

The DeKalb County Commission met in regular session (with minimal attendance due to COVID-19 Social Distancing Restrictions) on Tuesday, November 11, 2020 at 10:00 a.m. in the DeKalb County Activities Building (Courthouse Annex). Those present were President Ricky Harcrow, Shane Wootten, and Chris Kuykendall. Seated in the audience but Absent (from the rotation of conducting business) were Lester Black and Terry Harris.

Prior to the meeting, incoming District 2 Commissioner, Terry Harris was sworn in by Judge Steve Whitmire. District 1 Commissioner Shane Wootten was sworn in by President Ricky Harcrow.

The meeting was called to order by President Harcrow with Mr. Wootten delivering the invocation and Mr. Kuykendall leading the Pledge.

It was moved by Mr. Wootten seconded by Mr. Kuykendall. With all members voting affirmatively, motion carrying to dispense with the reading of the minutes and to accept them as presented in written format.

Organizational Items

Setting Meeting Times and Dates--President Harcrow requested to continue on with the current schedule of meeting on the 2nd and 4th Tuesday of each month at 10:00 a.m. (The Commission will meet monthly during the pandemic).

Election of President Pro-Tem--President Harcrow stated that Mr. Kuykendall having the most seniority would remain as President Pro-Tem. President Harcrow asked to let the record state that no opposition was noted by members of the Commission on either of the above items.

Road Department

Update—Mr. Broyles stated that mowing and bush cutting crews are finishing their last round of mowing and clean up. Work continues on CR835 stating the project gets a little bigger each day, having run into water issues in about three places and still quite a bit of excavating work to do.

Engineering

Award CR-85 Soil Nail Wall Bid

Mr. Luther made a recommendation to the Commission to award the bid for a Soil Nail Retaining Wall on CR 85 along Smith Gap to Geo Stabilization International. He stated that of four bids received with Geo Stabilization had the lowest bid of \$236,264. Mr. Luther said the project is an 80/20 split with 80% federal reimbursement to the County.

Mr. Kuykendall made a motion to accept the recommendation and award the bid to Geo Stabilization International. Mr. Wootten seconded the motion. All members voting affirmatively, motion carried.

Award CR-89 Signs Bid

Mr. Luther presented bid information concerning a sign replacement project on CR-89 from Highway 35 to the entrance of Desoto State Park. This will be a 90/10 match with 90% federal reimbursement to the County. The low bid for this project was \$4,178.18 from Vulcan Signs. Mr. Luther made the recommendation to award this bid to Vulcan Signs. He stated sign posts were not included in the bid package and will be purchased from Traffic Signs, Inc (under the regular annual bid).

Mr. Kuykendall made a motion to approve the recommendation. Mr. Wootten seconded the motion. All members voting affirmatively, motion carried to award the sign bid under this project to Vulcan Signs.

Award CR-386 Bridge Bid

Mr. Luther presented bid information on a bridge replacement project on CR 386 in District 2. The (Indian) Bridge has been closed since February due to flooding events. Mr. Luther made the recommendation to award the bid for a prefabricated modular steel bridge on CR-386 to Contech Engineered Solutions who presented the low bid of \$70,580. Mr. Luther noted that President Harcrow has been instrumental in getting funding for the project. He asked for the Commission's approval to award the contract to Contech.

A motion was made by Mr. Wootten and seconded by Mr. Kuykendall. All members voting affirmatively, motion carried awarding the bid to Contech Engineered Solutions.

Construction Agreement—High Risk Rural Roads Project (HRRR)

Mr. Luther presented an ALDOT Funding Agreement (for the CR 89 Sign Project) and asked the commission to give Mr. Harcrow authority to execute the agreement.

Mr. Wootten made a motion. Seconded by Mr. Kuykendall. All members voting affirmative to give Mr. Harcrow and Mr. Sharp authority to execute the following agreement.

Sheriff's Office

Jail Addition

Chief David Smith addressed the Commission on the need for a jail addition stating that due to the loss of one of the Domes several months back, a number of inmate beds were lost. Having researched, studied and spoken with several architects, it appears the most cost-effective way to regain the bed space is to build on to the existing facility (closing in the rec yard and adding approximately 80 beds). He made a recommendation to the Commission to use GMC Architect for the building project.

Feeling the need for more information and discussion on the matter, Commissioner Kuykendall requested the decision be tabled until the December 8th meeting.

Bond Resolution

Mr. Sharp spoke in favor of doing a bond issue of approximately \$5.5 million (with \$3.5 - \$4 million going toward the jail addition and the remaining amount going toward road projects. He noted the County would save over \$500,000 by refunding the current Jail and ATRIP Issues.

The jail addition and bond resolution were tabled until the December 8, 2020 meeting.

