Sec 4- Mayor Russell Nix’s Administration of Montevallo’s Affairs from 2020-2025 8-10-25

After winning his election in 2019, Mayor Russell “Rusty” Nix, swore an Oath of Office to be faithfully HONEST while serving as the chief administrator of Montevallo. As you examine the following list of events, you can be the judge of Mayor Nix’s honesty.

1. TOXIC (poisonous) and CARCINOGENIC (cause cancers) FOREVER CHEMICALS (collectively called PFAS) WERE IN MONTEVALLO’S DRINKING WATER throughout Mayor Nix’s term (2020-2025), but he never mentioned them.

The Alabama Department of Environmental Management’s (ADEM) 2025, 2024, and 2023 annual water quality reports for Montevallo indicate that PFAS are in the City’s drinking water. ADEM’s water quality reports for Montevallo can be found in ADEM’s e-files.

ADEM’s tests for drinking water in Montevallo should analyze 29 PFAS and Lithium. The testing is limited to a small sample of PFAS out of the many thousands that exist. As you examine Montevallo’s annual water quality reports, you will discover that the Forever Chemical (PFAS) have been consistently found in our drinking water.

**MY QUESTION**: Were you or your neighbors ever told during Mayor Nix’s term in office that Montevallo’s drinking water was contaminated with toxic and carcinogenic chemicals?

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1. MONTEVALLO’S BIOSOLIDS (called sludge) are produced by our city’s sewer water treatment facilities: These “dry” or “wet” biosolids are created by removing human and industrial waste and other matter from raw sewage. Sludge should be disposed of without harming humans, animals, or the environment. Sludge contains PFAS.

For years, this sludge has been sprayed or spread on farms and used as an inexpensive fertilizer. Farmers were unaware of the PFAS in sludge and the harm it would cause to their livestock, crops, and way of life.

Once PFAS enters the soil, ground water, or is dispersed by stormwater runoff during rain events, the PFAS is absorbed by the crops grown on farms and ingested by cattle, dairy cows, and other livestock. Farms contaminated by PFAS have been prohibited from selling milk, meat, and crops. These pollutants have caused farmers to lose their livelihoods and rendered their farmland worthless.

Since we drink water daily and eat foods prepared in drinking water that contain PFAS, these PFAS enter our bodies. PFAS accumulate in our bodies and remain there for years. We have the capacity to flush some PFAS through bodily waste.

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By eliminating PFAS from our bodies into the city’s sanitary sewer system we pollute the sanitary sewer system with PFAS.

PFAS can also be found in chemicals commonly used around the house: In pesticides, herbicides, insecticides, etc. Automotive products (oils, fluids, solvents, adhesives, brake pads, clutch plates, and so forth) that are used for service or repairs contain PFAS.

PFAS can cause a decline in the reproductive capabilities of both men and women. In young children, PFAS impairs cognitive skills and can introduce harmful diseases to them that will appear later in life. In adults, PFAS are responsible for liver problems, intestinal issues, assorted ailments, cancers, and death. Around 1980, the scientific community concluded that PFAS endangered humans, animals, and the environment.

**MY QUESTION**: Did you know that if Montevallo’s biosolids (sludge), a byproduct of sanitary sewer water treatment, are not properly transported and disposed of by our City Officials, that we are merely transferring our PFAS to another city. Do you believe that shipping our PFAS to another city is ethical?

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1. RIGHT TO KNOW LAWS call for City Officials to be open and transparent with the public: Mayor Nix has been silent on the PFAS contained in the City’s drinking water for his entire term in office (2020-2025).

The FREEDOM OF INFORMATION ACT (FOIA) clearly spells out the obligations that city officials have for disseminating knowledge they possess about possible harm to the public and on responding to oral and written inquiries from the public.

Alabama’s FOIA specifies the requirements that must be legally met by city officials. Governor Ivey set new deadlines for city officials in 2024 for compliance with oral and written inquiries from the public.

THE PUBLIC NOTICE LAWS: Mayor Nix failed to uphold these laws by not complying with federal and state law regarding hazardous waste sites near City Hall. These laws dictate when the public must be notified of possible or imminent danger to their personal health, safety, and well-being which are fully protected by the Alabama Code. Comon sense would also dictate that notification was called for.

