



**SHELBY COUNTY COMMISSION
MAY 11, 2009
MINUTES**

**STATE OF ALABAMA
COUNTY OF SHELBY**

The Shelby County Commission of Shelby County, Alabama, met at the County Administration Building in the City of Columbiana, Alabama, at 8:30 P. M., Monday, May 11, 2009. The meeting was called to order by Commissioner Lindsey Allison. The invocation was given followed by the Pledge of Allegiance. Roll was called and the following members were present:

PRESENT

Commissioner Dan Acker
Commissioner Lindsey Allison
Commissioner Joel Bearden
Commissioner Larry Dillard
Commissioner Tommy Edwards
Commissioner Corley Ellis
Commissioner Robbie Hayes
Commissioner Jon Parker
Commissioner Rick Shepherd

ABSENT

**APPROVAL OF MINUTES FROM APRIL 27, 2009
RESOLUTION 09-05-11-01**

MOTION: Commissioner Edwards - Motion to approve Minutes from April 27, 2009 as presented

SECOND: Commissioner Acker

VOTE ON MOTION: Unanimous

MOTION CARRIED

**APPROVAL OF BILLS, REQUISITIONS, CHECK REGISTER
GOVERNMENTAL FUNDS AND PROPRIETARY FUNDS
RESOLUTION 09-05-11-02**

MOTION: Commissioner Bearden - Motion to approve the Bills, requisitions and check register for Government and Proprietary Funds as presented

SECOND: Commissioner Hayes

VOTE ON MOTION: 8 Yeas – Commissioner Acker, Commissioner Allison, Commissioner Bearden, Commissioner Dillard, Commissioner Edwards, Commissioner Ellis, Commissioner Parker, Commissioner Shepherd; 1 Abstained – Commissioner Hayes

MOTION CARRIED

BUDGET, FINANCE & LEGAL

PARK AND RECREATION GRANT PROGRAM

WINTER 2009, FUNDING CYCLE AMENDED RESOLUTION

RESOLUTION 09-05-11-03

MOTION: Commissioner Bearden – Motion to approve Resolution 09-05-11-03 as presented

SECOND: Commissioner Parker

VOTE ON MOTION: Unanimous

MOTION CARRIED

RESOLUTION 09-05-11-03

**SHELBY COUNTY
PARK & RECREATION GRANT PROGRAM
WINTER 2009, FUNDING CYCLE**

BE IT RESOLVED, that the Shelby County Commission hereby amends the adopted Resolution 09-02-09-07 to include the grant award applicable to the City of Montevallo. The associated grant documents and related meetings between the City, Montevallo Youth Athletic Association and County were not finalized by the original Commission adoption date on February 9, 2009 and therefore county staff could not recommend action until May 11, 2009.

THEREFORE BE IT RESOLVED, that the Shelby County Commission hereby approves the following winter 2009 financial awards at this time:

1) Town of Vincent	\$5,861.39
2) City of Chelsea	\$50,000.00
3) City of Alabaster	\$30,000.00
4) City of Montevallo	\$39,200.00
Total Funding Amount	\$125,061.39

BE IT FURTHER RESOLVED, the Shelby County Commission authorizes the County Manager to take any and all steps necessary to implement and administer the program.

RESOLVED, the County Manager is directed to proceed with the contracts associated with the \$125,061.39. Said sum and contracts are funded as follows: \$125,061.39 from FY 2009 #001-57200-50296 (Park & Recreation Grant Budget).

**SEMI-ANNUAL FINANCIAL REPORTS FY 2008-09
RESOLUTION 09-05-11-04**

MOTION: Commissioner Bearden – Motion to approve Resolution 09-05-11-04 as presented
SECOND: Commissioner Shepherd
VOTE ON MOTION: Unanimous **MOTION CARRIED**

RESOLUTION 09-05-11-04

BE IT RESOLVED, that the Shelby County Commission hereby approves and records the Semi-Annual Financial Report for the period October 1, 2008 through March 31, 2009. The attached financial reports are hereby recorded as part of this resolution and shall be published pursuant to the applicable laws of the State of Alabama.

