

MINUTES OF REGULAR MEETING

MONTGOMERY COUNTY COMMISSION

MAY 10, 2010

INFORMATION SESSION

Vice Chairman Ingram called the Meeting to Order at 8:00 a.m. The meeting was held at the Montgomery County Administration Building and Courthouse Annex III.

The meeting was opened with prayer led by Commissioner Williams.

COMMENTS FROM SCHEDULED ATTENDEES, STAFF AND COMMISSIONERS

PRESENTATION BY DISTRICT JUDGE JIMMY POOL

District Judge Jimmy Pool informed the Commission that, at the request of Judge Price, he and Judge Hardwick were researching security enhancement in the parking area at the main courthouse. Judge Pool presented pictures of the parking areas around the courthouse, and indicated that there was no security in the back of the courthouse. Judge Pool requested that the Commission investigate and consider improvement to the Courthouse security parking. Sheriff D.T. Marshall informed the Commission that more security is needed at the entrance of the courthouse also. The Commission thanked Judge Pool for visiting with them.

COMMENTS FROM ADMINISTRATOR MIMS

Administrator Mims briefed the Commission on scheduled attendees.

Administrator Mims presented Budget Change Request Number 4 from the District Attorney, Budget Change Request Number 8 from Engineering, Budget Change Request Number 1 from the Law Library, Budget Change Request Number 2 from Personnel and Budget Change Request Number 1 from Tax & Audit. After discussion, the Commission agreed to waive rules and add these Budget Changes to the agenda.

Administrator Mims briefed the Commission regarding a Revised Emergency Intergovernmental Agreement for Housing of Prisoners with the State of Alabama Department of Corrections. Administrator Mims noted that a \$15.00 per diem rate for housing expenses and \$1.75 for food was included in the revised agreement. The Department of Corrections has requested modifications to Section 6 of the contract regarding Medical Treatment of Prisoners, of which has been revised and agreed upon by the Sheriff, as well as the per diem rates. After discussion, the Commission agreed to waive rules and add this revised agreement to the agenda, which is applicable only to the housing of prisoners from the Bullock Correctional Facility during this past winter.

Administrator Mims presented the Development of a Jail Cost Per Diem Rate report, which was compiled by Goodwyn, Mills & Cawood. Sheriff D.T. Marshall stated that \$50 to \$60 per day per inmate would be the best rate that should be charged to other jurisdictions to house their inmates at the Montgomery County Detention Center.

PRESENTATION BY DISTRICT ATTORNEY ELLEN BROOKS

District Attorney Ellen Brooks briefed the Commission regarding a Juvenile Formula Grant Renewal Application with the Alabama Department of Economic and Community Affairs and related Resolution of Applicant for Matching Funds for the *Helping Montgomery Families Initiative*, which was on the agenda.

Ms. Brooks request approval to fill the Office Runner position. The Commission agreed to discuss this item at the next meeting.

Ms. Brooks updated the Commission regarding the Pre-Trial Diversion Program. She stated that more funds would be needed for counseling and asked the Commission for suggestions on how to make the program more efficient. The Commission expressed their support in retaining the program and would discuss the issue more at the next meeting.

Ms. Brooks also updated the Commission regarding financial support from organizations for the One Place Family Justice Center.

Ms. Brooks reminded everyone to vote June 1, 2010.

PRESENTATION BY KEN UPCHURCH WITH T.C.U. CONSULTING SERVICES, LLC

Ken Upchurch with T.C.U. Consulting Services, LLC updated the Commission regarding a bid for renovations to the District Attorney's and Probate Judge's Offices in Annex I, 3rd Floor. He presented a Cost Analysis vs. Budget for the project and determined that this project would cost approximately \$3.7 million. Mr. Upchurch recommended that the base bid and alternates one through four should be done at one time if the project was approved.

COMMENTS FROM ADMINISTRATOR MIMS

Administrator Mims reviewed items on the agenda.

PRESENTATION BY DIRECTOR OF ELECTIONS TREY GRANGER

Director of Elections Trey Granger briefed the Commission regarding the allocation of voting machines and election officials for the 2010 Election Cycle, which was on the agenda. Mr. Granger requested that the Commission approve the customary allocation of 803 election officials, with the understanding that only 625 election officials will be used during the 2010 Primary and possibly less for the Run-off.

COMMENTS FROM ADMINISTRATOR MIMS

Administrator Mims informed the Commission that Chairman Dean requested a \$600 miscellaneous appropriation to Montgomery County Recreation Department, for Cleveland Avenue YMCA, for After School Programs from his account.

Commissioner Wilson requested a \$300 miscellaneous appropriation to Davis Elementary School, for National Honor Society from his account. The Commission agreed to waive rules and add these appropriations to the agenda.

PRESENTATION BY COUNTY ENGINEER GEORGE C. SPEAKE

County Engineer George C. Speake briefed the Commission regarding the bid award for crushed stone and recommended approval of this item, which was on the agenda.

Mr. Speake also advised the Commission that the asphalt resurfacing work on the County's portion of Motley Drive was completed last week and that the City of Montgomery had recently completed the paving work on Charlie Brassell Road.

RECESS TO FORMAL SESSION

Vice Chairman Ingram recessed the Information Session to the Formal Session.

FORMAL SESSION

Vice Chairman Ingram welcomed everyone to the Formal Session. He informed the audience that Chairman Dean is out of town attending his niece's graduation. He stated that this was the first meeting since 2004 that Chairman Dean missed. Vice Chairman Ingram told the audience that Chairman Dean is a great leader and that he appreciates him.

The meeting was opened with Prayer led by Commissioner Williams at the request of Commissioner Wilson.

The Pledge of Allegiance was led by Vice Chairman Ingram.

County Administrator Mims called Roll to Establish Quorum, and the following Commissioners were present: Vice Chairman Ingram and Members Polizos, Williams and Wilson. Also present was a representative of County Attorney Tyrone C. Means Office, Attorney LaTasha M. Nickle, and County Engineer George C. Speake. Chairman Dean was absent.

Mr. Polizos made a motion to approve the Minutes of the Regular Meeting of April 26, 2010. The motion was seconded by Mr. Williams and unanimously approved by the Commission.

PRESENTATION

Presentation of a Plaque to Doug Cox, Jr. in Recognition of Outstanding Bravery and Dedication

Presentation of a Plaque to David Sherrer in Recognition of Outstanding Bravery and Dedication

Vice Chairman Ingram told the audience that Doug Cox, Jr., who was first at the scene, was a heroic fireman who was not on duty when he saved the life of Mr. Don Spivey. He stated that all firemen are heroes and thanked them for what they do.

Public Affairs Manager DiDi Henry showed a news clip of the interviews of Mr. Cox and Mr. Spivey from the rescue scene.

Vice Chairman Ingram presented plaques of appreciation to Doug Cox, Jr. and David Sherrer and thanked them for their acts of bravery and courage. He stated that he believed that it was an act of God that Mr. Cox was driving by at the time that Mr. Spivey's vehicle was being swept away in the flood waters. Vice Chairman Ingram thanked Mr. Spivey's daughter, Kim for bringing him to the Commission meeting from Louisville. He had all the Volunteer Firemen in attendance to stand and said that they are all heroes. He told Mr. Cox and Mr. Sherrer what a great job they did.

Mr. Spivey thanked the Commission.

CONSENT AGENDA

The Administrator presented the Accounts Payable and Payroll Checks Authorization for Approval.

Mr. Polizos made a motion to approve the Accounts Payable and Payroll Checks, as presented by the Deputy Administrator. The motion was seconded by Mr. Williams and unanimously approved by the Commission. (Copies of Accounts Payable Checks and Payroll Checks Authorization, Consent Agenda Pages 1 through 3, are attached to these Minutes.)

RESOLUTION

COUNTY COMMISSION – ADOPTED RESOLUTION RECOGNIZING MRS. WILLIE PEARL CANNON'S EXEMPLARY LIFE AND EXTENDING BEST WISHES FOR HER 90TH BIRTHDAY CELEBRATION

The Administrator requested adoption of the following Resolution:

RESOLUTION

WHEREAS, Mrs. Willie Pearl Cannon was born on April 6, 1920, in Ramer, Alabama to Perry and Cora Hart-Wilson; and

WHEREAS, Mrs. Cannon married the late Wavie Cannon, Retired United States Air Force, and had four children. Today Mrs. Cannon also enjoys the love and devotion of four grandchildren, three great-grandchildren; and

WHEREAS, she graduated from Parker High School in Birmingham in 1940 and received a Bachelor of Science degree in Education from Alabama State University in 1944 and a Masters Degree in 1976; and

WHEREAS, Mrs. Cannon taught in Evergreen from 1945 to 1948, and in the Montgomery County Public School System at Carver High School, Dalraida Elementary, Dunbar and Zion Hill Schools from 1948 through 1984; and

WHEREAS, she has touched the lives of many, inside and outside the classroom, by serving as a role model to both students and co-workers; and

WHEREAS, Mrs. Cannon is a pillar member of the United Evangelical Lutheran Church, under the leadership of Reverend Ferry Nye, and as a true and loving servant of the Lord, she has led a devoted and faithful life,

NOW, THEREFORE, BE IT RESOLVED, that the Montgomery County Commission does hereby recognize Mrs. Willie Pearl Cannon's exemplary life and offers best wishes for her 90th birthday celebration.

We hereby certify that the above
Resolution was adopted by the
Montgomery County Commission
on this, the 10th day of May, 2010.

End of Resolution

Mr. Williams made a motion to adopt the Resolution. The motion was seconded by Mr. Wilson and unanimously approved by the Commission.

Commissioner Williams stated that he has known Mrs. Cannon his whole life and that it is a privilege and honor to present the resolution to her son, Mr. Wavie Cannon, Jr., on her behalf.