The Safe Water Drinking Act (SWDA), Comprehensive Environmental Response Compensation and Liability Act (CERLA), and other federal laws assert that cities are obliged to provide timely notices to the residents of unsafe conditions or dangerous activities about to take place that might harm them. Page 2

Demolishing the Victory Building and excavating that site on Main Street along with all the long abandoned hazardous waste in the soil and vegetation was a prime example of the need for timely and proper notification to the public. Mayor Nix was aware of the hazardous chemicals on the Victory Building site because he approved hiring Atlas Technical Consultants from Alabaster to test that site for HAZARDOUS WASTE. The purpose of demolishing the Victory Building was to create a building site for the new Cobblestone Hotel next to City Hall. This new modern four-story structure will forever hurt Montevallo’s well-recognized, often praised, and promoted Historic District.

When the Victory Building was demolished, the public was not notified of the toxic and carcinogenic chemical agents that would be released into the air, onto the land, and spread into the community by being airborne or in stormwater runoff.

If the toxins taken away in the debris and soil after the demolition by dump trucks weren’t sealed, more toxins were released along their routes to the dump site.

**MY QUESTION**: Did Mayor Nix have an obligation to inform you of the upcoming demolition of the Historic Victory Building (a Hazardous Waste site) and the gasoline station (another Hazardous Waste site) situated next to the old Alabama Power building?

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1. MAYOR NIX FAILED TO HEED THE ADVICE OF MONTEVALLO’S RESIDENTS that was stipulated in the Montevallo Comprehensive Plan. A sample of residents stated that no changes were to be made to Montevallo’s Historic District. Despite the residents’ opposing viewpoint, Mayor Nix demolished the Historic Victory Building.

Why Mayor Nix spent the taxpayers’ money to gather the opinions of residents on the Historic District and then completely disregarded those views remains unclear.

**MY QUESTION**: Due to a lack of demand for hotel rooms in town, three (3) small hotels have already shut down their businesses. The new Cobblestone Hotel that will be next to City Hall will have more rooms than the three hotels that failed combined. Mayor Nix will provide $1,000,000 or so to the executives at Cobblestone and give them other tax breaks. Do you believe that the taxpayers’ land, Taxpayer’ funds, and future tax revenue from the new hotel should be given away free of charge like this?

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1. THE UNIQUE NATURE OF THE CONTRACT BETWEEN MAYOR NIX, SHELBY COUNTY, AND THE EXECUTIVES FROM COBBLESTONE HOTELS, LLC:

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First, this contract paints a bewildering picture of the wonderment that will mysteriously benefit Montevallo once the Cobblestone Hotel has been constructed. Without any underlying factual evidence to support this conjecture, the writer of this part of the odd contract seemed to let his/her imagination run wild. More than likely, these far-fetched comments were added to the contract to suggest that it magically serves the public interest as required under the Public Purpose Doctrine (Section 94).

Second, the exceptional nature of the contract sets a worrisome legal precedent for the town’s taxpayers in the future. Other businesspeople who may want to open a new business or modernize one in Montevallo will be able to ask Mayor Nix for free land, financial support, reduced taxes, and so forth. Since a legal precedent was established in the contract with Cobblestone Hotels, LLC, and Shelby County, other businesspeople would have a clear legal path for demanding like terms and conditions.

**MY QUESTIONS**: If a legal precedent was established, do you feel that Mayor Nix has obligated the town’s taxpayers to a regime of higher taxes in the future without even letting them know about it? Didn’t Mayor Nix, who swore an Oath of Office to be faithfully Honest, owe it to the residents to counsel with them before creating this legal precedent?

1. DID MAYOR NIX POSSESS THE STATE REQUIRED CERTIFICATE OF APPROPRIATENESS (COA) TO DEMOLISH THE HISTORIC VICTORY BUILDING ON MAIN STREET? This unanswered question still looms large.

Rumors have circulated that unprofessional actions were taken by Mayor Nix in his attempt to obtain the COA required for demolishing the Historic Victory Building.

(a) Mayor Nix submitted an “incomplete” application to obtain a COA from the Historic Preservation Commission (HPC). Under state law, a complete application package MUST be submitted to HPC for their evaluation before they can legally issue the COA. By law, the HPC was compelled to deny Mayor Nix’s request for the COA.

(b) Mayor Nix abruptly stripped away the HPC’s legal authority to issue a COA.

(c) Those same legal powers were assigned to the Design Review Committee (DRC). Mayor Nix overlooked the fact that under state law those legal powers must be delegated to a body of properly credentialed individuals. The DRC lacked qualified individuals.

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**MY QUESTION**: Since members of the DRC lacked the state mandated academic credentials, how did Mayor Nix manage to obtain the COA that was lawfully required to demolish the Historic Victory Building?

