

REGULAR MEETING
MONTGOMERY COUNTY COMMISSION

AUGUST 24, 2009

AGENDA

INFORMATION SESSION

Call to Order, Welcome at 8:00 a.m.

Prayer Led by Commissioner Williams

Reports from Staff:

County Administrator
Deputy Administrator
County Attorney
County Engineer

Comments from Scheduled Attendees:

Probate Judge Reese McKinney, Jr. and Elections Director Trey Granger
Community Corrections Executive Director Paul Brown

Recess to Formal Session

FORMAL SESSION

Welcome at 9:30 a.m.

Invocation by Commissioner Polizos

Pledge of Allegiance Led By Commissioner Williams

Call of Roll to Establish Quorum

Presentation of the Minutes of the Regular Meeting of August 10, 2009

CONSENT AGENDA:

Consider Approval of Accounts Payable Checks and Payroll Checks

NEW BUSINESS:

1. Consider Approval of Appointment of Board Members to Montgomery County Board of Human Resources, County Commission

2. Consider Approval of 2009 Memorandum of Agreement with the City of Montgomery and C. Hager and Sons Hinge Manufacturing Company, County Commission
3. Consider Approval of Amendment Number Two to Contract with Advanced Disposal Services Regarding Clean Saturday Trash Pickup, Contract Number 51100-06B-026, County Commission
4. Consider Approval of Changes to the Montgomery County Healthcare Plan, Risk Management Department
5. Consider Approval of Change Order Number 12 with Bell and Associates Construction, LP, Regarding Montgomery County Detention Facility Project, County Commission
6. Consider Approval of Payment of 2009-2010 Membership Dues to Leadership Alabama for Chairman Dean, County Commission
7. Consider Approval of Miscellaneous Appropriations Reprogramming Requests, County Commission
8. Consider Approval of Travel/Training Requests (8)

Reports from Staff:

County Administrator
Deputy Administrator
County Engineer
County Attorney

Comments from Citizens

Discussion Items by Commissioners

Recess to Information Session

INFORMATION SESSION

Comments from Scheduled Attendees:

Ron Sparks, Commissioner of Agriculture and Industries

Reports from Staff:

County Administrator
Deputy Administrator
Manager of Public Affairs

Adjourn

CALENDAR OF EVENTS

AUGUST 24, 2009

Regular County Commission Meeting
8:00 a.m. - Information Session
9:30 a.m. - Formal Session
After Conclusion of the Formal Session, an
Information Session will be conducted until
12:00 Noon.
1:30 p.m. – 5:00 p.m. – Budget Hearing

SEPTEMBER 7, 2009

County Holiday – Labor Day

SEPTEMBER 14, 2009

Regular County Commission Meeting
8:00 a.m. - Information Session
9:30 a.m. - Formal Session
After Conclusion of the Formal Session, an
Information Session will be conducted until
12:00 Noon.

SEPTEMBER 28, 2009

Regular County Commission Meeting
8:00 a.m. - Information Session
9:30 a.m. - Formal Session
After Conclusion of the Formal Session, an
Information Session will be conducted until
12:00 Noon.

OCTOBER 12, 2009

County Holiday – Columbus Day / American Indian
Heritage Day

OCTOBER 13, 2009

Regular County Commission Meeting
8:00 a.m. - Information Session
9:30 a.m. - Formal Session
After Conclusion of the Formal Session, an
Information Session will be conducted until
12:00 Noon.

OCTOBER 26, 2009

Regular County Commission Meeting
8:00 a.m. - Information Session
9:30 a.m. - Formal Session
After Conclusion of the Formal Session, an
Information Session will be conducted until
12:00 Noon.