NEW BUSINESS

PROBATE JUDGE'S OFFICE (ELECTION CENTER) – APPROVED ALLOCATION OF VOTING MACHINES AND ELECTION OFFICIALS FOR 2010 PRIMARY AND RUN-OFF

The Administrator presented the following memorandum from Director of Elections Trey Granger requesting approval of the allocation of voting machines and election officials for 2010 elections:

MEMORANDUM

To: Donald Mims, County Administrator

From: Trey Granger

RE: Polling Place Allocation – 2010 Elections

Date: May 6, 2010

CC: Judge Reese McKinney

Per your request, I am forwarding a follow up copy of the attached document for your review and the Commission's adoption. This is the same document that was presented to the Commission in their informal Commission meeting in late April. Per our discussion, this allocation reflects the number of polling officials that we have appointed at each election from 2006 to date. This allocation/formula has worked extremely well and the experience of voters in Montgomery County has dramatically improved since the reorganization Judge McKinney and I implemented during the 2006 election cycle.

Due to recent budget cuts and the additional reduction of \$50,000.00 by the Commission from the Election Administration budget, we were forced to make reductions in several areas of our administrative/operational budget during the FY2010 operation. The necessary cost of polling officials remains one of our larger budgetary areas and was consequentially impacted by the cut. We are optimistic that the budgetary reduction is only temporary and that full staffing will be possible during future elections, including the General Election in November (which will be included in the FY 2011 budget) and during the 2012 Election Cycle which will notably be a Presidential cycle. Much of our streamlined approach to Election Day success could be jeopardized if we are not fully funded in the future.

Accordingly, we recommend that the Commission approve the proven and customary allocation, with the understanding that we have imposed cuts across the board (with the exception of one polling location) during the Primary and Run-off. The listings under the "Pre-2010" and the "2010 General" are the allocations we recommend for adoption, so that those numbers remain the benchmark in future elections. We are optimistic that the reduction will work for this cycle; however, we want to make sure that we are able to continue to provide the high level of customer service for all voters in future elections. Please let me know if I can be of additional assistance on this matter.

We have been successful in providing cost saving measures to the County in other ways and trust that the same will be taken into account during the next budgetary cycle.

End of Memorandum

Mr. Polizos made a motion to approve the allocation of voting machines at 119 Tabulators and 112 AutoMARKS and to approve 803 elections officials for the 2010 Primary and Run-off. The motion was seconded by Mr. Williams and unanimously approved by the Commission. (Copy of Polling Official Allocation Spreadsheet, Agenda Page 1-2, is attached to these Minutes.)

DISTRICT ATTORNEY'S OFFICE – APPROVED JUVENILE FORMULA GRANT
RENEWAL APPLICATION WITH ADECA AND ADOPTION OF RELATED RESOLUTION
OF APPLICANT FOR MATCHING FUNDS FOR THE HELPING MONTGOMERY
FAMILIES INITIATIVE

The Administrator presented the following memorandum from Administrative Assistant of the District Attorney' Office Rhonda B. Cape requesting approval of Juvenile Formula Grant Renewal Application and adoption of Related Resolution of Applicant for Matching Funds:

MEMORANDUM

TO: Donald L. Mims
County Administrator

FROM: Rhonda B. Cape
Administrative Assistant

DATE: May 4, 2010

RE: ADECA Juvenile Formula Grant Renewal Application

The District Attorney's Office is applying to ADECA for a continuation grant from the Juvenile Justice Formula Grant Program for the Helping Montgomery Families Initiative (HMFI). The County Commission serves as the sub grantee and there is no match required.

Please place this grant application on the Commission's agenda for approval at the meeting on Monday, May 10, 2010.

Thank you for your continued support for our HMFI Program.

End of Memorandum

Mr. Polizos made a motion to approve the Juvenile Formula Grant Renewal Application and adopt Related Resolution of Applicant for Matching Funds. The motion was seconded by Mr. Williams and unanimously approved by the Commission. (Copy of Juvenile Formula Grant Renewal Application and Related Resolution of Applicant for Matching Funds, Agenda Pages 2-2 through 2-7, are attached to these Minutes.)

COUNTY COMMISSION – APPROVED SETTLEMENT AGREEMENT AND RELEASES
WITH NEC SOLUTIONS (AMERICA), INC., AND NEC CORPORATION OF AMERICA
REGARDING A CONTRACT FOR THE MONTGOMERY COUNTY SHERIFF'S OFFICE

The Administrator presented the following memorandum from County Attorney Thomas T. Gallion, III requesting approval of Settlement Agreement and Releases with NEC Solutions (America), Inc., and NEC Corporation of America regarding a contract for the Montgomery County Sheriff's Office:

MEMORANDUM

May 6, 2010

TO: Donnie Mims
FROM: Tommy Gallion
RE: Montgomery County Sheriff's Office – NEC Contract

Today, May 6, 2010, a mediation was held between Montgomery County Sheriff's Office and NEC in which an agreement was reached and executed by the parties. This attached agreement needs to be executed by Elton Dean as Chairman of the Montgomery County Commission and by Sheriff D.T. Marshall for the Montgomery County Sheriff's Office. Please waive the rules and adopt this agreement at the upcoming May 10, 2010 Montgomery County Commission meeting.

I am of the opinion that the terms provided for in this agreement are in the best interest of the public health, safety, education, morals, security, prosperity, contentment and the general welfare of the citizens of Montgomery County. I therefore see no reason why this agreement should not be executed if it is the desire of the Commissioners.

Attachment

End of Memorandum

Mr. Wilson made a motion to approve the Settlement Agreement and Releases with NEC Solutions (America), Inc., and NEC Corporation of America. The motion was seconded by Mr. Polizos and unanimously approved by the Commission. (Copy of Settlement Agreement and Releases, Agenda Pages 3-2 through 3-5, is attached to these Minutes.)

COUNTY COMMISSION – APPROVED MISCELLANEOUS APPROPRIATIONS
REPROGRAMMING REQUESTS

The Administrator requested approval of the following miscellaneous appropriations reprogramming requests:

May 10, 2010

MEMORANDUM

TO: Montgomery County Commission
FROM: Donald L. Mims, County Administrator
SUBJECT: Miscellaneous Appropriations Reprogramming Requests

I am requesting authority to reprogram the following from fund code 001-59320-498 (Agency, Miscellaneous Appropriations) to:

C-2010-72: Family Guidance Center, for the Success by 6 Program - \$500

C-2010-73: Alabama Cattlemen's Association, for "Little Boots" Rodeo - \$1,000

C-2010-74: Alabama National Fair, for the Creative Living Center - \$1,000

NC-2010-99: Alabama Cooperative Extension System, for the 2010 Successful Aging Initiative Conference - \$500

NC-2010-100: City of Montgomery, to be used by BONDS to Support the Brighton Area Homeowner's Association, with Funding to Promote the Community Enhancement and Beautification Programs/Projects - \$1,000

End of Memorandum

During the County Commission Meeting this date, Vice Chairman Ingram requested that the following Miscellaneous Appropriations Reprogramming Requests be added and his fellow Commissioners concurred:

C-2010-75: Montgomery County Recreation Department, for Cleveland Avenue YMCA, for After School Program - \$600

NC-2010-101: BOE, Davis Elementary School, for National Honor Society - \$300

Mr. Williams made a motion to approve the requests. The motion was seconded by Mr. Polizos and unanimously approved by the Commission.

ENGINEERING – APPROVED BID AWARD FOR CRUSHED STONE, BID AWARD 53000-10C-013

The Administrator presented the following memorandum from Assistant Director of Support Services Pat Silas requesting approval of Bid Award for Crushed Stone:

MEMORANDUM

TO: Donald L. Mims, Administrator

FROM: Pat Silas, Assistant Director
Support Services

DATE: May 4, 2010

SUBJECT: Invitation to Bid No. 53000-10C-013, Crushed Stone

Request that approval of award on the above referenced bid to the low bid of Southeast Materials, Inc., in the amount of \$181.35, based on unit pricing, be placed on the agenda for the County Commission meeting on May 10, 2010. (copy of spread sheet attached)

Coordination of award made with Mr. George C. Speake, County Engineering.

Attachment

End of Memorandum

Mr. Polizos made a motion to approve the request. The motion was seconded by Mr. Williams and unanimously approved by the Commission. (Copy of Spreadsheet, Agenda Page 5-2, is attached to these Minutes.)

PROBATE JUDGE'S OFFICE – APPROVED BID AWARD FOR MICROFILMING OF PROBATE RECORDS, BID AWARD 51305-10C-015

The Administrator presented the following memorandum from Assistant Director of Support Services Pat Silas requesting approval of Bid Award for Microfilming of Probate Records:

MEMORANDUM

TO: Donald L. Mims, Administrator

FROM: Pat Silas, Assistant Director of Support Services

DATE: May 5, 2010

SUBJECT: Invitation to Bid No. 51305-10C-015, Microfilming of Probate Records

Request that approval of award on the above referenced bid to the low bid of Image Express, Inc., in the amount of \$.0249 per image for original film and \$10.95 per roll for the silver duplicate, based on unit pricing, be placed on the agenda for the County Commission meeting on May 10, 2010. (copy of spread sheet attached)

This will be a three (3) year contract and may be cancelled in writing by either party at any time given a ninety (90) day written notice by Montgomery County Commission or the successful vendor.

Coordination of award made with Reese McKinney, Jr., Judge of Probate.

Attachment

End of Memorandum

Mr. Polizos made a motion to approve the request. The motion was seconded by Mr. Wilson and unanimously approved by the Commission. (Copy of Spreadsheet, Agenda Page 6-2, is attached to these Minutes.)

VARIOUS DEPARTMENTS – APPROVED TRAVEL/TRAINING REQUESTS (5)

The Administrator recommended the following Travel/Training Requests for approval by the Commission:

<u>DEPARTMENT</u>	<u>TRAVEL/TRAINING REQUESTS</u>
1. County Commission	Request Number 17
2. Finance Department	Request Number 7
3. Sheriff's Office	Request Numbers 24 and 25
4. District Attorney's Office	Request Number 22

Mr. Williams made a motion to approve the travel/training requests. The motion was seconded by Mr. Polizos and unanimously approved by the Commission. (Copies of Travel/Training Requests, Agenda Pages 7-1 through 7-5, are attached to these Minutes.)

