

MINUTES OF REGULAR MEETING
MONTGOMERY COUNTY COMMISSION
AUGUST 24, 2009

INFORMATION SESSION

Chairman Dean 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

COMMENTS FROM ADMINISTRATOR MIMS

Administrator Mims briefed the Commission on scheduled attendees and reviewed items on the agenda.

DISCUSSION ITEMS BY THE COMMISSION

Commissioner Wilson requested a \$1,000 miscellaneous appropriation to the Alabama Dance Theatre from his account.

Commissioner Williams informed the Commission that Jimmy Smitherman requested a \$2,575 appropriation to the Alabama Cooperative Extension System, for the Successful Aging Initiative. Vice Chairman Ingram requested a \$500 miscellaneous appropriation be added from his account for this event. Commissioner Polizos requested a \$1,000 miscellaneous appropriation from his account for this same purpose.

The Commission agreed to waive rules and add these appropriations to the agenda.

COMMENTS FROM ADMINISTRATOR MIMS

Administrator Mims reminded the Commission that the Alabama Cooperative Extension System would host a luncheon after the Commission meeting and present their annual report.

Administrator Mims informed the Commission that a Budget Hearing was scheduled for the afternoon but could possibly take place during the Information Session.

Administrator Mims stated that he would be ordering an additional copy of the Handbook for Alabama County Commissioners. Chairman Dean, Commissioner Polizos, and Commissioner Williams each requested a copy. Attorney Means requested copies for County Attorney Gallion and himself.

Administrator Mims presented a copy of the Montgomery Public Schools Facility Plan Monthly Report Number 32 for the Month of July 2009.

Administrator Mims presented Budget Change Request Number 5 from Community Corrections, Budget Change Request Number 38 from County Commission Appropriations, Budget Change Requests Numbers 24 and 25 from Engineering and Budget Change Request Numbers 1 and 2 from Risk Management.

The Commission agreed to waive rules and add these Budget Change Requests to the agenda.

Administrator Mims presented a Resolution to file a Complaint for Declaratory Judgment by the Montgomery County Sheriff. After discussion, the Commission agreed to waive rules and add this Resolution to the agenda.

PRESENTATION BY PROBATE JUDGE REESE MCKINNEY, JR. AND DIRECTOR OF ELECTIONS TREY GRANGER

Probate Judge Reese McKinney, Jr., asked the Commission to consider approval of Budget Change Request Number 17. Judge McKinney stated that the contract services line item would need to be increased in order to pay invoices that are due from Wilson Price. Director of Elections Trey Granger briefed the Commission regarding budget line items that also need to be increased.

PRESENTATION BY COMMUNITY CORRECTIONS EXECUTIVE DIRECTOR PAUL BROWN

Community Corrections Executive Director Paul Brown briefed the Commission regarding the renewal of a Services Contract with Renaissance, Inc., for residential services for Community Corrections offenders and to make the contract retroactive to May 1, 2009.

Mr. Brown also briefed the Commission regarding a Professional Services Contract with Harmony Wellness and Rehab for substance abuse treatment services for Montgomery County Drug Court participants. Commissioner Wilson recommended that the contract period be for one year.

Mr. Brown recommended the consolidation of multiple position descriptions into one Community Corrections Officer position and abolishment of the Detention Facility Population Specialist, Community Service Coordinator, Prison and Jail Diversion Program Case Manager and County Probation Officer positions. Mr. Brown stated that the City/County Personnel Department worked with him to develop this job description.

After discussion, the Commission agreed to place these items on the next agenda.

Vice Chairman Ingram inquired about the funding for Travel Request Number 12 from Community Corrections. Mr. Brown informed him that there was no cost to the County for this travel.

PRESENTATION BY CHIEF APPRAISER JANE MARDIS

Chief Appraiser Jane Mardis informed the Commission that Travel Request Number 25 from Appraisal was for Continuing Education Credits for Mr. Todd Grant with the Appraisal Department. Ms. Mardis stated that Mr. Grant would receive an award and his certification during this conference.

PRESENTATION BY COUNTY ENGINEER GEORGE SPEAKE

County Engineer George Speake advised the Commission that the first payment was made to the City of Montgomery on August 14, 2009, in the amount of \$511,333.33 under the “No Man’s Land” Agreement which was signed on August 10, 2009. Also, bridge inspection files for seven bridges within the “No Man’s Land” area have been turned over to the City Engineering Department for their use in inspecting and maintaining these bridges.

Chairman Dean mentioned that he had received a call from Mr. Tracy Blue concerning large trucks parking along Wasden Road at U.S. Hwy. 31. Mr. Speake replied that he had talked with Mr. Blue and Sheriff Marshall about this matter and the Engineering Department plans to place concrete barriers along Wasden Road at U.S. Hwy. 31 sometime this week to try and resolve the issue.

COMMENTS FROM COUNTY ADMINISTRATOR MIMS

Administrator Mims presented a legal opinion and Resolution from County Attorney Means regarding Personal Use of County-Issued Cellular Telephones. Attorney Means briefed the Commission regarding the Resolution. After discussion, the Commission agreed to waive rules and place this item on the agenda.

Administrator Mims presented a Resolution regarding Compensation of Supernumerary Revenue Commissioner. After discussion, the Commission agreed to place this Resolution on the next agenda.

Administrator Mims reminded the Commission that Helen Steineker with the Montgomery Symphony Orchestra requested a board appointment from the Commission. Commissioner Wilson agreed to serve on this board. The Commission agreed to place this appointment on the next agenda.

COMMENTS FROM FINANCE DIRECTOR SHERRILL THOMAS

Finance Director Sherrill Thomas briefed the Commission regarding approved budget changes for the Probate Judge’s Office. Judge McKinney expressed the importance of approval of Budget Change Request Number 17 and asked the Commission to add this item to the agenda.

RECESS TO FORMAL SESSION

Chairman Dean recessed the Information Session to the Formal Session.

FORMAL SESSION

Chairman Dean welcomed everyone to the Formal Session.

The meeting was opened with Prayer led by Commissioner Williams.

The Pledge of Allegiance was led by Commissioner Polizos.

County Administrator Mims called Roll to Establish Quorum, and the following Commissioners were present: Chairman Dean, Vice Chairman Ingram and Members Polizos, Williams and Wilson. Also present were County Attorney Tyrone C. Means, and County Engineer Speake.

Mr. Polizos made a motion to approve the Minutes of the Regular Meeting of August 10, 2009. The motion was seconded by Mr. Williams and unanimously approved by 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 Administrator. The motion was seconded by Vice Chairman Ingram and unanimously approved by the Commission. (Copies of Accounts Payable Checks and Payroll Checks Authorization, Consent Agenda Pages 1 through 7, are attached to these Minutes.)

NEW BUSINESS

MONTGOMERY COUNTY BOARD OF HUMAN RESOURCES – APPROVED REAPPOINTMENT OF BOARD MEMBERS

The Administrator presented the following letter from Chairman George Goodwyn of Montgomery County Board of Human Resources requesting approval of reappointment of board members Ms. Helen Geesey and Mr. Edward Davis:

August 5, 2009

Mr. Donald L. Mims
County Administrator
Montgomery County Commission
P.O. Box 1667
Montgomery, Alabama 36102-1667

Dear Mr. Mims,

We have contacted Ms. Helen Geesey and Mr. Edward Davis whose terms on the Montgomery County Board of Human Resources expire on September 5, 2009. Both have

agreed to be reappointed. Both of these members have been active on the Board, Ms. Geesey having served as the Chairman and Mr. Davis currently serves as Vice Chairman.

The Board and the Department appreciate all the support and assistance provided to us by the Commission over the years. Their consideration in these reappointments to the Board will also be appreciated. Please call me if additional information is needed.

Sincerely,

/s/ George Goodwyn, Chairman
3608 Oak Grove Circle
Montgomery, Alabama 36116

Cc: Terry Benton, Director
Montgomery County DHR

End of Letter

Mr. Williams made a motion to reappoint Ms. Helen Geesey and Mr. Edward Davis, for terms expiring September 5, 2015. The motion was seconded by Mr. Polizos and unanimously approved by the Commission. (Copy of Board Members' Appointment Page, Agenda Page 1-2, is attached to these Minutes.)

COUNTY COMMISSION – APPROVED 2009 MEMORANDUM OF AGREEMENT
WITH THE CITY OF MONTGOMERY AND C. HAGER AND SONS HINGE
MANUFACTURING COMPANY

The Administrator requested approval of 2009 Memorandum of Agreement with the City of Montgomery and C. Hager and Sons Hinge Manufacturing Company.

Vice Chairman Ingram made a motion to approve the 2009 Memorandum of Agreement. The motion was seconded by Mr. Polizos and unanimously approved by the Commission. (Copy of 2009 Memorandum of Agreement, Agenda Pages 2-1 through 2-8, is attached to these Minutes.)

COUNTY COMMISSION – APPROVED AMENDMENT NUMBER TWO TO
CONTRACT WITH ADVANCED DISPOSAL SERVICES REGARDING CLEAN
SATURDAY TRASH PICKUP, CONTRACT NUMBER 51100-06B-026

The Administrator presented the following memorandum from Assistant Director of Support Services Pat Silas requesting approval of Amendment Number Two to contract with Advanced Disposal Services regarding Clean Saturday Trash Pickup:

MEMORANDUM

TO: Donald L. Mims, Administrator

FROM: Pat Silas, Assistant Director
Support Services

DATE: August 18, 2009

SUBJECT: Contract No. 51100-06B-026, Clean
Saturday Trash Pickup

Request approval of the attached Amendment No. 2 on the above referenced contract, extending the contract for a sixty (60) day period, beginning August 31, 2009 thru October 29, 2009, be placed on the agenda for the County Commission meeting on August 24, 2009.

During this time an Invitation to Bid will be prepared and advertised for a new contract.