COA

Van Bid—On behalf of Ms. McCamy, Mr. Sharp addressed the Commission requesting approval to purchase two new vans for the Council on Aging Office. He stated that two of the current vehicles would be sold, and one of their older vans would be transferred to maintenance/housekeeping to replace a truck driven by Felecia Kidd (house-keeping) who travels daily to several county buildings.

Mr. Sharp made a recommendation to the commission to award the bid for two handicapped accessible Dodge vans from Landers/McLarty priced at \$26,612.50 ea.

Mr. Wootten made a motion to grant the request. Seconded by Mr. Kuykendall. All members voting affirmatively, motion carried.

BanCorp Finance Resolutions

Mr. Sharp presented a resolution to the Commission to finance with Bancorp South the purchase of 16 dump trucks/road tractors for the county road department. He stated that the total cost financed would be \$2.3 million and requested authorization for the purchase and to pass the resolution.

Mr. Wootten made a motion. Mr. Kuykendall seconded the motion. All members voting affirmatively, motion carried to adopt the following Resolution:

RESOLUTION NO. 20-1111-01

Resolution Authorizing and Approving Execution of a Contract With BancorpSouth Equipment Finance, a Division of BancorpSouth Bank

WHEREAS, Board of Commissioners (the "Governing Body") of DeKalb County, Alabama (the "Buyer"), acting for and on behalf of the Buyer hereby finds, determines and adjudicates as follows:

1. The Buyer desires to enter into a Contract with the Exhibits attached thereto in substantially the same form as attached hereto as Exhibit "a" (the "Contract") with BancorpSouth Equipment Finance, a division of BancorpSouth Bank (the "Seller") for the purpose of presently purchasing the equipment as described therein for the total cost specified therein (collectively the "Equipment").
2. It is in the best interest of the residents served by Buyer that the Buyer acquire the Equipment pursuant to and in accordance with the terms of the Contract; and
3. It is necessary for the Buyer to approve and authorized the contract.
4. The Buyer desires to designate the Contract as a qualified tax-exempt obligation of Buyer for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986 (the "Code").

NOW, THEREFORE, BE IT RESOLVED by this Governing Body for and on behalf of the Buyer as follows:

Section 1. The Contract and Exhibits attached thereto in substantially the same form as attached hereto as Exhibit "A" by and between the Seller and the Buyer is hereby approved and Matt G. Sharp, County Administrator (the "Authorized Officer") is hereby authorized and directed to execute said Contract on behalf of the Buyer.

Section 2. The Delivery Order is being issued in calendar year 2021.

Section 3. Neither any portion of the gross proceeds of the Contract nor the Equipment identified to the Contract shall be used (directly or indirectly) in a trade or business carried on by any person other than a governmental unit, except for such use as a member of the general public.

Section 4. No portion of the rental payment identified in the Contract (a) is secured, directly or indirectly, by property used or to be used in a trade or business carried on by a person other than a governmental unit, except for such use as a member of the general public, or by payments in respect of such property; or (b) is to be derived from payments (whether or not to Buyer) in respect of property or borrowed money used or to be used for a trade or business carried on by any person other than a governmental unit.

Section 5. No portion of the gross proceeds of the Contract are used (directly or indirectly) to make or finance loans to persons other than governmental units.

Section 6. Buyer hereby designates the Contract as a qualified tax-exempt obligation for purposes of Section 265(b) of the Code.

Section 7. In calendar year 2021, Buyer has designated \$ 3,500,000 of tax-exempt obligations (including the Contract) as qualified tax-exempt obligations. Including the Contract herein so designated, Buyer will not designate more than \$10,000,000 of obligations issued during calendar year 2021 as qualified tax-exempt obligations.

Section 8. Buyer reasonably anticipates that the total amount of tax-exempt obligations (other than private activity bonds) to be issued by the Buyer during calendar year 2021 will not exceed \$10,000,000.

Section 9. For purposes of this resolution, the amount of tax-exempt obligations stated as either issued or designated as qualified tax-exempt obligations including tax-exempt obligations issued by all entities deriving their issuing authority from Buyer or by an entity subject to substantial control by Buyer as provided in Section 265(b)(3) of the code.

Section 10. The Authorized Officer is further authorized for and on behalf of the Governing Body and the Buyer to do all things necessary in furtherance of the obligations of the Buyer pursuant to the Contract, including execution and delivery of all other documents necessary or appropriate to carry out the transactions contemplated thereby in accordance with the terms and provisions thereof.

Following the reading of the foregoing resolution, Mr. Wooten moved that the foregoing resolution be adopted. Mr. Kuykendall seconded the motion for its adoption. President Harcrow put the question to a vote. The motion having received the affirmative vote of all members present, President Harcrow declared the motion carried and the resolution adopted this the 11th day of November 2020.