WAIVED AGENDA RULES

Vice Chairman Ingram requested that the following items be added to the agenda and his fellow Commissioners concurred:

VARIOUS DEPARTMENTS – APPROVED BUDGET CHANGE REQUESTS (5)

The Administrator recommended the following Budget Change Requests for approval by the Commission:

<u>DEPARTMENT</u>	<u>BUDGET CHANGE REQUESTS</u>
1. District Attorney	Request Number 4
2. Engineering	Request Number 8
3. Law Library	Request Number 1
4. Personnel	Request Number 2
5. Tax & Audit	Request Number 1

Mr. Williams made a motion to approve the budget change requests. The motion was seconded by Mr. Polizos and unanimously approved by the Commission. (Copies of Budget Change Requests, Agenda Pages 8-1 through 8-5, are attached to these Minutes.)

DETENTION FACILITY – APPROVED REVISED EMERGENCY INTER-
GOVERNMENTAL AGREEMENT WITH THE ALABAMA DEPARTMENT OF
CORRECTIONS FOR HOUSING OF PRISONERS

The Administrator presented the following memorandum requesting approval of revised Emergency Intergovernmental Agreement:

May 6, 2010

MEMORANDUM

TO: Montgomery County Commission

FROM: Donald L. Mims
County Administrator

SUBJECT: Agreement for Housing of Prisoners

On January 11, 2010, the County Commission approved an Emergency Intergovernmental Agreement for Housing of Prisoners with the State of Alabama Department of Corrections.

Section 11 of the contract regarding Compensation and Reimbursement to Montgomery County, was intentionally left blank until a jail cost per diem rate could be determined, of which has been completed. Enclosed is a letter from Kim T. Thomas, General Counsel for the State of Alabama, Department of Corrections, in which he states “. . . that the Department of Corrections presently has contracts with three counties, Clay, Lowndes and Pickens, for a per diem rate no greater than fifteen dollars (\$15.00) per day as authorized by Governor Riley. The food per diem of \$1.75 that the Sheriff charges the Comptroller for feeding DOC prisoners is not affected by the \$15,00 per day paid by DOC for housing.” The \$15.00 per diem rate for housing expenses and \$1.75 for food has been included in the enclosed revised agreement.

The Department of Corrections has requested modifications to Section 6 of the contract regarding Medical Treatment of Prisoners, of which has been revised and agreed upon by the Sheriff, as well as the per diem rates.

I am requesting that the Commission approve this revised agreement, which is applicable only to the housing of prisoners from the Bullock Correctional Facility during this past winter.

End of Memorandum

Mr. Williams made a motion to approve the request. The motion was seconded by Mr. Polizos and unanimously approved by the Commission. (Copies of Revised Emergency

Intergovernmental Agreement and Letter, Agenda Pages 9-2 through 9-8, are attached to these Minutes.)

COMMENTS BY COMMISSIONERS AND ATTENDEES

Commissioner Wilson thanked everyone for attending the meeting. He thanked the Volunteer Fire Departments for what they do, stating that it is a great service to the citizens of Montgomery County.

Commissioner Polizos stated that he appreciates the Volunteer Fire Departments and wished all the moms a “Happy Mother’s Day”.

Commissioner Williams wished all the moms a “Happy Mother’s Day” and a good rest of the week. He told the Volunteer Firemen that his hat is off to them, thanked them and wished them safety while doing their jobs. He stated that it is a blessing and the presence of God by which Mr. Spivey was saved. He said, “God Bless you, Mr. Spivey”.

Vice Chairman Ingram recognized his wife in the audience. He wished all the mom’s a “Happy Mother’s Day” and best wishes all week and all year. He thanked the Volunteer Fire Departments for all that they do for Montgomery County.

Vice Chairman Ingram introduced cyclist Scott Nells and asked him to come up and unveil the *Share the Road* sign. He asked Cathy Gerachis of Goodwyn, Mills and Cawood to speak about the County’s Share the Road Project.

Ms. Gerachis told the audience that she worked with local cycling clubs to develop the bike routes and that approximately 60 florescent yellow *Share the Road* signs would be placed along those routes, at major intersections and speed limit change areas. She stated that these signs will serve as warnings for motorists that cyclists would also be using the road. She mentioned that this was the simplest way to make the roads safer for cyclists. She explained that the map given to the Commissioners shows the routes the cyclists use.

Commissioner Wilson thanked Ms. Gerachis for what she does. He informed the audience that there are a lot of out-of-town visitors who cycle in the South Montgomery area. He added that this was the first step in making the roads safer for cyclists and that he encourages more people to cycle.

Vice Chairman Ingram informed the audience that some cyclists also train for the Olympics in the Pike Road Area. He stated that these signs would make motorists more aware and that they would save lives. He also encouraged everyone to get out and get more exercise.

RECESS TO INFORMATION SESSION

Vice Chairman Ingram recessed the Formal Session to the Information Session.

INFORMATION SESSION

COMMENTS FROM SCHEDULED ATTENDEES, STAFF, AND COMMISSIONERS

PRESENTATION BY CATHY GERACHIS AND MAX VAUGHN WITH GOODWYN, MILLS & CAWOOD

Cathy Gerachis and Max Vaughn with Goodwyn, Mills & Cawood met with the Commission to answer any questions they had regarding the Bike Trail Signage. Assistant County Engineer James Kelley stated that the signs would cost \$120.00 each, not including installation, and approximately 60 would be placed in the County. Vice Chairman Ingram asked County Engineer Speake to work with Administrator Mims to determine funding for these signs.

CITY/COUNTY PERSONNEL DIRECTOR BARBARA M. MONTOYA

City/County Personnel Director Barbara M. Montoya briefed the Commission regarding several vacancies in the Personnel Department and requested approval of a Position Fill Request for a Clerk Typist II. Ms. Montoya explained that this position was 80% funded by the City of Montgomery. The Commission agreed to place this item on the next agenda.

PRESENTATION BY REVENUE COMMISSIONER JANET BUSKEY

Revenue Commissioner Janet Buskey briefed the Commission regarding Revenue Collections from October 1, 2009 through May 7, 2010.

PRESENTATION BY REVENUE MANAGER LARRY CURVIN

Revenue Manager Larry Curvin briefed the Commission regarding the Revenue Reports for the Month of April 2010. He stated that this was the second straight month for positive Sales Tax Collection and the fourth straight month for positive Gas/Motor Fuel Collection and Lodging Tax Collection.

Mr. Curvin updated the Commission regarding the job description for the Revenue Compliance Officer. The Commission agreed to place the job description on the next agenda.

COMMENTS FROM ADMINISTRATOR MIMS

Administrator Mims presented the Community Corrections Census and Fiscal Report for April 2010 and noted that the revenue was doing well.

PRESENTATION BY PARKS AND RECREATION SUPERINTENDENT JAMES WILLIAMS

Parks and Recreation Superintendent James Williams briefed the Commission regarding lighting at the East Montgomery Baseball and Softball Complex, which will cost approximately \$7,500. Deputy Administrator Mitchell suggested that funds from the Parks Construction Account be

used to pay for the lights. The Commission agreed to place a Budget Change Request on the next agenda in the amount of \$7,500 and asked Mr. Williams to apply for a grant from MidSouth RC&D Council to supplement the costs of other future county park projects.

Mr. Williams informed the Commission that the cost of sand for the playground project at Wilson YMCA was \$801.00. Vice Chairman Ingram requested an \$800.00 miscellaneous appropriation from his account for this project be placed on the next agenda. The Commission agreed.

Mr. Williams presented a cost estimate to resurface the parking lot at the Catoma Park ball field. After discussion, the Commission agreed to place a Budget Change Request on the next agenda in the amount of \$28,445 for this project and for it to be funded from the Parks Construction Account.

Mr. Williams informed the Commission that the Annual Meet and Greet would be held on May 22 at the Flatwood Community Center.

COMMENTS FROM ADMINISTRATOR MIMS

Administrator Mims noted that, at the last meeting, Finance Director Sherrill Thomas informed the Commission that the Construction Fund had a balance of \$2 million and the Capital Improvement Fund had a balance of \$4.2 million. He mentioned that one million dollars had been obligated from these funds for the indigent health care facility. Administrator Mims confirmed that those funds could be used to pay for building projects that are being considered by the Commission.

COMMENTS FROM DEPUTY ADMINISTRATOR MITCHELL

Deputy Administrator Mitchell briefed the Commission regarding an elevator maintenance contract with Otis Elevator Company for the new Detention Facility. Commissioner Polizos inquired as to whether one elevator company could bid for the elevators located in all County buildings. After discussion, Administrator Mims stated that he would present information regarding the current elevator contracts at the next meeting.

PRESENTATION BY PRESIDING CIRCUIT JUDGE CHARLES PRICE AND JUVENILE COURT ADMINISTRATOR BRUCE R. HOWELL

Presiding Circuit Judge Charles Price and Juvenile Court Administrator Bruce R. Howell briefed the Commission regarding an RFP for the Davis Treatment Program. Judge Price stated that an RFP Advisory Committee recommended awarding the contract to The Bridge. After discussion, the Commission agreed to place this item on a future agenda.

PRESENTATION BY ADDRE BRYANT AND THOMAS BOYD WITH MONTGOMERY COUNTY FARMERS SERVICE AND WELFARE ASSOCIATION

Mr. Addre Bryant, with Montgomery County Farmers Service and Welfare Association, briefed the Commission regarding the preservation of Tankersley School, the last Rosenwald School in Montgomery County, and requested a letter of support from Chairman Dean to the National Trust for Historic Preservation. Also present was Thomas Boyd, President of Montgomery County Farmers Service and Welfare Association. The Commission agreed to support the preservation of this school and issue the letter.

COMMENTS FROM ADMINISTRATOR MIMS

Administrator Mims presented a Position Fill Request for Customer Service Clerk, Probate Office. After discussion, the Commission agreed to place this request on the next Thursday Memo as a waived rules item.

COMMENTS FROM MANAGER OF PUBLIC AFFAIRS DIDI HENRY

Manager of Public Affairs DiDi Henry briefed the Commission on the CGI proposal which offered ten free one minute promotional videos about various aspects of life in Montgomery County for the County website. She stated that the proposal was withdrawn by CGI because the company representatives were not willing to wait the additional two weeks for the Commission to discuss the project at the May 10 meeting, as directed in the April 26 meeting.

Mrs. Henry reminded the Commissioners of upcoming events and had them sign up for any in which they plan to attend.