Your help with this matter is appreciated.

Attachment

End of Memorandum

Mr. Williams made a motion to approve the request. The motion was seconded by Vice Chairman Ingram and unanimously approved by the Commission. (Copy of Amendment Number Two, Agenda Page 3-2, is attached to the Minutes.)

RISK MANAGEMENT DEPARTMENT – APPROVED CHANGES TO THE
MONTGOMERY COUNTY HEALTHCARE PLAN

The Administrator presented the following memorandum from Risk Manager Scott Kramer requesting approval of changes to the Montgomery County Healthcare Plan:

August 18, 2009

MEMORANDUM

TO: Donald L. Mims
County Administrator

FROM: Scott Kramer
Risk Manager

SUBJECT: Plan Design Changes for the Healthcare Plan

On August 10, 2009, I met with the County Commission to discuss recommended changes to the Montgomery County Healthcare Plan. As discussed, the wellness programs including the on-site CareHere Clinic have continued to favorably impact the overall healthcare costs. However, the number of catastrophic cases has increased recently. I am recommending the following plan design changes with an effective date of January 1, 2010 be placed on the next agenda.

Current Benefits

Proposed Changes

Outpatient Hospital Facility

\$75 Co-pay – Surgery
\$75 Co-pay – Medical Emergency
No Co-pay – Accident

\$150 Co-pay – Surgery
\$150 Co-pay – Medical Emergency
\$100 Co-pay – Accident

Inpatient Hospital / Major Medical

\$200 / \$400 deductible

\$300 / \$300 deductible
Add. Co-pay - \$50 (> 2 inpatient days)

Vision Benefit

\$100 / employee

\$125 / member

Physician Co-pay

\$25 Co-pay for all physicians

\$30 Co-pay – Primary Care
\$40 Co-pay – Specialists

Prescription Benefit

\$50 annual deductible
\$10 Co-pay – Generic
\$35 Co-pay – Brand

\$50 annual deductible
\$10 Co-pay – Generic
\$40 Co-pay – Preferred Brand
\$60 Co-pay – Non-Preferred Brand

End of Memorandum

Mr. Polizos made a motion to approve the request. The motion was seconded by Vice Chairman Ingram and unanimously approved by the Commission.

COUNTY COMMISSION – APPROVED CHANGE ORDER NUMBER 12 WITH BELL AND ASSOCIATES CONSTRUCTION, LP, REGARDING MONTGOMERY COUNTY DETENTION FACILITY PROJECT

The Administrator presented the following memorandum from Deputy Administrator John A. Mitchell, Sr., requesting approval of Change Order Number 12 with Bell and Associates Construction, LP:

August 19, 2009

MEMORANDUM

TO: Montgomery County Commission

FROM: John A. Mitchell, Sr.
Deputy Administrator

SUBJECT: Change Order No. Twelve
Bell & Associates Construction
Montgomery County Detention Facility

Attached is Change Order No. Twelve from the architect and consultant for the Detention Facility construction project. Change Order No. Twelve is comprised of items in the amount of \$166,100.31 and is forwarded to you for your approval at the next County Commission meeting on August 24, 2009. This change order was previously discussed during the Information Session of the June 8, 2009 Commission meeting.

I agree with the recommendations of T.C.U. Consulting and ask the Commission to approve the attached change order. Your careful consideration of this matter is greatly appreciated.

Attachments

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 Letter and Change Order Number 12, Agenda Pages 5-2 through 5-5, are attached to these Minutes.)

Vice Chairman Ingram asked Sheriff D.T. Marshall if he approved these changes. Sheriff D.T. Marshall responded that he approved the ones he knew about.

COUNTY COMMISSION – APPROVED PAYMENT OF 2009-2010 MEMBERSHIP DUES TO LEADERSHIP ALABAMA FOR CHAIRMAN DEAN

The Administrator requested approval of payment of 2009-2010 Membership Dues to Leadership Alabama for Chairman Dean in the amount of \$150.00.

Mr. Williams made a motion to approve the request. The motion was seconded by Vice Chairman Ingram. Vice Chairman Ingram, Mr. Polizos, Mr. Williams and Mr. Wilson voted in favor of the motion. Chairman Dean abstained from the vote and the motion carried. (Copy of Invoice, Agenda Page 6-1, is attached to these Minutes.)

COUNTY COMMISSION – APPROVED MISCELLANEOUS APPROPRIATIONS
REPROGRAMMING REQUESTS

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

August 24, 2009

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 001-59320-499 (Agency, Miscellaneous Appropriations) to:

C-2009-111: Mid-South Resource Conservation and Development Council, Inc., for an Energy Educational Program for High School Students and Teacher Materials Award - \$2,000

NC-2009-101: BOE, Dunbar-Ramer School, for Principal's Discretionary Fund - \$250

NC-2009-102: BOE, Dunbar-Ramer School, for the Library - \$1,000

NC-2009-103: Waugh-Mt. Meigs Volunteer Fire Protection Authority, for Address Markers - \$500

End of Memorandum

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

C-2009-112: Alabama Dance Theatre, for Free Admission for Title One Economically Disadvantaged School Children and Twenty Montgomery Area Outreach Organizations to the Production of "Celebration of the Season", Also to Fund a Teacher Workbook Preparing Each Student for the Performances – \$1,000

NC-2009-104: Alabama Cooperative Extension System, for the Successful Aging Initiative - \$1,500

Mr. Wilson made a motion to approve the requests. The motion was seconded by Vice Chairman Ingram and unanimously approved by the Commission.

VARIOUS DEPARTMENTS – APPROVED TRAVEL/TRAINING REQUESTS (8)

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

<u>DEPARTMENT</u>	<u>TRAVEL/TRAINING REQUESTS</u>
(1) Tax & Audit Department	Request Number 14
(2) Sheriff's Office	Request Number 14
(3) Detention Facility	Request Number 8
(4) Risk Management Department	Request Number 19
(5) Appraisal Department	Request Number 25
(6) Personnel Department	Request Number 12
(7) Community Corrections	Request Numbers 11 and 12

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 8-1 through 8-8, are attached to these Minutes.)

WAIVED AGENDA RULES

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

VARIOUS DEPARTMENTS – APPROVED BUDGET CHANGE REQUESTS (6)

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

<u>DEPARTMENT</u>	<u>BUDGET CHANGE REQUESTS</u>
(1) Community Corrections	Request Number 5
(2) County Commission Appropriations	Request Number 38
(3) Engineering Department	Request Numbers 24 and 25

Vice Chairman Ingram 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 9-1 through 9-6, are attached to these Minutes.)

COUNTY COMMISSION – ADOPTED RESOLUTION TO FILE A COMPLAINT FOR DECLARATORY JUDGMENT BY THE MONTGOMERY COUNTY SHERIFF

The Administrator requested adoption of the following resolution to file a complaint for Declaratory Judgment by the Montgomery County Sheriff:

RESOLUTION

Whereas, on or about May 19, 2009, the City of Montgomery issued a liquor license to Moon Enterprises, Inc., d/b/a Full Moon Bar & Grill, an establishment located outside the city limits, but in the police jurisdiction of the City of Montgomery; and

Whereas, the Montgomery County Sheriff objected to the issuance of the license based on concerns for safety, and the availability of manpower at the Montgomery County Sheriff's Office to service calls in the police jurisdiction generated as a result of the issuance of the liquor license; and

Whereas, the Montgomery County Sheriff advised the City of Montgomery that if it issued the license, the City of Montgomery should provide law enforcement services in response to any calls generated as a result of the issuance of said liquor license; and

Whereas, the City of Montgomery stated that it would not provide law enforcement services in the police jurisdiction, and that it is the responsibility of the Montgomery County Sheriff to provide these services; and

Whereas, the Montgomery County Sheriff desires to file a Complaint for Declaratory Judgment in the Circuit Court of Montgomery County, Alabama, seeking a judicial determination of the legal issue of whether the City of Montgomery or the Montgomery County Sheriff is responsible for providing law enforcement services in the police jurisdiction where the Full Moon Bar & Grill is located; and

Whereas, the Montgomery County Commission desires to pass a formal resolution authorizing the filing of the above Complaint for Declaratory Judgment seeking a judicial determination of this issue.

NOW THEREFORE BE IT RESOLVED, that the Montgomery County Commission formally authorizes and approves the filing of a Complaint for Declaratory Judgment by the Montgomery County Sheriff seeking a judicial determination of whether the City of Montgomery or the Montgomery County Sheriff is responsible for providing law enforcement services in the police jurisdiction where the Full Moon Bar & Grill is located.

ADOPTED this _____ day of August, 2009.

MONTGOMERY COUNTY COMMISSION

By: _____
Elton Dean, Its Chairman

Attest:

Donald L. Mims, Administrator

End of Resolution

Vice Chairman Ingram made a motion to adopt the resolution. The motion was seconded by Mr. Wilson and unanimously approved by the Commission.