**AFFIRMATION OF PURCHASING
RESOLUTION 09-05-11-05**

MOTION: Commissioner Bearden – Motion to approve Resolution 09-05-11-05 as presented
SECOND: Commissioner Acker
VOTE ON MOTION: Unanimous **MOTION CARRIED**

RESOLUTION 09-05-11-05

WHEREAS, the economic downturn is having a critical impact on everyday Alabamians who are struggling to maintain or find jobs in an increasingly difficult environment; and

WHEREAS, those same Alabamians are the taxpayers that provide the revenue needed to operate essential government services; and

WHEREAS, the Shelby County Commission has been notified that it will receive some Federal Economic Stimulus funding as approved by the United States Congress and authorized by the signing of such legislation by the President of the United States; and

WHEREAS, the Shelby County Commission believes that this funding should be spent to maximize the creation of American jobs and restoring the economic vitality of our communities; and

WHEREAS, under Title 39 of the Code of State of Alabama, 1975, otherwise known as the State Bid Laws, Section 39-3-1 through 39-3-4 contains the provision that when contracting for public work project financed entirely by the State of Alabama or any of its political subdivision the awarding authority must stipulate or cause to be stipulated in contract provisions agreeing to use material manufactured in the United State or its territories; and

WHEREAS, the Shelby County Commission has always complied with the State Bid Laws in conducting the business of the County and will continue to do so in the future;

NOW THEREFORE, BE IT RESOLVED THAT, the Shelby County Commission commits to purchase products and services that are made or performed in the United States whenever and wherever possible with any economic recovery funds provided through the current stimulus program so as to both create and help maintain jobs that will keep Americans employed.

**ROADS AND TRANSPORTATION
REVISED ROAD ACCEPTANCE POLICY
RESOLUTION 09-05-11-06**

MOTION: Commissioner Dillard – Motion to Table

SECOND: Commissioner Edwards

VOTE ON MOTION: Unanimous

MOTION CARRIED

**MOTION TO WAIVE THE RULES
FOR CONSIDERATION OF ITEM NOT ON AGENDA
RESOLUTION 09-05-11-07**

MOTION: Commissioner Acker – Motion to waive the rules to consider item not on agenda

SECOND: Commissioner Parker

VOTE ON MOTION: Unanimous

MOTION CARRIED

**CALERA WATER AGREEMENT
RELEASE OF CONTRACT RIGHTS
RESOLUTION 09-05-11-07**

MOTION: Commissioner Dillard – Motion to Resolution 09-05-11-07 as presented

SECOND: Commissioner Edwards

VOTE ON MOTION: Unanimous

MOTION CARRIED

RESOLUTION 09-05-11-07

BE IT RESOLVED BY THE SHELBY COUNTY COMMISSION AS FOLLOWS:

1. That the County Manager be and he is hereby authorized and directed to enter into and execute for and on behalf of Shelby County and the Shelby County Commission the Release Of Contract Rights with The Calera Water Board, a copy of which is attached to this Resolution as Exhibit "A"

2. That Kim Reynolds, Administrative Assistant to the County Manager, is authorized and directed to attest the signature of the County Manager to said Agreement.

STATE OF ALABAMA
SHELBY COUNTY

RELEASE OF CONTRACT RIGHTS

WITNESS THIS AGREEMENT between Shelby County, Alabama, a political subdivision of the State of Alabama (hereinafter "County"), and The Calera Water Board, a public corporation under the laws of the State of Alabama (hereinafter "Board"), entered into this ____ day of May, 2009.

