

ORDINANCE NO. 1796

**AN ORDINANCE TO DIRECT THE JEFFERSON COUNTY TAX COLLECTOR
TO REMIT STORM WATER FEES TO THE CITY OF MOUNTAIN BROOK**

WHEREAS the City of Mountain Brook adopted Ordinance Nos. 1268 and 1314 (“Ordinances”), which authorized the assessment and collection of certain storm water fees pursuant to the City’s police powers and the Storm Water Act, Alabama Code § 11-89C-1 *et. seq.*

WHEREAS since adoption of the Ordinances, the Jefferson County Tax Collector has remitted the storm water fees collected pursuant to the Ordinances to an account held by the Jefferson County Finance Department on behalf of the Storm Water Management Authority, Inc. (“SWMA”).

WHEREAS the City of Mountain Brook now desires to have the Jefferson County Tax Collector remit storm water fees collected pursuant to the Ordinances directly to the City of Mountain Brook beginning with the October 1, 2009 through September 30, 2010 fiscal year and continuing thereafter.

NOW, THEREFORE, BE IT ORDAINED, by the City of Mountain Brook that the Jefferson County Tax Collector is hereby directed to remit to the City of Mountain Brook all storm water fees, including all late fees, penalties, and redemptions collected pursuant to the Ordinances beginning with the October 1, 2009 through September 30, 2010 fiscal year and continuing thereafter.

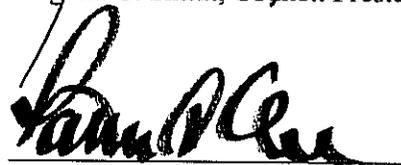
BE IT FURTHER ORDAINED that the City of Mountain Brook authorizes its Mayor to use the funds collected pursuant to the Ordinances to administer a storm water program on behalf of the City of Mountain Brook, Alabama, in whichever way he/she deems expedient, necessary and efficient.

ADOPTED: The 26th day of May, 2009.



Virginia C. Smith, Council President

APPROVED: The 26th day of May, 2009.



Lawrence T. Oden, Mayor

CERTIFICATION

I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama, hereby certify the above to be a true and correct copy of an ordinance adopted by the City Council of the City of Mountain Brook, Alabama, at its regular meeting on May 26, 2009, as same appears in the minutes of the record of said meeting and published by posting copies thereof on May 27, 2009, at the following public places, which copies remained posted for five (5) days as required by law:

City Hall, 56 Church Street
Gilchrist Pharmacy, 2850 Cahaba Road
The Invitation Place, 3150 Overton Road
Joe Muggs Newsstand, 2037 Cahaba Road
Piggly Wiggly Food Store 4, 93 Euclid Avenue



Steven Boone, City Clerk



*Storm Water Management Authority, Inc.
218 Summit Parkway, Suite 200
Birmingham, AL 35209*

*Phone: 205.943.1941
Fax: 205.943.1943*

May 14, 2009

Commissioner Bettye Fine Collins
Jefferson County Courthouse Suite 220
716 Richard Arrington Jr. Blvd. N.
Birmingham, Alabama 35203

RE: Storm Water Management Authority, Inc.

Dear Commissioner Collins:

On January 12, 2009 I, hand delivered to you a letter setting forth the options for Storm Water Management Authority, Inc. ("SWMA") to continue as a viable public corporation. Since the date of that letter, I have been provided a copy of the "Resolution Concerning The Storm Water Management Authority" (the "Resolution") passed by Jefferson County on January 13, 2009 which provides notice to SWMA of Jefferson County's intent to withdraw from SWMA effective October 1, 2009.

As the result of the Commission's Resolution, I called a special meeting of the SWMA Board of Directors to consider SWMA's options, specifically those listed in my letter dated January 12, 2009, as well as any other options brought forward by any other member of the SWMA Board of Directors. That special meeting was held on February 11, 2009, and there was discussion as to Jefferson County's decision to withdraw from SWMA effective October 1, 2009. Please note that 15 of the 21 members of SWMA's Board of Directors attended the meeting. Those who attended voted unanimously in favor of sending a letter to Jefferson County to communicate several items. First and most important, it was the desire of SWMA's Board of Directors that Jefferson County rescind the Resolution, remain a member of SWMA, and allow this regional cooperative effort to move forward. In that vein, the Board of Directors respectfully requested that Jefferson County reconsider its decision to withdraw from SWMA effective October 1, 2009.

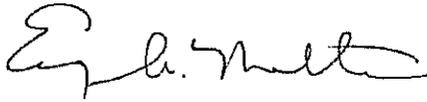
Second, because the withdrawal of Jefferson County from SWMA places an insurmountable financial burden on SWMA's remaining members, the Board of Directors also voted unanimously to notify Jefferson County that SWMA is exercising its right to cancel that Agreement dated December 17, 1997 between SWMA and Jefferson County ("Agreement"), such cancellation to be effective October 1, 2009, the date of Jefferson County's withdrawal from SWMA.

I subsequently wrote the members of the Jefferson County Commission and requested reconsideration of the Resolution through which Jefferson County notified SWMA of its intent to withdraw as a member of SWMA. On May 12, 2009, the Jefferson County Commission voted not to rescind the resolution.

Therefore, please consider this letter as notice pursuant to the Agreement of SWMA's cancellation of the Agreement effective October 1, 2009. Because the Agreement effectuated the loan of Jefferson County employees to SWMA, all of SWMA's 15 current employees will return to service at Jefferson County effective October 1, 2009, at 8:00 a.m. We request that the County engage in discussions for the smooth transition of the employees, as well as the transition of other services being performed by Jefferson County for SWMA. Would you please direct your legal staff to contact SWMA to start the process and develop contacts with various departments at the County that will be affected?

Thank you for your time and attention to these matters.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eugene Melton".

Eugene Melton, Chairman
Storm Water Management Authority, Inc.

Cc: SWMA Board of Directors
Commissioner William Bell
Commissioner Jim Carns
Commissioner Bobby Humphries
Commissioner Shelia Smoot
Mr. Jeff Sewell, Jefferson County Attorney
Ms. Emily Bond, SWMA Attorney