COUNTY COMMISSION – ADOPTED RESOLUTION REGARDING PERSONAL USE OF
COUNTY-ISSUED CELLULAR PHONES

The Administrator presented a legal opinion from County Attorney Tyrone C. Means regarding the Personal Use of County-Issued Cellular Phones and requested adoption of the following resolution:

RESOLUTION
ON PERSONAL USE OF COUNTY-ISSUED
MOBILE COMMUNICATION DEVICES

Whereas, the Montgomery County Commission desires to clearly express its policy regarding personal use by County employees and officials of County-issued mobile communication devices;

Whereas, Montgomery County provides mobile communication devices to certain key employees and officials of the County so that such employees and officials may be continuously available by telephone to conduct County business or to otherwise be available and able to respond to the duties of such employees' or officials' position with or on behalf of the County;

Whereas, allowing limited and incidental personal use of County-issued mobile communication devices may provide a means of communication in a multitude of situations that is not abusive of the benefit of maintaining a County supplied device and is conducive to the furtherance of County business by promoting an efficient workforce without additional costs to the County;

Whereas, the County has a policy that the use of such devices is for the furtherance of County business, but does not require its employees and officials to certify that they do not use

land-line phones or electronic communication devices in County facilities or County-owned equipment to make or receive personal calls or other communications;

Whereas, there is little to no practical or legal distinction between land-line phones in County offices and cellular phones or between electronic communication devices located in County offices and mobile electronic communication devices;

Whereas, the personal use of land-line phones and electronic communication devices located in County facilities by County employees and officials is inevitable and is and will continue to be acceptable in certain limited circumstances, and there is no reasonable or legitimate basis to make a distinction as to personal use of County-issued mobile communication devices in the same or similar certain circumstances so long as such use does not incur or expose the County to any additional expense or liability;

Whereas, it is the policy of the County that in the event that the personal use of County-issued mobile communication devices by employees or officials does result in additional charges in excess of approved service plans or otherwise authorized use for such devices, those employees or officials are responsible for any and all additional charges.

BE IT HEREBY RESOLVED by the Montgomery County Commission on this 24th day of August, 2009, the following:

1. That the term “mobile communication devices” as used herein is intended to be construed in the broadest sense and to include a variety of mobile electronic communication devices featuring technologies existing now or in the future that will allow County employees and officials to communicate with others in the performance of their official duties, including devices such as analog or digital cellular phones, Blackberries and other so-called “smart phones” or portable email or other messaging devices.

2. That this resolution is intended to encompass the broadest range of usages and services available now or in the future on such mobile communication devices, including but not limited to: phone calls; text (SMS), multimedia (MMS), instant messaging or other messaging services;

3. That those employees or officials of the County who are issued mobile communication devices to be used in the performance of their official duties shall be permitted to use such devices to make occasional personal communications in appropriate circumstances so long as in doing so, such employees or officials do not:

- (a) Allow such use to interfere with the performance of their official duties;
- (b) Incur or create any additional expense to the County as a result of such personal use;
- (c) Expose the County to any additional liability as a result of such personal use;

(d) Violate any Federal, State, or local laws or regulations as a result of such personal use, including but not limited to using such devices for any illegal or immoral purpose or using such devices while operating a vehicle, machinery or equipment where such use may pose a distraction or hazard to the user or others;

(e) Make any communications that are intended to be or may reasonably be construed as harassing, threatening, intimidating, or defamatory;

(f) Make any communications or transmissions that are intended to or may reasonably be considered to give the false impression to the recipient that such communications or transmissions are made under the color of law or in the furtherance of County business or interests;

(g) Have an expectation of privacy with respect to any personal use of County-issued mobile communication devices;

4. That those employees and officials of the County who are issued mobile communication devices and who use such devices for occasional or incidental personal use as authorized herein are consenting to be finally responsible for any charges or additional expense not specifically authorized or approved in advance resulting from such personal use of any services or technologies on County-provided mobile communication devices.

STATE OF ALABAMA)

COUNTY OF MONTGOMERY)

I, Donald L. Mims, Administrator of the County Commission of Montgomery County, Alabama, do hereby certify that the foregoing is a true and correct copy of a resolution which was duly adopted by the County Commission of Montgomery County at its regular meeting held the 24th day of August, 2009.

Administrator

Approved:

Elton Dean, Chairman
County Commission of
Montgomery County, Alabama

End of Resolution

Mr. Wilson made a motion to adopt the resolution. The motion was seconded by Mr. Williams and unanimously approved by the Commission. (Copy of Attorney Means Opinion, Agenda Pages 11-4 and 11-5, is attached to these Minutes.)

RECESS

Mr. Ingram made a motion to recess for ten minutes. The motion was seconded by Mr. Williams and unanimously approved by the Commission. The Commission discussed a revised version of Budget Change Request Number 17 from the Probate Judge's Office.

RETURN FROM RECESS

PROBATE JUDGE'S OFFICE – APPROVED REVISED BUDGET CHANGE REQUEST NUMBER 17 (INCREASED CONTRACT SERVICES BY \$28,000 AND REDUCED SALARIES BY \$28,000)

The Administrator presented Revised Budget Change Request Number 17 which increased contract services by \$28,000 and reduced salaries by \$28,000, Probate Judge's Office.

Chairman Dean requested that the item be added to the agenda and his fellow Commissioners concurred.

Mr. Williams made a motion to approve the request. The motion was seconded by Mr. Wilson and unanimously approved by the Commission. (Copy of Revised Budget Change Request Number 17, Agenda Page 12-1, is attached to these Minutes.)

COMMENTS BY COMMISSIONERS AND ATTENDEES

Chairman Dean recognized Alabama Commissioner of Agriculture Ron Sparks, who also serves as this year's President of the National Association of State Departments of Agriculture. Commissioner Sparks congratulated Commissioner Wilson on his appointment to the Commission. He invited the Commissioners to attend the upcoming 2009 annual meeting of the National Association of State Departments of Agriculture, which will be held September 17-21, 2009 at the Renaissance Montgomery Hotel & Spa. He stated that Agriculture Commissioners and representatives from all fifty U.S. Governors' cabinets, as well as the Virgin Islands, Puerto Rico, and Guam will be in attendance at the meeting. Commissioner Sparks told the Commissioners that Mexico's former President, Mr. Vicente Fox, will be the guest speaker at the luncheon. He thanked the Commissioners for allowing him to speak and expressed his appreciation for all that they do.

Vice Chairman Ingram mentioned his trip to Cuba and stated that he was not aware of how much trading that Alabama does with Cuba. He thanked Commissioner Sparks for all the work that he does for the State of Alabama.

Family Guidance Center of Alabama Executive Director Walter P. White briefed the Commission about the 21st Annual Families of the Year Awards. He stated that nominations are welcomed from Central and South Alabama.

Vice Chairman Ingram recognized the Executive Director of Montgomery City-County Public Library Ms. Owes. He thanked the Department Heads for working with the Commission regarding the 2009-2010 Budget and apologized for the necessary cuts that must be made in the new budget.

Commissioner Williams stated that cuts were necessary in the 2010 budget and he acknowledged that things were very hard everywhere. He stated that he has been on the Commission for nine years and loves to serve his continuants. He informed the audience that Montgomery County is not broke just careful. He asked God's blessing on all of them.

Commissioner Polizos stated that it was good to see everyone. He said that this has been the toughest budget he has seen in the five years he has been with the Commission. He told everyone to please not take it personal but cuts have to be made.

Chairman Dean mentioned that he went to the ACCA meeting in Perdido Beach and the attendees wanted to know how Montgomery County does what they do. He said, "Because the County Administrator and Department Heads working together." He stated that there would be no lay-offs and he thanked the Department Heads for demonstrating a lot of initiative in the budget process. He told everyone that the Commission was open to any new ideas to raise revenue. He informed the audience that Montgomery County is in better shape financially than other counties in the state. He applauded the departments, stating that they are the best working team in the state.

Commissioner Wilson concurred with Chairman Dean. He thanked Commissioner Sparks for bringing the national agriculture meeting to Montgomery County next month. He said it is a great thing for Montgomery and Montgomery County.

RECESS TO INFORMATION SESSION

Chairman Dean recessed the Formal Session to the Information Session.

INFORMATION SESSION

COMMENTS FROM SCHEDULED ATTENDEES, STAFF, AND COMMISSIONERS

PRESENTATION BY COMMISSIONER OF AGRICULTURE AND INDUSTRIES RON SPARKS

Commissioner of Agriculture and Industries Ron Sparks briefed the Commission regarding the 2009 annual meeting of the National Association of State Departments of Agriculture at the Renaissance Hotel & Spa in Montgomery and requested an appropriation from the Commission. After discussion, the Commission agreed to place on the next agenda budget changes of \$6,500

from Project Incentives Account and \$1,000 from the Special Account for this appropriation through the Montgomery Area Chamber of Commerce.

COMMENTS FROM ADMINISTRATOR MIMS

Administrator Mims reminded the Commission that Revenue Commissioner Sarah Spear requested a Budget Revision for the current budget. The Commission agreed to discuss this item at the next meeting during the Information Session and consider waiving rules.

DISCUSSION ITEMS BY COMMISSIONERS

The Commission agreed to consider at the next meeting a Budget Change Request for the remaining line items that were not approved on Budget Change Request Number 17 for the Probate Judge's Office and to consider waiving rules.

Vice Chairman Ingram requested a copy of the minutes regarding the Wilson Price contract.

COMMENTS FROM ADMINISTRATOR MIMS

Administrator Mims reminded the Commission that the Volunteer and Information Center and EMERGE had requested an appropriation for the 2009 Fun, Fitness and Food Health Fair Extravaganza. The Commission stated that they would not need to discuss this request further.

Administrator Mims presented a copy of a memorandum from Assistant Personnel Director Karen Cason regarding end of six-year phase in period of the adopted 2003 Pay Plan. The Commission asked Personnel Director Barbara Montoya to brief them on this item at the next meeting.

Administrator Mims presented an email from Attorney Karl Benkwith, Jr., regarding the Montgomery Industrial Park Plat for Berney Office Solutions.

Administrator Mims informed the Commission of Amendment to Rule 3 of the Alabama Rules of Judicial Administration that requires County Commissions to provide space and utility services to the Courts and Court personnel. The Commission asked Administrator Mims to discuss this issue with Judge Price.

Administrator Mims presented a Notice of Application for Retirement Allowance from Linda K. Parton, Clerk Typist II, Sheriff's Office and Willie T. Scott, Deputy Sheriff Lieutenant, Sheriff's Office.

Administrator Mims informed the Commission that Sheriff D.T. Marshall has agreed to accept the new Detention Facility and take credit for the floors rather than having them redone. Sheriff Marshall stated that he planned to move inmates into the new facility in mid-September. After discussion, the Sheriff and the Commission agreed to have an Opening Ceremony at the facility.