ADJOURNMENT

Commissioner Williams made a motion to adjourn the meeting of the Montgomery County Commission on May 10, 2010, at 11:09 a.m. The motion was seconded by Commissioner Wilson and unanimously approved by the Commission.

Presented to

Doug Cox, Jr.,

A True Montgomery County Hero.

In Recognition of Outstanding

Bravery and Dedication



May 10, 2010

Presented to

David Sherrer,

A True Montgomery County Hero.

In Recognition of Outstanding

Bravery and Dedication



May 10, 2010

05-10-10 Meeting

MONTGOMERY COUNTY COMMISSION

**THE FOLLOWING ACCOUNTS PAYABLE WERE AUDITED AND
ORDERED PAID**

CHECKS ARE DATED 04-30-10

Check Number	To	Check Number
207190		207350
Total Checks Paid		\$1,244,291.54

CHECK #	PAYEE	AMOUNT	DATE
207188	Postmaster Bulk Mailing	\$ 13,048.00	04/23/10
207189	Water Works Board	\$ 11,160.98	04/26/10

**INFORMATION PERTAINING TO PAYEES OF THE CHECKS AND AMOUNTS
PAID ARE MAINTAINED IN THE FINANCE DEPARTMENT IN THE ACCOUNTS
PAYABLE CHECK REGISTER**

05-10-10 Meeting

MONTGOMERY COUNTY COMMISSION

**THE FOLLOWING ACCOUNTS PAYABLE WERE AUDITED AND
ORDERED PAID**

CHECKS ARE DATED 04-30-10

Check Number	To	Check Number
207351		207430
Total Checks Paid		\$440,756.62

**INFORMATION PERTAINING TO PAYEES OF THE CHECKS AND AMOUNTS
PAID ARE MAINTAINED IN THE FINANCE DEPARTMENT IN THE ACCOUNTS
PAYABLE CHECK REGISTER**

MONTGOMERY COUNTY COMMISSION

THE FOLLOWING TRANSACTIONS WERE AUDITED AND
ORDERED PAID

CHECKS ARE DATED
05/07/10

Payroll Check Number	103177	To	Payroll Check Number	103345	\$	121,946.97
Direct Deposits					\$	795,104.64
Payroll Check Number	103346	To	Payroll Check Number	103378	\$	280,860.25
Direct Deposits					\$	332,383.25
Federal Deposits					\$	317,341.55
Total Payroll Paid					\$	1,847,636.66

CHECK #

103176

PAYEE

Cedric Leonard

AMOUNT

\$ 961.28

DATE

04/28/10

INFORMATION PERTAINING TO PAYEES OF THE CHECKS AND AMOUNTS PAID
ARE MAINTAINED IN THE FINANCE DEPARTMENT IN THE PAYROLL CHECK REGISTER

The Montgomery Election Center
Office of Judge Reese McKinney
Polling Official Allocation - 2010

Precinct #	Precinct Name	PRE-2010	2010 Primary / Run-Off	Reduction %	2010 General	Tabulators	AutoMARKs
0101	Huntingdon College	27	19	29.63%	27	3	2
0102	Vaughn Park Church of Christ	27	19	29.63%	27	3	2
0103	Montgomery Museum of Fine Arts	17	16	5.88%	17	2	2
0104	Whitfield Memorial United Methodist Church	25	16	36.00%	25	2	2
0105	Aldersgate United Methodist Church	20	19	5.00%	20	2	2
0106	AIDT	20	19	5.00%	20	3	2
0201	St. Paul AME Church	20	13	35.00%	20	2	2
0202	Beulah Baptist Church	22	16	27.27%	22	3	2
0203	Kershaw YMCA	13	9	30.77%	13	2	2
0204	Montgomery Boys Club	15	6	60.00%	15	2	2
0206	Fire Station #14	13	9	30.77%	13	2	2
0207	Hayneville Road Community Center	9	8	11.11%	9	2	2
0208	Harrison Elementary School	9	6	33.33%	9	2	2
0209	Southlawn Elementary School	17	13	23.53%	17	2	2
0210	Hunter Station Community Center	8	6	25.00%	8	2	2
0211	Catoma School	9	8	11.11%	9	2	2
0212	First Southern Baptist Church	7	6	14.29%	7	2	2
0213	Pintlala VFD	10	9	10.00%	10	2	2
0301	Captiol Heights Baptist Church	13	9	30.77%	13	2	2
0302	Highland Gardens Community Center	13	9	30.77%	13	2	2
0303	Coliseum Boulevard Library	17	13	23.53%	17	2	2
0304	Lagoon Park Fire Station	20	16	20.00%	20	2	2
0305	Flowers Elementary School	22	16	27.27%	22	2	2
0306	Goodwyn Community Center	27	19	29.63%	27	3	2
0307	Alcazar Shrine Temple	11	9	18.18%	11	2	2
0308	AUM	18	16	11.11%	18	2	2
0309	Eastdale Baptist Church	13	13	0.00%	13	2	2
0401	Franklin Boys and Girls Club	9					2
0402	Houston Hill Community Center	11	9	18.18%	11	2	2
0403	Alabama State University	15	16	-6.67%	16	3	2
0404	Hamner Hall Fire Station	9	6	33.33%	9	2	2
0405	Cleveland Avenue YMCA	15	13	13.33%	15	2	2
0406	Newtown Community Center	9	8	11.11%	9	2	2
0407	King Hill Community Center	9	8	11.11%	9	2	2
0408	North Montgomery Community Center	17	13	23.53%	17	2	2
0409	Union Academy Baptist	7	5	28.57%	7	2	2
0410	Union Chapel AME Zion	9	5	44.44%	9	2	2
0411	Chisolm Community Center	9	8	11.11%	9	2	2
0412	Bellingrath Community Center	9	6	33.33%	9	2	2
0413	McIntyre Community Center*	13	13	0.00%	13	2	2
0414	Highland Avenue Baptist Church	9	5	44.44%	9	2	2
0415	Wares Ferry Road School	14	13	7.14%	14	2	2
0501	Seth Johnson Elementary	16	13	18.75%	16	2	2
0502	Snowdoun Women's Club	8	5	37.50%	8	2	2
0503	Strata Church of Christ	7	5	28.57%	7	2	2
0504	Ramer Public Library	8	5	37.50%	8	2	2
0505	Fitzpatrick Elementary	20	16	20.00%	20	3	2
0506	Davis Crossroads VFD	7	5	28.57%	7	2	2
0507	Dublin- So. Montg. VFD	8	5	37.50%	8	2	2
0508	Pine Level- So. Montg. VFD	7	5	28.57%	7	2	2
0509	Pike Road- VFD	11	12	-9.09%	12	2	2
0510	Georgia Washington School	15	16	-6.67%	16	2	2
0511	Lakeview Baptist Church	22	16	27.27%	22	2	2
0512	St. James Methodist Church	22	19	13.64%	22	3	2
0513	Bell Road YMCA	22	19	13.64%	22	3	2
0514	Peter Crump School	15	9	40.00%	15	2	2
AB	Absentee	15	10	33.33%	15		
TOTALS		809	625	22.74%	803	119	112

ADECA Law Enforcement/Traffic Safety Division 401 Adams Avenue P.O. Box 5690 Montgomery, AL 36103-5690		GRANT APPLICATION Date Received by LETS Grant # Assigned (Leave Blank) Form Revised January 10, 2004	Page 1
Application is hereby made for a grant under the program described in item 7 below in the amount and for the purpose set forth in this application			
1. Applicant Name Montgomery County Commission Address 100 South Lawrence Street Montgomery, AL 36104 Phone #: (334) 832-1259 Fax # (334) 832-2533 E-Mail		3. Authorizing Official Name Elton N. Dean, Sr., Chairman Title Montgomery County Commission Address 101 South Lawrence Street Montgomery, AL 36104 Phone # (334) 832-1210 Fax # (334) 832-2533 E-Mail Signature _____ Date: _____	
2. Implementing Agency Name Montgomery County District Attorney Phone # (334) 832-2550		5. Financial Officer Name Sherrill Thomas, Finance Director Address 101 South Lawrence Street Montgomery, AL 36104 Phone # (334) 832-1268 Fax # (334) 832-2533 E-Mail sherrillthomas@mc-ala.org Signature _____ Date: _____	
4. Project Director Name Rhonda B. Cape, Administrative Assistant Address 251 South Lawrence Street Montgomery, AL 36102 Phone # (334) 832-2550 Fax # (334) 832-1615 E-Mail rhonda.cape@alada.gov Signature <i>Rhonda B Cape</i> Date: <i>5/4/10</i>		7. Program Under Which Application is Made Juvenile Formula Grant Program	
6. Type of Application ☐ Original ☒ Continuation of Previous Grant Number: 09-JF-C3-005		9. Project Ending Date (Estimated) 9/30/2011	
8. Project Start Date (Estimated) 10/1/2010		10. Does this application require a prior cost approval? ☐ Yes ☒ No	
11. Name of the Project (Brief Descriptive Title) Helping Montgomery Families Initiative		12. Grant Funds Requested \$ 76,574.00	
13. Will other Federal Support be available for any part of this project? ☒ Yes ☐ No (If yes, identify and explain on Page 9)		14. Total Project Duration (in Months) 12	
15. Project Summary: (Suitable for a news release pertaining to this project)			

PROJECT SUMMARY

The Helping Montgomery Families Initiative (HMFI) is a collaborative effort led by Montgomery County District Attorney's Office (DA) in partnership with Montgomery Public Schools System (MPS) and includes local law enforcement, healthcare professionals, mental health, social services, faith-based organizations, juvenile justice agencies and other organizations with the primary focus of intervening in the lives of school children who have been suspended from school but not charged with a criminal offense.

Studies have shown there is a correlation between truancy/school misconduct and delinquent behavior. The program's goal is to intervene at the first sign of misbehavior to help prevent a child from entering the juvenile justice system. Once a child enters the juvenile justice system the chances of that child escalating into the adult system are significant. In addition, this program benefits children who do not misbehave in school. Children perform better in an environment they perceive to be safe and free from distractions. Instruction time will be maximized, thereby enriching the overall educational process.