PERSONNEL ACTIONS

Fill action continues for 1 Clerk Typist II – County Commission Office
Fill action continues for 1 Deputy Finance Director – Finance Department
Fill action continues for 1 Grant Specialist – Public Affairs Department
Fill action continues for 1 Customer Service Clerk – Probate Judge's Office
Fill action continues for 1 Clerk III – Probate Judge's Office
Fill action continues for 1 Probate Court Clerk – Probate Judge's Office
Fill action continues for 1 Clerk III – Revenue Commissioner's Office
Fill action continues for 1 Clerk Typist II – Support Services Department
Fill action continues for 1 Program Analyst I – Information Systems Department
Fill action continues for 1 Identification Officer – Sheriff's Office
Fill action continues for 1 Emergency Communication Operator I or II – Sheriff's Office
Fill action continues for 2 Fingerprint Classifier II's – Sheriff's Office
Fill action continues for 1 Deputy Sheriff Lieutenant – Sheriff's Office
Fill action continues for 6 Corrections Officer Trainees/Corrections Officers – Detention Facility
Fill action continues for 4 Corrections Officer Sergeants – Detention Facility
Fill action continues for 14 Clerk II's – Detention Facility
Fill action continues for 1 Relief Juvenile Detention Officer – Youth Facility
Fill action continues for 1 County Road Equipment Operator I – Engineering Department
Fill action continues for 1 Civil Engineer Tech I – Engineering Department
Fill action continues for 1 Worthless Check Director – District Attorney's Worthless Check Unit
Fill action continues for 1 Clerk IV – District Attorney's Worthless Check Unit
Fill action continues for 1 Clerk II – District Attorney's Worthless Check Unit
Fill action continues for 1 Case Manager I – District Attorney's Child Support Unit

August 24, 2009

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
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**

08-24-09 Meeting

Agenda

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

08-24-09 Meeting

Agenda

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

08-24-09 Meeting

Agenda

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
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

08/24/09 Meeting

Agenda

THE FOLLOWING TRANSACTIONS WERE AUDITED AND
ORDERED PAID

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

CHECK #

59437

PAYEE

Jamie C. Burnett

AMOUNT

\$ 222.83

DATE

07/31/09

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

August 5, 2009

Agenda

AUG 24 2009

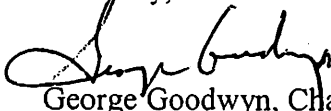
Mr. Donald L. Mims
County Administrator
Montgomery County Commission
P.O. Box 1667
Montgomery, Alabama 36102-1667

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,


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

Copy: Terry Benton, Director
Montgomery County DHR

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: _____

AUG 24 2009

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

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: _____

ELTON N. DEAN, SR.
CHAIRMAN

REED INGRAM
VICE CHAIRMAN

DIMITRI POLIZOS
JILES WILLIAMS, JR.
E. HAMILTON WILSON, JR.

A COUNTY OLDER THAN THE STATE

MONTGOMERY COUNTY COMMISSION

P.O. BOX 1667
MONTGOMERY, ALABAMA 36102-1667

ESTABLISHED 1816

DONALD L. MIMS, CPA, MPA
ADMINISTRATOR
JOHN A. MITCHELL, SR.
DEPUTY ADMINISTRATOR
(334) 832-1210
FAX (334) 832-2533
TDD (334) 265-3568
www.mc-ala.org

August 18, 2009

Agenda

AUG 24 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

Outpatient Hospital Facility

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

Inpatient Hospital / Major Medical

\$200 / \$400 deductible

Vision Benefit

\$100 / employee

Physician Co-pay

\$25 Co-pay for all physicians

Prescription Benefit

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

Proposed Changes

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

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

\$125 / member

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

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

ELTON N. DEAN, SR.
CHAIRMAN

REED INGRAM
VICE CHAIRMAN

DIMITRI POLIZOS
JILES WILLIAMS, JR.
HAM WILSON, JR.

A COUNTY OLDER THAN THE STATE

MONTGOMERY COUNTY COMMISSION

MONTGOMERY, ALABAMA 36102-1667

ESTABLISHED 1816



DONALD L. MIMS, CPA, MPA
ADMINISTRATOR
JOHN A. MITCHELL, SR.
DEPUTY ADMINISTRATOR
(334) 832-1210
FAX (334) 832-2533
TDD (334) 265-3568
www.mc-ala.org

Agenda

AUG 24 2009

August 19, 2009

MEMORANDUM

TO: Montgomery County Commission

FROM: John A. Mitchell, Sr. 
Deputy Administrator

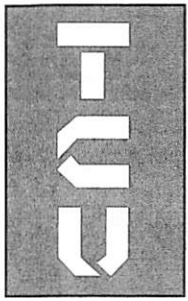
SUBJECT: Change Order No. Twelve
Bell & Associates Construction
Montgomery County Detention Facility

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.

JAM/rw

Attachments



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 dark ink, appearing to read 'L. Carter', is written over the word 'Sincerely,'.

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

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

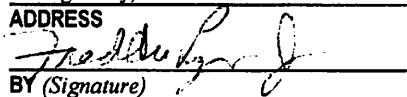
** Resolution of days pending.