Administrator Mims presented a revised City/County funded agency spread sheet. He informed the Commission that the proposed budget would be submitted at the next County Commission meeting.

Administrator Mims also presented an email from Juvenile Court Administrator Bruce Howell regarding City/County funding of the Youth Facility budget.

PRESENTATION BY FINANCE DIRECTOR SHERRILL THOMAS

Finance Director Sherrill Thomas briefed the Commission regarding the 2010 Budget.

COMMENTS FROM MANAGER OF PUBLIC AFFAIRS DIDI HENRY

Ms. Henry advised the Commissioners of upcoming events, noting the Wednesday, September 9th Ribbon Cutting and Groundbreaking Ceremonies at the Montgomery Industrial Park, with the Chamber of Commerce.

COMMENTS FROM DEPUTY ADMINISTRATOR MITCHELL

Deputy Administrator Mitchell briefed the Commission regarding a contract with Cameron Associates, LLC to provide auditing and collection services for Montgomery County. The Commission agreed to place this item on a future agenda.

ADJOURNMENT

Vice Chairman Ingram made a motion to adjourn the meeting of the Montgomery County Commission on August 24, 2009, at 11:46 a.m. The motion was seconded by Chairman Dean and unanimously approved by the Commission.

MONTGOMERY COUNTY COMMISSION

THE FOLLOWING ACCOUNTS PAYABLE WERE AUDITED AND
ORDERED PAID

CHECKS ARE DATED 08-07-09

Check Number	To	Check Number
201413		201487
Total Checks Paid		\$259,878.62

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

08-24-09 Meeting

Agenda

MONTGOMERY COUNTY COMMISSION

AUG 24 2009

THE FOLLOWING ACCOUNTS PAYABLE WERE AUDITED AND
ORDERED PAID

CHECKS ARE DATED 08-07-09

Check Number	To	Check Number
201488		201513
Total Checks Paid		\$853,502.33

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

AUG 24 2009

THE FOLLOWING ACCOUNTS PAYABLE WERE AUDITED AND
ORDERED PAID

CHECKS ARE DATED 08-14-09

Check Number	To	Check Number
201517		201594
Total Checks Paid		\$197,309.41

CHECK #	PAYEE	AMOUNT	DATE
201514	TO REPLACE CK#201363	\$ 175.00	
201515	TO REPLACE CK#201404	\$ 418.50	
201516	Montgomery Advertiser	\$ 701.76	08-07-09

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

AUG 24 2009

THE FOLLOWING ACCOUNTS PAYABLE WERE AUDITED AND
ORDERED PAID

CHECKS ARE DATED 08-14-09

Check Number	To	Check Number
201595		201673
Total Checks Paid		\$862,009.32

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 ACCOUNTS PAYABLE WERE AUDITED AND
ORDERED PAID

CHECKS ARE DATED 08-21-09

Check Number	To	Check Number
201681		201781
Total Checks Paid		\$338,133.84

CHECK #	PAYEE	AMOUNT	DATE
201674	Harris Computer Systems	\$ 3,100.00 .	08-14-09
201675	R.L. Jones D/B/A R.L. Jones Const.	\$ 1,750.00	08-14-09
201676	Postmaster Bulk Mailing	\$ 12,282.54	08-19-09
201677	Thomas Means & Gillis	\$ 8,757.96	08-19-09
201678	Thomas Means & Gillis	\$ 6,279.38	08-19-09
201679	Compass Bank	\$ 4,600,000.00	08-20-09
201680	Regions	\$ 1,500,000.00	08-20-09

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

AUG 24 2009

MONTGOMERY COUNTY COMMISSION

THE FOLLOWING ACCOUNTS PAYABLE WERE AUDITED AND
ORDERED PAID

CHECKS ARE DATED 08-21-09

Check Number	To	Check Number
201782		201847
Total Checks Paid		\$912,798.03

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

08/24/09 Meeting

Agenda

AUG 24 2009

CHECKS ARE DATED
08/14/09

Payroll Check Number	59438	To	Payroll Check Number	59644	\$ 152,126.59
Direct Deposits					\$ 747,176.82
Payroll Check Number	59645	To	Payroll Check Number	59675	\$ 74,235.56
Direct Deposits					\$ 367,592.49
Federal Deposits					\$ 320,268.04
Total Payroll Paid					\$ 1,661,399.50

<u>CHECK #</u>	<u>PAYEE</u>	<u>AMOUNT</u>	<u>DATE</u>
59437	Jamie C. Burnett	\$ 222.83	07/31/09

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

Montgomery County Board of Human Resources
Appointments Made Jointly with City

Members:

Term Expires:

Sam Munnerlyn
1225 Air Base Blvd.
Montgomery, AL 36108
Work: 420-4216

9/5/2011



Helen Geesey
3054 Merrimac Drive
Montgomery, AL 36111
Phone: 288-1793

9/5/2009

Edwina Jackson
808 Lynwood Drive
Montgomery, AL 36111
Home: 281-3446 Work: 956-2955

9/5/2013

George Goodwyn
3608 Oak Grove Circle
Montgomery, AL 36116

9/5/2013

Stacia Robinson (Chairman)
P.O. Box 210894
Montgomery, AL 36121-0894
Phone: 279-1824

9/5/2011



Edward Davis (Vice Chairman)
2561 Airwood Drive
Montgomery, AL 36108
Phone: 269-2442

9/5/2009

Wallace Bush
10521 U.S. Highway 31
Hope Hull, AL 36043

9/5/2013

Mr. Tailton E. Benton, Director
County Department of Human Resources
P.O. Box 250380, Montgomery, AL 36125-0380

Brenda Blalock, City Clerk, City Hall

Term: 6 years

2009 MEMORANDUM OF AGREEMENT

among

MONTGOMERY COUNTY COMMISSION

CITY OF MONTGOMERY, ALABAMA

and

C. HAGER and SONS HINGE MANUFACTURING COMPANY

This **2009 MEMORANDUM OF AGREEMENT** is hereby made and entered into on this the ____ day of _____, 2009 by and among **MONTGOMERY COUNTY COMMISSION, MONTGOMERY ALABAMA** (the "County"), the **CITY OF MONTGOMERY, ALABAMA** (the "City") and **C. HAGER & SONS HINGE MANUFACTURING COMPANY ("HAGER COMPANIES")**, a Missouri corporation.

WHEREAS, the County and the City enthusiastically support and encourage business and industrial development; and,

WHEREAS, **HAGER COMPANIES** has determined to close the facility in Oxford, Alabama and relocate the equipment to the facility located in Montgomery, Alabama and make an addition and expansion of employees for the manufacture and distribution of door hardware, and the activities associated therewith; and,

WHEREAS, this 2009 Memorandum of Agreement is expected to result in returning the Montgomery facility hourly and non-exempt workforce to a regular 40 hour work week and add approximately forty (40) additional full time jobs by an expected target date on or about October 1, 2010; and,

WHEREAS, the County and the City have made specific proposals to **HAGER COMPANIES** for the purpose of inducing **HAGER COMPANIES** to relocate the facility located in Oxford, Alabama to the facility located in Montgomery, Alabama; and,

WHEREAS, the parties hereto are desirous of having such proposals set forth in this valid, binding and enforceable agreement to set forth the framework for establishing a working partnership among the County, the City and **HAGER COMPANIES**; and,

WHEREAS, the County and the City have determined that it is in the best public interest of each to enter into this Agreement with **HAGER COMPANIES** in order to induce **HAGER COMPANIES** to relocate the facility located in Oxford, Alabama to the facility located in Montgomery, Alabama; and,

WHEREAS, on the Effective Date the commitments contained in this Agreement shall become legally binding obligations of the County and the City, which commitments are made in consideration for **HAGER COMPANIES** to relocate the facility located in Oxford, Alabama to the facility located in Montgomery, Alabama.

NOW, THEREFORE, upon and in consideration for the mutual promises and covenants contained herein and for other valuable consideration, the receipt, adequacy and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. SCHEDULE OF INCENTIVE INSTALLMENTS

The County and the City each hereby agree to assist **HAGER COMPANIES** in minimizing its costs associated with the relocation and installation of equipment from the Oxford, Alabama facility to the Montgomery, Alabama facility.

1.1 Certified Number of Employees. **HAGER COMPANIES** shall certify by letter to the County and the City the number of employees employed at the Montgomery facility (a) prior to the initial incentive disbursement, (b) prior to the second incentive disbursement, (c) prior to the third incentive disbursement and (d) the end of the term of this Agreement.

1.2 Payment of Incentive Installments Pursuant to 2009 Memorandum of Agreement. The County and the City jointly commit to contribute a total amount of \$150,000 by the following payments to **HAGER COMPANIES** for the following purposes at the following times:

(a) The County and the City each hereby agree to pay an initial incentive in the total amount of \$50,000 to be funded at project start-up as determined by **HAGER COMPANIES**. The transition of equipment from the Oxford, Alabama facility to the Montgomery, Alabama facility is expected to commence on or about October 1, 2009; and

(b) The County and the City each hereby agree to pay a second incentive in the total amount of \$50,000 to be funded upon the return of all hourly and non exempt employees of the Montgomery facility to a regular 40 hour work week. The facility is expected to return all hourly and non exempt employees of the Montgomery facility to a regular 40 hour work week within one hundred eighty (180) days of the start date for the relocation of the equipment from the Oxford, Alabama facility to the Montgomery, Alabama facility; and

(c) The County and the City each hereby agree to pay a final installment in the total amount of \$50,000 to be funded upon the net addition of forty (40) full time jobs at the Montgomery facility. The facility is expected to add 40 full time jobs within twelve (12) months from the start date for the relocation of equipment from the Oxford, Alabama facility to the Montgomery, Alabama facility or on or about October 1, 2010. The Montgomery facility must maintain the increased employment above forty (40) extra full time jobs for a period of twenty-four (24) months.

