

MINUTES OF REGULAR MEETING

MONTGOMERY COUNTY COMMISSION

MAY 18, 2020

INFORMATION SESSION

Chairman Dean called the meeting to order at 8:30 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 Sankey. All five Commissioners were present.

COMMENTS FROM SCHEDULED ATTENDEES, STAFF AND COMMISSIONERS

COMMENTS FROM INTERIM ADMINISTRATOR CAUTHEN

Interim Administrator Cauthen briefed the Commission on scheduled attendees and items on the agenda.

DISCUSSION BY THE COMMISSION

Chairman Dean, Vice Chairman Walker, Commissioner Harris and Commissioner Sankey requested to add additional items to the miscellaneous appropriations for agencies and designated revenue accounts that were on the agenda.

PRESENTATION BY SHERIFF DERRICK CUNNINGHAM

Sheriff Derrick Cunningham briefed the Commission regarding Change Order Number 1 to Contract with ITNOA, LLC for renovations of 514 Herron Street building. After discussion, the Commission agreed to waive rules and add this item to the agenda.

Sheriff Cunningham briefed the Commission regarding Amendment Number 2 to Contract with LogoBrands, Inc., regarding a one (1) year extension, beginning July 23, 2020 and ending July 22, 2021 and a 5% price increase for Polo Shirts. After discussion, the Commission agreed to place this item on the next agenda.

Sheriff Cunningham briefed the Commission regarding a Bid Award to Gulf States Distributors for tasers and accessories. After discussion, the Commission agreed to place this item on the next agenda.

Sheriff Cunningham said that he would like to replace one of the windows at the front entrance of Annex I with a door for the Pistol Permit department so that citizens would not have to enter the building to get their permits. He stated that he would submit the specs for this project at the next meeting.

Sheriff Cunningham informed the Commission that the Sheriff's Association is looking at possibly going to a bidding system where any county can buy from any other county's bidding process. He noted that this would be a topic addressed at the ACCA Summer Conference.

PRESENTATION BY PROBATE JUDGE J C LOVE, III

Probate Judge J C Love, III briefed the Commission regarding Budget Change Request Number 5, concerning expenses associated with the July 14, 2020 primary run-off election. After discussion, the Commission agreed to place this item on the next agenda.

Judge Love presented a Contingency Election Plan for the July 14, 2020 Runoff Elections. The Commission did not take any action on this item.

PRESENTATION BY CHIEF INFORMATION AND TECHNOLOGY OFFICER LOU IALACCI

Chief Information and Technology Officer Lou Ialacci asked the Commission to approve a Franchise Agreement with Southern Light, LLC, which was on the agenda.

Mr. Ialacci requested approval of Amendment Number 2 to Contract with SHI International Corporation, which was on the agenda.

PRESENTATION BY COUNTY ENGINEER GEORGE SPEAKE

County Engineer George Speake advised the Commission that Asphalt Contractors, Inc., plans to begin road paving in the Flatwood Community this week and then move to the Open Acres Community.

DISCUSSION BY THE COMMISSION

Commissioner Harris expressed his concern as to whether the Commission is doing all that they can do to look out for the citizens of Montgomery County in facing the COVID-19 pandemic. Commissioner Harris asked that his fellow Commissioners contact the local governments to find out what other counties are doing. He stated that this is something the County Commission should take the lead. Commissioner Harris suggested that everybody get tested. Commissioner Sankey stated that the challenge was not having enough kits to test everybody, and it was his understanding that a person would have to be symptomatic in order to be tested.

After discussion, Chairman Dean asked Interim Administrator Cauthen and Risk Manager Holly Leverette to research the criteria regarding the COVID-19 test. Vice Chairman Walker recommended that they speak with EMA Director Christina Thornton to obtain this information.

Commissioner Singleton stated Congress passed the CARES Act and noted the difference in how states are distributing the funds. He said he has heard nothing about how the money will be distributed in Alabama, but it appears that the State Legislature and the Governor's Office are fighting over that money and nobody is fighting for the local cities and counties.

Chairman Dean stated that he has asked Finance Director Sherrill Thomas to put together a report on Montgomery County's financial status because he would like to send a letter to Governor Ivey requesting a part of the funding.

Commissioner Singleton stated that we need to be working on documentation showing what our losses are in revenue.

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 Harris.

The Pledge of Allegiance was led by Chairman Dean.

Interim Administrator Cauthen called Roll to establish a quorum, and the following Commissioners were present: Chairman Dean and Vice Chairman Walker; Members Harris, Singleton and Sankey. Also present were County Attorney Tyrone C. Mean and County Engineer George C. Speake.

APPROVAL OF MINUTES

Commissioner Singleton made a motion to approve the Minutes of the Regular Meeting of May 4, 2020. The motion was seconded by Vice Chairman Walker and unanimously approved by the Commission.

CONSENT AGENDA

Interim County Administrator Cauthen presented the Accounts Payable Checks and Payroll Checks Authorization for approval. Commissioner Singleton made a motion to approve the Accounts Payable and Payroll Checks, as presented by Interim County Administrator Cauthen. The motion was seconded by Commissioner Harris and unanimously approved by the Commission. (Copy of Accounts Payable Checks and Payroll Checks Authorization, Consent Agenda Page 1, is attached to these Minutes.)

NEW BUSINESS

COUNTY COMMISSION – ADOPTED RESOLUTION PROVIDING FOR MONTGOMERY COUNTY'S PARTICIPATION IN THE 2020 "BACK-TO-SCHOOL" SALES TAX HOLIDAY

Vice Chairman Walker made a motion to adopt the Resolution Providing for Montgomery County's Participation in the 2020 "Back-to-School" Sales Tax Holiday. The motion was

seconded by Commissioner Harris and unanimously approved by the Commission. (Copies of Memorandum and Resolution, Agenda Pages 1-1 and 1-2, are attached to these Minutes.)

