

**NOTICE**

Pursuant to Alabama Act No. 80-643, the Madison County Commission will conduct a public hearing on the third floor of the Madison County Courthouse on July 17, 2024, at 10:00 a.m., to receive comment on the following proposed Resolution:

STATE OF ALABAMA

MADISON COUNTY

**RESOLUTION OF THE MADISON COUNTY COMMISSION**

WHEREAS, pursuant to the authority and limitations provided by Alabama Act No. 80-643, Madison County performs certain road related services on private property for a fee and also sells certain road construction materials; and

WHEREAS, the road related services and the sale of road construction materials are collectively referred to as “Private Work;” and

WHEREAS, Act No. 80-643 authorizes Private Work only “where such road related services or road construction material is not available from private enterprise at a reasonable cost;” and

WHEREAS, Madison County does not desire and is not authorized to compete with private enterprise or provide a subsidy to those individuals, firms or corporations contracting with the County for Private Work; and

WHEREAS, pursuant to Section 2 of Act No. 80-643, Madison County has examined the availability of work, services and material from private enterprise in the various areas of Madison County; and

WHEREAS, Madison County has determined a cost for providing road related services and road construction material to citizens of Madison County; and

WHEREAS, Madison County desires to establish the road related services and road construction materials that will be made available for sale by Madison County pursuant to Act. No. 80-643 and further to define the policies which shall govern the performance by County personnel, utilizing county equipment, of said road related services and the sale of such road construction material by the County.

NOW, THEREFORE, BE IT RESOLVED BY THE MADISON COUNTY COMMISSION as follows:

1. The following road related services may be performed at the established corresponding cost in those areas of Madison County where such services are not available to the public at a reasonable cost from private enterprise:

- Backhoe or equivalent - \$140/Hour
- Grader - \$200/Hour
- Gradall - \$190/Hour
- Bushax - \$180/Hour

The time charged will begin when equipment leaves the office of the Commissioner performing the work and will end when the equipment returns. A minimum of one hour will be charged. All charges after one hour will be based on intervals of one-half of one hour.

2. The following road construction materials may be sold at the established corresponding cost in those areas of Madison County where such materials are not available to the public at a reasonable cost from private enterprise:

- Gravel – ½ Single Axle Load (approximately 5 tons) - \$300
- Gravel – Full Single Axle Load (approximately 10 tons) - \$400
- Gravel – Full Tri-Axle Load (approximately 25 tons) - \$700
- Pipe – Cost plus 15%

3. Madison County shall in no way compete unfairly with the private sector, and the road related services or road construction materials will be made available only to those citizens of Madison County where such road related services or road construction materials are not available from private enterprise at a reasonable cost.

4. No subsidy will be allowed to those individuals, firms or corporations contracting with Madison County, and all cost, either direct or indirect, shall be borne by those entities contracting with Madison County for Private Work.

5. In no case will Madison County personnel or equipment be permitted to perform Private Work on private property where a present public need exists for County equipment or personnel.

6. Before any road related services are performed on private property or road construction material is sold, a written contract in a form prescribed by the Chief Financial Officer of Madison County must be signed by the party for whom the service is being performed or to whom materials are being sold. The contract must provide, at a minimum, a description of, and the amount paid for, the work being performed or the materials being sold.

7. All road related services must be paid for at the time that the work is completed and all road construction materials must be paid for at the time the materials are delivered.

8. The name of each individual or entity for whom road related services are performed or to whom material is delivered shall be entered into the permanent minutes of the Madison County Commission at its next regular meeting following completion of the work or the delivery of the material, along with a description of the work performed or road construction material delivered and a statement of the price paid to Madison County.

9. Madison County shall not perform work on private property or sell materials to any individual or entity within any twelve-month period in excess of a total amount of \$1,000.

10. At least annually, the Madison County Commission shall examine the availability of work, services and material from private enterprise in the various areas of Madison County and shall determine a cost for providing road related services and road construction material.

11. Payment for Private Work will be made by check, cashier's check or money order. No cash will be accepted for payment. If a personal check is returned for insufficient funds, a \$30 fee will be charged.

12. Payments shall be posted, deposited, documented and audited in accordance with direction from the Chief Financial Officer of Madison County, and all records related to Private Work shall be maintained a minimum of four years and be subject to public inspection.

DONE this 17<sup>th</sup> day of July, 2024.

MADISON COUNTY COMMISSION

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Mac McCutcheon  
Chairman

ATTEST:

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Kevin Jones  
County Administrator