2. REPAYMENT OF INCENTIVE INSTALLMENTS

For purposes of the 2009 Memorandum of Agreement, failure of **HAGER COMPANIES** to timely comply with the terms set out for payment of all three levels of incentive requirements in paragraph 1.2, shall result in the cancellation of the 2009 Memorandum of Agreement and **HAGER COMPANIES** shall be required to repay all incentive monies to the County and the City within one hundred eighty (180) days. By mutual agreement, the County and City may extend the term and requirements of this agreement to **HAGER COMPANIES** for a period of twelve months.

3. MISCELLANEOUS

3.1 Governing Law. The governing law of this Agreement shall be the law of the State of Alabama.

3.2 Severability. In case any one or more of the provisions contained in this Agreement should be invalid, illegal or unenforceable in any respect and for any reason whatsoever, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby. In the event any such provision is held to be invalid, illegal or unenforceable, the parties hereto shall make their best efforts to agree on a provision in substitution for such invalid, illegal or unenforceable provision that is as near in economic benefit as possible to the provision found to be invalid, illegal or unenforceable.

3.3 Notices. All communications and notices expressly provided herein shall be sent, by registered first class mail, postage prepaid, by a nationally recognized overnight courier for delivery on the following business day or by facsimile (to be confirmed promptly in writing sent by mail or overnight courier as aforesaid), as follows:

Montgomery County: Honorable Elton N. Dean
Donald Mims, Administrator
Montgomery County Commission
Post Office Box 1667
Montgomery, Alabama 36102
Fax: (334) 832-2533

City of Montgomery: Mayor Todd Strange
City of Montgomery
Post Office Box 1111
Montgomery, Alabama 36101

With copies to: Ms. Hollie Pegg
Director of Recruitment
Montgomery Area Chamber of Commerce
P.O. Box 79
Montgomery, Alabama 36101
Fax: (334) 265-4745

City Attorney
City of Montgomery
Post Office Box 1111
Montgomery, Alabama 36101

HAGER COMPANIES: Ronald E. Jones
Chief Financial Officer
Hager Companies
139 Victor Street
St. Louis, MO 63104

With copies to: Ken Maddox
Vice President
Montgomery Operations
Hager Companies
150 Folmar Parkway
Montgomery, AL 36105

3.4 No Consequential Damages. Neither the County nor the City shall be liable to **HAGER COMPANIES**, in any event, for any indirect, incidental, punitive, special or consequential damages, including loss of revenue or profit, cost of capital, regardless of how such damages arise.

3.5 Entire Agreement. This 2009 Memorandum of Agreement, and any addendums to this Agreement shall constitute the entire agreement and understanding among the parties and no other offers, agreements, understandings, warranties, or representations exist between the County and the City and **HAGER COMPANIES**.

3.6 Term of Agreement. The term of the 2009 Memorandum of Agreement shall commence on the Effective Date and continue in effect through September 30, 2012 unless otherwise extended as agreed upon by the parties as provided above in paragraph 2.

3.7 Force Majeure. If the Montgomery facility cannot maintain the increased employment above forty (40) extra full time jobs for a period of twenty-four (24) months (as required in paragraph 1.2(c)) due to Force Majeure, **HAGER COMPANIES** shall not be required to repay all incentive monies to the County and the City. Force Majeure is defined as acts of God, war, terrorism, government regulations, disaster, fire, strikes, civil disorder, curtailment of transportation facilities, or other similar cause beyond the control of **HAGER COMPANIES**.

WHEREFORE, the parties hereto have executed this Agreement as of the date first written above.

(Signature and notary pages following)

CITY OF MONTGOMERY, ALABAMA

DATE: _____

By _____
Todd Strange
Mayor

STATE OF ALABAMA)

COUNTY OF MONTGOMERY)

Before me, the undersigned, a Notary Public, in and for said county, in said state, personally appeared Todd Strange, as Mayor of the City of Montgomery, Alabama whose name is signed to the foregoing 2009 Memorandum of Agreement, and who is known to me, being first duly sworn, acknowledged before me on this day that, being informed of the contents of said Agreement, makes oath that he, as such official and with full authority, has read the foregoing Agreement and knows the contents thereof, executed the same voluntarily for and as the act of said City of Montgomery, Alabama on this date.

Subscribed and sworn to before me on this the ____ day of _____, 2009.

Notary Public

My Commission Expires: _____

MONTGOMERY COUNTY COMMISSION

DATE: _____

By: _____
Honorable Elton N. Dean
Chairman

STATE OF ALABAMA)

COUNTY OF MONTGOMERY)

Before me, the undersigned, a Notary Public, in and for said county, in said state, personally appeared Honorable Elton N. Dean of the Montgomery County Commission, whose name is signed to the foregoing 2009 Memorandum of Agreement, and who is known to me, being first duly sworn, acknowledged before me on this day that, being informed of the contents of said Agreement, makes oath that he, as such official and with full authority, has read the foregoing Agreement and knows the contents thereof, executed the same voluntarily for and as the act of said Montgomery County Commission on this date.

Subscribed and sworn to before me on this the ____ day of _____, 2009.

Notary Public

My Commission Expires: _____

HAGER COMPANIES

DATE: _____

By: _____

Ronald E. Jones
Chief Financial Officer

STATE OF ALABAMA)

COUNTY OF MONTGOMERY)

Before me, the undersigned, a Notary Public, in and for said county, in said state, personally appeared _____, as _____ of **HAGER COMPANIES** whose name is signed to the foregoing 2009 Memorandum of Agreement, and who is known to me, being first duly sworn, acknowledged before me on this day that, being informed of the contents of said Agreement, makes oath that he, as such official and with full authority, has read the foregoing Agreement and knows the contents thereof, executed the same voluntarily for and as the act of said limited liability company on this date.

Subscribed and sworn to before me on this the ____ day of _____, 2009.

Notary Public

My Commission Expires: _____

MONTGOMERY COUNTY COMMISSION
PURCHASING OFFICE
P.O. BOX 1667
MONTGOMERY, ALABAMA

AMENDMENT
TO
CONTRACT NO. 51100-06B-026

AMENDMENT NO. 2

DATE: August 31, 2009

-Contract No. 51100-06B-026, Clean Saturday Trash Pickup, is hereby amended as follows:

By extending the contract for sixty (60) days, beginning August 31, 2009 thru October 29, 2009.

All other provisions and specifications of the contract will remain the same.

WITNESS:

ADVANCED DISPOSAL SERVICES

BY: _____

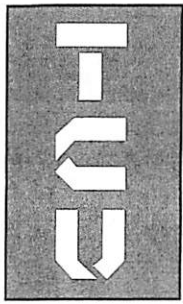
TITLE: _____

WITNESS:

MONTGOMERY COUNTY
COMMISSION

BY: _____

TITLE: _____



T.C.U. CONSULTING SERVICES, LLC

CONSTRUCTION CONSULTANTS

334-279-8765 • 334-272-5731 Fax
P.O. Box 230487
MONTGOMERY, ALABAMA 36123-0487

August 19, 2009

John Mitchell
Montgomery County Commission
P. O. Box 1667
Montgomery, AL. 36102-1667

Dear John:

Enclosed are four (4) originals of Change Order #12 for approval by the Commission. I believe you have previously briefed the Commission on these items at the 06/08/09 Information Session as indicated by Chairman Dean's signature. I recommend approval of the Change Order by the Commission. Please include on the agenda for approval at the August 24th Meeting. Secure Elton Dean's signature and return three to me.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Carter", written over a horizontal line.

Larry Carter
Enclosures (4)

cc: file MCDF: a1.1.4 and i2.6
W. K. Upchurch III, letter only
Vicki Loyd, Goodwin, Mills & Cawood, Inc., letter only
Donnie Mims, letter only

AIA® Document G701™ – 2001

Change Order

PROJECT (Name and address): Montgomery County Detention Facility Montgomery, Alabama	CHANGE ORDER NUMBER: 012 DATE: July 21, 2009	OWNER: ☒ ARCHITECT: ☒ CONTRACTOR: ☒ FIELD: ☒ OTHER: ☐
TO CONTRACTOR (Name and address): Bell and Associates Construction, LP 255 Wilson Pike Circle Brentwood, TN 39249	ARCHITECT'S PROJECT NUMBER: 6-5-010 CONTRACT DATE: October 17, 2006 CONTRACT FOR: General Construction	

THE CONTRACT IS CHANGED AS FOLLOWS:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

Items 12.01-12.12 COP 12 (see attached)

Items 12.13 -12.15 COP 12A (see attached)

	\$58,187.62	
	\$103,424.69	107,912.69
Total	\$161,612.31	166,100.31
	\$ 46,362,000.00	
	\$ 907,685.67	
	\$ 47,269,685.67	
	\$ 161,612.31	166,100.31
	\$ 47,431,297.98	
		47,435,715.58

The original Contract Construction Sum was

The net change by previously authorized Change Orders

The Contract Sum prior to this Change Order was

The Contract Sum will be increased by this Change Order in the amount of

The new Contract Sum including this Change Order will be

The Contract Time will be ** by ** () days.

The date of Substantial Completion as of the date of this Change Order therefore is September 15, 2008

** Resolution of days pending.

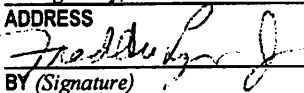
NOTE: This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

Goodwyn, Mills and Cawood, Inc.
ARCHITECT (Firm name)

2660 EastChase Lane, Suite 200 (36117), P
O Box 242128
Montgomery, AL 36124-2128

ADDRESS


BY (Signature)

Freddie E. Lynn, Jr., AIA, VP Arch.