MONTGOMERY CITY-COUNTY PUBLIC LIBRARY BOARD – APPROVED BOARD MEMBER REAPPOINTMENT

Commissioner Sankey made a motion to approve Board Member Reappointment of Theresa Steele Mitchell to the Montgomery City-County Public Library Board. The motion was seconded by Commissioner Singleton and unanimously approved by the Commission. (Copies of Memorandum and Board of Trustees 2019 Directory, Agenda Pages 2-1 through 2-3, are attached to these Minutes.)

MONTGOMERY COUNTY PUBLIC BUILDING AUTHORITY – APPROVED BOARD MEMBER REAPPOINTMENTS

Commissioner Harris made a motion to approve Board Member Reappointments of Ed Grimes and Pernell L. Jenkins to the Montgomery County Public Building Authority. The motion was seconded by Commissioner Singleton and unanimously approved by the Commission. (Copies of Memorandum and Board Members' Appointment Page, Agenda Pages 3-1 and 3-2, are attached to these Minutes.)

INFORMATION SYSTEMS – APPROVED FRANCHISE AGREEMENT WITH SOUTHERN LIGHT, LLC

Commissioner Singleton made a motion to approve the Franchise Agreement with Southern Light, LLC. The motion was seconded by Vice Chairman Walker and unanimously approved by the Commission. (Copies of Memorandum, Agreement, and Attorney Gallion's Opinion, Agenda Pages 4-1 through 4-8, are attached to these Minutes.)

INFORMATION SYSTEMS – APPROVED AMENDMENT NUMBER 2 TO CONTRACT WITH SHI INTERNATIONAL CORPORATION REGARDING A ONE (1) YEAR EXTENSION, BEGINNING MAY 31, 2020 AND ENDING ON MAY 30, 2021 FOR COMPUTER HARDWARE MAINTENANCE, CONTRACT NUMBER 51965-18B-011

Commissioner Harris made a motion to approve Amendment Number 2 to Contract with SHI International Corporation regarding a One (1) Year Extension, beginning May 31, 2020 and ending on May 30, 2021 for Computer Hardware Maintenance, Contract Number 51965-18B-011. The motion was seconded by Commissioner Singleton and unanimously approved by the Commission. (Copies of Memorandum and Amendment, Agenda Pages 5-1 and 5-2, are attached to these Minutes.)

COUNTY COMMISSION – APPROVED MISCELLANEOUS APPROPRIATIONS TO AGENCIES

Interim Administrator Cauthen requested approval of the miscellaneous appropriations to agencies included in the May 18, 2020 Agenda. During the County Commission Meeting this

date, Chairman Dean requested the addition of miscellaneous appropriation reprogramming requests, and his fellow Commissioners concurred.

Commissioner Harris made a motion to approve the Miscellaneous Appropriations to Agencies Reprogramming Requests. The motion was seconded by Commissioner Singleton and unanimously approved by the Commission. (Copy of Updated Spreadsheet, Agenda Page 6-1, is attached to these Minutes.)

COUNTY COMMISSION – NO ADDITIONAL MISCELLANEOUS APPROPRIATIONS TO EDUCATION

There were no additional Miscellaneous Appropriations to Education. (Copy of Spreadsheet, Agenda Page 7-1, is attached to these Minutes.)

COUNTY COMMISSION – APPROVED MISCELLANEOUS APPROPRIATIONS FROM DESIGNATED REVENUE

Interim Administrator Cauthen requested approval of the miscellaneous appropriations from designated revenue included in the May 18, 2020 Agenda. During the County Commission Meeting this date, Chairman Dean requested the addition of miscellaneous appropriation reprogramming requests, and his fellow Commissioners concurred.

Commissioner Singleton made a motion to approve the Miscellaneous Appropriations from Designated Revenue reprogramming requests included in the May 18, 2020 Agenda. The motion was seconded by Commissioner Sankey and unanimously approved by the Commission. (Copy of Updated Spreadsheet, Agenda Page 8-1, is attached to these Minutes.)

COMMUNITY CORRECTIONS – APPROVED BUDGET CHANGE REQUEST NUMBER 2

Commissioner Harris made a motion to approve Budget Change Request Number 2, Community Corrections. The motion was seconded by Commissioner Sankey and unanimously approved by the Commission. (Copy of Budget Change Request, Agenda Page 9-1, is attached to these Minutes.)

ENGINEERING DEPARTMENT – APPROVED BUDGET CHANGE REQUEST NUMBER 4

Commissioner Singleton made a motion to approve Budget Change Request Number 4, Engineering Department. The motion was seconded by Vice Chairman Walker and unanimously approved by the Commission. (Copy of Budget Change Request, Agenda Page 10-1, is attached to these Minutes.)

PERSONNEL DEPARTMENT – APPROVED BUDGET CHANGE REQUEST NUMBER 2

Vice Chairman Walker made a motion to approve Budget Change Request Number 2, Personnel Department. The motion was seconded by Commissioner Harris and unanimously approved by the Commission. (Copy of Budget Change Request, Agenda Page 11-1, is attached to these Minutes.)

SHERIFF’S OFFICE – APPROVED BUDGET CHANGE REQUEST NUMBER 4

Vice Chairman Walker made a motion to approve Budget Change Request Number 2, Sheriff’s Office. The motion was seconded by Commissioner Harris and unanimously approved by the Commission. (Copy of Budget Change Request, Agenda Page 12-1, is attached to these Minutes.)

YOUTH FACILITY/JUVENILE COURT – APPROVED BUDGET CHANGE REQUEST NUMBER 2

Commissioner Harris made a motion to approve Budget Change Request Number 2, Youth Facility/Juvenile Court. The motion was seconded by Vice Chairman Walker and unanimously approved by the Commission. (Copy of Budget Change Request, Agenda Page 13-1, is attached to these Minutes.)

