

RESOLUTION NO. 2023-92-R

**A RESOLUTION AUTHORIZING AN AGREEMENT WITH HUNTSVILLE UTILITIES
FOR STREETLIGHT MAINTENANCE**

WHEREAS, the City Council of the City of Madison, Alabama (“the City Council”) unanimously adopted Resolution No. 2021-01-R Authorizing Energy Service Agreement with NORESKO, LLC on February 8, 2021, for the first phase of the Project, and the Energy Service Agreement is now due to be amended to allow the Project to proceed;

WHEREAS, to achieve the desired energy cost savings, it is necessary for the City to renew its agreement with the City of Huntsville, a municipal corporation in the State of Alabama, d/b/a Huntsville Utilities (“Huntsville Utilities”) for the maintenance of the City’s streetlights;

WHEREAS, “[t]he Attorney General [of Alabama] has ruled on numerous occasions that the Competitive Bid Law governing purchases by state or local agencies is not operative whenever two governmental entities contract with one another,” see Opinion of the Attorney General to Tandy D. Little, Jr., Administrator for the Alabama Alcoholic Beverage Control Board, dated January 4, 1991, ALA. A.G. OP. NO. 91-00131 (citing Opinion of the Attorney General to William H. Brigham, Esquire, City Attorney for the City of Mobile, dated January 7, 1977; Quarterly Report of the Attorney General, Vol. 172, p. 16);

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Madison, Alabama, sitting in a regular session on the 13th day of March, 2023, as follows:

a. The Mayor is hereby authorized to enter into the “CONTRACT FOR THE CITY OF MADISON, AL FOR STREETLIGHT MAINTENANCE,” the form of which has been available for review by the City Council prior to this meeting, or in such other form that the Mayor deems in the best interests of the City, and the City Clerk-Treasurer is hereby authorized to appropriately attest the same;

b. Except for the extension or cancellation of the resulting agreements with Huntsville Utilities authorized by this Resolution, the Mayor or his designee shall be hereby authorized for the entire term of the agreements to execute any and all documentation necessary to enforce and comply with the terms thereof, subject to the budgetary restrictions set forth by the Council in its adopted budget for the then-current fiscal year; and

c. Upon request and notification from the appropriate department that the terms of the agreements with Huntsville Utilities authorized by this Resolution preceding payment have been satisfied, the Finance Director is hereby authorized to forward payment to

Huntsville Utilities in the amount(s) and manner set forth in the agreements authorized by passage of this resolution; and

d. All payments to be made to Huntsville Utilities authorized by this Resolution shall be paid from the City's General Fund or Gas Tax Fund.

READ, APPROVED AND ADOPTED this 13th day of March 2023.

Ranae Bartlett, President
Madison City Council
City of Madison, Alabama

ATTEST:

Lisa D. Thomas, City Clerk-Treasurer
City of Madison, Alabama

ADOPTED this _____ day of March 2023.

Paul Finley, Mayor
City of Madison, Alabama