(Typed name)

8/14/09

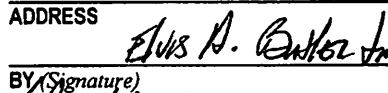
DATE

Bell and Associates Construction, LP

CONTRACTOR (Firm name)

255 Wilson Pike Circle
Brentwood, TN 39249

ADDRESS


BY (Signature)


(Typed name)

8/10/09

DATE

Montgomery County Commission

OWNER (Firm name)

P O Box 1667
Montgomery, AL 36102-1667

ADDRESS

BY (Signature)

(Typed name)

DATE

**MONTGOMERY COUNTY DETENTION FACILITY
FOR THE MONTGOMERY COUNTY COMMISSION**

MONTGOMERY COUNTY, ALABAMA

CHANGE ORDER PROPOSAL 12 for CHANGE ORDER NO. 12

Total

Accept

Reject

Date: 05/28/09

Please review line by line and initial in the appropriate space whether item is accepted or rejected. Also sign on signature line at the bottom.

12.01	Credit for deleted ceilings in electrical rooms in new facility. (COR 111) Not needed.	\$ (1,248.00)	_____	_____
12.02	Add dedicated electrical circuit for Dental Xray. (COR 115) Required for installation of Dental Equipment.	\$ 4,182.55	_____	_____
12.03	Revise glass at Office 1001 to allow opening for pass-thru. (COR 130) Request by Owner.	¹⁸⁹ \$ 2,143.00	<i>2,359</i>	_____
12.04	Add additional electrical outlets, grommets and access panel at North end of Booking counter. (COR 134) Owner request.	\$ 1,153.00	_____	_____
12.05	Add to extend wall to structure above in Room 1006. (COR 137) Required when ceiling removed to accommodate security electrical.	\$ 2,163.32	_____	_____
12.06	Furnish and install four (4) electrical receptacles at IDF/MDF rooms In new and existing buildings. (COR 146) Request by Owner.	\$ 2,462.17	_____	_____
12.07	Furnish and install duplex elevator control. (COR 157) Required to allow assumption of control of elevator by staff. Required by Sheriff.	\$ 15,165.00	_____	_____
12.08	Add for sod. (COR 164) By agreement.	\$ 5,115.00	_____	_____
12.09	Add for plumbing adjustments associated with adding ceramic tile around tub in room 2035. (COR 178) Required to add tile around tub.	\$ 600.00	_____	_____
12.10	Add to furnish and install six (6) additional gun lockers in Vehicular Sally Port 1109. (COR 179) Request by Owner.	\$ 2,160.00	_____	_____
12.11	Add to furnish and install floor drain in Inmate 1096 and Inmate 1082. (Previously approved in Change Directive #16) Required by field condition.	\$ 18,338.00	_____	_____
12.12	Add steel fence around gas meter. (COR 180) Request by Sheriff.	\$ 5,737.58	_____	_____

CHANGE ORDER PROPOSAL #12 TOTAL

~~\$ 57,971.62~~

58,187.62

Recommended by:
Goodwyn, Mills and Cawood, Inc.
Architect (Firm Name)

Victoria P. Loyd
By (Signature)

Victoria P. Loyd, AIA
(Typed Name)

Date: May 28, 2009

Recommended by:
T.C.U. Consulting, Inc.
Owner's Representative (Firm Name)

[Signature]
By (Signature)

Larry Carter
(Typed Name)

Date: 05/29/09

Reviewed by:
Montgomery County Commission
Owner (Firm Name)

Elton N. Dean, Sr.
By (Signature)

Elton N. Dean, Sr., Chairman
(Typed Name)

Date: June 8, 2009

**MONTGOMERY COUNTY DETENTION FACILITY
FOR THE MONTGOMERY COUNTY COMMISSION**

MONTGOMERY COUNTY, ALABAMA

CHANGE ORDER PROPOSALS 12A for CHANGE ORDER NO. 12

Total Accept Reject

Date: 05/28/09

Please review line by line and initial in the appropriate space whether item is accepted or rejected. Also sign on signature line at the bottom.

- 12.13 Furnish and install access door and decking above shaftwall in Corridors 2047 and 2068 to provide maintenance access.
(COR 159) Required by Code Official.

10/ ~~35,363.00~~
\$ ~~39,851.00~~ *me*
* ~~39,851.00~~

- 12.14 Add to extend Corridor 1110 to include exterior door S1109.
(Previously approved in Change Directive 13) Request by Owner to provide direct way to exterior from Release.

\$ 43,460.69

- 12.15 Furnish and install custom door stops at shower doors in Housing Pods.
(COR 176R) Required to correct field condition.

10/ ~~24,601.00~~ *me*
\$ ~~24,147.24~~

PREVIOUSLY APPROVED IN CDO #17 *me*

CHANGE ORDER PROPOSAL #12A TOTAL

~~\$107,458.93~~ *103,124.69*
* ~~107,912.69~~ *me*

Recommended by:

Goodwyn, Mills and Cawood, Inc.
Architect (Firm Name)

Victoria P. Loyd
By (Signature)

Victoria P. Loyd, AIA
(Typed Name)

Date: May 28, 2009

Recommended by:

T.C.U. Consulting, Inc.
Owner's Representative (Firm Name)

Larry Carter
By (Signature)

Larry Carter
(Typed Name)

Date: 05/29/09

Reviewed by:

Montgomery County Commission
Owner (Firm Name)

Elton Dean
By (Signature)

Elton Dean, Commission Chairman
(Typed Name)

Date: June 8, 2009

*BEHAVIORAL HEALTH
HEALTH PLAN PAID*
* Originally reduced for work paid
in Change Order 10. Directed by
Larry Carter to pay in full. *JL*



Agenda

AUG 24 2009

July 2009

Mr. Elton N. Dean, Sr.
County Commissioner
Montgomery County
3458 Lexington Road
Montgomery, AL 36111

2009-2010 Membership Dues \$ 150.00

2009-2010 Contribution \$ _____

TOTAL \$ _____

Your dues and any contribution you make are tax deductible. You may mail your check payable to Leadership Alabama or you may pay online via www.leadershipal.org. Thank you for supporting Leadership Alabama.

Please remember to review the member information update and return it with your payment.

**Leadership Alabama
P.O. Box 631
Montgomery, AL 36101**

Phone: 334-265-2297
la@leadershipal.org

Fax: 334-265-2296
www.leadershipal.org

Montgomery County Commission
Travel / Training Request Approval

Appendix C

Request # 14

Agenda

AUG 24 2009

Date: July 30, 2009

To: Donald L. Mims, Administrator

From: Larry R. Curvin

Re: Travel / Training Request

Request approval to be granted for the following:

Destination: Hoover, Alabama

Departure Date: October 9, 2009

Return Date: October 9, 2009

Conference Leave (Days / Hours): 1 Day

Purpose of Travel: To attend the 2009 ALTIST Annual Update program to learn of developments in Alabama local sales tax collection and enforcement practices. This will provide for eight hours CPE of a required 40 for the year. Registration is \$110.00.

Traveler (s) Name: 1. Mike Knighten 4. _____
2. _____ 5. _____
3. _____ 6. _____

Check Mode of Transportation:

County Vehicle

☐
☒

Commercial Air

☐
☐

Private Vehicle

Other (Specify)

Total (est.) Cost: \$110.00

Advance Registration Required: \$110.00

Department Name: Tax & Audit

Fund Name: General Fund 001 51800 265

Additional Comments: Traveler will absorb travel and meal costs with the only cost to Montgomery County being the Registration fee. The Registration fee is to be paid from the FY 2009 budget.

To: Larry R. Curvin

From: Donald L. Mims, Administrator

The above request is app. 08/24/09 reimbursement of actual and necessary expenses in the approximate amount of \$110.00 and advance registration of \$110.00 is authorized.

To be completed by the Finance Department

Fund Code: 001-51800-265 (ex: 000-00000-000)

Description: Registration & Training

Current Budget: \$11,000.00

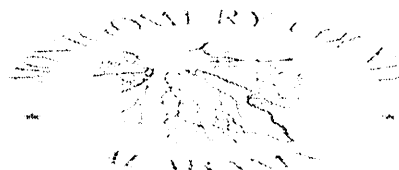
Approved Requests: \$10,805.96

Budget Available: \$194.04

Current Requests: \$110.00

Budget Balance: \$84.04

Donald L. Mims, Administrator



Reviewed by: S. Thomas

Date: 8/6/2009

cc: Finance Director / Buyer

8-1

Appendix C

AUG 24 2009

Revised October 12, 2005

Montgomery County Commission
Travel / Training Request Approval

Appendix C

Request # 8

Agenda

AUG 24 2009

Date: August 14, 2009
To: Donald L. Mims, Administrator
From: Gina Savage, Director of Detention
Re: Travel / Training Request

Request approval to be granted for the following:

Destination: Nashville, TN
Departure Date: October 11, 2009 Return Date: October 16, 2009
Conference Leave (Days / Hours): 5 days
Purpose of Travel: Attend Cell Extraction & Control Systems Instructor Course

Traveler (s) Name: 1. Martinez Tolbert 4. _____
2. Carlos Parks 5. _____
3. _____ 6. _____

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

Total (est.) Cost: \$2,250.00 Advance Registration Required: \$1,190.00

Department Name: Sheriff (MCDF) Fund Name: General

Additional Comments: _____

To: Gina Savage, Director of Detention
From: Donald L. Mims, Administrator

The above request is app. 08/24/09 reimbursement of actual and necessary expenses in the
approximate amount of \$2,250.00 and advance registration of \$1,190.00 is authorized.

