



Baldwin County Commission

Legislation Text

File #: 23-1094, Version: 1

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

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