R E C I T A L S

WHEREAS, heretofore on the 19th day of December, 2001, County and Board entered into a Water Supply Agreement, a copy of which is attached hereto as Exhibit "A" and made part and parcel hereof as fully as if set out herein, and

WHEREAS, subsequent to the execution of the aforesaid Water Supply Agreement, and due to pressing water supply concerns of the Board which occurred in the year 2006, the Board made a decision that it should construct a water treatment plant of its own, which plant was constructed and which came on the production line in April 2008, and

WHEREAS, the water plant constructed by Board has a peak capacity of 6 MGD and is able to supply the peak water usage needed by Board in the approximate amount of 3.1 MGD, and

WHEREAS, Board has expressed to County a desire of Board to cancel the Water Supply Agreement entered into by and between Board and County and shown on Exhibit "A", and

WHEREAS, to date, County has incurred costs associated with its Project "E" totaling \$879,088.63, which said Project "E" was designed and commenced by County in order to meet County's obligations to supply water to Board pursuant to the Water Supply Agreement shown on Exhibit "A", and

WHEREAS, the above-referenced costs expended by County were approximately outlined as follows, to-wit:

1.	Payment to Board (Calera) for water tank and mains project	\$319,500.00
2.	County-incurred engineering design and bidding costs	\$262,184.45
3.	Cost to County of acquiring easements, payments to property owners (includes \$10,000 anticipated for completing final three pending acquisitions for which offers have been extended)	\$144,859.00
4.	Easements, cost of legal expenses, appraisals, and other costs in connection with acquisition of easements	\$ 67,624.36
	CPI Adjustment and Cost	<u>\$ 84,920.82</u>
	Total	\$879,088.63

WHEREAS, Board has agreed to reimburse County for its above-stated project costs to date in the total amount of \$879,088.63, and County has agreed, subject to the terms and provisions contained herein, to cancel the Water Supply Agreement shown on Exhibit "A":

NOW, THEREFORE, in consideration of the above premises, and in further consideration of the mutual covenants and agreements contained herein, the parties hereto do hereby agree, covenant, and contract as follows:

1. That Board shall pay to County a total of \$879,088.63 representing the total expenses incurred by County to date, including an adjustment for inflation, as calculated and shown above, which said amount shall be payable in monthly installments of \$41,000.00 per month, with the first payment due on September 1, 2009, and a like payment due on the first day of each month thereafter, it being understood and agreed that said payments if timely made as provided herein will be without any interest.

2. Upon receipt of the final installment and payment of the total amount of \$879,088.63 as provided herein, County and Board agree, covenant, and contract that the Water Supply Agreement heretofore entered into by and between the parties on the 19th day of December, 2001, a copy of which is, as aforesaid, attached as Exhibit "A" hereto, shall be null and void, and all the rights, duties, and obligations of both parties thereto will be terminated thereafter and at said time.

3. In consideration of the settlement of this matter and the entering into of this Release of Contract Rights, County will decline to award the contract to complete Project "E" and allow the bids therefor to expire on, to-wit, May 15, 2009.

Signed and sealed on the date first given above.

ATTEST:

SHELBY COUNTY, ALABAMA

By: _____
Alex Dudchock, County Manager

ATTEST:

THE CALERA WATER BOARD

By: _____
Bobby Phillips, Chairman

ADJOURNMENT
RESOLUTION 09-05-11-08

MOTION: Commissioner Shepherd – There being no further business to come before the Commission, move to adjourn this 11th day of May, 2009 at 9:20 A.M.

SECOND: Commissioner Hayes

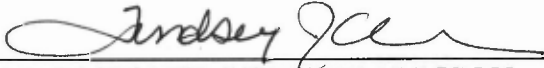
VOTE ON MOTION: Unanimous

MOTION CARRIED

READ & APPROVED:



COMMISSIONER DAN ACKER



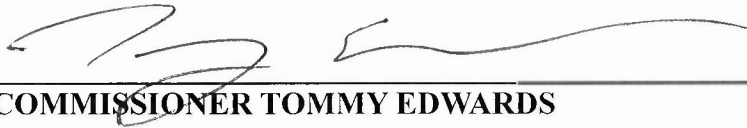
COMMISSIONER LINDSEY ALLISON



COMMISSIONER JOEL BEARDEN



COMMISSIONER LARRY DILLARD



COMMISSIONER TOMMY EDWARDS



COMMISSIONER CORLEY ELLIS



COMMISSIONER ROBBIE HAYES



COMMISSIONER JON PARKER



COMMISSIONER RICK SHEPHERD

**SHELBY COUNTY COMMISSION
ANNUAL FINANCIAL REPORT
COMBINED STATEMENT OF REVENUE, EXPENDITURES AND CHANGES IN FUND BALANCES
FOR THE PERIOD OCTOBER 1, 2008 THROUGH MARCH 31, 2009**