DETENTION FACILITY – APPROVED POSITION FILL REQUESTS (1)

1. Administrative Support Associate – Position Number 500013233

Commissioner Singleton made a motion to approve the Position Fill Request. The motion was seconded by Commissioner Harris and unanimously approved by the Commission. (Copy of Position Fill Request, Agenda Page 14-1, is attached to these Minutes.)

WAIVE RULES

Chairman Dean requested to waive rules and add the following item to the agenda, and his fellow Commissioners concurred:

SHERIFF’S OFFICE – APPROVED CHANGE ORDER NUMBER 1 TO CONTRACT WITH ITNOA, LLC FOR RENOVATIONS OF 514 HERRON STREET

Commissioner Harris made a motion to approve Change Order Number 1 to Contract with ITNOA, LLC for Renovations of 514 Herron Street. The motion was seconded by Vice Chairman Walker and unanimously approved by the Commission. (Copies of Memorandum, Contract Change Order, and Change Order Request, Agenda Pages 15-1 through 15-3, are attached to these Minutes.)

COMMENTS BY COMMISSIONERS

Commissioner Singleton had no comment.

Commissioner Sankey said good morning and reiterated the importance of following the safety guidelines, including wearing a mask and washing hands regularly, to prevent the spread of the COVID-19. He also encouraged each of us to kindly remind others as we are out and about to follow these practices as well.

Vice Chairman Walker recommended formally suspending the remainder of the On The Road Meetings for the duration of the year 2020, with the recommendation of reinstating the meetings in 2021. The Commission agreed with the recommendation.

Chairman Dean stated that the COVID-19 has changed the way Montgomery County and the entire world operates. He said the Commission is working hard to ensure the safety of Montgomery County employees and citizens. Chairman Dean also stated that the Commission decided in March to cut back in certain areas of spending because of the impact the COVID-19 on the economy. He said the Commission will revisit and discuss these at the June 1, 2020, meeting. He then reminded everyone that Montgomery County is still under a curfew.

Commissioner Harris said good morning and advised everyone to avoid large crowds when possible and practice safety precautions during this pandemic. He again encouraged everyone to call and check on families, friends and love ones, especially the ones that live alone. Commissioner Harris gave an update on his aunt who lives in a nursing home and said that he Facetimed with her and that she is doing well.

Grant Writer Regina Walker with the Sheriff's Office briefed the Commission regarding the 2020 Census. Ms. Walker encouraged everyone to complete their census package if they have not. She said that Alabama has a 57% self-response rate. Ms. Walker also said that the numbers were down in some areas of Montgomery County, but they are working to increase them.

ADJOURNMENT

Commissioner Sankey made a motion to adjourn the meeting of the Montgomery County Commission on May 18, 2020, at 9:50 a.m. The motion was seconded by Vice Chairman Walker and unanimously approved by the Commission.

**MONTGOMERY COUNTY COMMISSION
MEETING DATE MAY 18, 2020**

THE FOLLOWING WERE AUDITED AND ORDERED PAID

ACCOUNTS PAYABLE CHECKS DATED 4-24-2020	
Check Numbers: 293554 – 293636	Total Checks Paid: \$ 671,955.20

ACCOUNTS PAYABLE CHECKS DATED 5-8-2020	
Check Numbers: 293637 – 293751	Total Checks Paid: \$ 867,302.99

Check #293273 has been replaced with check #293752

EFT's included in amounts

PAYROLL CHECKS DATED 5-8-2020	
Check Numbers: 134335 – 134411	Total: \$ 123,490.41
Direct Deposits	Total: \$ 1,438,315.30
Federal Deposits	Total: \$ 303,333.18
Total Payroll Paid	Total: \$ 1,865,138.89

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

ELTON N. DEAN, SR.
CHAIRMAN

RONDA M. WALKER
VICE CHAIRMAN

DANIEL HARRIS, JR.
ISAIAH SANKEY
DOUG SINGLETON



Terri A. Henderson, CRE
Revenue Manager

Administrative and Auditing for:
Montgomery County Alabama
Sales & Use Taxes; Lodging Tax;
Gasoline Tax; Fuel Tax; and
Rental Tax

Telephone (334) 832-1697
FAX (334) 832-1223
Website www.mc-ala.org

MONTGOMERY COUNTY COMMISSION

Tax & Audit Department
P.O. Box 4779
Montgomery, Alabama 36103-4779

AGENDA

MAY 18 2020

MEMORANDUM

DATE: April 29, 2020

TO: Sherrill Thomas, Finance Director *ST 4/29/20*

FROM: Terri Henderson, Revenue Manager *Terri Henderson 04/29/2020*

RE: 2020 "Back-to-School" Sales Tax Holiday, July 17-19, 2020

Please see notice attached from the State of Alabama Department of Revenue ("ADOR") received via email dated April 28, 2020 specific to the 2020 "Back-to-School" Sales Tax Holiday authorized pursuant to Act No. 2017-120. The dates for the 2020 "Back-to-School" Sales Tax Holiday will be third full weekend of July 2020 beginning at 12:01 a.m. on Friday, July 17, 2020 and ending at twelve midnight on Sunday, July 19, 2020. If we are going to participate again this year, I would respectfully request that this topic be discussed during the next Informal Session of the Montgomery County Commission Meeting on May 4, 2020. Please note the draft resolution attached has been prepared in anticipation that this item will be included on the formal agenda for the Montgomery County Commission Meeting on May 18, 2020.

