



# Baldwin County Commission

## Legislation Details (With Text)

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**File #:** 23-1094      **Version:** 1

**Type:** Other Staff Recommendations      **Status:** Agenda Ready

**File created:** 4/25/2023      **In control:** Baldwin County Commission Regular

**On agenda:** 5/2/2023      **Final action:**

**Title:** Solid Waste Disposal Authority - Request for an Attorney General's Opinion

**Indexes:**

**Attachments:** 1. Resolution 2023-113, 2. AG Opinion Request Form, 3. AG Opinion Request Letter, 4. AGO Transmittal Letter, 5. \*Resolution 2023-113-Signed

Date	Ver.	Action By	Action	Result
5/2/2023	1	Baldwin County Commission Regular	Approved	Pass

**Meeting Type:** BCC Regular Meeting

**Meeting Date:** 5/2/2023

**Item Status:** New

**From:** Terri Graham, Development and Environmental Director

**Submitted by:** Suzanne Doughty, Accounting Manager

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### ITEM TITLE

Solid Waste Disposal Authority - Request for an Attorney General's Opinion

### STAFF RECOMMENDATION

Adopt Resolution #2023-113 which approves, authorizes and directs the Attorney for the Baldwin County Commission to request an opinion from the Office of the Attorney General for the State of Alabama regarding whether a solid waste disposal authority with a county and a municipality as determining subdivisions is exempt from the laws of Alabama requiring competitive bids pursuant to § 11-89A-18, Code of Alabama (1975).

### BACKGROUND INFORMATION

**Background:** Baldwin County Solid Waste Department, in preparation for the formation and operation of a Solid Waste Authority, would like to obtain an opinion from the Office of the Attorney General for the State of Alabama regarding § 11-89A-18, Code of Alabama (1975) which addresses exemptions from competitive bid laws. The specific question for which we are requesting an opinion is as follows:

Whether a solid waste disposal authority with a county and a municipality as determining subdivisions is exempt from the laws of Alabama requiring competitive bids pursuant to § 11-89A-18, Code of Alabama (1975).

**Previous Commission action/date:** N/A

## **FINANCIAL IMPACT**

**Total cost of recommendation:** N/A

**Budget line item(s) to be used:** N/A

**If this is not a budgeted expenditure, does the recommendation create a need for funding?**  
N/A

## **LEGAL IMPACT**

**Is legal review necessary for this staff recommendation and related documents?**  
Yes

**Reviewed/approved by:** Pending legal review by County Attorney

**Additional comments:** Emailed County Attorney agenda form verbiage on April 25, 2023, for review  
- will follow up with Administration with his response sd

## **ADVERTISING REQUIREMENTS**

**Is advertising required for this recommendation?** N/A

**If the proof of publication affidavit is not attached, list the reason:** N/A

## **FOLLOW UP IMPLEMENTATION**

**For time-sensitive follow up, select deadline date for follow up:** N/A

**Individual(s) responsible for follow up:** County Attorney will send out AG opinion letter with a copy provided to Administration and Solid Waste Department

**Action required (list contact persons/addresses if documents are to be mailed or emailed):**

County Attorney:

1. Execute AGO request form.
2. Mail letter on behalf of the Baldwin County Commission to the Attorney General for the State of Alabama (Attachment 1), including AGO request form and accompanying cover letter from the firm.

**Additional instructions/notes:** Administration - upload Resolution to BCAP