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1. CRIME AND DRUGS IN MONTEVALLO: For decades, Montevallo has been known to harbor at least three (3) violent pockets of crime and drug activity.
2. Scott Village, which is situated behind Montevallo Middle School, is known for its long history of criminal activities. There have been times when fire trucks could not enter Scott Village without prior clearance from the police department or their direct assistance. When the situation at Scott Village deteriorated further, a police substation was opened there; it met with limited success.

1. Another infamous crime pocket is in a neighborhood known as the Almont area (situated near the UM’s former golf course).

Not long ago, police from Montevallo and Shelby County were summoned to the area to contain a so-called “drug party.” During Mayor Nix’s term in office, he seemed satisfied to have the criminal activity in town “managed” rather than try to reduce criminal activity in town. A student from the University was robbed at gunpoint while attempting to deliver a pizza in Almont.

1. Lastly, a neighborhood called “New Camp” situated to the East of Lucky’s Foodland Market has a lengthy criminal history.

**MY QUESTION**: What should be done to deal with these three (3) well-established centers of crime and drug activity in Montevallo?

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1. APPROVING DEFECTIVE BUILDING PLANS FOR APARTMENT OWNERS AND LAND DEVELOPERS. Although numerous mistakes were made in approving and permitting the revised final building plans for Bluegrass Apts., two flaws stand out.

(a) The detention pond system’s design was flawed and as a result it increased the stormwater runoff problems and flooding in Arden and Indian Highlands.

(b) A more glaring defect was the failure to recognize that stormwater runoff entered the site for Bluegrass through three underground pipes from Indian Highlands. Page 5

Two of the underground pipes that direct stormwater runoff into the site for Bluegrass from Indian Highlands are 30-inches in diameter and third pipe is 15-inches in diameter. Loosely speaking, this amounts to an inflow of stormwater runoff entering the site for Bluegrass through a 75-inch diameter pipe. Unfortunately, the outflow pipe from the Bluegrass site is only 24-inches in diameter and this significantly worsens the flooding problems.

These incomprehensible mathematical mistakes caused additional stormwater flooding in the low-lying sections in Arden and more flooding in Indian Highlands Subdivision.

**MY QUESTIONS:** Is it acceptable for Mayor Nix’s administration to approve and permit building plans for apartment owners and land developers that are essentially defective and do not comply with zoning regulations?

Is it acceptable for apartment owners to violate Montevallo’s Zoning Regulations and double the quantity of tenants who are legally approved to live in an apartment building in order to reduce construction costs and increase profits situated in a town served by an all-volunteer firefighting force?

1. Mayor Nix has consistently disregarded STORMWATER RUNOFF, FLOODING, and HEALTH ISSUE PROBLEMS IN MONTEVALLO: Part of the city’s antiquated infrastructure (the sanitary sewer system) produced human waste leakages around homes on Crestview Circle in the Arden Subdivision.

Severe flooding problems occurred in the Arden and Indian Highlands Subdivisions, and along Overland Road in May of 2021 during a heavy rain event (7-8 inches of rain fell in Central Alabama). These and other nearby flooding events occurred because of DEFECTS in the owner’s building plan for the Bluegrass Apts. (to be built next to the intersection of Overland and Shoshone). The flawed building plans for Bluegrass were approved by City Officials in Montevallo.

Flooding routinely occurs during rain events in Hidden Valley (backyards get submerged), along Overland Road (especially at the intersection of Overland and Shoshone where stormwater runoff and flooding presents a safety hazard), in Indian Highlands (back and front yards in low areas become inundated) and Arden (stormwater spilled over backyards and the open ditches that are an integral part of the city’s antiquated stormwater system).

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**MY QUESTION:** Should Mayor Nix have let these stormwater and flooding problems go unchecked or should he have intervened as mayor? Incidentally, Mayor Nix did have repairs made to the drainage pipes in front of his own house.

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(10)ILLEGAL DISCRIMINATION AGAINST HOMEOWNERS AND BUSINESS OWNERS IS WRITTEN INTO MONTEVALLO’S ZONING REGULATIONS ON PAGE 49 UNDER ARTICLE 18. SD, SPECIAL DISTRICT

In general, this Special District (SD) designation is discriminatory because it assigned certain zoning privileges to fewer than 20 apartment owners and those same privileges were not granted to the thousands of homeowners and business owners in town. The SD term bestows unique cost saving privileges to apartment owners. Under the SD label, the apartment owners can arbitrarily and capriciously decide which zoning regulations they will comply with and those they opt to ignore.