Please note that written notification of our participation and a certified copy of our resolution will be due back to the ADOR before the June 17, 2020 deadline. Thank you in advance for your assistance with this matter.

tah/attachments

**RESOLUTION PROVIDING FOR MONTGOMERY COUNTY'S
PARTICIPATION IN THE "SALES TAX HOLIDAY"
IN JULY 2020, AS AUTHORIZED
BY ACT NO. 2017-120**

WHEREAS, during its 2017 Regular Session, the Alabama Legislature enacted Act No. 2017-120, effective March 29, 2017, which provides an exemption of the state sales and use tax for certain non-commercial purchases related to school clothing and supplies during the third full weekend in July of each year; and

WHEREAS, Act No. 2017-120 authorizes the county commission to provide for an exemption of county sales and use taxes for purchases of items covered by the Act during the same time period in which the state sales and use tax exemption is in place, provided a resolution to that effect is adopted at least thirty days prior to 12:01 a.m. on the third Friday in July; and

WHEREAS, Code of Alabama 1975, § 11-51-210(e) requires that the county commission notify the Alabama Department of Revenue of any new local tax or amendment to an existing local tax levy at least 30 days prior to the effective date of the change; and

WHEREAS, the exemption of certain county sales and use taxes for the third full weekend of July 2020 herein adopted by the county commission is an amendment to the county's sales and use tax levy warranting notice to the Alabama Department of Revenue as provided in Code of Alabama 1975, § 11-51-210(e);

WHEREFORE BE IT RESOLVED BY THE MONTGOMERY COUNTY COMMISSION that it does hereby provide for an exemption of the 2½ percent county sales and use tax on purchases of items covered by Act No. 2017-120 beginning at 12:01 a.m. on Friday, July 17, 2020 and ending at twelve midnight on Sunday, July 19, 2020.

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of the May 18, 2020 meeting of the Montgomery County Commission, and be immediately forwarded to the Alabama Department of Revenue in compliance with Code of Alabama 1975, § 11-51-210(e).

IN WITNESS WHEREOF, the Montgomery County Commission has caused this Resolution to be executed in its name and on its behalf by its Chairman on this the 18th day of May, 2020.

I hereby certify that the above
Resolution was adopted by the
Montgomery County Commission
on this, the 18th day of May, 2020.

Elton N. Dean, Sr.
Chairman

Elton N. Dean, Sr.
CHAIRMAN

Ronda M. Walker
VICE CHAIRMAN

Daniel Harris, Jr.
Isaiah Sankey
Doug Singleton



ADMINISTRATOR
Florence M. Cauthen
DEPUTY ADMINISTRATOR

AGENDA

MAY 18 2020

May 14, 2020

MEMORANDUM

TO: Montgomery County Commission

FROM: Florence M. Cauthen 
Interim County Administrator

SUBJECT: Board Member Reappointment to the Montgomery City/County Public Library Board

The Montgomery County Commission, at its meeting on May 4, 2020, agreed to place on the next agenda the reappointment of Theresa Steele Mitchell as a board member of the Montgomery City/County Public Library Board for a term expiring June 1, 2024.

FMC/tn

Attachment

A COUNTY OLDER THAN THE STATE

Montgomery County Commission • 101 S. Lawrence Street • P.O. Box 1667 • Montgomery, AL 36102 • www.mc-ala.org
Phone 334.832.1210 • Fax 334.832.2533 • TDD 334.265.3568

**Montgomery City-County Public Library
Board of Trustees
2019 Directory**

Patina Moss
County Appointment
2856 S. Colonial Drive
Montgomery, AL 36111
Term Expires: June 1, 2023

Phill Johnson, PhD
County Appointment
1572 Westbury Park CT
Montgomery, AL 36117
Term Expires: June 1, 2022

Joseph D. Trimble
County Appointment
512 Martha Street
Montgomery, AL 36104
Term Expires: June 1, 2023

Gary Burton, Vice President
County Appointment
13812 U.S. Hwy 31
Hope Hull, AL 36043-5104
Term Expires: June 1, 2022

*** Theresa Steele Mitchell**
County Appointment
554 East Fairview Avenue
Montgomery, AL 36106
Term Expires: June 1, 2020

Betsy Atkins
County Appointment
201 Laurel Springs Court
Pike Road, AL 36064
Term Expires: June 1, 2021

Janice Franklin, Ph D
County Appointment
4424 Woodcrest Drive
Montgomery, AL 36108
Term Expires: June 1, 2021

Katie Bell, President
City Appointment
3613 Winterset Court
Montgomery, AL 36111-3361
Term Expires: June 1, 2020

ShaKenya Calhoun
City Appointment
4155 Lomac Street, Ste. G
Montgomery, AL 36106
Term expires: September 21, 2017

Michael Fritz
City Appointment
25 South Court Street, Suite 200
Montgomery, AL 36109-2344
Term Expires: June 1, 2021

Cassandra E. Brown
City Appointment
P.O. Box 251402
Montgomery, AL 36125
Term Expires: September 21, 2020

Janet Waller, Secretary
City Appointment
2307 Allendale Place
Montgomery, AL 36111-1636
Term Expires: September 21, 2022

Adam Muhlendorf
City Appointment
3361 Boxwood Drive
Montgomery, AL 36111
Term expires: June 1, 2023

Chester Mallory, Treasurer
City Appointment
P.O. Box 6056
Montgomery, AL 36106-0056
Term expires: September 21, 2022

Mary McLemore
President, Friends of the Library
122 Laurelwood Drive
Pike Road, AL 36064-2213

Ron Simmons
City Appointment
1219 Parama Court
Montgomery, AL 36109
Term expires: September 21, 2023

VACANT
President, Library Foundation

Jaunita Owes, Library Director
City-County Public Library
P.O. Box 1950
245 High Street
Montgomery, AL 36102-1950

Karen L. Preuss, Asst. Director
City-County Public Library
P.O. Box 1950
245 High Street
Montgomery, AL 36102-1950