To be completed by the Finance Department

Fund Code:	<u>001-52200-265</u>	(ex: 000-00000-000)
Description:	<u>Registration & Training</u>	
Current Budget:	<u>\$20,000.00</u>	
Approved Requests:	<u>\$5,900.00</u>	
Budget Available:	<u>\$14,100.00</u>	
Current Requests:	<u>\$2,250.00</u>	
Budget Balance:	<u>\$11,850.00</u>	

Donald L. Mims, Administrator



Reviewed by: S. Thomas

Date: 8/17/2009

cc: Finance Director / Buyer

Montgomery County Commission
Travel / Training Request Approval

Appendix C

Agenda

AUG 24 2009

Request # 19

Date: August 12, 2009

To: Donald L. Mims, Administrator

From: Scott Kramer, Risk Manager

Re: Travel / Training Request

Request approval to be granted for the following:

Destination: Tucson, AZ

Departure Date: October 14, 2009 Return Date: October 18, 2009

Conference Leave (Days / Hours): 5 Days

Purpose of Travel: to attend the Fall 2009 Meeting of States' Joint Boards and Committees
and General Membership Meeting

Traveler (s) Name: 1. Scott Kramer 4. _____
2. _____ 5. _____
3. _____ 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: Risk Management Fund Name: General Liability

Additional Comments: All Expenses Paid By States

To: Scott Kramer, Risk Manager

From: Donald L. Mims, Administrator

The above request is app. 08/24/09 reimbursement of actual and necessary expenses in the
approximate amount of \$0.00 and advance registration of \$0.00 is authorized.

To be completed by the Finance Department

Fund Code: 007-51120-265 (ex: 000-00000-000)

Description: Registration & Training

Current Budget: \$20,000.00

Approved Requests: \$9,191.10

Budget Available: \$10,808.90

Current Requests: \$0.00

Budget Balance: \$10,808.90

Donald L. Mims, Administrator



Reviewed by: S. Thomas

Date: 8/12/2009

cc: Finance Director / Buyer

Montgomery County Commission
Travel / Training Request Approval

Appendix C

Agenda

AUG 24 2009

Request # 25

Date: August 19, 2009
To: Donald L. Mims, Administrator
From: Jane Mardis, Chief Appraiser
Re: Travel / Training Request

Request approval to be granted for the following:

Destination: Louisville, Kentucky
Departure Date: September 13, 2009 Return Date: September 17, 2009
Conference Leave (Days / Hours): 5 days
Purpose of Travel: Attending International Association of Assessing Officials 75th Annual
International Conference

Traveler (s) Name: 1. R. Todd Grant 4. _____
2. _____ 5. _____
3. _____ 6. _____

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

Total (est.) Cost: \$1,800.00 Advance Registration Required: \$500.00

Department Name: Appraisal Fund Name: Reappraisal

Additional Comments: Educational track which examines recent developments in mapping, how these
developments can change mass appraisal work, and exploring new mapping tools.
Recognition for receiving Cadastral Mapping Specialist designation (one of 3 in AL)

To: Jane Mardis, Chief Appraiser

From: Donald L. Mims, Administrator

The above request is app. 08/24/09 reimbursement of actual and necessary expenses in the
approximate amount of \$1,800.00 and advance registration of \$500.00 is authorized.

To be completed by the Finance Department

Fund Code:	<u>120-51985-265</u>	(ex: 000-00000-000)
Description:	<u>Registration & Training</u>	
Current Budget:	<u>\$30,000.00</u>	
Approved Requests:	<u>\$24,649.00</u>	
Budget Available:	<u>\$5,351.00</u>	
Current Requests:	<u>\$1,800.00</u>	
Budget Balance:	<u>\$3,551.00</u>	

Donald L. Mims, Administrator



Reviewed by: S. Thomas

Date: 8/19/2009

cc: Finance Director / Buyer

Montgomery County Commission
Travel / Training Request Approval

Appendix C

Agenda

AUG 24 2009

Request # 12

Date: August 6, 2009
To: Donald L. Mims, Administrator
From: Barbara M. Montoya, Director
Re: Travel / Training Request

Request approval to be granted for the following:

Destination: Montgomery, AL
Departure Date: September 15, 2009 Return Date: September 15, 2009
Conference Leave (Days / Hours): 1 Day
Purpose of Travel: Montgomery Area Chamber of Commerce
Diversity Advocate Summit

Traveler (s) Name: 1. Karen B. Cason 4. _____
2. _____ 5. _____
3. _____ 6. _____

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

Total (est.) Cost: \$110.00 Advance Registration Required: \$110.00

Department Name: Personnel Fund Name: Merit System

Additional Comments: _____

To: Barbara M. Montoya, Director

From: Donald L. Mims, Administrator

The above request is app. 08/24/09 reimbursement of actual and necessary expenses in the
approximate amount of \$110.00 and advance registration of \$110.00 is authorized.

<i>To be completed by the Finance Department</i>		
Fund Code:	<u>123-51961-265</u>	(ex: 000-00000-000)
Description:	<u>Registration & Training</u>	
Current Budget:	<u>\$15,000.00</u>	
Approved Requests:	<u>\$12,166.00</u>	
Budget Available:	<u>\$2,834.00</u>	
Current Requests:	<u>\$110.00</u>	
Budget Balance:	<u>\$2,724.00</u>	

Donald L. Mims, Administrator



Reviewed by: S. Thomas

Date: 8/7/2009

cc: Finance Director / Buyer

Montgomery County Commission
Travel / Training Request Approval

Appendix C

Agenda

AUG 24 2009

Request # 11

Date: August 14, 2009
To: Donald L. Mims, Administrator
From: Paul Brown, Executive Director
Re: Travel / Training Request

Request approval to be granted for the following:

Destination: 1600 Interstate Park Dr, Montgomery, AL
Departure Date: November 4, 2009 Return Date: November 4, 2009
Conference Leave (Days / Hours): 1 Day
Purpose of Travel: To attend a Managing Multiple Priorities Projects, and Deadlines
Seminar

Traveler (s) Name: 1. ReBecca Johnson 4. _____
2. _____ 5. _____
3. _____ 6. _____

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

Total (est.) Cost: \$79.00 Advance Registration Required: \$79.00

Department Name: Community Correction Fund Name: Community Corrections

Additional Comments: _____

To: Paul Brown, Executive Director

From: Donald L. Mims, Administrator

The above request is app. 08/24/09 reimbursement of actual and necessary expenses in the
approximate amount of \$79.00 and advance registration of \$79.00 is authorized.

To be completed by the Finance Department

Fund Code:	<u>124-57202-265</u>	(ex: 000-00000-000)
Description:	<u>Registration & Training</u>	
Current Budget:	<u>\$9,810.00</u>	
Approved Requests:	<u>\$4,949.00</u>	
Budget Available:	<u>\$4,861.00</u>	
Current Requests:	<u>\$79.00</u>	
Budget Balance:	<u>\$4,782.00</u>	

Donald L. Mims, Administrator



Reviewed by: S. Thomas

Date: 8/16/2009

cc: Finance Director / Buyer

8-7

Montgomery County Commission
Travel / Training Request Approval

Appendix C

Request # 12

Agenda

AUG 24 2009

Date: August 20, 2009

To: Donald L. Mims, Administrator

From: Paul Brown, Executive Director

Re: Travel / Training Request

Request approval to be granted for the following:

Destination: 550 Light St. Baltimore, MD 21202

Departure Date: September 20, 2009

Return Date: September 25, 2009

Conference Leave (Days / Hours): six days

Purpose of Travel: To attend the U.S. Department of Justice, National Institute of Justice Corrections Technology as a participant and presenter.

Traveler (s) Name: 1. Eric Williams 4. _____
2. _____ 5. _____
3. _____ 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: Community Corrections Fund Name: Community Corrections

Additional Comments: _____

To: Paul Brown, Executive Director

From: Donald L. Mims, Administrator

The above request is App. 08/24/09 reimbursement of actual and necessary expenses in the approximate amount of \$0.00 and advance registration of \$0.00 is authorized.

To be completed by the Finance Department

Fund Code: 124-57202-265 (ex: 000-00000-000)

Description: Registration & Training

Current Budget: \$9,810.00

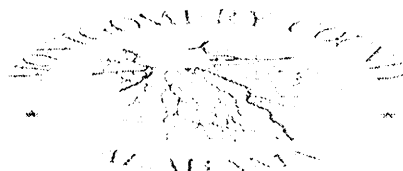
Approved Requests: \$5,028.00

Budget Available: \$4,782.00

Current Requests: \$0.00

Budget Balance: \$4,782.00

Donald L. Mims, Administrator



Reviewed by: S. Thomas

Date: 8/20/2009

cc: Finance Director / Buyer

AUG 24 2009

BUDGET FORM 5

MONTGOMERY COUNTY COMMISSION BUDGET CHANGE REQUEST

REQUEST NUMBER 5

DEPARTMENT:	Community Corrections	REVIEWED:	S. Thomas	6/22/2009
DATE:	6/19/2009	Finance Director		Date
REQUESTED BY:	Paul Brown	APPROVED:		Date
Elected Official/Dept. Head		Administrator		Date

ACCOUNT NAME	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE (DECREASE)	REVISED BUDGET
Fuels and Lubricants	124-57202-212	14,000	-3,500	10,500
Telephone	124-57202-251	7,000	1,300	8,300
Contract Services	124-57202-304	6,500	1,700	8,200
Copy Machine Rental	124-57202-223	2,000	500	2,500
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
TOTAL		29,500	0	29,500

JUSTIFICATION:

Adjustments to Fiscal Budget to Cover additional Contract Services (audit) and to cover office supplies needed for the daily operation of the CCP Program.

AUG 24 2009

BUDGET FORM 5

MONTGOMERY COUNTY COMMISSION

BUDGET CHANGE REQUEST

REQUEST NUMBER 38

DEPARTMENT: County Commission
 DATE: 8/10/2009
 REQUESTED BY: Donald Mims, Administrator
 Elected Official/Dept. Head

REVIEWED: S. Thomas
 Finance Director
 APPROVED:
 Administrator

8/10/2009
 Date
 Date

ACCOUNT NAME	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE (DECREASE)	REVISED BUDGET
Community Corrections Grant	125-52970-304	0	13,000	13,000
Dept of Corrections Grant	125-40000-44769	0	-13,000	-13,000
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
TOTAL		0	0	0

JUSTIFICATION:

To budget estimated expenses to be paid from the Community Corrections carryover grant. These revenues were received in a prior year and deferred until the expenses are paid.

