funds in two installments—once in the third quarter of fiscal year 2010 and again during the thirteenth accounting period of fiscal year 2010.

The Department, notwithstanding any provision of this contract, incorporation or amendments hereto, does not release or waive, expressly or implied its right to assert sovereign immunity or any other affirmative defense right it may have under law.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, FEBRUARY 22, 2010

If any provision of this agreement shall contravene any statute or Constitutional provision or amendment, either now in effect or which may, during the term of this agreement, be enacted, then that conflicting provision in the agreement shall be deemed null and void.

The County acknowledges and understands that this contract is not effective until Department has received its all requisite state government approvals.

The County's sole remedy for the settlement of any and all disputes arising under the terms of this agreement shall be limited to the filing of a claim with the Board of Adjustments for the State of Alabama.

Under no circumstances shall the commitment of the Department under this agreement constitute a debt to the State of Alabama as prohibited by Section 213, Constitution of Alabama 1901, as amended by Amendment No. XXVI.

This contract has been reviewed for content, legal form, and compliance with all applicable laws, rules, and regulations of the State of Alabama.

Mr. Rendleman presented the following Resolution for the general obligation warrants for the Sheriff's Office vehicles. Commissioner Lawrence made a motion to authorize the Chairman to sign the following Resolution, seconded by Commissioner Holt and carried unanimously.

WHEREAS, Lee County, Alabama, a political subdivision organized and existing under the laws of the State of Alabama (the "County"), from time to time expends its funds for the purpose of acquiring, constructing and/or installing capital facilities and/or equipment for the provision of governmental services in the County;

WHEREAS, at this time the County wishes to finance the costs of acquiring, constructing and/or installing certain capital facilities and/or equipment for the provision of governmental services in the County; and

WHEREAS, the County Commission of the County has found and determined that it is wise, expedient, necessary and advisable for the County to finance such costs at this time and to obtain funds for such purpose pursuant to a loan from RBC Bank (USA) (the "Bank").

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

Section 1. The County is hereby authorized to borrow the sum of \$240,000.00 from the Bank and to expend such moneys in the aforesaid amount, all as contemplated by the preambles to this resolution; and in furtherance of such undertakings, the Chairman of the County Commission is hereby authorized to execute and deliver, for and in the name and behalf of the County, a Loan Agreement with the Bank (the "Loan Agreement"), and a related general obligation warrant (the "Warrant") in evidence of such borrowing and to pledge the County's full faith and credit for the payment of the principal of and the interest on the Warrant. The Loan Agreement and the Warrant to be so executed and delivered are hereby authorized to be in such respective forms, to contain such terms and conditions not inconsistent with the provisions of these preambles and this resolution, and to be executed and delivered at such times as shall, in the judgment of the officer executing the same on behalf of the County, be necessary or convenient to implement the transactions described in these preambles and this resolution, the determination of such officer of the respective terms and conditions of the Loan Agreement and the Warrant to be conclusively established by his or her execution of such instruments. The Clerk of the County Commission is hereby authorized to affix the official seal of the County to the Loan Agreement and to the Warrant and to attest the same.

Section 2. All appropriate officers of the County are hereby authorized to execute, seal, attest and deliver, for and in the name and behalf of the County, such other agreements, instruments and certificates and to do and perform such other acts and things as shall in their respective judgments be necessary or convenient to implement the transactions described in these preambles and this resolution.

County Engineer Neal Hall presented the following Resolution and Agreement for Lee Road 427/Pierce Road. Commissioner Long made a motion approve the following Resolution and authorize the Chairman to enter into the agreement, seconded by Commissioner Smith and

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, FEBRUARY 22, 2010

unanimously carried.

BE IT RESOLVED, by the County Commission of Lee County, Alabama, that the County enter into an agreement with the State of Alabama; acting by and through the Alabama Department of Transportation for:

Widening, resurfacing and safety improvements on CR427 from US280 to CR248.
Length-1.778 miles. Proj. #STMPC-8041(601), LCP41-105-09, CPMS Ref#100053785;

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

Mr. Hall presented the following Resolutions to utilize the annual Federal Aid allotment to resurface deteriorating roads in the County for the following roads:

WHEREAS, the County Commission of Lee County, Alabama is desirous of constructing or improving, by force account, by contract or both, a section of road included in the Lee County Road System and described as follows:

Widen, Level, Resurface, Traffic Stripe and other Safety Improvements on Lee Road 298 and Lee Road 246, from the intersection of Lee Road 430, then Southeasterly approximately 3.654 miles to the intersection of Lee Road 430.

WHEREAS, the County agrees to all of the provisions of the County-wide agreement executed between the State and the County covering preliminary engineering by State forces and equipment on the project, and

WHEREAS, the County agrees to all of the provisions of any agreement which has been executed or will be executed covering the construction of the project.

WHEREAS, the County Commission of Lee County, Alabama is desirous of constructing or improving, by force account, by contract or both, a section of road included in the Lee County Road System and described as follows:

Widen, Level, Resurface, Traffic Stripe and other Safety Improvements on Lee Road 246 from the intersection of Lee Road 295, then Southeasterly approximately 1.622 miles to the intersection of Lee Road 298.

WHEREAS, the County agrees to all of the provisions of the County-wide agreement executed between the State and the County covering preliminary engineering by State forces and equipment on the project, and

WHEREAS, the County agrees to all of the provisions of any agreement which has been executed or will be executed covering the construction of the project.

WHEREAS, the County Commission of Lee County, Alabama is desirous of constructing or improving, by force account, by contract or both, a section of road included in the Lee County Road System and described as follows:

Widen, Level, Resurface, Traffic Stripe and other Safety Improvements on Lee Road 208, from the intersection of Lee Road 240, then Southerly approximately 2.642 miles to the Lee/Russell County Line.

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WHEREAS, the County agrees to all of the provisions of the County-wide agreement executed between the State and the County covering preliminary engineering by State forces and equipment on the project, and

WHEREAS, the County agrees to all of the provisions of any agreement which has been executed or will be executed covering the construction of the project.

WHEREAS, the County Commission of Lee County, Alabama is desirous of constructing or improving, by force account, by contract or both, a section of road included in the Lee County Road System and described as follows:

Widen, Level, Resurface, Traffic Stripe and other Safety Improvements on Lee Road 391, from Opelika city limits, then Easterly approximately 2.735 miles to the intersection of US Hwy. 280/431.

WHEREAS, the County agrees to all of the provisions of the County-wide agreement executed between the State and the County covering preliminary engineering by State forces and equipment on the project, and

WHEREAS, the County agrees to all of the provisions of any agreement which has been executed or will be executed covering the construction of the project.

Commissioner Smith made a motion to approve the four Resolutions as presented, seconded by Commissioner Long and carried unanimously.

Environmental Services Director Jack Marshall presented a Recycling Grant Resolution for Commission consideration. Commissioner Smith made a motion to approve the following Resolution, seconded by Commissioner Long and unanimously carried.

WHEREAS, the Alabama Department of Environmental Management has authority to award grants under the Alabama Recycling Fund Grant Program to which collective governments are more likely to be funded.

WHEREAS, Lee County will partner with the City of Opelika, the City of Auburn, and Auburn University in securing the grant funds to further recycling efforts so as to divert materials from the landfill and to protect the environment; and

WHEREAS, this grant application will focus on purchasing equipment to further our recycling efforts.

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

1. Authorization for participation in a partnership committee.
2. Authorization is given to submit a Grant Application under said program
3. Authorization is given to the Chairman to sign any and all documents to secure said grants.

Lisa Sandt presented a request from the Lee County Junior League asking permission to use the Johnson Galleries Building for an annual "Price is Right" Rummage Sale to support art and literacy programs for Lee County's children. The rummage sale will be held May 1, with two drop-off days on April 29 and 30. Commissioner Lawrence made a motion to allow the Lee County Junior League to use the Johnson Galleries Building on the dates specified if they can provide sufficient liability insurance to satisfy Mr. Rendleman. The motion was seconded by Commissioner Smith and unanimously carried.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, FEBRUARY 22, 2010

Commissioner Lawrence made a motion at approximately 6:30 p.m. to adjourn, seconded by Commissioner Smith and unanimously carried.

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MARCH 8, 2010

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, March 8 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Judge English.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Gary Long and Annell Smith. Absent: Commissioner John Andrew Harris, who was in attendance at the NACo Legislative Conference in Washington, D.C.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, procurement card transactions, minutes of the February 22 meeting, Bid #4 for HDCPE plastic pipe, Bid #5 for digital cameras for patrol vehicles, Bid #6 for open-top containers and Bid #7 for closed-top containers. County Engineer Neal Hall stated that out of 10 bids sent, four bids were received and he recommended that the Commission accept the low bid of **Harvey Culvert Co., Inc.** of Cleveland, Alabama. Sheriff Jay Jones reported on Bid #5 and stated that out of 10 bids sent only two bids were received. Sheriff Jones recommended the lowest responsible bidder **Integrated Technology Systems** be awarded the bid for eight digital cameras at \$4,230/each for a total of \$33,840. Next, Environmental Services Director Jack Marshall recommended that Bid #6 for three open-top containers be awarded to the low bidder of **Wastequip** of Eagleville, Tennessee at \$5,022/each. On Bid #7 for two closed top-containers Mr. Marshall recommended that **Stolzfus Steel Manufacturing** of Lewisburg, Pennsylvania the low bidder at \$5,725/each be awarded the bid. Commissioner Lawrence made a motion to approve the items as presented, seconded by Commissioner Long and carried unanimously.

Judge English stated that three citizens had filled out a Citizen Interest Form for the two positions on the Alternative Sentencing Board. Judge English stated that Commissioner Harris had recommended William Parker, Jr. Commissioner Long recommended that Mr. Edgar J. Adams of Smiths Station be the other appointment. After discussion, Commissioner Lawrence made first reading for Mr. William Parker, Jr. and Mr. Edgar J. Adams as the two Commission appointees to the Alternative Sentencing Board. The motion was seconded by Commissioner Smith and unanimously carried.

Commissioner Smith made a motion that the following Resolution for second reading of Mr. Hugh Dicks to the Beulah Utilities District, seconded by Commissioner Holt and unanimously carried.

BE IT RESOLVED, that Mr. Hugh Dicks be appointed to the Beulah Utilities District to fulfill the unexpired term of Mr. Hugh Morris until December 1, 2013.

Commissioner Smith discussed the Beulah Utilities District board make-up, which currently has three Lee County members since the two Chambers County members left with the split of the Lee-Chambers Utilities District. Commissioner Smith stated that she would like to look into the matter further and move the item to the next agenda for further discussion.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MARCH 8, 2010

Commissioner Lawrence made a motion for first reading of the District 2 appointment to the Lee County Recreation Board of Mr. Sam Bailey, Jr., seconded by Commissioner Holt and unanimously carried.

Circuit Clerk Corinne Hurst requested that the Commission pre-approve a salary for someone to assist her with absentee voting for the upcoming three 2010 elections, specifically the June 1 Primary, the July 13 run-off election, and the November 2 General Election. Mrs. Hurst stated that due to state's current hiring freeze and potential lay-offs, she would need to hire an additional temporary employee to handle absentee ballots. Mrs. Hurst stated that she planned to hire Sandy Robinson, who is trained and experienced in processing absentees and has served as Lee County Absentee Election Manager previously. Mrs. Hurst plans to hire Mrs. Robinson at a rate of \$13.00 per hour plus FICA for up to 40 hours per week for up to six weeks for each election. Further, she stated she felt her estimates were high and hopefully, the numbers would be well below her estimate of \$3,358.68 per election. Judge English questioned County Administrator Roger Rendleman if the expenses for the November 2 election could be included now or wait until next fiscal year's budget process. Mr. Rendleman stated that he would consider the November expenses during the budget process. After discussion, Commissioner Holt made a motion to approve up to 40 hours for the hiring of someone to assist with the absentee election process prior to the June 1 Primary and the July 13 Primary election run-off, seconded by Commissioner Long and unanimously carried.

Revenue Commissioner Oline Price requested the creation of a new job description and classification due to staff reorganization and shifting responsibilities. After discussion in the pre-meeting, Commissioner Smith made a motion in the meeting to authorize the creation of a Mortgage/Manufactured Homes Administrator at a pay grade 12. The motion was seconded by Commissioner Holt and unanimously carried.

Environmental Services Director Jack Marshall asked to hire two temporary full-time employees since he currently has two full-time employees on extended FMLA leave due to medical reasons. Commissioner Lawrence made a motion to authorize Mr. Marshall to hire two temporary full-time compactor operators until the current employees return to work from FMLA. The motion was seconded by Commissioner Long and unanimously carried.

Sheriff Jones requested that the lounge retail liquor license for Rhythm and Blues Sports Bar be moved to the next agenda due to the fact that his office is still in the process of the investigation.

Craig Dillard of Webb & Eley stated that an executive session needed to be held concerning current litigation. Mr. Dillard requested that the following attend: County Attorney Stan Martin, County Administrator Roger Rendleman, County Engineer Neal Hall and Environmental Services Director Jack Marshall. Mr. Dillard stated the executive session would last approximately 30 minutes and no action was anticipated afterwards. Commissioner Smith made a motion at approximately 6:25 p. m. to adjourn into executive session, seconded by Commissioner Lawrence and unanimously carried.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MARCH 8, 2010

Commissioner Lawrence made a motion at approximately 7:30 p.m. to adjourn, seconded by Commissioner Holt and unanimously carried.

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MARCH 29, 2010

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, March 29 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Long.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Gary Long, Annell Smith and John Andrew Harris.

During the pre-meeting, LRCOG Representative Jean Causey gave an update on the NACo Drug Card Program which began distribution in October 2009. Mrs. Causey presented a list of 56 locations in the county where a person is able to pick-up a Caremark drug card. Mrs. Causey stated that a sign-up sheet located at each site where the information can be tracked and placed into a database. Mrs. Causey indicated that her next report would contain the number of cards that have been distributed and in which Commission district. Mrs. Causey stated that she had been receiving positive feedback from participants. Judge English questioned County Administrator Roger Rendleman on recent litigation against Caremark and CVS. Mr. Rendleman stated that approximately two weeks ago he had seen an article in *TIME* Magazine stating that the government was looking at the Caremark - CVS relationship. Mr. Rendleman stated that he did not know of any action that had been taken on the matter, but that he would monitor the situation. Judge English stated that he just wanted the Commission to be aware.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims and the minutes of the March 8 meeting. Commissioner Smith made a motion to approve the items as presented, seconded by Commissioner Long and carried unanimously.

Commissioner Lawrence made a motion to approve the following Resolution on two positions on the Alternative Sentencing Board authorized by Act 2009-330, the motion was seconded by Commissioner Smith and unanimously carried.

BE IT RESOLVED, that Mr. William Parker, Jr. and Mr. Edgar J. Adams be appointed to the Alternative Sentencing Board, one of whom will serve an initial two year term, and one of whom will serve an initial four year term, as determined at the first meeting of the Alternative Sentencing Board.

The Commission discussed the status of the two board positions on the Beulah Utilities District board vacated by the sale of the Chambers County service area. Attorney Curt Johnson was in attendance and he stated that the bylaws of the Board as previously approved by the Commission call for five board members on the board. After the discussion in the pre-meeting, the Commission during the meeting made the first announcement for two vacancies on the Beulah Utilities District board.

Commissioner Lawrence made a motion to approve the following Resolution, seconded by Commissioner Smith and unanimously carried.

BE IT RESOLVED, that Mr. Sam Bailey, Jr. be appointed to the Lee County Recreation Board to serve a five-year term ending October 14, 2014 and to replace Mr. Bill Harrelson. (Mr. Harrelson's appointment ended 11/1/2009)

During the pre-meeting Mr. Allen Norman appeared before the Commission concerning loggers tearing up Lee Road 024. Mr. Norman stated that Lee County should be able to stop the log trucks from tearing up the roadway. Mr. Norman stated that his tax dollars were being

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MARCH 29, 2010

thrown away by having to repeatedly repair the roads after the trucks tear them up. Judge English questioned when the road had been paved. Mr. Justin Hardee stated approximately three years ago. Again, Mr. Norman stated that he did not like seeing his tax dollars thrown away. Additionally, Mr. Norman questioned if there was a special tax that loggers have to pay. Judge English stated that he was not aware of any tax, nor was Mr. Rendleman. Commissioner Holt referred to the Federal Heavy Vehicle Use Tax collected by the IRS. No action was taken.

County Administrator Roger Rendleman received a letter from the U.S. Board on Geographic Names requesting the Commission's opinion on the proposed naming of an unnamed stream in Lee County. The stream is a tributary to Loblockee Creek with a length of approximately 7 miles. It drains the Upper Station of the Auburn University Fisheries Department. The naming as Swingle Creek proposed by Auburn University is to honor Dr. Homer S. Swingle (1902-1973), Auburn University fisheries professor from the 1930's to the 1960's. Judge English stated that much of this creek is was on Auburn University property near the fisheries on Farmville Road, so it should be no problem to support the request. Commissioner Holt made a motion to authorize Mr. Rendleman to sign the necessary paperwork supporting the naming of the stream Swingle Creek. The motion was seconded by Commissioner Lawrence and unanimously carried.

During the pre-meeting, Commissioner Lawrence questioned the other Commissioners if they would be interested in assisting the Lee County Recreation Board with clearing the land that was purchased by the county in Beulah and Beauregard prepared so that grants could be applied for in hopes of getting started on recreation facilities for both communities. Commissioner Lawrence stated that he had been getting calls concerning the matter and wanted to discuss the issue with the Commission. Commissioner Smith stated that she received numerous calls on the subject, but she did not feel it appropriate to start anything when there were no funds to proceed with either project. She further stated that she was telling her constituents that if they wanted their community to have recreation facilities then they would need to vote in favor or the sales tax increase which would benefit recreation. Mr. Rendleman suggested that the Commission wait to rough grade those sites until they are ready to develop them since the county may run into ADEM issues concerning run-off or other issues once the land is disturbed. Mr. Rendleman stated he would suggest that the Commission ask for citizens' support of the sales tax increase for recreation and school resource officers. Judge English questioned how much revenue would be generated from the proposed sales tax. Mr. Rendleman stated approximately \$1M with approximately \$750,000 allocated to recreation. Commissioner Holt stated that the Commission needed to consider the Loachapoka area before any more funds were put into the Beulah and/or Beauregard areas. No action was taken by the Commission.

During the pre-meeting, Commissioner Lawrence asked whether the Commission wants to develop a new Strategic Plan for Lee County since the Planning Commission had been able to identify those areas that need to be addressed in the upcoming years. Commissioner Smith stated that she did not see a problem with the current plan. Commissioner Harris stated that the Commission needs to sit down together and look at which items were of concern to each Commissioner, then come up with a revenue stream to support those items. Commissioner Lawrence stated he would revisit this issue later in the spring. No action was taken by the Commission.

Sheriff Jay Jones asked the Commission to lift the hiring freeze so that the Sheriff's Office could hire three deputies to replaces vacancies in budgeted positions. Mr. Rendleman stated that he felt that since revenue projections were in line that this request could be granted. Commissioner Lawrence made a motion to lift the hiring freeze for three deputy positions, seconded by Commissioner Smith and unanimously carried.

Sheriff Jones stated that the Rape Counselors of East Alabama requested to use the Johnson Galleries building for a one-day fundraising event at the end of April. Judge English

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MARCH 29, 2010

asked if they were non-profit, and the Sheriff replied that they were. Commissioner Lawrence questioned if the county had a policy on using the building. Mr. Rendleman stated no, because it was normally used by internal departments and Mrs. Swann was in charge of scheduling those events. Mr. Rendleman further stated that the only requirement when an outside agency used the building is that the county asked for a certificate of insurance naming Lee County Commission as a secondary insured. Commissioner Holt made a motion to allow the Rape Counselors of East Alabama to utilize the Johnson Galleries building in April if they can provide the necessary insurance, seconded by Commissioner Lawrence and unanimously carried.

Commissioner Lawrence made a motion to authorize the following Resolution, seconded by Commissioner Holt and unanimously carried.

RESOLUTION

WHEREAS, the County Commission of Lee County, Alabama is desirous of constructing or improving, by force account, by contract or both, a section of road included in the Lee County Road system and described as follows:

Replacement of a 140.1 foot bridge and approaches over Chewacla Creek on Lee Road 054 located 2.0 miles South of the intersection of Lee Road 146 and Lee Road 054.
Structure No. 0 C01054 41 000003X 00, Bin No. 003252, Sufficiency Rating=45.1, Status 2.

Location Map located at the Lee County Highway Department.

WHEREAS, the County agrees to all of the provisions of the County-wide agreement executed between the State and the County covering preliminary engineering by State forces and equipment on the project, and

WHEREAS, the County agrees to all of the provisions of any agreement which has been executed or will be executed covering the construction of the project.

Commissioner Holt made a motion to authorize the following Resolution, seconded by Commissioner Smith and unanimously carried.

WHEREAS, the Alabama Department of Transportation (ALDOT) and Lee County signed an agreement for the construction and maintenance of projects utilizing Federal, State and/or County funds, and

WHEREAS, as part of the agreement, ALDOT along with a representative from the County inspects said projects on an annual basis with ALDOT submitting and Annual Maintenance Inspection Report for each project; and

WHEREAS, the portion of Lee Road 072 from US Highway 280 to Lee Road 082, which was constructed as project SACP 4225-A is included on the Annual Maintenance Inspection Reports as page 5, and

WHEREAS, the City of Auburn has assumed maintenance of the aforementioned portion of Lee Road 072 and ALDOT has established a procedure for removing roads that are no longer the responsibility of the County,

NOW THEREFORE, BE IT RESOLVED, by the Lee County Commission that this portion of Lee Road 072, page 5, be considered by ALDOT for removal from the Annual Maintenance inspection.

Commissioner Smith made a motion to authorize the following Resolution, seconded by Commissioner Holt and unanimously carried.

RESOLUTION

WHEREAS, the Alabama Department of Transportation (ALDOT) and Lee County signed an agreement for the construction and maintenance of projects utilizing Federal, State and/or County funds, and

WHEREAS, as part of the agreement, ALDOT along with a representative from the County inspects said projects on an annual basis with ALDOT submitting an Annual Maintenance Inspection Report for each project; and

WHEREAS, the bridges shown on the attached list (**below) are also included in the Annual Maintenance Inspection Reports and are inspected in accordance with the National Bridge Inspection Standards; and

WHEREAS, ALDOT has established a procedure for removing bridges that are inspected in accordance with the National Bridge Inspection Standards,

NOW THEREFORE, BE IT RESOLVED by the Lee County Commission that the list of bridges on the attached sheet be considered by ALDOT for removal from the Annual Maintenance Inspection.

**Bridges to be removed from Annual Maintenance Inspection

<u>Page #</u>	<u>Description</u>
81	Lee Road 159 over Cossey Creek
83	Lee Road 144 over Watula Creek
84	Lee Road 140 over Little Uchee Creek
85	Lee Road 254 over Wacoochee Creek
86	Lee Road 279 over Wacoochee Creek

Commissioner Holt made a motion to authorize the following Agreement and Resolution, seconded by Commissioner Lawrence and unanimously carried.

RESOLUTION

BE IT RESOLVED, by the County Commission of Lee County, Alabama, that the County enter into an agreement with the State of Alabama; acting by and through the Alabama Department of Transportation for:

Installation of rumble strips, signs and pavement markers on a section of CR151 and at the intersection of CR188 and CR72. Length-2.262 miles, Proj#HRRR-CN10(203), LCP41-00-09. CPMS Ref#100054148;

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

Commissioner Smith made a motion to authorize the following Agreement and Resolution, seconded by Commissioner Long and unanimously carried.

RESOLUTION

BE IT RESOLVED, by the County Commission of Lee County, Alabama, that the

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MARCH 29, 2010

County enter into an agreement with the State of Alabama; acting by and through the Alabama Department of Transportation for:

Widening and resurfacing on CR401 from CR166 to CR165. Length-1.287 miles, Proj#STMNU-4107(200), LCP41-103-09. CPMS Ref#100054711;

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

Mr. Rendleman informed the Commission that CORE Roofing Systems, Inc. had completed the re-roof project at the detention center. Mr. Rendleman presented a copy of change order number one for a reduction of \$207,389 which represents a sales tax savings of \$13,777 and a credit for the contingency allowance of \$30,000 which was not needed. Additionally, Mr. Rendleman stated that the roof warranty from the manufacturer had been received and CORE had met the requirements to close out the project. Upon this recommendation, Commissioner Holt made a motion to approve change order #1 for a reduction of \$207,389 in the contract from \$380,700 to \$172,861 and to close out the contract for the detention center re-roof project. The motion was seconded by Commissioner Lawrence and unanimously carried.

Governmental Relations Coordinator Wendy Swann presented the following Resolution from the Association of County Commissions in recognition of County Government Month. Commissioner Holt made a motion to approve the following Resolution, seconded by Commissioner Lawrence and unanimously carried.

RESOLUTION

WHEREAS, Alabama's 67 counties provide a variety of essential public services to their communities and take seriously their responsibility to protect and enhance the health, safety and welfare of our citizens in sensible and cost-effective ways; and

WHEREAS, many of Alabama's local government initiatives directly touch the lives of Alabama's citizens on a daily basis, but many residents do not realize the impact of many local government programs; and

WHEREAS, the Lee County Commission provides value-added services to all its local residents through its dedicated employees; and

WHEREAS, the Lee County Commission provides not only essential services to its residents, but also programs such as road and bridge programs for the safety of our motorists, litter control for the beautification of our county, parks and recreation programs for the enjoyment of our citizens and education and welfare programs for our elderly citizens through community partnerships.

NOW THEREFORE, BE IT RESOLVED, by the Lee County Commission, that the month of April 2010 is declared to be County Government Month in Lee County and a copy of this resolution is to be forwarded to the Association of County Commissions of Alabama.

Mrs. Swann reminded the Commission that the Lee County Planning Commission Open House to present the Master Plan would be held tomorrow evening from 4:30 p.m.–7:30 p.m. at the Johnson Galleries Building with a presentation to begin at 6:00 p.m. Judge English encouraged all Commissioners to attend.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MARCH 29, 2010

Commissioner Smith made a motion at approximately 6:20 p.m. to adjourn, seconded by Commissioner Lawrence and unanimously carried.

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 12, 2010

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, April 12 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Holt.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Gary Long, Annell Smith and John Andrew Harris.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims and the minutes of the March 29 meeting. Commissioner Smith made a motion to approve the items as presented, seconded by Commissioner Lawrence and carried unanimously.

Commissioner Harris gave an update on the NACo Legislative Conference he attended in Washington, D.C. Commissioner Harris stated that the conference was very informative and that several topics were discussed including: green energy, USDA Economic Development Grants, health care reform and the 2010 Census. Commissioner Harris stated that the 2010 Census was a hot topic and stated that the Commission needs to inform the citizens the importance of being counted.

Next, Commissioner Harris reported that a meeting will be held on April 17 at 10:00 a.m. at Bethel #2 Church concerning the need for a senior center in Beauregard. Commissioner Harris stated that a representative from Lee-Russell Council of Governments would be in attendance to discuss grant options. Additionally, Commissioner Harris stated that he had located a building on Highway 51, near Marvyn, which would benefit not only senior citizens, but could be used as a voting facility. Commissioner Harris stated that a grant would pay the expense to renovate the building. Further, he stated that the Beauregard Volunteer Fire Department thought it was a good place for an additional fire station.

Human Resource/Safety Manager Kim Oas sent a letter in the packets concerning the need for a policy on employing minors. Mrs. Oas stated that after talking to various agencies about the new regulations on the hiring of minors she would recommend that the Commission chose one of the following options: 1) no employment of minors or 2) allow for employment of minors 16 years or older. Mrs. Oas reminded the Commission that if they decide to hire minors that a Child Labor Certificate is required per building location. Roger Rendleman suggested that no minors be hired. After discussion, Commissioner Holt made a motion that due to new requirements that no minors be hired, seconded by Commissioner Smith and unanimously carried.

