

STATE OF ALABAMA )  
COLBERT COUNTY )

Minutes of a Special Called Meeting  
of the  
Colbert County Commission  
04/09/2024

The Colbert County Commission met today in special session at the Colbert County Courthouse. Chairman Gardiner called the meeting to order at 5:02 p.m.. All Commissioners answered “present” at the call of the roll with the exception of Commissioner Barnes who was absent. Chairman Gardiner offered the invocation and led the Pledge of Allegiance. Chairman Gardiner declared that a quorum was present for the purpose of the transaction of business.

Chairman Gardiner introduced and welcomed the following persons who were in attendance at the meeting: Jeff Friedman, Lee Patterson, Jeff Bowling, and John McReynolds. Chairman Gardiner stated that these attendees, along with County Attorney Edgar Black, were attorneys representing Colbert County in pending litigation involving allegations of pollution in the Tennessee River. Chairman Gardiner also stated that the attorneys were invited to the meeting by County Administrator Roger Creekmore, and thanked them for their attendance.

A motion was made by Commissioner Mansell that the Commission enter executive session for the purpose of discussing with legal counsel a pending legal matter.

Motion was duly seconded by Commissioner Bailey.

The Chair stated that there was a proper motion before the Commission to convene in executive session for the purpose of discussing a pending legal matter. The Chair then recognized the County Attorney, who stated he had reviewed the matter that the Commission was considering discussing in executive session and that, in his legal opinion, the matter was appropriate for discussion in executive session under Alabama law. The County Attorney then presented to the Chair a written statement to that effect printed on his firm’s letterhead. The County Attorney asked the Chair to include a copy of the written statement as an attachment to the minutes of the meeting. The Chair then directed that the written statement received by the County Attorney be attached to the minutes of this meeting. The Chair then called for any discussion of the pending motion. There being none, the Chair asked the County Administrator to call the roll, and a roll call vote was had as follows:

District 1	Absent
District 2	Yea
District 3	Yea
District 4	Yea
District 5	Yea
District 6	Yea

The Chair declared the motion to convene an executive session for the purpose of discussing a pending legal matter as being passed. The Chair stated the executive session would last approximately 45 minutes and the Commission would reconvene after the conclusion of the executive session.

Chairman Gardiner declared the Special Called Meeting reconvened in open session at 6:15 P.M. with all Commissioners in attendance with the exception of Commissioner Barnes.

A motion was made by Commissioner Bailey and duly seconded by Commissioner Bendall to adopt the following Resolution for a Pilot Program to Evaluate and Improve Water Filtration at the County Water Department:

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**RESOLUTION NUMBER 2024-0022**

A RESOLUTION REGARDING A PILOT PROGRAM TO EVALUATE AND IMPROVE  
FILTRATION OF WATER AT THE COLBERT COUNTY WATER DEPARTMENT

WHEREAS, the Colbert County Commission adopted resolutions number 2024-0011 and 2024-0012 on November 7, 2023 authorizing the opt-out from certain class action settlements and authorizing Roger Creekmore, as County Administrator, to execute on behalf of the Colbert County Commission for the Colbert County Rural Water Department and for Colbert County, Alabama documents and paperwork necessary to opt-out of class action settlements with 3M Company and Dupont; and

WHEREAS, on or about August 2, 2022, a lawsuit was filed on behalf of Colbert County, Alabama and the Colbert County Water Department in the Circuit Court of Colbert County, Alabama in order to recover costs and expenses incurred and anticipated for purposes of evaluating, testing for and/or removing PFAS from our raw water supply and discovery remains underway in that pending litigation; and

WHEREAS, the Muscle Shoals Utilities Board separately filed its own PFAS litigation and also opted-out of the federal class action PFAS settlements and also draws its raw water from the Tennessee River, upstream from the Colbert County rural water intake; and

WHEREAS, engineering studies are necessary to evaluate engineering improvements and improve filtration necessary to remove PFAS from our raw water supply; and

WHEREAS, Muscle Shoals Utilities Board (MSUB) has already started a pilot program to determine the best engineering method to remove PFAS from Muscle Shoals raw water and finished water consistent with the EPA and ADEM guidance; and

WHEREAS, a pilot program is also required to determine the best engineering method to remove PFAS from Colbert County Rural Water's raw water and finished water consistent with the EPA and ADEM guidance; and

WHEREAS, this Resolution is enacted to authorize payment of up to one-half of the cost of the pilot program to be split with Muscle Shoals Utilities Board to the extent that data and engineering information gathered from the joint pilot study is applicable and beneficial for use as part of engineering study for Colbert County Rural Water. Colbert County and Colbert County Rural Water's payment of the pilot program will be funded as an expense of the litigation and paid for out of proceeds from the case; and

NOW THEREFORE, BE IT RESOLVED by the Colbert County Commission that, upon review and approval by the County Attorney, Jeremy Robison, as Chief Engineer, be and he is hereby authorized to execute on behalf of the Colbert County Commission for the Colbert County Rural Water Department and for Colbert County, Alabama, any and all documents necessary to split and share pilot program expenses as approved herein.

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Chairman Gardiner called for a voice vote on the motion, with all Commissioners present voting AYE Chairman Gardiner announced that the Resolution had passed unanimously. With the business before the Commission concluded, Chairman Gardiner asked for a motion to adjourn which was duly made and seconded and passed unanimously. Chairman Gardiner declared the meeting to be adjourned at 6:20 P.M.

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COMMISSIONER, DISTRICT 1

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CHAIRMAN

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COMMISSIONER, DISTRICT 3

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COMMISSIONER, DISTRICT 4

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COMMISSIONER, DISTRICT 5

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COMMISSIONER, DISTRICT 6