

**HOUSTON COUNTY POLICY MANUAL
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POLICY #1

AGENDA ITEMS

DATE ADOPTED: 11-9-87
MINUTE BOOK 26 PAGE 83
DATE AMENDED: 1-28-02
MINUTE BOOK 34 PAGE 9
DATE AMENDED: 7-28-08
MINUTE BOOK 36 PAGE 207

POLICY: To establish a policy for items to be placed on the Commission meeting agenda.

PROCEDURE: All items to be voted on in the regular meeting shall be discussed in the previous administrative meeting before placement on the agenda. Items of an emergency nature may be placed on the agenda at any commissioner's request after an attempt is made to notify commissioners and there is a unanimous consent to add the item to the agenda. The Commission will only address items that have been placed on the Commission agenda at the regular Commission meeting.

POLICY #2

PROCEDURE FOR HANDLING CLAIMS AGAINST AND FOR THE COUNTY

DATE ADOPTED: 2-23-98
MINUTE BOOK 32 PAGE 122

POLICY: To establish a procedure for handling claims against and for the county.

PROCEDURE: Based on the Alabama Code and Houston County Liability Coverage Document and contract with the Insurance Company of coverage, the Houston County Commission, adopts the following policies for handling claims for and against the county.

1. When a claim is filed against Houston County, the Chief Administrative Officer or his agent shall submit appropriate claim form to the Insurance Company. A copy of said claim will then be provided to each County Commissioner and its Chairman as well as the County Attorney.
2. When a claim is filed against the County, the Commission shall take all action necessary to cooperate with the investigation, settlement, or defense of the claim as requested by the Insurance Company pursuant to the terms of the Insurance Contract. The Commission shall not take action or assume any obligation or expense, other than for first aid, without the consent of the Insurance Company.
3. When a claim by the County against another party is deemed by the Chairman and Chief Administrative Officer to exist, a copy will be given to each commissioner. The Chairman of the Commission is then hereby authorized on behalf of the Commission to take all reasonable action necessary and execute all documentation necessary to assert, settle, compromise, and otherwise recover under said claim.
4. All policies and practices heretofore adopted or implemented by the Commission or its representatives which conflict with the policy are hereby repealed.

REQUEST FOR LEGAL ASSISTANCE

DATE ADOPTED: 6-23-97
MINUTE BOOK 32 PAGE 48
DATE AMENDED: 7-28-08
MINUTE BOOK 36 PAGE 207
DATE AMENDED: 10-14-08
MINUTE BOOK 36 PAGE

PURPOSE: To establish a County procedure in which Department Heads may request the assistance of the County Attorney on matters that involve their department.

PROCEDURE: While we all know that the need for legal assistance seems to be part of our daily routine, we also know that the cost for this assistance is expensive. The following procedure is necessary to insure that we keep this cost under control.

With the exception of elected officials or Department Heads reporting directly to the Houston County Personnel Board, all other department heads requiring legal assistance in a non-emergency situation shall prepare a memo addressed to the County Attorney giving him all necessary facts covering who, what, where, why and how as they relate to the problem. Memo's originating from the Road and Bridge Department must first be approved by the County Engineer. Memo's originating from the County Administrative staff must first be approved by the Chief Administrative Officer. The memo should establish an acceptable response time so the County Attorney may properly prioritize the request. The memo should then be forwarded to the County Attorney with a copy to the Chief Administrative Officer. All memos forwarded to the attorney will be recorded in a log maintained by the Chief Administrative Officer indicating the Department Heads requested response time.

By the second Wednesday of each month, the County Attorney will provide to the Chief Administrative Officer a summary status of each open request. The summary will include the expected resolution date.

In an emergency situation, a Department Head should contact in order the following people:

1. Chief Administrative Officer
2. County Attorney

The Administrator will then contact the Commission Chairman and the Commissioners and any other necessary people.

POLICY #4

PURCHASING POLICY & PROCEDURES

DATE ADOPTED: 02-27-17
MINUTE BOOK: 40 PAGE 109

PURPOSE: To set forth the purchasing policy and purchasing procedures of the Houston County Commission (“the Commission”).

GENERAL AUTHORITY: The competitive bid requirements for County purchases or contracts other than contracts for “public works” (as defined in § 39-2-1(5)) are set forth in ALA. CODE §§ 41-16-50 through 46-16-79 (1975, Supp. 2007). (“the Bid Law”) ALA. CODE of 41-16-50 states in pertinent part as follows:

With the exception of contracts for public works whose competitive bidding requirements are governed exclusively by Title 39, all expenditure of funds of whatever nature for labor, services, work, or for the purchase of materials, equipment, supplies, or other personal property involving fifteen thousand dollars (\$15,000) or more, and the lease of materials, equipment, supplies, or other personal property where the lessee is, or becomes legally and contractually, bound under the terms of the lease, to pay a total amount of fifteen thousand dollars (\$15,000) or more, made by or on behalf of county commissions shall be made under contractual agreement entered into by free and open competitive bidding, on sealed bids, to the lowest responsible bidder.

