

**MEETING AGENDA OF THE
MOUNTAIN BROOK CITY COUNCIL**

**CITY HALL COUNCIL CHAMBER (ROOM A108)
56 CHURCH STREET, MOUNTAIN BROOK, AL 35213**

APRIL 8, 2019, 7:00 P.M.

1. Approval of the minutes of the March 25, 2019, regular meeting of the City Council.
2. Consideration: Resolution reappointing Brian Lucas to the Park and Recreation Board, to serve without compensation, the term to end April 8, 2024.
3. Consideration: Resolution authorizing the execution of a professional services agreement between the City and Skipper Consulting with respect to a comprehensive traffic study of Overton Road.
4. Consideration: Resolution recommending to the State of Alabama, Alcoholic Beverage Control Board, the issuance of a 040 – Retail Beer (On or Off Premises) and 060 – Retail Table Wine (On or Off Premises) licenses to Golden Age Wines LLC, 2828 Culver Road, Mountain Brook 35223.
5. Consideration: Resolution adopting internal control policies and procedures.
6. Consideration: Resolution awarding the bid for landscape services for the municipal complex, village and library.
7. Consideration: Resolution awarding the bid for janitorial services for the City Hall and Fire Administration.
8. Consideration: Resolution expressing the City Council's support for, and encouraging the Alabama Legislature to adopt the provisions of, HB41 concerning regulation of alternative nicotine products by the ABC Board.
9. Announcement: The next regular meeting of the City Council will be Tuesday, April 23, 2019, at 7:00 p.m. in the Council Chamber of City Hall located at 56 Church Street, Mountain Brook, AL 35213.
10. Comments from residents.
11. Adjourn.

**MOUNTAIN BROOK CITY COUNCIL
PRE-MEETING DISCUSSION
MARCH 25, 2019**

The City Council of the City of Mountain Brook, Alabama met in public session in the Pre-council Room (A106) of City Hall at 6:15 p.m. on the 25th day of March, 2019. The Council President called the meeting to order and the roll was called with the following results:

Present: Virginia C. Smith, Council President
William S. Pritchard III, Council President Pro Tempore
Philip E. Black
Lloyd C. Shelton
Alice B. Womack
Stewart Welch III, Mayor

Absent: None

Also present were City Attorney Carl Johnson, City Manager Sam Gaston and City Clerk Steven Boone.

1. AGENDA

1. Funding agreement with the Alabama Department of Transportation (ALDOT) for resurfacing various roads in the City—Sam Gaston (Resolution No. 2019-041 was added to the formal meeting agenda.)
2. “Neighbors by RING” Memorandum of Understanding (MOU) (Appendix 1)—Ted Cook (Motion No. 2019-043 was added to the formal meeting agenda.)
3. Revised internal control policies and procedures (Appendix 2)—Steven Boone (This matter will be re-introduced for formal consideration on April 8, 2019)
4. Review of the matters to be considered at the formal (7 p.m.) meeting

2. EXECUTIVE SESSION

There being no further matters for discussion, Council President Smith made a motion that the City Council convene in executive session to discuss 1) a real estate negotiation, and 2) another matter involving public safety/law enforcement security. The City Attorney certified that the subject matter of the executive session is permissible under the Open Meetings Act. The motion was seconded by Council President Pro Tempore Pritchard. There being no further discussion, the vote was called with the following results:

Ayes: Virginia C. Smith, Council President
William S. Pritchard III, Council President Pro Tempore
Philip E. Black
Lloyd C. Shelton
Alice B. Womack

Nays: None

Council President Smith thereupon declared that said motion carried by a vote of 5—0.

3. ADJOURNMENT

There being no further matters to be discussed, Council President Smith excused those in attendance at the meeting, announced that the City Council shall reconvene in the Council Chamber upon conclusion of the execution session at 7 p.m. and adjourned the pre-meeting at approximately 6:45 p.m.

4. CERTIFICATION

I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama, certify the above is a true and correct synopsis of the discussion from the work session of the City Council of the City of Mountain Brook, Alabama held at City Hall, Pre-Council Room (A106) on March 25, 2019, and that the meeting was duly called and held in all respects in accordance with the laws of the State of Alabama and bylaws of the City and that no formal action or votes were conducted at said work session.

City Clerk

**MINUTES OF THE REGULAR OF THE
CITY COUNCIL OF THE CITY OF MOUNTAIN BROOK
MARCH 25, 2019**

The City Council of the City of Mountain Brook, Alabama met in public session in the City Hall Council Chamber at 7:00 p.m. on the 25th day of March, 2019. The Council President called the meeting to order and the roll was called with the following results:

Present: Virginia C. Smith, Council President
William S. Pritchard III, Council President Pro Tempore
Philip E. Black
Lloyd C. Shelton
Alice B. Womack
Stewart Welch III, Mayor

Absent: None

Also present were City Attorney Carl Johnson, City Manager Sam Gaston and City Clerk Steven Boone.

The Council President stated that a quorum was present and that the meeting was open for the transaction of business

1. BLOUNTSVILLE FIRE DISTRICT CHIEF SAM JOHNSON TO ADDRESS THE ELECTED OFFICIALS

Chief Johnson expressed thanks for the City's sale of a 2001 Quality Spartan GA40M-2142 fire engine (Motion No. 2019-027) to the Blountsville Fire District. The Blountsville Fire District is a volunteer department with one full-time employee and operates on a \$62,000 annual budget.

2. CONSENT AGENDA

Council President Smith announced that the following matters will be considered at one time on the consent agenda provided no one in attendance objects:

Approval of the minutes of the March 11, 2019, regular meeting of the City Council

Approval of the minutes of the March 20, 2019, special meeting of the City Council

2019-037 Proclamation	Donate Life proclamation	Exhibit 1
2019-038	Reappoint Lynn Ritchie to the Villages Design Review Committee, to serve without compensation, the term to end March 25, 2022	Exhibit 2
2019-039	Authorize the City's participation in the 2019 "State of Alabama Sales Tax Holiday" beginning at 12:01 a.m. on Friday, July 19, 2019, and ending at twelve midnight on Sunday, July 21, 2019, the City of Mountain Brook whereby the City shall exempt certain school supplies, computers, and clothing from municipal sales or use tax	Exhibit 3, Appendix 1
2019-040	Recommend to the State of Alabama, Alcoholic Beverage	Exhibit 4,

	Control Board, the issuance of a 040 – Retail Beer (On or Off Premises) and 060 – Retail Table Wine (On or Off Premises) licenses to Publix Alabama LLC (Trade name: Publix Alabama 1676), 1000 Jemison Lane, Mountain Brook 35223	Appendix 2
2019-041	Authorize the execution of a construction agreement for a state public road and bridge funding project (ST-037-999-019, CPMS #100069733) between the City and ALDOT	Appendix 3
2019-042	Authorizing the proposed Montrose Circle traffic island improvements	Exhibit 5, Appendix 4
2019-043 Motion	Authorize the execution of the Ring Memorandum of Understanding (MOU) subject to the inclusion of modifications limiting the City's liability satisfactory to the City Attorney	Appendix 5

Thereupon, the foregoing minutes, proclamation, resolutions and motion were introduced by Council President Smith and a motion for their immediate adoption made by Council President Pro Tempore Pritchard. The minutes, proclamation, resolutions and motion were then considered by the City Council. Council member Black seconded the motion to adopt the foregoing minutes, proclamation, resolutions and motion. Then, upon the question being put and the roll called, the vote was recorded as follows:

Ayes: Virginia C. Smith, Council President
William S. Pritchard III, Council President Pro Tempore
Philip E. Black
Lloyd C. Shelton
Alice B. Womack

Nays: None

Council President Smith thereupon declared that said minutes, proclamation (No. 2019-037), resolutions (No. 2019-038 through 042) and motion (No. 2019-043) are adopted by a vote of 5—0 and as evidence thereof she signed the same.

3. PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING ARTICLE X, CHAPTER 129 OF THE CITY CODE WITH RESPECT TO PERMITTED USES IN THE PROFESSIONAL ZONING DISTRICT (EXHIBIT 6, APPENDIX 6)

Council President Smith introduced the ordinance in writing and informed the audience that due to the number of requests from residents to continue this matter for a later date [due to this being spring break week], the City Council shall not vote on the proposal. In fact, the City Council may decide to amend the ordinance to include formal notification procedures which will require that the ordinance be re-published in accordance with applicable law. President Smith then invited questions or comments from the audience.

Raheel Farough of 3076 Overton Road:

- His residence is contiguous to the Knesseth Isreal (KI) Synagogue
- Has concerns about the definition of professional office
- Interprets the ordinance to allow a spa or surgery center which may result in increased traffic or ambulance visits to and from the office
- Urged the Council to require that professional office buildings be contiguous to properties zoned mixed use (not in the middle of a residential district)
- Would like future conditional use application hearing require public notice similar to what is required for rezoning applications
- Questions whether the ordinance was properly noticed

Floyd Berman of 3515 Riverbend Road:

- Requests that the ordinance include a provision that future uses that require Council review and approval require public notice
- Also believes that professional office properties be contiguous to other commercial properties

President Smith:

- Any property owner may currently make application to rezone a parcel to professional
- The current proposal will require such rezoning applications undergo a conditional use review and approval by the City Council

Council member Black made a motion that the draft ordinance be amended to include the following provisions: 1) conditional use applications of properties zoned professional office require public notification be delivered to property owners within a 500 foot radius of the subject property delivered by certified U. S. mail and 2) such notice shall specify the nature of the change and proposed conditional use, that the City Council shall hold a public hearing to consider the revised draft ordinance on Tuesday, April 23, 2019, at 7:00 p.m. and that such revised draft ordinance be published by posting as prescribed by law. The motion was seconded by Council President Smith. Then, upon the question being put and the roll called, the vote was recorded as follows:

Ayes: Virginia C. Smith, Council President
William S. Pritchard III, Council President Pro Tempore
Philip E. Black
Lloyd C. Shelton
Alice B. Womack

Nays: None

Council President Smith then declared that said motion (No. 2019-044) passed by a vote of 5—0.

Council member Black then moved that the public hearing be continued. The motion was seconded by Council member Womack. Then, upon the question being put and the roll called, the vote was recorded as follows:

Ayes: Virginia C. Smith, Council President
William S. Pritchard III, Council President Pro Tempore
Philip E. Black
Lloyd C. Shelton
Alice B. Womack

Nays: None

Council President Smith then declared that said motion (No. 2019-045) passed by a vote of 5—0.

4. ANNOUNCEMENTS

The next regular meeting of the City Council will be Monday, April 8, 2019, at 7:00 p.m. in the Council Chamber of City Hall located at 56 Church Street, Mountain Brook, AL 35213.

The second regular meeting of the City Council in April shall be moved to Tuesday, April 23, 2019, at 7 p.m. due to the Mountain Brook Board of Education Showcase event scheduled for Monday, April 22, 2019.

5. ADJOURNMENT

There being no further business to come before the City Council, Council President Smith adjourned the meeting at approximately 7:20 p.m.

6. CERTIFICATION

I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama, certify the above is a true and correct transcript of the joint, regular meeting of the City Council of the City of Mountain Brook, Alabama held at City Hall, Council Chamber (Room A108) on March 25, 2019, and that the meeting was duly called and held in all respects in accordance with the laws of the State of Alabama and bylaws of the City and that a quorum was present.

City Clerk

EXHIBIT 1

NATIONAL DONATE LIFE MONTH PROCLAMATION

WHEREAS, 115,000 Americans and 1,800 Alabamians are currently on the national transplant waiting list; and

WHEREAS, another person is added to the waiting list every 10 minutes, and on average, 22 people die every day because the organs they need are not donated in time; and

WHEREAS, the most effective way to address this health crisis is to educate and to encourage citizens to commit to the following actions: register your decision to be an organ, eye and tissue donor in the National Donate Life Registry, RegisterMe.org or LegacyofHope.org or at your local DMV office, and learn more about living donation; and

WHEREAS, the Donate Life cause of saving and healing lives through organ, eye and tissue donation is of such immediate and worthwhile importance that,

NOW, THEREFORE, I, Stewart H. Welch III, Mayor of the City of Mountain Brook, Alabama, do hereby proclaim April 2019 as

DONATE LIFE MONTH

In Mountain Brook, Alabama we honor all who have given the gift of life, we focus our efforts on the extreme need for organ and tissue donors, and we encourage residents to designate their donation decision and share the decision to donate with family members.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Mountain Brook to be affixed the 25th day of March of the year of our Lord 2019 and of the Independence of the United States of America, the 243rd.

Stewart H. Welch III, Mayor

RESOLUTION NO. 2019-046

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama, that Brian Lucas is hereby appointed to the Park and Recreation Board, to serve without compensation through April 8, 2024.

ADOPTED: This 8th day of April, 2019.

Council President

APPROVED: This 8th day of April, 2019.

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 a resolution adopted by the City Council of the City of Mountain Brook at its regular meeting held on April 8, 2019, as same appears in the minutes of record of said meeting.

City Clerk

RESOLUTION NO. 2019-047

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama that the City Council hereby authorizes the execution of an Agreement for Services between the City and Regional Planning Commission of Greater Birmingham, in the form as attached hereto as Exhibit A subject to such minor changes as may be determined appropriate and review by legal counsel, with respect to an 80% APPLE-funded "Overton Road Traffic Study".

ADOPTED: This 8th day of April, 2019.

Council President

APPROVED: This 8th day of April, 2019.

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 a resolution adopted by the City Council of the City of Mountain Brook at its regular meeting held on April 8, 2019, as same appears in the minutes of record of said meeting.

City Clerk

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AGREEMENT FOR SERVICES

This Agreement for Services (the "Agreement") is entered into as of the ____ day of _____, 2019, by and between the **Regional Planning Commission of Greater Birmingham**, a regional planning and development commission organized and existing under the laws of the State of Alabama ("RPCGB"), and the **City of Mountain Brook, Alabama**, a municipal corporation (the "Governmental Entity" or "City").

WITNESSETH:

WHEREAS, the Governmental Entity has applied to receive funding under the Advanced Planning Program and Logical Engineering (APPLE) program for a "Overton Road Traffic Study" (the "Project");

WHEREAS, the Project has been selected for funding under the APPLE program;

WHEREAS, the APPLE grant for the Project will fund 80% (or \$47,993.49) of the total Project cost of \$59,991.86, and the Governmental Entity will provide a local match in the amount of \$11,998.37 (or 20%) of the total Project cost;

WHEREAS, pursuant to the terms of this Agreement, RPCGB is being engaged by the City to perform the services contemplated for the Project; and

WHEREAS, the parties agree to work in good faith to complete the Project in a timely and professional manner.

NOW THEREFORE, in consideration of the premises and the mutual covenants, agreements, representations and warranties hereinafter set forth, the RPCGB and the Governmental Entity agree as follows:

1. **Engagement of RPCGB.** The Governmental Entity hereby agrees to engage RPCGB to perform the Project and services which are identified and described in the "Scope of Work" set forth on Exhibit A, which is attached hereto and incorporated herein by reference. RPCGB, from time to time, may request changes in the Scope of services to be performed. Such changes shall be memorialized by written amendments to this Agreement that is signed by both parties; these changes may include an increase or decrease in the amount of Governmental Entity's local match.

The Governmental Entity authorizes RPCGB to engage a third party consultant(s) that has been approved by the City to assist in performing the Scope of Work. The RPCGB is responsible for supervising, managing and paying any third party consultant for any services it performs so that the Project may be completed in the orderly flow of the work.

2. **Compensation.** The parties agree that the total Project cost is \$59,991.86 (including the local match), and that the RPCGB will receive that total amount in consideration for its performance of the services contemplated herein. The payment of this amount shall constitute full and complete compensation for the services to be provided by RPCGB directly, by its consultants or otherwise secured by RPCGB for the Project, and includes all expenses arising from the performance of this Agreement.

3. **Payment by City.** The City shall make payment to RPCGB for services in one (1) lump sum installment of \$11,998.37 (the local match) within thirty (30) days after the receipt of invoice from the RPCGB. If this compensation is not paid when due, RPCGB shall not engage in the provision of the contemplated services nor shall RPCGB employ third party consultant(s) for the Project until such time as payment is made. If after a period of sixty (60) days from the date of invoice the compensation is not paid, the Governmental Entity acknowledges that it may forfeit all claims to the awarded amount for the Apple grant for the Project.

Upon the successful completion of the Project and the generation of the contemplated grant funds, the City agrees to execute appropriate documents and otherwise cooperate with the RPCGB so it can receive those funds in consideration for the balance of the total Project costs payable to it for its services.

4. **Time of Performance.** The RPCGB shall commence its performance of services immediately after the receipt of payment by the Governmental Entity, and the RPCGB shall complete Project in accordance with the schedule set forth in Exhibit A.

5. **Financial Records.** RPCGB shall keep and maintain complete and accurate books, records, and procedures to account for all funds paid by the Governmental Entity in accordance with this Agreement. RPCGB shall allow the Governmental Entity to examine, copy, and audit all such books, records and procedures upon advance notice and during RPCGB's normal business hours. Any such examination or audit shall be conducted at the sole cost and expense of the requesting party.

RPCGB shall retain all records with respect to the matters made the subject of this Agreement for three (3) years following the termination or completion of this Agreement. The obligations in this provision shall survive the termination of this Agreement.

6. **Political Activity.** No portion of any funds to be paid by the Governmental Entity to RPCGB for the services contemplated herein shall be used for any partisan political activity, or to further the election or defeat of any candidate for public office.

7. **Qualified Personnel.** RPCGB represents that it employs or will engage all personnel required to perform the services made the subject to this Agreement. Any such personnel shall not be employees of or have any contractual relationships with the Governmental Entity relative to the Project, and all such personnel shall be reasonably qualified to perform the services assigned to them.

8. **Cooperation.** All information, data, reports, records and maps as are available, existing and necessary for performing the contemplated work shall be assembled for the Governmental Entity by RPCGB or the third party consultant(s) employed by it. The Governmental Entity agrees to cooperate with RPCGB and the third party consultants(s) employed by RPCGB in all reasonable ways to allow them to conduct their planning and development work without undue delay.

The RPCGB and Governmental Entity will ensure that all accident and traffic data provided by ALDOT or any agency or political subdivision of the State of Alabama and used for safety enhancement are kept confidential under 23 U.S.C. § 409 and not disclosed to third parties without the express written permission of ALDOT. The data shall not be referenced, disclosed, discussed, or otherwise made public. The provision of this data shall not be considered as a waiver of the provision of 23 U.S.C. § 409. Upon execution of this Agreement,

the RPCGB and Governmental Entity agree that their agents, servants, officers, officials, and employees, in both their official and individual capacities, shall not discuss, disclose, use, publish, or release the data provided pursuant to the above referenced request without prior written consent of ALDOT. Furthermore, if the data should be released or published without the consent of ALDOT, or should an attempt be made to use the data in an action for damages against the State of Alabama, ALDOT, its officials or employees' access to data shall terminate immediately. The State of Alabama and ALDOT expressly reserve the right under 23 U.S.C. § 409 to object to the use of the data, any opinions drawn from the data, and to recover damages caused by the improper and unauthorized release of the data.

9. **Ownership of Data.** The Governmental Entity shall retain title to and all ownership rights of all data and content provided by it to RPCGB for the Project, including but not limited to geographic information systems, databases, maps, multimedia or images (graphics, audio and video), text and the like provided by the Governmental Entity. The City grants RPCGB the right to access and use this content for the purpose of complying with its obligations under this Agreement.

10. **Ownership of Work Product.** Upon completion of the work or elements thereof that are described in the attached Scope of Work, all reports, data, artwork, maps, stencils, negatives, plates and other supporting materials prepared by RPCGB as a part of such work shall become the exclusive property of Governmental Entity, and any reproduction or other uses of such materials shall be approved by appropriate officials of the Governmental Entity.

11. **Substantial Changes by City in Final Work Product.** If the City makes any substantial changes to the final work product after the Governmental Entity has taken delivery and accepted that product, those changes shall not be attributed by the City to the RPCGB. Substantial changes are defined as changes to plan content, policy and physical development recommendations, regulations, codes, and ordinances that diminish the intent and ability of the plan document to achieve its stated goals as agreed to and accepted by the Governmental Entity.

12. **Assignment/No Third Party Beneficiaries.** Neither party may assign this Agreement, or any of its rights, benefits or obligations herein, without the prior written consent of the other party. Further, this Agreement does not confer, and is not intended to create, any rights or benefits for any third party that is not a signatory to this Agreement.

13. **Equal Employment Opportunity.** In performing the work, RPCGB and its third party consultant(s) shall not discriminate against any employee or applicant for employment because of race, religion, national origin, sex, age or disability.

14. **Termination.** If RPCGB fails to perform any of its material obligations under this Agreement in a timely and proper manner, or if RPCGB shall violate any of the covenants, agreements, or stipulations of this Agreement, the Governmental Entity may give written notice of that breach to RPCGB. In the event RPCGB fails to cure such breach to the reasonable satisfaction of Governmental Entity within thirty (30) days following RPCGB's receipt of such written notice, Governmental Entity may terminate this Agreement upon written notice to RPCGB. In the event of such termination, the Governmental Entity shall be entitled to a refund from RCPGB of any compensation paid by the City that is not earned by RCPGB for services that it did not perform by the effective date of termination.

15. **Relationship of the Parties.** The RPCGB is an independent contractor of the City, and nothing contained in this Agreement shall be deemed to create any agency, joint venture, partnership or employer/employee relationship between them. Neither party shall

have the right or power to commit, contract for or otherwise obligate the other party to any third person or entity. RPCGB shall be responsible for the collection, filing, and payment of social security and other federal, state or local taxes or withholdings for RPCGB's employees. Governmental Entity shall have no right to control or direct the details, manner or means by which RPCGB accomplishes the results of the services to be performed pursuant to this Agreement.

16. **Notices.** Any notice to a party hereunder that is contemplated in this Agreement shall be in writing and deemed given when it is either (a) personally delivered, or (b) sent by certified or registered mail, return receipt requested, to

If to RPCGB:

Regional Planning Commission of Greater Birmingham
Center for Regional Planning and Design
Two 20th Street North, Suite 1200
Birmingham, Alabama 35203
Attention: Michael Kaczorowski

If to Governmental Entity:

City of Mountain Brook
56 Church Street
Mountain Brook, AL 35213
Attention: Sam Gaston - City Manager

or at such other address as either party may advise the other in writing. Any such notice shall be deemed delivered when placed in the mail, properly addressed, with postage prepaid.

17. **Entire Agreement.** This Agreement constitutes the entire agreement between the parties with respect to the matters herein, and there are no agreements, understandings, restrictions, warranties or representations between the parties other than those set forth herein. The foregoing supersedes all prior agreements, negotiations and understandings relating to the subject matter hereof.