Ricky Harcrow, President

ATTEST:



Matt G. Sharp, County Administrator

(SEAL)

Mr. Sharp asked the Commission for approval to adopt 2 Resolutions for financing Sheriff vehicles through Bancorp South. 17 Tahoes would be under one lease and 5 Silverado Trucks would be under the 2nd lease. A total of 25 vehicles will be purchased with these 22 vehicles being rotated at the end of one year and the remaining 3 being placed in service to replace older Sheriff vehicles.

Mr. Kuykendall made a motion to adopt these Resolutions. Mr. Wooten seconded the motion. All members voting affirmatively, motion carried to adopt the following resolutions:

RESOLUTION NO. 20-1111-02

**Resolution Authorizing and Approving Execution of a Contract
With BancorpSouth Equipment Finance, a Division of BancorpSouth Bank**

WHEREAS, Board of Commissioners (the "Governing Body") of DeKalb County, Alabama (the "Buyer"), acting for and on behalf of the Buyer hereby finds, determines and adjudicates as follows:

1. The Buyer desires to enter into a Contract with the Exhibits attached thereto in substantially the same form as attached hereto as Exhibit "a" (the "Contract") with BancorpSouth Equipment Finance, a division of BancorpSouth Bank (the "Seller") for the purpose of presently purchasing the equipment as described therein for the total cost specified therein (collectively the "Equipment").
2. It is in the best interest of the residents served by Buyer that the Buyer acquire the Equipment pursuant to and in accordance with the terms of the Contract; and
3. It is necessary for the Buyer to approve and authorized the contract
4. The Buyer desires to designate the Contract as a qualified tax-exempt obligation of Buyer for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986 (the "Code").

NOW, THEREFORE, BE IT RESOLVED by this Governing Body for and on behalf of the Buyer as follows:

Section 1. The Contract and Exhibits attached thereto in substantially the same form as attached hereto as Exhibit "A" by and between the Seller and the Buyer is hereby approved and Matt G. Sharp, County Administrator (the "Authorized Officer") is hereby authorized and directed to execute said Contract on behalf of the Buyer.

Section 2. The Delivery Order is being issued in calendar year 2021.

Section 3. Neither any portion of the gross proceeds of the Contract nor the Equipment identified to the Contract shall be used (directly or indirectly) in a trade or business carried on by any person other than a governmental unit, except for such use as a member of the general public.

Section 4. No portion of the rental payment identified in the Contract (a) is secured, directly or indirectly, by property used or to be used in a trade or business carried on by a person other than a governmental unit, except for such use as a member of the general public, or by payments in respect of such property; or (b) is to be derived from payments (whether or not to Buyer) in respect of property or borrowed money used or to be used for a trade or business carried on by any person other than a governmental unit.

Section 5. No portion of the gross proceeds of the Contract are used (directly or indirectly) to make or finance loans to persons other than governmental units.

Section 6. Buyer hereby designates the Contract as a qualified tax-exempt obligation for purposes of Section 265(b) of the Code.

Section 7. In calendar year 2021, Buyer has designated \$ 3,500,000 of tax-exempt obligations (including the Contract) as qualified tax-exempt obligations. Including the Contract herein so designated, Buyer will not designate more than \$10,000,000 of obligations issued during calendar year 2021 as qualified tax-exempt obligations.

Section 8. Buyer reasonably anticipates that the total amount of tax-exempt obligations (other than private activity bonds) to be issued by the Buyer during calendar year 2021 will not exceed \$10,000,000.

Section 9. For purposes of this resolution, the amount of tax-exempt obligations stated as either issued or designated as qualified tax-exempt obligations including tax-exempt obligations issued by all entities deriving their issuing authority from Buyer or by an entity subject to substantial control by Buyer as provided in Section 265(b)(3) of the code.

Section 10. The Authorized Officer is further authorized for and on behalf of the Governing Body and the Buyer to do all things necessary in furtherance of the obligations of the Buyer pursuant to the Contract, including execution and delivery of all other documents necessary or appropriate to carry out the transactions contemplated thereby in accordance with the terms and provisions thereof.

Following the reading of the foregoing resolution, Mr. Kuykendall moved that the foregoing resolution be adopted. Mr. Wootten seconded the motion for its adoption. President Harcrow put the question to a vote. The motion having received the affirmative vote of all members present, President Harcrow declared the motion carried and the resolution adopted this the 11th day of November 2020.