County Administrator Roger Rendleman requested that the Commission add an agenda item concerning the warrant purchase agreement for the bridge bond program. Commissioner Holt made a motion to add the item to the agenda, seconded by Commissioner Lawrence and unanimously carried. Mr. Rendleman presented a warrant purchase agreement to sell bonds for the bridge replacement program. After discussion, Commissioner Lawrence made a motion to authorize the Chairman to enter into the warrant purchase agreement, seconded by Commissioner Smith and unanimously carried.

Commissioner Harris requested that the Commission approve travel expenses for attendance at the NACo Annual Conference to be held July 16-20 in Reno, Nevada. Commissioner Holt made a motion to approve the travel expenses for Commissioner Harris to attend the NACo Annual Conference. Commissioner Smith suggested that the travel expenses be approved for any Commissioner who wishes to attend. Judge English asked who might be

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 12, 2010

attending. Commissioner Harris said he was going and Commissioner Lawrence said he was a maybe. Commissioner Smith said she was not going. Upon this request, Commissioner Holt withdrew his motion. After that, Commissioner Lawrence made a motion to approve expenses for any Commissioner who wanted to attend the NACo Annual Conference in Nevada, seconded by Commissioner Smith and unanimously carried.

Governmental Relations Coordinator Wendy Swann presented the following Resolutions for Commission approval. The first Resolution authorizes the use of the Recovery Zone Bonds and the second Resolution transfers the Lee County bond allocation to the City of Opelika and the Opelika Industrial Development Board. Mrs. Swann stated that the county had three choices: 1) it could utilize the bonds directly if it had ready to bid projects; 2) it could assign or transfer the bond allocation to a municipality within the county, or; 3) it could let the bond allocation return to the State of Alabama for reallocation elsewhere in the state. During the pre-meeting, Opelika City Attorney Guy Gunter stated that the city currently had three projects ready to submit for consideration. They are: 1) a fire station on Oakbowery Road; 2) sewer under the interstate for the "Celebrate Alabama" project; and 3) a sewer project on Hamilton Road. Commissioner Harris voiced his concerns that the Commission was "giving away a gold mine" and said he had no idea that we didn't want that allocation for ourselves. Mr. Rendleman replied that the Commission had been given the opportunity previously to decide whether the Commission wanted to use the Recovery Zone Bonds, but that the county had no ready-to-bid projects at that time. Mr. Rendleman stated he had looked into the recovery zone bonds, but would recommend that the Commission commit to a bond issue instead due to the onerous requirements of the recovery zone bonds with minimal savings. Commissioner Harris stated a member of the City Council had called him and asked him why Lee County was giving away a gold mine. Commissioner Harris stated that he wanted Lee County to take advantage of the bonds. Commissioner Smith stated she would prefer that if the Opelika City Council wanted to communicate with the County Commission, that the communication be made to the entire Commission and not to single out one member of the Commission. After more discussion, Commissioner Lawrence made a motion during the meeting to authorize the following Resolution, seconded by Commissioner Holt and the motion passed on a vote of 4-1 with Commissioner Harris voting "No."

**RESOLUTION DESIGNATING RECOVERY ZONE AND AUTHORIZING
CERTAIN ACTIONS RELATED TO SUCH DESIGNATION**

WHEREAS, on February 17, 2009, the President signed into law the American Recovery and Reinvestment Act of 2009 ("ARRA");

WHEREAS, Section 1401 of Title I of Division B of ARRA authorizes state and local governments to issue Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds;

WHEREAS, Recovery Zone Economic Development Bonds may be used to finance certain "qualified economic development purposes" and Recovery Zone Facility Bonds may be used to finance certain "recovery zone property", as such terms are defined in ARRA;

WHEREAS, the term "Recovery Zone" means: (1) any area designated by the issuer as having significant poverty, unemployment, a high rate of home foreclosures or general distress; (2) any area designated by the issuer as economically distressed by reason of the closure or realignment of a military installation pursuant to the Defense Base Closure and Realignment Act of 1990; and (3) any area for which a designation as an empowerment zone or renewal community is in effect as of the effective date of ARRA, which effective date is February 17, 2009;

WHEREAS, Recovery Zone Economic Development Bonds are considered "qualified" bonds for purposes of Section 6431 of the Internal Revenue Code of 1986, as amended, and provide for a federal subsidy through a refundable tax credit paid to state or local governmental issuers in an amount equal to 45 percent (45%) of the total coupon interest payable to investors in these taxable bonds;

WHEREAS, the interest on state or local Recovery Zone Facility Bonds is excludable from gross income for federal income tax purposes;

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 12, 2010

WHEREAS, Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds must be issued before January 1, 2011;

WHEREAS, Lee County, Alabama (the "County") has received the following volume cap allocations under ARRA: (1) Recovery Zone Economic Development Bonds: \$4,493,000; and (2) Recovery Zone Facility Bonds: \$6,740,000;

WHEREAS, the County may use such volume cap for eligible costs or may allocate such volume cap in any reasonable manner as the governing body of the County shall determine in good faith at its discretion for use for eligible costs for qualified economic development purposes or recovery zone property;

WHEREAS, on January 25, 2010, the Department of Finance of the State of Alabama promulgated a plan regarding the timely use of Alabama volume cap allocations provided under ARRA (the "Alabama Allocation Plan") to ensure that Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds are issued before January 1, 2011; and

WHEREAS, the governing body of the County seeks to designate the area comprising the boundaries of Lee County as a Recovery Zone due to significant levels of increased unemployment, increased levels of home foreclosures, and the general increase of economic distress throughout the County.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF LEE COUNTY, ALABAMA, as follows:

1. The governing body of the County does hereby approve, authorize, ratify and confirm (a) the designation of the area more fully described above as a Recovery Zone and (b) the execution and delivery of documents, by the officers of the County, contemplated by the Alabama Allocation Plan (including a Notice of Intent) in order to carry into effect such designation.
2. The officers of the County and any person or persons designated and authorized by any officer of the County to act in the name and on behalf of the County, or any one or more of them, are authorized to do and perform or cause to be done and performed in the name and on behalf of the County such other acts, and to execute and deliver or cause to be executed and delivered in the name and on behalf of the County such other notices, requests, demands, directions, consents, approvals, orders, applications, certificates, agreements, further assurances, or other instruments or communications, under the corporate seal of the County, or otherwise, as they or any of them may deem necessary, advisable, or appropriate in order to carry into effect the intent of the provisions of this resolution.
3. Each act of any officer or officers of the County or any person or persons designated and authorized to act by any officer of the County, which act would have been authorized by the foregoing provisions of this resolution except that such action was taken prior to the adoption of this resolution, is hereby ratified, confirmed, approved and adopted.

Commissioner Lawrence made a motion to authorize the following Resolution to authorize the City of Opelika to utilize the Lee County allocation for bonds for economic development, seconded by Commissioner Holt and passed on a vote of 4-1 with Commissioner Harris voting "No."

RESOLUTION GRANTING ALLOCATION OF RECOVERY ZONE ECONOMIC DEVELOPMENT BONDS AND RECOVERY ZONE FACILITY BONDS AND AUTHORIZING CERTAIN ACTIONS RELATED TO SUCH ALLOCATION

WHEREAS, on February 17, 2009, the President signed into law the American Recovery and Reinvestment Act of 2009 ("ARRA");

WHEREAS, Section 1401 of Title I of Division B of ARRA authorizes state and local governments to issue Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds;

WHEREAS, Recovery Zone Economic Development Bonds may be used to finance certain "qualified economic development purposes" and Recovery Zone Facility Bonds may be used to finance certain "recovery zone property", as such terms are defined in ARRA;

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 12, 2010

WHEREAS, the term “Recovery Zone” means: (1) any area designated by the issuer as having significant poverty, unemployment, a high rate of home foreclosures or general distress; (2) any area designated by the issuer as economically distressed by reason of the closure or realignment of a military installation pursuant to the Defense Base Closure and Realignment Act of 1990; and (3) any area for which a designation as an empowerment zone or renewal community is in effect as of the effective date of ARRA, which effective date is February 17, 2009;

WHEREAS, Recovery Zone Economic Development Bonds are considered “qualified” bonds for purposes of Section 6431 of the Internal Revenue Code of 1986, as amended, and provide for a federal subsidy through a refundable tax credit paid to state or local governmental issuers in an amount equal to 45 percent (45%) of the total coupon interest payable to investors in these taxable bonds;

WHEREAS, the interest on state or local Recovery Zone Facility Bonds is excludable from gross income for federal income tax purposes;

WHEREAS, Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds must be issued before January 1, 2011;

WHEREAS, Lee County, Alabama has received the following volume cap allocations under ARRA: (1) Recovery Zone Economic Development Bonds: \$4,493,000; and (2) Recovery Zone Facility Bonds: \$6,740,000;

WHEREAS, the County may use such volume cap for eligible costs or may allocate such volume cap in any reasonable manner as the governing body of the County shall determine in good faith at its discretion for use for eligible costs for qualified economic development purposes or recovery zone property;

WHEREAS, the governing body of the County previously has designated the area comprising the boundaries of the County as a Recovery Zone due to significant levels of increased unemployment, increased levels of home foreclosures, and the general increase of economic distress throughout the County; and

WHEREAS, the governing body of the County desires to allocate its volume cap of Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds as described herein.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF LEE COUNTY, ALABAMA, as follows:

1. The governing body of the County does hereby approve, authorize, ratify and confirm (a) the allocation of the County’s volume cap of Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds to the governmental entities and in the amounts set forth on Exhibit A hereto and (b) the execution and delivery of documents, by the officers of the County, in order to carry into effect such allocation.
2. The officers of the County and any person or persons designated and authorized by any officer of the County to act in the name and on behalf of the County, or any one or more of them, are authorized to do and perform or cause to be done and performed in the name and on behalf of the County such other acts, and to execute and deliver or cause to be executed and delivered in the name and on behalf of the County such other notices, requests, demands, directions, consents, approvals, orders, applications, certificates, agreements, further assurances, or other instruments or communications, under the corporate seal of the County, or otherwise, as they or any of them may deem necessary, advisable, or appropriate in order to carry into effect the intent of the provisions of this resolution.
3. Each act of any officer or officers of the County or any person or persons designated and authorized to act by any officer of the County, which act would have been authorized by the foregoing provisions of this resolution except that such action was taken prior to the adoption of this resolution, is hereby ratified, confirmed, approved and adopted.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, APRIL 12, 2010

**EXHIBIT A
Allocations of Recovery Zone Economic Development Bonds**

Date of Allocation	Name of Issuer	Amount
April 12, 2010	City of Opelika	\$4,493,000
Total Amount of Allocations		\$4,493,000

Allocations of Recovery Zone Facility Bonds

Date of Allocation	Name of Issuer	Amount
April 12, 2010	Opelika Ind. Development Authority	\$6,740,000
Total Amount of Allocations		\$6,740,000

Mrs. Swann requested that the bid for the solar hot water system needed further review and would ask that the item be moved to the next agenda.

Commissioner Holt made a motion at approximately 6:20 p.m. to adjourn, seconded by Commissioner Smith and unanimously carried.

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, APRIL 26, 2010

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, April 26 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Lawrence.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Gary Long, Annell Smith and John Andrew Harris.

The agenda item concerning the Storm Ready Award by the National Weather Service was requested to be moved forward due to the recent tornados in Alabama.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims and the minutes of the April 12 meeting. Commissioner Holt made a motion to approve the items as presented, seconded by Commissioner Lawrence and carried unanimously.

County Administrator Roger Rendleman stated that the bonds for the countywide bridge replacement program were sold on Wednesday, April 21. Mr. Rendleman stated that the bonds were sold as taxable Build America Bonds (BABs), which means the county will be receiving 35% subsidies on the interest payments from the Internal Revenue Service. Over the 20 year life of the bonds, the county should save \$300,000 compared to the traditional tax-exempted issues. Mr. Rendleman requested that the Commission adopt the bond resolution for the \$8,120,000 Taxable General Obligation Warrants Series 2010-A. Commissioner Smith made a motion to approve the following Resolution, seconded by Commissioner Lawrence and unanimously carried.

**LEE COUNTY, ALABAMA
RESOLUTION AND ORDER
A RESOLUTION AUTHORIZING THE ISSUANCE OF
\$8,120,000 PRINCIPAL AMOUNT OF
TAXABLE GENERAL OBLIGATION WARRANTS, SERIES 2010-A
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MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, APRIL 26, 2010

**RESOLUTION AND ORDER
A RESOLUTION AUTHORIZING THE ISSUANCE OF
\$8,120,000 PRINCIPAL AMOUNT OF
TAXABLE GENERAL OBLIGATION WARRANTS, SERIES 2010-A**

BE IT RESOLVED AND ORDERED BY THE COUNTY COMMISSION OF LEE COUNTY, as follows:

ARTICLE 1

Definitions

SECTION 1.1 Definitions and Use of Phrases

For all purposes of this resolution and order, except as otherwise expressly provided or unless the context otherwise requires:

(i) The terms defined in this Article have the meanings assigned to them in this Article and include the plural, as well as the singular, and vice versa.

(ii) The terms “herein”, “hereof” and “hereunder” and other words of similar import refer to this resolution and order as a whole and not to any particular Article, Section or other subdivision.

“**Business Day**” shall mean any day other than a Saturday, a Sunday or a day on which banking institutions are required or authorized to close in the city where the Office of the Paying Agent is located.

“**Capital Improvements**” shall mean the construction and repair of road and bridge facilities in the County.

“**Continuing Disclosure Undertaking**” shall mean the agreement by such name to be entered into by the County with respect to the Warrants.

“**County**” shall mean Lee County, Alabama, a political subdivision of the State of Alabama.

“**Debt Service**” shall mean the principal, premium (if any) and interest payable on the Warrants.

“**Debt Service Fund**” shall mean the fund established pursuant to Section 6.1.

“**Defaulted Interest**” shall have the meaning stated in Section 3.9.

“**Enabling Law**” shall mean Section 11-28-1, *et seq.* of the Code of Alabama (1975).

“**Federal Securities**” shall mean noncallable, nonprepayable, direct obligations of, or obligations the full and timely payment of which is guaranteed by, the United States of America.

“**Financing Participant**” means the County and the Paying Agent.

“**Holder**”, when used with respect to any Warrant, shall mean the person in whose name such Warrant is registered in the Warrant Register.

“**Interest Payment Date**”, when used with respect to any installment of interest on a Warrant, shall mean the date specified in such Warrant as the fixed date on which such installment of interest is due and payable.

“**Internal Revenue Code**” shall mean the Internal Revenue Code of 1986, as amended.

“**Office of the Paying Agent**” shall mean the office where the Paying Agent performs its duties under this resolution.

“**Original Purchaser**” shall mean the original purchaser of the Warrants from the County identified in Section 7.1.

“**Outstanding**”, when used with respect to the Warrants, shall mean, as of the date of determination, all Warrants authenticated and delivered under this resolution and order, except:

(1) Warrants cancelled by the Paying Agent or delivered to the Paying Agent for cancellation,

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(2) Warrants for whose payment or redemption money in the necessary amount has been deposited with the Paying Agent for the Holders of such Warrants, provided that, if such Warrants are to be redeemed, notice of such redemption has been duly given pursuant to this resolution and order or provision therefor satisfactory to the Paying Agent has been made; and

(3) Warrants in exchange for or in lieu of which other Warrants have been registered and delivered under this resolution and order.

“**Paying Agent**” shall mean the agent of the County appointed as such pursuant to Section 3.11 for the purpose of paying Debt Service on the Warrants.

“**Post-Default Rate**” shall mean the rate of 5.0% per annum. Interest at the Post-Default Rate shall be computed on the basis of an assumed year of 360 days with 12 months with 30 days each.

“**Principal Payment Date**”, when used with respect to any Warrant, shall mean the date specified in such Warrant as the fixed date on which the principal of such Warrant is due and payable.

“**Purchase Agreement**” shall mean the Warrant Purchase Agreement entered into by the County and the Original Purchaser with respect to the sale of the Warrants.

“**Qualified Investments**” shall mean, to the extent permitted by applicable law for investments by the County:

(a) direct obligations of, or obligations the full and timely payment of which is guaranteed by, the United States of America, including unit investment trusts and mutual funds that invest solely in such obligations,

(b) bonds, debentures, notes or other obligations issued or guaranteed by any federal agency if such obligations are (i) backed by the full faith and credit of the United States of America or (ii) rated by at least one Rating Agency in one of the three highest rating categories assigned by such Rating Agency,

(c) money market funds rated by at least one Rating Agency in one of the three highest rating categories assigned by such Rating Agency,

(d) certificates of deposit or other bank deposits that are described in one of the following clauses: (i) certificates of deposit or bank deposits issued by, or made with, a bank whose unsecured, long-term obligations are rated by at least one Rating Agency in one of the three highest rating categories assigned by such Rating Agency, or (ii) certificates of deposit or bank deposits secured at all times by collateral described in paragraphs (a) and (b) above that is held by a third party custodian acceptable to the County and the Paying Agent with a perfected first security interest in the collateral,

(e) certificates of deposit, savings accounts, deposit accounts or money market deposits which are fully insured by the FDIC,

(f) investment agreements, including guaranteed investment contracts, repurchase agreements and forward purchase agreements, provided that (i) any securities purchased or held pursuant to such agreement are otherwise Qualified Investments under this resolution, (ii) the counterparty’s long-term debt obligations are rated by at least one Rating Agency in one of the three highest rating categories assigned by such Rating Agency, and (iii) the securities, if purchased, are owned by the County and are held by a third party custodian acceptable to the County or, if held as collateral, are held by a third party custodian acceptable to the County with a perfected first security interest in such collateral,

(g) commercial paper rated, at the time of purchase, not less than “Prime-1” by Moody’s or not less than “A-1” by S & P, and

(h) bonds or notes issued by any state, county or municipality which are rated by at least one Rating Agency in one of the three highest rating categories assigned by such Rating Agency.

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“**Rating Agency**” means Moody’s, S & P, Fitch and any other nationally recognized securities rating agency.

“**Regular Record Date**” for the interest payable on any Interest Payment Date on the Warrants shall mean the date specified in Section 3.9.

“**Warrants**” shall mean the County’s Taxable General Obligation Warrants, Series 2010-A, which are being authorized pursuant to this resolution.

“**Special Record Date**” for the payment of any Defaulted Interest on the Warrants shall mean the date fixed by the Paying Agent pursuant to Section 3.9.

“**Warrant Payment Date**” shall mean each date (including any date fixed for redemption of the Warrants) on which Debt Service is payable on the Warrants.

“**Warrant Register**” shall mean the register or registers for the registration and transfer of the Warrants maintained by the County pursuant to Section 3.7.

“**Warrantholder**,” when used with respect to any Warrant, shall mean the person in whose name such Warrant is registered in the Warrant Register.

ARTICLE 2

Representations and Warranties

SECTION 2.1 Findings, Representations and Warranties

The County Commission makes the following findings, representations and warranties as the basis for the undertakings on its part herein contained:

- (1) The County wishes to make additions and improvements to the County’s road and bridge facilities (the “Capital Improvements”).
- (2) In order to finance the cost of the Capital Improvements the County proposes to issue the Warrants authorized by this resolution.
- (3) Immediately after the issuance of the Warrants the total indebtedness of the County chargeable against the debt limitation for the County prescribed by the Constitution of the State of Alabama will not be more than 5% of the assessed valuation of taxable property within the boundaries of the County for the last fiscal year (ended September 30, 2009).

ARTICLE 3

The Warrants

SECTION 3.1 Authorization of Warrants

Pursuant to the authority to do so contained in the applicable provisions of the constitution and laws of Alabama, including particularly the Enabling Law, there is hereby authorized to be issued a series of warrants entitled “Taxable General Obligation Warrants, Series 2010-A” (herein called the “Warrants”). The Warrants shall be issued for the purposes specified in Article 2.

SECTION 3.2 Amount and Terms

- (a) The aggregate principal amount of the Warrants which may be authenticated and delivered and Outstanding is limited to \$8,120,000.
- (b) The Warrants shall be issuable as fully registered warrants without coupons in the denomination of \$5,000 or any multiple thereof. The Warrants shall be numbered separately from 1 upward.
- (c) The Warrants shall mature on April 1 in the years 2011 through 2030 (each such maturity date being herein called a “Principal Payment Date”). All Warrants with the same maturity shall bear interest at the same rate. The principal amount of Warrants maturing on each Principal Payment Date and the applicable rate of interest for the Warrants of each maturity are as follows:

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Year of Maturity	Principal Amount Maturing	Applicable Interest Rate
2011	\$330,000	2.25%
2012	315,000	2.75
2013	320,000	3.00
2014	330,000	3.50
2015	335,000	3.75
2016	345,000	4.10
2017	355,000	4.30
2018	360,000	4.60
2019	375,000	4.80
2020	385,000	5.05
2021	400,000	5.15
2022	410,000	5.25
2023	425,000	5.37
2024	440,000	5.48
2025	455,000	5.60
2026	470,000	5.70
2027	490,000	5.80
2028	510,000	5.90
2029	525,000	5.95
2030	545,000	6.00

(d) The Warrants shall be dated as of the date of their initial issuance and shall bear interest from such date, or the most recent date to which interest has been paid or duly provided for, until the principal thereof shall become due and payable, at the applicable rate per annum set forth in subsection (c) of this Section. Interest on the Warrants shall be payable on April 1 and October 1 in each year, beginning October 1, 2010 (each such date being herein called an “Interest Payment Date”), and shall be computed on the basis of a 360 day year with 12 months of 30 days each. Interest on overdue principal and premium and (to the extent legally enforceable) on any overdue installment of interest on the Warrants shall be payable at the Post-Default Rate.

(e) Payment of interest on the Warrants which is due, and punctually paid or duly provided for, on any Interest Payment Date shall be made by check or draft mailed by the Paying Agent to the persons entitled thereto at their addresses appearing in the Warrant Register. Such payments of interest shall be deemed timely made if so mailed on the Interest Payment Date (or, if such Interest Payment Date is not a Business Day, on the Business Day next following such Interest Payment Date). Payment of the principal of (and premium, if any, on) the Warrants and payment of accrued interest on the Warrants due upon redemption on any date other than an Interest Payment Date shall be made only upon surrender thereof at the Office of the Paying Agent.

(f) Any provision of this Section to the contrary notwithstanding, upon the written request of the Holder of any Warrant in a principal amount of not less than \$100,000, the Paying Agent will make payment of the Debt Service due on such Warrant on any Warrant Payment Date by wire transfer to an account of such Holder maintained at a bank in the continental United States or by any other method providing for payment in same day funds that is acceptable to the Paying Agent, provided that:

- (1) such written request contains adequate instructions for the method of payment,
- (2) payment of the principal of (and redemption premium, if any, on) such Warrant and payment of accrued interest on such Warrant due upon redemption on any date other than an Interest Payment Date shall be made only upon surrender of such Warrant to the Paying Agent, and
- (3) such Holder agrees to pay the Paying Agent’s customary wire transfer fee.

SECTION 3.3 Book-Entry Only System; Payment Provisions

(a) The registration and payment of Warrants shall be made pursuant to the Book-Entry Only System (the “Book-Entry Only System”) administered by The Depository Trust Company (“DTC”) in accordance with a letter of representations in the form require by DTC for book-entry only securities (the “Letter of Representations”) until such System is terminated pursuant to Section 3.3(c).

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(b) While Warrants are in the Book-Entry Only System the following provisions shall apply for purposes of this resolution and order and shall supersede any contrary provisions of this resolution and order:

(1) Notwithstanding the fact that DTC may hold a single physical certificate for each stated maturity for purposes of the Book-Entry Only System, the term "Warrant" shall mean each separate Security (as defined in the Letter of Representations) issued pursuant to the Book-Entry Only System, and the term "Holder" shall mean the person identified on the records of DTC as the owner of the related Security.

(2) The terms and limitations of this resolution and order with respect to each separate Warrant shall be applicable to each separate Security registered under the Book-Entry Only System.

(3) All notices under this resolution and order to Holders of Warrants from any other Financing Participant shall be delivered by such Financing Participant to DTC for distribution by DTC in accordance with the Letter of Representations. All notices under this resolution and order to or from a Financing Participant other than a Holder of a Warrant shall be delivered directly to the Financing Participant as provided in this resolution and order and shall not be delivered through DTC or the Book-Entry Only System.

(4) All payments of Debt Service on the Warrants shall be made by the Paying Agent to DTC and shall be made by DTC to the Participants (as such term is defined in the Letter of Representations) as provided in the Letter of Representations. All such payments shall be valid and effective fully to satisfy and discharge the County's obligations with respect to such payments.

(c) If the County and the Paying Agent concur that it would be in the best interests of the Holders of the Warrants for the Book-Entry Only System to be discontinued (in whole or in part), such Book-Entry Only System shall be discontinued (in whole or in part) in accordance with the provisions of the Letter of Representations. In addition, the Book-Entry Only System may be discontinued (in whole or in part) at any time by the County acting alone in accordance with the Letter of Representations.

(d) If the Book-Entry Only System is discontinued, except as otherwise provided in this Section with respect to Wire Transfer rights, payment of interest on the Warrants which is due on any Interest Payment Date shall be made by check or draft mailed by the Paying Agent to the persons entitled thereto at their addresses appearing in the Warrant Register. Such payments of interest shall be deemed timely made if so mailed on the Interest Payment Date (or, if such Interest Payment Date is not a Business Day, on the Business Day next following such Interest Payment Date). Payment of the principal of (and premium, if any, on) the Warrants and payment of accrued interest on the Warrants due upon redemption on any date other than an Interest Payment Date shall be made only upon surrender thereof at the Office of the Paying Agent.

SECTION 3.4 Form of Warrant

(a) The Warrants and the authentication certificate shall be substantially in the following form, with such appropriate insertions, omissions, substitutions and other variations as are required or permitted by this resolution and order:

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[Form of Warrant]

**LEE COUNTY
(ALABAMA)**

Taxable General Obligation Warrants, Series 2010-A

No. _____ \$ _____
Maturity Date: _____ Interest Rate: _____

LEE COUNTY, a political subdivision of the State of Alabama (the "County"), for value received, hereby acknowledges that it is indebted in the principal sum of

_____ **DOLLARS**

and hereby directs its Paying Agent to pay (but solely out of the Debt Service Fund referred to below) such principal sum to

_____.

or registered assigns, on the maturity date specified above and to pay (but solely out of the Debt Service Fund) interest on such principal sum from the date hereof, or the most recent date to which interest has been paid or duly provided for, until such principal sum shall become due and payable, at the per annum rate of interest specified above. Interest shall be payable on April 1 and October 1 in each year, beginning October 1, 2010 (each such date being herein called an "Interest Payment Date"), and shall be computed on the basis of a 360-day year with 12 months of 30 days each. Interest shall be payable on overdue principal (and premium, if any) on this warrant and (to the extent legally enforceable) on any overdue installment of interest on this warrant at the Post-Default Rate specified in the Warrant Resolution referred to below.

The interest so payable, and punctually paid or duly provided for, on any Interest Payment Date will, as provided in the Warrant Resolution, be paid to the person in whose name this warrant is registered at the close of business on the Regular Record Date for such interest, which shall be the 15th day (whether or not a Business Day) next preceding such Interest Payment Date. Any such interest not so punctually paid or duly provided for shall forthwith cease to be payable to the registered Holder on such Regular Record Date and shall be paid to the person in whose name this warrant is registered at the close of business on a Special Record Date for the payment of such Defaulted Interest to be fixed by the Paying Agent, notice of such Special Record Date being given to Holders of the Warrants not less than 10 days prior to such Special Record Date.