	GENERAL FUND	SPECIAL REVENUES	CAPITAL PROJECTS	DEBT SERVICE	TRUST & AGENCY	TOTAL
REVENUES						
TAXES	25,899,617.48	7,249,274.79	0.00	0.00	0.00	33,148,892.27
LICENSES & PERMITS	345,765.62	0.00	0.00	0.00	0.00	345,765.62
INTERGOVERNMENTAL	1,108,427.34	3,740,816.84	0.00	0.00	52,017.46	4,901,261.64
CHARGES FOR SERVICES	8,149,708.69	0.00	0.00	0.00	134,241.07	8,283,949.76
MISCELLANEOUS REVENUE	1,078,289.32	187,242.51	650,595.71	25,720.15	396,529.21	2,338,376.90
						0.00
TOTAL REVENUE	36,581,808.45	11,177,334.14	650,595.71	25,720.15	582,787.74	49,018,246.19
EXPENDITURES						
GENERAL GOVERNMENT	8,735,129.99	439,277.19	15,565.02	0.00	3,664,698.03	12,854,670.23
PUBLIC SAFETY	13,018,978.63	108,809.09	78.50	0.00	0.00	13,127,866.22
HIGHWAYS & ROADS	0.00	4,641,365.98	0.00	0.00	0.00	4,641,365.98
HEALTH	286,158.76	0.00	0.00	0.00	0.00	286,158.76
WELFARE	350,205.77	86,658.70	0.00	0.00	0.00	436,864.47
CULTURAL & RECREATION	775,861.71	282,439.10	16,575.00	0.00	0.00	1,074,875.81
EDUCATION	62,500.02	0.00	0.00	0.00	0.00	62,500.02
DEBT SERVICE FEES	1,050.00	0.00	0.00	0.00	0.00	1,050.00
TOTAL CURRENT EXPEND.	23,229,884.88	5,558,550.06	32,218.52	0.00	3,664,698.03	32,485,351.49
CAPITAL OUTLAY	3,786,785.51	1,951,152.55	3,081,775.05	0.00	49,452.63	8,869,165.74
DEBT SERVICE - PRINCIPLE	0.00	28,890.62	0.00	0.00	288,173.07	317,063.69
DEBT SERVICE - INTEREST	0.00	18,020.32	0.00	0.00	4,029.28	22,049.60
OTHER OUTLAY	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL EXPENDITURES	27,016,670.39	7,556,613.55	3,113,993.57	0.00	4,006,353.01	41,693,630.52
EXCESS OF REVENUES						
OVER/UNDER EXPEND.	9,565,138.06	3,620,720.59	-2,463,397.86	25,720.15	-3,423,565.27	7,324,615.67
ALL FUNDS						
OTHER FINANCING SOURCES						
TRANSFERS IN	470,132.99	4,066,000.00	1,555,500.00	0.00	177,243.26	6,268,876.25
TRANFERS OUT	-1,528,500.00	-4,572,291.14	-140,841.85	0.00	-27,243.26	-6,268,876.25
OTHER FINANCING	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL	-1,058,367.01	-506,291.14	1,414,658.15	0.00	150,000.00	0.00
EXCESS OF REVENUES & OTHER SOURCES-OVER/ UNDER EXP. & OTHER USES	8,506,771.05	3,114,429.45	-1,048,739.71	25,720.15	-3,273,565.27	7,324,615.67
BEGINNING FUND BALANCE	21,822,358.40	9,289,307.33	-2,937,918.46	88,141.38	9,021,178.30	37,283,066.95
ADJUSTMENTS	0.00	0.00	0.00	0.00	0.00	0.00
TOTAL FUND BALANCE	30,329,129.45	12,403,736.78	-3,986,658.17	113,861.53	5,747,613.03	44,607,682.62