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


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


Elvis A. Butler Jr.
(Typed name)

8/10/09
DATE

Montgomery County Commission
OWNER (Firm name)

P O Box 1667
Montgomery, AL 36102-1667

ADDRESS

BY (Signature)

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 ^{2,359}		
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~~

^{2,359}
\$ 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)

Larry Carter
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

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.

jd
~~\$ 35,363.00~~
~~\$ 39,851.00~~
** 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.

jd
~~\$ 24,601.00~~
~~\$ 24,147.24~~

PREVIOUSLY APPROVED IN CCD #17

CHANGE ORDER PROPOSAL #12A TOTAL

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

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

** Originally reduced for work paid in Change Order 10. Directed by Larry Carter to pay in full.*
REBELLED TO HAVE BEEN PAID



Agenda

AUG 24 2009

July 2009

Mr. Elton N. Dean, Sr.
County Commisioner
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

ELTON N. DEAN, SR.
CHAIRMAN

REED INGRAM
VICE CHAIRMAN

DIMITRI POLIZOS
JILES WILLIAMS, JR.
E. HAMILTON WILSON, JR.

A COUNTY OLDER THAN THE STATE

MONTGOMERY COUNTY COMMISSION

MONTGOMERY, ALABAMA 36102-1667

ESTABLISHED 1816

DONALD L. MIMS, CPA, MPA
ADMINISTRATOR
JOHN A. MITCHELL, SR.
DEPUTY ADMINISTRATOR
(334) 832-1210
FAX (334) 832-2533
TDD (334) 265-3568
www.mc-ala.org

Agenda

AUG 24 2009

August 24, 2009

MEMORANDUM

TO: Montgomery County Commission

FROM: Donald L. Mims *DLM*
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; (\$1,000-Ingram and \$1,000-Polizos)
- NC-2009-101: BOE, Dunbar-Ramer School, for Principal's Discretionary Fund - \$250; (Ingram)
- NC-2009-102: BOE, Dunbar-Ramer School, for the Library - \$1,000; (Ingram)
- NC-2009-103: Waugh-Mt. Meigs Volunteer Fire Protection Authority, for Address Markers - \$500; (Ingram)

DLM/tll

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

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Montgomery County Commission
Travel / Training Request Approval

Appendix C

Agenda

AUG 24 2009

Request # 14

Date: August 17, 2009
To: Donald L. Mims, Administrator
From: Sheriff D. T. Marshall
Re: Travel / Training Request

Request approval to be granted for the following:

Destination: Florence, Alabama

Departure Date: October 18, 2009 Return Date: October 23, 2009

Conference Leave (Days / Hours): 6 days

Purpose of Travel: Attend 21st Annual Southeastern Law Enforcement Executive
Development Seminar (SLEDs)

Traveler (s) Name: 1. Lt. Robert Irsik 4. Lt. Trent Beasley
2. _____ 5. _____
3. _____ 6. _____

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

Total (est.) Cost: \$2,690.00 Advance Registration Required: \$700.00

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

Additional Comments: _____
Registration from 2009 budget. Other from 2010 budget.

To: Sheriff D. T. Marshall

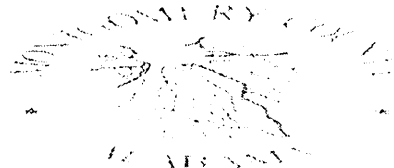
From: Donald L. Mims, Administrator

The above request is app. 08/24/09 reimbursement of actual and necessary expenses in the
approximate amount of \$2,690.00 and advance registration of \$700.00 is authorized.

To be completed by the Finance Department

Fund Code:	<u>001-52110-265</u>	(ex: 000-00000-000)
Description:	<u>Registration & Training</u>	
Current Budget:	<u>\$25,000.00</u>	
Approved Requests:	<u>\$16,372.12</u>	
Budget Available:	<u>\$8,627.88</u>	
Current Requests:	<u>\$700.00</u>	
Budget Balance:	<u>\$7,927.88</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

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: _____

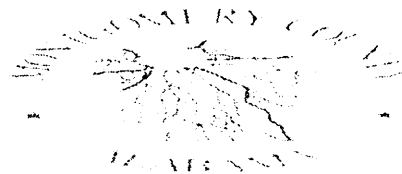
To: Gina Savage, Director of Detention

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.