POLICY:

- A. The Chief Administrative Officer of the Houston County Commission (“CAO”) is the designated Purchasing Agent for the Houston County Commission.
- B. For purchases that do not require competitive bidding, the Purchasing Agent is authorized to make and consummate those purchases of the County as approved by the Houston County Commission through either the current years adopted budget or as outlined in the budget amendment procedure.
- C. Purchases requiring competitive bidding will be presented to the Houston County Commission for approval letting and awarding of bids.
- D. Purchasing Limits:
 - 1) The purchasing agent, or his designee, may make and execute purchases as authorized by the Houston County Commission for which State Bid Law does not require competitive bidding.
 - 2) All purchases must be approved or authorized by the Houston County Commission.
 - 3) Unless an exception has been approved in writing by the Purchasing Agent, a purchase order shall be used to document all expenditures of public funds for the purpose of internal controls and/or voucher procedures. Authorized exceptions for consideration may include certain recurring expenditures and services including electric, gas and water bills, county-paid portions of insurance premiums for employees, FICA payroll expenditures, etc. Such exceptions must be approved by the Purchasing Agent in writing.

4) Prior to any purchase, the Purchasing Agent or his designee must verify available funds. However, to facilitate the purchasing process, recurring purchases to a single vendor may be approved with an open (blanket) purchase order.

E) Open Purchase Orders:

Open blanket purchase orders may be issued for up to a three month (90 day) period. The purchase order is to be issued with an estimate of the total expenditure for the period purchases. At the end of each month, invoices are to be signed by the individual making the purchase or receiving the merchandise. Such “quarterly” approved purchase orders must comply with all purchasing guidelines and applicable competitive bid laws.

F) Emergency purchases involving less than \$15,000:

An emergency shall be declared whenever there is a dire need for the procurement of goods and services arising out of an accident or other unforeseen events or conditions whereby circumstances affecting public buildings, public property, or the life, health and safety of individuals are involved.

A) When less than \$15,000 is involved, the following procedures will apply:

1) If the emergency occurs after hours, on weekends, or on holidays which requires immediate action in the best interest of the County, the purchase may be made by the department head. The purchase will be reported the following workday without delay. Justification and details shall be submitted in writing including the location of the purchase.

2) The Purchasing Agent will assign a purchase order number and date the purchase order as of that day. A notation will be made on the purchase order as to the actual date of the purchase. Written justification will be attached to the purchase order.

3) If said expenditure is not an approved budget item, or exceeds the departmental budget, the approval of the Houston County Commission or the Chairman of the Houston County Commission shall be required. The bids/quotes, if any, amounts of purchases and letters of justification shall be added to the minutes of the next Houston County Commission meeting for proper authorization of funding.

4) The individual requesting the emergency purchase order must indicate in writing, what would happen in his or her judgment if an emergency purchase was not approved and the danger to public health, safety or convenience involved in delay.

B) Emergency purchases involving expenditures of funds equal to or exceeding \$15,000.

If the conditions require a purchase that would otherwise require competitive bidding under the Bid Law and it is necessary to purchase the item due to an emergency, the following procedure will apply:

- 1) As provided in the ALA. CODE § 41-16-53, in case of an emergency affecting public health, safety or convenience, so declared in writing by the awarding authority, setting forth the nature of the danger to public health, safety or convenience involved in delay, contracts may be let to the extent necessary to meet the emergency without public advertisement. Such action and reasons therefore shall immediately be made public by the awarding authority. The awarding authority is hereby defined as the Houston County Commission.
- 2) Applicable purchase order procedures are to be followed. The individual requesting the emergency purchase must indicate, in writing, what would happen in his or her judgment if an emergency purchase was not approved and the danger to public health, safety or convenience involved in delay.
- 3) The Chief Administrative Officer or if unavailable, his designee should be contacted regarding the situation and reasons for declaration of an emergency purchase situation. The Chief Administrative Officer should communicate such situations to the County Attorney. A written opinion from the County Attorney is advisable.
- 4) If the expenditure is not an approved budget item, or exceeds the departmental budget, the approval of the Houston County Commission or the Chairman of the Houston County Commission shall be required. The bids, amounts of purchase and letters of justification shall be added to the minutes of the next Houston County Commission meeting as required by ALA. CODE § 41-16-53 as amended.