Payment of interest on this warrant due on each Interest Payment Date shall be made by check or draft mailed by the Paying Agent to the person entitled thereto at his address appearing in the Warrant Register maintained by the Paying Agent. Such payments of interest shall be deemed timely made if so mailed on the Interest Payment Date (or, if such Interest Payment Date is not a Business Day, on the Business Day next following such Interest Payment Date). Payment of the principal of (and premium, if any, on) this warrant and payment of accrued interest on this warrant due upon redemption on any date other than an Interest Payment Date shall be made only upon surrender of this warrant at the Office of the Paying Agent subject to the terms and conditions contained in the Warrant Resolution, including the payment of the Paying Agent's customary fee for handling such wire transfers. Upon the terms and conditions provided in the Warrant Resolution, the Holder of any Warrant in a principal amount of not less than \$100,000 may request that payment of Debt Service on such Warrant be made by wire transfer to an account of such Holder maintained at a bank in the continental United States or by any other method providing for same-day funds that is acceptable to the Paying Agent subject to the terms and conditions contained in the Warrant Resolution, including the payment of the Paying Agent's customary fee for handling such wire transfers. All such payments shall be made in such coin or currency of the United States of America as at the time of payment is legal tender for the payment of public and private debts.

This warrant is one of a duly authorized issue of warrants of the County, aggregating \$8,120,000 in principal amount, entitled "Taxable General Obligation Warrants, Series 2010-A" (the "Warrants") issued under and pursuant to a resolution and order duly adopted by the governing body of the County (the "Warrant Resolution") and the constitution and laws of the State of Alabama, including particularly Section 11-28-1 of the Code of Alabama 1975. Capitalized terms not otherwise defined herein shall have the meanings assigned in the Warrant Resolution.

The Warrant Resolution provides that Regions Bank, an Alabama banking corporation, will serve as "Paying Agent" with respect to the Warrants unless and until a successor is appointed pursuant to the terms and conditions of the Warrant Resolution. For purposes of this warrant and the Warrant

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Resolution, the Office of the Paying Agent shall mean the office where the Paying Agent performs its duties under the Warrant Resolution.

The indebtedness evidenced by the Warrants is a general obligation of the County for the payment of which the full faith and credit of the County have been irrevocably pledged, pro rata and without preference or priority of one Warrant over another.

Pursuant to the Warrant Resolution the County has established a special fund for the payment of Debt Service on the Warrants (the "Debt Service Fund") that will be held by the Paying Agent. The County has obligated itself to pay or cause to be paid into the Debt Service Fund from the taxes, revenues or other general funds of the County sums sufficient to provide for the payment of Debt Service on the Warrants as the same becomes due and payable.

In the manner and with the effect provided in the Warrant Resolution, the Warrants are subject to redemption prior to maturity as follows:

Optional Redemption. Warrants maturing after April 1, 2020 may be redeemed at the option of the County in whole or in part on April 1, 2020 or any date thereafter at a redemption price equal to 100% of the principal amount redeemed plus accrued interest to the redemption date.

Any redemption shall be made upon at least 30 days' notice in the manner and upon the terms and conditions provided in the Warrant Resolution.

If less than all Warrants Outstanding are to be redeemed, the principal amount of Warrants of each maturity to be redeemed may be specified by the County by written notice to the Paying Agent or, in the absence of timely receipt by the Paying Agent of such notice, shall be selected by the Paying Agent by lot or by such other method as the Paying Agent shall deem fair and appropriate; provided, however, that (i) the principal amount of Warrants of each maturity to be redeemed must be a multiple of the smallest authorized denomination of the Warrants and (ii) if less than all Warrants with the same stated maturity are to be redeemed, the Warrants of such maturity to be redeemed shall be selected by lot by the Paying Agent.

Upon any partial redemption of any Warrant, the same shall, except as otherwise permitted by the Warrant Resolution, be surrendered in exchange for one or more new Warrants of the same maturity and in authorized form for the unredeemed portion of principal. Warrants (or portions thereof as aforesaid) for whose redemption and payment provision is made in accordance with the Warrant Resolution shall cease to bear interest from and after the date fixed for redemption.

As provided in the Warrant Resolution and subject to certain limitations therein set forth, this warrant is transferable on the Warrant Register maintained at the Office of the Paying Agent, upon surrender of this warrant for transfer at such office, duly endorsed by, or accompanied by a written instrument of transfer in form satisfactory to the County and the Paying Agent duly executed by, the registered Holder hereof or his attorney duly authorized in writing, and thereupon one or more new Warrants of a like aggregate principal amount, of any authorized denominations and of the same maturity, will be issued to the designated transferee or transferees.

The Warrants are issuable in denominations of \$5,000 and any multiple thereof. As provided in the Warrant Resolution and subject to certain limitations therein set forth, Warrants are exchangeable for a like aggregate principal amount of Warrants of any authorized denominations and of the same maturity, as requested by the Holder surrendering the same.

No service charge shall be made for any transfer or exchange hereinbefore referred to, but the County may require payment of a sum sufficient to cover any tax or other governmental charge payable in connection therewith.

The County, the Paying Agent and any agent of the County or the Paying Agent may treat the person in whose name this warrant is registered as the owner hereof for the purpose of receiving payment as herein provided and for all other purposes, whether or not this warrant is overdue, and neither the County, the Paying Agent nor any agent shall be affected by notice to the contrary.

It is hereby certified, recited and declared that the indebtedness evidenced and ordered paid by this warrant is lawfully due without condition, abatement or offset of any description; that this warrant has been registered as a claim against the Debt Service Fund in the manner provided by law; that all acts, conditions and things required by the constitution and laws of the State of Alabama to happen, exist and be performed precedent to and in the issuance of this warrant have happened, do exist and have been performed; and that the indebtedness evidenced and ordered paid by this warrant, together with all other

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indebtedness of the County, is within every debt and other limit prescribed in the constitution and laws of the State of Alabama.

Unless the certificate of authentication hereon has been executed by the Paying Agent by manual signature, this warrant shall not be entitled to any benefit under the Warrant Resolution or be valid or obligatory for any purpose.

IN WITNESS WHEREOF, the County has caused this warrant to be duly executed under its seal.

Dated: April _____, 2010.

LEE COUNTY, ALABAMA

By _____
Chairman of the Lee County Commission

[S E A L]

Certificate of Authentication

This warrant is one of the Warrants issued pursuant to the within mentioned Warrant Resolution.

Date of Authentication: _____

as Paying Agent

By _____
Its Authorized Officer

[Form for Assignment]

For value received, _____ hereby sell(s), assign(s) and transfer(s) unto _____ this warrant and hereby irrevocably constitute(s) and appoint(s) _____ attorney to transfer this warrant on the books of the within named County at the office of the within named Paying Agent, with full power of substitution in the premises.

Dated: _____.

NOTE: The name signed to this assignment must correspond with the name of the payee written on the face of the within warrant in all respects, without alteration, enlargement or change whatsoever.

Signature Guaranteed:

(Bank or Trust Company)

By _____
(Authorized Officer)

SECTION 3.5 Execution, Registration and Authentication

(a) The Warrants shall be executed on behalf of the County by the Chairman of the County Commission under the County's seal reproduced thereon and the certification of registration of each Warrant as a claim against the Debt Service Fund shall be executed by the Treasurer of the County. The signature of any of these officers on the Warrants may be manual or, to the extent permitted by law, facsimile. Warrants bearing the manual or facsimile signatures of individuals who were at any time the proper officers of the County shall bind the County, notwithstanding that such individuals or any of them

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shall have ceased to hold such offices prior to the authentication and delivery of such Warrants or shall not have held such offices at the date of such Warrants.

(b) No Warrants shall be secured by, or be entitled to, any lien, right or benefit under, this resolution and order or be valid or obligatory for any purpose, unless there appears on such Warrant a certificate of authentication substantially in the form provided for herein, executed by the Paying Agent by manual signature, and such certificate upon any Warrant shall be conclusive evidence, and the only evidence, that such Warrant has been duly authenticated and delivered hereunder.

SECTION 3.6 Temporary Warrants

(a) Pending the preparation of definitive Warrants, the County may execute, and upon request of the County the Paying Agent shall authenticate and deliver, temporary Warrants which are printed, lithographed, typewritten, mimeographed or otherwise produced, in any denomination, substantially of the tenor of the definitive Warrants in lieu of which they are issued, with such appropriate insertions, omissions, substitutions and other variations as the officers executing such Warrants may determine, as evidenced by their execution of such Warrants.

(b) If temporary Warrants are issued, the County will cause definitive Warrants to be prepared without unreasonable delay. After the preparation of definitive Warrants, the temporary Warrants shall be exchangeable for definitive Warrants upon surrender of the temporary Warrants at the Office of the Paying Agent, without charge to the Holder. Upon surrender for cancellation of any one or more temporary Warrants, the County shall execute and the Paying Agent shall authenticate and deliver in exchange therefor a like principal amount of definitive Warrants of authorized denominations. Until so exchanged, temporary Warrants shall in all respects be entitled to the security and benefits of this resolution and order.

SECTION 3.7 Registration, Transfer and Exchange

(a) The County shall cause to be kept at the Office of the Paying Agent a register (herein referred to as the "Warrant Register") in which, subject to such reasonable regulations as it may prescribe, the County shall provide for the registration of Warrants and registration of transfers of Warrants entitled to be registered or transferred as herein provided. The Paying Agent is hereby appointed "Warrant Registrar" for the purpose of registering Warrants and transfers of Warrants as herein provided.

(b) Upon surrender for transfer of any Warrant at the Office of the Paying Agent, the County shall execute, and the Paying Agent shall authenticate and deliver, in the name of the designated transferee or transferees, one or more new Warrants of the same series of a like aggregate principal amount, of any authorized denominations and of the same maturity.

(c) At the option of the Holder, Warrants may be exchanged for other Warrants of the same series of a like aggregate principal amount, of any authorized denominations and of the same maturity, upon surrender of the Warrants to be exchanged at the Office of the Paying Agent. Whenever any Warrants are so to be surrendered for exchange, the County shall execute, and the Paying Agent shall authenticate and deliver, the Warrants which the Holder making the exchange is entitled to receive.

(d) All Warrants surrendered upon any exchange or transfer provided for in this resolution and order shall be promptly cancelled by the Paying Agent.

(e) All Warrants issued upon any transfer or exchange of Warrants shall be the valid obligations of the County and entitled to the same security and benefits under this resolution and order as the Warrants surrendered upon such transfer or exchange.

(f) Every Warrant presented or surrendered for transfer or exchange shall (if so required by the County or the Paying Agent) be duly endorsed, or be accompanied by a written instrument of transfer in form satisfactory to the County and the Paying Agent duly executed, by the Holder thereof or his attorney duly authorized in writing.

(g) No service charge shall be made for any transfer or exchange of Warrants, but the County may require payment of a sum sufficient to cover any tax or other governmental charge that may be imposed in connection with any transfer or exchange of Warrants.

(h) The County shall not be required (i) to transfer or exchange any Warrant during a period beginning at the opening of business 15 days before the day of the mailing of a notice of redemption of Warrants and ending at the close of business on the day of such mailing, (ii) to transfer or exchange any Warrant so selected for redemption in whole or in part, or (iii) to exchange any Warrant during a period

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beginning at the opening of business on any Regular Record Date and ending at the close of business on the relevant Interest Payment Date therefor.

SECTION 3.8 Mutilated, Destroyed, Lost and Stolen Warrants

(a) If (i) any mutilated Warrant is surrendered to the Paying Agent, or the County and the Paying Agent receive evidence to their satisfaction of the destruction, loss or theft of any Warrant, and (ii) there is delivered to the County and the Paying Agent such security or indemnity as may be required by them to save each of them harmless, then, in the absence of notice to the County or the Paying Agent that such Warrant has been acquired by a bona fide purchaser, the County shall execute and upon its request the Paying Agent shall authenticate and deliver, in exchange for or in lieu of any such mutilated, destroyed, lost or stolen Warrant, a new Warrant of the same series, of like tenor and principal amount, bearing a number not contemporaneously outstanding.

(b) Upon the issuance of any new Warrant under this Section, the County may require the payment of a sum sufficient to cover any tax or other governmental charge that may be imposed in relation thereto and any other expenses connected therewith.

(c) Every new Warrant issued pursuant to this Section in lieu of any destroyed, lost or stolen Warrant shall constitute an original additional contractual obligation of the County, whether or not the destroyed, lost or stolen Warrant shall be at any time enforceable by anyone, and shall be entitled to all the security and benefits of this resolution and order equally and ratably with all other Outstanding Warrants.

(d) The provisions of this Section are exclusive and shall preclude (to the extent lawful) all other rights and remedies with respect to the replacement or payment of mutilated, destroyed, lost or stolen Warrants.

SECTION 3.9 Payment of Interest on Warrants; Interest Rights Preserved

(a) Interest on any Warrant which is payable, and punctually paid or duly provided for, on any Interest Payment Date shall be paid to the person in whose name that Warrant is registered at the close of business on the Regular Record Date for such interest, which shall be the 15th day (whether or not a Business Day) next preceding such Interest Payment Date.

(b) Any interest on any Warrant which is payable, but is not punctually paid or duly provided for, on any Interest Payment Date (herein called "Defaulted Interest") shall forthwith cease to be payable to the Holder on the relevant Regular Record Date solely by virtue of such Holder having been such Holder, and such Defaulted Interest shall be paid by the County to the persons in whose names such Warrants are registered at the close of business on a special record date (herein called a "Special Record Date") for the payment of such Defaulted Interest, which shall be fixed in the following manner. The County shall notify the Paying Agent in writing of the amount of Defaulted Interest proposed to be paid on each Warrant and the date of the proposed payment (which date shall be such as will enable the Paying Agent to comply with the next sentence hereof), and at the same time the County shall deposit with the Paying Agent an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Paying Agent for such deposit prior to the date of the proposed payment, such money when deposited to be held solely for the benefit of the persons entitled to such Defaulted Interest as in this subsection provided. Thereupon, the Paying Agent shall fix a Special Record Date for the payment of such Defaulted Interest which shall be not more than 15 nor less than 10 days prior to the date of the proposed payment and not less than 10 days after the receipt by the Paying Agent of the notice of the proposed payment. The Paying Agent shall promptly notify the County of such Special Record Date and, in the name and at the expense of the County, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, to each Holder of a Warrant at his address as it appears in the Warrant Register not less than 10 days prior to such Special Record Date. Notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor having been mailed as aforesaid, such Defaulted Interest shall be paid to the persons in whose names the Warrants are registered on such Special Record Date.

(c) Subject to the foregoing provisions of this Section, each Warrant delivered under this resolution and order upon transfer of or in exchange for or in lieu of any other Warrant shall carry all the rights to interest accrued and unpaid, and to accrue, which were carried by such other Warrant, and each such Warrant shall bear interest from such date that neither gain nor loss in interest shall result from such transfer, exchange or substitution.

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SECTION 3.10 Persons Deemed Owners

The County, the Paying Agent and any agent of the County or the Paying Agent may treat the person in whose name any Warrant is registered as the owner of such Warrant for the purpose of receiving payment of Debt Service on such Warrant (subject to Section 3.8) and for all other purposes whatsoever whether or not such Warrant is overdue, and, to the extent permitted by law, neither the County, the Paying Agent nor any such agent shall be affected by notice to the contrary.

SECTION 3.11 Paying Agent

(a) Regions Bank, an Alabama banking corporation, is hereby appointed "Paying Agent" for the purpose of paying Debt Service on the Warrants on behalf of the County.

(b) The Debt Service on the Warrants shall, except as otherwise provided herein, be payable at the Office of the Paying Agent.

(c) If the bank designated as Paying Agent pursuant to subsection (a) of this Section shall resign or shall become incapable of acting or shall be adjudged a bankrupt or insolvent or a receiver of it or of its property shall be appointed or any public officer shall take charge or control of it or of its property or affairs for the purpose of rehabilitation, conservation or liquidation, then, in any such case, the County shall appoint a successor Paying Agent. Any successor Paying Agent must be a commercial bank with trust powers, must have capital and surplus of not less than \$25,000,000, must be subject to supervision or examination by federal or State of Alabama authority, and must have a corporate trust office within the State of Alabama. The County shall give notice of the appointment of any such successor Paying Agent by registered or certified mail to the Holders of Warrants as their names and addresses appear in the Warrant Register.

SECTION 3.12 Payments Due on a Day Other than a Business Day

If any payment on the Warrants is due on a day which is not a Business Day, such payment shall be made on the first succeeding day which is a Business Day with the same effect as if made on the day such payment was due.

SECTION 3.13 Cancellation

All Warrants surrendered for payment, redemption, transfer or exchange shall be promptly cancelled by the Paying Agent. No Warrants shall be registered in lieu of or in exchange for any Warrant cancelled as provided in this Section, except as expressly provided by this resolution and order.

ARTICLE 4

Redemption of Warrants

SECTION 4.1 General Applicability of Article

(a) The Warrants shall be redeemable in accordance with the redemption provisions set forth in the form of the Warrants contained in Section 3.4 and the provisions of this Article.

(b) Warrants shall be redeemed in accordance with the mandatory redemption provisions of the Warrants without any direction from or consent by the County. Warrants shall be redeemed in accordance with the optional redemption provisions of the Warrants only upon direction of the County.

SECTION 4.2 Election to Redeem; Notice to Paying Agent

The election of the County to exercise any right of optional redemption shall be evidenced by a certified resolution of the governing body of the County delivered to the Paying Agent. In case of any redemption at the option of the County of less than all the Outstanding Warrants, the County shall, at least 60 days prior to the date fixed by the County for redemption of Warrants (unless a shorter notice shall be satisfactory to the Paying Agent), notify the Paying Agent of such redemption date and of the principal amount and maturities of Warrants to be redeemed.

SECTION 4.3 Selection by Paying Agent of Warrants to be Redeemed

(a) Except in the case of mandatory redemption of Term Warrants, if less than all the Outstanding Warrants of any series are to be redeemed, the principal amount of Warrants of each maturity of such series to be redeemed shall be specified by the County by written notice delivered to the Paying Agent not less than sixty (60) days before the date fixed for redemption (unless a shorter notice is acceptable to the Paying Agent) or, in the absence of timely receipt by the Paying Agent of such notice,

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shall be selected by the Paying Agent by lot or by such other method as the Paying Agent shall deem fair and appropriate; provided, however, that the principal amount of Warrants of each maturity to be redeemed must be a multiple of the smallest authorized denomination of the Warrants and (ii) if less than all Warrants with the same stated maturity are to be redeemed, the Warrants of such maturity to be redeemed shall be selected by lot by the Paying Agent.

(b) The Paying Agent shall promptly notify the County in writing of the Warrants selected for redemption and, in the case of any Warrant selected for partial redemption, the principal amount thereof to be redeemed.

(c) For all purposes of this resolution and order, unless the context otherwise requires, all provisions relating to the redemption of Warrants shall relate, in the case of any Warrant redeemed or to be redeemed only in part, to the portion of the principal of such Warrant which has been or is to be redeemed.

SECTION 4.4 Notice of Redemption

(a) Unless waived by the Holders of all Warrants then Outstanding, notice of redemption shall be given by registered or certified mail, mailed not less than 30 nor more than 60 days prior to the redemption date, to each Holder of Warrants to be redeemed at his address appearing in the Warrant Register.

(b) All notices of redemption shall state:

(1) the redemption date,

(2) the redemption price,

(3) the principal amount of Warrants to be redeemed, and, if less than all Outstanding Warrants are to be redeemed, the identification (and, in the case of partial redemption, the respective principal amounts) of the Warrants to be redeemed,

(4) that on the redemption date the redemption price of each of the Warrants to be redeemed will become due and payable and that the interest thereon shall cease to accrue from and after said date, and

(5) the place or places where the Warrants to be redeemed are to be surrendered for payment of the redemption price.

(c) Notice of redemption of Warrants to be redeemed at the option of the County shall be given by the County or, at the County's request, by the Paying Agent in the name and at the expense of the County. Notice of redemption of Warrants in accordance with the mandatory redemption provisions of the Warrants shall be given by the Paying Agent in the name and at the expense of the County.

(d) The County and the Paying Agent shall, to the extent practical under the circumstances, comply with the standard set forth in Securities and Exchange Commission's Exchange Act Release No. 23856 dated December 3, 1986, regarding redemption notices, but their failure to do so shall not in any manner defeat the effectiveness of a call for redemption if notice thereof is given as prescribed in this Section.

SECTION 4.5 Deposit of Redemption Price

Prior to any redemption date, the County shall deposit with the Paying Agent an amount of money sufficient to pay the redemption price of all the Warrants which are to be redeemed on that date. Such money shall be held solely for the benefit of the persons entitled to such redemption price.

SECTION 4.6 Warrants Payable on Redemption Date

(a) Notice of redemption having been given as aforesaid, the Warrants so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the County shall default in the payment of the redemption price) such Warrants shall cease to bear interest. Upon surrender of any such Warrant for redemption in accordance with said notice, such Warrant shall be paid by the County at the redemption price. Installments of interest due prior to the redemption date shall be payable to the Holders of the Warrants registered as such on the relevant Record Dates according to the terms of such Warrants and the provisions of Section 3.8.

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(b) If any Warrant called for redemption shall not be so paid upon surrender thereof for redemption, the principal (and premium, if any) shall, until paid, bear interest from the redemption date at the Post-Default Rate.

SECTION 4.7 Warrants Redeemed in Part

Any Warrant which is to be redeemed only in part shall be surrendered at the Office of the Paying Agent (with, if the County or the Paying Agent so requires, due endorsement by, or a written instrument of transfer in form satisfactory to the County and the Paying Agent duly executed by, the Holder thereof or his attorney duly authorized in writing), and the County shall execute and the Paying Agent shall authenticate and deliver to the Holder of such Warrant, without service charge, a new Warrant or Warrants of the same series, of the same maturity and of any authorized denomination or denominations, as requested by such Holder in an aggregate principal amount equal to and in exchange for the unredeemed portion of the principal of the Warrant so surrendered.

ARTICLE 5

**Source of Payment; Pledge and
Assignment of Pledged Payments**

SECTION 5.1 General Obligation

The indebtedness evidenced and ordered paid by the Warrants shall be a general obligation of the County for the payment of Debt Service on which the full faith and credit of the County are hereby irrevocably pledged, pro rata and without preference or priority of one Warrant over another. The County hereby covenants and agrees to levy and collect taxes, to the maximum extent permitted by law, at such rate or rates as shall make available tax proceeds which, when added to the revenues of the County from other sources available for such purposes, will be sufficient to pay the reasonable expenses of carrying on the necessary governmental functions of the County and to pay Debt Service on the Warrants as the same shall become due and payable.

SECTION 5.2 Provision for Payment of Warrants

(a) If Debt Service on Warrants is paid in accordance with the terms of the Warrants and this resolution and order, then all covenants, agreements and other obligations of the County to the Warrantheolders shall thereupon cease, terminate and become void and be discharged and satisfied. In such event, the Paying Agent shall pay to the County any surplus remaining in the Debt Service Fund.

(b) Warrants shall, prior to the maturity or redemption date thereof, be deemed to have been paid within the meaning and with the effect expressed in subsection (a) of this Section if:

(1) in case such Warrants are to be redeemed on any date prior to their maturity, either (i) the Paying Agent shall receive evidence that notice of such redemption has been given in accordance with the terms of this resolution and order or (ii) the County shall confer on the Paying Agent irrevocable authority for the giving of such notice on behalf of the County,

(2) there shall have been deposited with the Paying Agent cash and/or Federal Securities which (assuming due and punctual payment of the principal of and interest on such Federal Securities) will provide money sufficient to pay when due the Debt Service due and to become due on such Warrants on and prior to the redemption date or maturity date thereof, as the case may be, and

(3) such Federal Securities are not subject to redemption prior to their respective maturities at the option of the issuer of such Federal Securities.

All cash and/or Federal Securities so deposited with the Paying Agent shall be held in trust and applied by the Paying Agent solely to the payment of Debt Service on such Warrants as the same shall become due and payable. At such time as any Warrant shall be deemed paid as aforesaid, it shall no longer be secured by or entitled to the benefits of this resolution and order, except for the purpose of any payment from such cash and/or Federal Securities deposited with the Paying Agent and the purpose of transfer and exchange as herein provided.

(c) Any trust established pursuant to this Section may provide for payment of less than all Warrants outstanding or less than all Warrants of any remaining maturity.

(d) If any trust provides for payment of less than all Warrants with the same maturity, the Warrants of such maturity to be paid from the trust shall be selected by the Paying Agent by lot by such method as shall provide for the selection of portions (in authorized denominations) of the principal of

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Warrants of such maturity of a denomination larger than the smallest authorized denomination. Such selection shall be made within 7 days after such trust is established. This selection process shall be in lieu of the selection process provided for in Section 4.3(b) if and to the extent that the Warrants payable from such trust are to be redeemed prior to maturity. After such selection is made, the Warrants that are to be paid from such trust (including the Warrants issued in exchange for such Warrants pursuant to the transfer or exchange provisions of this resolution) shall be identified by a separate CUSIP number or other designation satisfactory to the Paying Agent. The Paying Agent shall notify Holders whose Warrants (or portions thereof) have been selected for payment from such trust and shall direct such Warrantholders to surrender their Warrants to the Paying Agent in exchange for the Warrants with the appropriate designation. The selection of the Warrants for payment from such trust pursuant to this Section shall be conclusive and binding on the Warrantholders, the County and the Paying Agent.

ARTICLE 6

The Debt Service Fund

SECTION 6.1 The Debt Service Fund

(a) There is hereby established a special fund entitled "Taxable General Obligation Warrants, Series 2010-A Debt Service Fund" (herein called the "Debt Service Fund"). Money in the Debt Service Fund shall be used solely for the payment of Debt Service on Warrants as the same shall become due and payable.

(b) The County shall deposit into the Debt Service Fund the following amounts on or before the following dates:

- (1) on the date of delivery of Warrants, all accrued interest and premium (if any) from the sale of the Warrants to the Original Purchaser; and
- (2) not later than the third Business Day prior to each Warrant Payment Date, an amount equal to the Debt Service on the Warrants that will be due and payable on such Warrant Payment Date.

If on any Warrant Payment Date the balance in the Debt Service Fund is insufficient to pay the Debt Service on the Warrants due and payable on such date, the County shall immediately pay into the Debt Service Fund the amount that is necessary to make the balance in the Debt Service Fund equal to the amount of Debt Service due and payable on such Warrant Payment Date.

SECTION 6.2 Transfer of Funds

The County shall collect the taxes, revenues and other general funds of the County and deposit the same in the County's general fund. The County shall then transfer or cause to be transferred from the general fund to the Debt Service Fund monies in the amounts and at the times required by Section 6.1.

SECTION 6.3 Investment of Debt Service Fund

(a) The County may cause any money on deposit in the Debt Service Fund not then needed for the payment of Debt Service on the Warrants to be invested or reinvested by the Paying Agent in Qualified Investments. All such investments must mature or be subject to redemption at the option of the Holder on or prior to the respective date or dates when cash funds will be required for purposes of the Debt Service Fund. Any investment made with money on deposit in the Debt Service Fund shall be held by or under control of the Paying Agent and shall be deemed at all times a part of the Debt Service Fund.

(b) All interest accruing on such investments and any profit realized therefrom shall be deposited in the Debt Service Fund and shall be credited to the deposits required by Section 6.1; any losses resulting from liquidation of investments shall be charged to the Debt Service Fund and shall be added to the next ensuing deposit specified in Section 6.1. The Paying Agent shall sell and reduce to cash a sufficient portion of such investments whenever the cash balance in the Debt Service Fund is insufficient to pay Debt Service on the Warrants when due.

(c) Any investment of money in the Debt Service Fund may be made by the Paying Agent through its own bond department, investment department or other commercial banking department providing investment services. Any certificate of deposit issued by, or other interest bearing deposit with, the Paying Agent shall be deemed an investment rather than a deposit requiring security, to the extent required by applicable law.

ARTICLE 7

Sale and Delivery of Warrants

SECTION 7.1 Sale of Warrants

(a) The Warrants are hereby sold to The Frazer Lanier Company Incorporated (the "Original Purchaser") for a purchase price of \$8,067,220.00 (face amount of the Warrants less underwriter's discount of \$52,780.00).