IN WITNESS WHEREOF the undersigned, duly authorized representatives of the parties have executed this Agreement effective as of the date and year first above written.

City of Mountain Brook, Alabama

By: _____

Its: _____

Regional Planning Commission of Greater Birmingham

By: _____
Charles E. Ball

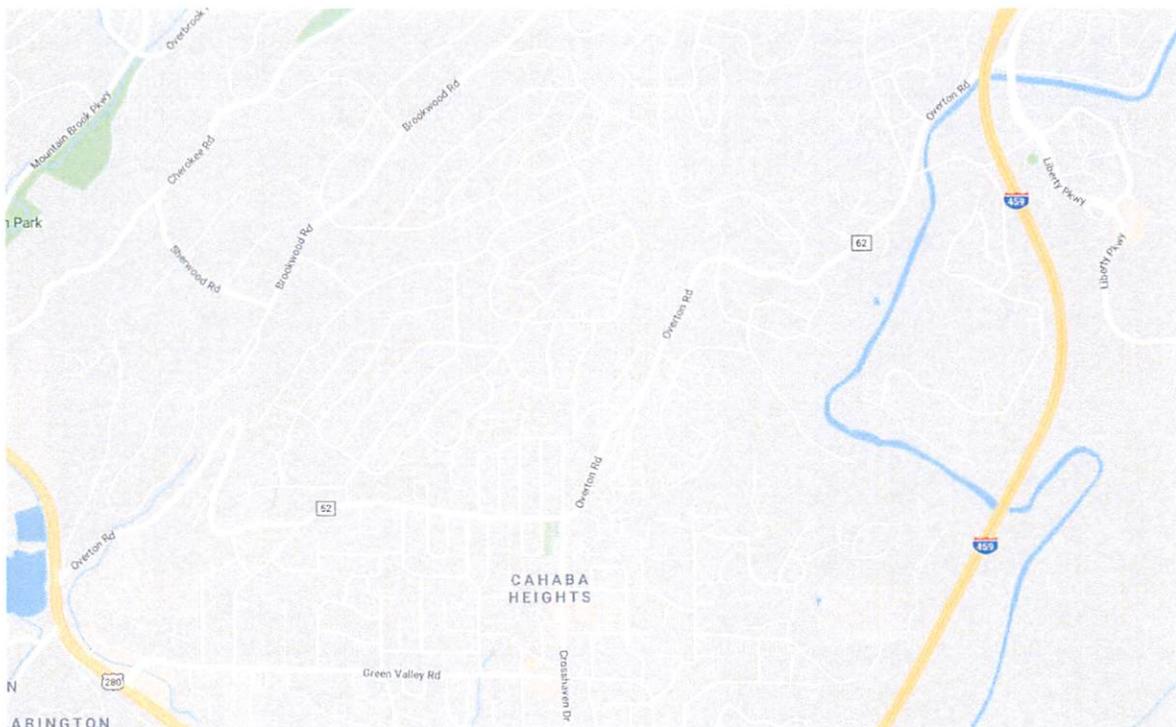
Its: _____
Executive Director

Exhibit A – Scope of Work

Mountain Brook/Vestavia Hills – Overton Road Traffic Study Feasibility Study: APPLE

Project Summary

The Overton Road Traffic Study will conduct traffic and safety operational evaluations of selected intersections throughout the Overton Road corridor between US-280 and Liberty Parkway. Vestavia Hills is expecting significant residential and commercial growth in Liberty Park. This growth will add to the existing congestion along the Overton Road corridor. The study will perform the analyses necessary to identify both near-term and long-term improvements to correct current and future deficiencies in intersection capacity and safety. The study will develop conceptual drawings that illustrate recommended improvements and develop an estimate of probable construction costs.



PROJECT TASKS

The project tasks and subtasks required to address the scope of work shall include the following:

Task 1: Existing Conditions

- A. Solicit input/comments from City officials to determine the locations to be studied
- B. Finalize a list of potential locations to be studied with the City
- C. Develop base maps using GIS data and aerial photography.
- D. Collect appropriate traffic data as necessary to analyze traffic operations.
- E. Conduct field reviews and observe existing traffic conditions.
- F. Review and analyze crash data.

Exhibit A – Scope of Work

Task 2: Concept Plan Development and Evaluation

- A. Collect appropriate data on future developments from both Cities.
- B. Forecast future traffic volumes on the corridor.
- C. Identify and analyze potential improvements.
- D. Prepare conceptual drawings illustrating potential improvements.
- E. Prepare a preliminary estimate of planning level costs.
- F. Prepare for and attend two meetings (potentially one with each City) to present findings.
- G. Revise plans to incorporate comments that may be received.
- H. Prepare a draft Advanced Planning Report document.
- I. Submit the draft document for review.
- J. Revise the Advanced Planning Report document based on comments that may be received.
- K. Submit the final Advanced Planning Report document.

Project Schedule

It is intended that the study will progress according to the schedule as shown in the figure below.

Project Schedule

Task	Months					
	1	2	3	4	5	6
1. Existing Conditions						
2. Concept Plan Development and Evaluation						

Exclusions from Scope of Work

The following services are not included in the scope of services: construction drawings, road or utility engineering designs, and any other services not specifically listed in the project scope. Any Government Entity directed changes to the final plan after the Government Entity's approval of the draft revisions shall be reimbursed in accordance with allocated billing rates in effect at the time the services are performed.

Crash Data Restrictions

The Alabama Department of Transportation has directed that accident, incident, crash, injury, or fatality locations not be shown or presented in association with descriptions of transportation projects, facilities, or locations within the State of Alabama. This prohibition extends to all formal planning documents (UPWP, Long Range Plan, TIP, Bicycle and Pedestrian Plans, Congestion Management Process or Plan), and other documents that include narrative or tabular project listings or descriptions. [See Article 8 of the Agreement.]

Regional Planning Commission of Greater Birmingham

Project	Mountain Brook Overton Road Traffic Study		
City/County	City of Mountain Brook		
Description	APPLE		
Scope of Work	Planning & Design		
	Regional Planning Commission of Greater Birmingham		
	Fee Proposal		
PERSONNEL COST			
			APPLE: man days x daily rate
Michael Kaczorowski Principal Planner/Project Manager	4.50	\$ 225.69	\$ 1,015.61
Total Labor			\$ 1,015.61
Fringe Rate (Total Labor x Fringe Rate)		58.00%	\$ 589.05
Sub-Total (Total Labor + Fringe)			\$ 1,604.66
Indirect Rate (Sub-Total x Indirect Rate)		73.00%	\$ 1,171.40
Total Labor and Indirect (Sub-Total + Indirect Rate)			\$ 2,776.06
Out-of-Pocket Expenses**			
Printing and Travel Costs			\$ 217.80
Total Out-of-Pocket Expenses			\$217.80
SUB-CONSULTANTS (attach man-day & fee FROM each sub-consultant; show total fee for each here)			
Skipper			\$ 56,998.00
Total Sub-Consultants Cost			\$56,998.00
		TOTAL FEE	\$ 59,991.86
	APPLE		\$ 47,993.49
	Local Match		\$11,998.37
	Total Local Match		\$11,998.37

Project City/County Description Scope of Work	Mountain Brook Overton Road Traffic Study						
	City of Mountain Brook						
	APPLE						
	Planning & Design Regional Planning Commission of Greater Birmingham						
Mountain Brook Overton Road Traffic Study	Man-days						
	Michael Kaczorowski Principal Planner/Project Manager						
	Task 1	2.00					
		2.00	0.00	0.00	0.00	0.00	0.00
	Task 2	2.50					
		2.50	0.00	0.00	0.00	0.00	0.00
	Total	4.50	0.00	0.00	0.00	0.00	0.00

Project	Mountain Brook Overton Road Traffic Study				
County	City of Mountain Brook				
Description	APPLE				
Scope of Work	Planning & Design				
	Regional Planning Commission of Greater Birmingham				
Expenses					
TRAVEL COST					
Mileage Cost	Trips	Miles/Trip	\$/Mile	Total	
Public Meetings, Workshops, and Charrettes	1	12	\$0.580	\$	6.96
Site Visits	1	12	\$0.580	\$	6.96
Stakheolder Advisory Group Meetings	2	12	\$0.580	\$	13.92
Other mtgs/deliverables	1	12	\$0.580	\$	6.96
				\$	-
				Total Mileage Cost	\$ 34.80
Subsistence Cost	Days	# People	\$/Day	Total	
	0	0	\$0.00	\$	-
	0	0	\$0.00	\$	-
	0	0	\$0.00	\$	-
	0	0	\$0.00	\$	-
	0	0	\$0.00	\$	-
				\$	-
				Total Subsistence Cost	\$ -
				Total Travel Cost	\$ 34.80
PRINTING / REPRODUCTION COST					
Type of printing/reproduction	# of Sets	Sheets/Set	Total Sheets	Cost/Sheet	Total
Maps - 24x36	1	1	1	\$ 10.00	\$ 10.00
Plan Poster	1	1	1	\$ 5.00	\$ 5.00
Interim Deliverables (Tech Memos)	1	10	10	\$ 0.50	\$ 5.00
Draft Plan Document	4	40	160	\$ 0.50	\$ 80.00
Final Plan Document	4	40	160	\$ 0.50	\$ 80.00
Final Plan USB Drive	1	1	1	\$ 3.00	\$ 3.00
				Total Printing/Reproduction Cost	\$ 183.00

Total Out-of-pocket Expenses	\$ 217.80
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Project No. APPLE
 County Jefferson
 Description Overton Road APPLE
 Scope of Work Roadway Improvements
 Project Length N/A Miles
 Consultant Skipper Consulting, Inc.

Overton Road APPLE					
	Sen. Traffic Eng.	Traffic Eng II	Sr Trans Planner	Traffic Eng Tech	Clerical
Task 1: Existing Conditions					
A. Input/comments on locations to be studied	1.00	0.00	0.00	0.00	0.00
B. Finalize list of potential locations	0.50	0.00	0.00	0.00	0.00
C. Develop base mapping	0.50	0.00	0.00	2.00	0.00
D. Collect traffic data	1.00	0.00	0.00	1.00	0.00
E. Conduct field reviews	2.00	0.00	0.00	1.00	0.00
F. Review and analyze crash data	2.00	0.00	0.00	0.50	0.00
	0.00	0.00	0.00	0.00	0.00
Task 1 Totals	7.00	0.00	0.00	4.50	0.00
Task 2: Concept Plan Development					
A. Collect development data from cities	2.00	0.00	0.00	0.00	0.00
B. Forecast future traffic volumes	5.00	0.00	0.00	0.00	0.00
C. Identify potential improvements	5.00	0.00	0.00	3.00	0.00
D. Prepare conceptual drawings	5.00	0.00	0.00	5.00	0.00
E. Prepare preliminary estimate	2.00	0.00	0.00	0.00	0.00
F. Prepare for attend meetings (2)	2.00	0.00	0.00	0.00	0.00
G. Revise plans to incorporate comments	1.00	0.00	0.00	1.00	0.00
H. Prepare draft Advance Planning Report	5.00	0.00	0.00	5.00	0.00
I. Submit draft document	1.00	0.00	0.00	0.00	0.00
J. Revise draft document based on comments	1.00	0.00	0.00	1.00	0.00
K. Submit final Advance Planning Report	1.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00
Task 2 Totals	30.00	0.00	0.00	15.00	0.00
Task 3:					
	0.00	0.00	0.00	0.00	0.00
	0.00	0.00	0.00	0.00	0.00
Task 3 Totals	0.00	0.00	0.00	0.00	0.00
TOTALS	37.00	0.00	0.00	19.50	0.00

Project No.	APPLE
County	Jefferson
Description	Overton Road APPLE
Scope of Work	Roadway Improvements
Project Length	N/A Miles

Consultant Skipper Consulting, Inc.

Fee Proposal			
PERSONNEL COST			
	Man-days	x Daily Rate	
Project Manager (10% of Eng. & Env.)	3.70	\$ 515.36	\$ 1,906.83
Senior Traffic Engineer	37.00	\$ 406.72	\$ 15,048.64
Traffic Engineer II	0.00	\$ 378.96	\$ -
Senior Transportation Planner	0.00	\$ 405.92	\$ -
Traffic Engineer Technician	19.50	\$ 186.96	\$ 3,645.72
Clerical	0.00	\$ 120.00	\$ -
	Total Direct Labor		\$ 20,601.19
Combined Overhead (%)	127.76		\$ 26,320.08
Out-of-Pocket Expenses**			\$ -
	Sub-Total		\$ 46,921.27
Operating Margin (10%)			\$ 4,692.13
	Sub-Total		\$ 51,613.40
SUB-CONSULTANTS (attach man-day & fee FROM each sub-consultant; show total fee for each here)			
Traffic Data, LLC			\$ 5,050.00
			\$ -
			\$ -
			\$ -
			\$ -
Subconsultant Administration Expense (5%)			\$ 252.50
	Sub-Total		\$ 56,915.90
Facilities Capital Cost of Money (% of Direct Labor)	0.40		\$ 82.40
	TOTAL FEE		\$ 56,998.30

**See Grand Total Fee sheet

**Scope of Work
Overton Road APPLE Study
March 21, 2019**

PHASE 1 – PLANNING LEVEL STUDY

Task A – Assemble Base Mapping

Aerial photos
GIS

Task B – Conduct Traffic Counts

Machine Traffic Counts

Overton Road

Between Liberty Parkway and I-459 Access Road
Between Liberty Parkway and Oakdale Drive
Between Oakdale Drive and South Brookwood Road
Between South Brookwood Road and Crosshaven Drive
Between Crosshaven Drive and Knollwood Road
Between Knollwood Road and North Woodridge Road
Between North Woodridge Road and U.S. Highway 280

Liberty Parkway

South of Overton Road

Crosshaven Drive

Between Overton Road and Green Valley Road (already have)
Between Green Valley Road and Cahaba Heights Road (already have)

Green Valley Road

Between Crosshaven Drive and U.S. Highway 280

Cahaba Heights Road

Between I-459 Bridge and Crosshaven Drive
Between Crosshaven Drive and U.S. Highway 280

Dolly Ridge Road

Knollwood Drive

Task C - Origin-Destination Study

Inbound during the morning

From

Liberty Parkway
Oakdale Drive
River Run Road
South Brookwood Road

Outbound during the afternoon

From

U.S. Highway 280
Crosshaven Drive

Task D - Catalog Proposed Developments

Liberty Park additional developments
Land use transition from residential to commercial

Task E - Catalog Proposed Roadway Improvement Projects

Within the study area
Impacting the study area

Task F - Transportation Demand Model

Refine link network
Refine TAZ network
Update Calibration
Check future year TAZ growth
Future Year Daily Traffic Projections
10 year, 20 year

Task G - Daily Roadway Segment Capacity Analysis

Existing, 10 year, 20 year

Task H – Develop Potential Strategies to Address Deficiencies

Existing, 10 year, 20 year

PHASE 2 – OPERATIONS STUDY

Task A - Specific Peak Hour Intersection Analysis

List of Intersections of Interest
Intersection Turning Movement Traffic Counts
Turn lane warrant studies
Traffic signal/Multi-way stop warrant studies

Task B - Crash Study

Task C - Horizontal Curve Study

Ball-bank indicator
Appropriate curve warning signing

Task D - Intersection and Vertical Crest Sight Distance Study

Task E - Develop Improvement Program

Conceptual Sketches
Right-of-Way Impacts
Utility Impacts/Relocations
Environmental Scan
Cost Estimates
Funding Sources

Pedestrian and Bicycle Network Planning

Look for infill sidewalk projects
Look for opportunities to cross Overton Road
Examine Bicycle Opportunities

PHASE 3 – FINAL REPORT AND PRESENTATIONS

Task A - Documentation

Draft Report
Final Report

Task B - Presentations

City Council Work Sessions

RESOLUTION NO. 2019-048

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama, that the City Council hereby recommends to the State of Alabama, Alcoholic Beverage Control Board, the issuance of a 040 – Retail Beer (On or Off Premises) and 060 – Retail Table Wine (On or Off Premises) licenses to Golden Age Wines LLC, 2828 Culver Road, Mountain Brook 35223.

BE IT FURTHER RESOLVED that the City Clerk is hereby instructed to forward a copy of this resolution to the State of Alabama, Alcoholic Beverage Control Board.

ADOPTED: This 8th day of April, 2019.

Council President

APPROVED: This 8th day of April, 2019.

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 a resolution adopted by the City Council of the City of Mountain Brook at its meeting held on April 8, 2019, as same appears in the minutes of record of said meeting.

City Clerk



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20190319111829013

Type License: 040 - RETAIL BEER (ON OR OFF PREMISES) **State:** \$150.00 **County:** \$75.00

Type License: 060 - RETAIL TABLE WINE (ON OR OFF PREMISES) **State:** \$150.00 **County:** \$75.00

Trade Name: GOLDEN AGE WINE **Filing Fee:** \$100.00

Applicant: GOLDEN AGE WINES LLC **Transfer Fee:**

Location Address: 2828 CULVER RD MOUNTAIN BROOK, AL 35223

Mailing Address: 2828 CULVER RD MOUNTAIN BROOK, AL 35223

County: JEFFERSON **Tobacco sales:** NO **Tobacco Vending Machines:**

Type Ownership: LLC

Book, Page, or Document info:

Date Incorporated: **State incorporated:** **County Incorporated:**

Date of Authority: **Alabama State Sales Tax ID:** R01221578

Federal Tax ID: 833194890

Name:	Title:	Date and Place of Birth:	Residence Address:
TRENTON ROLAND STEWART 6121374 - AL	CO OWNER	02/10/1977 ALABAMA	1507 MANHATTAN ST HOMEWOOD, AL 35209
BRANDON LEE LOPER 6978681 - AL	CO OWNER	09/24/1983 ALABAMA	5104 8TH AVE SO BIRMINGHAM, AL 35212

Has applicant complied with financial responsibility ABC RR 20-X-5-.14? YES
 Does ABC have any actions pending against the current licensee? NO
 Has anyone, including manager or applicant, had a Federal/State permit or license suspended or revoked? NO
 Has a liquor, wine, malt or brewed license for these premises ever been denied, suspended, or revoked? NO
 Are the applicant(s) named above, the only person(s), in any manner interested in the business sought to be licensed? YES
 Are any of the applicants, whether individual, member of a partnership or association, or officers and directors of a corporation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this act? NO
 Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage, or distilled liquors permit or license issued under authority of this act? NO
 Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate or other licensee, or from any firm, association or corporation operating under or regulated by the authority of this act? NO

Contact Person: BRANDON LOPER
Business Phone: 205-848-8877
Fax:

Home Phone: 415-297-3367
Cell Phone: 415-297-3367
E-mail: BRANDON@GOLDENAGEWINE.COM

PREVIOUS LICENSE INFORMATION:

Trade Name:
Applicant:

Previous License Number(s)
License 1:
License 2:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20190319111829013

If applicant is leasing the property, is a copy of the lease agreement attached? YES
 Name of Property owner/lessor and phone number: CANTEBURY PROPERTY LLC 999-999-9999
 What is lessors primary business? REALTY MANAGEMENT
 Is lessor involved in any way with the alcoholic beverage business? NO
 Is there any further interest, or connection with, the licensee's business by the lessor? NO

Does the premise have a fully equipped kitchen? NO
 Is the business used to habitually and principally provide food to the public? NO
 Does the establishment have restroom facilities? YES
 Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? YES

Will the business be operated primarily as a package store? NO
 Building Dimensions Square Footage: 1000 Display Square Footage:
 Building seating capacity: 35 Does Licensed premises include a patio area? YES
 License Structure: SHOPPING CENTER License covers: PORTION OF
 Location is within: CITY LIMITS Police protection: CITY

Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of any law violation(s)?

Name:	Violation & Date:	Arresting Agency:	Disposition:



STATE OF ALABAMA

ALCOHOLIC BEVERAGE CONTROL BOARD

ALCOHOL LICENSE APPLICATION



Confirmation Number: 20190319111829013

Initial each

Signature page

BL

In reference to law violations, I attest to the truthfulness of the responses given within the application.

BL

In reference to the Lease/property ownership, I attest to the truthfulness of the responses given within the application.

BL

In reference to ACT No. 80-529, I understand that if my application is denied or discontinued, I will not be refunded the filing fee required by this application.

X

In reference to Special Retail or Special Events retail license, I agree to comply with all applicable laws and regulations concerning this class of license, and to observe the special terms and conditions as indicated within the application.

X

In reference to the Club Application information, I attest to the truthfulness of the responses given within the application.

X

In reference to the transfer of license/location, I attest to the truthfulness of the information listed on the attached transfer agreement.

BL

In accordance with Alabama Rules & Regulations 20-X-5-.01(4), any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.

BL

The undersigned agree, if a license is issued as herein applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages.

The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the license premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him or her in connection with said licensed premises. The undersigned hereby understands that he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.

BL

I hereby swear and affirm that I have read the application and all statements therein and facts set forth are true and correct, and that the applicant is the only person interested in the business for which the license is required.

Applicant Name (print): Brandon Loper

Signature of Applicant: *[Handwritten Signature]*

Notary Name (print): Wendy Abbott

Notary Signature: *[Handwritten Signature]*

Commission expires: 10-4-22

Application Taken: 3/19/19 **App. Inv. Completed:**

Submitted to Local Government:

Received in District Office:

Reviewed by Supervisor:

Forwarded to District Office:

Received from Local Government:

Forwarded to Central Office:

Receipt Confirmation Page

Receipt Confirmation Number: **20190319111829013**
Application Payment Confirmation Number: **42567622**

Payment Summary	
Payment Item	Fee
Application Fee for License 040 and License 060	\$100.00
Total Amount to be Charged	\$100.00

License Payment Confirmation Number:

Payment Summary			
Payment Item	County Fee	State Fee	Total Fee
040 - RETAIL BEER (ON OR OFF PREMISES)	\$75.00	\$150.00	\$225.00
060 - RETAIL TABLE WINE (ON OR OFF PREMISES)	\$75.00	\$150.00	\$225.00
Total Amount to be Charged	\$150.00	\$300.00	\$450.00

Application Type

Application Type: APPLICATION

Applicant Information

License Type 1: 040 - RETAIL BEER (ON OR OFF PREMISES)
License Type 2: 060 - RETAIL TABLE WINE (ON OR OFF PREMISES)
License County: JEFFERSON
Business Type: LLC
Trade Name: **GOLDEN AGE WINE**
Applicant Name: **GOLDEN AGE WINES LLC**
Location Address: 2828 CULVER RD
MOUNTAIN BROOK, AL 35223
Mailing Address: 2828 CULVER RD
MOUNTAIN BROOK, AL 35223
Contact Person: BRANDON LOPER
Contact Home Phone: 415-297-3367
Contact Business Phone: 205-848-8877
Contact Fax:
Contact Cell Phone: 415-297-3367
Contact Email Address:
Contact Web Address:



CITY OF MOUNTAIN BROOK

P. O. Box 130009
Mountain Brook, Alabama 35213-0009
Telephone: 205.802.2400
Facsimile: 205.879.6913
www.mtnbrook.org

April 9, 2019

Ms. Valencia Johnson
Alabama ABC Board
234 Aquarius Drive, Suite 103
Homewood, AL 35209

Facsimile: (205) 942-2101

Dear Ms. Johnson:

Attached is a copy of a resolution passed at the April 8, 2019, City Council meeting recommending the issuance of a 040 – Retail Beer (On or Off Premises) and 060 – Retail Table Wine (On or Off Premises) licenses as follows:

Golden Age Wines LLC
c/o Brandon Loper
2828 Culver Road
Mountain Brook, AL 35223

If you have any questions, please call me at 802-3825.