Library Home Page <http://www.mccpl.lib.al.us>

4 year terms

Elton N. Dean, Sr.
CHAIRMAN

Ronda M. Walker
VICE CHAIRMAN

Daniel Harris, Jr.
Isaiah Sankey
Doug Singleton



ADMINISTRATOR
Florence M. Cauthen
DEPUTY ADMINISTRATOR

AGENDA

MAY 18 2020

May 14, 2020

MEMORANDUM

TO: Montgomery County Commission

FROM: Florence M. Cauthen *FMC*
Interim County Administrator

SUBJECT: Board Member Reappointments to the Montgomery County Public Building Authority

The Montgomery County Commission, at its meeting on May 4, 2020, agreed to place on the next agenda the reappointments of Ed Grimes and Pernell L. Jenkins as board members of the Montgomery County Public Building Authority for terms expiring June 5, 2026.

FMC/tn

Attachment

A COUNTY OLDER THAN THE STATE

Montgomery County Commission • 101 S. Lawrence Street • P.O. Box 1667 • Montgomery, AL 36102 • www.mc-ala.org
Phone 334.832.1210 • Fax 334.832.2533 • TDD 334.265.3568

Montgomery County Public Building Authority

Members:

Term Expires:

* Ed Grimes
4200 Sherman Way
Montgomery, Alabama 36109

6/5/2020

* Pernell L. Jenkins
1043 South McDonough Street
Montgomery, AL 36104

6/5/2020

Ken Ward
Montgomery, AL 36106

6/5/2022

Andrew Hardwick
1161 Mizell Road
Montgomery, AL 36116

6/5/2022

Richard "Rick" E. Akinyemi
P.O. Box 242423
Montgomery, AL 36124

6/5/2024

James Harrell
3407 Wintermead
Montgomery, AL 36111

6/5/2024

Term: 6 years

MAY 18 2020

Interoffice Memo

To: Florence Cauthen

From: Lou Ialacci 

Cc: Tammy Nix

Date: May 7, 2020

RE: Southern Light Franchise Agreement

I have worked with Mr. Kelly McGriff, Vice President and Deputy General Counsel, for Southern Light (Unity) on the terms for a Franchise Agreement (FA) between Montgomery County Commission and Southern Light LLC. The agreement is very similar to the one approved by the Commission in 2016 with Troy Cable. Southern Light has agreed to pay the County a 3% fee on their gross revenues in the county. The FA will terminate May 31, 2035.

The FA has been reviewed and approved by Attorney Gallion per his attached letter. It has also been presented in the work session and approved to go on the formal meeting agenda. I request that this be placed on the May 18, 2020 formal agenda.

Thank you.

FRANCHISE AGREEMENT

WITNESS THIS AGREEMENT by and between the **Montgomery County Commission**, a body corporate and political, hereinafter referred to as “County” and Southern Light, LLC, an Alabama limited liability company, hereinafter referred to as “Company”, its subsidiaries, successors and assigns, for and in consideration of the mutual covenants herein contained the receipt and sufficiency whereof being hereby acknowledged as follows:

1. Scope. The Company desires to lay, construct, lease and/or operate a system for the provision of fiber-optic transmission lines, together with the right to make, install, maintain, repair and replace such facilities as may be reasonably necessary or desirable within the boundary of Montgomery County roads and rights-of-way, and subject to any necessary private agreements, for attaching to said poles, transmission wires and lines of other utilities, provided that the Company shall not make any opening in any county roadway unless it has first received a permit to do so from the public agency in Montgomery County having jurisdiction over said public road.

2. Rules, Regulations and Rates. Alabama state law and the rules, regulations and applicable rate schedules of the Company as may be required to be filed with and regulated by the Alabama Public Service Commission govern this service and are incorporated herein by reference. Such laws, rules, regulations and applicable rate schedules are subject to change during the term of this Contact as provided by law. In addition, the Company shall be in compliance with all Federal laws, rules and regulations as may be applicable.

3. Term. The term of this Contract applicable to each premises governed hereunder shall terminate on May 31, 2035, renewable at the option of both parties and negotiable at each renewal as to the percentage of gross revenue to be received by the County and as to such other

items identified by either party. Either party may terminate this Contract upon written notice to the other of such termination.

4. Service to Premises. County will not be responsible for any service to premises.

5. Payment. During the term of this Contract, Company will pay to the County a fee equal to three percent (3%) of Gross Revenue received by it from the operation of the System to provide local telecommunications services provided to Montgomery County subscribers which are outside of an incorporated municipality. Gross Revenue is defined as monthly fees charged users or subscribers for any service, installation, disconnection, reconnection and change-in-service fees, lease payments, late fees, administrative fees and any revenue-sharing arrangements. Gross Revenues shall not include any taxes on services furnished by Grantee, which taxes are imposed directly on a subscriber or user by a city, county, and/or State and collected by Grantee for such entity. The Franchise fee is not a tax. Gross revenues shall not include amounts which cannot be collected by the Grantee and are identified as a bad debt; provided that if amounts previously representing bad debt are collected, then those amounts shall be included in Gross Revenues for the period in which they are collected. Gross Revenues shall include revenue recovered by any entity other than Grantee where necessary to prevent evasion or avoidance of the obligation under this Franchise to pay the Franchise Fees, however, amounts included in Gross Revenues shall not be added to Gross Revenues again if they are received by an affiliate of Grantee in payment for services supplied to Grantee. Gross Receipts shall not include revenues arising from or relating to Telecommunications Services that both originate and terminate outside of Montgomery County. Gross Revenues on Telecommunications Services that originate in another County or Municipality, and terminate in an unincorporated area of Montgomery County, Alabama, shall be evenly apportioned among the two for purposes of

calculating the Fee owed to each by the Company, such that the aggregate Use Fee paid by the Company shall not exceed three percent (3%) of the Gross Receipts on said Telecommunications Services. Said payments shall be paid semi-annually for receipts received during each six-month period for periods ending on January 1 and July 1 of each year and shall be paid within thirty days immediately following said dates. The County shall have the right to examine the books of the Company to verify the Gross Revenue.