Section 16-28-12 of the Code of Alabama mandates that the MPS share information with the District Attorney (D.A.) concerning student truancy and suspension data. It is then the duty of the D.A. to enforce this section to ensure proper conduct by any child enrolled in public school.

Overall Program Activity

HMFI was implemented in February 2008 and listed below is the activity that has occurred through March 31, 2010:

- ❖ Letters of Concern/Warning- Sent to Parents/Guardians of suspended students that met the program's criteria-5,045
- ❖ Assessment Letters- Sent to parents/guardians of students that received a subsequent suspension- 810
- ❖ Home Visits & Assessments Completed- 429 which included 1,223 children
- ❖ Multi-Disciplinary Meetings Held-93

ADECA Law Enforcement/Traffic Safety Division 401 Adams Avenue P.O. Box 5690 Montgomery, AL 36103-5690	GRANT APPLICATION 20. Project Narrative Detailed Budget Explain computations in the Budget Narrative on Page 8. Form Revised January 10, 2004
Page 6	

A. Personnel:
 List each individual with salary

Name of Employee	Position / Title	Salary	Rate Of Pay (BW, SM)	% of Time Devoted to Project	Annual Income / Unit Cost	Category Total
	Program Director	\$ 2,639.83	24	85%	\$ 53,852.53	\$ 53,852.53
		\$ -	24	100%	\$ -	\$ -
		\$ -	24	100%	\$ -	\$ -
		\$ -	26	100%	\$ -	\$ -
		\$ -	26	100%	\$ -	\$ -
		\$ -	26	100%	\$ -	\$ -
		\$ -	26	100%	\$ -	\$ -
		\$ -	26	100%	\$ -	\$ -
See Attachment 1 (Personnel)					\$ -	\$ -
					Salaries Sub-Total	\$ 53,852.53

Fringe Benefit Computation

Benefit	Amount	Rate	Percentage	Annual Cost	Sub-Total
FICA	\$ 53,852.53	7.650%		\$ 4,119.71	
SUI	\$ 53,852.53	0.000%		\$ -	
W/C	\$ 53,852.53	0.000%		\$ -	
Health Insurance	\$ 880.00	12	85.00%	\$ 8,976.00	
Life Insurance	\$ -	0	100.00%	\$ -	
Retirement	\$ 53,852.53	1	12.94%	\$ 6,968.51	
Other	\$ -	0	100.00%	\$ -	
Other	\$ -	0	100.00%	\$ -	
Other	\$ -	0	100.00%	\$ -	
				Fringe Sub-Total	\$ 20,064.22

Total Personnel Expenditures \$ 73,916.75

B. Confidential Expenditures:
Prior approval of procedures is required

1. Purchase of Services	\$ -
2. Purchase of Evidence	\$ -
3. Purchase of Specific Information	\$ -
Total Confidential Expenditures \$ -	

Professional Services:
 Must be itemized
List by individual or type of individual, with fee basis limited to a reasonable rate not to exceed \$450 per day.

1. Individual Consultants and/or Contracting of Service Organizations	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
Total Professional Services \$ -	

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ADECA Law Enforcement/Traffic Safety Division 401 Adams Avenue P.O. Box 5690 Montgomery, AL 36103-5690	GRANT APPLICATION Source of Match and Continuation Projection Form Revised January 10, 2004	Page 9
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22. Source of Contribution:
 (Indicate Sources Per Instructions)

	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -
	\$ -

Total Matching Contribution: \$0.00
 Match Differential: \$0.00

Match from page 7 \$ -

23. Budget Summary and Projection: **APPLICATION IS INCOMPLETE WITHOUT THIS**
 (Total budget of applicant or implementing agency)

Budget Categories	Prior Phase	Present Phase	Successive Phase
A Personnel and Fringe	\$ 114,346.53	\$ 73,916.75	\$ -
B Confidential Expenditures	\$ -	\$ -	\$ -
C Professional Services	\$ -	\$ -	\$ -
D Travel	\$ -	\$ -	\$ -
E Operating Expenses	\$ 516.47	\$ 2,657.25	\$ -
F Equipment	\$ -	\$ -	\$ -
Total Budget of Applicant	\$ 114,863.00	\$ 76,574.00	\$ -
Duration of Project Phase	12	12	12

24. Federal Support:
 Will other Federal support be available for any part of this project?
 Yes ☒ No ☐ If "Yes", Explain:
 Pursuant to this grant application, one (1) personnel is requested: 1) Program Director. Last year, Montgomery Public Schools (MPS) submitted a Safe Schools/Healthy Students grant budget request wherein funding was requested and subsequently received for this program. In the SS/HS application, a request was made by MPS for two (2) Case Officer I and one (1) Case Officer II. In addition, MPS has agreed to provide funding equivalent to one teacher unit. NOTE: The estimated cost of the Helping Montgomery Families Initiative greatly exceeds the amount of the request under this ADECA grant.

25. Federal Submissions:
 Have other Federal agencies been contacted for assistance on this or similar projects?
 Yes ☐ No ☒ If "Yes", Explain:

2-6

Resolution of Applicant for Matching Funds

Whereas, the State of Alabama, through the Alabama Department of Economic and Community Affairs, Law Enforcement/Traffic Safety Division, under the Omnibus Crime Control and Safe Streets Act of 1968, (PL 90-351 as amended and other appropriate federal authorizations, is offering financial aid to combat rising crime, improve the criminal justice system, assist victims of crime, and assist in the problems of juvenile justice; and

Whereas, the **Montgomery County Commission** hereinafter referred to as Applicant, is of the opinion that it would be beneficial to make application for such assistance and

Whereas, said applicant agrees to be accountable for providing the cash match toward the total cost of said project,

NOW, THEREFORE, BE IT RESOLVED by the Applicant

that, **Elton N. Dean, Sr.**, in his/her official capacity

as **Chairman**, be authorized to make

application to the Alabama Department of Economic and Community Affairs, Law Enforcement/Traffic Safety Division, for said financial Assistance.

Adopted this the _____ day of _____, ____.

I, **Donald L. Mims**, **County Administrator**
(Name) (Title)

In and for the **Montgomery County Commission**

Do hereby certify that the above is a true and correct copy of a resolution adopted at their regular meeting of _____, _____, and the same appears in the minutes of said meeting.

Witness by hand and official seal of the **Montgomery County Commission**

This the _____ day of _____, ____.

(Name)

County Administrator
(Title)

SETTLEMENT AGREEMENT and RELEASES

This Agreement entered into on the date hereinafter set forth by and between **Montgomery County Commission** (hereinafter "MCC") and **NEC Corporation of America and NEC Solutions (America), Inc.** (hereinafter "NEC").

WHEREAS, MCC and NEC entered into two contracts executed by MCC on January 31, 2003, namely, An Agreement for Purchase of Equipment and Services to Establish CAD/RMS/CMS and An Agreement for Maintenance of the CAD/RMS/CMS System (hereinafter "Contracts"); and

WHEREAS, disputes arose related to the Contracts, and MCC filed an action in the Circuit Court of Montgomery County, Alabama, Case Number CV2010-900165 (hereinafter referred to as "Lawsuit") against NEC; and,

WHEREAS, said Lawsuit was stayed pending mediation, and the claims therein were submitted to and settled at mediation on the 6th day of May, 2010; and,

WHEREAS, the parties hereto have agreed to release each other of all claims made or which could have been made in the Lawsuit or otherwise arising out of the Contracts, and they wish to set forth their agreement and mutual releases herein.

NOW, THEREFORE, in consideration of the premises, and the releases and covenants contained hereinafter, it is agreed as follows:

1. The recitals hereinabove are correct and are made a part of this agreement.
2. NEC agrees to forgo final payment in the amount of Five Hundred Forty Three Thousand Nine Hundred Sixty Five Dollars (\$543,965.00), otherwise due under the Contracts, and hereby releases MCC from that obligation.

3. NEC agrees to pay the sum of One Hundred Thousand Dollars (\$100,000.00) to MCC within fifteen days after approval and execution of this Settlement Agreement and Releases:

4. NEC agrees hereafter to provide software support services for a period of one year from the date of the approval of this Agreement by MCC.

5. NEC, for itself and its affiliates, successors and assigns, does hereby fully release and discharge MCC, its officers, directors, agents, employees, heirs and assigns, including but not limited to the officers, agents, employees of the Sheriff's Department of Montgomery County, and from any and all claims, actions, demands, rights, causes of action, breaches of contract, performance bonds, and all expenses and compensation, and all other liability, whatsoever, whether known or unknown, accrued or unaccrued, whether based in common law, statute, contract, tort or otherwise, arising out of or related in any manner to the Contracts, or the Lawsuit, and including but not limited to all claims made or which could have been made in the Lawsuit that arise out of or are related in any manner to the Contracts.

6. Montgomery County Commission, a political subdivision of the State of Alabama, does hereby fully release and discharge NEC Corporation of America and NEC Solutions (America), Inc. and their affiliates, parents, predecessors, successors, heirs and assigns, and the officers, directors, agents, and employees of NEC, from any and all claims, actions, demands, rights, causes of action, breaches of contract, performance bonds, and all expenses and compensation, and all other liability, whatsoever, whether known or unknown, accrued or unaccrued, whether based in common law, statute, contract, tort or otherwise, arising out of or related in any manner to the Contracts, or the Lawsuit, and including but not

limited to all claims made or which could have been made in the Lawsuit that arise out of or are related in any manner to the Contracts.

7. Each of the parties hereby direct their counsel to promptly file a joint motion to dismiss the Lawsuit, with prejudice, each party to pay its own costs.

8. Except as provided in paragraph 3 above, no party has agreed or is obligated to pay any sum of money to any other party in connection with this Agreement. This Agreement reflects a settlement and compromise of matters in dispute and is not an admission of wrongdoing by any party hereto or other party released hereby.

9. The parties declare and represent that no promise, representation, inducement or agreement not herein expressed has been made to them by any other party hereto, and that this Agreement has been read and understood by each of them and that each of them intends to be legally bound by the Agreement, having executed it knowingly and voluntarily, with the advice of counsel, without coercion, without any reliance on any facts, information or representation of any other party hereto, and with the full knowledge of the nature and consequences thereof.