(b) The Original Purchaser shall be under no duty to inquire as to the application of the proceeds of the Warrants. Nevertheless, such proceeds shall be held and applied solely for the purposes specified in this resolution and order.

SECTION 7.2 Official Statement, Purchase Agreement, Continuing Disclosure Undertaking

(a) The County does hereby ratify the Preliminary Official Statement dated April 19, 2010. The County does also approve and authorize the Official Statement dated April 21, 2010, which has been presented to and considered by the County Commission of the County. The Commission Chairman is hereby authorized and directed to execute and deliver the Official Statement in the name and on behalf of the County in the form presented to the County Commission at this meeting with such changes or additions thereto or deletions therefrom as the Commission Chairman shall approve, which approval shall be conclusively evidenced by his execution of such document.

(b) The Commission Chairman and the County Administrator of the County are hereby authorized and directed to execute and deliver the Continuing Disclosure Agreement and Warrant Purchase Agreement in substantially the forms presented to the County Commission at the time of adoption of this resolution and order with such changes or additions thereto or deletions therefrom as the Commission Chairman shall approve, which approval shall be conclusively evidenced by his execution of such instruments. The County Administrator is hereby authorized and directed to affix the seal of the County to such instrument and to attest the same.

(c) The officers of the County and any person or persons designated and authorized by any officer of the County to act in the name and on behalf of the County, or any one or more of them, are authorized to do and perform or cause to be done and performed in the name and on behalf of the County such other acts, to pay or cause to be paid on behalf of the County such related costs and expenses, and to execute and deliver or cause to be executed and delivered in the name and on behalf of the County such other notices, requests, demands, directions, consents, approvals, orders, applications, certificates, agreements, further assurances, or other instruments or communications, under the seal of the County, or otherwise, as they or any of them may deem necessary, advisable or appropriate in order to carry into effect the intent of the provisions of this resolution and order and to demonstrate the validity of the Warrants, the absence of any pending or threatened litigation with respect to the Warrants and the transactions contemplated by this resolution and order, and the exemption of interest on the Warrants from federal and State of Alabama income taxation.

SECTION 7.3 Application of Proceeds

(a) The proceeds from the sale of the Warrants shall be delivered to the Paying Agent and deposited into a clearing account held by the Paying Agent. Proceeds deposited in such clearing account shall be applied for the following purposes and in the following order:

(1) The amount specified by the County Administrator in the closing statement for the Warrants shall be retained by the Original Purchaser, on behalf of the County, and shall be used by the Original Purchaser to pay expenses of issuance of the Warrants identified in the closing statement. Within 14 days after the issuance of the Warrants the Original Purchaser shall deliver to the County Administrator a report identifying expenses of issuance so paid by the Original Purchaser. Any portion of the Warrants that was retained by the Original Purchaser and not used to pay expenses of issuance shall be returned to the County when the report is delivered.

(2) The balance of such proceeds shall be retained by the County and applied by the County to pay costs of the Capital Improvements and any expenses of issuance of the Warrants not paid pursuant to Section 7.3(a)(2).

SECTION 7.4 Election Under American Recovery and Reinvestment Act of 2009

Pursuant to Section 54AA of the Internal Revenue Code ("Section 54AA"), the County

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hereby irrevocably elects to have the Warrants treated as “Build America Bonds” under subsection (d) of Section 54AA. As permitted by subsection (g) of Section 54AA, the County hereby elects to receive a credit with respect to each interest payment on the Warrants as provided in Section 6431 of the Internal Revenue Code. The Commission Chairman and the County Administrator of the County are hereby authorized and directed to take such steps as shall be necessary and appropriate to secure the credits allowed to the County as a result of the foregoing elections by the County.

ARTICLE 8

Miscellaneous

SECTION 8.1 Agreement to Pay Attorneys’ Fees

If the County should default under any of the provisions of this resolution and order and the Holder of any Warrant should employ attorneys or incur other expenses for the collection of any payments due hereunder or the enforcement of performance or observance of any agreement or covenant on the part of the County herein contained, the County will (to the extent legally enforceable) on demand therefor pay to such Holder the reasonable fees of such attorneys and such other expenses so incurred.

SECTION 8.2 Provisions of Resolution and Order a Contract

The terms, provisions and conditions set forth in this resolution and order constitute a contract between the County and the Holders of the Warrants and shall remain in effect until the Debt Service on the Warrants shall have been paid in full or provision for such payment has been made in accordance with Article 5.

SECTION 8.3 Separability Clause

If any provision in this resolution and order or in the Warrants shall be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

SECTION 8.4 Notices to Warrantholders; Waiver

(a) Where this resolution and order provides for notice to any Warrantholder of any event, such notice shall be sufficiently given (unless otherwise herein expressly provided) if in writing and mailed, first class postage prepaid, to such Holder at the address of such Holder as it appears in the Warrant Register, not later than the latest date, and not earlier than the earliest date, prescribed for the giving of such notice.

(b) In any case where notice to Warrantholders is given by mail, neither the failure to mail such notice, nor any defect in any notice so mailed, to any particular Warrantholder shall affect the sufficiency of such notice with respect to other Warrantholders. Where this resolution and order provides for notice in any manner, such notice may be waived in writing by the person entitled to receive such notice, either before or after the event, and such waiver shall be the equivalent of such notice. Waivers of notice by Warrantholders shall be filed with the County and the Paying Agent, but such filing shall not be a condition precedent to the validity of any action taken in reliance upon such waiver.

SECTION 8.5 Repeal of Conflicting Provisions

All ordinances, resolutions and orders or parts thereof in conflict with this resolution and order are to the extent of such conflict, hereby repealed.

SECTION 8.6 Effect of Headings and Table of Contents

The Article and Section headings herein and in the Table of Contents are for convenience only and shall not affect the construction hereof.

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Governmental Relations Coordinator Wendy Swann presented the results of the bid for the solar hot water system for the Justice Center, which will be paid by a grant award from the EECBG program administered by ADECA. Mrs. Swann stated that since only one bid was received she would recommend that the Commission reject the bid to allow for negotiation. Commissioner Lawrence made a motion to reject the bid and negotiate for the solar hot water system at the bid price or lower, seconded by Commissioner Long and unanimously carried.

Mr. Gary Eiland appeared to request that a portion of a road off Lee Road 425 be closed due to the condition of the dam which is deteriorating. Mr. Eiland further stated that this is a private road and not county maintained. County Attorney Stan Martin stated that a determination needs to be made whether it is a public road or not. Once that is determined, then the Commission could take action on the situation. Commissioner Long made a motion requesting that the item be tabled until County Attorney Stan Martin can review the situation, seconded by Commissioner Holt and unanimously carried. Mr. Martin stated that he would meet with Mr. Eiland and Mr. Hall on the situation.

Mr. Terry Echols requested that the Commission grant a 10-year ad valorem tax abatement for a proposed manufacturing facility, A & E Metal Roofing South. Mr. Echols stated that this would be his fifth plant in Alabama. The others were located in Albertville, Alex City, Wedowee and Ohatchee. Revenue Commissioner Oline Price recommended that the Commission approve the tax abatement. Mrs. Swann stated that the Commission needed to pass a Resolution for the tax abatement and forward it to the State. Mrs. Swann further reminded the Commission that only certain non-educational taxes may be abated, not all. After discussion, Commissioner Long made a motion to allow for a 10-year ad valorem tax abatement for the manufacturing facility, seconded by Commissioner Holt and unanimously carried.

TAX ABATEMENT AGREEMENT

This Agreement is made this 26th day of April, 2010, (the Effective Date) by and between the Lee County Commission (the Granting Authority) and A & E Metal Roofing South LLC (the Company), its successors and assigns.

WHEREAS, the Company's Standard Industrial Classification Code, 3449 meets the qualifications of an industrial or research enterprise in accordance with Section 40-9B-3(6), Code of Alabama 1975, as amended.

WHEREAS, the Company has announced plans for a (check one):

New project or major addition to their existing facility (the Project)

Located within the jurisdiction of the Granting Authority; and

WHEREAS, the Project is estimated to be completed by the 31 day of December, 2010; and

WHEREAS, the Project will be located in the County of Lee (check whichever is applicable)

Inside the city limits of _____.

Inside the police jurisdiction of _____.

Outside the city limits and police jurisdiction of the Cities of Auburn, Opelika and Smiths Station, Alabama; and

WHEREAS pursuant to the Tax Incentive Reform Act of 1992 (Section 40-9B-1 et seq., Code of Alabama 1975) (the Act), the Company has requested from the Granting Authority an Abatement of (check all that apply)

All state and local noneducational property taxes. Excepting hospital and dependent children's home taxes.

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All construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, and/or
 All mortgage and recording taxes; and

WHEREAS, the Granting Authority has considered the request of the Company and the completed applications filed with the Granting Authority by the Company, in connection with its request; and

WHEREAS, the Granting Authority has found the information contained in the Company's application to be sufficient to permit the Granting Authority to make a reasonable cost/benefit analysis of the proposed project and to determine the economic benefits to the community; and

WHEREAS at its meeting held on April 26, 2010, the Granting Authority approved the Company's application for abatement of (check all that apply):

All state and local noneducational property taxes, excepting hospital and dependent children's home taxes.

All construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, and/or

All mortgage and recording taxes; and

WHEREAS, the Project will consist of private use industrial development property, which is composed of all real and related personal property to be acquired, constructed, and installed thereon, as described in Attachment One hereto; and

WHEREAS, the private use industrial development property for which the abatement is applied shall be (check whichever is applicable):

Owned by the entity applying for the abatement,

Leased from a public authority, municipal, or county government; and

WHEREAS, in the event that the private use industrial development property is leased from a public authority, municipal, or county government, the lessee shall be treated as the owner of such property for federal income tax purposes; and

WHEREAS, it shall be indicated whether the Granting Authority intends to issue bonds in connection with the private use industrial development property herein described, and, if so intends, shall attach a copy of the inducement agreement; and

WHEREAS, for the purposes of abatement of all noneducational property taxes (if applicable), it has been determined that no portion of the Project has been placed in service or operation by the Company or by a related party, as defined in 26 U.S.C. §267, with respect to the Company prior to the Effective Date of this Agreement; and

WHEREAS, for the purposes of the abatement of all construction related transaction taxes (if applicable), no portion of the Project which has been requested for abatement has been purchased prior to the Effective Date of this Agreement; and

WHEREAS, the Project conducts trade or business as described in any of the following 1987 Standard Industrial Classification Major Groups 20 to 39, inclusive, 50 or 51, Industrial Group Number 737, or Industry Numbers 0724, 4613, 8731, 8733, or 8734, as set forth in the Standard Industrial Classification Manual published by the United States Government Office of Management and Budget; and

WHEREAS, if the Project is a major addition to an existing facility, the request for abatement of all state and local noneducational property taxes (if applicable) and/or all construction related transaction taxes (if applicable) does not include any capitalized repairs, rebuilds, maintenance, replacement equipment, or costs associated with the renovating or remodeling of existing facilities of industrial development property previously placed in service by the Company; and

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, APRIL 26, 2010

WHEREAS, if the Project is a major addition to an existing facility the addition equals the lesser of (i) thirty (30) percent of the original cost of the industrial development property, or (ii) \$2,000,000; and

WHEREAS, the Company is duly qualified to do business in the State of Alabama, and has powers to enter into, and to perform and observe the agreements and covenants on its part contained in this Agreement; and

WHEREAS, the Granting Authority represents and warrants to the Company (a) that it has power under that constitution and laws of the State of Alabama (including particularly the provisions of the Act) to carry out provisions of this Agreement, (b) that the execution of this Agreement on its behalf has been duly authorized by resolution adopted by the governing body of the Granting Authority;

NOW, THEREFORE, the Granting Authority and the Company, in consideration of the mutual promises and benefits specified herein, hereby agree as follows:

1. In accordance with the Act, the Granting Authority hereby grants to the Company an abatement from liability for the following taxes as permitted by the Act (check all that apply):

(a) Non-educational Property Taxes: all property taxes that are not required to be used for educational purposes or for capital improvements for education; excepting hospital and dependent children's home taxes.

(b) Construction Related Transaction Taxes: the transaction taxes imposed by Chapter 23 of Title 40 of the Code of Alabama 1975 on the tangible personal property and taxable services to be incorporated into the project, the cost of which may be added to capital account with respect to the Project, except for those local construction related transaction taxes levied for educational purposes or for capital improvements for education;

(c) Mortgage and Recording Taxes: all taxes imposed by Chapter 22 of Title 40 of the Code of Alabama 1975 relating to mortgages, deeds, and documents relating to issuing or securing obligations and conveying title into or out of the Granting Authority with respect to the Project.

2. An estimate of the amount of tax abated pursuant to this Agreement is set forth below. The Granting Authority and the Company hereby acknowledge that this estimate reflects the amount of tax abated for the period stated under current law, and that the actual abatement for such taxes may be for a greater or lesser amount depending upon the actual amount of such taxes levied during the abatement period as stated. (Check all that apply)

(a) If no bonds are to be issued, non-educational property taxes are expected to be approximately \$2,860 per year and the maximum period for such abatement shall be valid for a period of 10 years, beginning with the October 1 lien date next proceeding the acquisition date of abated property.

(b) If bonds are issued, non-educational property taxes are expected to be approximately \$_____ per year and the maximum period for such abatement shall be valid for a period of years, beginning the initial date bonds are issued to finance project.

(c) Construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, are expected to be approximately \$22,000 and such abatement shall not extend beyond the date the Project is placed in service.

(d) Mortgage and recording taxes are expected to be approximately \$_____

3. The Company hereby makes the following good, faith projections:

(a) Amount to be invested in the Project: \$1,331,500

(b) Number of individuals to be employed initially at the Project and in each of the succeeding three years:

Initially- 6 Year 1- 6 Year 2- 12 Year 3- 15

(c) Annual payroll initially at the Project and in each of the succeeding three years:

Initially \$ 200,000 Year 1 \$200,000 Year 2 \$350,000 Year 3 \$450,000

4. The Company shall file with the Alabama Department of Revenue within 90 days after the

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, APRIL 26, 2010

date of the Meeting a copy of this agreement as required by Section 40-9B-6(c) of the Act.

5. Compliance. If the Company fails to comply with any provision in this Agreement or if any of the material statements contained herein or in Attachment Two (Note: This attachment shall include the application for abatement), are determined to have been misrepresented whether intentionally, negligently, or otherwise, the Granting Authority shall terminate this Agreement and take such equitable action available to it as if this Agreement had never existed. If it is determined that certain items, which are identified on the application form for abatement of taxes, are not in compliance with the Act or governing regulations, these items may be subject to taxation for all local and state taxing authorities.

6. Binding Agreement. Each party to this Agreement hereby represents and warrants that the person executing this Agreement on behalf of the party is authorized to do so and that this Agreement shall be binding and enforceable when duly executed and delivered by each party. This Agreement shall be binding upon and inure to the benefit of each of the parties and their respective successors.

7. Limitations. Notwithstanding any provision contained herein to the contrary, this Agreement is limited solely to the abatement of (check all that apply):

all state and local noneducational property taxes, excepting hospital and dependent children's home taxes.

all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, and/or

all mortgage and recording taxes fees for the periods specified herein. Nothing in this Agreement shall be construed as a waiver by the Company of any greater benefits that the Project or any portion thereof may have available under provisions of the law other than the Act.

8. Severability. This Agreement may be amended or terminated upon mutual consent of the Company and the Granting Authority. Any such amendment or termination shall not in any manner affect the rights and duties by and between the Company and the Granting Authority.

RESOLUTION NUMBER 01-2010

This Resolution is made this the 26th day of April, 2010, (the Effective Date) by and between the Lee County Commission (the Granting Authority) to grant a tax abatement for A & E Metal Roofing South LLC (the Company).

WHEREAS, the Company has announced plans for a (check one):

new project or major addition to their existing facility (the Project), located within the jurisdiction of the Granting Authority; and

WHEREAS, pursuant to the Tax Incentive Reform Act of 1992 (Section 40-9B-1 et seq., Code of Alabama 1975) (the Act), the Company has requested from the Granting Authority an Abatement of (check all that apply):

all state and local noneducational property taxes,

all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, and/or

all mortgage and recording taxes; and

WHEREAS, the Company has requested that the abatement of state and local noneducational property taxes (if applicable) be extended for a period of 10 years, in accordance with the Act; and

WHEREAS, the Granting Authority has considered the request of the Company and the completed applications (copy attached) filed with the Granting Authority by the Company, in

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connection with its request; and

WHEREAS, the Granting Authority has found the information contained in the Company's application to be sufficient to permit the Granting Authority to make a reasonable cost/benefit analysis of the proposed project and to determine the economic benefits to the community; and

WHEREAS, the construction of the project will involve a capital investment of \$1,331,500; and

WHEREAS, the Company is duly qualified to do business in the State of Alabama, and has powers to enter into, and to perform and observe the agreements and covenants on its part contained in the Tax Abatement Agreement; and

WHEREAS, the Granting Authority represents and warrants to the Company that it has power under that constitution and laws of the State of Alabama (including particularly the provisions of the Act) to carry out provisions of the Tax Abatement Agreement;

NOW THEREFORE, be it resolved by the Granting Authority as follows:
Section 1. Approval is hereby given to the application of the Company and abatement is hereby granted of (check all that apply):

all state and local non-educational property taxes,

all construction related transaction taxes, except those construction related transaction taxes levied for educational purposes or for capital improvements for education, and/or

all mortgage and recording taxes

as the same may apply to the fullest extent permitted by the Act. The period of abatement for the non-educational property taxes (if applicable) shall extend for a period of 10 years measured as provided in Section 40-9B-3(8) of the Act.

Section 2. The governing body of the Granting Authority is authorized to enter into an abatement agreement with the Company to provide for the abatement granted in Section 1.

Section 3. A certified copy of this resolution, with the application and abatement agreement, shall be forwarded to the Company to deliver to the appropriate local taxing authorities (if applicable) and to the Alabama Department of Revenue in accordance with the Act.

Section 4. The governing body of the Granting Authority is authorized to take any and all actions necessary or desirable to accomplish the purpose of the foregoing of this resolution.

Judge English reported that the Lee-Russell Council of Governments was requesting that the County give some indication about the status of the budget this year. LRCOG is seeking an appropriation amount of \$113,800 in the FY2011 budget from its member governments. Commissioner Lawrence stated that he and Judge English told the LRCOG Board that all the County would probably be able to do this year would be level funding, but that he would recommend level funding for them. Commissioner Harris questioned the new Lee-Russell Council of Governments policy concerning having to bring items before the Commission and either Judge English or Commissioner Lawrence having to be the one to request action by the agency. Commissioner Lawrence stated that the Commission should determine if the item is beneficial and not one individual Commissioner should be able to direct action of the agency. Judge English stated that the staff was looking for direction from the Board to determine their responsibility when one Commissioner/Council member was requesting action of the agency, but that no policy had been adopted by LRCOG yet. No action was taken by the Commission, but a majority of the Commissioners seemed to indicate that they could support level funding. The issue will be taken into consideration during the budget process.

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Judge English stated that it was time for the EMA Director's one-year probationary review. Commissioner Holt stated that the minutes of March 30, 2009 stated that the review would be performed by the Chairman and the entire Commission. Additionally, Commissioner Holt suggested that the review be held in executive session. Judge English stated it could not be held in executive session unless good name and character are in question. Mr. Rendleman stated that Mrs. Kim Oas would send all the Commissioners an evaluation form for their input and review. After discussion, Judge English stated that the consensus of the Commission was to move the item to the next agenda and have Ms. Russell in attendance for the review.

Judge English presented a sewer easement from Smiths Water Authority for the Lee County Board of Education. Upon discussion, Commissioner Long made a motion to authorize the Chairman to sign the sewer easement, seconded by Commissioner Smith and unanimously carried.

County Administrator Roger Rendleman stated he had received a letter from Attorney Robert McKinna for Warr Development Company, Inc. concerning their request for a quit claim deed for a sewer easement on a piece of property that was inadvertently left off the original swap agreement. Therefore, this is only a correction. Mr. Rendleman recommended that the Commission authorize the Chairman to sign the quit claim deed that has been presented. Upon discussion, Commissioner Long made a motion to authorize the Chairman to sign the presented quit claim deed, seconded by Commissioner Lawrence and unanimously carried.

Mr. Rendleman gave an overview of Senate Bill 232 concerning the state budget allocation for decedents being transported to the Alabama Department of Forensic Sciences in Montgomery. Mr. Rendleman stated that under the new law beginning in October, the transport costs will go through the Sheriff's Office budget. He stated that the Coroner will pay for the service and will be reimbursed by invoice once he bills the agency for recovery of costs. Mr. Rendleman suggested that the Commission allocate \$3,000 out of the contingent fund for this purpose for the remainder of this fiscal year. Commissioner Lawrence made a motion to authorize \$3,000 out of the contingent fund for transport costs, seconded by Commissioner Smith and unanimously carried.

Sheriff Jones made a request that the Commission lift the hiring freeze due to the fact that he currently needs to replace three corrections officers for the jail, and that this was clearly a safety and security issue. Commissioner Lawrence made a motion to approve the request to lift the hiring freeze to hire four corrections officers, seconded by Commissioner Holt and unanimously carried.

Mrs. Wendy Swann informed the Commission of the NACo County showcase program, which is a video program for the county to be developed by CGI Communications in conjunction with NACo. Mrs. Swann stated that the program would showcase various aspects of the county for use with tourism, economic development, relocation, etc. and a link to the videos would be available on the county's website, however all content would be hosted on CGI servers. Funding for the program and the county's participation would come from advertisements sold to area businesses by CGI, and they would be responsible for recruiting those advertisements. In addition to NACo, the program has been endorsed by the US Conference of Mayors and the National League of Cities. A three-year agreement was included in the packet for consideration. After discussion, Commissioner Lawrence made a motion to authorize the Chairman to sign the agreement once reviewed and approved by Mr. Martin, seconded by Commissioner Smith and unanimously carried.

Commissioner Smith made a motion to approve the following lounge liquor license for Rhythm & Blues Sports Bar, seconded by Commissioner Harris. The motion carried on a vote of 4-0-1, with Commissioner Long abstaining.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, APRIL 26, 2010

BE IT RESOLVED that the Lee County Commission approve the application for a lounge liquor license for **Rhythm & Blues Sports Bar** located at 9857 US Hwy 29N, Cusseta, Alabama.

Commissioner Holt made a motion to approve the following manufacturer license for Hodges Vineyards, seconded by Commissioner Lawrence. The motion carried on a vote of 4-0-1, with Commissioner Long abstaining.

BE IT RESOLVED that the Lee County Commission approve the application for a manufacturer license for **Hodges Vineyards** located at 230 Lee Road 71, Camp Hill, Alabama.

Commissioner Smith made a motion to approve the following retail beer and retail table wine license for Springvilla Grocery, seconded by Commissioner Lawrence. The motion carried on a vote of 4-0-1, with Commissioner Long abstaining.

BE IT RESOLVED that the Lee County Commission approve the application for a retail beer and retail table wine license for **Springvilla Grocery** located at 45 Lee Road 166, Opelika, Alabama.

Commissioner Smith made a motion to approve the following retail beer and retail table wine license for Walgreen Store 11704, seconded by Commissioner Holt. The motion carried on a vote of 4-0-1, with Commissioner Long abstaining.

BE IT RESOLVED that the Lee County Commission approve the application for a retail beer and retail table wine license for **Walgreen Store 11704** located at 5301 Summerville Road, Phenix City, Alabama.

Commissioner Smith made a motion at approximately 6:35 p.m. to adjourn, seconded by Commissioner Lawrence and unanimously carried.

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MAY 10, 2010

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, May 10 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Judge English.

Mrs. Lois Redden and Mrs. Jane McBride appeared before the Commission during citizens' communication concerning Lee Road 314. Mrs. Redden stated that she had talked to Commissioner Long concerning the paving of Lee Road 314 and was told that it was on the list to be paved. Recently she had learned that the road had been taken off since 90% of the residents would not agree to give the right-of-way to the county. Mrs. Redden stated that she would like to obtain the names of those that did not participate in hopes of finding out why they chose not to participate. Commissioner Long indicated that the dirt road paving program had been suspended due to the economy and the need to maintain current paved roads in the county. Additionally, Mrs. McBride stated she had safety concerns for the residents on the road. Judge English stated that the Commission chose to suspend the dirt road paving program since the paved roads were being neglected and at this time the consensus was to maintain the paved roads that are currently in the system and not pave additional ones. Commissioner Harris pointed out to the two ladies that he had not suspended the paving of dirt roads in his district. Mrs. Jane McBride added that she had been thrilled when she learned that road was going to be paved, but now she was upset that the Commission had suspended the program. Mrs. McBride complained about the condition of the road due to the large rocks and the deep ditches on the road. Both ladies pleaded with the Commission to see what they can do to alleviate the hazardous conditions on the road. No action was taken by the Commission.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Gary Long, Annell Smith and John Andrew Harris.

Mr. Jim Stefkovich of the National Weather Service in Birmingham presented Ms. Kathrine Russell the Lee County Storm Ready designation. Lee County has completed the renewal process through 2012. Mr. Stefkovich stated that Lee County was one of 42 counties in the State that were designated as storm ready. The designation means that a county is storm ready in case of a natural hazard. Mr. Stefkovich commended the EMA Director and her staff.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, procurement card transactions, the minutes of the April 26 meeting and Bid #9 for a self-propelled vibratory compactor. County Engineer Neal Hall stated that out of seven bids sent out two responses were received. Mr. Hall recommended accepting the low bid of \$44,553.00 from Thompson Tractor. Commissioner Holt made a motion to approve the items as presented, seconded by Commissioner Lawrence and carried unanimously.

Commissioner Smith made a motion on first reading to accept the recommendation from the Beulah Utilities Board to nominate Armand Crowder and Jerry McKay to the two vacancies on the board. The motion was seconded by Commissioner Lawrence and unanimously carried.

Commissioner Holt made a motion to move the next agenda item concerning the EMA Director's probationary review to the end of the agenda, seconded by Commissioner Lawrence, and carried unanimously.

Governmental Relations Coordinator Wendy Swann appeared before the Commission to get approval for a negotiated contract for the solar hot water system for the Justice Center. Mrs. Swann stated that the price had been negotiated downward with the original sole bidder. Commissioner Lawrence made a motion to authorize the Chairman to sign the contract, seconded

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, MAY 10, 2010

by Commissioner Holt and unanimously carried.

Commissioner Long made a motion that the special event retail liquor license for El Rodeo Community Event Center be moved to the next agenda for further review. The motion was seconded by Commissioner Smith and unanimously carried.

After much discussion concerning the process of how to conduct the EMA Director's one-year performance review, Commissioner Lawrence made a motion requesting that each Commissioner provide their documentation to the Chairman for him to compile and review all the information on the evaluations, then allow the Chairman to review and communicate all the information to Ms. Russell once finished. The motion was seconded by Commissioner Long and unanimously carried. Each of the Commissioners submitted something in writing to the Chairman at the conclusion of the meeting.

Judge English reminded the Commissioners and those in attendance that the next meeting would be held on May 24 not May 31 due to the Memorial Day Holiday.

Commissioner Smith made a motion at approximately 6:30 p.m. to adjourn, seconded by Commissioner Lawrence and unanimously carried.

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MAY 24, 2010

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, May 24 at 6:00 p.m. Senior Patrol Leader Davis Bard of Troop 15 led those present in the Pledge of Allegiance, followed by an invocation by Commissioner Long.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Gary Long, Annell Smith and John Andrew Harris.

Commissioner Lawrence recognized Boy Scout Troup 15 sponsored by the War Eagle Lions Club. The members in attendance included the following: Sam Arnold, Davis Baird, Dakota Burkhalter, Vincent Chu, Sean Cooper, Joseph Farrow, Will Glasscock, Andrew Stanford, Kyle Sullivan, Alec Thompson, Davis Tullier, and Assistant Troop Leaders Michael Tullier and Ben Farrow.