Sincerely,

Steven Boone
City Clerk

Enclosure

c: brandon@goldenagewine.com

RESOLUTION NO. 2019-049

BE IT RESOLVED by the City Council of the City of Mountain Brook that the City Council hereby approves and adopts the “Internal Control Policies and Procedures”, in the form as attached hereto as Exhibit A; and

BE IT FURTHER RESOLVED by the City Council of the City of Mountain Brook that the City Council delegates authority to the Finance Director and/or City Manager to implement editorial, procedural and workflow revisions to said internal control policies and procedures as conditions change or otherwise determined warranted to improve and further enhance such controls and workflow.

ADOPTED: This 8th day of April, 2019.

Council President

APPROVED: This 8th day of April, 2019.

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 a resolution adopted by the City Council of the City of Mountain Brook at its regular meeting held on April 8, 2019, as same appears in the minutes of record of said meeting.

City Clerk

**INTERNAL CONTROL POLICIES AND PROCEDURES
CITY OF MOUNTAIN BROOK, ALABAMA**

	Reference
2. DEFINITIONS	
<i>Appointing Authority</i> – City Manager of the City of Mountain Brook	
<i>CFDA</i> – Catalogue of Federal Domestic Assistance	
<i>CFR</i> – Code of Federal Regulations	
<i>City</i> – the City of Mountain Brook, Alabama	
<i>Council</i> – City Council of the City of Mountain Brook, Alabama	
<i>COSA</i> – Committee of Sponsoring Organizations of the Treadway Commission	
<i>FAR</i> – Federal Acquisition Regulation	
<i>GAAP</i> – Generally Accepted Accounting Principles	
<i>Grants</i> – Cash or other awards paid/given to the City or its departments. Grants are often awarded based on merit or criteria specified in an application process. Grant awards commonly require the award be utilized for a specific purpose and require some level of compliance and/or periodic reporting. It is imperative that the City adhere to the conditions specific to each grant award and establish policies and procedures to identify such conditions, monitor compliance and render reports as applicable thereto.	
<p><i>IC</i> – Internal Control is a process, effected by the Council, management, and other personnel, designed to provide reasonable assurance regarding the achievement of the following objectives:</p> <ol style="list-style-type: none"> 1) reliability of financial reporting, 2) compliance with applicable laws and regulations, 3) effectiveness and efficiency of operations, and 4) safeguarding of assets <p>On a more practical level, the purpose of implementing an IC structure is to have a system of checks and balances that works within an organization on a consistent basis which is used by every person and every system to promote accuracy, continuity and to minimize fraud, errors and omissions.</p>	
<i>IRS</i> – Internal Revenue Service	
<i>NDAA</i> – National Defense Authorization Act	
<i>Non-Federal Entity</i> – Refers to the City of Mountain Brook with respect to the	

**INTERNAL CONTROL POLICIES AND PROCEDURES
CITY OF MOUNTAIN BROOK, ALABAMA**

	Reference
3. PURPOSE	
<p>This document expresses the ICs and other standards adopted and used by the City to ensure that all funds (local as well as state and federal, if and when applicable) are lawfully expended. This document describes in detail or references the City’s financial management systems including cash management, procurement, and allowability of costs, time and effort reporting, record retention and monitoring responsibilities. All City employees involved in financial and other transactions in any capacity are expected to review this document in order to be familiar with these policies and procedures and to comply thereto .</p> <p>The City is subject to a variety of laws and regulations that may overlap or conflict. When such regulations DO NOT conflict, all must be followed. When such regulations DO conflict, the most restrictive or those specified in a grant agreement shall apply.</p> <p>In developing this IC structure, the City referenced the COSO Integrated Framework of IC which has five (5) components that include:</p> <ol style="list-style-type: none"> 1) Control environment 2) Risk Assessment 3) Control Activities 4) Information and communication 5) Monitoring activities 	
<p>4. Procurement</p> <p>As the City strives to maximize the value of public funds expended, it is necessary to establish and follow certain policies and procedures with respect to purchasing. The maintenance of an efficient and effective purchasing system is necessary to ensure the City’s compliance with budget ordinances, the State Bid Law, federal and other grant awards and contracts when applicable and that public funds are expended for the purposes intended by the City Council. In all matters involving purchasing, the highest ethical standards must be maintained.</p> <p>The purpose of this section is to formally describe the City’s objectives pertaining to the principles governing the purchasing function and to establish formal policies and procedures to be employed throughout the City with respect to purchasing activities. In order to be effective, each department must strictly adhere to these policies and procedures.</p>	§200.317—326
4.1. Planning	
4.1.1. Planning for purchases should be a routine activity within each	

**INTERNAL CONTROL POLICIES AND PROCEDURES
CITY OF MOUNTAIN BROOK, ALABAMA**

	Reference
department of the City with both a short-term and long-term perspective.	
4.1.2. Proper planning will facilitate budget development and administration, minimize last minute (unplanned) purchases, ensure that purchases are appropriate and serve the intended purpose, and may enable user departments to take advantage of discounts, if available.	
4.1.3. Departments initiating a purchase should determine whether the vendor has been established in the City's Accounts Payable system.	
4.1.3.1. The ordering department's representative shall contact the City's Revenue Department to determine whether 1) a business license is necessary with respect to the desired transaction and, if so, 2) that such business license is currently in effect.	
4.1.3.2. If the vendor has not been established, the ordering department's representative shall request appropriate documentation as determined by the Accounting Department (e.g., federal form W-9 and Alabama Immigration Act/e-Verify paperwork).	
4.1.3.3. Obtaining said paperwork (and whether the vendor/contractor is properly licensed should be done prior to making a purchase to avoid 1) the potential for purchasing from an unlicensed or otherwise disqualified vendor/contractor and 2) unnecessary payment delays.	
4.2. Sales tax	
4.2.1. As a political subdivision of the State of Alabama, the City is exempt from paying State sales tax on purchases of tangible personal property. The exemption is provided in Title 40, Chapter 23, Section 4(a)(11), <u>Code of Alabama, 1975</u> , as amended and further explained in the Alabama Department of Revenue's "Sales and Use Tax Rules" 810-6-3-.69.02. In many instances, the vendor or supplier may require documentation of the City's exempt status. In such instances, the Finance Department will deliver such documentation either to the requesting department for further delivery to the vendor/contractor or directly to the vendor/contractor upon request.	
4.2.2. Employees are strongly discouraged from against making business-related purchases directly from a supplier [as an individual] or without the ability to do so on a sales tax-free basis and then	

**INTERNAL CONTROL POLICIES AND PROCEDURES
CITY OF MOUNTAIN BROOK, ALABAMA**

	Reference
requesting personal reimbursement by the City for said purchase. Should an employee elect to engage in such practice, except in the case of an emergency situation, thereby circumventing established purchasing policies and incurs sales tax charges related thereto, the City may withhold from the employee's expense reimbursement an amount equal to the sales tax charged.	
4.3. Ensure adequate competition	§200.319
4.3.1. Affirmative efforts to use minority, small and labor surplus area contractors	§200.321
4.3.1.1. Affirmative steps must include:	
1) Placing qualified small, minority and women's business enterprises on solicitation lists;	
2) Assuring that small, minority and women's business enterprises are solicited whenever they are potential sources;	
3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small, minority and women's business enterprises;	
4) Establishing delivery schedules, where the requirement permits, which encourage participation by small, minority and women's business enterprises;	
5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and	
6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (1) through (5) of this section	
4.3.2. All procurement transactions should be conducted in a manner providing full and open competition consistent with the standards of this section. In order to promote objective contractor performance and mitigate the likelihood of unfair competitive advantage with respect to contracts involving federal awards, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from	

**INTERNAL CONTROL POLICIES AND PROCEDURES
CITY OF MOUNTAIN BROOK, ALABAMA**

	Reference
competing for such [federal] contract procurements.	
4.3.3. In addition to publication and posting requirements provided by the Alabama Bid Law(s) with respect to competitively bid contracts and purchases, the City shall deliver specifications, requirements, statements of work, or invitations for bids or requests for proposals to all contractors who have formally requested to be added to the City's bidder list along with other prospective bidders (generally three (3) or more) to be identified by the City's Purchasing Agent or their designee.	
1) Contractors, suppliers and prospective bidders who wish to be considered for future purchasing opportunities shall be referred to the Purchasing Agent's executive assistant who shall collect the contractor's contact information and add their name to the City's master list.	
4.4. Refrain from making unnecessary purchases	§200.318(d)
4.4.1. Unauthorized purchases	
4.4.1.1. Purchase Requisitions, Purchase Orders (generally required for purchases of \$1,000 or more), and contracts must be properly issued/executed BEFORE ordering or purchasing the desired products or services.	Resolution No. 2012-135
4.4.1.2. Each Department Supervisor is responsible for ensuring that their designees adhere to this and all other policies and procedures outlined in this section.	
4.4.1.3. The issuance of unauthorized Purchase Orders (expressed or implied) may result in the purchase not being recognized by the City and payment of such purchases subject to rejection.	
4.4.1.4. Such unauthorized purchases may be designated by the City as personal expenditures the payment of which will be the responsibility of the individual that initiated the unauthorized purchase.	
4.5. Determining allowability of costs with respect to grant-funded programs and projects	
4.5.1. All costs attributable to a grant-funded program or project must be determined allowable under the specific grant award agreement and/or federal cost principles in 2 CRF 200, Subpart E.	

**INTERNAL CONTROL POLICIES AND PROCEDURES
CITY OF MOUNTAIN BROOK, ALABAMA**

	Reference
4.5.2. Factors affecting allowability of costs	
4.5.2.1. Reasonable	
4.5.2.1.1. A cost can be reasonable if it meets all of the following conditions:	
1) Prudence was used in making the decision to incur the cost, considering the person's responsibilities to the City, its employees, the public, and the federal government, if applicable	
2) It is necessary to carry out the objectives of the grant program or is recognized as an ordinary cost of operation	
3) The City applied sound business practices; arm's-length bargaining (i.e., the transaction was with an unrelated third party); federal, state, and other laws and regulations; and the terms and conditions of the award in making the decision	
4) The price is comparable to that of the current fair market value for equivalent goods or services	
5) There were no significant deviations from the established practices of the organization which may unjustifiably increase the cost. 2 CFR § 200.404	
4.5.2.2. Necessary	
4.5.2.2.1. While 2 CFR § 200.404 does not provide specific descriptions of what satisfies the "necessary" element beyond its inclusion in the reasonableness analysis above, necessary is determined based on the needs of the program. Specifically, the expenditure must be necessary to achieve an important program objective. Meaning it is vital or required in order to meet the objectives of the grant or for the grant to be successful. Necessary does not mean "nice to have," which means it is not necessary to accomplish the objectives of the program in that it is not vital or required for the success of the program.	
4.5.2.2.2. When determining whether a cost is necessary, the	

**INTERNAL CONTROL POLICIES AND PROCEDURES
CITY OF MOUNTAIN BROOK, ALABAMA**

	Reference
City considers:	
1) Whether the cost is needed for the proper and efficient performance of the grant program;	
2) Whether the cost is identified in the approved budget or application;	
3) Whether there is an municipal service benefit associated with the cost;	
4) Whether the cost aligns with identified needs based on results and findings from a needs assessment; and	
5) Whether the cost addresses program goals and objectives and is based on program data	
4.6. Methods of Procurement	\$200.320
4.6.1. Micro-purchases (generally applicable with respect to federal awards)	
4.6.1.1. Definition: The acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (\$200.67 Micro-purchase). To the extent practicable, the non-Federal entity (City) must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the non-Federal entity considers the price to be reasonable.	\$3,000 per \$200.320, however, raised to \$10,000 by the NDAA. Note that the FAR has not been updated to reflect the change as of Dec 2018. See also OMB M-18-18.
4.6.1.2. Micro-purchases are to be distributed equitably among qualified supplies/contractors (i.e., City shall not make purchases consistently from the same qualified supplier/contractor)	
4.6.1.3. City should obtain pricing from at least two qualified suppliers/contractors	
4.6.2. Small purchase procedures (Generally applicable for federal awards.	

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However, less restrictive than the Alabama Bid Law, therefore, generally not applicable for the City)	
4.6.2.1. Definition: Those relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the Simplified Acquisition Threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources.	\$150,000 per \$200.88, however, raised to \$250,000 by the NDAA. Note that the FAR has not been updated to reflect the change as of Dec 2018. See also OMB M-18-18.
4.6.3. Sealed bids (Again, generally applicable with respect to federal awards. This is the preferred method for federally-funded construction projects. As a practical matter, the provisions of Alabama Bid Law are generally considered sufficient to satisfy federal requirements.)	
4.6.3.1. Firm, fixed contract awarded to lowest responsible and responsive bidder (all bids may be rejected for solid reason)	
4.6.3.2. Invitation to bid must include complete and adequate specifications	
4.6.3.3. Must have at least two (2) responsible bidders willing and able to compete	
4.6.3.4. Procurement can be made using fixed price contract based primarily on price	
4.6.3.5. Must be publicly advertised and a sufficient number of bids solicited with adequate time for response	
4.6.3.6. Invitation to bid must include specification and other relevant information sufficient for bidders to respond	
4.6.3.7. Bids must be opened publicly at a prescribed time and place	
4.6.4. Competitive proposals (also referred to as Request for Proposals	

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(RFP))	
4.6.4.1. Multiple contractors must submit offers	
4.6.4.2. Generally used for and results in awards of fixed price or cost-reimbursement contracts	
4.6.4.3. To be used when the Sealed Bid Method is determined inappropriate	
4.6.4.4. Requests must be publicized and contain relevant evaluative factors including relative importance	
4.6.4.5. All responses must be considered to the maximum extent possible	
4.6.4.6. The RFP must document the method for evaluating the proposals	
4.6.4.7. The award shall be made to the proposed offering the most advantageous proposal taking into consideration price and other relevant factors	
4.6.5. Noncompetitive proposals (also known as Sole-Source procurement)	
4.6.5.1. Letters or other documentation provided by a prospective supplier/contract proclaiming they are the sole-source for the desired product or service are not sufficient documentation for the City to deem such supplier/contractor as the sole-source	
4.6.5.2. May be used for a public emergency or that otherwise require immediate action	
4.6.5.3. City must obtain written approval from the federal awarding agency or the pass-through awarding agency to utilize the non-competitive process	
4.6.5.4. City must demonstrate that inadequate competition exists for the desired product or service	
4.6.6. The proposed procurement methods described in 4.6 above shall be subject to review by the federal or pass-through awarding agency	§200.324
4.6.6.1. The non-Federal entity (City) must make available upon request, for the Federal awarding agency or pass-through	

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entity pre-procurement review, procurement documents, such as requests for proposals or invitations for bids, or independent cost estimates, when:	
1) The non-Federal entity's procurement procedures or operation fails to comply with the procurement standards in this part;	
2) The procurement is expected to exceed the Simplified Acquisition Threshold and is to be awarded without competition or only one bid or offer is received in response to a solicitation;	
3) The procurement, which is expected to exceed the Simplified Acquisition Threshold, specifies a "brand name" product;	
4) The proposed contract is more than the Simplified Acquisition Threshold and is to be awarded to other than the apparent low bidder under a sealed bid procurement; or	
5) A proposed contract modification changes the scope of a contract or increases the contract amount by more than the Simplified Acquisition Threshold.	
4.6.6.2. The non-Federal entity (City) is exempt from the pre-procurement review of this section above if the Federal awarding agency or pass-through entity determines that its procurement systems comply with the standards of this part.	
1) The non-Federal entity may request that its procurement system be reviewed by the Federal awarding agency or pass-through entity to determine whether its system meets these standards in order for its system to be certified. Generally, these reviews must occur where there is continuous high-dollar funding, and third-party contracts are awarded on a regular basis;	
2) The non-Federal entity may self-certify its procurement system. Such self-certification must not limit the Federal awarding agency's right to survey the system. Under a self-certification procedure, the Federal	

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awarding agency may rely on written assurances from the non-Federal entity that it is complying with these standards. The non-Federal entity must cite specific policies, procedures, regulations, or standards as being in compliance with these requirements and have its system available for review.	
4.7. General procedures	
4.7.1. Due to limited personnel resources, to avoid unnecessary delays in the purchasing function and to promote efficiency throughout the City, each department shall be responsible for purchasing decisions, ordering, receiving, etc.	
4.7.1.1. While Purchase Requisitions shall not be expressly required, their use is encouraged especially for purchases initiated by personnel further down the City's organizational structure. For supervisors, managers, division heads and department heads, the act of placing an order constitutes the "Requisition". When explicitly used, the Requisition may take many forms including, but not limited to, a pre-printed, sequentially numbered form (preferable), e-mail, manual note, supplier/vendor quote, etc. For purchases less than \$1,000, employees may be verbally authorized to initiate purchases without the use of a Purchase Requisition.	
1) The Purchase Requisition, when utilized, shall generally be attached to the invoice both of which shall be entered into the City's digital document management system where it will be electronically forwarded to assigned employees/managers in the Department, Accounting, Finance, and/or City Manager for review and approval as appropriate and applicable	
2) The Purchase Requisition must be reviewed by the Department Supervisor (or their designee) in order to ensure that (or determine whether):	
a) the requisition is accurate, complete	
b) the product or service is necessary	
c) the product or service specifications meet or exceed requirements	

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d) the items to be purchased have been budgeted (or within the overall departmental budget)	
e) the supplier/vendor is licensed and qualified to do business in the City	
f) the purchase complies with applicable laws, contract and/or grant provisions	
g) competition or other matters have been considered	
4.7.1.2. For purchases less than \$1,000	
1) The User Department may obtain price quotes. When such quotes are obtained, they should be documented in writing and such documentation attached to the digital copy of the Purchase Requisition which shall be attached to the Invoice both of which shall be stored in the City's digital document management system	
2) For such purchases, the Department Supervisors' approval of the Purchase Requisition or the Invoice, price quote or such other document alone is sufficient authorization to initiate the purchase	
3) Upon completing the purchase, receipt of the product or service, receipt of the invoice, the User Department shall enter such supporting documentation into the City's digital document management system where it will be forwarded to the appropriate staff and managers for electronic payment approval	
4.7.1.3. For purchases between \$1,000 and the applicable State Bid limit (or the federal micro-purchase or SAT threshold with respect to purchases involving federal awards):	
1) The User Department should generally obtain more than one price quote. Such quotes are to be documented in writing and such documentation is to be attached to the digital copy of the Purchase Requisition stored in the City's digital document management system	
2) For such purchases, the Department Supervisors' electronic approval of the Purchase Requisition is sufficient authorization to initiate the generation of a	See also Sec. 4.7.2

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Purchase Order by accounting personnel.	
3) Purchase Orders shall be approved by the Purchasing Agent or their designee. Such approval may be electronic.	
4) Upon completing the purchase, receipt of the product or service, receipt of the invoice denoting the P. O. number, if applicable, the User Department shall enter such supporting documentation into the City's digital document management system where it will be forwarded to the appropriate staff and managers for electronic payment approval.	
4.7.1.4. Payment required at the time of purchase, point of sale or pick-up	
1) In those instances where the total purchase price is known with certainty and the vendor requires payment prior to delivery or at the time of pick-up by City personnel, the User Department may send (electronically) a completed Check Request along with the approved Purchase Requisition (or cross-indexed thereto and the P.O., if applicable) to the Accounts Payable Department. The completed check payable to the vendor specified on the Check Request will be delivered to the User Department for further delivery to the vendor to complete the purchase. The invoice and/or purchase receipt must be delivered to Accounts Payable (to be digitally attached to the Check Request). Accounting personnel shall cross-index the digital copies of the documents to facilitate retrieval.	
2) In those instances where the total purchase price is not known with certainty and the City does not have a charge account with the vendor, the purchase price is to be paid by the employee making the purchase. The purchasing employee should take the approved Purchase Requisition form along with a copy of documentation of the City's sales tax exempt status to the vendor. A Check Request (for a check payable to the employee) must be completed and approved by the Department Supervisor. The original invoice (and/or purchase receipt) must accompany the Check Request. Purchases of this nature are discouraged	

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in order to ensure that the City does not pay sales tax.	
4.7.2. Purchase orders	Resolution No. 2012-135
4.7.2.1. Approved Purchase Order Requisitions totaling \$1,000 or more are to be electronically delivered to the Finance Department where the Purchase Orders will be 1) generated, and 2) forwarded to the Purchasing Agent or their designee for review and approval.	
1) The Finance Department shall generally verify that the appropriate expenditure object has been assigned to the purchase and that sufficient budgetary funds are available for the purchase prior to preparing the Purchase Order	
2) Purchase Orders will generally be issued sequentially (numbers assigned automatically by the City's Purchase Order software application)	
3) Once approved by the City Manager, the Department is generally notified and the Purchase Order then delivered to the appropriate vendor in order to initiate the purchase transaction	
4) Purchase orders shall not specifically be required by the City for purchases greater than \$1,000 that have been formally authorized by Council action	
4.7.3. For non-Federal programs and projects only, purchases in excess of the State bid limit (currently \$15,000 or \$50,000 for "Public Works" projects)	
4.7.3.1. State of Alabama and Purchasing Association of Central Alabama (PACA) sponsored by the Jefferson County Commission. The Department initiating the purchase shall:	
1) Attach a copy of the purchase contract to the Purchase Order Requisition in order to substantiate such purchase complies with the State of Alabama Bid Law.	
4.7.3.2. Joint purchasing cooperative purchases. The Department initiating the purchase shall:	
1) Verify whether or not the vendor and specific	