If a homeowner or business owner wants to avoid a particular zoning regulation, they must apply for a variance and have it approved by City Officials. With their special SD privileges, apartment owners do not have to go through the variance procedure to procure their optional privileges.

**MY QUESTION**: Should thousands of homeowners and business owners be held fully accountable for complying with the zoning regulations while the apartment owners do not have to comply with the same zoning regulations?

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(11) DAMAGE TO MONTEVALLO’S STORMWATER SEWER SYSTEM WENT UNNOTICED BY MAYOR NIX.

Three (3) aggressive and destructive actions undertaken by the owners of the Bluegrass Apts. caused damage to the town’s legally protected stormwater sewer system:

(a)Unnoticed errors in the building plan for Bluegrass allowed a huge amount of unaccounted for stormwater runoff from the Indian Highlands Subdivision to routinely deluge the site for Bluegrass. Excessive stormwater runoff poured over Scott Street, Overland Road, Pineview Lane, and Shoshone Drive.

(b) Overly aggressive and destructive preparation construction work on the site for Bluegrass worsened the flooding problems. Page 7

Far too many mature trees were felled, earth-moving equipment damaged the surviving trees and other low-level vegetation, a bulldozer was deployed to carve out roads, heavy machinery flattened out parts of a huge ponding area that was a vital part of the city’s stormwater system, and

(c) The sizeable imbalance between stormwater inflow and outflow accelerated the flooding process and eventually caused the stormwater runoff to flow backwards from the undersized outlet on Scott Street into other neighborhoods.

The reverse flow of stormwater runoff from the site for Bluegrass poured into the rear and front yards in Indian Highlands and over topped the intersection at Overland and Shoshone. Flooding at the intersection became a public nuisance and safety hazard.

Extreme overflow from the site for Bluegrass also caused a stormwater runoff surge into Arden that flooded yards, driveways, and spilled out of the open ditches in low-lying areas that are essential components of the City’s stormwater sewer system. The stormwater runoff and flooding spreads dangerous pollutants throughout the area.

**MY QUESTION**: Should apartment owners involved in a construction project be permitted to cause damage to homes, property, and the city stormwater sewer system that is legally protected by a Utility Easement be ignored by Mayor Nix?

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1. ILLEGAL BOARDING HOUSES IN MONTEVALLO: Mayor Nix was informed about the presence of a steadily increasing supply of illegal boarding houses in town, but he failed to enforce the local and state laws. These homes were purchased by supporters of the University to house out-of-state students, their trucks, and fishing boats. These students are believed to be enrolled in the fishing major which is part of the Outdoors Scholars Program at the University.

After these devoted supporters of UM’s Outdoors Scholars Program began to purchase an increasing number of these homes and turned them into illegal Boarding Houses, they further violated Montevallo’s Zoning Regulations by constructing Butler type garages and ignored the dimensional setback requirements that other homeowners must comply with.

**MY QUESTION**: When confronted with this illegal activity, Mayor Nix decided not to enforce the local and state laws. Do you support Mayor Nix’s decision?

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1. MONTEVALLO’S ADEMICALLY UNDERPERFORMING CITY SCHOOLS (elementary, middle, and high schools): To the best of my knowledge, Mayor Nix has not recommended providing any resource support or public money to help these three schools improve their academic programs.

**MY QUESTION:** Should Mayor Nix offer to assist these academic programs?

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1. POVERTY in MONTEVALLO: The City’s published figures on poverty have likely been understated. This assumption was based on the large quantity of students who qualified for FREE or REDUCED LUNCH at Montevallo’s three schools.

**MY QUESTION**: What action should Mayor Nix have taken to reduce poverty in town?

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1. THE DYING WISHES OF MS. MAHLER WERE IGNORED AND HER HOME LEFT TO FALL INTO A STATE OF DISREPAIR AND NEGLECT: Her home was neglected for years and deliberately or inadvertently allowed to steadily fall into a state of disrepair. A subcontractor was hired to repair her home by City Officials. He showed his level of knowledge for restoration repairs by using a chain saw to remove floorboards from the first floor.

Ms. Mahler wanted her house, and all her furnishings preserved for others to enjoy. Instead, the previous Mayor, Dr. Hollie Cost, and other City Officials had the barns torn down, her home was left to rot, and her furniture and other objects were given away, disappeared, or sold at auction. Some of Ms. Mahler’s furniture can be seen on display at City Hall and wood from her barns is visible inside the entrance to City Hall.