Commissioner Lawrence presented a memorandum from the Company that performed the feasibility study on the Auburn Aquarium Project. Commissioner Lawrence stated that the feasibility study had been completed and the report states that it would be feasible to build an aquarium in Auburn. Commissioner Lawrence stated that the next step would be to find funding for an aquarium, and that he and a group would be pursuing that. Commissioner Lawrence stated that the cost would be around \$75-\$100 million. Commissioner Lawrence stated that approximately 10-20% of annual funding would have to be provided by donations or private supporters.

County Administrator Roger Rendleman updated the Commission concerning the use of the district courtroom by the Opelika Municipal Court. Mr. Rendleman stated that Judge Walker agreed to allow them the use of the courtroom with the understanding that if any overtime was required of county personnel that the City of Opelika would reimburse Lee County for the costs. Mr. Rendleman stated that Judge Walker indicated there should be no additional burden on the county, but Mr. Rendleman stated that usually that is not the case in these type deals. Mr. Rendleman stated he had directed Maintenance Director Jerry Lynch to keep a record of any costs incurred associated with the municipal court's use of the facility.

Mr. Rendleman updated the Commission on the use of the Johnson Galleries building. Mr. Rendleman stated that the Sheriff's Office had recently received a grant to purchase a Fire Arms Training System (FATS). The FATS system is currently being housed in the Johnson Galleries building for the statewide SWAT training and competition to be held in October. The Sheriff's Office has requested that the equipment be housed at this location in the basement until October, then it would be moved to a better location.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, the minutes of the May 10 meeting and the announcement for three positions on the LRCOG MPO's Citizens Advisory Committee. Commissioner Holt made a motion to approve the items as presented, seconded by Commissioner Smith and carried unanimously

After discussion of the issue during the pre-meeting, Commissioner Long during the meeting made a motion to deny the special event retail liquor license for the El Rodeo Community Event Center due to safety concerns of the structure of the building and lack of construction and health permits. The motion was seconded by Commissioner Lawrence and the motion passed on a vote of 4-0-1 with Commissioner Harris abstaining.

After a lengthy discussion in the pre-meeting, Commissioner Long during the meeting made a motion to again amend the county's dirt road paving policy. His motion was to pave any dirt roads from the FY2007-2008 thru FY 2011-2012 dirt road paving lists that are already in

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MAY 24, 2010

progress, including any for which right-of-way acquisition letters have already been sent to landowners, except Lee Road 298. The specific identification of which roads are considered “in progress” is to be provided by Mr. Hall at the next meeting. The motion was seconded by Commissioner Lawrence. Commissioner Harris questioned the need to pursue this action, and stated he had contacted the legislature on the issue, and that they agreed with him. After lengthy discussion, Commissioner Holt made a call for the question, seconded by Commissioner Smith and passed on a vote of 4-1 with Commissioner Harris voting “No”. After the call for the question, vote was taken on the original motion, which passed on a vote of 3-1-1 with Commissioner Harris voting “No” and Commissioner Smith abstaining.

Next, Commissioner Long made a motion that beyond FY2007-2008 thru FY 2011-2012, that dirt road paving be suspended until such time as the Commission decides that the economy has recovered sufficiently to provide adequate resources to resume the paving of dirt roads for all five districts, seconded by Commissioner Lawrence. Commissioner Harris stated that he had been elected to represent his district on his constituents’ concerns. He stated that he had brought several items to the table, but no support was given by the Commission. Commissioner Holt made a motion to call for the question, seconded by Commissioner Lawrence and the call for the question passed on a 4-1 vote with Commissioner Harris voting “No”. Upon re-reading of the motion, the motion passed on a vote of 4-1 with Commissioner Harris voting “No”.

Commissioner Smith made a motion to approve the following Resolution, seconded by Commissioner Long and unanimously carried.

BE IT RESOLVED, the Lee County Commission hereby appoints Mr. Armand Crowder and Mr. Jerry McKay to the Beulah Utilities Board for a four-year term beginning May 24, 2010.

Mrs. Faye Ross appeared before the Commission to request that they attend the Veterans Memorial Service and unveiling of the repaired statue of Sgt. Albert Barron Whatley on Sunday, May 30 at 2:00 p.m. at the Mount Olive Church cemetery. Mrs. Ross stated that over \$10,000 had been raised to replace the head of the soldier after it was desecrated by vandals, and they wanted the Commissioners to join them to celebrate the occasion.

Mrs. JoAnn Perrela appeared before the Commission to request that the county not pave Lee Road 132. Mrs. Perrela stated that the land had been in her family for over 100 years and she would ask that the county give that portion back to her family or keep it a dirt road. Mrs. Perrela suggested that Lee Road 764, which is shorter, be paved instead. Mrs. Perrela stated she had talked to County Engineer Neal Hall who had informed her that the Commission had decided that the road would be paved by prescriptive right-of-way since they had not been successful in obtaining right-of-way from the adjoining landowners. Mr. Hoyt Walker spoke in opposition to Mrs. Perrela’s position. No action was taken by the Commission.

During the pre-meeting discussion was held concerning improvements to the Long Bridge parking lot and boat ramp. Fisheries Development Coordinator Damon Abernathy of the Alabama Fish & Wildlife Division appeared to request Commission assistance with this project. Mr. Abernathy stated that federal funds would be utilized for the project with in-kind service provided by Lee County. Commissioner Holt questioned who owned the property. Mr. Abernathy stated that the lot was leased from Georgia Power Company. Commissioner Holt stated that the county could not perform work on private property and asked that Mr. Martin look into the issue to see if the county could work on it or not. Commissioner Lawrence suggested that Mr. Abernathy and Mr. Hall get together and get a recommendation from Mr. Martin before any work is performed. During the meeting, Mr. Abernathy thanked the Commission for the opportunity to work with Mr. Hall and agreed to bring back a proposal on the project.

Mr. Jack Shay appeared before the Commission concerning the request for a cemetery application by Lesley Vance. Mr. Shay provided maps of the location for Commission review.

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Commissioner Holt questioned the plans for access since traffic on Highway 280 would be involved. Mr. Shay responded and said that the Alabama Department of Transportation would be responsible for that, not Lee County. Judge English reminded the Commission that pursuant to Code section 22-20-4, their only role was to either grant or deny the cemetery application. After more discussion, Commissioner Smith made a motion to move the item to the next meeting, seconded by Commissioner Long. The motion passed on a vote of 4-1 with Commissioner Holt voting "No".

Attorney Josh Jackson appeared before the Commission with a request to amend the certificate of incorporation for the Smiths Water Authority to authorize an increase in the compensation of the directors. After discussion, Commissioner Holt made a motion to approve the following Resolution, seconded by Commissioner Smith and unanimously carried.

BE IT RESOLVED, by the Lee County Commission, the governing body of Lee County, Alabama, as follows:

1. An Application in writing dated May 19, 2010 was filed with this Commission to amend the Certificate of Incorporation of Smiths Water and Sewer Authority, under the provisions of Alabama Code §11-88-5.
2. The said application has been reviewed by this Commission and it has found and determined as a matter of fact that the statements contained in said application are true.

**Certificate of Amendment to the Certificate of Incorporation
of Smiths Water and Sewer Authority**

1. The Board of Directors of the Authority adopted on May 10, 2010, a resolution, a certified copy of which is attached hereto and labeled Exhibit "A." On the 19th day of May, 2010, the Lee County Commission adopted a resolution, a certified copy of which is attached hereto and labeled Exhibit "B."
2. Each of the aforesaid resolutions is still in force and effect and neither has been amended, altered or appealed. The Certificate of Incorporation of the Authority was filed for record in the office of the Judge of Probate of Lee County, Alabama on June 30, 1965, and there recorded in Corporation Volume 640 at page 325.
3. By this amendment to the Certificate of Incorporation of the Authority, the allowable compensation for members of the Board of Directors of the Authority is increased as provided for in Act No. 2010-580, Ala. Code §11-88-6, and paragraph 9 of the Certificate of Incorporation of the Authority is amended as set forth in the resolution adopted by the Board of Directors of the Authority, attached hereto as Exhibit "A."
4. All attached Exhibits are incorporated herein by reference.
(The above documents are recorded in Book 1290 pages 621-629)

During the pre-meeting, Environmental Services Director Jack Marshall requested the Commission authorize him to hire a temporary employee since he has an employee out on FMLA leave. Mr. Marshall assured the Commission that the temporary employee would be relieved of duties when the regular employee returned to work. Commissioner Lawrence during the meeting made a motion to lift the hiring freeze and allow Environmental Services Department to hire a temporary employee, seconded by Commissioner Long and unanimously carried.

Judge English presented the annual request for an advertisement from the Alabama National Fair, which the Commission has purchased for a number of years. Judge English stated that he had received a complaint that the Lee County Commission did not advertise in the programs for the Lee County Fair. He was asking whether the Commission had any interest in an ad in the State Fair program. No action was taken by the Commission.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, MAY 24, 2010

Judge English reminded everyone of the Primary Election which will be held on Tuesday, June 1 and urged everyone to vote.

Commissioner Smith made a motion at approximately 6:45 p.m. to adjourn, seconded by Commissioner Lawrence and unanimously carried.

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JUNE 14, 2010

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, June 14 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Holt.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Gary Long, Annell Smith and John Andrew Harris.

Judge English recognized the following individuals for their help in making the recent election a success. IT Director Tim Parson, Ryan Craig, Chief Clerk Becky Freeman and Probate Office employees, Maintenance Director Jerry Lynch and his staff. Judge English commended each for the part they played in the election process.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, procurement card transactions, the minutes of the May 24 meeting, Bid #8 for Inmate Phone System and Bid #10 for an asphalt paver. Sheriff Jones recommended that the Commission accept the lone bid from Talton Communications for the inmate phone system. Sheriff Jones stated that he had been pleased with the current vendor and their service. After discussion on the award of Bid #10, Judge English moved it to new business. Commissioner Lawrence asked that the word "annual" be added to his comment concerning the funding of the aquarium which is located in the last line of the fourth paragraph. Commissioner Holt made a motion to approve the items as presented with the noted correction, seconded by Commissioner Lawrence and carried unanimously

The cemetery application moved from the last meeting was discussed in the pre-meeting. Commissioner Smith made a motion, during the meeting, to accept the cemetery application received from Mr. Lesley Vance. The motion was seconded by Commissioner Long and unanimously carried. The process will be complete once a cemetery license is issued by the Commission Office at a cost of fifty cents and recorded in the Probate Office Record Room.

Mr. Charles Roberts and Mr. David Cruise did not attend the meeting concerning Lee Roads 697 & 701. Judge English questioned Mr. Hall if he would like address the roads. Mr. Hall stated that the residents want the road paved, but stated he had relayed the message that there is a difference in paving and resurfacing. Mr. Hall stated that the road had not been resurfaced in over 20 years. Judge English questioned the ownership of the road. Mr. Hall stated that the subdivision was a county road and that the county had been filling the potholes as necessary, but that as soon as it rained they would be washed out again. He stated that they would continue to try to keep the potholes patched. Mr. Hall stated that the roads in the subdivision totaled about a mile, but that it costs around \$125,000 to resurface a mile of road. Commissioner Lawrence questioned the use of an asphalt spray technique. Mr. Hall stated that it would not work in this situation since there already was pavement fatigue and the spray technique is used only as a sealant which only extends the life if done at the appropriate time. Mr. Hall stated that these roads would need to be repaired first. No action was taken by the Commission.

Commissioner Lawrence received a letter from an Opelika resident with a complaint about a citation received when he placed several large cardboard boxes in the county dumpster. Commissioner Lawrence asked that the Commission consider changing the current policy to allow residents in the municipalities to purchase a dump permit in Lee County. Mr. Marshall stated that the Commission at one time had allowed city residents to use the dumpsters, but he

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JUNE 14, 2010

had seen it abused. Commissioner Long stated that if city residents were allowed to use the system they should be required to pay a commercial fee, since they already have the city system which collects household trash. Commissioner Lawrence questioned the Commission to see if there was any interest in discussing the issue further. Commissioner Holt stated that he would like to look at it further, but not at this time. No other Commissioner commented, and no action was taken by the Commission.

After discussion in the pre-meeting, Commissioner Holt made a motion during the meeting to approve travel for any member of the Commission who wishes to attend either the ACCMA Summer Conference on June 30-July 2 and/or the ACCA Annual Convention on August 24-26 with each being held at Orange Beach, Alabama. The motion was seconded by Commissioner Harris and unanimously carried.

Sheriff Jones made a request that the Commission lift the hiring freeze to allow him to fill two vacant sworn officer positions. Sheriff Jones stated that two long-time employees had accepted positions with other agencies. Sheriff Jones stated the two positions would be hired at entry-level. Commissioner Lawrence questioned if the Sheriff would be able to do without the positions. Sheriff Jones stated that it would be detrimental to his department if the positions could not be filled. After more discussion, Commissioner Lawrence made a motion to lift the hiring freeze to allow the Sheriff to hire two sworn officers at entry-level pay, seconded by Commissioner Holt and unanimously carried.

Revenue Commissioner Oline Price gave her annual report of Insolvencies, Errors and Taxes in Litigation for the Tax Year 2009 and Uncollected Insolvencies and Taxes in Litigation for previous years, as required by Code of Alabama 1975, Sections 40-5-23 & 40-5-29. Commissioner Holt made a motion to adopt the following resolution, seconded by Commissioner Long, and unanimously carried:

BE IT RESOLVED by the Lee County Commission that the reports filed by Oline W. Price, Lee County Revenue Commissioner, of Insolvencies, Errors and Taxes in Litigation for the Tax Year 2009 and Uncollected Insolvencies and Taxes in Litigation for previous years, be and the same are hereby approved, and that the Chairman is hereby authorized to sign same; and that said Revenue Commissioner be and she is hereby allowed credit for taxes listed in these reports.

Mr. Rendleman reported that Corrections Officer Charolette Moore had presented all the necessary paperwork for pre-approval of an educational reimbursement which has been approved by the proper officials within the Sheriff's Department. Upon this request Commissioner Lawrence made a motion to pre-approve the educational reimbursements for Corrections Officer Charolette Moore, seconded by Commissioner Smith and unanimously carried.

Commissioner Smith made a motion to approve the following Resolution, seconded by Commissioner Holt and carried on a 4-0-1 vote with Commissioner Long abstaining.

BE IT RESOLVED that the Lee County Commission approve the application for a restaurant retail liquor license for **Jin Express** located at 2487 Lee Road 266 Suite 5, Cusseta, Alabama.

Mr. Neal Hall requested that the Commission reject and negotiate Bid #10 for an asphalt paver since only one official bid was received. Mr. Hall stated that out of 6 bids sent only one bid was received. Upon this recommendation, Commissioner Smith made a motion to reject Bid #10 for negotiations, seconded by Commissioner Holt and unanimously carried.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JUNE 14, 2010

Commissioner Smith made a motion at approximately 6:20 p.m. to adjourn, seconded by Commissioner Lawrence and unanimously carried.

Judge English informed the Commission that the Republican Party primary recount would begin Wednesday, June 16, at the courthouse annex across the street.

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JUNE 28, 2010

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, June 28 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Lawrence.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Gary Long, Annell Smith and John Andrew Harris.

Mr. Aubrey Ward of Lee Road 240 stated that the county could save money on patching materials if Lee Road 240 was paved. Mr. Ward and several others were in attendance during the pre-meeting to ask the Commission to pave Lee Road 240.

Judge English recognized Chief Appraiser Bobby Armstrong and commended him and his staff for their exemplary work performance. Judge English gave the Commissioners a copy of a letter received from a citizen stating the Appraisal Department had called him after his complaint a year ago to be sure his issue was resolved this tax year. Mr. Armstrong responded by complimenting his staff and thanking the Commission.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims and the minutes of the June 14. Commissioner Holt made a motion to approve the items as presented, seconded by Commissioner Smith and carried unanimously

Mr. Craig Lee and other residents of Lee Road 390 were in attendance concerning the condition of the road. Mr. Lee presented several pictures of the road and then made a presentation to the Commissioners. Mr. Lee stated that since the closure of the bridge on Alabama Highway 29, trash trucks out of LaGrange, Georgia had been using Lee Road 390 as a cut-thru to the landfill. Mr. Lee stated that the foundation of the road does not have the ability to handle these heavy trucks as the roads that are maintained for use by the heavy trucks such as Lee Road 182. He requested that the State be asked to re-route the garbage trucks while the bridge is out. Mr. Hall stated that he did not have authority to ask the State to reroute the trucks, he stated that the State usually picks the shortest route when they have a road closure. Mr. John Wilson of Lee Road 390 stated that the trash trucks have been using the road since 2007, not just since the bridge has been out. Judge English stated that if a truck is legal that there is nothing to prevent them from utilizing the county roads. Mrs. Cora Reames suggested that the Commission send a friendly request to C & C Trucking out of LaGrange, Georgia and request that they re-route their trucks. Mrs. Reames stated that the trucks were tearing up the road and in addition she stated the trucks were speeding. Mr. William Eastridge stated that the trucks have run him off the road twice. He stated that the speeding issue had gotten better thanks to the Sheriff's Office. Commissioner Holt questioned if "No Truck" signs could be erected temporarily, until the bridge is repaired. Mr. Hall stated that he could look at the situation and report back to the Commission at the next meeting. Commissioner Holt stated that one company could not be singled out, but possibly a "No Truck" route could be established. After further discussion, the Commission asked Mr. Hall to look at the situation and return with a possible solution.

County Engineer Neal Hall presented a Federal Aid Bridge Project agreement on Lee Road 37 for approval. Mr. Hall stated that the Highway Department was currently working on 15 different projects. He stated that a total of five projects were currently under construction using the Federal Aid funds: three bridge projects plus two resurfacing projects on Lee Road 298

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and a portion of Lee Road 246. In addition, Lee Roads 427 and 401 are being funded from stimulus funds; improvements at Lee Roads 188 and 72 are being funded by the HRRR fund. Auburn-Opelika MPO funds are paying for Lee Road 391, and Columbus-Phenix City MPO funds are paying for Lee Road 208. Mr. Hall stated that projects totaling \$7 million from State and Federal funds. Additionally, he thanked Mr. Rendleman for another \$8 million that has been allocated from the county bond bridge program. He stated that two bridge projects were ready on Lee Roads 154 and 177; and two other bridges are under design for Lee Roads 54 and 10. Mr. Hall identified a total of \$9.25 million worth of upcoming work for the county. Mr. Hall commended his department for their dedication. After discussion, Commissioner Harris made a motion to authorize the Chairman to sign the agreement as presented, seconded by Commissioner Lawrence and unanimously carried.

AGREEMENT

This agreement is made and entered into by and between the State of Alabama, acting by and through the Alabama Department of Transportation, party of the first part (hereinafter called the State), and Lee County, Alabama (FEIN 63-6001601) party to the second part (hereinafter called the County):

WITNESSETH

WHEREAS, the State and County desire to cooperate in the construction of a 3 @34' precast bridge and approaches on CR37 @ a tributary to Watula Creek. BIN 004260. Length- 0.184 miles. Proj#BRZ-4100(213), LCP 41-98-07. CPMS Ref#100055111.

NOW THEREFORE, it is mutually agreed between the State and County as follows:

- A. The County will furnish all Right-of-Way for project without cost to the State or this Project.
- B. The County will adjust and/or relocate all Utilities on the project without cost to the State or this project.
- C. The County will make the survey, complete the plans and furnish all preliminary engineering for the project with County forces without cost to the State or this Project. The plans will be subject to the approval of the State and the project will be constructed in accordance with the plans approved by the State and the terms of this Agreement.
- D. The County will furnish all construction engineering for the project with County forces or with a consultant selected by the State or with State forces as a part of the project cost.
- E. The County will file an Alabama Department of Environmental Management (ADEM) National Pollutant Discharge Elimination System (NPDES) Notice of Registration (NOR) (Code Chapter 335-6-12) for this project without cost to the State or this project. The County will be the permittee of record with ADEM for the permit. The contractor shall be a co-permittee with the County for the permit, and shall comply with all requirements of the permit. The County and the contractor will be responsible for compliance with the permit and the State will have no obligation regarding the permit. The County will furnish the State (Division) a copy of the permit prior to any work being performed by the contractor.
- F. Funding for this Agreement is subject to availability of Federal Aid funds at the time of authorization. The State will not be liable for Federal Aid funds in any amount. Any deficiency in Federal Aid or overrun in construction costs will be borne by the County from County Federal Aid Funds, if available, and from County funds. In the event of an underrun in construction costs, the amount of Federal Aid funds will be the amount stated below, or 80% of eligible costs, whichever is less.
- G. The estimated cost of construction of this project payable by the parties is the amount set forth below:

FA Funds (2008)	\$453,504.00
County Funds	<u>113,376.00</u>

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Total (Incl. E&I)

\$566,880.00

- H. The State will be responsible for advertisement and receipt of bids, and the award of the Contract. Following receipt of bids and prior to the award of the Contract, the State will invoice the County for its pro-rata share of the estimated cost as reflected by the bid of the successful bidder plus E & I, and the County will pay this amount to the State no later than 30 days after the date bids are opened.
- I. The County will submit reimbursement invoices for work performed under the terms of this Agreement to the Alabama Department of Transportation within six (6) months after the completion and acceptance of the project. Any invoices submitted after this six (6) month period will not be eligible for payment.
- J. The County will comply with the Alabama Department of Transportation Standard Specifications for Highway Construction, Latest Edition, on this project and will ensure that alignment and grades on this project meet the standards of the Alabama Department of Transportation and the project will be built in accordance with the approved plans.
- K. An audit report must be filed with the Department of Examiners of Public Accounts, upon receipt by the County, for any audit performed on this project in accordance with Act No. 94-414.
- L. Upon completion and acceptance of this project, the County will maintain the project in satisfactory condition in accordance with the requirement of the Alabama Department of Transportation.
- M. To the fullest extent permitted by law, the County shall defend, indemnify, and hold harmless the State of Alabama, the Alabama Department of Transportation, and its agents, servants, employees and/or facilities from and against claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of or resulting from performance of the work, provided that such claim, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property (other than the work itself) including loss of use resulting therefrom, but only to the extent caused in whole or in part by alleged or proven negligent acts or omissions of the County, anyone directly or indirectly employed by the County or anyone for whose acts the County may be liable, regardless of whether such claim, damage, loss or expense is caused in part, or alleged but not legally established to have been caused in whole by a party indemnified hereunder.

The term "hold harmless" includes the obligation of the County to pay damages on behalf of the State of Alabama, the Alabama Department of Transportation, and its agents, servants, and/or employees.

- N. The County will be obligated for the payment of the damages occasioned to private property, public utilities or the general public, caused by the legal liability (in accordance with Alabama and/or Federal law) of the County, its agents, servants, employees or facilities.
- O. Exhibit M is attached hereto as a part hereof.
- P. Exhibit N is attached hereto as a part hereof.
- Q. This agreement shall terminate on March 18, 2011, as to any work provided herein for which funding has not been authorized, unless otherwise terminated by either party upon the delivery of a thirty (30) day notice of termination. The County agrees that the State may unilaterally extend the time of the agreement.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JUNE 28, 2010

Environmental Services Director Jack Marshall presented a recycling grant totaling \$57,400 for Lee County from the partnership with Opelika, Auburn and Auburn University. Mr. Marshall stated that \$55,000 of these funds would be used to purchase a recycling truck and the remainder would be used for signs for use at the recycling sites. Mr. Marshall stated that over \$65,000 in recycling revenue has been received so far this year, and he has added a second employee to his recycling staff this year.

During the pre-meeting, Mr. Bobby Armstrong asked the Commission to consider lifting the hiring freeze to allow the advertisement for an open mapper position in the Appraisal Department. Mr. Rendleman stated that of three mapper positions in the Appraisal Department that only one was filled at this time. Commissioner Smith made a motion during the meeting to lift the hiring freeze and allow the mapper position to be advertised and filled as budgeted, seconded by Commissioner Long and unanimously carried.

Commissioner Holt made a motion to add Lee Road 78 to the agenda, seconded by Commissioner Lawrence and unanimously carried. Commissioner Holt stated that Lee Road 78 was an existing dirt road, but a citizen had requested that an additional approximately 800 feet be maintained by the county. After discussion, Commissioner Holt made a motion to increase the maintenance length on Lee Road 78 by approximately 800 feet and add the additional portion to the county maintenance program. The motion was seconded by Commissioner Lawrence and unanimously carried.

Commissioner Smith made a motion at approximately 6:35 p.m. to adjourn, seconded by Commissioner Long and unanimously carried.

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JULY 12, 2010

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, July 12 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Judge English.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Gary Long, Annell Smith and John Andrew Harris.

Commissioner Lawrence reported on the Alabama City/County Management Association Conference he recently attended. Commissioner Lawrence stated that several items of importance were presented including leadership, ADECA programs available for economic development and community affairs, impact of the 2010 census and discussion of temporary budget cuts.

Administrator Roger Rendleman presented the report from Cost Control Associates concerning our energy bills through September 2009 and our cellular bills through January 2010. Mr. Rendleman stated that the company found no additional savings or refunds for the county. He told the Commission that there was no cost to the county for this review unless savings or refunds were identified. Mr. Rendleman stated that he attributed the good review to efficient utilization of resources by staff and department heads.

Next, Mr. Rendleman stated that the U. S. Board on Geographic Names had approved the proposal to apply the new name Swingle Creek to a stream in Lee County and that official notification has been received.

Last, Mr. Rendleman stated that the 2009 Financial and Legal Compliance audit of the Lee County Commission will be released on July 9, 2010, by the State Examiners. The audit will be available on their website and on the county's website. Mr. Rendleman stated for the fourth time in a row, the County Commission has received a "clean" audit. This means the audit determined that the Commission's financial statements are presented fairly in all material respects regarding our financial position and results of operations for fiscal year ending September 30, 2009. Also, the audit did not have any findings or noncompliance with state and local laws. Mr. Rendleman stated that the credit goes to the Commission Office staff, Department Heads and Officials who work together in making sure we comply with the laws and that transactions are recorded properly for accountability.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, procurement card transactions, Bid #11 for a compactor unit and the announcement of two positions on the Lee County Communications District (E911) Board and the minutes of June 28. Environmental Services Director Jack Marshall stated that 4 invitations to bid were sent out, and 5 bids and one no bid were received. Mr. Marshall recommended that the bid be awarded to the low bidder of Marathon Equipment at \$13,249.77 for a compactor. Commissioner Holt made a motion to approve the items as presented, seconded by Commissioner Harris and carried unanimously.

Several residents were in attendance at the meeting to voice their concerns about the truck traffic that continues on Lee Road 390. Mrs. Cora Reames stated that additionally county trucks had begun using the road. Mrs. Reames stated the residents would like the road to be resurfaced. County Engineer reported on Lee Road 390 and truck routes usage. Mr. Hall stated

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JULY 12, 2010

that a traffic study had been prepared and had been placed on each Commissioner's bench. Mr. Hall stated that after reviewing the study he would recommend that the Commission erect a 25 ton weight limit sign on Lee Road 390 from city limits to U.S. Highway 29. After discussion, Commissioner Smith made a motion to erect a 25 ton weight limit sign on Lee Road 390 from the city limits to U.S. Highway 29, seconded by Commissioner Lawrence and unanimously carried.