G) Capital Purchases:

Computers regardless of cost, plus all other single item purchases of equipment whose value is \$5,000 or greater and has a useful life of greater than one year (excluding replacement and component parts), are considered capital purchases. Such capital purchases must be tracked through normal capital purchase procedures to include:

- 1) Issuance and attachment of a capital ID number
- 2) Annual capital audit and submission to Accounting
- 3) Upon retirement or disposal, Accounting must be contacted to remove this item from the capital list and remove the ID tag from the capital item.
- 4) If the item is retired prior to completion of its useful life, a written justification for doing so must be submitted to the CAO. The CAO will then submit a written approval/rejection to the requestor.

H) Proper Identification of Items to be Purchased:

All purchase orders should contain the vendor name, quantity, unit, specific part number (SKU – Stock Keeping Unit Number), price per SKU and detailed description of the material being purchased. If an item does not have a SKU number, an adequate description should be provided that will uniquely identify the item and conditions of the purchase.

I) Liability:

Department heads should note that at any time a purchase is made by an individual without following procedures outlined herein that the department head and the individual may be held personally liable unless released from liability by the Houston County Commission by its approval of the purchase or other action of the Commission. Department heads should establish internal controls sufficient to assure that all procedures are being followed.

J) Bid Solicitations and Procedures:

1) Annualized purchases over \$2,500 but less than \$15,000 are to be made after quotations are received from a least 3 responsible vendors. Annualized is defined as projected demand for an item between the period October 1st of the current year through September 30th of the following year. Purchases of less than \$2,500 are expected to be made from a source who is known or believed to be a vendor who provides both competitive prices and dependable delivery and service. If at any time insufficient information concerning competitive prices and delivery is unavailable or the department head has reservations about the under \$2,500 vendor selected, it is advisable that three quotes be obtained even though the purchase amount is less than \$2,500.

Exceptions to Annualized purchase requirements may be granted by the Purchasing Agent for those purchases exempt from the Bid Law and for the following reasons properly documented to substantiate the decision:

- A) Items where such price has been set by the State of Alabama; or
- B) Requirements to maintain a degree of continuity with the original or exiting décor, equipment or programs where an attempt to quote could result in an operational or functional inconsistency; or
- C) When an attempted solicitation of quotes results in no response, orders will be placed with the first reliable sources with suitable price, quality or delivery; or
- D) When lowest and best price has been determined by prior purchases; or
- E) When the Purchasing Agent determines that 3 quotes cannot be feasibly obtained.
- F) Purchases from auctions or surplus dealers where the purchase price from the auction or surplus dealer can be substantiated in writing as lower than fair or reasonable market value.
- G) Purchases from other government entities.
 - 1) No purchase or contract involving an amount equal to or in excess of \$15,000 shall be divided into parts involving amounts of less than \$15,000 for the purpose of avoiding the requirements of the applicable State Bid law as set forth in Alabama Code Section 41-16-1 et. § All such partial contracts involving less than \$15,000 are void pursuant to the Bid Law.

2) Quoted prices or bids of vendors or suppliers will remain confidential until all quotes or bids are received and the purchase is consummated as provided for herein or until all quotes or bids are rejected. The quote or bid of one person or entity shall not be used to negotiate a lower quote from another.

3) For purchases more than \$15,000 the Houston County Commission, the Purchase Agent, or the department head, if authorized, has the responsibility to accept the quote or bid from the responsible bidder meeting specifications or may reject all bids or quotes.

4) For purchases in excess of \$15,000, all bid procedures as outlined in the Bid Law apply.

2) Utilization of Federal funds:

In the event that Houston County is utilizing Federal Funds in its purchasing operations, Federal regulations will apply.

3) Credit Card Purchases:

All County credit cards will be maintained by the Accounting Manager. Two type credit cards are authorized:

1) General Credit Card to be used for miscellaneous purchases. The General Credit Card shall be applied for and approved by the Purchasing Agent. The Accounting Manager will maintain the General Credit Card and will be responsible for issuing Purchase Orders utilizing the card. The General Credit Card will be used only in those situations where a Purchase Order or other means of payment cannot be utilized. Individuals requiring a General Credit Card purchase will be required to complete and submit a memo to the Accounting Manager indicating the reason for the purchase, the reason that only the General Credit Card must be utilized and other specific purchasing details such as the vendor name, address and/or contact information, part number, description, quantity, unit cost, FOB point and freight cost.

2) Vendor-Specific Credit Cards: Vendor-specific credit cards shall be obtained by the Accounting Manager based on approval from the Purchasing Agent for the purchase of local merchandise on an emergency-only basis, or, where purchase orders may not practically be utilized. The Vendor-Specific Credit Card is authorized only for purchases from a specific local vendor such as SAMS Club, Office Depot, etc. An individual requiring the use of a Vendor-specific credit card will adhere to the following procedures:

A) The Vendor-Specific Credit Card will be signed-out from the Accounting Manager to the person requesting the card.