10. This Agreement may be executed in multiple counterparts, each counterpart shall be deemed an original, and all so signed and executed shall be deemed one Agreement.

11. D.T. Marshall, Sheriff, and Thomas T. Gallion, County Attorney, recommend to the MCC that this Agreement be approved and executed, as indicated by their signatures below.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals or have caused this instrument to be executed by their duly authorized representatives effective as of the ____ day of May, 2010.

MONTGOMERY COUNTY COMMISSION

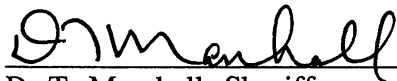
Authorized Signature

Typed Name

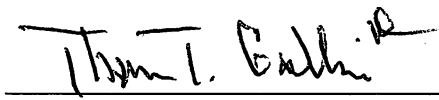
Title

Date

Recommended:

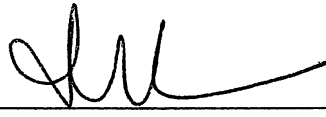


D. T. Marshall, Sheriff

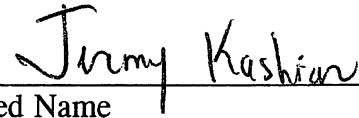


Thomas T. Gallion, County Attorney

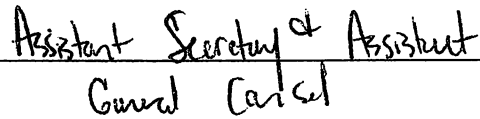
NEC SOLUTIONS (AMERICA), INC.



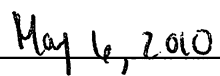
Authorized Signature



Typed Name

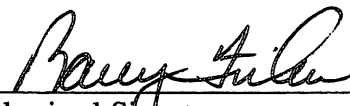


Title



Date

NEC CORPORATION OF AMERICA



Authorized Signature



Typed Name



Title



Date

**Purchasing Department
Montgomery County Commission**

ABSTRACT FOR BIDS:				BID # 1		BID # 2		BID # 3		BID # 4		BID # 5	
53000-10C-013				SOUTHEAST MATERIALS - ATTN: BILL WYATT - PHONE#(877) 871-1206; FAX #(205) 871-1247		WIREGRASS CONSTRUCTION CO., INC. - ATTN: MIKE MURPHREE; PHONE#(334) 356-2560; FAX#(334) 356-2570		NO BIDS RECEIVED: FULLER FIVE ENTERPRISES;JACKSON LANDSCAPE					
ISSUED: APRIL 14, 2010													
OPENED: MAY 3, 2010													
ENGINEERING													
TERMS OF PAYMENT / DISCOUNT:													
ITEM NO.	DESCRIPTION OF ITEM	Units	QTY	UNIT PRICE	EXTENDED AMOUNT	UNIT PRICE	EXTENDED AMOUNT	UNIT PRICE	EXTENDED AMOUNT	UNIT PRICE	EXTENDED AMOUNT	UNIT PRICE	EXTENDED AMOUNT
1,	CRUSHED STONE #4	TN	1	\$15.90	\$15.90	\$22.00	\$22.00						
2	CRUSHED STONE #5	TN	1	\$15.90	\$15.90	\$22.00	\$22.00						
3	CRUSHED STONE #57	TN	1	\$15.90	\$15.90	\$22.00	\$22.00						
4	CRUSHED STONE #6	TN	1	\$15.90	\$15.90	\$22.00	\$22.00						
5	CRUSHED STONE #78	TN	1	\$16.65	\$16.65	\$22.75	\$22.75						
6	CRUSHED STONE #89	TN	1	\$16.65	\$16.65	\$22.75	\$22.75						
7	RIP RAP 814 CLASS 1	TN	1	\$19.10	\$19.10	\$32.00	\$32.00						
8	RIP RAP 814 CLASS 2	TN	1	\$19.65	\$19.65	\$32.00	\$32.00						
9	CRUSHED AGGRE.	TN	1	\$15.40	\$15.40	\$21.50	\$21.50						
10	CRUSH.STONE #610	TN	1	\$15.40	\$15.40	\$21.00	\$21.00						
11	801 SCREENINGS	TN	1	\$14.90	\$14.90	\$21.00	\$21.00						
	24 BIDS MAILED												
TOTAL BID AMOUNTS					\$181.35		\$261.00						

Notes:

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[illegible]

SPRSHIMAGINGPROBATE

Montgomery County Commission
Travel / Training Request Approval

Appendix C

Request # 17

Agenda

MAY 10 2010

Date: May 6, 2010
To: Donald L. Mims, Administrator
From: Donald L. Mims, Administrator
Re: Travel / Training Request

Request approval to be granted for the following:

Destination: Point Clear, AL
Departure Date: June 30, 2010 Return Date: July 2, 2010
Conference Leave (Days / Hours): 3 Days
Purpose of Travel: to attend the 2010 ACCMA Summer Conference

Traveler (s) Name: 1. Donald Mims 4. _____
2. John A. Mitchell 5. _____
3. _____ 6. _____

Check Mode of Transportation: County Vehicle ☐ Commercial Air ☐
Private Vehicle ☒ Other (Specify) ☐

Total (est.) Cost: \$1,976.00 Advance Registration Required: \$400.00

Department Name: County Commission Fund Name: General

Additional Comments: Mileage - \$350.00; Registration - \$400.00; Hotel - \$776.00; Meals- 450.00

To: Donald L. Mims, Administrator

From: Donald L. Mims, Administrator

The above request is app. 05/10/10 reimbursement of actual and necessary expenses in the
approximate amount of \$1,976.00 and advance registration of \$400.00 is authorized.

<i>To be completed by the Finance Department</i>		
Fund Code:	<u>001-51100-265</u>	(ex: 000-00000-000)
Description:	<u>Registration & Training</u>	
Current Budget:	<u>\$25,000.00</u>	
Approved Requests:	<u>\$13,740.67</u>	
Budget Available:	<u>\$11,259.33</u>	
Current Requests:	<u>\$1,976.00</u>	
Budget Balance:	<u>\$9,283.33</u>	

Donald L. Mims, Administrator



Reviewed by: S. Thomas

Date: 5/6/2010

cc: Finance Director / Buyer

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Montgomery County Commission
Travel / Training Request Approval

Appendix C

Agenda
MAY 10 2010

Request # 7

Date: May 6, 2010
To: Donald L. Mims, Administrator
From: Sherrill R. Thomas, Finance Director
Re: Travel / Training Request

Request approval to be granted for the following:

Destination: Montgomery, Alabama

Departure Date: August 4 2010

Return Date: August 4, 2010

Conference Leave (Days / Hours): 4 hours

Purpose of Travel: Attend ASCPA Course-" 2010 Health Care Reform Act Tax & Insurance
Ramifications"
Qualifies toward 40 hours of CPE required annually for CPA license.

Traveler (s) Name: 1. Sherrill Thomas 4. _____
2. _____ 5. _____
3. _____ 6. _____

Check Mode of Transportation:

County Vehicle

☐
☒

Commercial Air

☐
☐

Private Vehicle

Other (Specify)

Total (est.) Cost: \$145.00

Advance Registration Required: \$145.00

Department Name: Finance

Fund Name: General

Additional Comments:

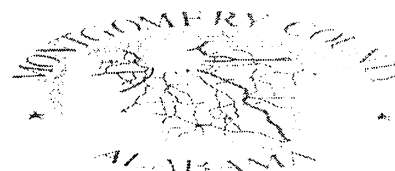
To: Sherrill R. Thomas, Finance Director

From: Donald L. Mims, Administrator

The above request is app. 05/10/10 reimbursement of actual and necessary expenses in the
approximate amount of \$145.00 and advance registration of \$145.00 is authorized.

<i>To be completed by the Finance Department</i>	
Fund Code:	<u>001-51110-265</u> (ex: 000-00000-000)
Description:	<u>Registration & Training</u>
Current Budget:	<u>\$2,800.00</u>
Approved Requests:	<u>\$459.00</u>
Budget Available:	<u>\$2,341.00</u>
Current Requests:	<u>\$145.00</u>
Budget Balance:	<u>\$2,196.00</u>

Donald L. Mims, Administrator



Reviewed by: S. Thomas

Date: 5/6/2010

cc: Finance Director / Buyer

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Montgomery County Commission
Travel / Training Request Approval

Appendix C

Request # 24

Agenda

MAY 10 2010

Date: April 26, 2010

To: Donald L. Mims, Administrator

From: Sheriff D. T. Marshall

Re: Travel / Training Request

Request approval to be granted for the following:

Destination: Greenville, AL

Departure Date: May 14, 2010

Return Date: May 14, 2010

Conference Leave (Days / Hours): 8 hours

Purpose of Travel: Attend Training - Crimes of Sexual Assault

Traveler (s) Name: 1. Lee Esco 4. _____
2. J. R. Ledyard 5. _____
3. Kofee Anderson 6. _____

Check Mode of Transportation: County Vehicle ☒ Commercial Air ☐
Private Vehicle ☐ Other (Specify) ☐

Total (est.) Cost: \$0.00 Advance Registration Required: \$0.00

Department Name: Sheriff's Office Fund Name: General (001-52110-265)

Additional Comments: There will be no expenses involving this travel.

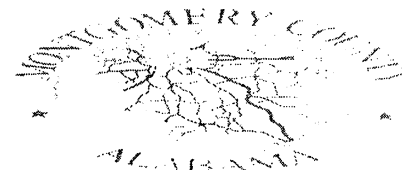
To: Sheriff D. T. Marshall

From: Donald L. Mims, Administrator

The above request is app. 05/10/10 reimbursement of actual and necessary expenses in the
approximate amount of \$0.00 and advance registration of \$0.00 is authorized.