**SHELBY COUNTY COMMISSION
ANNUAL FINANCIAL REPORT
COMBINED STATEMENT OF REVENUE, EXPENDITURES AND CHANGES IN FUND BALANCES
FOR THE PERIOD OCTOBER 1, 2008 THROUGH MARCH 31, 2009**

	BONDS AND WARRANTS PAYABLE MARCH 31, 2009					
	INT. RATE	PAYMENT DATES	ISSUE DATE	FINAL	BALANCE	
GENERAL OBLIGATION WARRANTS						
SERIES 2004-DWSRF-BL	3.05%	8/15/2007	12/15/2004	8/15/2026	21,225,000	
SERIES 2005-DWSRF-BL	3.44%	8/15/2008	10/1/2005	8/15/2027	25,325,000	
SERIES 2007-DWSRF-DL	3.50%	8/15/2010	11/20/2007	8/15/2029	16,370,000	
<p>ON DECEMBER 15, 2004 THE COUNTY ENTERED INTO AN AGREEMENT WITH THE DRINKING WATER STATE REVOLVING FUND (DWSRF) LOAN PROGRAM TO OBTAIN FUNDING FOR THE CONSTRUCTION OF A WATER PLANT. ON OCTOBER 1, 2005 THE COUNTY ENTERED INTO AN AGREEMENT WITH THE DWSRF FOR A SECOND OBLIGATION FOR THE SAME PURPOSE. ON NOVEMBER 20, 2007 THE COUNTY ENTERED INTO AN AGREEMENT WITH THE DWSRF FOR A THIRD OBLIGATION. THE PROGRAM ALLOWS FOR A THREE YEAR INTEREST DEFERRAL DURING CONSTRUCTION. THE BALANCE NOTED HEREIN IS THE TOTAL LOAN AMOUNT INCLUDING DEFERRED INTEREST. THE FIRST PAYMENT ON THE LOANS ARE DUE ON AUGUST 15, 2007, AUGUST 15, 2008 AND AUGUST 15, 2010 RESPECTIVELY.</p>						
CAPITAL LEASES - ALL FUNDS	PRINCIPAL INDEBTEDNESS AS OF 3/31/2009				0.00	
NOTES PAYABLE INDEX FEE FUND	PRINCIPAL INDEBTEDNESS AS OF 3/31/2009				0.00	
NOTES PAYABLE GENERAL FUND	PRINCIPAL INDEBTEDNESS AS OF 3/31/2009				<u>1,573,257.39</u>	
TOTAL CAPITAL LEASES & NOTES PAYABLE					1,573,257.39	
DEFEASED WARRANTS						
<p>ON MARCH 15, 2001, SHELBY COUNTY ENTERED INTO AN ESCROW AGREEMENT WITH OUR TRUSTEE WHEREBY FUNDS WERE PLACED IN AN IRREVOCABLE TRUST SUFFICIENT TO DEFEASE ALL REMAINING PRINCIPLE AND INTEREST OUTSTANDING FOR THE SERIES 1992-A, THE SERIES 1992-B, THE SERIES 1996, AND THE SERIES 1994-A WARRANTS.</p>						
<p>THE FOREGOING IS A REPORT OF THE RECEIPTS AND DISBURSEMENTS OF SHELBY COUNTY UNDER THE CONTROL OF THE SHELBY COUNTY COMMISSION FOR THE PERIOD OCTOBER 1, 2008 THROUGH MARCH 31, 2009. THIS FINANCIAL INFORMATION MEETS THE REQUIREMENTS OF THE CODE OF ALABAMA 1975. IT IS ORDERED THAT THE SAME BE FILED AND RECORDED IN THE MINUTES OF THE COMMISSION. THE DETAILED STATEMENT IS ON FILE IN THE SHELBY COUNTY COMMISSION OFFICE LOCATED AT 200 WEST COLLEGE STREET, COLUMBIANA, ALABAMA.</p>						
<p>I, LINDSEY ALLISON, CHAIRPERSON OF THE SHELBY COUNTY COMMISSION, SHELBY COUNTY, ALABAMA, HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE FOREGOING REPORT OF SAID COMMISSION IS TRUE AND CORRECT OF THE MONIES COMING INTO SAID COMMISSION AND ALL EXPENDITURES BY SAID COMMISSION FROM OCTOBER 1, 2008 THROUGH MARCH 31, 2009.</p>						
<p>LINDSEY ALLISON, CHAIRPERSON SHELBY COUNTY COMMISSION SHELBY COUNTY, ALABAMA</p>						