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commodities, products or services to be purchased have been approved and are included in the State of Alabama Department of Examiners of Public Accounts website	
2) Such documentation shall be printed, attached to the Purchase Order Requisition to properly document and justify the City's decision to forego the State of Alabama Bid Law competitive bidding procedures	
4.7.3.3. Competitive bidding—Commodities and capital equipment: When the commodities and capital equipment to be purchased are not available from an approved purchasing cooperative or the Department chooses not to purchase from said approved purchasing cooperative	
1) The User Department will prepare or draft the product specifications and bid solicitation document	
2) Consult with the Purchasing Agent or their designee as needed	
3) As directed by the Purchasing Agent or their designee, consult with the City Attorney with respect to the form and content of the bid documents and procedures outlined therein	
4) List known suppliers of such items or services to be procured	
5) Contact the Purchasing Agent's assistant to obtain qualified contractors who have specifically requested to be included on City's bid register	
6) Once the bid solicitation document has been approved, it shall be signed by the City Manager	
7) The bid solicitation document shall be published by posting and delivered to the suppliers/contractors previously identified	
8) Bids shall be publicly opened and tabulated pursuant to the Alabama Bid Law	
9) The City shall evaluate the proposals, a recommendation (to award or reject all bids) shall be submitted to the City	

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Council	
10) The City Council shall either 1) award or 2) reject all bids by way of resolution or motion	
11) Once the bid is awarded by the City Council:	
a) The contract and addenda, if any, shall be executed and provided to the City Clerk	
b) Vendor registration and licensing shall be completed	
c) Finance shall obtain the bid, payment and performance bonds, if applicable	
d) Finance shall obtain insurance certificates, if required, as specified in the purchase contract	
e) The Department shall use the Resolution (or Motion) and related supporting documentation as the Purchase Order Requisition to initiate the Purchase Order procedure (Note: Purchase Orders shall not specifically be required by the City when 1) not required by the supplier/contractor, 2) the purchase has been formally approved by the City Council as evidenced by a Resolution or Motion documented in the minutes of the City Council, and/or 3) an approved and executed contract has been obtained)	
4.7.3.4. Public Works, construction and renovation projects (for construction projects to be funded in part with a Federal Award, refer to the appropriate procurement method requirements enumerated in Sec. 4.6 above.)	
1) Preliminary planning	
a) City Council may appoint a Project Committee, at its discretion, to study the feasibility of the project, develop general requirements, and preliminary budget.	
b) The Project Committee, if appointed, will generally consist of the Department Supervisor of the Department initiating the project request, the City Manager, a member or members of the City Council and/or Mayor, outside volunteers with relevant	

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<p>experience, and a professional Project or Construction Manager, if determined by the City Council to be necessary. (Depending on the nature of the project, the Project Manager may be the Department Supervisor that initiated the project request, a volunteer with relevant professional experience, or an outside paid professional project manager).</p>	
<p>c) The preliminary budget may differ from the project budget included in the City's formal budget due to the availability of more accurate and detailed information than was available at the time the formal budget was developed and adopted. Generally, budget amendments will be prepared and adopted in conjunction with the Council's awarding of the contract or shortly thereafter.</p>	
<p>2) Project design</p>	
<p>a) The City Council shall determine at its sole discretion whether a Project Manager will be employed or whether the Department Supervisor will serve as Project Manager</p> <p>b) With City Council authorization, design professionals (e.g., architects, engineers, etc.) will be engaged to formalize the project design and bid solicitation documents</p>	
<p>3) Design Completion</p>	
<p>a) The Project Committee will review and finalize the project design, budget, and bid solicitation documents with input from the City Attorney as necessary</p>	
<p>4) Bidding procedures</p>	
<p>a) The Project Committee (which shall consult with the City Attorney as needed) will determine whether competitive bidding is required (generally, projects costing \$50,000 or more) or whether the project will be negotiated with contractor(s)</p>	
<p>b) The Project Committee will determine whether pre-</p>	

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qualification procedures will be employed and define the pre-qualification criteria	
c) The Project Manager will develop the formal bid package to be reviewed and finalized by the Project Committee with guidance from the City Attorney as determined necessary	
d) The invitation to bid shall be advertised as prescribed by law and/or grant or other contractual terms and delivered to prospective qualified bidders who have registered with the City and/or that have been identified by the Project Committee in order to promote competition	
e) Once bids and been received and reviewed, the Project Committee will deliver the proposed contract to the City Attorney for review and approval. Once the contract has been reviewed by the City Attorney and appropriate revisions have been agreed upon, the Project Committee will present its recommendation to City Council to award the contract as evidenced by formal Council Resolution (or motion).	
f) Original contract and copy of the Council Resolution awarding the contract will be delivered to the City Clerk for retention	
g) A copy of the executed contract and Council resolution awarding bid will be delivered to the Finance Department to serve as the Purchase Order Requisition. (Note: Purchase Orders shall not specifically be required by the City when 1) not required by the contractor, and 2) the purchase has been formally approved by the City Council as evidenced by a Resolution or Motion documented in the minutes of the City Council)	
h) All progress billings submitted to Accounting will be approved for payment by the Project Manager, if employed, design professionals, or the Department Supervisor	
i) Once the progress billing is approved, it shall be	

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entered along with all supporting documentation into the City's digital document management system to initiate the various inter-departmental, electronic review and approval workflow procedures required for payment processing	
5) Construction phase	
a) Written reports to the Project Committee and City Council describing construction progress, delays, change order requests, quality of work, and other matters of importance will be prepared periodically (frequency to be determined by the City Council) by either the design professionals, Project Manager, or Department Supervisor	
6) Project completion	
a) The Project Manager, design professional or City representative shall determine that the warranty, lien release, and as-built drawings are delivered to the City Manager or Department Supervisor by the contractor(s)	
b) The Project Manager, design professional, and Department Supervisor shall develop a punch list and verify satisfaction of all such listed items by the contractor(s) before authorizing payment of retainage	
4.7.3.5. Sole-source	Sec. 4.6.5
4.7.3.6. Professional Services	
1) Competitive bid procedures may not apply for certain types of professional service contracts (e.g., legal, engineering, accounting and auditing, planning, architectural, etc.). In such instances, a request for proposal (RFP) should be prepared which will include a detailed description of the services sought and other terms of the service agreement.	
2) The RFP will be prepared (with assistance from the User Department) and signed by the City Manager.	
3) The RFPs will be delivered to all providers identified by the Department and may be publicized in a manner	

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consistent with the Competitive Bid Law.	
4) Once the proposals have been received, they will be evaluated by the Department's Supervisor and City Manager and presented to the City Council for consideration along with a recommendation as to which proposal should be accepted.	
5) All such contracts must be executed by either the Mayor, City Manager or such other official so designated as authorized by the City Council evidenced by formal Council Resolution. Such Council Resolution is to be attached (or digitally cross-referenced) to the Purchase Order Requisition, if used	
4.7.3.7. Open-Ended Purchase Orders (blanket purchase agreements)	
1) Open-ended (or blanket) Purchase Orders may be used for recurring purchases of products (e.g., sand, gravel, asphalt, concrete, sod, pine mulch, pine straw, uniforms, automotive parts, selected office supplies, etc.) where the storage of such materials is not practical due to spoilage or insufficient storage capacity.	
2) Such open-ended Purchase Orders generally may not extend beyond a period of one year. (For multi-year contracts, the Department should request a P. O. annually.)	
3) Each open-ended Purchase Order must specify either 1) the maximum number of units of a particular product (e.g., yards of sand or concrete) and a corresponding unit price for all materials to be purchased or 2) an aggregate purchase limit stated in dollars (e.g., \$5,000) where such annual limit must be less than the State bid limit unless the purchase has been competitively bid in accordance with the State Bid Law or purchased through a qualified and approved purchasing cooperative.	
4) Open-ended Purchase Orders shall not be issued where either the units, pricing or maximum purchase order limit is not specified.	
4.7.3.8. Emergency purchases	§41-16-23, Code of

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	Alabama (1975), as revised
1) An exemption to the City’s established purchasing policies and procedures is permissible for an event or situation that imposes danger to public health, safety or convenience exacerbated by delay that will result from the City’s adhering to said established purchasing policies and procedures	
2) Generally, it is contemplated that such emergencies will involve situations and events requiring the attention of the City’s Fire, Police, Public Works and possibly Parks and Recreation departments and personnel	
3) Generally, the emergency shall be declared by the Mayor or Appointing Authority of the City, setting forth the nature of the danger to public health, safety or convenience involved in delay. Such declaration shall preferably be written but a verbal or electronic declaration to the City’s first and secondary responders is acceptable.	
4) In such declared emergencies, purchases may be authorized and/or contracts awarded without public advertisement by authorized personnel to the extent necessary to meet the emergency	
5) Such action and the reasons therefor shall be made public by the City as soon as practical and generally contemplated no later than 48—72 hours of the declaration	
4.7.3.9 Recording payment/purchase transactions in general [Note: the Finance Department may exercise judgement in the application of the policies enumerated in this section based on the materiality of the transactions in question]	9/30/2018 Audit Finding 2018-001
1) Transactions shall generally be recorded in the accounting period (year and/or month) that a) the purchase transaction is complete as generally evidenced by the City’s constructive receipt (i.e., acceptance and/or receipt of the product), b) service is performed whether in whole	

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or in part, or c) the impairment of an asset	
i. Generally, the invoice date printed on the invoice matches the product delivery date and shall be the ledger posting date	
ii. For services, utilities and similar transactions, the period of performance or service period may differ from the "invoice date". In such instances, the last date of the period of performance or last date of the service period shall be entered as the "invoice date" and shall be the ledger posting date	
iii. The act of paying an invoice does not necessarily correlate to the recording of the underlying expenditure. If payment is remitted prior to the City's constructive receipt of a product or prior to the completion of a service, generally accepted accounting principles (GFAAP) generally requires such expenditure be reported as a prepaid expense. Departmental managers should be aware that the adopted budget does not determine the timing and proper accounting of disbursement transactions. It is the departmental employee's responsibility to notify the Finance Department when an invoice or check request represents an advance payment and it is the department head's responsibility to ensure that their employees are adhering to this policy.	
iv. Invoice delays	
a. A vendor's/contractor's delay in invoicing the City does not obviate the City from properly accounting for payment/purchase transactions in the books and records of the City	
b. It is the departmental employee's responsibility to proactively press the vendor to invoice the City timely and it is the department head's responsibility to ensure that their employees are adhering to this policy	
c. In instances where the City is in receipt of an invoice but does not intend to render payment due to a) issues with the purchase/service or b) a	

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<p>dispute, it is highly probable that the underlying transaction is still required to be recorded in the books and records of the City pursuant to generally accepted accounting principles. In such instances, it is the departmental employee's responsibility to deliver the invoice in question to the Finance Department along with a description of the issues and/or dispute and that it is the department's intent (or question) as to whether to remit or withhold payment. The Finance Department shall make the determination as to proper accounting treatment and whether payment is to be remitted or withheld.</p>	
4.8. Routine repair and maintenance/service calls	
<p>4.8.1. Generally, when a Department manager or employee determines that a technician or worker is required to perform routine repairs (e.g., replace a broken window or door, remove obstructions in plumbing systems, repair water leaks, repair a malfunctioning air conditioning unit, etc.), the technician's invoice documenting the nature of the repairs signed by the Department Supervisor or their designee may serve in the place of the Purchase Requisition and Purchase Order. In such instances, a copy of the invoice should be attached to a Check Request entered into the City's digital document management application.</p>	
4.9. Credit purchases	
<p>4.9.1. The City has established credit accounts with certain merchants (including, but not limited to, Auto Apothecary, Cahaba Heights Hardware, CVS Pharmacy (Crestline Village), Harbin's Pharmacy, and Little Hardware) where miscellaneous purchases (e.g., light bulbs, small tools, non-prescription drugs, first aid supplies, and workers' compensation prescriptions, etc.) are routinely made. Generally, such merchants send duplicate invoices, tickets or receipts signed by the employee making the purchase along with a statement of the City's account. In such instances, the purchasing employee's signature on the store's charge ticket/receipt combined with the Department Supervisor's electronic authorization may serve in place of the Purchase Requisition so long as no single item purchased equals or exceeds \$1,000.</p>	
<p>1) For purchases of \$1,000 or more, the purchase order procedure</p>	

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shall be utilized before charging on the City's credit account	
4.9.2. For prescriptions attributable to workers' compensation claims, the above pharmacies have been instructed to contact the City's workers' compensation third-party administrator for authorization to fill the prescription and for payment authorization.	
1) When such authorization is sought after normal business hours or on holidays or weekends and cannot be obtained, the claimant may either return to the pharmacy during normal business hours to complete the transaction when authorization can be obtained or pay for the prescription and submit a request for reimbursement to the City's workers' compensation third-party administrator	
4.10. Credit cards/purchasing cards	
4.10.1. The City has authorized credit/purchasing cards for certain supervisors and managers. Use of these cards is restricted for business-related purchases only. Purchases determined to be unrelated to authorized business activities shall be reimbursed to the City immediately and may result in the card being cancelled or other disciplinary action, up to and including termination of employment.	
1) Generally, the purchasing policies outlined herein apply for all purchases regardless of the form of payment (e.g., City check, cash, or credit card)	
2) Employees are encouraged to limit the use of the City's credit card (i.e., it is preferable to have the vendor invoice the City for payment)	
3) Employees making purchases with the City's credit card shall immediately enter the charge receipt/invoice into the City's digital document management system to initiate the payment authorization workflow incorporated therein	
4) Credit card purchases of \$1,000 or more require a P. O. in advance of said purchase	
5) Employees shall notify the City immediately of a lost or stolen City credit card	
6) Employees shall exercise the same or greater caution and	

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security measures utilized for their personal credit cards	
4.11. Employee travel	Resolution No. 2018-040, Employee Handbook, Sec. VII. D.
4.11.1. The City will reimburse employees for the reasonable business travel expenses incurred while on assignments away from the normal work location. All business travel must be approved in advance by the Department Head. Travel advances are generally considered unnecessary, however, if requested by an employee, must be approved by the City Council.	
4.11.2. When approved, the actual cost of travel, meals, lodging and other expenses directly related to accomplishing business objectives will generally be reimbursed by the City. Employees are expected to limit expenses to reasonable amounts as approved by your Department Head.	
4.11.3. Expenses properly documented with itemized receipts generally will be reimbursed include the following:	
1) Airfare or train fare for travel in coach or economy class or the lowest available fare	
1) Car rental fees, only for compact or mid-size cars	
2) Fares for shuttle or airport bus service where available and costs of public transportation for other ground travel	
3) Taxi fares, only when there is no less expensive alternative	
4) Mileage costs for the use of personal vehicles at the IRS standard mileage rate as defined by the Internal Revenue Service, only when less expensive means of transportation is not available	
5) Cost of standard accommodations in mid-priced hotels, motels or similar lodgings. Additional lodging costs resulting from family members traveling with employees are not reimbursable by the City	
6) Cost of meals, no more lavish than would be eaten at the employee's own expense and not to exceed \$60.00 per day including tips unless approved by the Department Head and City	

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Manager. Itemized receipts are required for all meals, otherwise reimbursement shall be denied	
7) Tips not exceeding 15% of the total cost of a meal or 10% of a transportation fare. Excess tips from a meal or transportation shall not be carried-over to other meals or transportation where tips were not paid or were less than 15% and 10%, respectively.	
8) Charges for telephone calls, facsimile and similar services required for business purposes	
9) Charges for one personal telephone call each day	
10) Charges for laundry and valet services (only on trips of four (4) or more days)	
11) Personal entertainment, personal care items, alcoholic drinks, snacks and soft drinks are not reimbursable	
12) Lodging accommodations shall not be guaranteed by way of advance payment by the City. Lodging accommodations shall be guaranteed with a [personal or city-issued] credit card	
4.11.4. When travel is completed, employees should submit a completed travel expense reimbursement report within ten (10) days of returning to work. Such report must be accompanied with receipts for all itemized business travel-related expenses.	
4.11.5. Employees should contact their supervisor for guidance related to travel arrangements, expense reports, reimbursement for specific expenses, or any other business travel issues.	
4.11.6. Abuse of this business travel expenses policy, including falsifying expense reports to reflect costs not incurred by the employee, can be grounds for disciplinary action, up to and including termination of employment.	
5. Budget	
5.1. Upon adoption by the City Council, the budget shall be uploaded or otherwise entered into the City's electronic general ledger/accounting application	
5.1.1. While each revenue and expenditure object is assigned a budget amount for the fiscal year, management generally does not manage its fiscal operations by specific line item but rather at the	

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departmental level.	
5.1.1.1. Department managers are allowed to reclassify budgetary amounts between expenditure objects within their respective departments only by submitting requests to the Finance Director with the following exceptions which must be formally approved by the City Council by way of budget amendments:	
1) Budget reclassifications are not permitted between labor-related and other departmental expenditure objects	
2) Budget reclassifications are not permitted across departments	
3) Budget reclassifications are not permitted across funds	
5.1.1.2. The Finance Director shall generally be permitted to enter budget adjustments in the City's accounting records that change revenues and expenditures (both within and across departments and funds) that do not affect the budgeted surplus (deficit) at the various fund levels provided such budget adjustments are consistent with GAAP reporting criteria	
5.1.1.3. Budget adjustments that change the surplus (deficit) at the fund level require formal approval of the City Council	
5.1.1.4. Unbudgeted transactions (e.g., contracts, unplanned purchases, negotiated settlements, etc.) are permitted but generally require formal approval of the City Council for said transaction	
5.1.1.4.1. The Finance Director shall be allowed to determine whether or not and the timing of presenting to the City Council for formal consideration such budget amendments for approved, unbudgeted transactions	
6. Mandatory disclosures (federal awards)	§200.113
6.1. In a timely manner and in writing, the non-Federal entity (City) shall notify the Federal awarding agency or pass-through agency of all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially	

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affecting the Federal award.	
6.2. Non-Federal entities that have received a Federal award including the term and condition outlined in Appendix XII—Award Term and Condition for Recipient Integrity and Performance Matters are required to report certain civil, criminal, or administrative proceedings to SAM.	
6.3. Failure to make required disclosures can result in any of the remedies described in §200.338 Remedies for noncompliance, including suspension or debarment. (See also 2 CFR Part 180, 31 U.S.C. 3321, and 41 U.S.C. 2313.)	
7. Fixed assets	
7.1. Approval process for Capital Expenditures	
7.1.1. Capital expenditures are generally approved by the City Council upon its adoption of the annual budget	
1) Capital purchase requisitions that may arise during the fiscal year not specifically included in the adopted budget:	
a) Generally, must be presented to the City Council for consideration and formal approval; however,	
b) If less than \$7,500, may be administratively approved upon the issuance of a P.O. to be approved by the City Manager or their designee provided such purchase will not result in the Department’s exceeding its budgeted capital expenditures for the accounting period	
7.2. Determination whether a planned expenditure is to be capitalized or expensed	
7.2.1. The City’s informal capitalization policy is generally \$1,000 for individual pieces of machinery and equipment provided the estimated useful life of the purchase exceeds one year and \$25,000 for infrastructure	
7.2.2. Department managers and heads may seek guidance from the Finance Director or Accountant for capitalization/expense questions	
7.2.3. Upon review of the purchase requisition, purchase order, invoices or other supporting documentation, the Accounting Department personnel may reclassify the expenditure by way of amending the source documents prior to payment/posting to the ledger or journal entry if already paid and posted in order to conform with GAAP or	

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based on the City's capitalization threshold	
7.3. Purchasing and Accounts Payable systems are correctly applied	
7.3.1. All capital purchases are to be made in accordance with the City's procurement policies described in Sec. 4 herein above	
7.4. If capitalized, appropriate useful life and salvage value determined	
7.4.1. Asset lives are generally assigned during the budget deliberation procedures	
7.4.2. Final determination of an asset life shall be made by the Finance Director using accounting guidelines, manufacturer warranties, or other resources as available and determined appropriate	
7.5. Correct depreciation expense is calculated and applied each period	
7.5.1. Capital expenditures are analyzed, invoices examined and capitalization determinations are made by the Accountant and/or Finance Director with accounting adjustments as appropriate	
7.5.2. Capital assets are entered into the City's electronic fixed asset subsidiary application	
1) Generally, a digital image of the invoice or other supporting documentation is electronically attached to the asset record in the fixed asset subsidiary application for future reference	
2) As practical, the electronic asset record should be cross-referenced to the ledger, P. O., asset tag, if used, and other identifiers	
7.5.3. The asset life assigned during the budget deliberation and/or upon capital asset entry into the City's electronic fixed asset subsidiary application shall be assigned as appropriate	
1) The subsidiary application calculates the annual depreciation based on acquisition date	
2) The Finance Director analytically analyzes the calculated depreciation in relation to experience and manually scans the detailed subsidiary record to gain satisfaction that the total depreciation is accurate	
7.6. Insurance coverage relates directly to asset exposure	

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7.6.1. Annually, in conjunction with the property and general/professional liability insurance renewal, the Finance Director shall examine the current fiscal year-to-date asset additions/disposals generated from the fixed asset subsidiary application to determine which assets are to be added/removed to/from the insurance policy	
7.6.2. Insured equipment lists (automobile and inland marine) shall be reconciled to the corresponding lists generated from the fixed asset subsidiary application with adjustments to each report entered as appropriate. Adjustments necessary to the insurance lists must be reported to the City's insurance broker/agent.	
7.7. Disposals	
7.7.1. Periodically throughout the year, capital assets taken out of service or to be disposed of shall be reported by each Department to the City Clerk	
1) In the case of real property, the City Clerk shall prepare an ordinance to be presented to the City Council for formal consideration	
2) For personal property, the City Clerk shall prepare a resolution authorizing the sale/disposal of the listed assets	
a) For titled assets, the City Clerk shall complete the back of the vehicle title and deliver to the purchaser at the time of sale	
b) For titled assets or upon request by the purchaser, the City Clerk shall prepare and execute a bill of sale at the time of sale	
3) For all disposals, the City shall follow Alabama Law and/or applicable grant award contractual terms and conditions	
8. Employee Time and Effort Reporting	
8.1. Hiring	
8.1.1. General procedures	
1) Department heads shall maintain a position control (i.e., approved positions) that correlates to the personnel positions approved in the annual budget adopted by the City Council	

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2) For budgeted Merit System/Classified positions, department heads may initiate the hiring procedure in accordance with the "Rules and Regulations" promulgated by the Personnel Board of Jefferson County (PBJC)	
3) For budgeted unclassified positions, department heads may initiate the hiring procedure in a manner generally consistent with those followed when recruiting and hiring Merit System/Classified employees (except that such hires shall not be from registers certified by the PBJC)	
4) All new (or over-strength) position requests must be presented to the Appointing Authority/City Manager for pre-approval. Once approved by the City Manager, such requests shall be presented to the City Council for its consideration and formal approval. Such approval shall be documented by the adoption of a resolution (or motion) and recorded in the official meeting minutes of the City Council.	
5) Offers of employment	
a) Employment offers shall be:	
1. Presented to the candidate in writing	
2. Conditional upon the satisfactory results of:	
1) criminal background investigation performed by a third-party provider	
2) drug screen	
3) physical examination, if required for the specific position	
4) psychological evaluation, if required for the specific position	
5) motor vehicle verification in order to determine the prospective employee's automobile insurability	Resolution No. 2014-057
6) contact with references or previous employers	
3. Upon the new hire's acceptance of an employment offer, the hiring department shall notify the Payroll/Human Resource Manager to initiate the processing of new hire	

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paperwork and employee orientation. Such notification should be prior to the new hire's employment commencement date.	
8.2. Orientation	
8.2.1. New hires shall be presented with an orientation packet that shall generally include, but not limited to, the following:	
1) City of Mountain Brook Employee Handbook	
2) Payroll tax forms	
3) City-provided group benefit summary plan documents, enrollment and beneficiary forms	
4) Voluntary benefit summary plan documents, enrollment and beneficiary forms	
5) Defined benefit pension summary plan documents, enrollment and beneficiary forms	
8.2.2. New hires shall meet with 1) the Payroll/Human Resource Manager and 2) the City Manager for the purpose of:	
1) Introduction to the City, presentation of the orientation packet, and to address general questions	
2) Collecting required documents (e.g., driver license, social security card, marriage certificate, birth certificates, Form I-9, etc.)	
8.3. Time and attendance	
8.3.1. Time and attendance shall be administered at each department	
1) With respect to work conducted by employees on an assignment or project that is partially or wholly to be reimbursed pursuant to a grant award, employees shall separately account for actual time exhausted for the specific assignment or project by making appropriate notations on their time slips/cards. The employee's supervisor shall review and approve such time allocations within each applicable work period.	
2) Fire and Police	
a) Time shall generally be reported and recorded daily by each	

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division manager charged with such responsibility	
b) The time and attendance summaries shall be made available to employees for their evaluation and review	
c) Employees shall initial such time and attendance summaries to document their approval thereof	
d) After employee approval, time summaries shall be approved by division managers and department heads and evidenced by their respective initials or marks (manual or electronic)	
e) The approved time and attendance summaries shall be presented to the departmental payroll coordinator for review and entry into the City's payroll application	
f) Time and attendance reported by the division managers to the departmental payroll coordinator shall be summarized by the departmental payroll coordinator in a spreadsheet or other report which shall provide the control totals to be reconciled by the payroll manager to the time and attendance hours entered into the City's payroll application by the departmental coordinators	
3) All other departments	
a) Time shall generally be captured by way of time card punch or direct time card entry by the employee in the electronic time and attendance application	
b) Employees shall monitor their time cards and submit requests for corrections and adjustments electronically through the electronic time and attendance application. Such adjustments and corrections shall be reviewed and processed as appropriate by the division manager, department head, payroll manager or finance director.	
c) Digital time cards should be marked "approved" upon review by the division manager, department manager, payroll manager or finance director [Note: The approval of digital or other time card entries is considered ministerial. Such review is primarily for the purpose of ensuring that reported time is consistent with established policies. If questions arise regarding the reported time card entries, the manager should address such issues directly with the employee and/or their supervisor for prospective work as case law generally places the burden of proof of a misrepresentation of time worked on the employer.]	