Mr. Hall gave an updated status report on four Lee Roads: 592, 947, 132, and 393. **1.** Mr. Hall reported that he did not get the required 90% right-of-way on Lee Road 592, and that it would not get paved. **2.** He stated that 90% of the right-of-way had been obtained on Lee Road 947 but could not get the remaining 10%, so the road would have to be paved by prescription and that an 18 ft. wide roadway was possible. **3.** On Lee Road 132, Mr. Hall reported only 58% of the right-of-way had been obtained, but that the Commission had voted previously to pave Lee Road 132 by prescription. He informed the Commission that when paved it would have a portion with pavement only 13 ft wide. Commissioner Long stated that the Commission had voted to make the minimum width of 18 foot, but Commissioner Harris said that we had voted to pave Lee Road 132 by prescription prior to adopting the policy of minimum 18 foot width. Commissioner Lawrence said he could not support paving anything less than 18 feet for safety reasons. Commissioner Holt asked why we were not able to get 90%, and Mr. Hall reported that 2 or 3 owners own about half of the area in question. Judge English mentioned the possibility of condemnation, but the Commission expressed no interest in paying for right-of-way. Commissioner Smith said she had paved Lee Road 121 in her district by prescription at a very narrow width, and in hindsight would not do it that way again. Four people were present in the audience for this issue, including Hoyt Walker, and Judge English asked them if they would be happy with a 13 foot wide roadway, and all 4 said yes. **4.** Last, Mr. Hall reported that he did not get the required 90% right-of-way on Lee Road 393, and that it would not get paved either. Commissioner Lawrence made a motion not to pave any road with less than 18 feet in pavement width, including Lee Road 132, seconded by Commissioner Holt. On vote being taken, Commissioners Holt, Lawrence and Long voted "Yes", and Commissioners Smith and Harris voted "No", and the Chairman declared the motion adopted by majority vote.

Sheriff Jones requested that the Commission lift the hiring freeze to fill four vacant positions in the jail. Sheriff Jones asked that the following budgeted positions be opened: corrections officer, nurse (LPN), Corrections Transport Officer (sworn), and a food service worker. After discussion, Commissioner Lawrence made a motion to lift the hiring freeze to advertise and fill the mentioned positions, seconded by Commissioner Smith and unanimously carried.

Judge English requested that a budgeted Probate staff position be filled. Judge English stated that he had delayed filling the position as long as possible, but the need is necessary at this time. Commissioner Smith made a motion to lift the hiring freeze for the budgeted position to be advertised and filled, seconded by Commissioner Long and unanimously carried.

County Engineer Neal Hall presented the preliminary plat and proposed construction plans for Washington Terrace Subdivision, Phase III, located adjacent to Lee Road 035 have been reviewed and meet the minimum requirements of the *Lee County Subdivision and Land Development Regulations*. Mr. Hall asked for Commission approval on the preliminary plat as presented. Commissioner Harris made a motion to approve the preliminary plat as presented, seconded by Commissioner Smith for discussion. Mr. George Thompson who lives in Phase I asked that the Commission deny approving the preliminary plat because Mr. Washington violates the restrictions and covenants of the subdivision. Judge English informed Mr. Thompson that this Commission has no authority to address these concerns. Judge English stated the only requirement is that the subdivision meets the minimum requirements set by the

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JULY 12, 2010

subdivision regulations. Additionally, Mr. Thompson stated that this was Phase III, and he had never received notification of Phase II. Mr. Carey Winslett echoed the sentiments of Mr. Thompson stating that he had not received notification of a second phase, and stated it was a violation of his contract. Ms. Natalie Stowes also appeared stating she was a real estate agent and that the property in the subdivision was losing value due to Mr. Washington's practice of allowing mobile homes in the subdivision. Judge English stated that mobile homes do not violate the subdivision regulations. After this discussion, Commissioner Smith withdrew her second. Mr. Hall stated that once a subdivision meets the minimum requirements, the Lee County Commission "shall approve" the plat, according to §11-24(b) of the Subdivision regulations, which state it shall be approved by the Commission if the Engineer reports that the subdivision meets the minimum requirements prescribed. After discussion, Commissioner Holt made a motion to move the item forward to the next meeting, seconded by Commissioner Lawrence and unanimously carried. Further, Commissioner Holt encouraged developers and property owners to voice their concerns on the issue to Mr. Washington and that he needs to honor his covenants.

During the pre-meeting, Administrator Roger Rendleman made a presentation on the T.K. Davis Justice Center addition. Mr. Rendleman stated that planned expansion is estimated at \$10,182,290 with an overall 48,807 square feet. Mr. Rendleman stated that his recommendation is to proceed to have the project ready to bid due to current trends of bids coming in below estimates and the extremely low borrowing costs currently. Judge English questioned the space allocations for the various offices and asked when the concept for the Circuit Clerk and the District Attorney had been changed from a renovation and addition to the north end of the building to new construction on the south end. Architect Randy Wilson talked about planning for future space needs and addressed the "life cycle" of the building. Commissioner Smith during the meeting made a motion to approve the acceptance of the schematic design and approve the further development of design and construction documents for the expansion of the T.K. Davis Justice Center. The motion was seconded by Commissioner Holt and carried by a vote of 4:1, with Commissioner Lawrence voting "No".

During the pre-meeting Mr. Rendleman asked that the Commission set a budget work session immediately after the next Commission meeting on July 26. Commissioner Smith during the meeting made a motion to set a budget work session for July 26 immediately following the regularly scheduled meeting, seconded by Commissioner Long and unanimously carried.

Judge English reminded everyone in attendance of the run-off election to be held on Tuesday, July 13. He stated the polls would be open from 7 a.m. until 7 p.m. CST.

Commissioner Long made a motion at approximately 7:00 p.m. to adjourn, seconded by Commissioner Lawrence and unanimously carried.

Minutes approved:

Chairman

Commissioner, District 1

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, JULY 12, 2010

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JULY 26, 2010

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, July 26 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Long.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Gary Long, Annell Smith and John Andrew Harris.

Judge English informed the Commission that CGI Communications is currently in town to shoot video for the county website. Judge English stated that he had had several calls about the company's sales pitch from several business entities in the community they had contacted using his name.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, Bid #12 for a color printer, Bid #13 for a recycling truck, the announcement of three positions on the East Alabama Health Care Authority Board and the minutes of July 12. County Engineer Neal Hall reported that out of 3 bids sent, two bids and one no bid were received. Mr. Hall recommended that the low bid from **Berney** for \$17,744 be accepted for Bid #12. Environmental Services Director Jack Marshall stated that 21 bids were sent out, and 2 bids and two no bids were received. Mr. Marshall recommended that Bid #13 be awarded to the lowest responsive bidder from **Kenworth of Dothan** at \$50,682.00 for a recycling truck. Mr. Marshall stated that the lowest bidder did not meet bid specifications for two reasons: 1) the length of the box was smaller than specified; and 2) the chassis did not meet the specification for chassis length. Mr. Marshall further stated that the truck was being purchased by ADEM grant of \$55,000. Upon these recommendations, Commissioner Holt made a motion to approve the items as presented, seconded by Commissioner Lawrence and carried unanimously

During the pre-meeting, Mr. Hall presented information concerning Washington Terrace Subdivision. Mr. Hall stated that Crystal Lakes at Washington Terrace is the only portion that has recorded covenants and restrictions and they only apply to the four lots in Crystal Lakes. Mr. Hall stated that he found no covenants or restrictions recorded for Phase II or Phase III. Therefore, he informed the Commission that his research indicated that they should proceed with the subdivision approval. Commissioner Holt stated that the Commission should be able to address this situation. Mr. Rendleman stated that even cities cannot enforce covenants. City Attorney Guy Gunter was in attendance and concurred that cities cannot enforce restrictive covenants because they are private contracts between the developer and the landowner. He stated that the only way they can be enforced is by injunctive relief by the courts. During the meeting, Carey Winslett addressed the Commission concerning the covenants in Washington Terrace. Judge English stated that the Commission had addressed this issue in the pre-meeting and explained same to Mr. Winslett. Judge English informed Mr. Winslett and other attendees that the Commission had been informed that only Crystal Lakes at Washington Terrace had covenants and that they only affected the four lots on the south side of the road. Judge English suggested that Mr. Winslett consider consulting an attorney to explore his options. Mr. Winslett stated that the area had been presented as a subdivision, not just those four lots. Judge English stated that even if covenants were in place that the Commission has no enforcement authority. After discussion, Mr. Hall asked for Commission approval on the preliminary plat as presented for Washington Terrace Subdivision, Phase III, located adjacent to Lee Road 035 which have been reviewed and meet the minimum requirements of the *Lee County Subdivision and Land Development Regulations*. Commissioner Harris made a motion to approve the preliminary plat as presented, seconded by Commissioner Holt and unanimously carried.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, JULY 26, 2010

Revenue Commissioner Oline Price presented a proposed contract with Arista Information Systems to provide mailing services for bulk mailings. Commissioner Lawrence questioned if the service would provide cost savings or if it would allow her to reduce her staff. Mrs. Price stated that there is probably only minimal savings but it would reduce her supplies since they would provide the paper and envelopes for the service and as far as staff it would free them up to perform their other assigned duties, but that she could not reduce her staffing levels. Mrs. Price stated that in the past she had to pull staff off their assigned duties to help stuff envelopes and sort the mail which was an additional cost because normally they would have to work overtime to perform those duties. Commissioner Lawrence also asked if other departments of the county could benefit from these services. Judge English replied that Probate and Appraisal could probably use the service, but that they had already ordered their materials for this year. He said other departments could explore this service for next year after Mrs. Price has had a chance to try the service initially. Commissioner Lawrence questioned whether this agreement would be over \$15,000 and need to be bid. Mrs. Price responded that other Alabama counties that use this company treated it as either a professional services agreement or a sole source provider. Mr. Rendleman mentioned that this might qualify as a professional services exception to the bid law, and did say his research indicated that this was the only company he could find that provides this service. Judge English questioned the sentence in Schedule "B" where Arista "*reserves the right to change the pricing during the term of the Agreement to reflect changes in Arista's costs*". Mr. Martin suggested that that clause be removed from the contract, and Mrs. Price said she would ask the company to make that change. After further discussion, Commissioner Holt made a motion to authorize the Chairman to sign an agreement as discussed on behalf of the County for billing services with Arista Information Systems, Inc., seconded by Commissioner Smith and unanimously carried.

Sheriff Jones requested that the Commission lift the hiring freeze to fill a vacant dispatcher position. Sheriff Jones stated that the position is a budgeted position. After discussion, Commissioner Smith made a motion to lift the hiring freeze to advertise and fill the dispatcher position, seconded by Commissioner Long and unanimously carried.

Environmental Services Director Jack Marshall asked the Commission to consider lifting the hiring freeze and allow him to advertise for a recycling coordinator, which is a budgeted position. Commissioner Lawrence made a motion to lift the hiring freeze and allow the recycling coordinator position to be advertised and filled as budgeted, seconded by Commissioner Smith and unanimously carried.

Commissioner Lawrence made a motion at approximately 6:25 p.m. to adjourn, seconded by Commissioner Smith and unanimously carried.

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, AUGUST 9, 2010

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, August 9 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Judge English.

Mr. William Eastridge appeared before the Commission during Citizens' Communications and stated that big trucks were still traveling on Lee Road 177. He questioned whether C&C Trucking of LaGrange, Georgia paid any property taxes in Lee County. Mr. Eastridge further questioned the patching process and stated that he had to remove several shovels of gravel from the edge of his yard so he could mow. Further, he thanked Sheriff Jones and his staff and the State Trooper's Office for the good enforcement job they had performed in the area. Judge English stated that out of state owners do not have to pay property taxes in Lee County to use our roads, nor do we have to pay their taxes to drive on their roads. Judge English questioned if County Engineer Neal Hall would like to address the patching process. Mr. Hall stated that the technique he described in the last meeting was correct and as mentioned there would be excess gravel on the patched sites.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Johnny Lawrence, Gary Long, Annell Smith and John Andrew Harris. Commissioner Mathan Holt was absent.

Governmental Relations Coordinator Wendy Swann presented a plaque to the Commission from the Regional Census Representative Yolanda Fears. The U. S. Census Bureau expressed appreciation to the Commission for support in a complete and accurate census count in 2010. Judge English stated that the most recent census estimate for Lee County is 135,883.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, procurement card transactions, Bid #14 for a computer data storage unit and the minutes of July 26. County Administrator Roger Rendleman referred to the memorandum from Information Services Director Tim Parson that stated out of 24 bids sent only one bid was received. Mr. Parson recommended that the lone bid from **Computer Discount Warehouse-Government** for \$27,477 be accepted for Bid #14. Mr. Parson indicated in the memorandum that the Sheriff's Office agreed to pay 50% of the purchase price with the remaining paid from the general fund as a budgeted item. Commissioner Lawrence questioned Commissioner Harris on the bill for his airfare which seemed excessive. Commissioner Harris stated that his plans had changed at the last minute and he had to obtain a last minute flight and he agreed he should have made the arrangements earlier. Commissioner Lawrence made a motion to approve the items as presented, seconded by Commissioner Long and carried unanimously

During the pre-meeting, Mr. Larry Maxwell addressed the Commission concerning Lee Road 330. Mr. Maxwell stated that he was informed that the remaining portion of Lee Road 330 would be paved by previous Commissioner Lamar Hearn. Mr. Maxwell stated that he had talked to Commissioner Smith on numerous occasions and she had indicated that the road had been placed on the paving list. Mr. Maxwell stated he understood the money allocated for dirt road paving was now being allocated to resurfacing. Judge English stated that the Commission had committed to repair and retain existing county paved roads which would help the county qualify for federal and state funding. Mr. Maxwell stated he had been trying to get the road paved for about 32 years. Further, he stated he heard that Commissioner Smith had deferred her paving allocation to another district. Judge English explained that all dirt road paving had been suspended until economic conditions turn around, but that Commissioner Smith had not given her allocation away. Mr. Maxwell thanked Judge English and the Commission for their time.

Revenue Commissioner Oline Price requested that the Commission lift the hiring freeze

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, AUGUST 9, 2010

to fill a vacant clerk position. Mrs. Price stated that the position is a budgeted position. After discussion, Commissioner Long made a motion to lift the hiring freeze to advertise and fill the clerk position, seconded by Commissioner Smith and unanimously carried.

Mr. Rendleman presented a request from Sheriff Jones concerning an intra-jail communication system which allows inmates to communicate to the detention center officers in the event of an emergency or a problem that requires staff intervention. Mr. Rendleman stated that the maintenance department had been patching the system, but the system is no longer able to be patched since it is nearly 26 years old. Sheriff Jones stated that if the system failed it would create major safety and security concerns for staff and inmates. Mr. Rendleman stated the cost to repair the system was around \$36-\$37,000 and he would recommend that a budget amendment from the capital improvement fund be approved. Upon discussion, Commissioner Lawrence made a motion to approve the repairs and upgrade on the intra-jail communication system for up to \$40,000 out of the capital improvement fund, seconded by Commissioner Smith and unanimously carried.

Judge English stated that during the pre-meeting the following dates had been suggested for budget work-sessions, as needed: August 30, immediately following the Commission meeting, and August 31 at 5:00 p.m. CDT; September 13 immediately following the Commission meeting and September 14 at 5:00 p.m. CDT. All the work sessions will be held in the Commission chambers. Commissioner Lawrence made a motion, seconded by Commissioner Smith and unanimously carried that the above dates and times be scheduled as budget work sessions, as needed.

Chief Appraiser Bobby Armstrong presented a letter from Rockford Map Publishers requesting the Commission waive a \$16,000 fee for maps provided by Flagship GIS. Mr. Armstrong recommended that the Commission not waive the fee since this company is a for-profit entity even though they develop the maps for not-for-profit agencies. Judge English stated that he would talk to the Lee County Soil and Water Conservation Office. The Commission took no action on the request at this time.

Environmental Services Director Jack Marshall asked the Commission to consider lifting the hiring freeze and allow him to advertise for a truck driver, which is a budgeted position. Commissioner Smith made a motion to lift the hiring freeze and allow the truck driver position to be advertised and filled as budgeted, seconded by Commissioner Long and unanimously carried.

Commissioner Long made a motion at approximately 6:10 p.m. to adjourn, seconded by Commissioner Lawrence and unanimously carried.

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, AUGUST 30, 2010

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, August 30 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Lawrence.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Johnny Lawrence, Gary Long, Annell Smith and John Andrew Harris. Commissioner Mathan Holt was absent.

Governmental Relations Coordinator Wendy Swann displayed the 2010 ACCA Award for Excellence in County Government which was presented to Lee County at the ACCA Conference for the solar project at the Justice Center. Judge English commended Mrs. Swann and Roger Rendleman for their efforts on this project.

Judge English referred to a letter included in the packets from Mr. Henry Fraind and Mrs. Monica Young. The letter commended Neal Hall, Roger Rendleman, Joe Harrelson, Billy Yarbrough and the Lee County Highway Department road crew for their professionalism, hard work and pleasant attitude while working on the improvements to Lee Road 338. Judge English stated that they asked that the letter be placed in each personnel file.

The members of the Commission discussed their attendance at the ACCA Annual Conference. Commissioner Harris stated that he had learned a great deal about the following: how the 911 fee is distributed based on area codes; presentation from the EOC and subdivision regulations. Commissioner Harris thanked both Mr. Hall and County Attorney Stan Martin on their work in implementing the subdivision regulations in Lee County.

Next, Commissioner Lawrence shared that he learned more about the AU Biomass and Gasification Unit and the potential for future development. Second, he shared that ALDOT stated that \$1.1M would be funded by the State Trust Fund for roads and bridges, spending over \$11M in 10 years.

Last, Judge English shared that he attended sessions on housing inmates, subdivisions and a presentation from ALDOT. As far as the report on the State funding, Mr. Hall stated that Lee County's funding had been cut from \$500,000 to \$339,000, but an additional amount of \$61,000 had been reallocated bringing the total for Lee County up to \$400,000.

EMA Director Kathy Russell updated the Commission during the pre-meeting on the recent activities by the EMA. Ms. Russell reported that the agency had received the maximum support allocation for citizen corps funding. Ms. Russell stated that EMA currently has over 500 volunteers. Further, she stated that Auburn University had returned four sirens and those had been placed at West Ridge park, Smiths Station ballpark, Loachapoka and the Opelika Sportsplex. Ms. Russell stated that a commodity flow study had recently been performed which shows what type chemicals and hazards go through Lee County. Ms. Russell reported that the Hazard Mitigation Plan was updated. Further, she informed the Commission that the EMA Building had been hit by lightning and thanked Mr. Rendleman for providing insurance for the building. She stated that a few months ago the siren near EAMC was damaged by a lightning strike. Last, Ms. Russell informed the Commission that each Commissioner has to take a required IS 700 course for EMA to be eligible for continued funding under the NIMS. Ms. Russell stated that the class was available on-line at www.training.fema.gov or Chris Tate would teach the course at EMA on September 13 and 14 for those interested.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims and the announcement of two openings on the Lee County Recreation Board. Commissioner Lawrence made a motion to approve the items as presented, seconded by Commissioner Long and carried unanimously

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, AUGUST 30, 2010

County Engineer Neal Hall updated the Commission on the Bond Bridge Project. Mr. Hall stated that this was the second project that will be constructed from the bond issuance. Mr. Hall stated that bids were received for the Lee Road 154 project on August 13, 2010. Mr. Hall recommended awarding the bid to the low bidder, Murphree Bridge Corporation of Troy, Alabama, for \$316,227.50. Mr. Hall stated that construction would begin around October 14, 2010. Commissioner Smith made a motion to authorize the Chairman to sign the agreement and award the bid for bridge construction on Lee Road 154 to Murphree Bridge Corporation, seconded by Commissioner Harris and unanimously carried.

Judge English informed the Commission that he had talked with representatives from the Lee County Soil & Water Conservation District and stated they requested that the Commission waive the fee for the plat map project that was discussed at the last meeting. Judge English stated that they wanted to make the maps available to the citizens. Judge English asked the Soil & Water Conservation representatives to talk to the company to see if they could have exclusive rights to sale of the map books if Lee County waived the fee. No action was taken by the Commission.

Margaret Ray of Lee Road 240 appeared before the Commission during the pre-meeting to ask that the road be paved. Mrs. Ray stated that that the road was full of potholes and stated that it was an embarrassment to Lee County that the road is in such deplorable condition. Commissioner Long concurred with Mrs. Ray. Mr. Hall informed Mrs. Ray that the road was in consideration for funding from Congress under the BRAC funding. Mrs. Ray thanked the Commission for their time and stated she and her neighbors would be contacting Congressman Rogers about the road. No action was taken by the Commission.

Paul Spates of Lee Road 632 appeared before the Commission complaining about Railroads Bar and Grill located off Alabama Highway 169. Mr. Spates stated that the loud music from the establishment and that the patrons lingered in the parking lot caused a nuisance. Mr. Spates presented a petition from the residents of the subdivision located next to the establishment. Sue Miller appeared complaining of the noise issue too. Mr. Spates previously talked to Sheriff Jones about the situation. Sheriff Jones stated that he would address the issues that he and Mr. Spates had discussed. Commissioner Smith stated that she had called the owners, Dan and Susan Porterfield, on numerous occasions about the activities at the establishment. No action was taken by the Commission.

Dr. Anne Penney Director of the East Alabama Mental Health-Mental Retardation Center appeared at the pre-meeting to ask the Commission to reconsider proposed budget cuts to their annual appropriation. Dr. Penney explained the relationship between the Mental Health Agency and Lee County. After discussion, County Administrator Roger Rendleman stated that after hearing from Dr. Penney he had a clearer understanding of the relationship with Lee County and he stated he would treat the Mental Health Department as he does other governmental service agencies, and would recommend level funding for the coming year. Dr. Penney thanked Mr. Rendleman and the entire Commission for the support provided to the Mental Health Agency.

Sheriff Jones requested that Jean Causey of the Lee-Russell Council of Governments be authorized to use the Justice Center parking lot for a "Show on Wheels" to be held October 2 from 8 a.m. to 2 p.m. to benefit a memorial fund for Corporal John Belk of the Opelika Police Department and Deputy James Anderson of the Lee County Sheriff's Office. After discussion, Commissioner Lawrence made a motion to allow the use of the Justice Center parking lot for the fundraiser on October 2 as long as they provided a certificate of insurance to Mr. Rendleman prior to the event, seconded by Commissioner Smith and unanimously carried.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, AUGUST 30, 2010

Commissioner Lawrence made a motion to approve the following Resolution, seconded by Commissioner Smith and carried on a 4-0-1 vote with Commissioner Long abstaining.

BE IT RESOLVED that the Lee County Commission approve the application for a restaurant retail liquor license for **Durango Grill** located at 15405 US Highway 280 East, Smiths Station, Alabama.

Several members from the various volunteer fire departments were in attendance to discuss the fire fee issue. Judge English provided information to the Commission in the packets concerning the history of the fire fee and the issue of the renewal of that fee. Judge English explained that when the fire fee was originally voted on in most fire districts in 1989, it was only adopted for 25 years and that the 25 years would be up in 2014. Judge English stated that he had suggested to the Firefighter Association members that they might want to consider renewing the existing fee for another 25 years before asking for another vote to increase the fee. He informed them that the fire fee renewal could be placed on the ballot for the November 2010 General Election, but that decision would have to be made by the Commission today so that the ballots could be prepared in time. Additionally, he said that if that option were taken, the wording on the ballot would have to be the same as specified in the original legislation. As an option, the Commission could consider absorbing the costs of a special election where the fire fee renewal would be the only issue on the ballot, and there would be time to try and get the ballot wording simplified in the Legislature. Steve Tucker, President of the Lee County Volunteer Firefighters Association, stated he would request that the Commission consider holding a special election rather than placing it on this year's General Election ballot, due to the current sentiment of the voters. Mr. Tucker stated that he feels that if the fire fee is voted separately then efforts can be directed toward educating the citizens on the benefit of the fire fee and enhance the chances for extending it for another 25 years. Judge English concurred and stated that at this time due to economic conditions he sees the need for active promotion of the renewal and that a special election next year would give additional time to do that. The Commission agreed not to place the issue on the 2010 ballot, and to support the Association by calling a Special Election sometime next year.

Judge English stated that first reading for three appointments to the Citizens Advisory Committee (known as the CAC) of the Lee-Russell Council of Governments Metropolitan Planning Organization was up for discussion. Lee County has three vacancies on the CAC, but as yet no person has come forward showing interest in serving on that Committee. Judge English asked the Commissioners to consider recommending citizens for the openings on the Committee. Due to the lack of nominations, the Commission took no action.

First reading for the Lee County E911 Communications Board was read. Judge English informed the Commission that Sheriff Jay Jones and Dan Goslin were recommended for reappointment by the board. One other citizen had filled out a Citizen Interest form, but was identified as living in the City of Auburn, and thus ineligible for the appointment. Commissioner Smith made a motion for first reading to the Lee County E911 of Sheriff Jay Jones and Dan Goslin, seconded by Commissioner Lawrence and unanimously carried.

Commissioner Smith made a motion at approximately 6:30 p.m. to adjourn, seconded by Commissioner Lawrence and unanimously carried.

Minutes approved:

Chairman

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, AUGUST 30, 2010

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, SEPTEMBER 13, 2010

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, September 13 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Judge English.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Johnny Lawrence, Gary Long and John Andrew Harris. Commissioner Annell Smith left after the pre-meeting and was absent during the meeting. Commissioner Mathan Holt was absent.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, procurement card transactions and first reading to the East Alabama Health Care Authority Board of the following two reappointments: Lucinda Cannon and Dr. Bill Garrett. In addition, first reading of the appointment of Don Large was made. Mr. Large has been nominated to replace Rhett Riley, who is not eligible for reappointment according to the Health Care Authority Board guidelines. Commissioner Lawrence made a motion to approve the items as presented, seconded by Commissioner Long and carried unanimously

Mrs. Gloria Mahogany presented a claim for damage to her vehicle's rim that occurred. Mrs. Mahogany reported that she hit a pothole on Lee Road 242 on April 5, 2010 which damaged her rim. Meadowbrook denied her claim since the county had no prior knowledge of the pothole. County Engineer Neal Hall stated that potholes on Lee Road 242 were repaired on March 30. Commissioner Harris asked that the Commission consider taking responsibility for the situation. He stated that the citizen should not have to bear the cost of the repair only because it had not been previously reported. Mrs. Mahogany asked if she needed to bring a picture of the pothole for Commission review. The Commission requested that she furnish a copy of the picture for further consideration. A gentleman with Mrs. Mahogany asked that the Commission consider reimbursement of \$700 for the rim that was damaged by the pothole. Judge English questioned if it was a custom rim, and he affirmed that it was. No action was taken by the Commission. Afterward, the gentleman with Mrs. Mahogany thanked the Commission for their consideration and they left. At the end of the regular meeting, Commissioner Harris asked for further discussion on the subject. Commissioner Harris stated that he had talked to Meadowbrook who told him that it was a Commission responsibility to determine if the County was at fault or not. Mr. Hall stated that the county does not have the resources to pay for every vehicle damaged due to a pothole and that Meadowbrook puts liability on the county once the pothole is reported. Mr. Hall stated that Mrs. Mahogany originally reported to the Highway Department that the incident took place on Lee Road 426. The patching truck was sent there immediately but no pothole was found. When Meadowbrook Representative Deanne Little talked to the Highway Department on April 29, she stated that Mrs. Mahogany reported the incident happened on Lee Road 242, not Lee Road 426. According to Mr. Hall, Lee Road 242 had been patched on March 30, only six days before the incident allegedly occurred. Additionally, Mr. Hall stated that once reported, the patching truck is sent out to locate and patch the reported pothole. Mr. Hall stated that citizens had been denied reimbursement for these low profile rims in the past because of their low sidewalls. No action was taken by the Commission.

County Administrator Roger Rendleman presented the following Resolution to renew Lee County's participation in the ACCA Liability Self-Insurance Fund. Commissioner Lawrence questioned why it was being done so far in advance. Mr. Rendleman stated that his guess was to get everyone on the same renewal cycle, but he was not sure. Commissioner Lawrence made a motion to approve the following Resolution and authorize the Chairman to sign the Participation Agreement, seconded by Commissioner Long and unanimously carried.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, SEPTEMBER 13, 2010

RESOLUTION

WHEREAS, Lee County is a member of the Association of County Commissions of Alabama Liability Self-Insurance Fund (“Liability Fund”) for the contract period ending December 31, 2011; and

WHEREAS, the county’s participation in the Liability Fund has been a significant benefit to the County since becoming a member; and

WHEREAS, the representation and service provided by the Liability Fund continues to be in the best interest of Lee County and its officials and employees; and

WHEREAS, Lee County would benefit by agreeing to extend its participation in the Liability Fund for an additional three-year period beginning January 1, 2012 and concluding December 31, 2014.