6. Equipment. The Company, at its own expense, shall furnish its own equipment and material to lay, construct, lease, and/or operate a system for the provision of fiber optic transmission lines, together with the right to make, install, maintain, repair and replace such facilities as may be reasonably necessary or desirable within the boundary of Montgomery County roads and rights-of-way, and subject to any necessary private agreements, for attaching to said poles, transmission wires and lines of other utilities, provided that the Company shall not make any opening in any county roadway unless it has first received a permit to do so from the public agency in Montgomery County having jurisdiction over said public road. This Agreement does not give the Company any attachment rights to any poles, structures, or facilities not owned and/or controlled by Montgomery County. Any damage to existing lines caused by the Company or its equipment will be the responsibility of the Company.

7. Documentation. On September 30th of each year, the Company shall file with the County Engineer correct maps and or plats of all existing installations that indicate the types of equipment and facilities installed or constructed, properly identified and described as to the type of equipment and facility by appropriate symbols and marks and which shall include annotations of all public ways, streets roads, and conduit where the work was completed.

8. Dispute Resolution. If a dispute arises of or relates to this Agreement or its breach, the parties shall endeavor to settle the dispute first through direct discussions or negotiations. If the dispute cannot be settled through direct discussions or negotiations, the parties shall endeavor to settle the dispute by non-binding mediation. The location of the mediation shall be Montgomery, Alabama. Either party may terminate the mediation at any time after the session, but the decision to terminate must be delivered in person to the other party and the mediator. Engaging in mediation is a condition precedent to any other form of binding dispute resolution. If the parties cannot agree on a mutual resolution, then any disputes not resolved by mediation shall be decided in the Circuit Court of Montgomery County, Alabama and governed by the laws of the State of Alabama and any applicable federal laws relating to this agreement between Montgomery County and the Company.

9. Assignment of Contract. The Company shall not assign this Contract without written consent of the County, which said consent shall not be unreasonably withheld.

10. Remedies. In the event of default by the Company, the County may pursue any and all judicial and administrative remedies and relief available.

11. Hold Harmless Agreement.

(a) By acceptance of this franchise and right, the Company agrees that it shall indemnify, protect and hold harmless the County and its officers, agents and employees from any and all claims whatsoever, from liabilities, losses, costs, judgements, penalties, damages and expense, arising out of the its failure to perform any of the obligations of this franchise, including but not limited to, claims for injury or death to any person or persons, or damages to any property, as may be incurred by or asserted against the County, its officers, agents or employees, directly or indirectly, by reasons of the installation, operation or maintenance by the Company of the Company's cable or video system.

(b) The Company shall maintain, and by its acceptance of this franchise,

specifically agrees that it will provide throughout the term of this franchise, workmen's compensation insurance and liability insurance, by self-insurance or by a commercial policy, with regard to all damages mentioned in subsection (a) and (b) above in the minimum amount of:

1. General Liability Insurance – public liability including premises, products and complete operations.
 - a. Bodily injury liability:
\$500,000 each person
\$1,000.000 each occurrence
 - b. Property damage liability:
\$1,000.000 each occurrence, or
 - c. In lieu of (a) and (b) above, bodily injury and property damage combined - \$1,000.000 single limit.
2. Comprehensive – Automobile Liability Insurance, including owned, non-owned and hired vehicles.
 - a. Bodily injury liability:
\$500,000 each person
\$1,000.000 each occurrence
 - b. Property damage liability:
\$1,000.000 each occurrence, or
 - c. In lieu of (a) and (b) above, bodily injury and property damage combined - \$1,000.000 single limit. 11.

12. Miscellaneous. This document and any document incorporated by reference and any attachments constitute the entire agreement between the parties. No modification of this Agreement, except as provided in paragraph 2 and 8 above, shall be binding unless it is in writing and accepted by the County and the Company. This contract shall be governed by the laws of the State of Alabama.

IN WITNESS WHEREOF, each of the parties hereto has caused this Agreement to be executed by its duly authorized representative, as of the effective date of May____, 2020.

MONTGOMERY COUNTY COMMISSION

By: _____

Title: _____

SOUTHERN LIGHT, LLC

By: _____

Title: Vice President and Deputy General Counsel



Haskell Slaughter Gallion & Walker, LLC
8104 B Seaton Place
Montgomery, Alabama 36116
t 334.265.8573 | f 334.264.7945

TT6

MEMORANDUM

May 7, 2020

To: Florence Cauthen, Interim County Administrator
From: Thomas T. Gallion, III
Re: Fiber Optic Agreement

I have reviewed for several weeks all of the drafts and changes to a Franchise Agreement between the Montgomery County Commission ("MCC") and Southern Light, LLC.

Thanks to the assistance of Lou Ialacci, we have finally reached a valid agreement with Southern Light, LLC. One of the delays is that Lou and I insisted that a franchise fee should be paid to MCC for the rights afforded to Southern Light by MCC. We finally reached an agreement that Southern Light would pay once 3% of the Gross Revenue received to MCC.

After weeks of negotiations, a final agreement was reached which is with Florence. Based on the above, I opine that this Agreement should be executed by the MCC, if approved by MCC, then same would be binding on all parties thereto.

I am also of the opinion that the services provided for in this agreement are in the best interest of the public health, safety, education, and 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 Montgomery County Commission.