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d) The time and attendance information from the City's electronic time and attendance application shall be exported into a spreadsheet which shall then be imported into the City's payroll application	
e) The time and attendance information from the City's electronic time and attendance application previously exported into a spreadsheet in order to generate control totals shall be reconciled by the payroll manager to the time and attendance hours imported into the City's payroll application	
f) Once the hours to be paid as reported in the payroll application have been reconciled to the source time and attendance information, the payroll manager shall generate a tentative payroll register for further validation procedures as follows:	
1. Independently recalculate social security and Medicare payroll taxes using the respective taxable income totals from the preliminary payroll and reconcile to the respective taxes reported therein	
2. Independently recalculate pension withholdings and employer matches using the pension wages reported in the preliminary payroll and reconcile to the respective withholdings and matches reported therein	
3. Analytically compare other incomes and deductions to the previous payrolls to observe unusual deviations that may require further investigation and analysis	
4. Once the payroll manager is satisfied that the hours to be paid have been reconciled to the source time and attendance documentation, social security and Medicare taxes and pension withholdings/match have been reconciled to the respective wages and other incomes and deductions appear reasonable in relation to prior payroll(s), the payroll manager may finalize the payroll processing procedure including, but not limited to: check and ACH remittance generation, electronic funds transfer procedures, and entry of third-party check requests (i.e., invoices) into the City's digital accounts payable workflow application.	
8.4. Calculating payroll	

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8.4.1. Pay rates and deductions shall be updated regularly by the payroll manager, senior accountant, or accountant or finance director from appropriate source documentation. A notation of such updates shall programmatically be recorded and stored electronically in the City's digital payroll application for future reference.	
1) Source documents for wage rates and employee deductions shall be filed in the [hard copy or digital] employee's personnel file	
8.5. Benefits administration	
8.5.1. Open and new hire enrollment shall be conducted in accordance with applicable laws and benefit plan documents and/or agreements	
8.5.2. Source documents, including an employee's declination of a benefit, shall be maintained in the [hard copy or digital] employee's personnel file. Such source documents shall also be transmitted by the payroll manager to outside agencies and vendors as applicable in accordance with applicable laws and benefit plan documents and/or agreements.	
8.5.3. Once an employee signs-up for a benefit or submits their payroll tax forms, the payroll application deduction rates shall be updated routinely based on change forms presented to the payroll manager.	
8.5.4. Contractual premium or rate changes and income tax rate changes do not require prior employee approval for entry into the City's digital payroll application.	
8.6. Tax administration	
8.6.1. Upon finalization of a payroll run, the payroll manager shall notify the senior accountant, accountant, accounting assistant II or finance director who shall initiate the electronic payment of federal payroll tax withholding and employer matching payments	
8.6.2. All payroll taxes shall be remitted and reported in accordance with the regulations promulgated by the various taxing jurisdictions	
8.7. Temporary and part-time employees	
8.7.1. Affordable Care Act considerations	
1) Seasonal employment is defined in the legislation	
2) Seasonal temporary employees shall generally be hired in May—August time frame only. If seasonal temps are ever hired	

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outside of this time frame, they are no longer seasonal (for Affordable Care Act purposes).	
3) Seasonal temporary employees may be scheduled and work more than 30-hours per week but such practice is discouraged for consistency considerations	
4) Temporary employees are defined in the legislation	
5) Temporary employees shall never work longer than six (6) months minus one (1) day. If any temporary employee works six (6) months or longer, they are no longer temporary and must be offered medical, retirement and other benefits, as applicable based on the number of hours worked weekly	
6) Department heads who extend offers of temporary, seasonal or part-time employment to prospective employees shall make such offers conditionally (Sec. 8.1.1 5) 2. above) AND shall be accompanied by a letter stipulating the employment commencement and end dates of no more than 6-months minus 1-day (for temporary/seasonal employees) and/or the limitation of weekly hours consistent with the provisions of this section for part-time employees.	
7) Failure to comply with the provisions of the Affordable Care Act subjects the City to monetary penalties (not to mention possible participation in the City's medical and retirement benefit plans)	
8.7.2. Retirement Systems of Alabama (RSA) considerations	
1) Except for retirees where annual income limitations from any RSA employer apply, if a part-time employee (permanent, seasonal, or temporary) has ever participated in the RSA (including the [Alabama] Teachers Retirement System (TRS) or [Alabama] Judicial Retirement System (JRS)), such employee's participation in the City's retirement plan is mandatory regardless of the number of hours scheduled or actually worked	
2) Such part-time employee's with any prior participation in a covered RSA plan may not voluntarily opt out of or otherwise decline such participation	
3) Permanent part-time employees with no prior participation in a covered RSA plan shall not be scheduled or work twenty (20)	

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hours or more within a 40-hour work period (Tuesday through Monday) as doing so generally triggers the RSA's mandatory participation in the City's RSA plan. [NOTE: An "occasional" infraction of this policy may be excused from the RSA's mandatory participation rules, however, department heads and/or managers responsible for scheduling and/or supervising part-time employees are expressly prohibited from consciously deviating from this policy and should an infraction occur, implement definitive measures to ensure such infractions shall not reoccur.]	
8.7.3. Medical insurance considerations	
1) No permanent, part-time employee shall work thirty (30) hours or more within a 40-hour work period (Tuesday through Monday), otherwise, such employee shall be offered medical insurance benefits	
9. Municipal court	Resolution No. 2015-175
9.1. Records and files	
9.1.1. Uniform Traffic Ticket Complaint (UTTC)	
1) UTTC number assignment and management shall be the responsibility of the Mountain Brook Police Department	
9.1.2. Municipal court case numbers	
1) Municipal court case numbers shall be automatically assigned by the municipal court application software system ("application software")	
2) Magistrates shall download electronic ticket (e-ticket) information into the application software daily	
3) Magistrates shall also enter manual (paper) tickets into the application software system daily or as applicable	
4) Appropriate court dates shall be entered in the electronic case file record in the municipal court application upon ticket import/entry	
9.1.3. Case files	
1) Once an arrest, citation, or ticket record is created in the municipal court application software system, generally, the digital	

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record should never be deleted from the application software or totally removed from the files	
2) For cases transferred to circuit court, all hard copy (paper) information should be scanned to create an electronic copy, indexed, and stored in the City's electronic document management software application system (unless such documentation already resides in the digital archive)	
3) Additionally, the magistrates shall enter a notation in the electronic case file record of the court application software system that the case was transferred, the date transferred, and that an electronic copy of the files transferred are maintained in the separate electronic document management software application	
9.2. Docket Management	
9.2.1. Preparing the weekly docket	
1) Generally the day before court, magistrates shall print the docket of cases for the weekly court	
2) Generally the day of court, paper case files for each case listed on the weekly docket report shall be pulled from the case file drawer and organized	
9.2.2. Administration of the court	
1) Magistrate (1) assigned to the courtroom	
a) Set-up courtroom 1–2 hours prior to court	
b) Prepare and position defendant sign-in sheet for use at the security check-point	
c) Obtain paper files for the current docket (9.2.1. 2) above))	
d) Sit beside presiding judge during the court proceedings to ensure that all tickets/cases are completed appropriately and signed as necessary	
e) Continue cases, as applicable	
f) The day following court, continuances shall be documented in the Notes field of the electronic case file in the court	

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application software	
g) Register defendants for defensive driving school, as applicable	
2) Magistrate(s) (1–2) assigned to the payment window	
a) Collect payments from defendants as specified in the case records provided from the court proceedings	
b) Enter payments into the court application software (while defendants wait)	
c) Print an electronic receipt of the payment from the court application software and present to the defendant for their records	
9.2.3. Post-court procedures	
1) Generally the day following court	
a) Finish entering continuances and notating in the electronic case file the explanation for the continuance	
b) Prepare and issue appropriate warrants for all defendants that failed to appear and for all other covered offenses	
c) Suspend driver licenses, as appropriate	
d) Run post-court docket to ensure that all cases have been addressed (i.e., fines collected in-whole or in-part as applicable, continuances entered, warrants issued, defensive and other schools assigned, community service, etc.)	
e) Transfer paper case records to the appropriate docket file drawer for storage until the assigned court date	
9.3. General Court Administration	
9.3.1. Documentation	
1) All cases where either the judge or a magistrate has documented special orders shall be scanned to create an electronic document, indexed (with Case number), and stored in the appropriate electronic document management system	
2) The electronic case file in the court application software shall be notated to indicate that the actions, municipal judge, and	

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magistrate's orders are stored electronically in the separate electronic document management application	
9.3.2. Communications	
1) All pertinent telephonic communications with defendants shall be notated in the electronic case file (date of communication, short description of said communication, and initials of the magistrate entering the notation) to facilitate future communications among magistrates with said defendant	
9.3.3. Transactions	
1) Manual Receipts	
a) Shall only be permitted in extreme circumstances such as equipment failures and void receipts	
b) Must be pre-numbered and accounted for periodically	
c) Must be printed in triplicate with one provided to the defendant, one retained for entry into the court application software, and the third maintained with the [manual] receipt book	
d) Manual receipt numbers shall be notated (cross-referenced) in the electronic case file of the municipal application software system	
9.3.4. Voided receipts	
a) Magistrates are not assigned electronic security permission to void receipts in the municipal court application software	
b) When a void receipt is necessary, documentation describing the reason for the void including a cross-reference to the corresponding manual receipt shall be provided to the Magistrate Supervisor or, in their absence, the City Clerk for approval	
c) The Magistrate Supervisor (or City Clerk) shall process the void receipt transaction and notate the manual receipt number, if applicable, in the electronic case file	
d) The Magistrate Supervisor (or City Clerk) shall sign and date the void receipt documentation and return to the magistrate to be scanned, indexed (case and receipt number), and saved in the electronic	

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document management software application system	
9.3.5. Mail-in receipts	
1) Generally, processed in the same manner as walk-in/counter receipts	
2) When cash is included in the mail receipts, the magistrate that opened the mail containing cash should turn over the cash and related ticket or citation to the second magistrate for processing	
3) If only one magistrate is present, then another Revenue Department official shall be called over to view the processing of the cash receipt in a manner consistent with walk-in/counter receipts	
9.3.6. Daily cash balancing	
1) Each magistrate shall be assigned a cash drawer (with an imprest cash balance of \$100 subject to change from time to time at the discretion of the City Clerk)	
2) Each magistrate shall print a daily "Total Receipts Report" from the court application system which reports the daily receipt posting activity to the electronic court files	
3) The total receipts as reported in the "Total Receipts Report" shall be reconciled to the cash and checks in their cash drawer (less the \$100 imprest balance) plus the bond forfeitures	
4) Discrepancies shall be recorded as cash over/(short) and reported to the City Clerk or their Accounting Department designee daily for explanation	
5) Daily, each magistrate shall prepare a bank deposit slip and present the cash and checks, deposit slip, and "Total Receipts Report" to the Revenue Examiner, Accountant, or City Clerk for deliver to the bank for deposit	
6) The "Total Receipts Report" and duplicate bank deposit slip shall be presented to the Accountant to be used to prepare the accounting entry to record such revenue in the City's general ledger	
7) A log of daily bank deposits from court receipts shall be maintained in Accounting	
8) The log shall be updated and reconciled to the bank deposits regularly (usu. daily) and totaled monthly for reconciliation to the 1) general	

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ledger deposit entries and 2) monthly court reports generated from the municipal court application system	
9.3.7. Cash bonds	
1) Cash bonds shall be entered into the court application system under the appropriate electronic Case File (noting the date of the bond, the case number, the person or entity that paid the cash bond, and the bond account)	
2) Prohibited transactions	
a) The cashing of personal checks from any City cash drawer is strictly prohibited	
b) The issuance of bond refunds from any City cash drawer is strictly prohibited	
3) Payment requests for bond refunds	
a) Documentation supporting the refund of a Court Cash Bond shall be scanned into the City's electronic document management system as an "Invoice", indexed (cross-referenced to the applicable court Case File number), and submitted electronically for approval by the City Clerk or other authorized City official	
b) The electronic Case file shall be notated/cross-referenced with the "Invoice" number assigned to the invoice submitted for payment authorization	
c) Checks issued for bond refunds shall be mailed directly from Accounting to the address provided by the magistrate (as noted on the electronic invoice)	
4) Cash Bond forfeitures	
a) Cash bonds shall be forfeited, without notice to the defendant, for all cases where the defendant fails to appear in court within thirty (30) days from their initial court date	
b) Forfeitures shall be entered in the court application system (under the appropriate Case File) indicating the date of forfeiture or application to a fine, and person or entity who paid the Cash Bond to the City	
c) Any documentation (magistrates' or judges' orders) supporting	

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the forfeiture shall be scanned to create an electronic document that shall be saved to the City's electronic document management system, indexed, and cross-referenced to the Case File	
10. Billing, collections and revenue	
Billing, collections and revenue (or "The Revenue Cycle") includes transactions pertaining to the revenue generation and collection functions and encompasses activities such as licenses, taxes, permits, garbage fees, municipal court and other fines, and miscellaneous billings/receipts (e.g., cost recoveries, special assessments, grants, etc.) Receipts shall be deposited in-tact daily. The holding of receipts (except those received after the afternoon cash drawer closing/bank deposit) is expressly prohibited.	
10.1. "Walk-in" receipts	
10.1.1. Cash	
1) Mail should be opened and observed in the presence of a second Revenue, Municipal Court or other City official	
2) Cashier shall enter the cash receipt in the computerized revenue subsidiary ledger	
3) Cashier shall print at least one (1) receipt for delivery to the Taxpayer (a digital version shall automatically be stored in the computerized revenue application upon receipt entry by the Cashier)	
10.1.2. Checks	
1) The Cashier will endorse all checks (immediately upon the opening of mail) using a stamp or other means that generally reads as follows: "PAY TO THE ORDER OF [BANK NAME OR] CITY OF MOUNTAIN BROOK ACCOUNT NO. ## - ### - #### FOR DEPOSIT ONLY"	
2) Cashier shall enter the receipt in the computerized revenue subsidiary application	
3) Cashier shall print at least one (1) receipt to be presented to	

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the Taxpayer (a digital version shall automatically be stored in the computerized revenue application upon receipt entry by the Cashier)	
4) At or near the end of each scheduled shift (usu. between the hours of 2 p.m. and 4 p.m.), all cash drawers should be closed whereby all cash in excess of the \$100 (or other authorized) imprest balance shall be totaled, a deposit slip prepared and delivered to the Accountant, Revenue Examiner or Finance Director for deposit at the bank (or delivery to the vault for overnight safekeeping, if after 4:30 p.m.)	
a) All cash drawer closings shall include the preparation of a Daily Cash Report	
b) Cashier shall reconcile the receipts to the subsidiary batch posting/update report and attach a copy thereof to the Daily Cash Report	
c) Cashier shall immediately restrictively endorse all checks as specified herein above. (Note: Restrictive endorsement should be stamped at the time of acceptance)	10.1.2. 1)
d) The cash drawer and completed Daily Cash Report shall be delivered to the Accountant, Finance Director or their designee for verification which may include their re-counting of the currency and checks in the presence of the custodian and review of the Daily Cash Report and supporting documentation	
1) Transactions processed after the daily (afternoon) closing shall be processed with the next day's business	
2) All cash drawers shall be locked and stored in the locked file cabinet inside of the locked vault for overnight safekeeping	
10.2. Mail receipts	
10.2.1. All mail shall be opened by Switchboard Attendant (Operator)/Cashier/Administrative Assistant (with assistance during periods of extremely high mail volume by the Revenue Examiner or other authorized staff member(s) all of whom must follow the procedures outlined herein)	

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10.2.2. Cash included in the mailed receipts shall be immediately forwarded to the Cashier along with the related paperwork for processing. Such cash receipt shall be processed by the Cashier immediately in the presence of the Operator and the Taxpayer's receipt shall be presented by the Cashier to the Operator who will deliver said Taxpayer's receipt via U. S. Mail.	
10.2.3. Operator shall separate checks from the remittance advice and perform the following procedures:	
1) Operator shall restrictively endorse all checks as specified above	10.1.2. 1)
2) Operator should stamp on the paperwork accompanying payment (remittance advice) and check the date such remittance advice and check were received/opened	
3) Operator shall compare the check amount to the remittance advice (e.g., license application, tax return, etc.) and evidence such comparison by circling (preferably in red ink) the "check amount" noted on the remittance advice and write the check number and initial (again in red ink) the remittance advice. In all instances where the check amount differs from the remittance advice:	
a) Operator shall make a copy of the check and attach same to the remittance advice	
b) Operator shall write (preferably in colored ink) on the remittance advice the actual amount of the check received	
4) For checks received with no accompanying remittance advice or where the City of Mountain Brook tax identification number is not readily identifiable on the face of the remittance advice, Operator shall make a copy of the check which shall serve as the remittance advice or attach the check copy to the remittance advice submitted with the payment. (NOTE: If anything about the receipt appears unusual or if any problems with proper posting in the revenue system appear likely in the opinion of the Operator, the Operator should make a copy of the check which shall then be attached (top sheet) to the remittance advice)	
5) Operator shall:	

**INTERNAL CONTROL POLICIES AND PROCEDURES
CITY OF MOUNTAIN BROOK, ALABAMA**

	Reference
a) Enter in a spread sheet (hereafter referred to as Operator's batch report or batch report) the following information from the checks processed:	
1) City of Mountain Brook tax identification number	
2) check number, and	
3) check amount	
b) The batch report, shall include the date such checks were received/processed and the name of the individual preparing the batch report	
c) The list of checks (batch report) shall be totaled	
d) Operator shall print two (2) copies of the batch report	
e) Operator shall sign and date both copies of the batch report	
[NOTE: The two batch reports will be critical to the Cashier in the event the receipts entered into the computerized revenue subsidiary ledger differ from the Operator's batch report total. Any difference in these totals indicates an error which will either be 1) a posting error on the part of the Cashier in entering the receipts in the subsidiary ledger or 2) a posting error by the Operator in preparing the batch report. All differences/errors must be identified and corrected immediately. If the error is a posting error by the Cashier, the appropriate correction will be made and a revised batch entry report printed. If the error is in the Operator's batch report, Cashier shall note the appropriate correction on the report and correct the subsidiary batch report total appropriately. Any errors in the Operator's batch report should also be discovered by the Accountant during the preparation of the daily deposit.]	
6) Operator shall present the remittance advices and one copy of the batch report to the Cashier for posting to the computerized revenue subsidiary ledger	
a) Cashier shall prepare a subsidiary ledger batch posting/update report and verify that the posting total agrees with the Operator's batch control total noted on the batch report	

**INTERNAL CONTROL POLICIES AND PROCEDURES
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	Reference
b) The reconciled subsidiary ledger batch posting/update report and Operator's batch report shall be presented to the Accountant who will match same with the corresponding deposit	
7) Operator shall present the endorsed checks and Operator's second/duplicate batch report to the Accountant for preparation of the daily deposit	
a) Accountant shall verify that the deposit slip total agrees with the Operator's batch control total noted on the second/duplicate batch report	
b) Either the Accountant, Revenue Examiner, Finance Director or their designee shall physically deposit the checks at the bank each business day (or run the checks through the bank's remote check reader for electronic transmission to the bank).	
8) Remittance batch paperwork shall be filed by the Cashier or Operator (by batch number) and copy of the deposit slip delivered to the Accountant for filing (by processing date)	
9) Once the Operator has separated ALL of the checks from the remittance advices, prepared and printed the two batch reports, and delivered the checks and one copy of the batch report to the Accountant to prepare the daily deposit(s), the Operator may assist the Cashier in entering the remittance advices in the computerized revenue subsidiary ledger following all procedures outlined above	
10) Cashiers shall scan the batch reports and supporting documentation and store the digital copies in the City's digital document management system for future reference. [Note: Original paper copies will usually be retained for future reference until after the next financial audit. However, the stored digital copy shall be considered the official copy.]	
10.3. Returned checks due to insufficient funds	
10.3.1. Deposits rejected by the bank due to insufficient funds (NSF) shall be resolved as follows:	
a) The Accountant shall maintain a subsidiary ledger of all returned deposits. Accountant should generally make a copy of	