NOW, THEREFORE, BE IT RESOLVED by the Lee County Commission that it renews its participation in the Liability Fund for calendar years 2010 through 2014 and expresses its intent to execute a Participation Agreement in similar form to the previously executed.

Commissioner Long made a motion to approve the following Resolution for the Lee County E911 Board, seconded by Commissioner Harris and unanimously carried.

BE IT RESOLVED, that the Lee County Commission hereby reappoints Sheriff Jay Jones to the Lee County Emergency Communications District Board for a four-year term ending July 24, 2014.

Commissioner Long made a motion to approve the following Resolution for the Lee County E911 Board, seconded by Commissioner Harris and unanimously carried.

BE IT RESOLVED, that the Lee County Commission hereby reappoints Dan Goslin to the Lee County Emergency Communications District Board for a four-year term ending July 24, 2014.

Commissioner Long made a motion at approximately 6:25 p.m. to adjourn, seconded by Commissioner Lawrence and unanimously carried.

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, SEPTEMBER 27, 2010

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, September 27 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Long.

Mr. Terry Brown of Lee Road 777 presented a petition from the residents who want the road paved. Mr. Brown asked if the road could be fixed before it is paved. He stated that the road is not wide enough and that the school bus is unable to drive down the road because there is nowhere for the bus to turn around. He stated that he understands that the county has no money to fix the road, but he would ask that something at least be put on the road to cut down on the dust. No action was taken by the Commission.

Mrs. Pamela McCants of Lee Road 955 appeared before the Commission to ask for assistance on her road. Mrs. McCants stated that the county had brought two loads of gravel two years ago and placed it on the road and she stated it needs more gravel. Commissioner Smith stated that Lee Road 955 is not a county maintained road, but that the residents had paid for the gravel and the county did place it on the road. Commissioner Harris interjected and stated that the residents need to know the process to get the road maintained by the county, with the first step being to donate the right-of-way to the county. Commissioner Smith stated that the developer two years ago was not willing to donate the right-of-way. Mr. Hall suggested that Mrs. McCants contact him and he would look into the situation.

Commissioner Harris left after citizens' communications. The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Gary Long, Annell Smith. Absent: John Andrew Harris.

During the pre-meeting, Lee County Emergency Management Agency Director Kathy Russell informed the Commission that EMA had recently had a review by the County Homeland Security Grant Program for fiscal years 2003-2009 and had received superior ratings with no minor discrepancies. Ms. Russell thanked Mrs. Rita Smith who handles Homeland Security grants for EMA. The Commission thanked Ms. Russell and Mrs. Smith for the commendable rating the agency received.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims and the minutes of the September 13 meeting. Commissioner Lawrence made a motion to approve the consent agenda items as presented, seconded by Commissioner Long. The motion passed on a 2-0-2 vote with Commissioners Holt and Smith abstaining.

Governmental Relations Coordinator Wendy Swann presented the bid results for the solar thermal hot water system for the Lee County Justice Center. Mrs. Swann state that out of 8 invitations sent only two bids were received. Mrs. Swann recommended the low bid from FLS Energy of Asheville, North Carolina in the amount of \$159,084 be awarded. County Administrator Roger Rendleman stated that the award amount falls within the amount of grant funds budgeted for the project. Commissioner Holt made a motion to accept the low bid of FLS Energy, seconded by Commissioner Lawrence and unanimously carried.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, SEPTEMBER 27, 2010

Mr. Dan Hart appeared before the Commission during the pre-meeting to ask the Commission to require the Lee County Building Inspection Department to enforce the life safety codes as they relate to kitchen equipment, and to consider asking the legislature for that enforcement authority if necessary. Mr. Hart explained that he owns a restaurant equipment supply company and stated that these type items are being placed in buildings after a certificate of occupancy has been issued, with no inspections after installation. Mr. Hart also addressed air conditioning and giving the county the authority to inspect air conditioning units for safety issues after installations are done. Mr. Hart stated that he would like to see the Building Inspection Department given the authority to inspect these installations and charge a fee for the inspections to produce enough revenue to support the costs of the inspections. During the meeting, Commissioner Lawrence made a motion, seconded by Commissioner Long to request that the building inspection department find out which life safety codes are needed for restaurants and what legislation would be necessary for that enforcement. The motion passed on a 3-1 vote with Commissioner Holt voting "No."

Upon the request of funding for the Volunteer Fire Departments, Judge English and Roger Rendleman recommended the following Resolution to help with cash flow issues for each volunteer fire department. Individual participation would depend on whether the volunteer fire department requests the assistance or not. Commissioner Holt made a motion to adopt the following Resolution, seconded by Commissioner Smith and unanimously carried.

RESOLUTION

Whereas, Volunteer Fire Departments provide a valuable service to the citizens of Lee County, and

Whereas, said Volunteer Fire Departments are facing financial challenges meeting operational and capital costs with limited resources, and

Whereas, approximately eighty percent (80%) of the annual fire fees are collected and remitted to the Volunteer Fire Departments between November and February, which can result in cash flow issues from summer to October;

Therefore Be It Resolved, the Lee County Commission hereby establishes a bridge loan program available to the Volunteer Fire Departments receiving annual fire fees in Lee County, and

Be It Further Resolved, that the Chief of each such Volunteer Fire Departments may request in writing to the Chairman of the County Commission a loan up to twenty-five percent (25%) of the amount received in the most recent fiscal year according to Commission records. Such bridge loan shall be paid back with monies withheld from subsequent fire fee distributions to that department. Beginning with the November remittance, the amount of the fire fee distribution made to the department will be one-twelfth (1/12th) of the total amount distributed to that department in the preceding twelve months. Any excess over that one-twelfth will be withheld by the County Commission and applied to repayment of the bridge loan until it is repaid in full. The total amount withheld will equal the amount of the loan and shall not include any interest and/or fees. Each such bridge loan shall be repaid in full before subsequent bridge loans may be made.

Mr. Rendleman suggested the Commission acknowledge the previous request from SW Lee County Fire Protection Authority and authorize a bridge loan for funding that department without further Commission action. Commissioner Lawrence made a motion to authorize SW Lee County Fire Protection Authority to request a portion of the fire fees as outlined in the Bridge Loan Resolution, seconded by Commissioner Long and unanimously carried.

Commissioner Smith made a motion to approve the following Resolution for the East Alabama Health Care Authority Board, seconded by Commissioner Holt and carried on a vote of 3-0-1 with Commissioner Lawrence abstaining.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, SEPTEMBER 27, 2010

BE IT RESOLVED, that Lee County Commission hereby reappoints Lucinda S. Cannon and Dr. Bill Garrett and appoints Don Large to the East Alabama Health Care Authority Board to serve six-year terms beginning October 1, 2010 and ending September 30, 2016.

County Administrator Roger Rendleman presented a proposed a \$32.9 Million Budget for FY 2010-2011 budget for Commission consideration. Mr. Rendleman stated that the budget includes no funds for COLA's or merit raises. Commissioner Lawrence made a motion to approve the budget as presented, seconded by Commissioner Smith and unanimously carried.

**Fiscal Year 2010-2011
Budget**

<u>Commission Funds</u>	Carryover*	<u>Revenues</u>	<u>Expenditures</u>	Operating Transfers In / (Out)	Increase/ (Decrease)	
General Fund	\$0	\$17,456,070	\$17,567,060	\$110,990	\$0	
Gasoline Tax Fund	\$0	\$1,909,650	\$4,975,845	\$3,066,195	(\$0)	
Public Building Road & Bridge Fund		\$4,529,177		(\$4,529,177)	\$0	
Public Highway and Traffic Fund	\$0	\$379,000		(\$379,000)	\$0	
RRR Gasoline Tax Fund	\$0	\$2,106,666	\$2,400,363	\$293,697	\$0	
Environmental Services Fund	\$0	\$3,340,300	\$3,109,454	(\$127,790)	\$103,056	^^
EMA Funds	\$0	\$242,182	\$508,982	\$266,800	\$0	
Reappraisal Fund	\$315,000	\$1,094,879	\$1,409,879		\$0	
Capital Improvement Fund	\$25,000	\$75,000	\$100,000	\$0	\$0	##
Judicial Facilities Fund	\$100,000	\$700,000	\$800,000		\$0	&&
2004 Debt Service-Jail Expansion		\$757,260	\$1,357,930	\$600,670	\$0	
2010 Debt Service-Bridge Program		\$0	\$697,615	\$697,615	\$0	
Total County Commission Funds:	\$440,000	\$32,590,184	\$32,927,128	\$0	\$103,056	

* = Funds carried over from prior year. These are attributed to Officials and department heads operating consistently within their budgets and/or budgeted projects which were not completed in the 2010 Fiscal Year. Carryover is utilized for one time projects or capital purchases; since, these funds are not ongoing revenues. Although the budget is \$32.9 million, Lee County's financial capability of funding ongoing annual operations is \$32.5 million for Fiscal Year 2011.

##= Funds designated for a Capital/Infrastructure Program. (Contingent on actual revenues for FY 2011.)

&& = For Expansion and Maintenance of the Justice Center Complex

^^ = For Reinvestment into Capital (like Heavy Equipment and Site Improvements)

Next, Mr. Rendleman requested that the Commission authorize the Chairman to execute funding agreements with the outside agencies listed for appropriations amounts as shown below:

Appropriation List for Fiscal Year 2010-2011

GS Lee - Russell Area Council Of Governments	
Aging Programs	\$53,512
Transit Programs	<u>\$54,888</u>
TOTAL to LRCOG:	\$108,400

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, SEPTEMBER 27, 2010

C	Emergency Transport System (EAMC)	\$289,476
R	City of Opelika Sportsplex & Aquatic Center	\$50,000
R	Airport FAA Projects	\$50,000
R	Auburn University Airport Terminal Project	\$100,000
GS	State Public Health Dept (Local Office)	\$118,168
GS	Alabama Cooperative Extension	\$71,542
GS	AL DHR (Local Office)	\$4,725
GS	East Alabama Mental Health	\$64,050
AC	Horseshoe Bend Library	\$27,135
AC	Child Advocacy Center East Alabama	\$13,500
AC	East Alabama Services For The Elderly	\$9,720
AC	Judicial Volunteer Program	\$15,840
AC	Valley Haven School	\$7,290
AC	Soil and Water Conservation	\$3,645
AC	Domestic Violence Intervention Center	\$4,500
AC	Auburn Daycare Association	\$5,670
AC	Museum of East Alabama	\$2,430
AC	American Red Cross - Lee County Chapter	\$13,238
AC	Community Market	\$2,700
AC	County Firefighters Association	\$4,500
AC	Jean Dean RIF	\$1,620
AC	Lee County Historical Society	<u>\$4,500</u>
	Total General Appropriations:	\$972,649

Commissioner Long made a motion to approve the Appropriation List with the amounts as presented, seconded by Commissioner Smith and carried unanimously.

Additionally, Mr. Rendleman requested that the Commission consider authorizing the granting of additional annual leave hours for FY2010-2011 based upon the employee annual evaluations in the same manner that merit raises are authorized. The basis will be as follows: the employee must obtain at minimum a "Meets Standards" for one annual day; the employee must obtain at minimum "Exceeds Standards" for two annual days; and the employee must obtain at minimum "Consistently Exceeds Standards" for three annual days. The application of awarding of the days (as with merits) is within the discretion of the appointing authority as long as the method and reasoning is consistently applied across the departments under their authority. Commissioner Smith made a motion, seconded by Commissioner Lawrence to approve the additional leave hours based on the scale presented. The motion passed unanimously.

Judge English presented the Emergency Response, Rescue and Ambulance Service Agreement from EAMC to the Commission and asked for authorization to renew the agreement for the coming year with no changes. Commissioner Holt made a motion to authorize the Chairman to enter into the agreement, seconded by Commissioner Lawrence, and unanimously carried.

Human Resource Manger Kim Oas presented the results of the Supplemental Insurance Committee meetings and their recommendation to the Commission. Mrs. Oas stated that the Committee had met several times over the last three months and the top three agent/agencies made presentations before the Committee. The Committee, by unanimous vote, recommended Ashley Brown with Aflac as the final agent/agency. The Committee consisted of eight experienced county employees from various departments. Members were: JoAnne Hollingsworth, Barbara Howard, Rita Smith, Jack Marshall, Neal Hall, Corey Welch, Lisa Teel, and Marlene Powell. Five of the eight members attended the pre-meeting to show their support for the recommendation. Commissioner Smith made a motion during the meeting to accept the

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, SEPTEMBER 27, 2010

Committee's recommendation to select Ashley Brown with Aflac to handle supplemental insurance to Lee County employees, seconded by Commissioner Long and unanimously carried.

Mr. Rendleman requested that the Commission accept the low bid received from Parker Construction of Auburn in the amount of \$1,218,499 for the Justice Center central plant expansion. Mr. Rendleman stated that the bid opening took place on July 29 and bid amounts were only valid for 30 days, but Parker Construction agreed to honor the bid. Mr. Rendleman stated that there would be a few reductions, but overall the project would remain per the bid specifications. Upon the recommendation, Commissioner Lawrence made a motion to accept the low bid of Parker Construction for \$1,218,499 for the project, seconded by Commissioner Holt and unanimously carried.

County Engineer Neal Hall recommended the Commission award the following Highway Maintenance bids for FY 2010-2011. Commissioner Long made a motion to accept Mr. Hall's recommendations on the Highway Maintenance Bids, seconded by Commissioner Smith and unanimously carried.

Highway Department Maintenance Bids FY 2010-2011:

Bid No. 15 Ready Mix Concrete

Recommendation: Accept low bid of Sherman Industries, Auburn, AL

Bid No. 16 Maintenance Stone

Recommendation: Accept low bid of APAC Mid-South, Inc, Opelika, AL on some sizes

Recommendation: Accept low bid of Martin Marietta, Birmingham, AL on some sizes

Bid No. 17 Class 3 Reinforced T & G Concrete Pipe

Recommendation: Accept low bid of Hanson Pipe & Precast, Montg., AL on some sizes

Recommendation: Accept low bid of Harvey Culvert, Cleveland, AL on some sizes

Bid No. 18 Bituminous Coated Corrugated Metal Pipes & Bands

Recommendation: Accept low bid of Cherokee Culvert Co., Inc., Macon, GA

Bid No. 19 Corrugated Metal Pipes & Bands

Recommendation: Accept low bid of Cherokee Culvert Co., Inc., Macon, GA

Bid No. 20 Delivered Bituminous Treatment and Temporary Traffic Stripe

Recommendation: Accept low bid of East Alabama Paving, Opelika, AL

Bid No. 21 Bulk Cement

Recommendation: Accept sole bid of LeHigh Cement Company, Birmingham, AL

Bid No. 22 Surface Treatment

Recommendation: Accept low bid of Norris Paving & Asphalt Inc., Birmingham, AL

Bid No. 23 Full Depth Reclamation

Recommendation: Accept low bid of Kimes & Stone Construction Co., Inc., Booneville, MS

The following are awarded a one (1) year extension period on bids from the prior year:

1st Extension – FY 2009/2010

Bid No. 4 – High Density Corrugated Polyethylene Pipe with Smooth Flow Line

-Harvey Culvert Company, Inc.

Bid No. 14- Emulsified Asphalt

-Ergon Asphalt & Emulsions, Inc.

Bid No. 16 Regular Unleaded Gasoline & Low Sulfur #2 Diesel Fuel

-Wilson Oil Company

Bid No. 17 Traffic Stripe

-Hornsby Striping Company, Inc.

Bid No. 18 Silt Fence

-Construction Materials, Inc.

Bid No. 20 Grader Blades

-Vault Manufacturing Company

Bid No. 22 Virgin Fill Material for Pneumatic Tires

-McGriff Tire Company

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, SEPTEMBER 27, 2010

- Bid No. 25 Sign Material and Sign Post
-Vulcan Signs, Inc.
- Bid No. 27 Guardrail
-Alabama Guardrail, Inc.
- Bid No. 28 Seeding & Mulching and Bales of Grass Hay
-Parker Grassing
- Bid No. 29 Retread Tires Cap/Casing and Cap Only
-GCR Tires, Inc.

2nd Extension – FY 2008/2009

- Bid No. 1 Rental Uniforms
-G & K Services
- Bid No. 9 Picked up at the plant Bituminous Treatment
-East Alabama Paving Company, Inc.

Mr. Hall stated that out of 5 bids sent, two bids and one no bid were received on Bid #24 for a lowboy trailer. Mr. Hall stated that since the low bid received from Holden Industries for \$47,767 did not meet the specified trailer capacity, he would recommend that the bid be awarded to the next lowest responsible bidder of Thompson Tractor for \$54,585. The bid specs called for a 55-ton trailer, and the Holden response listed a 40 to 50-ton trailer. Commissioner Holt made a motion to accept the bid from Thompson Tractor for \$54,585 for a 55-ton lowboy trailer, seconded by Commissioner Lawrence and unanimously carried. Commissioner Holt asked Mr. Hall about the ramp length of the trailer.

Commissioner Lawrence made a motion at approximately 6:30 p.m. to adjourn, seconded by Commissioner Long and unanimously carried.

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, OCTOBER 12, 2010

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Tuesday, October 12 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Holt.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Gary Long, Annell Smith and John Andrew Harris.

During the pre-meeting, Lee County Engineer Neal Hall presented a progress report on the Highway Department's projects and stated the report would be a regular monthly item from now on. Mr. Hall stated that this was a result of Commissioner Harris' request for a status report at the last meeting. Mr. Hall stated that he is not able to e-mail the report at this time. Mr. Hall stated that once a project has been completed it will be taken off the monthly progress report. Commissioner Smith stated it appeared the report contained a lot of information and thanked Mr. Hall and his staff for implementing it. Commissioner Harris echoed Commissioner Smith's appreciation of the report.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, procurement card transactions, announcement for two openings on the Lee County Youth Development Board, first reading of Richard "Dickie" Brown and Michael Hollingsworth to the Lee County Recreation Board and the minutes of the September 27 meeting. Commissioner Holt made a motion to approve the consent agenda items as presented, seconded by Commissioner Long and unanimously carried.

Goodwyn, Mills and Cawood representative Larry Watts presented an overview of the Lee County Master Plan to the Commission during the pre-meeting. Mr. Watts stated that the Lee County Planning Commission had worked hard and he commended each on their involvement in the process. Dr. Bob Juster reviewed the history of the process. Dr. Juster reminded the Commission that the process began almost three years ago with the passage of Act 2007-477 in 2007 and in August 2008 the creation of the Lee County Planning Commission. Mr. Juster stated that the emphasis of the project over the past two years has been on public participation. Further, Dr. Juster stated once the final draft is received he would ask each Commissioner to review it and consider adopting it as presented; then move on to next phase of implementing the plan. Mr. Watts presented the highlights on the contents of the plan. Last, Mr. Watts applauded the Commission on the plan and asked that they move it forward. Additionally, he recognized the members of the Planning Commission in attendance, which included: Dr. Bob Juster, Scotty Lett, Kimberly Harrison, Robert Ham and Hugh Dicks. During the meeting, County Administrator Roger Rendleman asked the Commission to set a public hearing for the next meeting and adopt the plan afterward since it will be Commissioner Smith's last meeting. After discussion, Commissioner Harris made a motion to set a public hearing on the Lee County Master Plan on Monday, October 25, 2010 at 6:00 p.m. prior to the Commission meeting, seconded by Commissioner Lawrence and unanimously carried.

Judge English stated that the County Engineer's term of employment was up for renewal and that he recommended renewal on the same terms and conditions as previously adopted. Mr. Hall included a letter in the packets expressing his interest in continuing to serve and listed his accomplishments and goals for the department. Commissioner Smith stated she had worked closely with Mr. Hall since she was elected and felt Mr. Hall had done a wonderful job. Commissioner Harris echoed the same sentiment and stated Mr. Hall was fair. After discussion, Commissioner Smith made a motion to authorize the Chairman to renew Mr. Hall's employment effective October 1, 2010, seconded by Commissioner Lawrence and unanimously carried.

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, OCTOBER 12, 2010

Environmental Services Director Jack Marshall proposed two new positions for addition to the Pay and Classification Plan. The two positions are a Solid Waste Superintendent at a Pay Grade 18 and a Recycling Technician at a Pay Grade 8. County Engineer Neal Hall had earlier written a letter to the Commission in support of these changes. Mr. Marshall stated that the Commission approved these two positions during the budget process. Commissioner Holt made a motion to approve the two new positions as budgeted, seconded by Commissioner Harris and unanimously carried.

Commissioner Smith made a motion seconded by Commissioner Lawrence to approve the following Resolution for a lounge retail liquor license for Railroads Bar and Grill. Commissioner Smith stated she visited the location and talked to Mr. Burns about the complaints she had received concerning the establishment. Additionally, she reported that the fence had been repaired. Commissioner Smith stated she encourages businesses to operate in Lee County. After vote taken, the motion passed on a vote of 4-0-1 with Commissioner Long abstaining.

BE IT RESOLVED, that the Lee County Commission approves a lounge retail liquor license for Railroads Bar and Grill located at 2102 Alabama Highway 169, Opelika, Alabama.

Commissioner Holt made a motion at approximately 6:09 p.m. to adjourn, seconded by Commissioner Long and unanimously carried.

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, OCTOBER 25, 2010

Prior to the pre-meeting each Commissioner gave Commissioner Smith a “roasting” and told her she would be missed and wished her the best on her future endeavors.

During citizens’ communication, Mr. Robert Ham presented a plaque to Commissioner Annell Smith for her service from 2002-2010 to the citizens of District 4. Several citizens were in attendance to honor Commissioner Smith for her service. Mr. Ham thanked Commissioner Smith for her service.

Judge English opened the floor promptly at 6:00 p.m. for a Public Hearing on the Lee County Master Plan prior to the Commission meeting.

First, Mr. Alva Webb stated he had been in the land business for over 40 years and he wanted to compliment the county on moving forward with the plan. Mr. Webb further stated he would request that the county have a liaison to work with and between the different planning departments with the Cities of Opelika and Auburn.

Judge English explained that the citizens of each beat would have to request a vote in that beat to establish whether a majority of the voters in that beat want our planning jurisdiction. Thus the process is implemented by the citizens in each beat, not by the Commission.

Next, Mr. Daniel Kerr stated the citizens were totally unaware of the process. He further stated that the information concerning the volunteer fire departments and the highway department were not clear. Further, he did not agree with the way that each beat had to vote to implement the plan.

With no further citizen comments, Judge English addressed the members of the Planning Commission in attendance.

First, Dr. Juster stated that the Planning Commission had worked hand-in-hand with the consultants on the plan and felt that it is a good plan. He further stated that the members were unanimous in recommending the plan to the Commission.

Next, Beth Whitten stated that the public was involved in each step and that it will be their decision if they want to adopt the plan.

Mr. Hugh Dicks stated that this was a starting point for the citizens of Lee County and a plan to give direction to the county. He stated it was a plan that could be reviewed and updated as needs arise in the future.

Last, Mr. Robert Ham agreed with Mrs. Whitten in that the citizens will have to decide if they want to implement the plan or not. He thanked Commissioner Smith for his appointment to the Committee and recognized both Dr. Bob Juster and Larry Watts.

With no further comments, Judge English closed the public hearing at approximately 6:10 p.m. and proceeded to the regularly scheduled meeting.

During citizens’ communications, Mrs. Cora Reames of Lee Road 390 appeared before the Commission concerning the trucks that continue to travel the road. Mrs. Reames wanted to inform the Commission that she had sent a certified letter to C & C Trucking requesting that they stop their trucks from travelling on Lee Road 390 when transporting waste to the landfill. Further Mrs. Reames asked Mr. Hall if Lee Road 390 was on the resurfacing list. Mrs. Reames commended Environmental Services Director Jack Marshall for stopping the Lee County trash trucks from traveling the road.

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, October 25 at 6:10 p.m. The Pledge of Allegiance was led by outgoing Commissioner Annell Smith, followed by an invocation by Commissioner Lawrence.

The Chairman recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Gary Long, Annell Smith and John Andrew Harris.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, OCTOBER 25, 2010

Environmental Services Director Jack Marshall presented an annual report for his department. Mr. Marshall reported that 621 tons of material had been recycled over the last year, 101 tons more than last year. He stated that two recycling events had been held and were successful and he hoped to hold one every six months. Additionally, he stated that recycling revenues were approximately \$50,000 more than last year. He stated that the Animal Control Division had picked-up approximately 534 animals. Mr. Marshall informed the Commission that he currently was looking for a new dumpster location in Smiths Station due to the BRAC Realignment and KIA expansion.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims and the minutes of the October 12 meeting. Commissioner Holt made a motion to approve the consent agenda items as presented, seconded by Commissioner Harris and unanimously carried.

Judge English stated that after the public hearing on the Lee County Master Plan, he asked whether the Commission wanted to move ahead with the adoption of the plan. Judge English gave each Commissioner an opportunity to speak. Commissioner Holt stated he was confident that the Commission had made the right choices in the selection of the consulting firm, the selection of the board members and he would recommend adopting the plan and getting it to the people for their approval when they consider it. Commissioner Lawrence stated it was one of the most important accomplishments of the Commission. Further, he stated that it was a starting point to use as a guide for strategic planning. He thanked the other members of the Commission and thanked the committee members for their service. He stated that the Commission needed to move forward with the plan. Commissioner Long stated he had heard some negative comments about the plan that Smiths Station was not included, but he stated it was obvious that it had been included and stated the Planning Commission had done a great job. Commissioner Smith gave her thanks to all who were involved and included Mrs. Wendy Swann. Commissioner Smith stated now it would be up to the people in each beat to implement the plan. Commissioner Harris echoed the sentiments of Commissioner Smith. Further, he stated that this was a starting point, a roadmap, now was the time to move forward. He thanked everyone involved in the lengthy process. Judge English thanked all the board members and stated he had attended five meetings and he felt it was a good plan and said now it was in the hands of the citizens. He stated nothing would be new tomorrow, but that interested citizens would have to sign a petition to start the process. Further, he stated that the Master Plan would be available on the website and in Mrs. Swann's office. After all the comments, Commissioner Smith made a motion to adopt the Lee County Master Plan as presented, seconded by Commissioner Lawrence and unanimously carried.

Second reading of the Lee County Recreation Board was presented. Commissioner Smith made a motion to adopt the following Resolution, seconded by Commissioner Long and unanimously carried.

Be it Resolved, that the Lee County Commission re-appoints Richard "Dickie" Brown as District 4 appointment and Michael Hollingsworth as the District 3 representative to the Lee County Recreation Board for a five-year term beginning 10/14/2010 until 10/14/2015.

Judge English stated that Coroner Bill Harris had contacted him on Saturday after receiving the packet of information and asked that the issue concerning the coroner's expense allowance be moved to the next agenda due to the fact that he had no prior knowledge and he was scheduled to work on the ambulance Monday. Additionally, he said he felt he had been blindsided with it and he would need time to prepare to address the Commission. Judge English suggested that the Commission move the item forward. During the meeting, Commissioner Lawrence made a motion that the staff not pay any expense money to the coroner until proper

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, OCTOBER 25, 2010

documentation was received to support the payment, seconded by Commissioner Long and unanimously carried.

Judge English stated that the §11-3-1(e) of the Code of Alabama states the Commission shall meet on the second Wednesday following the general election, so the next meeting will need to be moved from November 8 to November 10. Commissioner Lawrence made a motion to move the next meeting to November 10, 2010, seconded by Commissioner Holt and unanimously carried.

County Administrator Roger Rendleman presented a change order for the Justice Center central plant expansion. Mr. Rendleman stated it is a deductive change order for \$65,500.00. After discussion, Commissioner Holt made a motion to approve the deductive change order for the central plant expansion, seconded by Commissioner Smith and unanimously carried.