**TALLADEGA/SHELBY FILTRATION PLANT
STATEMENT OF REVENUES, EXPENSES, AND
CHANGES IN NET ASSETS
FOR THE SIX-MONTH PERIOD ENDED MARCH 31, 2009**

Operating Revenues:	
Water Sales-Shelby	556,671.24
Water Sales-Talladega	127,846.50
Total Operating Revenues	<u>684,517.74</u>
Plant:	
Operations and Maintenance	338,485.88
Architectural & Engineering	5,671.35
Utilities	161,211.17
Insurance	27,828.22
Repairs and Maintenance	146,322.05
Supplies	266,458.48
Office Supplies	2,568.63
Depreciation	77,922.92
Other	6,918.19
Total Plant Expenses	<u>1,033,386.89</u>
Operating Income (Loss)	<u>(348,869.15)</u>
Nonoperating Revenues (Expenses):	
Interest Earned	181.97
Gain (Loss) on Sale of Assets	
Miscellaneous Revenue	
Total Nonoperating Revenues (Expenses)	<u>181.97</u>
Net Income (Loss)	<u>(348,687.18)</u>
Change in Net Assets	<u>(348,687.18)</u>
Total Net Assets - Beginning of Period	<u>2,465,897.08</u>
Total Net Assets - End of Period	<u><u>2,117,209.90</u></u>

**SHELBY COUNTY WATER AND ENVIRONMENTAL SERVICES
COMBINED STATEMENT OF REVENUES, EXPENSES, AND CHANGES
IN NET ASSETS--PROPRIETARY FUNDS
FOR THE SIX-MONTH PERIOD ENDED MARCH 31, 2009**

	LANDFILL	WATER
Operating Revenues:		
Charges for Services	1,576,855.32	2,877,213.51
Total Operating Revenues	1,576,855.32	2,877,213.51
Operating Expenses:		
Personnel	728,252.39	747,311.19
Professional Fees	80,890.92	172,464.25
Depreciation & Amortization	444,924.17	1,706,821.73
Other	507,865.36	1,348,293.62
Total Operating Expenses	1,761,932.84	3,974,890.79
Operating Income	(185,077.52)	(1,097,677.28)
Nonoperating Revenues (Expenses):		
Interest Earned	122,547.19	102,518.24
Interest Expense		(1,605,352.33)
Community Services	(8,170.20)	
Gain (Loss) on Sale of Assets		2,135.83
Total Nonoperating Revenues (Expenses)	114,376.99	(1,500,698.26)
Net Income Before Contributions and Transfers	(70,700.53)	(2,598,375.54)
Capital Contributions		96,882.00
Change in Net Assets	(70,700.53)	(2,501,493.54)
Total Net Assets - Beginning of Period	22,879,447.40	64,448,468.32
Total Net Assets - End of Period	22,808,746.87	61,946,974.78

Note: The above Statement of Revenues, Expenses, and Changes in Net Assets for water operating expenses includes a provision for depreciation expense in the amount of \$1,706,821.73. Nonoperating expenses includes interest expense in the amount of \$1,605,352.33. Of this amount, \$583,272.18 represents accrued interest due August 2009 on State Revolving Fund debt. This amount has not been paid but is reflected as an expense for the six-month period ended March 31, 2009 in accordance with Generally Accepted Accounting Principles. Also included is interest in the amount of \$48,638.89 which represents accrued interest attributable to Westover Water revenue bonds series 1999, principal outstanding as of March 31, 2009 in the amount of \$1,065,000.00. Subsequently, on April 3, 2009, the bonds were paid-off solely from Westover Water Authority cash reserves received as a result of the County's merger agreement with the Authority.