

**RESOLUTION NO. 2024-094-R**

**A RESOLUTION AUTHORIZING AN AMENDED RENEWAL OF THE 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 NORESCO, LLC on February 8, 2021, for the first phase of a project to place updated streetlights throughout the City; and

**WHEREAS**, to achieve the desired energy cost savings, the City entered into an 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; and

**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); and

**WHEREAS**, upon renewal of this agreement for the second-year term, Huntsville Utilities has requested that its labor costs be updated to include a three percent (3%) increase in pay awarded to its employees.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Madison, Alabama, as follows:

- a. The Mayor is hereby authorized to enter into the “AMENDED RENEWAL 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; and
- 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.

**READ, APPROVED AND ADOPTED** this 25th day of March 2024.

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

**ATTEST:**

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

**ADOPTED** this \_\_\_\_\_ day of March 2024.

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*Paul Finley, Mayor  
City of Madison, Alabama*