<i>To be completed by the Finance Department</i>	
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

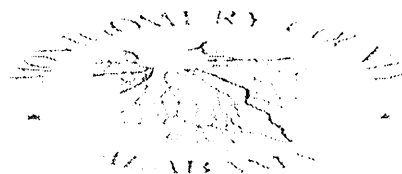
From: Donald L. Mims, Administrator

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:	<u>007-51120-265</u>	(ex: 000-00000-000)
Description:	<u>Registration & Training</u>	
Current Budget:	<u>\$20,000.00</u>	
Approved Requests:	<u>\$9,191.10</u>	
Budget Available:	<u>\$10,808.90</u>	
Current Requests:	<u>\$0.00</u>	
Budget Balance:	<u>\$10,808.90</u>	

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

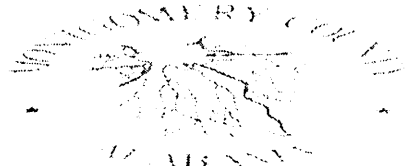
From: Donald L. Mims, Administrator

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

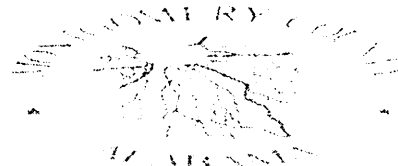
From: Donald L. Mims, Administrator

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.

To be completed by the Finance Department

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

Description: Registration & Training

Current Budget: \$9,810.00

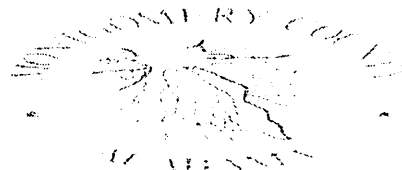
Approved Requests: \$4,949.00

Budget Available: \$4,861.00

Current Requests: \$79.00

Budget Balance: \$4,782.00

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

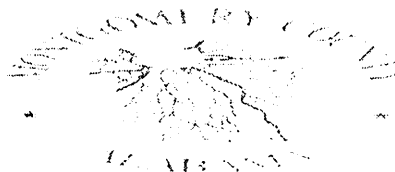
Approved Requests: \$5,028.00

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

8-8

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:		
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
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.

BUDGET FORM 5

MONTGOMERY COUNTY COMMISSION

BUDGET CHANGE REQUEST

REQUEST NUMBER 38

County Commission			
DEPARTMENT:	Appropriations	REVIEWED:	S. Thomas
DATE:	8/10/2009	Finance Director	Date
REQUESTED BY:	Donald Mims, Administrator	APPROVED:	
Elected Official/Dept. Head		Administrator	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
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

BUDGET FORM 5

MONTGOMERY COUNTY COMMISSION BUDGET CHANGE REQUEST

REQUEST NUMBER 24

DEPARTMENT:	Engineering	REVIEWED:	S. Thomas	8/17/09
		Finance Director		Date
REQUESTED BY:	George C. Speake	APPROVED:		
Elected Official/Dept. Head	8/14/2009	Administrator		Date

ACCOUNT NAME	ACCOUNT NUMBER	CURRENT BUDGET	INCREASE (DECREASE)	REVISED BUDGET
Revenue Account	111-40000.4222	(484,697)	(28,944)	(513,641)
Contract	111-53101-330	662,215	28,944	691,159
				0
				0
				0
				0
				0
				0
				0
				0
				0
				0
TOTAL		177,518	(0)	177,518

JUSTIFICATION:

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	8/18/2009	Administrator	Date

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
				0
TOTAL		198,000	0	198,000

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

AUG 24 2009

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9-6.

AUG 24 2009

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

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 ____ day of September, 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 ___ day of September, 2009.

Administrator

APPROVED:

Elton Dean, Chairman
County Commission of
Montgomery County, Alabama

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

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LATASHA A. MEADOWS¹

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AFRIKA C. PARCHMAN¹

CHRISTOPHER S. GENEREUX¹

KELVIN W. HOWARD¹

CYNTHIAN L. MAY¹

ADMITTED:

¹ ALABAMA

² GEORGIA

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⁴ KANSAS

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P.O. DRAWER 5058

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17 HAYNEVILLE PLAZA

HAYNEVILLE, AL 36040

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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.

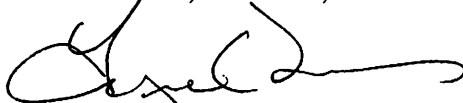
There is no legal distinction between a desk phone and a cellular telephone. Id. The County clearly has the authority to provide cell phones as it deems necessary for the efficient operation of the County as well as the authority to manage and oversee its employees. Therefore, the County has the discretion 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

