

STATE OF ALABAMA)

COUNTY OF BALDWIN)

**RESOLUTION #2022-002
OF THE
BALDWIN COUNTY COMMISSION**

AS AUTHORIZED BY CODE OF ALABAMA 1975, SECTION 11-102-1, PROVIDING FOR A DETERMINATION BY THE BALDWIN COUNTY COMMISSION TO ENTER INTO AN INTERGOVERNMENTAL SERVICE AGREEMENT WITH MUNICIPALITIES IN BALDWIN COUNTY, ALABAMA, TO ALLOW THE MUNICIPALITIES TO USE THE COUNTY'S VOTING MACHINES AND THE SERVICES OF THE COUNTY VOTING MACHINE CUSTODIAN FOR MUNICIPAL ELECTIONS.

WHEREAS, County is the duly formed governing body in and for Baldwin County, Alabama; and

WHEREAS, as authorized by Code of Alabama 1975, Section 11-102-1, any county or incorporated municipality of the State of Alabama may enter into a written contract with any one or more counties or incorporated municipalities for the joint exercise of any power or service that state or local law authorizes each of the contracting entities to exercise individually; and

WHEREAS, pursuant to Code of Alabama 1975, Section 11-102-3, no contract entered into shall take effect until the contract has been approved by the governing body of each of the contracting municipalities or counties. Approval by a county governing body shall be by adoption of a resolution, and approval by a municipal governing body shall be by adoption of an ordinance of general and permanent operation; and

WHEREAS, the municipalities in Baldwin County, Alabama, from time to time have requested assistance in their administration of the electoral franchise benefiting the public by providing the municipalities with the use, at no cost, of County-owned voting machines during municipal elections; and

WHEREAS, the State of Alabama Ethics Commission, Advisory Opinion No. 2018-03 issued on June 6, 2018, states that counties and municipalities may enter into contracts through which the municipality reimburses the county for the use of the County's election equipment and county employees who possess the requisite skill and knowledge to operate the equipment; but municipalities may not directly engage the county employee to do so under these facts without putting the employee in the position of violating Code of Alabama 1975, Section 36-25-S (a) and (c); and

WHEREAS, to cooperate in the administration of the electoral franchise benefiting the public, the County wishes to enter into an Intergovernmental Service Agreement with the municipalities in Baldwin County, Alabama, to allow the use of the County-owned voting machines, at no cost, for municipal elections with the understanding that each municipality shall be responsible for all costs associated with the provision of services of the County Voting Machine Custodian and any and all other election related costs and to provide for the reimbursement of County for the costs associated with the services which may be provided by the County Voting Machine Custodian, a County employee, or any other County employee in connection with the transportation, installation, service, maintenance, testing and use of County voting machines during municipal elections; and

WHEREAS, in order for the County to provide the services set forth above, the Baldwin County Commission requires that the County and the municipalities in Baldwin County, Alabama, enter into an Intergovernmental Service Agreement for the aforementioned purposes; now therefore

BE IT RESOLVED BY THE BALDWIN COUNTY COMMISSION IN REGULAR SESSION ASSEMBLED that the Commission hereby approves the terms of the Intergovernmental Services Agreement attached hereto to be entered into between the Commission and various incorporated municipalities of Baldwin County regarding the use, transportation, installation, maintenance and testing of County-owned voting machines during municipal elections and the reimbursement of County costs associated with the provision of such machines and the use of services of County employees, including the County Voting Machine Custodian and his or her designee(s).

DONE, at the County Seat, in Bay Minette, Alabama, and under the Seal of Baldwin County, Alabama, as affixed on this the 5th day of October, 2021.

JOE DAVIS, III
Chairman

ATTEST:

WAYNE DYESS
County Administrator