<i>To be completed by the Finance Department</i>	
Fund Code:	<u>001-52110-265</u> (ex: 000-00000-000)
Description:	<u>Registration & Training</u>
Current Budget:	<u>\$20,000.00</u>
Approved Requests:	<u>\$8,178.24</u>
Budget Available:	<u>\$11,821.76</u>
Current Requests:	<u>\$0.00</u>
Budget Balance:	<u>\$11,821.76</u>

Donald L. Mims, Administrator



Reviewed by: S. Thomas

Date: 4/26/2010

cc: Finance Director / Buyer

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Montgomery County Commission
Travel / Training Request Approval

Appendix C

Request # 25

Agenda

MAY 10 2010

Date: April 27, 2010
To: Donald L. Mims, Administrator
From: Sheriff D. T. Marshall
Re: Travel / Training Request

Request approval to be granted for the following:

Destination: Eufaula, AL
Departure Date: July 18, 2010 Return Date: July 21, 2010
Conference Leave (Days / Hours): 4 days
Purpose of Travel: 2010 Alabama Sheriff's Summer Training Conference

Traveler (s) Name: 1. D. T. Marshall 4. _____
2. R. D. Bryan 5. _____
3. Derrick Cunningham 6. _____

Check Mode of Transportation: County Vehicle ☒ Commercial Air ☐
Private Vehicle ☐ Other (Specify) ☐

Total (est.) Cost: \$2,500.00 Advance Registration Required: \$900.00

Department Name: Sheriff's Office Fund Name: General (001-52110-265)

Additional Comments: _____

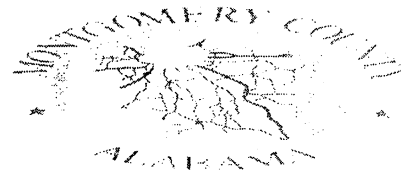
To: Sheriff D. T. Marshall

From: Donald L. Mims, Administrator

The above request is app. 05/10/10 reimbursement of actual and necessary expenses in the
approximate amount of \$2,500.00 and advance registration of \$900.00 is authorized.

<i>To be completed by the Finance Department</i>	
Fund Code:	<u>001-52110-265</u> (ex: 000-00000-000)
Description:	<u>Registration & Training</u>
Current Budget:	<u>\$20,000.00</u>
Approved Requests:	<u>\$8,178.24</u>
Budget Available:	<u>\$11,821.76</u>
Current Requests:	<u>\$2,500.00</u>
Budget Balance:	<u>\$9,321.76</u>

Donald L. Mims, Administrator



Reviewed by: S. Thomas

Date: 4/27/2010

cc: Finance Director / Buyer

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Montgomery County Commission
Travel / Training Request Approval

Appendix C

Agenda
MAY 10 2010

Request # 22

Date: April 29, 2010
To: Donald L. Mims, Administrator
From: Ellen Brooks
Re: Travel / Training Request

Request approval to be granted for the following:

Destination: Orange Beach, AL
Departure Date: May 18, 2010 Return Date: May 21, 2010
Conference Leave (Days / Hours): 4 Days
Purpose of Travel: To Attend: VSO Assoc 2010 Summer Conference

Traveler (s) Name: 1. Crystal Taylor 4. _____
2. _____ 5. _____
3. _____ 6. _____

Check Mode of Transportation: County Vehicle ☐ Commercial Air ☐
Private Vehicle ☒ Other (Specify) ☐

Total (est.) Cost: \$1,168.00 Advance Registration Required: \$325.00

Department Name: District Attorney Fund Name: 760-51260-265

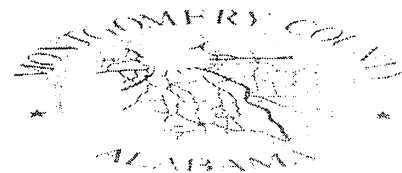
Additional Comments: _____

To: Ellen Brooks
From: Donald L. Mims, Administrator

The above request is app. 05/10/10 reimbursement of actual and necessary expenses in the
approximate amount of \$1,168.00 and advance registration of \$325.00 is authorized.

<i>To be completed by the Finance Department</i>	
Fund Code:	<u>760-51260-265</u> (ex: 000-00000-000)
Description:	<u>Registration & Training</u>
Current Budget:	<u>\$44,380.00</u>
Approved Requests:	<u>\$8,876.00</u>
Budget Available:	<u>\$35,504.00</u>
Current Requests:	<u>\$1,168.00</u>
Budget Balance:	<u>\$34,336.00</u>

Donald L. Mims, Administrator



Reviewed by: S. Thomas

Date: 4/30/2010

cc: Finance Director / Buyer

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MAY 10 2010

BUDGET FORM 5

MONTGOMERY COUNTY COMMISSION BUDGET CHANGE REQUEST REQUEST NUMBER 4

DEPARTMENT:	District Attorney	REVIEWED:	S. Thomas	4/23/2010
DATE:	4/22/2010		Finance Director	Date
REQUESTED BY:	Ellen Brooks	APPROVED:		
Elected Official/Dept. Head		Administrator		Date

ACCOUNT NAME	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE (DECREASE)	REVISED BUDGET
Other Miscellaneous Sup	760-51260-219	25,000	-750	24,250
Legal Services	760-51260-305	1,500	750	2,250
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
TOTAL		26,500	0	26,500

JUSTIFICATION:

To Cover Increase In Expenses

MAY 10 2010

BUDGET FORM 5

MONTGOMERY COUNTY COMMISSION BUDGET CHANGE REQUEST

REQUEST NUMBER 8

DEPARTMENT:	Engineering	REVIEWED:	S. Thomas	5/4/2010
			Finance Director	Date
REQUESTED BY:	George C. Speake	APPROVED:		
	Elected Official/Dept. Head		Administrator	Date

ACCOUNT NAME	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE (DECREASE)	REVISED BUDGET
Fuels & Lubricants	111-53199-212	49,700	(400)	49,300
Advertising	111-53199-253	1,300	400	1,700
Fuels & Lubricants	111-53300-212	174,500	(15,000)	159,500
Repair & Maint. Const.Equip.	111-53300-232	55,000	15,000	70,000
TOTAL		280,500	0	280,500

JUSTIFICATION:

Internal transfers to cover insufficiencies

MAY 10 2010
BUDGET FORM 5

MONTGOMERY COUNTY COMMISSION BUDGET CHANGE REQUEST

REQUEST NUMBER 1

Department	Law Library	REVIEWED: S. Thomas	5/5/2010
DATE:	5/4/2010	Finance Director	
REQUESTED BY:	Suzanne Duffey	APPROVED:	
Elected Official/Dept. Head	Administrator	Date	

ACCOUNT NAME	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE (DECREASE)	REVISED BUDGET
Office Equipment & furniture	740-51270-540	500	-500	0
Subscriptions and dues	740-51270-409	1,500	500	2,000
				0
				0
				0
				0
				0
TOTAL		2,000	0	2,000

JUSTIFICATION:

To pay dues for 3 District Judges for the 2010 membership in the Alabama District Judges Association.

MAY 10 2010

BUDGET FORM 5

MONTGOMERY COUNTY COMMISSION BUDGET CHANGE REQUEST

REQUEST NUMBER #2

DEPARTMENT:	Personnel	REVIEWED:	S. Thomas	4/15/2010
DATE:	4.15.10		Finance Director	Date
REQUESTED BY:	Barbara Montoya	APPROVED:		
Elected Official/Dept. Head		Administrator		Date

ACCOUNT NAME	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE (DECREASE)	REVISED BUDGET
Contract Services	123-51961-304	12,279	3,000	15,279
Office Supplies	123-51961-211	15,000	-3,000	12,000
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
TOTAL		27,279	0	27,279

JUSTIFICATION:

To cover budget shortfall in Contract Services.

MONTGOMERY COUNTY COMMISSION BUDGET CHANGE REQUEST REQUEST NUMBER 1

[Signature] DEPARTMENT: Tax & Audit REVIEWED: S. Thomas 4/30/2010
DATE: 4/30/2010 Finance Director Date
REQUESTED BY: Larry R. Curvin APPROVED: _____
Elected Official/Dept. Head Administrator Date

ACCOUNT NAME	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE (DECREASE)	REVISED BUDGET
Postage	001-51800-252	5,000	-1,000	4,000
Contract Services	001-51800-304	132,000	7,000	139,000
Professional Services	001-51800-307	3,500	-2,000	1,500
Fiscal Agent/Bank Fee	001-51800-329	6,000	-4,000	2,000
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
TOTAL		146,500	0	146,500

JUSTIFICATION:

Transfers necessary to realign accounts to better accomodate revenue producing vendor expenditure needs.

STATE OF ALABAMA)
)
COUNTY OF MONTGOMERY)

EMERGENCY INTERGOVERNMENTAL AGREEMENT FOR HOUSING OF PRISONERS

This Emergency Agreement is made and entered into by and between Montgomery County Commission, Montgomery County, Alabama (hereinafter sometimes referred to as "Montgomery County"), the Montgomery County Sheriff (hereinafter sometimes referred to as "Sheriff") and the State of Alabama Department of Corrections (hereinafter sometimes referred to as "ADOC"):

RECITALS

WHEREAS, that due to the Boiler System failure at the Bullock Correctional Facility, the State of Alabama Department of Corrections (ADOC) has an emergency need for a safe and secure place to house male felons from the Bullock Correctional Facility.

WHEREAS, this Emergency Agreement is necessary to protect the public health, safety, security and economic welfare of the State.

WHEREAS, ADOC has an immediate need of adequate jail facilities for the housing, safekeeping and subsistence for persons who have, through due process of law, become prisoners of the State of Alabama and the ADOC is willing to pay for such facilities and services.

WHEREAS, Montgomery County has such facilities which it is willing to make available under the existing emergency conditions and is willing to provide the services required upon the terms and conditions which will be hereinafter specifically stated.

WHEREAS, the Sheriff of Montgomery County, Alabama consents to the use of said jail facilities and personnel under the control and supervision of said Sheriff, pursuant to the terms and conditions herein stated.

TERMS OF AGREEMENT

WHEREFORE, the parties agree as follows:

1. **Duty to Accept.** Montgomery County, through its duly elected Sheriff, may accept from ADOC such of its male prisoners as ADOC may deliver to the Montgomery County Jail, not to exceed two hundred (200) in number, provided that such prisoners are apparently in reasonably good health and capable of seeing after themselves and attending to their personal needs. The Sheriff may accept such inmates at the Sheriff's exclusive discretion. However, in no circumstances does the Sheriff, Montgomery County, or the Montgomery County Commission require the ADOC to occupy a guaranteed average daily population, or a guaranteed number of beds. If any such inmates are rejected by the Sheriff, ADOC shall make alternative arrangements for the housing of such prisoners elsewhere.