B) The receipt for the merchandise purchased with the card must be submitted to accounting at the time the card is returned.

- C) Cards must be returned to Accounting on the same day they are signed out.

All terms and conditions specific to Houston County Purchasing Policy and The Bid Laws apply to both General Credit Card purchases and Vendor-Specific Credit Card purchases.

Only purchases related to County business are allowed to be purchased with either the General Credit Card or the Vendor-Specific Credit Card.

- 4) Conflicts of Interests:

No member of the Houston County Commission or employee of Houston County shall be involved in the decision making process or make any recommendations concerning any purchases of or contract for any personal property or contractual services for Houston County if they have a personal financial interest or stake in the outcome of the purchase or contract process.

- 5) Reservation of Authority:

The Commission reserves the right to change, modify, or amend this policy.

Effective Date and approval:

The effective date of this policy shall be August 1, 2008.

This policy is adopted and approved July 28, 2008 as per the minutes of the Houston County Commission.

BUDGET AMENDMENT PROCEDURE

DATE ADOPTED: 2-26-96
MINUTE BOOK: 31 PAGE 63 DATE AMENDED: 7-28-08
MINUTE BOOK: 36 PAGE 207

POLICY: To establish a policy outlining procedures for Department Heads to make requests for budget amendments.

PROCEDURE: All requests for budget amendments shall be from Departments Heads only, and in writing to the Administrator. The Chief Administrative Officer shall review the request and make his recommendations to the County Commission. The request for amendment shall provide sufficient information on which line item(s) is to be amended, dollar amount of each line item to be decreased and/or reduced, and the justification for said amendment.

The County Chief Administrative Officer is hereby authorized to make operations amendments in the budget, if adequate funds are available, or to reject said operations amendments if not in the best interest of the County. Provided, however, that the County Commission shall be the sole authority to approve the following:

- (A) Any request involving the transfer of budgeted funds from one department to another department.
- (B) Any request necessitating new money, such as bringing up retained earnings, or adding a new resource center.
- (C) Any request where other governmental agencies, federal or state, are also required to approve said amendment. This would include, but not be limited to, the re-appraisal budget, emergency management budget, or state or federal grants.

Nothing in this policy shall prohibit the County Commission, the Chairman, or the Chief Administrative Officer, from initiating a budget amendment in any department where it is determined that the budget is so out of balance that an amendment is necessary. In this case, the department head will be kept fully informed, and shall be involved in any such amendment not requested by him or her.

FUNDING OF PROMOTIONS, RE-CLASSIFICATIONS, JOB RE-EVALUATIONS AND SUPPLEMENTS

DATE ADOPTED: 7-28-97
MINUTE BOOK: 32 PAGE 57
DATE AMENDED: 7-28-08
MINUTE BOOK: 36 PAGE 207

PURPOSE: To commission, department head will include the following in writing:

1. Job title and description as approved by Personnel Board.
2. Net cost to establish a County procedure in which Department Heads are to present requests for increases in compensation of any type, such as but not limited to salaries, promotions, re-classifications, job re-evaluations, expense allowances, and supplements.

PROCEDURE: Any compensation requests, as noted above, must be included in the County budget and must become effective after October 1 of that fiscal year. The anticipated increase in funding must be included in the departmental budget request, approved for the next fiscal year's budget, and, where applicable, approved by the Houston County Personnel Board.

Any requests of this nature that are not budgeted and are made during a fiscal year will only be considered if request is for creation of a new position or substantial change in existing job responsibilities which is resulting from external circumstances, i.e. grants, legalities, special projects, etc. In this case, department head will follow procedure set forth in Houston County Personnel Manual, section IX, A,1. When forwarded to the County for the balance of the current year and projection for the next fiscal year.

Justification for job creation/change plus any supporting documentation.

Prior to submission to the Houston County Commission, the creation deletion, or changes to the approved budgeted positions must be approved by the Personnel Board. If a new position is created, the department head must submit a position questionnaire to the Personnel Department requesting an additional position. The Personnel Board will then determine if the position is in an existing classification or in a new classification.

After Commission review, item will be placed on regular Commission agenda for approval or denial, along with appropriate budget amendment.

This procedure for non-budgeted positions must be followed even if funding request will fall within current year's budget. No plan may be implemented without the approval of the Personnel Board and the County Commission.

PROPOSED ACTS TO BE INTRODUCED INTO LEGISLATURE

DATE ADOPTED: 11-23-87
MINUTE BOOK: 26 PAGE 84
DATE AMENDED: 7-28-08
MINUTE BOOK: 36 PAGE 207

POLICY: To establish a policy for procedures regarding local acts or general acts with local application to be introduced into the Legislature.