**INTERNAL CONTROL POLICIES AND PROCEDURES
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	Reference
the returned check and file same.	
b) The returned check shall be delivered to any Revenue Department staff member	
c) The Taxpayer shall be contacted via telephone and informed that the check was rejected by the bank and inquire whether the Taxpayer wishes for the returned check to be re-deposited	
d) Returned checks shall be re-deposited only one time. If rejected again, the returned check shall be delivered to any Revenue Department staff member for processing.	
1) The taxpayer's record shall be updated to reverse the tax/license payment and proper notations made effectively reinstating a delinquency. A batch reversal/posting report shall be printed and delivered to the Accountant who will match and attach same to their file copy of the returned check	
2) Penalties and interest shall be calculated on the delinquency and an NSF charge added	
3) An updated invoice shall be prepared and mailed to the taxpayer with a letter stating that the balance is due and payable within ten (10) business days or the account will be turned over to our attorney to initiate collection proceedings	
1) A copy of the invoice and transmittal letter shall be filed in a pending/work-in-process file which is accessible by all Revenue Department personnel	
<ul style="list-style-type: none"> • The pending/work-in-process file shall be organized by due date order as opposed to alphabetical or some other order • If the invoice is collected in full within the ten day period, the pending copy shall be removed from the pending/work-in-process file • If not collected within the prescribed time frame, the invoice shall be turned over to the City's collection attorneys as specified in the invoice transmittal letter • The pending/work-in-process file shall be reviewed daily by the Operator (or any other Revenue 	

**INTERNAL CONTROL POLICIES AND PROCEDURES
CITY OF MOUNTAIN BROOK, ALABAMA**

	Reference
Department staff member in the Operator's absence) to ensure that deadlines are monitored and appropriate dispositions made	
e) Once the delinquency for the returned check has been received, a copy of the remittance and batch posting report shall be delivered to the Accountant in order to update their subsidiary records	
10.4. Delinquencies	
10.4.1. "Delinquencies" are automatically generated by the computerized revenue subsidiary application. Accordingly, not all reported delinquencies are correct but may indicate that a taxpayer's record has not been updated appropriately (i.e., tax or license categories have been activated in the subsidiary ledger that do not apply to the taxpayer, the taxpayer is no longer in business, or no longer conducting business inside the City).	
10.4.2. The Revenue Examiner, Operator and Cashier, individually and collectively, are responsible for maintaining the taxpayers' records in the computerized revenue subsidiary ledger.	
1) Such maintenance procedures shall be routinely conducted daily during the course of normal departmental procedures	
2) In all instances where a taxpayer's record is updated to reflect a change (i.e., marked inactive, license and tax categories activated or deactivated, etc.), a notation shall be made in the computerized revenue subsidiary ledger documenting the nature of the update, the justification for such update, and the individual updating the record	
10.4.3. The Revenue Examiner shall have primary responsibility for resolving delinquencies.	
a) Regularly, a delinquency report shall be produced by the Revenue Examiner	
b) Reported delinquencies that appear to be record maintenance issues as opposed to actual delinquencies shall be identified and resolved or delegated to other Revenue Department personnel (Operator or Cashier) for resolution and appropriate disposition. A written report of the taxpayer records updated and the nature of the update shall be returned to the Revenue	

**INTERNAL CONTROL POLICIES AND PROCEDURES
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	Reference
Examiner to verify that appropriate dispositions have been completed.	
c) All other delinquencies shall be investigated worked until disposition	
<ul style="list-style-type: none"> • Steps taken (e.g., telephone calls (first and most effective method to be utilized), letters and/or invoices mailed, audits authorized or scheduled, turned-over for collection, etc.) shall be noted in the computerized revenue subsidiary application so that all Revenue Department personnel will be aware of what steps have been taken to resolve the delinquency and when such steps were taken • Notes shall include the names and telephone numbers of persons contacted and brief comments summarizing such contacts 	
10.5. Adjustments to taxpayer accounts	
10.5.1. All credit adjustments such as waiver of penalties, invoice reversals, etc., to Taxpayer accounts shall be authorized by the Director of Finance.	
10.5.2. The Revenue Examiner, Operator, and Cashier shall present a written request for such adjustment (such written request may be from the Taxpayer or in memorandum form)	
1) The Director of Finance shall indicate in writing on the written request the authorization of such adjustment. The authorization shall include the Finance Director's signature or initials, date, and instructions regarding the adjustment	
2) The signed authorization shall be scanned and the digital image thereof attached to the taxpayer's electronic record	
10.6. Refunds	
10.6.1. Revenue Department personnel shall prepare a check request for all refunds	
1) Appropriate documentation supporting the nature of the overpayment to be refunded shall be attached to the check request	
2) Check request (or invoice) shall be entered into the digital	

**INTERNAL CONTROL POLICIES AND PROCEDURES
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document management system in order to initiate the appropriate approval workflow	
3) All such check requests/invoices shall be approved for payment by the Finance Director or their designee who shall further deliver electronically such documentation to Accounts Payable for entry into the Accounts Payable application for processing of the refund check	
10.6.2. A copy of the signed refund check shall be delivered to the Cashier or otherwise available thereto from the City's digital document management system	
1) The refund transaction including check number and check date should be entered by the Cashier into the computerized revenue subsidiary application	
2) The refund transaction will be recorded in the general ledger in connection with the generation of the refund check. The posting of the refund to the taxpayer's subsidiary record will in effect be a manual posting and therefore not submitted to Accounting with other revenue batches for posting to the general ledger in order to avoid posting the refund to the general ledger twice.	
11. Permits	
11.1. Prior to the issuance of any permit, the contractor/applicant must submit a complete permit application on a form prescribed by the City	
11.1.1. Upon receipt of a complete permit application, the revenue/permit clerk shall:	
1) Verify that the contractor/applicant possesses a current City of Mountain Brook business license	
2) Verify that the contractor/applicant possesses current, applicable State of Alabama building certifications and licenses	
3) Determine whether the City codes and regulations require a bond for the particular permit sought and ensure that such applicable bond requirements have been satisfied	
11.2. Permit/revenue clerks may process and issue all permit applications upon verification and satisfaction of the requirements specified in Sec. 11.1 above except a) building, b) land disturbing and c) others that require review and	

**INTERNAL CONTROL POLICIES AND PROCEDURES
CITY OF MOUNTAIN BROOK, ALABAMA**

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approval by the City Planner or the Chief Building Inspector (e.g., those that require construction trailers, home occupations, etc.)	
11.2.1. For permit applications that require review by department supervisors, upon receipt of a permit application tentatively approved by such supervisor, the revenue/permit clerk shall:	
1) Verify that all listed/known subcontractors possess a current City of Mountain Brook business license	
2) Verify that all listed/known subcontractors possess current, applicable State of Alabama building certifications and licenses	
3) Determine whether the City codes and regulations require a bond for the various listed/known subcontractors and ensure that such applicable bond requirements have been satisfied for each	
4) Upon satisfactory completion of the requirements listed above, the revenue/permit clerk shall finalize the issuance the permit consistent with the permit application and contact the contractor/applicant for payment of the requisite permit fees and delivery of the permit to be displayed at the job site, if applicable	
12. Cash management (with respect to federal or other agency grant awards or contracts)	
12.1. Historically, the City's grant awards have been and expected to continue to be on a reimbursement versus an advance draw-down basis. Should the City apply for a grant or award that allows for advance draws, the City shall either 1) modify its cash management policies and procedures to ensure compliance with applicable cash management provisions specified by the agency (see also 2 CRF 200, §200.6) in the grant agreement or 2) administer the award on a reimbursement basis to avoid the possibility unnecessary delays between the City's receipt of advance draws and related project expenditure.	§200.6
12.2. With respect to the City's cash general management policies (without regard to a federal or other grant award):	
12.2.1. Investment policies	Resolution No. 2009-053
1) Routinely, cash flows will be analyzed in order to ensure that sufficient cash is available to meet operating and short-term	

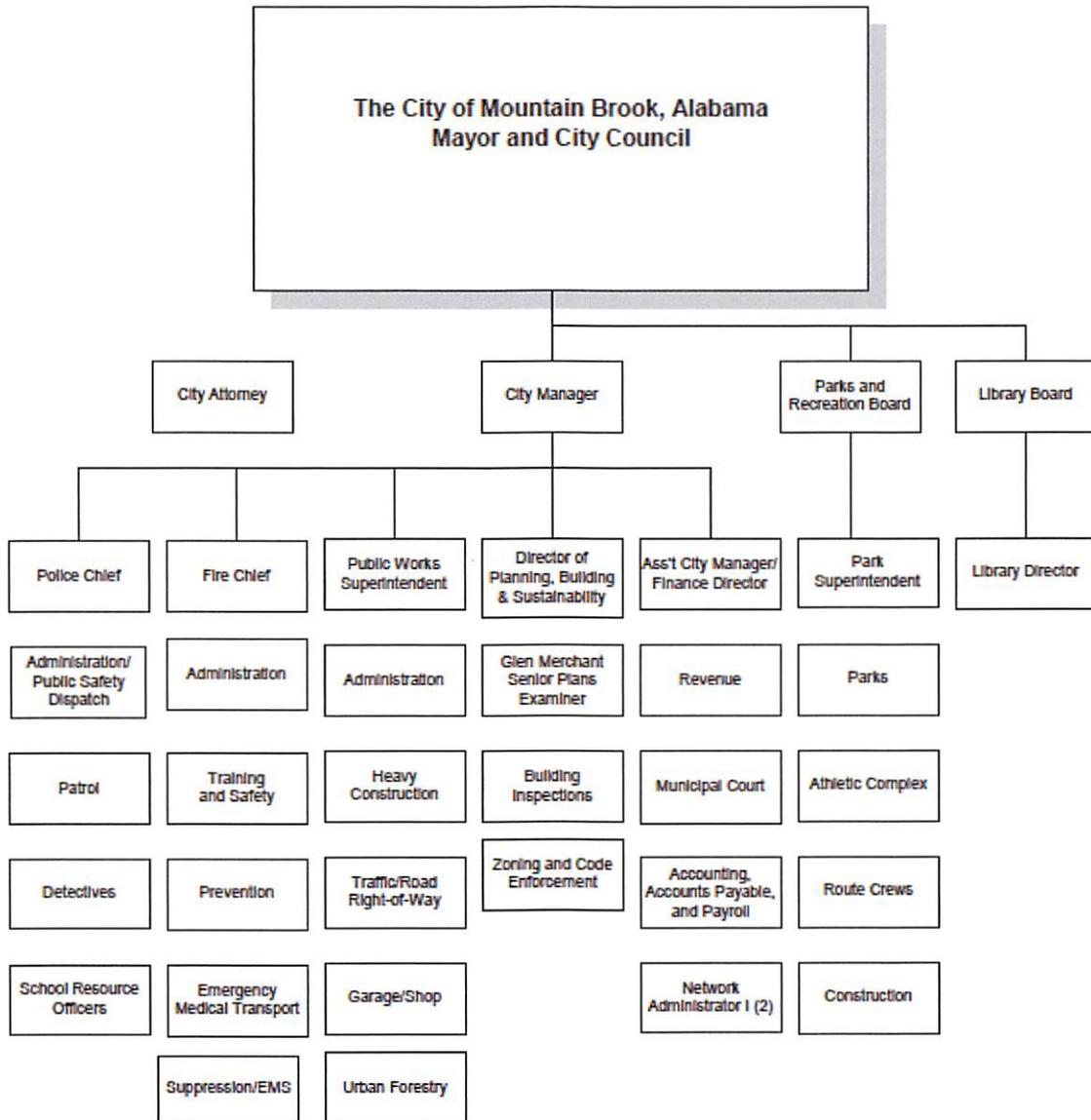
**INTERNAL CONTROL POLICIES AND PROCEDURES
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	Reference
capital outlay requirements	
2) Investment strategies that maximize investment returns with minimal risk will be followed	
3) Receipts shall generally be deposited in-tact daily in order to safeguard assets and maximize the benefit of cash collections	
4) Regularly, the City shall analyze its cash and investment positions and investment returns and implement such changes as considered to be in the best interest of the City in keeping with its stated goals and objectives	
5) The investment performance and policies shall be reviewed by the City Council periodically	
12.2.2. [Fund balance] reserve policies	Resolution No. 2017-031
1) The City shall strive to achieve and maintain a General Fund reserve in an amount at least equal to six (6) months of operating expenses and transfers in order to ensure that reserves are sufficient to withstand temporary fluctuations in cash flows, to meet emergencies, or to take advantage of significant opportunities	
2) The City shall strive to achieve a Capital Project Fund reserve equivalent to the City's accumulated depreciation balance by transferring monthly from the general fund such amounts as budgeted where such transfers are generally based on capital asset depreciation schedules	
13. Record retention	
13.1. Generally, the City shall adhere to the more stringent requirements of 1) those promulgated by the State of Alabama Department of Archive and History or, 2) in the case of a federal or other grant award/contract, the requirements specified therein.	
13.2. State of Alabama Department of Archive and History http://www.archives.alabama.gov/slo.html	
1) For Local Agencies: Local Retention Schedules or Records Disposition Authorities (RDAs) No county, municipal, or other local government official shall cause	

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<p>any...records to be destroyed or otherwise disposed of without first obtaining the approval of the Local Government Records Commission (Ala. Code 1975, § 41-13-23). Records Disposition Authorities (RDAs) or retention schedules constitute authorization for the disposition of agency records as stipulated in the document. These RDAs also identify the permanent records that a local government must preserve.</p>	
<p>2) Local Government Destruction Notice</p> <p>One condition of this authorization is that the responsible official must use the approved RDA to submit a Local Government Records Destruction Notice to the Alabama Department of Archives and History (ADAH) to receive a letter of eligibility.</p>	

APPENDIX 1 – ORGANIZATIONAL CHART



INTERNAL CONTROL POLICIES AND PROCEDURES	
CITY OF MOUNTAIN BROOK, ALABAMA	
	Reference
APPENDIX 2 – CONFLICT OF INTEREST	§200.318(c)
PURPOSE	
This policy statement sets forth the City’s standards of conduct to ensure that City Council members and employees avoid potential and actual conflicts of interest, as well as the perception thereof.	
DEFINITIONS	
Confidential information shall mean information not obtainable from reviewing a public document or from making inquiry to a publicly available source of information.	
Conflict or Conflict of interest shall mean use by a Council member or City employee of the authority of their office or employment, or any confidential information received through their holding public office or employment, for the private monetary benefit of him/herself, a member of their immediate family or a business with which they or a member of their immediate family is associated. The term does not include an action having a de Minimis economic impact, or which affects to the same degree a class consisting of the general public or a subclass consisting of an industry, occupation or other group which includes the Board member or district employee, a member of their immediate family or a business with which s/he or a member of his/her immediate family is associated.	
De Minimis economic impact shall mean an economic consequence which has an insignificant effect.	
Financial interest shall mean any financial interest in a legal entity engaged in business for profit which comprises more than five percent (5%) of the equity of the business or more than five percent (5%) of the assets of the economic interest in indebtedness.	
Honorarium shall mean payment made in recognition of published works, appearances, speeches and presentations, and which is not intended as consideration for the value of such services which are nonpublic occupational or professional in nature. The term does not include tokens presented or provided which are of de Minimis economic impact.	
DISCLOSURE OF FINANCIAL INTERESTS	
No elected official shall be allowed to take the oath of office or enter or continue upon their duties, unless they have filed a Statement of Economic Interests disclosure statement as required law.	
Employees of the City shall file a Statement of Economic Interest disclosure statement	

INTERNAL CONTROL POLICIES AND PROCEDURES

CITY OF MOUNTAIN BROOK, ALABAMA

	Reference
annually pursuant to Alabama law.	
STANDARDS OF CONDUCT	
The City maintains the following standards of conduct covering conflicts of interest and governing the actions of its employees and Board members engaged in the selection, award and administration of contracts.	
No employee or Council member may participate in the selection, award or administration of a contract supported by a federal award if s/he has a real or apparent conflict of interest as defined above, as well as any other circumstance in which the employee, Council member, any member of his/her immediate family, his/her business partner, or an organization which employs or is about to employ any of them, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.	
The City shall not enter into any contract with a Council member or employee, or his/her spouse or child, or any business in which the person or his/her spouse or child is associated valued at \$500 or more, nor in which the person or spouse or child or business with which associated is a subcontractor unless the Council has determined it is in the best interests of the City to do so, and the contract has been awarded through an open and public process, including prior public notice and subsequent public disclosure of all proposals considered and contracts awarded. In such a case, the Council member or employee shall not have any supervisory or overall responsibility for the implementation or administration of the contract.	
When advertised formal bidding is not required or used, an open and public process shall include at a minimum:	
1. Public notice of the intent to contract for goods or services;	
2. A reasonable amount of time for potential contractors to consider whether to offer quotes; and	
3. Post-award public disclosure of who made bids or quotes and who was chosen.	
Any Council member or employee who in the discharge of their official duties would be required to vote on a matter that would result in a conflict of interest shall abstain from voting and, prior to the vote being taken, publicly announce and disclose the nature of his/her interest as a public record.	
No public official or public employee shall accept an honorarium.	

INTERNAL CONTROL POLICIES AND PROCEDURES

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	Reference
Council members and employees may neither solicit nor accept gratuities, favors or anything of monetary value from contractors or parties to subcontracts, unless the gift is an unsolicited item of nominal value. Gifts of a nominal value may be accepted in accordance with Council policy and State of Alabama Ethics Laws.	
IMPROPER INFLUENCE	
No person shall offer or give to a Council member, employee or nominee or candidate for the Council, or a member of his/her family or a business with which s/he is associated, anything of monetary value, including a gift, loan, political contribution, reward or promise of future employment based on the offeror's or donor's understanding that the vote, official action or judgment of the Council member, employee or nominee or candidate for the Council would be influenced thereby.	
No Council member, employee or nominee or candidate for the Council shall solicit or accept anything of monetary value, including a gift, loan, political contribution, reward or promise of future employment, based on any understanding of that Council member, employee or nominee or candidate that the vote, official action or judgment of the Board member, employee or nominee or candidate for the Council would be influenced thereby	
ORGANIZATIONAL CONFLICTS	
Organizational conflicts of interest may exist when due to the district's relationship with a subsidiary, affiliated or parent organization that is a candidate for award of a contract in connection with federally funded activities, the district may be unable or appear to be unable to be impartial in conducting a procurement action involving a related organization.	
In the event of a potential organizational conflict, the potential conflict shall be reviewed by the City Manager or designee to determine whether it is likely that the district would be unable or appear to be unable to be impartial in making the award. If such a likelihood exists, this shall not disqualify the related organization; however, the following measures shall be applied:	
1. The organizational relationship shall be disclosed as part of any notices to potential contractors	
2. Any employees or officials directly involved in the activities of the related organization are excluded from the selection and award process;	
3. A competitive bid, quote or other basis of valuation is considered; and	
4. The City Council has determined that contracting with the related	

INTERNAL CONTROL POLICIES AND PROCEDURES

CITY OF MOUNTAIN BROOK, ALABAMA

	Reference
organization is in the best interests of the program involved.	
REPORTING	
Any perceived conflict of interest that is detected or suspected by any employee or third party shall be reported to the City Manager. If the City Manager is the subject of the perceived conflict of interest, the employee or third party shall report the incident to the Council President. If the Council President is the subject of the perceived conflict of interest, the employee or third party shall report the incident to the City Manager, who shall report the incident to the City Attorney.	
No retaliation shall occur as a result of good faith reports of perceived conflicts of interest.	
INVESTIGATION	
Investigation based on reports of perceived violations of this policy shall comply with state and federal laws and regulations, as applicable. No person sharing in the potential conflict of interest being investigation shall be involved in conducting the investigation or reviewing its results.	
In the event an investigation determines that a violation of this policy has occurred, the violation shall be reported to the federal awarding agency in accordance with that agency's policies.	
DISCIPLINARY ACTION	
If an investigation results in a finding that the complaint is factual and constitutes a violation of this policy, the City shall take prompt, corrective action to ensure that such conduct ceases and will not reoccur. City staff shall document the corrective action taken and, when not prohibited by law, inform the complainant.	
Violations of this policy may result in disciplinary action up to and including discharge. Disciplinary action shall be consistent with Council policies, procedures, and applicable state and federal laws.	

INTERNAL CONTROL POLICIES AND PROCEDURES

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Reference

Appendix 3



New Employee Orientation Checklist

This list is a suggested guideline. Please note that depending on the type of hire some items listed may or may not be relevant.

Employee Name:	
Department:	
Position:	
Date of Hire:	

Before First Day

- Send personalized letter welcoming new employee
- Send new employee their On-boarding Packet to have completed before meeting with HR
- Send new employee copy of Employee Handbook
- Send new employee all pertinent files located on <http://intranet/hr/hiring/termination-package>
- Send new employee map of department building, department location, map of City Hall, and parking lot
- Select a mentor that will help in training new employee
- Prepare new employee's workspace, office equipment, supplies, etc.
- Schedule time for IT to set up new employee's computer
- Schedule time for new employee to meet with Amy Stephens, Human Resources, to fill out proper forms and discuss the employee handbook, benefits, retirement, etc.
- Schedule time for new employee to meet with Sam Gaston, City Manager

INTERNAL CONTROL POLICIES AND PROCEDURES

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First Day

- Welcome and put new employee at ease. Encourage questions
- Introduce new employee to staff members, supervisor, and mentor
- Give tour of department, including restrooms, break room, safety features (fire extinguishers, emergency exits, etc.)
- Give new employee all pertinent phone numbers he/she should have
- Obtain emergency contact phone numbers from new employee
- Describe your management style and your expectations for new employee
- Outline new employee's duties and responsibilities (If possible, provide job description for visual aid during discussion)
- Make sure that new employee has met with HR, and that he/she fully understands benefits, retirement, etc.
- Schedule time for IT to go over computer set up with new employee
- Show new employee how to properly clock-in and clock-out
- Go over requests off - vacation time, sick time, sick leave, etc.
- Provide new employee with keys, security codes (if necessary)
- Review dress code and office protocol (tell new employee of any "unwritten rules" your department might have)
- Review pay schedule and work schedule
- Either take the new employee out for lunch, or ensure that he/she is accompanied with mentor and/or fellow coworkers
- Allow new employee to spend the rest of the day with his/her mentor (Mentor should show new employee how to effectively perform job. If there is no mentor, immediate supervisor should work in training employee)
- Assign job-related tasks/substantive reading that will provide a sense of accomplishment
- Identify any special needs the new employee may have

INTERNAL CONTROL POLICIES AND PROCEDURES

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Reference

Moving Forward After First Day

- Ensure that business cards, nameplate, uniforms, and any other job-related materials are ordered and on their way for new employee
- Schedule a time for tour of City Hall with City Manager and, if possible, other departments, so that the new employee can get a sense of togetherness in working for the City of Mountain Brook
- If possible, get in contact with City Manager and schedule a time for crew/division to have lunch at City Hall
- Encourage selected mentor to have lunch with new employee at least once a month
- Continue to encourage questions from new employee to ensure that everything starts “clicking”
- Ensure that new employee is completing tasks in a timely fashion
- Assess/discuss needs for modifications in a positive, reassuring manner
- Make sure to compliment new employee for a job well done
- Schedule a time each week for the first month to meet with the new employee to ensure everything is going smoothly
- Ensure new employee understands all information pertinent to performing the job, all benefits and employee rights information
- Ask new employee his/her career goals. If possible, arrange and provide opportunities that will assist new employee in reaching his/her goals
- Schedule professional development/skill enhancement training (if needed) and Alabama Ethics Commission Ethics Training (if required)
- Establish and sign an Employee’s Performance Plan, which will outline employee’s responsibilities and will keep track of employee’s performance going forward

Employee’s Signature/Date: _____

Supervisor’s Signature/Date: _____

RESOLUTION NO. 2019-050

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama, that the City Council hereby awards the bid for landscape services [to be performed over a 36-month period] for the Library (\$8,167.20/year) and village and municipal complex (\$35,597.76/ year) to Landscape Services, Inc. having submitted the best bid.