For purposes throughout this agreement, ADOC inmates and prisoners shall refer to:

- a. inmates convicted in counties other than Montgomery County, Alabama and held subject to ADOC custody.
- b. inmates convicted in Montgomery County, Alabama, held subject to ADOC custody, and continued in the Montgomery County Jail beyond thirty (30) days from the receipt of a sentencing transcript.

2. **Location of Transfer.** Such prisoners shall be delivered to the Montgomery County Jail where the transfer of prisoners to the custody of Montgomery County shall take place. The Montgomery County Sheriff shall assume responsibility upon processing of each respective inmate and until delivery unto the proper ADOC personnel.

3. **Full Capacity of Jail.** In the event the jail is full to capacity, ADOC shall make alternative arrangements for the housing of prisoners elsewhere. The Sheriff shall provide reasonable advance notice to the Commissioner of ADOC, or his designee, when the jail is close to capacity and the ADOC may have to make alternative arrangements.

4. **Supervision of Inmates.** Montgomery County shall provide assistance, as needed, to the ADOC temporarily assigned security personnel, who are primarily responsible for the monitoring, controlling and supervising of the ADOC inmates received from Bullock Correctional Facility and housed in the county jail.

5. **Protocol for Transfer, Booking.** The Sheriff, if necessary, may provide written guidelines to ADOC as to the procedures of accepting prisoners along with information needed to process ADOC inmates into the Montgomery County jail.

6. **Medical Treatment of Prisoners.** The Sheriff will notify ADOC when any of its prisoners require medical treatment beyond the on-site capabilities of the jail. The Sheriff shall provide medical attention to those inmates who are sick or injured. ADOC shall provide needed medication. The Sheriff is authorized and instructed to arrange for the provision of such reasonable medical care and treatment. As necessary, ADOC shall provide a guard and/or guards for the prisoner while at the hospital. ~~ADOC is responsible for paying for medical treatment directly to any provider who provides medical services outside of the County Jail.~~ ADOC agrees to promptly reimburse Montgomery County for any expenses reasonably incurred on behalf of an ADOC prisoner requiring medical care ~~within~~ outside the confines of the Jail. Montgomery County will bill ADOC for these on-site medical services including any pharmaceuticals ordered by a physician and provided by the County, as part of their monthly invoice for services. Any invoices for hospital expenses shall be billed directly by the hospital through the ADOC State Employee Insurance Board (SEIB) contract network arrangement with Blue Cross Blue Shield of Alabama. ADOC will be responsible for such payment through their arrangement with SEIB.

The Sheriff agrees that, except in cases of an emergency, the Sheriff will not authorize any such expense or an aggregate of such expenses for any ADOC inmate in excess of \$500 without first notifying ADOC of the need to incur such expense and giving ADOC an opportunity to move the inmate back to an alternative facility prior to incurring such additional expense.

7. **Acceptance of Prisoners.** All prisoners will be accepted unless specifically excluded by the Sheriff exercising full discretion.

8. **Maintenance of Records.** The Montgomery County Sheriff and ADOC shall maintain a file and records concerning the prisoners held in the Montgomery County Jail. Such records may be shared with the ADOC as mutually agreed upon by the Sheriff and the ADOC.

9. **Employment of Prisoners.** ADOC inmates may be used to perform labor for Montgomery County in accordance with state law.

10. **Discharge of Prisoners from Jail.** Montgomery County shall transfer custody of any prisoner it is holding for ADOC back to ADOC's specifically designated agent and to no other party unless specifically and in each instance instructed in writing to transfer a specifically named prisoner on a certain date to a specifically named individual or representative of a facility or entity.

11. **Compensation and Reimbursement to Montgomery County** ~~(Appropriate fees are in the process of being determined and will be inserted into the contract when proper data is obtained and approved by the Montgomery County Commission).~~ ADOC agrees to pay Montgomery County a fee in an amount of sixteen dollars and seventy-five cents ~~dollars (\$XX.00)~~ 16.75 per day or any portion of each day each prisoner is held, if held for less than a full day. The parties agree that this per diem fee shall consist of fifteen ~~dollars (\$XX.00)~~ 15.00 for expenses relating to housing and one dollar and seventy-five cents ~~dollars (\$XX.00)~~ 1.75

(\$X.001.75) for food. An itemized invoice for all per diem charges by Montgomery County shall be submitted at the end of each month and shall be a payable no later than the 10th day of the following month.

12. Mutual Cooperation. The Sheriff's Department of Montgomery County and the ADOC shall endeavor to cooperate and coordinate fully to insure the success of this agreement.

13. Indemnification. To the extent allowed by law, ADOC agrees to indemnify and hold the Sheriff, Montgomery County, the Montgomery County Commission, and the members, officers and employees of the same, harmless from and against claims, causes of action, judgments, costs and expenses, including reasonable attorneys' fees, arising out of any act or omission of ADOC or the agents, servants or employees thereof whether or not such may be alleged to have been the sole or concurring proximate cause of the death, bodily injury or property damage subject to said claims; provided, however, that ADOC shall have no liability under this indemnity agreement for any death, bodily injury or property damage which is solely caused by the negligence, wrongful misconduct or other act or omission of Montgomery County, the Montgomery County Commission, the Montgomery County Sheriff or any agent, servant or employee thereof.

14. Termination of this Agreement. This agreement may be terminated by either party upon five (5) calendar days written notice.

15. Duration. The parties expressly intend to enter into this Emergency Agreement commensurate with the first receipt of prisoners on or before January 5, 2010, whichever is sooner and shall remain in full force and effect for a period of sixty, not to exceed, (60) calendar days, subject to renewal for addition periods of time by mutual agreement of the parties.

MONTGOMERY COUNTY COMMISSION:

IN WITNESS WHEREOF, Elton N. Dean, Sr., as the Chairman of the Montgomery County Commission, Alabama, who is authorized to make this agreement, has hereto set his signature hereto and executed this Agreement on this the _____ day of ~~January~~ May, 2010.

CHAIRMAN

**STATE OF ALABAMA
COUNTY OF MONTGOMERY**

I, the undersigned authority, a Notary Public in and for said county and state, hereby certify that Elton N. Dean, Sr., whose name is signed to the foregoing **AGREEMENT**, and who is known to me, acknowledged before me on this day that, being informed of the contents of the same, and being authorized to make such an agreement, he executed the same voluntarily on the date the same bears date.

Given under my hand, this the _____ day of ~~January~~ May, 2010.

(SEAL)

NOTARY PUBLIC

My Commission expires: _____

ATTEST:

County Administrator

SHERIFF, MONTGOMERY COUNTY, ALABAMA:

IN WITNESS WHEREOF, D.T. Marshall, as the Sheriff of Montgomery County, Alabama, who is authorized to make this agreement, has hereto set her signature hereto and executed this Agreement on this the _____ day of ~~January~~ May 2010.

Sheriff

**STATE OF ALABAMA
COUNTY OF MONTGOMERY**

I, the undersigned authority, a Notary Public in and for said county and state, hereby certify that D.T. Marshall, whose name as Sheriff of Montgomery County, Alabama, is signed to the foregoing **AGREEMENT**, and who is known to me, acknowledged before me on this day that, being informed of the contents of the same, and being authorized to make such an agreement, she executed the same voluntarily on the date the same bears date.

Given under my hand, this the _____ day of ~~January~~ May, 2010.

(SEAL)

NOTARY PUBLIC

My Commission expires: _____

Emergency Intergovernmental Agreement
Montgomery County Jail
January 5 May 10, 2010
Page 5

STATE OF ALABAMA DEPARTMENT OF CORRECTIONS:

IN WITNESS WHEREOF, Richard F. Allen, as Commissioner, who is authorized to make this agreement for the State of Alabama Department of Corrections, has hereto set his or her signature hereto and executed this Agreement on this the _____ day of ~~January~~ May, 2010.

Richard F. Allen
As Commissioner

STATE OF ALABAMA
COUNTY OF MONTGOMERY

I, the undersigned authority, a Notary Public in and for said county and state, hereby certify that Richard F. Allen, whose name is signed to the foregoing **AGREEMENT**, and who is known to me, acknowledged before me on this day that, being informed of the contents of the same, and being authorized to make such an agreement, he or she executed the same voluntarily on the date the same bears date.

Given under my hand, this the _____ day of ~~January~~ May, 2010.

(SEAL)

NOTARY PUBLIC
My Commission expires: _____



BOB RILEY
GOVERNOR

State of Alabama Department of Corrections

Alabama Criminal Justice Center
301 South Ripley Street
P. O. Box 301501
Montgomery, AL 36130-1501
(334) 353-3883



RICHARD F. ALLEN
COMMISSIONER

May 5, 2010

Mr. Donald L. Mims
Administrator
Montgomery County Commission
101 South Lawrence Street
P. O. Box 1667
Montgomery, Alabama 35102

Re: Intergovernmental Agreement for Housing
of Prisoners

Dear Mr. Mims:

In accordance with our conversation this morning, please be advised that the Department of Corrections presently has contracts with three counties, Clay, Lowndes and Pickens, for a per diem rate no greater than fifteen dollars (\$15.00) per day as authorized by Governor Riley. The food per diem of \$1.75 that the Sheriff charges the Comptroller for feeding DOC prisoners is not affected by the \$15.00 per day paid by DOC for housing.

I trust that this information will be beneficial to the Commission at the next meeting where our January contract will be on the agenda. Please feel free to contact me directly at 334-353-3884 with any questions.

Sincerely,

Kim T. Thomas
General Counsel

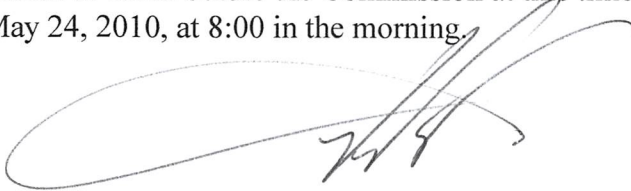
KTT:mmm

ADJOURNMENT

There being no further business to come before the Commission at this time, the meeting stood adjourned until Monday, May 24, 2010, at 8:00 in the morning.



Administrator



Vice Chairman