PROCEDURE: All Local Acts or General Acts with local application to be introduced into the Legislature shall first be submitted to the Houston County Commission for discussion in the next Administrative Meeting and voted on by resolution in the following regular or "special called" meeting of the Commission. The resolution shall be signed by commissioners voting "yes".

MISCELLANEOUS PAYROLL DEDUCTIONS

DATE ADOPTED: 11-23-92
MINUTE BOOK: 29 PAGE 32
DATE AMENDED: 12-10-01
MINUTE BOOK: 33 PAGE 234
DATE AMENDED: 07-28-08
MINUTE BOOK: 36 PAGE 207

PURPOSE: To establish a policy regarding Miscellaneous Payroll deductions:

1. A miscellaneous payroll deduction is defined as a voluntary deduction from an employee's pay (employee insurance premium payments, charitable donations, credit union payments, etc.).
2. A minimum of 20% of the employees on the Houston County Commission payroll will be required to participate in the service offered before payroll deduction is implemented for that service.
3. As of January 1, 1993, any existing payroll deduction with less than 10% of eligible employees participating will be discontinued. In the future, a minimum of 10% of eligible employees will be required to participate in order to maintain the payroll deduction for that service.
4. Employees shall only be solicited with the expressed approval of the department head and the Houston County Commission during working hours. Solicitation shall not be posted on County bulletin boards. Approved brochures and printed information may be distributed through the payroll department if approved by the County Commission. It will be the responsibility of the solicitor to provide the materials in a "ready to distribute" package. The payroll department will not "stuff" pay envelopes.
5. The Houston County Commission, by authorized payroll deductions, does not endorse, support, or guarantee a product or service.
6. The mandatory and voluntary contributions to the State Employees Retirement System are exempt from this policy. Health insurance and dental insurance plans provided by the Houston County Commission to employees are also exempt from this policy.
7. The Houston County Commission reserves the right to cancel a service or a product at its pleasure.
8. The Houston County Commission reserves the authority to amend, modify, or change this policy.
9. Exceptions were authorized by the Commission on February 26, 1996 for PEBSCO and U.S. Savings Bond.

10. The Houston County Commission will not make employee payroll deductions for the payment of professional or other employment related dues effective December 15, 2001.

Any change in this policy will require the approval of the Houston County Commission.

PROCEDURE TO BURY LARGE DEAD ANIMALS IN COUNTY

DATE ADOPTED: 10-23-89
MINUTE BOOK UNKNOWN

POLICY: The County shall not bury large, dead animals for individuals in Houston County except under the following circumstances and conditions:

PROCEDURE:

1. That the County receive a letter from the Houston County Health Officer verifying after having visited the site where the animal is located that the particular dead animal is a specific health nuisance and/or hazard; and,
2.
 - (a) If the owner of the animal is known or ascertainable: That the owner or custodian of a particular animal be requested to bury same immediately. If said owner for any reason fails to bury or dispose of same within twenty-four hours, that Houston County is authorized to bury same provided that the owner through the district attorney is to be prosecuted under Alabama Code 3-1-28 and that every effort be made to obtain restitution and court costs in addition to the statutorily prescribed fine, or
 - (b) If the owner of the dead animal is not known or ascertainable: Houston County is authorized to dispose of the carcass of large, dead animals at public expense; and
3. That the public funds expended for this purpose must not be taken from constitutionally or statutorily restricted funds.

WORK ORDERS TO COUNTY ENGINEER

DATE ADOPTED: 11-09-97
MINUTE BOOK: 26 PAGE 76
DATE AMENDED: 6 24-02
MINUTE BOOK: 34 PAGE 56
DATE AMENDED: 07-28-08
MINUTE BOOK: 36 PAGE 207

POLICY: To establish a policy on work orders submitted to the County Engineer.

PROCEDURE: All work requested by a commissioner or citizen shall be kept on file at the County Engineer's office with the end result. A monthly report will be provided to the County Commission listing all outstanding work orders.

DIRT

DATE ADOPTED: 11-23-87
MINUTE BOOK: 26 PAGE 83
DATE AMENDED: 07-28-08
MINUTE BOOK: 36 PAGE 207

POLICY: To establish a policy regarding the delivery of dirt to individuals.
PROCEDURE: No dirt will be delivered to individuals.

DIRT ROAD PRIORITY LIST

DATE ADOPTED: 3-25-91
MINUTE BOOK: 27 PAGE 26
DATE AMENDED: 6-24-02
MINUTE BOOK: 34 PAGE 56
DATE AMENDED: 7-28-08
MINUTE BOOK: 36 PAGE 207

POLICY: To establish a policy to develop a priority list for paving dirt roads.