AUG 24 2009

MONTGOMERY COUNTY COMMISSION BUDGET CHANGE REQUEST

[illegible]

To add \$29,144 revenue received from State of Alabama and deposited on 8/11/09 for the construction of Pike/Vaughn Road intersection improvement project in order to make payment to vendor

AUG 24 2009

BUDGET FORM 5

MONTGOMERY COUNTY COMMISSION BUDGET CHANGE REQUEST

REQUEST NUMBER 25

DEPARTMENT:	Engineering	REVIEWED:	S. Thomas	8/18/09
			Finance Director	Date
REQUESTED BY:	George C. Speake	APPROVED:		
	Elected Official/Dept. Head		Administrator	Date
		8/18/2009		

ACCOUNT NAME	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE (DECREASE)	REVISED BUDGET
Fuel & Lubricants	111-53200-212	115,000	(2,000)	113,000
Electricity	111-53200-244	8,150	2,000	10,150
Uniforms	111-53700-203	4,500	1,000	5,500
Fuel & Lubricants	111-53700-212	20,950	(3,200)	17,750
Small Tools & Minor Equip.	111-53700-214	3,000	1,000	4,000
Electricity	111-53700-244	6,500	1,200	7,700
				0
TOTAL		158,100	0	158,100

JUSTIFICATION:

Internal transfers to cover insufficiencies

REQUEST NUMBER **1**

ACCOUNT NAME	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE (DECREASE)	REVISED BUDGET
Medical & Dental Services	004-51996-158	80,000	9,500	89,500
Other / Settlements	004-51996-499	118,000	(9,500)	108,500
TOTAL		198,000	0	198,000

To cover additional medical and pharmacy costs on workers compensations claims.

AUG 24 2009

BUDGET FORM 5

MONTGOMERY COUNTY COMMISSION

BUDGET CHANGE REQUEST

REQUEST NUMBER 2

DEPARTMENT:	Risk Management	REVIEWED:	S. Thomas	8/19/2009
			Finance Director	Date
REQUESTED BY:	Scott Kramer	APPROVED:		
	Elected Official/Dept. Head	Date	Administrator	Date

ACCOUNT NAME	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE (DECREASE)	REVISED BUDGET
Employee Benefit Incentive	005-51997-141	275,000	-23,000	252,000
Medical & Dental	005-51997-158	6,310,247	307,000	6,617,247
Contract Svcs. Am. Behavioral	005-51997-182	71,000	16,500	87,500
Expanded Psych Services	005-51997-184	35,000	(1,500)	33,500
Professional Admin. Services	005-51997-185	495,000	82,900	577,900
Electricity	005-51997-244	6,500	(2,500)	4,000
Water & Sewer	005-51997-246	800	(400)	400
Employees Insur Premiums	005-47810-400	(1,099,000)	(80,000)	(1,179,000)
County Health Ins. Prem	005-47850-400	(6,020,000)	(180,000)	(6,200,000)
Misc. Refunds/Reimb.	005-47908-400	0	(119,000)	(119,000)
TOTAL		74,547	0	74,547

JUSTIFICATION:

To cover additional cost for medical and dental claims due to increased headcount and record increase in revenues.

THOMAS, MEANS, GILLIS & SEAY, P.C.

ATTORNEYS AND COUNSELLORS AT LAW

ESTABLISHED IN 1981

WEBSITE: www.tmgslaw.com

Thur. Memo
Info

File Original
DLW

Montgomery Office

Sender's Direct Dial: (334) 213-4447

Sender's E-mail Address:

tcmeans@tmgslaw.com

November 26, 2008

Via E-Mail & Regular Mail Delivery

Mr. Donald L. Mims
County Administrator
Montgomery County Commission
P.O. Box 1667
Montgomery, AL 36102-1667

Re: **MCC: Legal Opinion – Personal Use of Cellular Telephones**
Our File Number: 2100-322.67

Dear Donnie:

This opinion of the County Attorney is being issued at your request.

QUESTION

Whether County Employees who have been provided with cell phones at the County's expense may use those phones for personal telephone calls provided that such use does not cause the County to incur any additional expense?

Whether County Employees who have been provided with County-issued cell phones are legally required to certify that they have not used said phones to make personal calls?

EXECUTIVE SUMMARY

Under Alabama law, the County can provide cell phones to its employees in furtherance of the County's business. Employees may receive an incidental benefit from the phones in the form of personal calls as long as the employees' use of the cell phones for personal use does not result in additional charges to the County. In the event of any additional charges, the use is permissible provided that the employees must reimburse the County for the additional charges. In light of the fact that incidental personal use of the cell phones is legally permissible, Alabama law does not require employees to certify that the cell phones have been used solely for County purposes and that no personal calls have been made and/or received on said phone.

KENNETH L. THOMAS^{1,3}
TYRONE C. MEANS^{1,2,4}
H. LEWIS GILLIS¹
QUINTON S. SEAY²
C. WADE ROBINSON¹
EUGENE FELTON, JR.²
JACQUELINE C. SMOKE¹
LATASHA A. MEADOWS¹
FREDERIC A. BOLLING¹
ROSLYN CREWS¹
AFRIKA C. PARCHMAN¹
CHRISTOPHER S. GENEREUX¹
CELVIN W. HOWARD¹
SYNTHIANR L. MAY¹

ADMITTED:
¹ ALABAMA
² GEORGIA
³ DISTRICT OF COLUMBIA
⁴ KANSAS

MONTGOMERY OFFICE:
121 ZELDA COURT
P.O. DRAWER 5058
MONTGOMERY, AL 36103-5058
TELEPHONE: (334) 270-1033
FACSIMILE: (334) 260-9396

IRMININGHAM OFFICE:
65 - 20TH STREET NORTH
SUITE #400 - FINANCIAL CENTER
P.O. DRAWER 11365
IRMININGHAM, AL 35202-1365
TELEPHONE: (205) 328-7915
FACSIMILE: (205) 214-6160

ATLANTA OFFICE:
91 PEACHTREE STREET, N.E.
SUITE #3550
ATLANTA, GA 30303
TELEPHONE: (404) 222-8400
FACSIMILE: (404) 222-0080

IVINGTON OFFICE:
12 MARSHALL STREET
P.O. BOX 907
IVINGTON, AL 35470-0907
TELEPHONE: (205) 652-6106
FACSIMILE: (205) 652-2177

DAYNEVILLE OFFICE:
17 HAYNEVILLE PLAZA
DAYNEVILLE, AL 36040
TELEPHONE: (334) 548-5008
FACSIMILE: (334) 548-5010

FACTS & ANALYSIS

The County currently provides cell phones for certain key employees. These employees are presently required to keep the phones so that they may be continuously available to conduct County business. As the Alabama Attorney General has recognized, there are several legitimate reasons for a state agency to consider allowing employees who are required to carry agency cell phones to use them for personal calls. These reasons include (1) the inconvenience, however slight to the employee, in requiring him to carry an agency cell phone and a personal cell phone; and (2) limited personal use is conducive to the furtherance of agency business by promoting an efficient workforce and is no different than the occasional, personal use of desk phones, which is usually done without regard to reimbursement; and (3) occasional personal use of agency cell phones is nearly inevitable, especially in situations of need or family emergency. See AG-Op 2000-112, dated March 28, 2000.

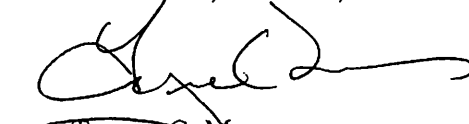
There is no legal distinction between a desk phone and a cellular telephone. Id. The County clearly has the authority to provide cell phones as it deems necessary for the efficient operation of the County as well as the authority to manage and oversee its employees. Therefore, the County has the discretion to allow employees with County cell phones to use these phones for personal use provided that the County is reimbursed for any additional expenses incurred by the County as a result of his personal use. The personal use of the cell phones is not prohibited by Alabama law. Therefore, there is no requirement that employees certify that they have not made or received personal phone calls on their County-issued cell phones.

CONCLUSION

The Montgomery County Commission can allow employees with County cell phones to use such phones for personal telephone calls, provided that either no additional expenses are incurred by the County or the employee reimburses the County for the additional charges.

Sincerely,

THOMAS, MEANS, GILLIS & SEAY, P.C.



Tyrone C. Means
TCM.kcj

THOMAS, MEANS, GILLIS & SEAY, P.C.

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MONTGOMERY COUNTY COMMISSION

BUDGET CHANGE REQUEST

Revised 8/24/09

ACCOUNT NAME	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE (DECREASE)	REVISED BUDGET
Salaries	001-51300-110	2,040,081	- 28,000 70,000	2,012,081 4,970,081
Retirement	001-51300-121	213,173	8,000	205,173
Health Insurance	001-51300-122	329,100	-10,000	319,100
Social Security	001-51300-124	166,232	-9,000	157,232
Office Supplies	001-51300-211	43,282	15,000	58,282
Building & Land Rentals	001-51300-221	79,052	7,000	86,052
Electricity	001-51300-241	35,986	2,000	37,986
Postage	001-51300-252	122,089	8,000	127,089
Contract Services	001-51300-304	172,960	28,000	200,960
Data Software	001-51300-584	47,444	25,000	72,444
Computer Equipment	001-51300-586	0	15,000	15,000
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
TOTAL		3,249,399	0	3,249,399

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ADJOURNMENT

There being no further business to come before the Commission at this time, the meeting stood adjourned until Monday, September 14, 2009, at 8:00 in the morning.

James Z. Munin
Administrator

Elton N. Pearson, Jr.
Chairman