50051-317

AGENDA

MAY 18 2020

MEMORANDUM

TO: Florence Cauthen, Interim County Administrator

FROM: Tammy Turner, Buyer II ~~TT~~

DATE: April 23, 2020

RE: Contract No. 51965-18B-011
Computer Hardware Maintenance

I request that the attached Amendment No. 2 to SHI International Corporation contract for computer hardware maintenance be considered for approval on a future agenda.

Amendment No. 2 will allow the contract to be extended for one (1) year, beginning May 31, 2020 and ending on May 30, 2021.

This contract extension has been coordinated with Lou Ialacci, Chief Information and Technology Officer.

Attachment

**Montgomery County Commission
Purchasing Department
P. O. Box 1667
Montgomery, AL 36102**

Amendment
To
Contract # 51965-18B-011

Amendment No. 2

Contract for SHI International Corporation is hereby extended for one (1) year beginning May31, 2020 and ending May 30, 2021.

All provisions of the contract will remain the same.

WITNESS:

SHI INTERNATIONAL CORPORATION

BY: _____

TITLE: _____

WITNESS:

MONTGOMERY COUNTY COMMISSION

BY: _____

TITLE: _____

MAY 18 2020

MAY 18 2020

[illegible]

6-1

MAY 18 2020

Return to Cand - 5/19/2020

MONTGOMERY COUNTY COMMISSION

BUDGET CHANGE REQUEST

Request Number: 2**AGENDA****MAY 18 2020**DEPARTMENT: Community Corrections REQUESTED BY: Phil Bryant 5/8/2020
Elected Official/Dept. Head DateFINANCE REVIEW: REVIEWED BY: Sherrill Thomas 5/8/20
Finance Director DateCOMMISSION APPROVAL PROCESSING: Briefing Memo ☐
Agenda ☒COUNTY COMMISSION APPROVAL:
Administrator Date

ACCOUNT NAME	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE (DECREASE)	REVISED BUDGET
Other Miscellaneous Supplies	219	1,250	700	1,950
Travel-Registration & Training	265	5,000	(700)	4,300
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
TOTAL		\$ 6,250	\$ 0	\$ 6,250

JUSTIFICATION: Realign the budget to pay for Police Academy uniforms.

**MONTGOMERY COUNTY COMMISSION
BUDGET CHANGE REQUEST**

Request Number: 4

AGENDA

MAY 18 2020

DEPARTMENT: Engineering REQUESTED BY: George Speake 5/6/20
Elected Official/Dept. Head Date

FINANCE REVIEW: REVIEWED BY: Sherrill Thomas 5/8/20
Finance Director Date

COMMISSION APPROVAL PROCESSING: Briefing Memo ☐
Agenda ☒

COUNTY COMMISSION APPROVAL: _____
Administrator Date

ACCOUNT NAME	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE (DECREASE)	REVISED BUDGET
Water & Sewer	111-53400.246	1,900	300	2,200
Repair & Maint. Construction Equip	111-53400.232	93,500	(300)	93,200
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
TOTAL		\$ 95,400	\$ 0	\$ 95,400

JUSTIFICATION: To realign budget to cover Water & Sewer.

**MONTGOMERY COUNTY COMMISSION
BUDGET CHANGE REQUEST**

Request Number: 2

AGENDA

MAY 18 2020

DEPARTMENT: Personnel REQUESTED BY: Carmen Douglas 5/8/2020
Elected Official/Dept. Head Date

FINANCE REVIEW: REVIEWED BY: Sherrill Thomas 5/8/20
Finance Director Date

COMMISSION APPROVAL PROCESSING: Briefing Memo ☐
Agenda ☒

COUNTY COMMISSION APPROVAL: _____
Administrator Date

ACCOUNT NAME	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE (DECREASE)	REVISED BUDGET
Administration Expense	123-51961.499	6,212	(2,400)	3,812
Professional Services	123-51961.307	10000	(2,600)	7,400
Legal Services	123-51961.305	13000	5000	18,000
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
TOTAL		\$ 29,212	\$ 0	\$ 29,212

JUSTIFICATION: To realign budget categories to cover increased legal expenses.

**MONTGOMERY COUNTY COMMISSION
BUDGET CHANGE REQUEST**

Request Number: 4

AGENDA

MAY 18 2020

DEPARTMENT: SHERIFF REQUESTED BY: Derrick Cunningham 5/11/20
Elected Official/Dept. Head Date

FINANCE REVIEW: REVIEWED BY: Sherrill Thomas 5/11/20
Finance Director Date

COMMISSION APPROVAL PROCESSING: Briefing Memo ☐
Agenda ☒

COUNTY COMMISSION APPROVAL: _____
Administrator Date

ACCOUNT NAME	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE (DECREASE)	REVISED BUDGET
Federal Grant Revenue	125-40000.44721	0	(58,008)	(58,008)
Law Enforcement Supplies	125-52615.592	0	58,008	58,008
				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 for the 2020 Coronavirus Emergency Supplemental Funding Program Grant.

**MONTGOMERY COUNTY COMMISSION
BUDGET CHANGE REQUEST**

Request Number: 2

AGENDA

MAY 18 2020

DEPARTMENT: YF Juvenile Court REQUESTED BY: Ray Williams 5/4/20
Elected Official/Dept. Head Date

FINANCE REVIEW: REVIEWED BY: Sherrill Thomas 5/8/20
Finance Director Date

COMMISSION APPROVAL PROCESSING: Briefing Memo ☐
Agenda ☒

COUNTY COMMISSION APPROVAL: _____
Administrator Date

ACCOUNT NAME	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE (DECREASE)	REVISED BUDGET
Other Misc Supplies	001-52601.219	10,500	(2,000)	8,500
Office Supplies	001-52601.211	8,500	2,000	10,500
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
TOTAL		\$ 19,000	\$ 0	\$ 19,000

JUSTIFICATION: Realign budget to cover Office Supplies/Minor Equipment.