BE IT FURTHER RESOLVED by the City Council of the City of Mountain Brook, Alabama that the City Council hereby authorizes the City Manager to execute a contract and such other documents that may be determined necessary with respect to said landscape services.

ADOPTED: This 8th day of April, 2019.

Council President

APPROVED: This 8th day of April, 2019.

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 a resolution adopted by the City Council of the City of Mountain Brook at its regular meeting held on April 8, 2019, as same appears in the minutes of record of said meeting.

City Clerk

LANDSCAPE SERVICES
BID TABULATION (B-20190312-502)

1. Landscape Services Inc	
Village/ Municipal Complex	\$2,966.48 Monthly
Emmet O'Neal Library	<u>680.60</u> Monthly
	\$3,647.08
2. Blackjack Horticulture, Inc.	
Village/ Municipal Complex	\$ 2,846.58 Monthly
Emmet O'Neal library	<u>806.17</u> Monthly
	\$ 3,652.75
3. Landscape Workshop	
Village/ Municipal Complex	\$4,496.00 Monthly
Emmet O'Neal Library	<u>881.00</u> Monthly
	\$5,377.00

RESOLUTION NO. 2019-051

BE IT RESOLVED by the City Council of the City of Mountain Brook that the bid for janitorial services submitted by Protek Cleaning Services, Inc. is hereby accepted in the form as attached hereto as Exhibit A; and

BE IT FURTHER RESOLVED by the City Council of the City of Mountain Brook that the contract incorporated into the "Invitation to Bid for Janitorial Services Contract (B-20190314-504)" dated March 18, 2019 is incorporated herein by reference.

ADOPTED: This 8th day of April, 2019.

Council President

APPROVED: This 8th day of April, 2019.

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 a resolution adopted by the City Council of the City of Mountain Brook at its regular meeting held on April 8, 2019, as same appears in the minutes of record of said meeting.

City Clerk

Janitorial Services Bid (B-20190314-504) Tabulation
 City of Mountain Brook
 April 5, 2019, 10 a.m.

Bid Form		JaniKing	Protek	AJAX	Pritchard	Diversified	Falls	Eagle
Row	Daily/weekly Services as Specified in 2.1-2.18:							
1	City Hall	\$ 1,701.00	\$ 1,130.00	\$ 3,200.00	\$ 960.00	\$ 1,910.66	\$ 926.50	\$ 1,112.00
2	Fire adm	619.00	565.00	600.00	200.00	316.70	400.00	322.10
3	Fire ground floor	450.00	188.00	90.00	100.00	47.50	300.00	271.00
4	Fire stairwell	450.00	188.00	250.00	100.00	21.19	234.55	212.00
5	Fire training room	450.00	188.00	120.00	100.00	68.70	180.00	210.00
6	Fixed montly subtotal	3,670.00	2,259.00	4,260.00	1,460.00	2,364.75	2,041.05	2,127.10
	Multiplied by 12	12	12	12	12	12	12	12
	Annualized Daily/Weekly Services	44,040.00	27,108.00	51,120.00	17,520.00	28,377.00	24,492.60	25,525.20
	Semi-annual Services as Specified in 2.19-2.23:							
7	City Hall first floor	637.00	584.00	800.00	1,160.00	514.00	570.00	525.00
8	City Hall first floor	1,119.00	1,012.00	1,000.00	1,850.00	771.00	860.00	845.00
9	City Hall second floor/Fire Adm	637.00	100.00	800.00	300.00	514.00	950.00	1,015.00
10	City Hall second floor/Fire Adm	1,119.00	174.00	1,000.00	450.00	771.00	1,300.00	1,285.00
11	Windows/blinds	2,300.00	275.00	600.00	225.00	337.32	200.00	215.00
12	VCT tile flooring	1,323.00	1,050.00	1,000.00	625.00	1,412.50	760.00	570.00
13	Interior/exterior windows-Building 1	8,519.00	1,370.00	1,000.00	6,000.00	1,600.00	2,300.00	1,315.00
13.1	Exterior windows-Building 2	2,187.00	750.00	1,000.00	1,700.00	405.00	150.00	515.00
	Semi-annual Subtotal	17,841.00	5,315.00	7,200.00	12,310.00	6,324.82	7,090.00	6,285.00
	Multiplied by 2	2	2	2	2	2	2	2
	Annualized Semi-annual Services	35,682.00	10,630.00	14,400.00	24,620.00	12,649.64	14,180.00	12,570.00
	Annualized Total	\$ 79,722.00	\$ 37,738.00	\$ 65,520.00	\$ 42,140.00	\$ 41,026.64	\$ 38,672.60	\$ 38,095.20

NR No response

Bid form notarized	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Bidder Affidavit and Warranty notarized	Yes	Yes	NR	Yes	Yes	Yes	Yes
Bidder Qualification Form:							
1 Name, address	Included	Included	NR	Included	Included	Included	Included
2 Contact	Included	Included	NR	Included	Included	Included	Included
3 History	36 years	62 years	15 years	28 years	45 years	60 years	23 years
4 Experience	References	References	References	References	References	References	References
5 Prior contracts	Included	Included	NR	Included	Included	Included	Included
6 Staff	Included	Included	NR	Included	Included	Included	Included
7 Key personnel	Included	Included	NR	Included	Included	Included	Included
8 Subcontractors	No	Window cleaning	NR	Ijon (nightly services)	No	Traco Maint (windows)	No
9 Resources	NR	Included	NR	Included	Included	Included	Included
10 Licensing	NR	Included	NR	Included	Included	Included	Included
11 Insurance certificate	Included	Included	Included	Included	Included	Included	Included
12a Claims history (within past 5 years)	No	No	NR	No	No	No	No
12b Performance bond/surety claims	No	No	NR	No	No	No	No
12c Customers declared provider in default	No	No	NR	No	No	No	No
12d Ever failed to complete an awarded work	No	No	NR	No	No	No	No
12e Judgments or arbitration	No	No	NR	No	No	No	No
12f Failed to complete a service contract	No	No	NR	No	No	No	No
Notarized	Yes	Yes	NR	Yes	Yes	Yes	Yes
Federal W-9	Included	NR	NR	NR	NR	NR	Included
e-Verify	Included	NR	NR	NR	NR	NR	Included
Copies of bid response provided	1	1	2	2	2	2	3

NOTE: This bid tabulation is intended to summarize the primary elements of the bid responses for initial evaluation purposes. The successful bidder should refer to the contract as contained in the invitation to bid for specifications of services to be performed.

RESOLUTION NO. 2019-052

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama that the City Council hereby expresses its support for, and encourages the Alabama Legislature to adopt the provisions of, HB41 concerning regulation of alternative nicotine products by the ABC Board.

ADOPTED: This 8th day of April, 2019.

Council President

APPROVED: This 8th day of April, 2019.

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 a resolution adopted by the City Council of the City of Mountain Brook at its regular meeting held on April 8, 2019, as same appears in the minutes of record of said meeting.

City Clerk



Steve Boone <boones@mtnbrook.org>

Re: April Councilor-Commissioner Roundtable Luncheon

1 message

Sam Gaston <gastons@mtnbrook.org>

Thu, Apr 4, 2019 at 2:20 PM

To: Stewart Welch <Stewart@welchgroup.com>

Cc: Philip Black <Phil@bgrouparch.com>, Alice Womack <Alice.Womack@oakworthcapital.com>, Ted Cook <cookt@mtnbrook.org>, Virginia Smith <wood967@aol.com>, Lloyd Shelton <lcs@borlandcpa.com>, Billy Pritchard <billyp@pm-j.com>, Steve Boone <boones@mtnbrook.org>

I will ask Steve to draft a resolution and add to the formal agenda.

Sent from my iPhone
Sam Gaston

On Apr 4, 2019, at 2:01 PM, Stewart Welch <Stewart@welchgroup.com> wrote:

Good idea...

Stewart H. Welch, III, CFP®

Founder and Managing Member

<image001.jpg>

[3940 Montclair Road](#), Fifth Floor | Birmingham, AL 35213
main 205.879.5001 | **toll free** 800.709.7100 | **fax** 205.879.7979

stewart@welchgroup.com[Website](#) | [Bio](#) | [LinkedIn](#)

NOTE: The information in this message is confidential and is intended solely for the addressee(s). Access, copying or re-use of information in it by anyone else is unauthorized. Any views or opinions are solely those of the individual author and do not necessarily represent those of The Welch Group, LLC. If you are not the intended recipient, please contact The Welch Group, LLC at 205-879-5001. Required Disclosure under IRS Circular 230: Any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, by the taxpayer for the purpose of avoiding penalties that the Internal Revenue Service may impose.

From: Philip Black <Phil@bgrouparch.com>
Sent: Thursday, April 04, 2019 2:01 PM
To: Alice Womack <Alice.Womack@OakworthCapital.com>; Ted Cook <cookt@mtnbrook.org>
Cc: Sam Gaston <gastons@mtnbrook.org>; Virginia Smith <wood967@aol.com>; Stewart Welch <Stewart@welchgroup.com>; Lloyd Shelton <lcs@borlandcpa.com>; Billy Pritchard <billyp@pm-j.com>
Subject: RE: April Councilor-Commissioner Roundtable Luncheon

I am fine with that.

From: Alice Womack [<mailto:Alice.Womack@OakworthCapital.com>]
Sent: Thursday, April 04, 2019 2:00 PM
To: Ted Cook
Cc: Sam Gaston; Virginia Smith; Stewart Welch; Lloyd Shelton; Philip Black; Billy Pritchard
Subject: Re: April Councilor-Commissioner Roundtable Luncheon

It passed the House today. Goes to Senate next.

May we put on Monday's agenda?

Sent from my iPhone

On Apr 4, 2019, at 1:55 PM, Ted Cook <cookt@mtnbrook.org> wrote:

**** External Email ****

I don't know of any reason to not support this bill.

Chief Ted Cook
Mountain Brook Police Department
101 Tibbett St.
Mountain Brook, AL 35213
(205) 802-3852



<image003.png>



 Image result for City of Mountain Brook Logo

On Thu, Apr 4, 2019 at 1:19 PM Sam Gaston <gastons@mtnbrook.org> wrote:

Let's also ask the Chief about it.

Sam S.Gaston

City Manager

City of Mountain Brook, AL.

56 Church Street

P.O. Box 130009

Mountain Brook AL. 35213

(205) 802-3803 Phone

(205) 870-3577 Fax

From: Alice Womack [mailto:Alice.Womack@OakworthCapital.com]

Sent: Thursday, April 04, 2019 1:15 PM

To: Sam Gaston; Virginia Smith; Stewart@welchgroup.com; lcs@borlandcpa.com; Phil@bgrouparch.com; Billy Pritchard

Subject: Fwd: April Councilor-Commissioner Roundtable Luncheon

Please see below. Would you consider a resolution in support of this bill?

Sent from my iPhone

Begin forwarded message:

From: Kimberly Cook <kcook@vhal.org>

Date: April 4, 2019 at 1:00:53 PM CDT

To: "ammonss@jccal.org" <ammonss@jccal.org>, "andy@andygwaltney.com" <andy@andygwaltney.com>, "casey.middlebrooks@hooveralabama.gov" <casey.middlebrooks@hooveralabama.gov>, "darrell.oquinn@birminghamal.gov" <darrell.oquinn@birminghamal.gov>, "mike.shaw@hooveralabama.gov" <mike.shaw@hooveralabama.gov>, "alice.womack@oakworthcapital.com" <alice.womack@oakworthcapital.com>, "alant@fbctrussville.org" <alant@fbctrussville.org>

Subject: Fw: April Councilor-Commissioner Roundtable Luncheon

**** External Email ****

FYI, see my response to Jennifer, below:

<image001.png>

KIMBERLY B. COOK

Councilor | City of Vestavia Hills

P 205.807.0503 | vhal.org

[1032 Montgomery Hwy](#)

[Vestavia Hills, AL 35216](#)

From: Kimberly Cook
Sent: Thursday, April 4, 2019 12:38 PM
To: JENNIFER ANDRESS
Subject: Re: April Councilor-Commissioner Roundtable Luncheon

Jennifer,

I appreciate this very much. The House has it on their agenda and Jim Carns was hopeful they could get it passed today. Next, it will go to the Senate for their approval, and it is expected to face opposition from the tobacco lobby, which owns most of the stock in the largest vapor supply manufacturers. A resolution from Homewood would be very helpful.

I am working on a draft for our City as well. Let me know if you get yours done before me and I will share mine, likewise.

Best,
Kimberly

<image001.png>

KIMBERLY B. COOK

Councilor | City of Vestavia Hills

P 205.807.0503 | vhal.org

[1032 Montgomery Hwy](#)

[Vestavia Hills, AL 35216](#)

From: JENNIFER ANDRESS <andressk@bellsouth.net>
Sent: Thursday, April 4, 2019 8:26 AM
To: Kimberly Cook
Cc: ammonss@jccal.org; andy@andygwaltney.com;
casey.middlebrooks@hooveralabama.gov;

darrell.oquinn@birminghamal.gov; mike.shaw@hooveralabama.gov;
alice.womack@oakworthcapital.com; alant@fbctrussville.org
Subject: Re: April Councilor-Commissioner Roundtable Luncheon

Kimberly do you have any idea when this will come to vote? Trying to get something on agenda for us Monday.

Sent from my iPhone

On Apr 1, 2019, at 12:09 PM, Kimberly Cook <kcook@vhal.org> wrote:

Good morning!

I am happy to host our monthly luncheon for April, at Vestavia Hills City Hall in the Executive Conference Room. Please take a minute to indicate on this [spreadsheet](#) the dates on which you are available (11:30-1pm), so I can make the arrangements.

Also, please note that, this week, there is an **important hearing on House Bill 41, the teen vaping bill**. This bill has a number of **provisions** to prevent teens from being able to purchase vaping products containing nicotine. The FDA has already recognized the growth in nicotine use (due to the popularity of vaping), which has increased at an alarming rate--78% growth in teen vaping from 2017 to 2018. Almost one-third of the VHHS Class of 2018, entered college or the work force addicted to nicotine, according to the most recent PRIDE survey results. On **Wednesday, April 3, 1:30pm**, in Room 617, House of Representatives, the House Judiciary Committee will hold a public hearing on the topic. I plan to attend and speak to urge passage of this important bill that State Rep. and Judiciary Committee Member David Faulkner has expressed is a top priority for him. Please contact your state representatives and let them know you want the state to begin regulation of e-cigarettes in the same way as tobacco, preventing the marketing and sale of these products to our children. Urge passage of House Bill 41. Consider asking your fellow Councilors/Commissioners to pass a resolution in support of this effort.

Thank you for your help to promote teen health in this important way. I look forward to receiving your response on the luncheon RSVP survey.

Best regards,
Kimberly

<Outlook-o2bn5bna.png>

KIMBERLY B. COOK

Councilor | City of Vestavia Hills

P 205.807.0503 | vhal.org

1032 Montgomery Hwy

Vestavia Hills, AL 35216

<image002.gif>®

Alice Womack
Associate Managing Director
Oakworth Capital Bank

Alice.Womack@OakworthCapital.com

205.278.2730 Work

205.602.6190 Cell

205.263.4699 Fax

850 Shades Creek Parkway
Birmingham, AL 35209

Commercial Banking | Private Banking | Wealth Management

NMLS# 718254

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1 HB41
2 196711-1
3 By Representatives Stringer and Drummond
4 RFD: Judiciary
5 First Read: 05-MAR-19
6 PFD: 02/14/2019

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SYNOPSIS: Existing state law does not provide for comprehensive oversight or regulation of alternative nicotine products or retailers of these products.

This bill would prohibit alternative nicotine product retailers and manufacturers of alternative nicotine products from advertising alternative nicotine products near schools. This bill would also prohibit specialty retailers of alternative nicotine products from opening new places of business near schools, child care centers, churches, and other facilities. This bill would also prevent retailers and manufacturers of alternative nicotine products from advertising those products as tobacco cessation devices, as a healthy alternative to smoking, or as being available in any variety of flavors.

This bill would also require retailers of alternative nicotine products to obtain a tobacco permit, to comply with FDA regulations governing

1 the retail sale of alternative nicotine products,
2 and to post warning signs in their stores regarding
3 the dangers of nicotine use and potential risks
4 associated with vaping.

5 This bill would also prohibit the use of
6 alternative nicotine products in various places,
7 including in schools, in child care facilities, and
8 in vehicles operated by child care facilities for
9 the purposes of transporting children.

10 This bill would also prohibit the sale or
11 transfer of alternative nicotine products to
12 minors.

13 This bill would also require the Alabama
14 Alcoholic Beverage Control Board to regulate retail
15 sales of alternative nicotine devices like sales of
16 tobacco products.

17 Amendment 621 of the Constitution of Alabama
18 of 1901, now appearing as Section 111.05 of the
19 Official Recompilation of the Constitution of
20 Alabama of 1901, as amended, prohibits a general
21 law whose purpose or effect would be to require a
22 new or increased expenditure of local funds from
23 becoming effective with regard to a local
24 governmental entity without enactment by a 2/3 vote
25 unless: it comes within one of a number of
26 specified exceptions; it is approved by the
27 affected entity; or the Legislature appropriates

1 funds, or provides a local source of revenue, to
2 the entity for the purpose.

3 The purpose or effect of this bill would be
4 to require a new or increased expenditure of local
5 funds within the meaning of the amendment. However,
6 the bill does not require approval of a local
7 governmental entity or enactment by a 2/3 vote to
8 become effective because it comes within one of the
9 specified exceptions contained in the amendment.

10
11 A BILL
12 TO BE ENTITLED
13 AN ACT
14

15 Relating to alternative nicotine products; to amend
16 Sections 28-11-2, 28-11-4, 28-11-7, 28-11-8, 28-11-9,
17 28-11-11, 13A-12-3, and 13A-12-3.1, Code of Alabama 1975, to
18 require the Alabama Alcoholic Beverage Control Board to
19 regulate retail sales of alternative nicotine devices like
20 sales of tobacco products, and to prohibit the sale or
21 transfer of alternative nicotine products to minors; to add
22 Sections 28-11-16, 28-11-17, 28-11-18, 28-11-19, and 28-11-20,
23 to the Code of Alabama 1975, to prohibit alternative nicotine
24 product retailers and manufacturers of alternative nicotine
25 products from advertising alternative nicotine products near
26 schools; to prohibit specialty retailers of alternative
27 nicotine products from opening new places of business near

1 certain locations; to prevent retailers of alternative
2 nicotine products from advertising those products as tobacco
3 cessation devices, as a healthy alternative to smoking, or as
4 being available in any variety of flavors; to require
5 retailers of alternative nicotine products to obtain a tobacco
6 permit, to comply with FDA regulations governing the retail
7 sale of alternative nicotine products, and to post certain
8 warning signs; to prohibit the use of alternative nicotine
9 products in various places, including motor vehicles under
10 certain conditions; and in connection therewith would have as
11 its purpose or effect the requirement of a new or increased
12 expenditure of local funds within the meaning of Amendment 621
13 of the Constitution of Alabama of 1901, now appearing as
14 Section 111.05 of the Official Recompilation of the
15 Constitution of Alabama of 1901, as amended.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. Sections 28-11-2, 28-11-4, 28-11-7,
18 28-11-8, 28-11-9, 28-11-11, 13A-12-3, and 13A-12-3.1, Code of
19 Alabama 1975, are amended to read as follows:

20 "§28-11-2.

21 "For purposes of this chapter, the following terms
22 have the following meanings unless the context clearly
23 indicates otherwise:

24 "(1) ALTERNATIVE NICOTINE PRODUCT. The term
25 alternative nicotine product includes ~~electronic cigarettes.~~
26 ~~An electronic cigarette is an electronic product or device~~
27 ~~that produces~~ vaporizing devices, such as electronic products

1 or devices that produce a vapor that delivers nicotine or
2 other substances to the person inhaling from the device ~~to~~
3 ~~simulate smoking, and is likely to~~ includes, but is not
4 limited to, products that may be offered to, or purchased by,
5 or marketed to consumers as an electronic cigarette,
6 electronic cigar, electronic cigarillo, ~~or~~ electronic pipe,
7 electronic hookah, vape pen, vape tool, vaping device, or any
8 variation of these terms. The term also includes any liquid
9 intended to be vaporized in any device included in this
10 subdivision, regardless of whether or not the liquid contains
11 nicotine.

12 ~~"The term electronic cigarette does not include any~~
13 ~~of the following:~~

14 ~~"1. A cigarette or other tobacco product as defined~~
15 ~~in this section.~~

16 ~~"2. A product that is a drug under 21 U.S.C.~~
17 ~~§321(g)(1).~~

18 ~~"3. A product that is a device under 21 U.S.C.~~
19 ~~§321(h).~~

20 ~~"4. A combination product that is a device under 21~~
21 ~~U.S.C. §353(g).~~

22 ~~"The term alternative nicotine product does not~~
23 ~~include the following:~~

24 ~~"1. A cigarette or other tobacco product as defined~~
25 ~~in this section.~~

26 ~~"2. A product that is a drug under 21 U.S.C.~~
27 ~~§321(g)(1).~~

1 ~~"3. A product that is a device under 21 U.S.C.~~
2 ~~§321(h).~~

3 ~~"4. A combination product described in 21 U.S.C.~~
4 ~~§353(g).~~

5 "(2) ALTERNATIVE NICOTINE PRODUCT RETAILER. Any
6 retail business which offers for sale alternative nicotine
7 products.