PROCEDURE:

1. Establish the total number of miles on the paving list.
2. County Engineer will establish list of all dirt roads. Engineer will base this list on need and analysis, i.e. traffic, houses, bus routes, etc.
3. Each Commissioner will select roads to be paved from the list based on the percentage of dirt roads in his/her district as compared to the amount of dirt roads in the County. The combined lists will equal total miles approved for paving.
4. The list of roads to be paved in the project will be approved in a regular commission meeting before any are paved.
5. The County Engineer will arrange the roads to be paved so as to complete the paving list as expeditiously and as cost effectively as possible.
6. Each County Commissioner may modify his/her list at any time if construction has not started. Each County Commissioner's list shall not exceed his/her allotted number of miles or as close as possible as determined by the County Engineer.
7. The County Engineer shall keep records of all dirt road paving.

OFF RIGHT OF WAY/PRIVATE PROPERTY WORK

DATE ADOPTED: 6-23-97
MINUTE BOOK: 32 PAGE 48

POLICY: To establish a policy to govern when and under what circumstances the County can perform work on private property.

PROCEDURE: ALA. CONST. Art. IV, Sec. 94 as amended by ALA. CONST. Amendment 112, prohibits a county from granting money or any other thing of value in aid of a private person, corporation or association.

The Office of the Attorney General of the State of Alabama has ruled that the Constitutional provisions supra., prohibit a county from using county labor, equipment and materials to work on private property unless the county, not the landowner alone, receives some benefit from the work.

Houston County, through its employees, except as may be authorized by statute or state constitutional provision, shall not do any work on private property (Off Right of Way work) unless the county, through its Engineer and Commissioner in whose district the proposed work is to be done, shall satisfy themselves that Houston County, not the landowner alone, shall receive a present "benefit" from the proposed work.

This policy shall be implemented by the County Commissioner in whose District the proposed work is to be done and the County Engineer. It shall be the responsibility of said Commissioner and Engineer to see that this policy is properly followed and implemented. It shall be the joint responsibility of said Commissioner and the County Engineer to see that the procedures for implementing this policy are complied with.

REQUESTED WORK FOR MUNICIPALITIES WITH POPULATIONS OF LESS THAN 5,000

DATE ADOPTED: 2-26-96
MINUTE BOOK: 31 PAGE 35
DATE AMENDED: 8-26-96
MINUTE BOOK: 31 PAGE 113
DATE AMENDED: 6-24-02
MINUTE BOOK: 34 PAGE 56
DATE MODIFIED: 7-28-08
MINUTE BOOK: 36 PAGE 207

POLICY: To establish a policy for city maintained roads within Houston County municipalities with a population of less than 5,000.

DIRT ROAD PAVING

Houston County will pay 50% and the municipality shall pay 50% of total cost (labor plus equipment and materials) of dirt road paving. This is after a written request is received from the municipality and approved by the Houston County Commission. An exception to this would be if the dirt road paving project is placed on the new Houston County Paving List. *In this case, Houston County Commission will pay for all cost of construction.

RESURFACING

On resurfacing of a city maintained road, Houston County will pay 50% of asphalt cost and will supply inspection of the project at no cost if approved by Houston County Commission. *Resurfacing a parking lot or paving a new parking lot all materials shall be paid by the City with the exception of dirt.

REPAIRS

Traffic signs, driveway pipes, pot hole repairs, dirt hauled (maximum of six loads in a week), emergency and normal repairs as determined by the County Engineer may be requested in writing to the County Engineer and approved by him. The municipality will pay for all materials with the exception of dirt. *Utility repairs shall be repaired by the Utility with the exception of dirt.

PROJECTS

Projects for which materials will cost \$2,000 or less will be completed after written request is made and approved by the County Engineer. A copy of the request will be furnished to the Commission in the monthly report given to the Commission by the County Engineer.

This policy replaces the original policy for road work in municipalities.

*Amended to include (with the exception of dirt) August 26, 1996.

REQUESTED WORK FOR THE HOUSTON COUNTY BOARD OF EDUCATION

EFFECTIVE DATE: 10-01-2021
MINUTE BOOK: 44 PAGE 46
DATE ADOPTED: 9-13-2021

POLICY: To establish a policy for work done for the Houston County Board of Education (HCBE), as approved by the Houston County Commission. Houston County will consider work requested by the HCBE upon a written request received from the HCBE and approved by the Houston County Commission. The HCBE shall pay the cost of all materials on approved projects and Houston County shall pay the cost of all labor and equipment on approved projects.

For projects where total cost, including materials, equipment and labor are greater than \$200,000, the Houston County Commission and HCBE may enter into separate agreement regarding the sharing of the costs of labor.

Signs, pothole repairs, dirt hauled, emergency, and normal repairs, as determined by the County Engineer, for any driveway or parking lot owned or maintained by the HCBE, may be requested in writing to the County Engineer and approved by him without having to be approved by the Houston County Commission. The HCBE shall pay the cost of all materials arising out of or related to these requests. The HCBE may request up to six loads of dirt hauled in a month without being charged by Houston County for the material costs of said dirt. Any and all repairs to utilities shall be the responsibility of the HCBE or the utility.