POSITION FILL REQUEST- BUDGETED VACANCY

DEPARTMENT: M. C. Sheriff's Office - Detention Facility
 DEPARTMENT HEAD: Derrick Cunningham, Sheriff
 SUPERVISOR: Sonja Pritchett, Colonel

POSITION INFORMATION:

Position Title Administrative Support Associate
 Position Number 500013233(Replace S Smith)
 Pay Grade A03 Pay Range 25,630 - 38,294
 Proposed Effective Date May 25, 2020
 Type of Hire (☒) New (☐) Promotional
 Type of Appointment (☒) Permanent (☐) Temporary

DEPARTMENT APPROVAL:

Derrick Cunningham
 Department Head Date May 4 2020

PAYROLL/FINANCE REVIEW:

Requested position is vacant and budgeted.

Lisa Herring
 Employee Benefit Manager Date 05/05/2020

Sherrill Thomas
 Finance Director Date 5/8/2020

ADMINISTRATIVE APPROVAL:

Florence M. Cauthen/tln
 County Administrator Date 5/8/2020



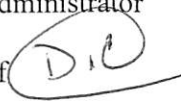
DERRICK CUNNINGHAM
SHERIFF OF MONTGOMERY COUNTY

AGENDA

MAY 18 2020

Kevin J. Murphy
CHIEF DEPUTY

To: Florence Cauthen, County Administrator

From: Derrick Cunningham, Sheriff 

Date: May 12, 2020

Re: Change Order No. 1
Renovations of 514 Herron Street

Request that rules be waived to approve change order 1 in the amount of \$7,500.00 to include extension of time approximately 14 (fourteen) days, be placed on the agenda for the County Commission meeting on May 18, 2020. This change order will allow ITNOA, LLC to provide engineering design and drawings for a new heating and air system and ductwork; provide engineering electrical load calculations design for changes to the HVAC System and lighting; to provide engineering design and drawings for retaining wall repair. All cost will be paid by Montgomery County Sheriff's Office.

If I can be of further assistance, please contact me.

DC/ms

Attachment

SHERIFF'S OFFICE
POST OFFICE BOX 4219
MONTGOMERY, ALABAMA 361034219
OFFICE 334.832.4980
FAX 334.832.7113

DETENTION FACILITY
225 SOUTH MCDONOUGH STREET
MONTGOMERY, ALABAMA 36104
OFFICE 334.832.1386
FAX 334.265.0990

www.montgomerysheriff.com

CONTRACT CHANGE ORDER

Change Order No. 1

Date: May 12, 2020

TO: (Contractor)
ITNOA, LLC
P. O. Box 9096
Montgomery, AL 36108

PROJECT: MCSO-1-2020
Renovations of 514 Herron Street

Terms: You are hereby authorized, subject to the provisions of your Contract for this project, to make the following changes thereto in accordance with your proposal dated (March 12, 2020)

FURNISH the necessary labor, materials, and equipment to *(Description of work to be done or changes to be made.)*

1. Changes to HVAC System: Provide engineering design and drawings for new heating and air system and ductwork.
2. Changes to Electrical System: Provide engineering electrical load calculations design for changes to the HVAC System and lighting.
3. Provide engineering design and drawing for retaining wall repair.

ORIGINAL CONTRACT SUM \$284,900.00

NET TOTAL OF PREVIOUS CHANGE ORDERS \$ 0.00

PREVIOUS REVISED CONTRACT SUM \$ 0.00

THIS CHANGE ORDER WILL ☐ INCREASE ☐ DECREASE

THE CONTRACT SUM BY \$ 7,500.00

REVISED CONTRACT SUM, INCLUDING THIS CHANGE ORDER \$292,400.00

EXTENSION OF TIME resulting from this Change Order approximately 14 days.

The Owner does hereby certify that this Change Order was executed in accordance with the provisions of Title 39, Code of Alabama, 1975, as amended.

CONTRACTING PARTIES

ITNOA, LLC
(Contractor)

Name: _____

Title: _____

MONTGOMERY COUNTY COMMISSION
(Awarding Authority)

BY: _____

TITLE: _____



ENGINEERS GENERAL CONTRACTORS HOME BUILDERS
P.O. Box 9096 Montgomery, AL 36108, Ph (334) 356-0824 Fax (334) 356-0826

www.itnoallc.com

CHANGE ORDER REQUEST

COR NUMBER	COR DATE	PROJECT	
01	05/11/2020	514 Herron St Renovation	

DATE	DESCRIPTION	AMOUNT
05/11/20	1. CHANGES TO HVAC SYSTEM: PROVIDE ENGINEERING DESIGN AND DRAWINGS FOR NEW HEATING AND AIR SYSTEM AND DUCTWORK 2. CHANGES TO ELECTRICAL SYSTEM: PROVIDE ENGINEERING ELECTRICAL LOAD CALCULATIONS DESIGN FOR CHANGES TO THE HVAC SYSTEM AND LIGHTING. 3. PROVIDE ENGINEERING DESIGN AND DRAWING FOR RETAINING WALL REPAIR. TOTAL COST TIME FOR CHANGE <u>ADD APPROXIMATELY 14 DAYS</u>	\$7,500.00
05/11/20		AMOUNT DUE \$7,500.00

THANK YOU FOR ALLOWING US TO **"MAKE YOUR VISION A REALITY"**

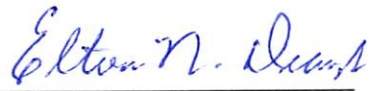
Horatio R. Lee, P.E., G.C.

ADJOURNMENT

There being no further business to come before the Commission at this time, the meeting stood adjourned until Monday, June 1, 2020, at 8:30 in the morning.



Interim County Administrator



Chairman