Ricky Harcrow, President

ATTEST:


Matt G. Sharp, County Administrator

(SEAL)

RESOLUTION NO. 20-1111-03

**Resolution Authorizing and Approving Execution of a Contract
With BancorpSouth Equipment Finance, a Division of BancorpSouth Bank**

WHEREAS, Board of Commissioners (the "Governing Body") of DeKalb County, Alabama (the "Buyer"), acting for and on behalf of the Buyer hereby finds, determines and adjudicates as follows:

1. The Buyer desires to enter into a Contract with the Exhibits attached thereto in substantially the same form as attached hereto as Exhibit "a" (the "Contract") with BancorpSouth Equipment Finance, a division of BancorpSouth Bank (the "Seller") for the purpose of presently purchasing the equipment as described therein for the total cost specified therein (collectively the "Equipment").
2. It is in the best interest of the residents served by Buyer that the Buyer acquire the Equipment pursuant to and in accordance with the terms of the Contract; and
3. It is necessary for the Buyer to approve and authorized the contract.
4. The Buyer desires to designate the Contract as a qualified tax-exempt obligation of Buyer for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986 (the "Code").

NOW, THEREFORE, BE IT RESOLVED by this Governing Body for and on behalf of the Buyer as follows:

Section 1. The Contract and Exhibits attached thereto in substantially the same form as attached hereto as Exhibit "A" by and between the Seller and the Buyer is hereby approved and Matt G. Sharp, County Administrator (the "Authorized Officer") is hereby authorized and directed to execute said Contract on behalf of the Buyer.

Section 2. The Delivery Order is being issued in calendar year _____.

Section 3. Neither any portion of the gross proceeds of the Contract nor the Equipment identified to the Contract shall be used (directly or indirectly) in a trade or business carried on by any person other than a governmental unit, except for such use as a member of the general public.

Section 4. No portion of the rental payment identified in the Contract (a) is secured, directly or indirectly, by property used or to be used in a trade or business carried on by a person other than a governmental unit, except for such use as a member of the general public, or by payments in respect of such property; or (b) is to be derived from payments (whether or not to Buyer) in respect of property or borrowed money used or to be used for a trade or business carried on by any person other than a governmental unit.

Section 5. No portion of the gross proceeds of the Contract are used (directly or indirectly) to make or finance loans to persons other than governmental units.

Section 6. Buyer hereby designates the Contract as a qualified tax-exempt obligation for purposes of Section 265(b) of the Code.

Section 7. In calendar year 2020, Buyer has designated \$ 3,000,000 of tax-exempt obligations (including the Contract) as qualified tax-exempt obligations. Including the Contract herein so designated, Buyer will not designate more than \$10,000,000 of obligations issued during calendar year 2020 as qualified tax-exempt obligations.

Section 8. Buyer reasonably anticipates that the total amount of tax-exempt obligations (other than private activity bonds) to be issued by the Buyer during calendar year 2020 will not exceed \$10,000,000.

Section 9. For purposes of this resolution, the amount of tax-exempt obligations stated as either issued or designated as qualified tax-exempt obligations including tax-exempt obligations issued by all entities deriving their issuing authority from Buyer or by an entity subject to substantial control by Buyer as provided in Section 265(b)(3) of the code.

Section 10. The Authorized Officer is further authorized for and on behalf of the Governing Body and the Buyer to do all things necessary in furtherance of the obligations of the Buyer pursuant to the Contract, including execution and delivery of all other documents necessary or appropriate to carry out the transactions contemplated thereby in accordance with the terms and provisions thereof.

Following the reading of the foregoing resolution, Mr. Kuykendall moved that the foregoing resolution be adopted. Mr. Wootten seconded the motion for its adoption. President Harcrow put the question to a vote. The motion having received the affirmative vote of all members present, President Harcrow declared the motion carried and the resolution adopted this the 11th day of November 2020.


Ricky Harcrow, President

ATTEST:


Matt G. Sharp, County Administrator

(SEAL)

Engineer contract Renewal

Mr. Sharp notified the Commission that it was time to renew County Engineer, Ben Luther's contract with the county. Mr. Harcrow stated that Mr. Luther does an outstanding job and made the recommendation to extend his contract for an additional two years.

Mr. Wootten made a motion to renew. Seconded by Mr. Kuykendall. All members voting affirmatively, motion carried to extend County Engineer, Ben Luther's contract for two years.

President Harcrow notified the audience that the next meeting will be on Tuesday December 8, 2020 and asked for a motion to adjourn.

Mr. Wootten made a motion to adjourn. The President declared no objections and ordered the meeting adjourned.

Ricky Harcrow, President

Shane Wootten, Commissioner District I

Absent (Due to Covid-19)
Terry Harris, Commissioner District II

Chris Kuykendall, Commissioner District III

Absent (due to Covid-19)
Lester Black, Commissioner District IV