Projects, including those projects stated above, for which the cost will be \$5,000 or less, may be completed by the county's Road and Bridge department after written request is made and approved by the County Engineer and shall not require approval of the Houston County Commission. This policy shall become effective on the 1st day of October, 2021.

FILLING IN OF ABANDONED WELL SITES

DATE ADOPTED: 9-25-95
MINUTE BOOK: 31 PAGE 32
DATE AMENDED: 7-28-08
MINUTE BOOK: 36 PAGE 207

POLICY: To establish guidelines for filling in abandoned well sites.

PROCEDURE: Houston County, through its employees, shall not perform any work to abate, remedy or fill in the nuisance created by an open well site unless the Houston County Health Officer shall first evaluate the well site, declare same to be a public nuisance or public health or safety hazard menacing public health and thereby unlawful, and specifically instruct the County Engineer or other county employee or officer to fill in said old, unused and/or abandoned well site.

Before any such work is done or performed by any employee of Houston County, Alabama, the landowner shall be required to sign an easement and indemnity agreement for Houston County to fill in old well sites with said easement and indemnity agreement to be recorded in the Office of the Judge of Probate of Houston County, Alabama.

Said easement and indemnity agreement shall be completed by the County Engineer and executed by the landowner before any work provided for herein shall begin.

Further, Section 94 of the Constitution of Alabama, 1901, as amended, prohibits a county from giving or granting money or anything of value in aid of a private person, association or corporation. However, Section 94, does not prohibit a county from abating a public nuisance on private property if the county is reimbursed for all costs of the work done on private property because Alabama Code Sections 22-10-2 and 22-3-2(3) permit the abatement of a public nuisance by the county board of health. Accordingly, the county shall assess, prior to beginning work if feasible, to the owner the expense and the costs of filling an abandoned well located on the owner's property, that is certified to be a public or safety hazard or nuisance.

GUIDELINES TO WORK ON ANY COUNTY MAINTAINED ROAD OR RIGHT-OF-WAY UTILITY POLICY

DATE ADOPTED: 9-25-95
MINUTE BOOK: 31 PAGE 32
DATE AMENDED: 6-24-02
MINUTE BOOK: 34 PAGE 56
DATE AMENDED: 7-28-08
MINUTE BOOK: 36 PAGE 207

PURPOSE: To establish guidelines that define when and under what circumstances a County or County maintained road or right of way can be worked upon.

PROCEDURE: In accordance with Alabama Code, 11-3-10, authorizing Houston County to establish, control, change or discontinue roads, bridges, causeways, and ferries within the County, no one is allowed to perform any type work on County roads or County maintained roads or right of way without first obtaining a work permit from the Houston County Engineer's office. Any violation of this resolution may result in the violator being prosecuted in criminal or civil court for trespass, damage to public property, creating a hazard, theft or destruction of property, tampering, criminal mischief or other appropriate civil or criminal offense.

WORK REQUESTED BY HOUSTON COUNTY SCHOOL BOARD VOLUNTEER FIRE DEPARTMENTS AND OTHER ENTITIES

DATE ADOPTED: 8-24-96
MINUTE BOOK: 32 PAGE 114
DATE AMENDED: 8-23-99
MINUTE BOOK: 32 PAGE 323
DATE AMENDED: 2-28-00
MINUTE BOOK: 33 PAGE 53
DATE AMENDED: 6-24-02
MINUTE BOOK: 34 PAGE 56
DATE AMENDED: 4-25-06
MINUTE BOOK: 35 PAGE 303
DATE AMENDED: 7-26-21
MINUTE BOOK: 44 PAGE 36

POLICY: To establish a policy for work requested on construction projects and repair projects from the Houston County School Board, Volunteer Fire Departments, or other entities (as determined by the Houston County Commission).

PROCEDURE: The Volunteer Fire Departments in Houston County, the Houston County Volunteer Firefighters Association, or other entities, as determined by the Houston County Commission, shall pay for materials, with the exception of dirt, with the County supplying the labor and equipment on requested construction projects. This is after a written request is received from the entity and approved by the Houston County Commission. This policy does not include work done on or related to any utility.

Projects for governmental entities for which materials will cost \$2,500 or less will be done after written request is made and approved by the County Engineer. A copy of request will be furnished to the Commission in the monthly report given to the Commission furnished by the County Engineer.

All projects for non-governmental entities, such as Landmark Park and the National Peanut Festival, will only be done after approval by the County Commission in a regular or called meeting of the Commission, except that projects for which materials will cost \$2,500 or less will be done after written request is made and approved by the County Engineer. A copy of the request will be furnished to the Commission in the monthly report given to the Commission by the County Engineer.