Mr. Jack Marshall asked the Commission to allow him to replace two part-time truck drivers with one full-time driver. Mr. Marshall explained that a full-time driver would be able to cover for other drivers if they were unable to work. Mr. Marshall supplied vehicle records and feels that a full-time driver would take better care of an assigned vehicle. After much discussion during the pre-meeting, Commissioner Holt made a motion during the meeting to approve a reduction in force for the good of Lee County of two part-time truck drivers due to fact that the part-time personnel with other full-time jobs have proven to offer very limited availability in providing services to citizens with solid waste removal. The full-time personnel have demonstrated an ownership quality to the equipment they utilize on a daily basis, which has a positive impact with on-going operational costs. The motion was seconded by Commissioner Smith and passed on a 3-2 vote with Commissioners Lawrence and Long voting "No".

Commissioner Smith made her final motion at approximately 6:55 p.m. to adjourn, seconded by Commissioner Lawrence and unanimously carried.

Judge English reminded those in attendance of the General Election on November 2, and predicted a turnout of 38.8%-40.3%. He invited all present to attend the swearing-in ceremony of Lee County's newest Commissioner on November 9 at 2:30 p.m. at the Courthouse Annex.

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, NOVEMBER 10, 2010

The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Wednesday, November 10 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Judge English.

The Chairman performed the swearing-in ceremonies for one newly elected commissioner and two re-elected Commissioners. Commissioners Lawrence, Ham and Harris took the Oath of Office and then resumed their seats, to the applause of those in attendance.

During citizen communications, Mr. Thomas Black, a resident of Macon County, asked the Commission to consider re-striping Wire Road. He said that the road had been striped a few years ago, but the paint had worn off and the centerline was only a haze. Mr. Black stated his daughter was traveling the road one rainy night and ran off the road because the striping was not visible. The Commission took no action.

The Chairman then recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Gary Long, Robert Ham and John Andrew Harris.

Judge English updated the Commission on the recent General Election. He reported Lee County had 34,000 voters go to the polls, for a turnout of 39.1%, and 147 provisional ballots.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, procurement card transactions and the minutes of the October 25 meeting. Commissioner Lawrence asked that the minutes be corrected to reflect a vote of 3-2 on the full-time solid waste truck driver. Commissioner Holt made a motion to approve the consent agenda items as presented and to correct the item as discussed on the minutes of October 25, seconded by Commissioner Lawrence and the motion passed on a 4-0-1 vote with Commissioner Ham abstaining due to this being his first meeting since being elected to the Commission.

Coroner Bill Harris appeared before the Commission on the agenda item concerning his expense allowance. Judge English had included a memo on the coroner's expenses in the Commissioners packets, accompanied by a review by Mr. Rendleman of the allowability of various items submitted in the coroner's expense reports. The Coroner stated that this was the first he had heard there was any problem with his receipts. Further, he stated that he had turned-in all his receipts except for two credit card charges which total over \$700. Mr. Harris stated he had not received a check for September, October or November and was unable to pay his expenses until he received those checks. He said the law entitles him to receive his expense allowance check monthly and he assumed that meant at the first of each month. He stated he had done nothing wrong and further stated that the auditors found no improprieties on his audit for the last two years. Judge English questioned the Commissioners and asked who had attended the last exit conference. Commissioners Lawrence, Long and Harris raised their hands. Commissioner Lawrence stated when he attended the exit conference, the auditors expressed concern in some areas of the coroner's operations. Mr. Harris stated that when the law was set-up he worked with the Commissioners on the best way to handle the expense allowance and stated the bill said he was to submit a monthly report, which he says he has provided. Mr. Harris stated that Commissioner White objected at that time to the Commission providing a vehicle for the coroner. Mr. Harris stated that that Commission allowed him to use his expense allowance on a vehicle. He further stated the vehicle is used 100% for coroner duties. Judge English questioned his personal use of the vehicle going to his full-time employment, and the Coroner replied that all of his use is official because he is on call 24/7 and never knows when he may have to respond to a call. County Administrator Roger Rendleman gave a brief history and

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, NOVEMBER 10, 2010

stated that problems arose two audits ago. Mr. Rendleman explained that the auditors do not look at everything during an audit, only a statistical review and some random samples. After many attempts of requesting documentation and receipts from the coroner, the auditors had to complete the Commission audit and during the exit conference stated that receipts should accompany the reports that were being received by the Commission office. During the exit conference Bill Harris was advised to begin submitting all receipts to the Commission Office. Then the same issues were still brought up at the exit conference after the last audit concerning the expense reports without itemized receipts. Last, Mr. Rendleman stated Deputy Administrator Alice Hodge began communicating that she had not received receipts on several items and she had not been issuing the checks upon Commission direction. Mr. Rendleman stated that is where the concern lies now. Mr. Rendleman further stated that after the first and second audit where an area of non-compliance is mentioned, time is usually allowed to come into compliance, and if not, then charge-backs will be issued if unaccountable expenses continue to be reported on future audits. Mr. Rendleman stated this is the reason for the concern and bringing the issue to the Commission at this time, especially since an audit will be performed soon. Commissioner Holt questioned if this had been discussed with Mr. Harris. Mr. Rendleman stated "No", since this is a Commission issue, not Mr. Harris' issue. Once again, Mr. Harris stated he had given all his receipts to Ms. Hodge. Ms. Hodge stated that there were cellular bills and Ford Motor Credit receipts that had not been turned in. Mr. Rendleman again stated that the issue was compliance with the law and to prove the funds were used for a public purpose. Judge English referred to the letter he had placed in the Commission packets and stated that one suggestion was to give Mr. Harris an undocumented expense allowance and run it through payroll. Mr. Harris was asked if he would like to handle his expense allowance in this manner. Mr. Harris stated he would have to consider it if the Commission would consider raising the allowance to cover the taxes. Mr. Rendleman stated that the local law would still need to be changed to allow any change in the expense allowance. The second item to be addressed was Mr. Harris' vehicle. Upon review of his receipts, he had paid the ad valorem property taxes on his personally owned vehicle and his vehicle tag with his expense allowance. Mr. Rendleman stated that if the county paid for the vehicle it should be titled in Lee County Commission and should bear a blue county tag. Judge English again stated that everything could be alleviated by an undocumented expense allowance, just as that given to the Commissioners. Commissioner Lawrence stated that would be the easy way out and accountability would be dodged with an undocumented expense allowance. He further stated that an easier method would be that Mr. Harris give all receipts to Ms. Hodge and continue receiving the expense allowance. Mr. Rendleman once again recommended that the Commission consider amending the local law. Commissioner Holt made a motion to allow the Commission office to issue Mr. Harris his check for September 2010 and, suggested that Ms. Hodge, Mr. Harris and Mr. Rendleman come up with a workable solution that could be agreed to by everybody involved by the meeting of December 12. The motion was seconded by Commissioner Harris. The motion passed on a vote of 3-1-1 with Commissioner Lawrence voting "No" and Commissioner Ham abstaining.

During the pre-meeting, Airport Director Dr. Bill Hutto made a presentation concerning the airport south ramp development project. Commissioner Lawrence asked the Commission to consider allowing the Lee County Highway Department to provide in-kind service to pave a portion of the airport roadway and ramp area for local economic development. Commissioner Lawrence questioned Mr. Hall on whether this would impact other projects negatively. Mr. Hall stated it would only impact the dirt road paving projects. Mr. Hall stated he and Dr. Hutto had discussed the matter and had agreed to coordinate the airport project around the paving projects currently in progress. After more discussion, Commissioner Holt made a motion during the meeting to allow Mr. Hall to go to other paving companies to see if they would like to participate on this economic development project. Additionally, he directed Mr. Hall to use his resources as he sees fit on the project. The motion was seconded by Commissioner Lawrence and passed on a vote of 4-1 with Commissioner Harris voting "No."

Judge English stated that the Commission meeting schedule has to be set after the

MINUTES OF THE LEE COUNTY COMMISSION, REGULAR TERM, NOVEMBER 10, 2010

election of any commissioners according to §11-3-8 of the Code of Alabama. Commissioner Holt made a motion to set the meeting dates on the second and last Monday of each month at 6:00 p.m. with pre-meetings to be held at 4:00 p.m.. The motion was seconded by Commissioner Long and unanimously carried.

Next, Judge English stated that the New Year's holiday needed to be discussed because several departments were requesting clarification of the New Year's holiday schedule. Judge English commented during the pre-meeting that Revenue Commissioner Oline Price would want the Courthouse open on December 31. Commissioner Ham contacted Revenue Commissioner Oline Price after the pre-meeting and stated she requested the Commission keep the Courthouse open on December 31, since that is the last day for property tax collection without penalty. After discussion, Commissioner Lawrence made a motion to set Monday, January 3 as the official New Year's holiday for all county employees, seconded by Commissioner Harris and unanimously carried.

Commissioner Long made a motion at approximately 7:20 p.m. to adjourn, seconded by Commissioner Lawrence and unanimously carried.

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, NOVEMBER 29, 2010

The Lee County Commission convened in regular adjourned session at the Courthouse in Opelika, Alabama, Monday, November 29 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Long.

The Chairman then recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Gary Long, Robert Ham and John Andrew Harris.

Sheriff Jay Jones recognized the following Jail employees for exemplary service to the department. They included LeKeisha Cliatt-Presley, James Eason, Lieutenant Tim Jones and Captain Corey Welch. Sheriff Jones stated that Ms. Cliatt-Presley and Mr. Eason were mental health professionals who assist in determining the placement of inmates during their incarceration. Four years ago, Mr. Eason created a substance abuse program called "STOP" which stands for Substance Therapeutic Outreach Program. Mr. Eason and Ms. Cliatt-Presley work with the inmates during the eight-week program, which is court ordered. Sheriff Jones stated there is normally a 9% recidivism rate for the program, which is much less than normal. Additionally, Mr. Eason established a psychological vocational testing format for all newly hired deputies and correction officers. Sheriff Jones commended them all for their dedication

Judge English included in the packets a summary from the Veterans Affairs Office which showed the benefits that Lee County residents have received through that department in the past two years. Commissioner Lawrence commended the Veterans Affairs Office for their efforts.

Judge English announced that the Lee County Highway Department had officially moved to its new location at 100 Orr Avenue in the Orr Industrial Park. Additionally, he stated that the Environmental Services, Animal Control and Building Inspection Departments are also located there. County Engineer Neal Hall stated they are still in the process of getting settled in the new location.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, the minutes of the November 10 meeting and first reading of the Lee County Youth Development Center board. Judge English stated the board recommended Mr. Jerry Bentley be reappointed and Ms. Dianne Carlton be appointed to fill the open position. Ms. Carlton would replace Julie Rendleman, who is no longer interested in serving on the board. Commissioner Lawrence made a motion to approve the consent agenda items as presented, seconded by Commissioner Holt and the motion passed unanimously.

Commissioner Holt made a motion to approve travel for Commissioner Lawrence, Commissioner Ham and Judge English to attend the Legislative Conference on December 1 and 2 in Birmingham at the Marriott Renaissance at Ross Bridge. The motion was seconded by Commissioner Long and unanimously carried.

Sheriff Jones requested the approval of an Inmate Health Care/Dental Services Agreement with Mid America Health, Inc. for portable dental services. Commissioner Lawrence thanked Sheriff Jones for the savings to the county with this agreement. Additionally, Sheriff Jones stated along with the savings it would be beneficial not to have to transport inmates away from the facility for these services. After discussion, Commissioner Lawrence made a motion to allow Sheriff Jones to sign an agreement with Mid America Health, Inc., seconded by Commissioner Holt and unanimously carried.

MINUTES OF THE LEE COUNTY COMMISSION, REG. ADJ. TERM, NOVEMBER 29, 2010

Sheriff Jones requested that the Commission suspend the hiring freeze and authorize the posting of four deputies and a correction officer, which he said are safety sensitive positions. After discussion, Commissioner Holt made a motion to suspend the hiring freeze for four deputies and a correction officer for the Lee County Sheriff's Office, seconded by Commissioner Long and unanimously carried.

County Administrator Roger Rendleman presented a Fund Balance Policy. Mr. Rendleman stated the policy would only implement what was already being followed. Further, he stated this was nothing new, it was only being transferred to a written policy. After discussion, Commissioner Holt made a motion to authorize the Fund Balance Policy as presented by Mr. Rendleman, seconded by Commissioner Lawrence and passed on a 4-1 vote with Commissioner Harris voting "No".

Fund Balance Policy

The Lee County Commission is committed to sound financial management principles. One such principle is to maintain certain levels of fund balance in each operational fund for cash flow needs when unanticipated expenditures and/or revenue shortfalls causes a situation considered an emergency in nature.

The purpose of this policy is to establish types and levels of financial reserves for operational funds. In addition, the purpose is to establish guidance to what constitutes an emergency and identify requirements to replenish reserves if ever utilized. Operational funds are those funds from which personnel and operational costs are expended for day to day operations. Each operational fund shall maintain a minimum fifteen percent (15%) committed fund balance for the current year expenditure budget less capital outlay. This shall be in addition to all other required reserves or designation of fund balance.

Minimum Reserve Requirements

In the event funds aren't available to initially establish the targeted committed fund balance (for example; a new established operational fund), a plan shall be adopted to achieve the target amount through the budget process within the next three (3) fiscal years. In the event that reserves must be utilized as described below, a plan shall be developed with a goal to restore the minimum balances in the subsequent budget year if possible but such plan shouldn't exceed three (3) fiscal years.

Utilization of Minimum Reserves

Appropriation from the minimum committed fund balance shall require County Commission approval. An appropriation should be made only when revenues have been disrupted and/or severely affected by a natural disaster or extreme economic distress. Also, an appropriation should be made only when an unexpected, unusual, and infrequent event requires the expenditure of funds and funds can't be redirected from within the existing budget.

Any fund balance available above the minimum committed requirements in the General Fund is available for the Capital Improvement Program and/or can be utilized for other designations or reservations of fund balance by the County Commission. Any fund balance available above the minimum committed requirements for all other operational funds can be utilized for other designations or reservations of fund balance by the County Commission. Any designated appropriations from amounts above the minimum committed requirements shall be for one time expenditures which do not result in ongoing operation costs unless an ongoing revenue source has been identified to cover the operational costs.

Additionally, Mr. Rendleman presented a Debt Management Policy for Commission consideration. After discussion, Commissioner Holt made a motion to authorize the Debt Management Policy as presented by Mr. Rendleman, seconded by Commissioner Lawrence and passed on a 4-1 vote with Commissioner Harris voting "No".

Debt Management Policy

The Lee County Commission is committed to sound financial management principles. One such principle is the establishment of parameters for issuing and managing debt. Those parameters are as follows: long-term debt shall not be used to finance ongoing operational expenses.

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- The County may issue debt for the purpose of acquiring or constructing capital assets including land, buildings, machinery, equipment, furniture and fixtures. When feasible, debt issuance will be pooled together to minimize issuance expense.
- The County shall not construct or acquire a public facility if it is unable to adequately provide for the subsequent annual operation and maintenance costs of the facility.
- Any debt issued shall not have a maturity date beyond the useful life of the asset being acquired or constructed by the debt proceeds.
- All long-term debt must be approved by the County Commission.
- The County will utilize a pay-as-you go capital improvement program for projects that are one million dollars or less to minimize debt levels. Any exceptions to the pay-as-you go threshold and the reason(s) for such exception shall be included in the minutes approving the issuance of the related debt.
- The County Commission will not authorize general obligation debt in excess of the constitutional debt limit.
- Regardless of any excess capacity in the constitutional debt limit, the annual ongoing debt service shall not exceed 10% of the total County Commission annual revenue.
- The County Commission will use appropriate debt instruments to provide funding for capital assets at the lowest cost with minimal risk. The debt could be general obligation, revenue or special obligation bonds, certificates of participation or other installment financing agreements.
- Variable-rate debt will only be considered in relation to managing assets and liabilities for optimal return. Such instruments shall not be utilized based on predictions of future market conditions. The basis of using any variable-rate debt shall be included in the minutes of the Commission Meeting for which approval is granted.
- The County will monitor its outstanding debt in relation to existing conditions in the debt market and will refund any outstanding debt when sufficient cost savings can be realized.

Administration and Implementation

The County Administrator is responsible for the administration and issuance of debt in accordance with this policy. The County will evaluate the debt policy at least every five years.

Issuance of Debt

The scheduling and amount of bond sales and installment purchase transactions will be recommended by the County Administrator. These decisions will be based upon the identified cash flow requirements for each project to be financed, market conditions, and other relevant factors.

Debt service for each issue will be structured in an attempt to level out the county's total debt service payments over the life of the debt portfolio. This structuring also assists in minimizing the interest payments over the life of the issue. Structuring must take into consideration current market conditions and practices in the municipal finance market.

Legality

The County must receive a legal opinion acceptable to the market that each financing transaction complies with applicable law and all agreements in connection with any financing are legal, valid and binding obligations of the County.

County Government Financing Review Form

Any debt with a term of at least three (3) years or more requires the completion of a County Government Financing Review form as developed by the State of Alabama Office of Examiners of Public Accounts. The form shall be completed and submitted to the State of Alabama Office of Examiners of Public Accounts within ten (10) business days of the issuance of the debt. In addition, a copy of the completed form shall be retained and made available for public inspection upon written request.

Continuing Disclosure

The County will provide on-going disclosure information to established national information repositories and maintain compliance with disclosure standards promulgated by national regulatory agencies.

Arbitrage Rebate Reporting

The County will comply with all arbitrage rebate requirements as established by the IRS and all disclosure requirements established by the Securities and Exchange Commission.

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Additionally, Mr. Rendleman asked the Commission to designate an additional \$500,000 to the RRR Fund balance in case a detrimental incident, such as a bridge collapse, were to happen in Lee County. Commissioner Holt made a motion to allocate \$500,000 to the RRR Fund balance, seconded by Commissioner Lawrence and unanimously carried.

Deputy Administrator Alice Hodge presented the proposed holiday schedule that was in the packets. Ms. Hodge stated that these dates were copied from last year's holiday schedule. Judge English stated that Memorial Day and Columbus Day were the only holidays that would interfere with the normally scheduled Commission meetings. Judge English suggested moving the Memorial Day meeting back a week to May 23rd as re-scheduled last year. After discussion, Commissioner Lawrence made a motion to approve the 2011 Holiday Schedule as follows, seconded by Commissioner Long and unanimously carried.

2011 Holiday Schedule

New Year's Day	Monday, January 3, 2011
Martin Luther King, Jr. Day	Monday, January 17, 2011
Presidents' Day	Monday, February 21, 2011
Memorial Day	*Monday, May 30, 2011
Independence Day	Monday, July 4, 2011
Labor Day	Monday, September 5, 2011
Columbus Day	*Monday, October 10, 2011
Veterans' Day	Friday, November 11, 2011
Thanksgiving	Thursday, November 24, 2011
	Friday, November 25, 2011
Christmas	Friday, December 23, 2011
	Monday, December 26, 2011

* Normal Commission Meeting Day

Note: Monday, May 30 meeting moved to Monday, May 23, 2011
Monday, October 10 meeting moved to Tuesday, Oct. 11, 2011

Legislative Coordinator Wendy Swann requested that any legislative considerations be forwarded to her by the next meeting of December 13. Commissioner Lawrence asked that the items discussed during the pre-meeting be included for discussion at the next meeting. The items discussed included the fire fee wording and the coroner issue.

Commissioner Lawrence made a motion at approximately 6:20 p.m. to adjourn, seconded by Commissioner Long and unanimously carried.

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5

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The Lee County Commission convened in regular session at the Courthouse in Opelika, Alabama, Monday, December 13 at 6:00 p.m. The Pledge of Allegiance was recited, followed by an invocation by Commissioner Ham.

The Chairman then recognized the Commissioners in attendance, declared a quorum and officially opened the meeting with the following members recorded as being present: Judge Bill English, Chairman, and Commissioners Mathan Holt, Johnny Lawrence, Robert Ham and John Andrew Harris. Absent: Commissioner Gary Long.

Commissioner Lawrence and Commissioner Ham each gave a report on the ACCA Legislative Conference they attended in Birmingham on December 1st and 2nd. Commissioner Lawrence shared one item of legislation that he felt was a move forward with a Pay-as-you-Go Bill that is being discussed which is a fuel tax for specific projects which must be voted on by the people. Commissioner Ham emphasized the bill. Commissioner Lawrence mentioned that it is a draft bill only and it is being discussed by the Legislature to add up to five cents per gallon which ceases when project is complete or/either a five-year maximum. Commissioner Ham felt this is a step in the right direction for resurfacing projects which would be determined by County Engineer Neal Hall. Further, Commissioner Ham stated he attended the new Commissioner training prior to the Legislative Conference and that it was very beneficial. He stated the cost to attend which totaled approximately \$587, included registration of \$125, two night hotel stay at \$140 per night, meals for the two nights was \$55, and mileage was approximately \$127. Additionally, he wanted to commend the Sheriff for his cooperation with the Commission especially since learning that other counties are not as fortunate as Lee County and he thanked the cooperative staff that Lee County employs. Commissioner Ham stated ACCA Director Sonny Brasfield emphasized three items for new Commissioners which included: 1) Commissioners are elected, not anointed, 2) that it is o.k. to say "no" and 3) say "no" to keep the county in good financial shape.

Neal Hall stated that the monthly Highway reports were on each Commissioners desk for review.

Copies of the items on the Consent Agenda sent to the Commissioners in their packets included: two listings of claims, procurement card transactions, the minutes of the November 29 meeting and announcement of vacancies to three Water Authorities. Judge English reminded the Commission that this is only an announcement of the vacancies. Commissioner Holt made a motion to approve the consent agenda items as presented, seconded by Commissioner Lawrence and the motion passed unanimously.

Much discussion was held on the Coroner's Expense Allowance during the pre-meeting. County Administrator Roger Rendleman included in the Commissioner's packets an updated spreadsheet on the coroner's expenses which included a listing of receipts through August. The Coroner had not presented any receipts for September, October or November. The Commission held more discussion during the meeting when Coroner Bill Harris was in attendance. Coroner Harris stated that his position had not changed. He said he had turned in all receipts, but he had not presented any for September, October or November because he had not received checks for those months. He further stated he had talked to the District Attorney today concerning the issue to see if any laws were being broken. He stated they advised him to seek legal advice. He stated he did not want to go that route, but the local law entitled him to the expense allowance each month. Judge English reminded him that those funds are to be documented by a report and proper receipts. Judge English informed Mr. Harris the Commission had directed Roger Rendleman and County Attorney Stan Martin and himself to address the issue and make a recommendation. Commissioner Ham questioned whether Mr. Harris would like to be a part of it. Mr. Harris responded in the affirmative. Commissioner Lawrence asked Mr. Harris to meet

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with Mr. Rendleman, Mr. Martin and Judge English to discuss the issue and form a workable resolution to the situation. Mr. Martin addressed Mr. Harris and stated that if Mr. Harris had sought legal counsel, then his attorney would need to attend the meeting. Mr. Harris stated he did not want to go that route. Then Mr. Harris questioned the money that was due currently, which is three months expense allowance. Mr. Rendleman addressed the Commission and agreed that the local law states the expense allowance is to be paid in 12 equal installments and additionally stated the law does not address the consequences if not done, and he stated technically the Commission needs to abide by the local law. Commissioner Lawrence addressed Mr. Martin on the issue. Mr. Martin stated the Commission determines the expense allowance and according to the local law Mr. Harris is supposed to file an itemized report for those funds. After more discussion, Mr. Rendleman suggested that the Commission amend the Coroner's budget to reduce the amount until a consensus could be reached. Then Commissioner Holt made a motion to amend the Coroner's budget to \$12,000 for the remainder of the year and pay the Coroner his expense allowance for those 3 months at \$1,000 per month. Commissioner Lawrence seconded the motion for discussion. After this motion, Mr. Harris stated that \$1,000 per month would put him in a bind. Mr. Rendleman stated that \$3,300 was the most spent in any one month as shown by Mr. Harris' reports, but Mr. Rendleman agreed that the Commission should pay Mr. Harris something for the three months to be in compliance with the local law. Commissioner Holt stated the budget can be amended now and again in January. Mr. Harris objected and stated after the budget was approved he was given an amount on what his expense allowance would be each month. After this discussion, Commissioner Holt withdrew his motion and Commissioner Lawrence withdrew his second. Commissioner Holt then made a motion to amend the Coroner budget to \$12,000 until a resolution is established and then revisit the Coroner's budget once the issue is resolved. The motion was seconded by Commissioner Lawrence. Mr. Harris proceeded to tell the Commission that he had paid his current expenses out of his personal money and he would not be responsible for any late fees if charged. Commissioner Lawrence then called for the question, but it died due to the lack of a second. Commissioner Lawrence asked for direction between now and January 18 at the next Commission meeting. Judge English stated that the money would be paid to comply with the local law. Commissioner Lawrence asked if the motion could include the authorization of \$3,000 to Coroner Bill Harris until the next Commission meeting and Commissioner Holt agreed. Commissioner Lawrence then called for the question. Call for the question was seconded by Commissioner Holt, then Judge English called for a vote and the vote to end discussion passed on a vote of 4-0. The underlying motion to amend the budget was then voted on, and passed on vote of 4-0.

Judge English asked if the Commissioners had considered his memo in the packets concerning the rescheduling of the January 10, 2011 meeting. After discussion during the pre-meeting, Commissioner Lawrence during the meeting made a motion to move the January 10 meeting to January 18 due to the NCAA Championship football game being played the evening of January 10 by Auburn University, and the fact that January 17 was a state holiday. The motion was seconded by Commissioner Holt and unanimously carried.

Judge English stated that traditionally the second meeting in December had been cancelled due to the Christmas holidays. After discussion, Commissioner Lawrence made a motion to cancel the meeting on December 27, seconded by Commissioner Holt and unanimously carried.

Second reading of the Lee County Youth Development Center board, Commissioner Holt made a motion to approve the following Resolution, seconded by Commissioner Harris and unanimously carried.

BE IT RESOLVED, that the Lee County Commission hereby reappoints Mr. Jerry Bentley and appoints Ms. Dianne Carlton to the Lee County Youth Development Center board to

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serve a four-year term beginning September 30, 2010 until September 30, 2014.

Chief Appraiser Bobby Armstrong recommended the Commission authorize a photogrammetric agreement with Kucera International, Inc. Mr. Armstrong explained that this is a joint agreement with the Cities of Auburn and Opelika and Auburn University also. Mr. Armstrong stated that the joint venture would include orthographic imagery at 100 foot scale for the entire county, LiDAR and planimetric mapping. The City of Auburn received proposals from ten vendors and chose the second lowest proposal from Kucera International, Inc. based in Willoughby, Ohio. Upon this recommendation, Commissioner Lawrence made a motion to authorize the Chairman to execute the agreement with Kucera International, Inc. for \$192,149 for photogrammetric services, seconded by Commissioner Holt and carried unanimously.

Commissioner Lawrence made a motion to add an agenda item concerning the Bridge Bond bid, seconded by Commissioner Holt to add the item. County Engineer Neal Hall presented the results of the bid which opened on December 3rd for the Bond Bridge project on Lee Road 177. Mr. Hall reported that the low bid of \$247,507 received from G. W. Norrell Company of Georgiana, Alabama. Commissioner Lawrence questioned when the work would begin and a timeframe for closure of the road. Mr. Hall stated that once all paperwork is submitted and necessary paperwork is received the project should begin in early February and the road would be closed approximately three to six months. After discussion, Commissioner Ham made a motion to accept the low bid of G. W. Norrell Company, seconded by Commissioner Harris and unanimously carried.

Commissioner Holt made a motion at approximately 6:45 p.m. to adjourn, seconded by Commissioner Lawrence and unanimously carried.

Minutes approved:

Chairman

Commissioner, District 1

Commissioner, District 2

Commissioner, District 3

Commissioner, District 4

Commissioner, District 5