Even after Ms. Mahler bequeathed MILLIONS OF DOLLARS (including 175-acres of land on Highway 119) to the city (the library, golf course, etc.) and money for the future care of her home, her dying wishes were largely disrespected by the previous administration under Dr. Hollie Cost (when Mr. Nix was a City Council member). Mayor Nix’s administration also slighted her wishes.

**MY QUESTION:** Since Mayor Nix and the City Council members have sworn an Oath of Office to be faithfully HONEST to us (the living), should they also be expected to be honest with departed souls and their last wishes?

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1. CITY COUNCILMAN, MR. RUSSELL NIX MADE FALSE AND MISLEADING PROMISES TO THE VOTERS AND THE PUBLIC IN 2019 TO BECOME MAYOR: At public gatherings, Mr. Nix promised to the public that his administration would be open, transparent, cut spending, conduct a forensic audit of the city’s questionable financial activities (see annual audits), and investigate allegations of wrongdoing at City Hall under the prior Mayor, Dr. Hollie Cost.

Allegations surfaced that gasoline was stolen from city tanks, credit cards were misused and abused, unauthorized personnel used a signature stamp to sign official documents, city equipment was used for private purposes on weekends, two employees were possibly unlawfully dismissed, illegal bonuses were paid out to a few city employees (see minutes of meetings), and various other questionable activities had occurred at City Hall.

One dismissed employee was reported to have filed an Ethics Complaint against Mayor Cost and another prior employee filed a lawsuit in court against her. This lawsuit has been before the Courts for almost 10-years. Recently, the Appellate Court in Montgomery remanded the lawsuit back to the Circuit Court in Columbiana.

The bold set of promises made by Mr. Nix were largely ignored after he was elected as Mayor of Montevallo. Beyond abandoning his pledges, Mayor Nix quietly began to introduce his own private agenda and allowed corruption to creep back into City affairs (not enforcing local and state laws, conflicts of interest, unethical activities, abusing his power as Mayor (the COA and his untoward actions) and reneging on his promise to investigate wrongdoing, especially the financial ones (through a forensic audit) at City Hall.

When I questioned Mayor Nix at a public meeting about the allegations of wrongdoing, he stated there was no need for an investigation. At another city meeting, I was told that City Officials had placed restrictions on those who had access to the city’s gasoline and the credit card abuses had been “handled.” Apparently, two of the so-called allegations of misconduct were factually accurate.

At a public hearing convened for the purpose of terminating a city employee, council member Russell Nix openly announced that those officiating at this hearing had not been properly sworn in as required to carry out an official act. After Mayor Cost privately spoke to Councilmen Nix, he fell silent on the ‘swearing in’ question.

**MY QUESTIONS**: When a candidate for mayor repeatedly makes promises to the voters and the public regarding what he will do if elected, and once elected, he abandons those lofty promises and introduces his own private agenda and permits corruption to show up at City Hall, what do you think of those reversals?

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After Mayor Nix refused to investigate the allegations of wrongdoing, it occurred to some that he would have to investigate himself, since he served as a City Council member in Mayor Costs’ administration. The annual auditor’s reports had indicated IRREGULARITIES in the city’s financial activities. Should Mayor Nix have investigated the alleged wrongdoing and ordered a financial audit of financial activities at City Hall?

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1. INCEASED SECRECY SURROUNDED THE DEMOLITION OF THE HISTORIC VICTORY BUILDING AND THE NEW COBBLESTONE HOTEL.

The openness, transparency, reduced spending, investigation, and forensic audit of the financial affairs of the previous Mayor, Dr. Hollie Cost, that Mayor Nix promised the voters never seemed to materialize.

SUMMARY

Mayor Nix failed to inform you about the toxic and carcinogenic Forever Chemicals (PFAS) that have been in Montevallo’s drinking water throughout the time that his administration was in office from 2020-2025.

Mayor Nix, as chief administrator of the city, has a duty to provide for the needs of the city’s residents and not to pursue his own private agenda (for example, building a new hotel that will likely go out of business like the other three before it and cost the taxpayers dearly).

Mayor Nix was not elected to give away the taxpayers’ valuable land, their tax money, their future tax revenues, or obligate them without their knowledge and consent to pay higher taxes in the future.

Mayor Nix also swore the Oath of Office to be faithfully HONEST with the citizenry.

**MY FINAL QUESTION**: Has Mayor Nix been HONEST with you? Page 11