8 ~~"(2)(3)~~ BOARD. The Alabama Alcoholic Beverage
9 Control Board.

10 (4) CHILD-RESISTANT PACKAGING. Liquid nicotine
11 container packaging meeting the requirements of 15 U.S.C.
12 §1472a.

13 ~~"(3)(5)~~ DISTRIBUTION. To sell, barter, exchange, or
14 give tobacco or tobacco products for promotional purposes or
15 for gratis.

16 "(6) FDA. The United States Food and Drug
17 Administration.

18 ~~"(4)(7)~~ MINOR. Any person under the age of 19 years.

19 ~~"(5)(8)~~ PERSON. Any natural person, firm,
20 partnership, association, company, corporation, or other
21 entity. Person does not include a manufacturer or wholesaler
22 of tobacco or tobacco products nor does it include employees
23 of the permit holder.

24 ~~"(6)(9)~~ PROOF OF IDENTIFICATION. Any one or more of
25 the following documents used for purposes of determining the
26 age of a person purchasing, attempting to purchase, or
27 receiving tobacco or tobacco products:

1 "a. A valid driver's license issued by any state and
2 bearing the photograph of the presenting person.

3 "b. United States Uniform Service Identification.

4 "c. A valid passport.

5 "d. A valid identification card issued by any state
6 agency for the purpose of identification and bearing the
7 photograph and date of birth of the presenting individual.

8 "e. For legal mail order purposes only a valid
9 signed certification that will verify the individual is 19
10 years of age or older.

11 "~~(7)~~(10) RESPONSIBLE VENDOR PROGRAM. A program
12 administered by the board to encourage and support vendors in
13 training employees in legal and responsible sales practices.

14 "~~(8)~~(11) SAMPLER. Any business or person who
15 distributes tobacco or tobacco products for promotional
16 purposes.

17 "~~(9)~~(12) SELF-SERVICE DISPLAY. A display that
18 contains tobacco or tobacco products and is located in an area
19 openly accessible to purchasers at retail and from which such
20 purchasers can readily access tobacco or tobacco products
21 without the assistance of the tobacco permit holder or an
22 employee of the permit holder. A display case that holds
23 tobacco or tobacco products behind locked doors does not
24 constitute a self-service display.

25 "(13) SPECIALTY RETAILER OF ALTERNATIVE NICOTINE
26 PRODUCTS. A business establishment at which any of the
27 following are true:

1 "a. The sale of alternative nicotine products
2 accounts for more than 35 percent of the total quarterly gross
3 receipts for the establishment.

4 "b. Twenty percent or more of the public retail
5 floor space is allocated for the offering, displaying, or
6 storage of alternative nicotine products.

7 "c. Twenty percent or more of the total shelf space,
8 including retail floor shelf space and shelf space in areas
9 accessible only to employees, is allocated for the offering,
10 displaying, or storage of alternative nicotine products.

11 "d. The retail space features a self-service display
12 for alternative nicotine products.

13 "e. Samples of alternative nicotine products are
14 offered to customers.

15 "f. Liquids intended to be vaporized in a device as
16 described in Section 28-11-2, Code of Alabama 1975, are
17 produced at the facility or are produced by the owner of the
18 establishment or any of its agents or employees for sale at
19 the establishment.

20 ~~"(10)(14)~~ TOBACCO or TOBACCO PRODUCTS. Tobacco or
21 any product containing tobacco, including, but not limited to,
22 the following:

23 "a. Cigarettes.

24 "b. Cigars.

25 "c. Chewing tobacco.

26 "d. Snuff.

27 "e. Pipe tobacco.

1 "f. Smokeless tobacco.

2 "~~(11)~~(15) TOBACCO PERMIT. A permit issued by the
3 board to allow the permit holder to engage in the distribution
4 of tobacco ~~or,~~ tobacco products, or alternative nicotine
5 products at the location identified in the permit.

6 "~~(12)~~(16) TOBACCO SPECIALTY STORE. A business that
7 derives at least 75 percent of its revenue from tobacco or
8 tobacco products.

9 "§28-11-4.

10 "(a) Pursuant to its ~~rule making~~ rulemaking
11 authority, the board ~~may promulgate~~ shall adopt rules and
12 ~~regulations~~ that have the full force and effect of law, for
13 purposes of, ~~but not limited to,~~ the following:

14 "(1) Establishing permits for the distribution of
15 tobacco ~~or,~~ tobacco products, and alternative nicotine
16 products.

17 "(2) Preventing the distribution of tobacco products
18 and alternative nicotine products to minors.

19 "(3) Conducting annual random compliance tests to
20 assure compliance with applicable state and federal laws and
21 guidelines regarding the distribution of tobacco ~~or,~~ tobacco
22 products ~~to minors,~~ and alternative nicotine products. The
23 tests ~~may utilize minors and may involve~~ involving any person
24 or location engaged in the distribution of tobacco may utilize
25 minors.

1 "(b) The board may adopt any other rules necessary
2 for enforcing compliance with applicable state and federal
3 law.

4 "§28-11-7.

5 "(a) Any person who distributes tobacco products or
6 alternative nicotine products within this state shall first
7 obtain a permit from the board for each location of
8 distribution. ~~There is no fee for the permit~~ at a cost to the
9 applicant of three hundred dollars (\$300) per permit.

10 "(b) Any person who maintains a tobacco ~~or~~ tobacco
11 product, or alternative nicotine product vending machine on
12 his or her property in this state shall first obtain a permit
13 from the board for each machine at each machine location. The
14 permit for each machine shall be posted in a conspicuous place
15 on the machine.

16 "(c) A permit shall be valid only for the location
17 specified in the permit application.

18 "(d) A permit is not ~~transferrable~~ transferable or
19 assignable and shall be renewed annually. Notwithstanding the
20 foregoing, if a location for which a permit is obtained is
21 sold or transferred, the permit shall be transferred to the
22 person obtaining control of the location and shall be valid
23 for 30 days after the transfer during which time a new permit
24 shall be obtained.

25 "(e) If feasible, the board may, by rule or
26 regulation, establish procedures for the issuance and renewal

1 of permits which combine tobacco permit procedures with the
2 application and licensing procedures for alcoholic beverages.

3 "§28-11-8.

4 "(a) It shall be unlawful for any person to
5 ~~distribute~~ sell or offer for sale tobacco or tobacco products
6 without first obtaining the appropriate permit from the board
7 ~~the appropriate permit~~. Failure to obtain or display a valid
8 permit by January 1, 1998~~7~~ shall result in issuance of a
9 warning citation. The board shall conduct an information and
10 education campaign by its Responsible Vendor Program to inform
11 distributors of tobacco products at retail or in vending
12 machines or self-service displays of the requirements of this
13 law. ~~Failure to obtain or display~~ Selling or offering for sale
14 tobacco or tobacco products without obtaining and displaying a
15 valid permit pursuant to this chapter after January 1, 1998
16 shall constitute a misdemeanor offense.

17 (b) It shall be unlawful for any person to sell or
18 offer for sale alternative nicotine products without first
19 obtaining the appropriate permit from the board. Failure to
20 obtain or display a valid permit within 90 days after the
21 effective date of the act adding this amendatory language
22 shall result in issuance of a warning citation. The board
23 shall conduct an information and education campaign by its
24 Responsible Vendor Program to inform distributors of
25 alternative nicotine products at retail or in vending machines
26 or self-service displays of the requirements of this law.
27 Selling or offering for sale alternative nicotine products

1 without obtaining and displaying a valid permit pursuant to
2 this chapter within 90 days after the effective date of the
3 act adding this amendatory language shall be a Class C
4 misdemeanor.

5 (c) Each violation for selling tobacco, tobacco
6 products, or alternative nicotine products without a valid
7 permit shall be treated as a separate offense and be
8 punishable as follows: For the first violation by a fine of
9 not less than one hundred dollars (\$100) nor more than five
10 hundred dollars (\$500) and for each subsequent violation by a
11 fine of not less than five hundred dollars (\$500) nor more
12 than one thousand five hundred dollars (\$1,500).

13 "§28-11-9.

14 (a) Subject to the Alabama Administrative Procedure
15 Act, Chapter 22 of Title 41, the board shall have full and
16 final authority as to the suspension or revocation for cause
17 of any permit issued pursuant to this chapter.

18 (1) The board may appoint a hearing commission of
19 at least three persons which may do all of the following:

20 "a. Hear and decide all contested applications for
21 permits.

22 "b. Hear and decide all charges against any permit
23 holder or employee of a permit holder for violations of this
24 chapter, the law, or the regulations of the board.

25 "c. Revoke or suspend permits as provided in this
26 chapter.

1 "d. Levy administrative fines upon permit holders or
2 employees of permit holders.

3 "(2) No member of the hearing commission shall
4 participate in the hearing or disposition of any application
5 for a permit or charge against a permit holder or an employee
6 of a permit holder if he or she has an interest therein or was
7 involved in the investigation.

8 "(b) The board, or a hearing commission appointed by
9 the board, upon finding that a permit holder or any partner,
10 member, employee, officer, or director of the permit holder
11 has violated any of the laws of this state or the United
12 States relating to the manufacture, sale, possession, or
13 transportation of tobacco ~~or~~, tobacco products, or alternative
14 nicotine products, or that the permit holder has acted in a
15 manner prejudicial to the welfare, health, peace, temperance,
16 and safety of the people of the community or of the state,
17 may, upon due notice and hearing, levy administrative fines,
18 ~~or~~ suspend or revoke the permit issued by the board, or a
19 combination of all three. In all cases where the board or
20 hearing commission shall levy an administrative fine, or
21 suspend or revoke a permit, it shall set forth its findings of
22 fact, the evidence from which the findings of facts are made,
23 and the reasons upon which its actions are based.

24 "(c) The fines as specified in subsection (e) shall
25 be applicable per each violation. The permit holder or
26 employee shall remit the administrative fine to the board
27 within seven calendar days from the day that the

1 administrative fine is levied. Failure by the permit holder to
2 pay the administrative fine within that time period shall
3 result in an automatic suspension of the permit until the
4 administrative fine is paid.

5 "(d) The maximum length of suspension of a permit
6 pursuant to this chapter shall be one year. A permit holder
7 shall be ineligible to hold a permit pursuant to this chapter
8 for the location where the violation occurred until the
9 expiration or removal of the suspension. A permit holder whose
10 permit is revoked by the board or the hearing commission shall
11 be, at the discretion of the board or hearing commission,
12 ineligible to hold a permit pursuant to this chapter until the
13 expiration of one year from the date the permit is revoked at
14 the location where the violation occurred.

15 "(e) The following administrative fines may be
16 levied for violations of this chapter against valid permit
17 holders or employees, or both:

18 "(1) Upon conviction for a first violation by the
19 permit holder or an employee of the permit holder, the board
20 or hearing commission may offer the permit holder an
21 opportunity to provide training sessions administered by the
22 Responsible Vendor Program in lieu of an administrative fine
23 upon the permit holder and the employee, if the violation is
24 by an employee, of not more than two hundred dollars (\$200).

25 "(2) Upon conviction of a second violation at the
26 same location within a two-year period, the board or hearing
27 commission may levy an administrative fine upon the permit

1 holder and the employee, if the violation is by an employee,
2 of not more than four hundred dollars (\$400).

3 "(3) Upon conviction of a third or subsequent
4 violation at the same location within a two-year period, the
5 board or hearing commission may levy an administrative fine
6 upon the permit holder and the employee, if the violation is
7 by an employee, of not more than seven hundred fifty dollars
8 (\$750).

9 "(4) Upon conviction of a fourth or subsequent
10 violation at the same location within a two-year period, the
11 board or hearing commission may levy an administrative fine
12 upon the permit holder and the employee, if the violation is
13 by an employee, of not more than one thousand dollars (\$1,000)
14 and may suspend or revoke the permit.

15 "(f) Before imposition of any administrative fine,
16 the permit holder shall be afforded all procedural rights to
17 due process in addition to those rights guaranteed by the
18 Alabama Administrative Procedure Act, Chapter 22 of Title 41.

19 "§28-11-11.

20 "The board shall issue an annual report to the
21 Governor, the Legislature, and the Attorney General concerning
22 compliance by state retail merchants with this chapter. The
23 report shall contain all of the following:

24 "(1) The total number of retail distributors of
25 tobacco, tobacco products, and alternative nicotine products
26 categorized by type of retail outlet.

1 "(2) The number of citations reported to the board,
2 categorized by type of retail outlet.

3 "(3) The total number of successful compliance
4 checks, categorized by type of retail outlet.

5 "(4) The extent and nature of organized educational
6 and government activities intended to promote, encourage, or
7 otherwise secure compliance with state and federal laws
8 prohibiting the sale or distribution of tobacco products to
9 minors.

10 "(5) Information as to the level of access and
11 availability of tobacco products to minors.

12 "(6) Noted impediments to implementation of this
13 chapter, as well as recommendations for alleviating the same.

14 "§13A-12-3.

15 "Any person who sells, barter, exchanges or gives
16 to any minor any ~~cigarettes, cigarette tobacco or cigarette~~
17 ~~paper, or any substitute for either of them~~ tobacco, tobacco
18 products, or alternative nicotine products shall, on
19 conviction, be fined not less than ~~\$10.00 nor more than \$50.00~~
20 one hundred dollars (\$100) nor more than three hundred dollars
21 (\$300) and may also be imprisoned in the county jail ~~or~~
22 ~~sentenced to hard labor for the county~~ for not more than 30
23 days.

24 "§13A-12-3.1.

25 "For purposes of this article, the following terms
26 shall have the following meanings:

1 (1) ALTERNATIVE NICOTINE PRODUCT. The same meaning
2 as in Section 28-11-2.

3 "~~(1)~~(2) BRAND STYLE. A variety of cigarettes
4 distinguished by the tobacco used, tar and nicotine content,
5 flavoring used, size of cigarette, filtration on the
6 cigarette, or packaging.

7 "~~(2)~~(3) CLEAR AND CONSPICUOUS STATEMENT. ~~The A~~
8 statement that is of sufficient type size to be clearly
9 readable by the recipient of the communication.

10 "~~(3)~~(4) COMMISSIONER. The Commissioner of the
11 Alabama Department of Revenue.

12 "~~(4)~~(5) CONSUMER. An individual who acquires or
13 seeks to acquire cigarettes, or any one or more articles taxed
14 herein, for personal use.

15 "~~(5)~~(6) DELIVERY SALE. Any sale of cigarettes to a
16 consumer within this state, regardless of whether the seller
17 is located in this state, where either of the following are
18 true:

19 "a. ~~the~~ The purchaser submits the order for such
20 sale by means of a telephonic or other method of voice
21 transmission, the mails or any other delivery service,
22 facsimile transmission, or the Internet or other online
23 service ~~or.~~

24 "b. ~~the~~ The cigarettes are delivered by use of the
25 mails or other delivery service. ~~A sale of cigarettes that~~
26 ~~meets the requirements of this subdivision shall constitute a~~

1 ~~delivery sale regardless of whether the seller is located~~
2 ~~within or without the state.~~

3 "~~(6)~~ (7) DELIVERY SALES STATUTES. Those provisions
4 contained within Sections 13A-12-3.2, 13A-12-3.3, 13A-12-3.4,
5 13A-12-3.5, 13A-12-3.6, and 13A-12-3.7.

6 "~~(7)~~ (8) DELIVERY SERVICE. Any person, other than a
7 person who makes a delivery sale, who delivers to the consumer
8 the cigarettes sold in a delivery sale.

9 "~~(8)~~ (9) DEPARTMENT. The Alabama Department of
10 Revenue.

11 "~~(9)~~ (10) GOVERNMENT-ISSUED IDENTIFICATION. A state
12 driver's license, state identification card, passport, a
13 military identification, or an official naturalization or
14 immigration document, including an alien registration
15 recipient card or green card, or an immigrant visa.

16 "~~(10)~~ (11) LEGAL MINIMUM AGE. 19 years of age.

17 "~~(11)~~ (12) MAILS or MAILING. The shipment of
18 cigarettes through the United States Postal Service.

19 "~~(12)~~ (13) OUT-OF-STATE SALE. A sale of cigarettes to
20 a consumer located outside of this state where the consumer
21 submits the order for such sale by means of a telephonic or
22 other method of voice transmission, the mails or any other
23 delivery service, facsimile transmission, or the Internet or
24 other online service, and where the cigarettes are delivered
25 by use of the mails or other delivery service.

26 "~~(13)~~ (14) PERSON. Any individual, corporation,
27 partnership, limited liability company, association, or other

1 organization that engages in any for-profit or not-for-profit
2 activities.

3 "~~(14)~~(15) SHIPPING DOCUMENTS. Bills of lading, air
4 bills, or any other documents used to evidence the undertaking
5 by a delivery service to deliver letters, packages, or other
6 containers.

7 "~~(15)~~(16) SHIPPING PACKAGE. A container in which
8 packs or cartons of cigarettes are shipped in connection with
9 a delivery sale.

10 "~~(16)~~(17) STAMP or STAMPS. The stamp or stamps by
11 the use of which the tax levied under this article is paid and
12 shall be designated Alabama Revenue Stamps.

13 "~~(17)~~(18) WITHIN THIS STATE. Within the exterior
14 limits of the State of Alabama."

15 Section 2. Sections 28-11-16, 28-11-17, 28-11-18,
16 28-11-19, and 28-11-20, are added to the Code of Alabama 1975,
17 to read as follows:

18 §28-11-16.

19 (a) A retailer or manufacturer of alternative
20 nicotine products may not advertise an alternative nicotine
21 product in any of the following ways:

22 (1) As a tobacco cessation product.

23 (2) As a healthier alternative to smoking.

24 (3) As available for purchase in any variety of
25 flavors.

1 (4) On any outdoor billboard located within 1,000
2 feet of any public or private K-12 school or public
3 playground.

4 (b) (1) A violation of subsection (a) shall result in
5 a one hundred dollar (\$100) fine for the first occurrence.

6 (2) A second or subsequent violation of subsection
7 (a) shall result in a five hundred dollar (\$500) fine per
8 occurrence.

9 (3) Each day a violation of subsection (a) persists
10 shall constitute a separate and subsequent violation.

11 §28-11-17.

12 (a) It is unlawful to distribute, sell, or offer for
13 sale any alternative nicotine product that is required by
14 federal rule or federal law to meet FDA approval guidelines
15 and that has not been approved by the FDA.

16 (b) Each violation of subsection (a) shall be a
17 Class C misdemeanor.

18 §28-11-18.

19 (a) All liquids offered for sale that are intended
20 to be vaporized in any device described in Section 28-11-2,
21 Code of Alabama 1975, shall be contained in child-resistant
22 packaging.

23 (b) A specialty retailer of alternative nicotine
24 products shall display in a prominent area of the retail store
25 near the point of sale a sign which contains the following
26 statements:

1 (1) "THE USE OF SOME VAPING DEVICES MAY INCREASE
2 YOUR RISK OF EXPOSURE TO POTENTIALLY TOXIC LEVELS OF HEAVY
3 METALS SUCH AS LEAD, CHROMIUM, AND NICKEL."

4 (2) "WARNING: PRODUCTS OFFERED FOR SALE IN THIS
5 STORE CONTAIN NICOTINE UNLESS OTHERWISE MARKED. NICOTINE IS A
6 HIGHLY ADDICTIVE CHEMICAL WHICH CAN HARM BRAIN DEVELOPMENT IN
7 CHILDREN AND ADOLESCENTS AND WHICH POSES SERIOUS HEALTH RISKS
8 TO PREGNANT WOMEN AND THEIR BABIES."

9 §28-11-19.

10 (a) A person may not use an alternative nicotine
11 product under any of the following circumstances:

12 (1) On the grounds or in the buildings of any public
13 K-12 school or state two-year or four-year institution of
14 higher education, including parking lots, playing fields, and
15 school buses.

16 (2) At any bus stop serving students of a public
17 K-12 school for a period of one hour before and one hour after
18 any scheduled student pick-up or drop-off time.

19 (3) On the grounds or in the buildings of any child
20 care facility, regardless of whether or not children are
21 present at the facility.

22 (4) In any motor vehicle that is operated by
23 employees or agents of any child care facility and used to
24 transport children, whether children are present in the
25 vehicle or not.

26 (5) On the grounds or in the buildings of any health
27 care facility, including, but not limited to hospitals, health

1 clinics, physician's offices, and surgery centers, except for
2 designated areas where smoking is already allowed.

3 (6) Inside or at any sports arena or stadium.

4 (7) Within any indoor public place.

5 (8) In any place of employment, except for
6 designated areas where smoking is already allowed.

7 (9) In any public or private parking deck.

8 (10) At any playground.

9 (11) At any youth sporting event.

10 (12) At any off-campus public K-12 school-sponsored
11 or school-sanctioned event.

12 (13) In a motor vehicle, whether in motion or at
13 rest, in which a minor is a passenger or driver.

14 (14) On the grounds or in the buildings of any state
15 park.

16 (b) (1) A violation of subsection (a) shall result in
17 a one hundred dollar (\$100) fine for the first occurrence.

18 (2) A second or subsequent violation of subsection
19 (a) shall result in a five hundred dollar (\$500) fine per
20 occurrence.

21 §28-11-20.

22 (a) Beginning January 1, 2020, a county may not
23 issue a license to conduct business as a specialty retailer of
24 alternative nicotine products if the retail business is
25 located within 1,000 feet of any of the following:

26 (1) A public or private K-12 school.

27 (2) A licensed child-care facility or preschool.

- 1 (3) A church.
- 2 (4) A public library.
- 3 (5) A public playground.
- 4 (6) A public park.
- 5 (7) A youth center or other space used primarily for
- 6 youth oriented activities.

7 (b) This section does not apply to a specialty
8 retailer of alternative nicotine products that obtained a
9 business license at a location prohibited in subsection (a)
10 prior to January 1, 2020, that has conducted business as a
11 specialty retailer of alternative nicotine products at that
12 location for at least 18 consecutive months, and that remains
13 in the same location.

14 Section 3. Although this bill would have as its
15 purpose or effect the requirement of a new or increased
16 expenditure of local funds, the bill is excluded from further
17 requirements and application under Amendment 621, now
18 appearing as Section 111.05 of the Official Recompilation of
19 the Constitution of Alabama of 1901, as amended, because the
20 bill defines a new crime or amends the definition of an
21 existing crime.

22 Section 4. This act shall become effective on the
23 first day of the third month following its passage and
24 approval by the Governor, or its otherwise becoming law.