This policy replaces the prior policies for work requested by Houston County School Board, Volunteer Fire Department or other Entities.

This policy shall become effective as of the 15th day of October,
2021.

REPAIRS ON CITY MAINTAINED S/D ROADS WITHIN MUNICIPALITIES WITH POPULATIONS OF LESS THAN 5,000

DATE ADOPTED: 4-12-99
MINUTE BOOK: 32 PAGE 262
DATE AMENDED: 7-28-08
MINUTE BOOK: 36 PAGE 207

POLICY: Houston County will not perform repairs on city maintained subdivision roads within Houston County municipalities with a population of less than 5,000, unless the subdivision is constructed to Houston County Subdivision Regulations or greater and inspected and approved by Houston County Engineer. Subdivisions built before April 12, 1999 are excluded.

SOLICITATION

DATE ADOPTED: 10-12-98
MINUTE BOOK: 32 PAGE 195
EFFECTIVE DATE: 11-1-98
DATE AMENDED: 11-10-98
MINUTE BOOK: 32 PAGE 210
DATE AMENDED: 7-28-08
MINUTE BOOK: 36 PAGE 207

POLICY: To establish a policy to prevent activities that would disrupt Houston County operations and/or cause loitering.

PROCEDURE:

I. Solicitation - Employees

A. Solicitation or acts of solicitation such as delivery of purchased merchandise between employees during work time is strictly prohibited.

B. Work time does not include specific periods during the work day when employees are not properly engaged in performing their duties, such as meal breaks and break times.

C. Unauthorized solicitations posted on County Bulletin boards, County buildings or other County owned or maintained structures is prohibited unless approved by the Houston County Commission.

II. Non-Employees

Non-employees are prohibited at all times from soliciting for the purpose of sales to employees. This policy excludes candidates soliciting for public office.

AUTHORIZATION FOR COMMISSION CHAIRMAN TO IMPLEMENT COMMISSION APPROVALS

DATE ADOPTED: 7-28-08
MINUTE BOOK: 36 PAGE 207

POLICY: To establish authority for the Commission Chairman to facilitate and promote the efficient and timely handling of matters and things, the funding for which has been approved by the Commission

PROCEDURE: In order to facilitate and promote the efficient and timely handling of matters for which funding has been approved by the Commission, the Chairman of the Commission is hereby authorized and directed to execute and deliver, take or cause to be taken, for and in the name and behalf of the Houston County Commission and Houston County, all actions and all other things necessary or appropriate, including but not limited to the negotiation of terms for and execution of all necessary documents and contracts, subject to the funding limits as authorized by the Commission, to carry into affect the purposes and intent of said funding approved by the Houston County Commission.

ACQUISITION OF RIGHT OF WAY OR OTHER EASEMENT BY PURCHASE BEFORE FORMAL CONDEMNATION PROCEEDINGS

DATE APPROVED: 4-23-01
MINUTE BOOK: 33 PAGE 203
DATE AMENDED: 7-28-08
MINUTE BOOK: 36 PAGE 207

POLICY: To establish a procedure authorizing the acquisition of property needed for valid public purpose(s) designated by the County Engineer to be necessary before incurring the time and expense of pursuing formal condemnation proceedings.

PROCEDURE:

- A. It is noted by the Commission that the “Alabama Eminent Domain Code” provides that prior to the filing of a formal condemnation petition with the court, a county must establish an amount which it believes to be just compensation and offer to acquire the property for the amount so established.
- B. In an effort to make the acquisition of property needed for a valid public use (“Property”) more efficient, it is the desire of the Houston County Commission (“the Commission”) before incurring the cost of pursuing the formal condemnation process and court proceedings, to authorize and empower the County Engineer, on behalf of the Commission to negotiate and purchase “Property” subject to the following preconditions and limitations:
1. That the County Engineer certify in writing to the County Administrator and the Chairman of the County Commission that the County needs to acquire “Property” for a stated public purpose and need.
 2. That the County Engineer cause the Revenue Commissioner’s office appraising staff or other licensed appraiser, to give to the County Engineer in writing an estimation of the appraised value of the “Property.”
 3. Thereupon, the County Engineer is hereby empowered and authorized on behalf of the Commission to negotiate with the property owner on behalf of the Commission and to bind the Commission for the acquisition cost of the Property (whether the cost is to be paid in money or in-kind services or materials) provided the purchase price and value of the consideration does not, in the judgment of the County Engineer, exceed the written estimation of the appraised value of the Property obtained pursuant to Paragraph B-3, of this Policy. The text of the deed by which the County and Commission obtains title to the property shall recite the actual consideration and if the consideration is other than a set amount of money, the text of the deed shall also recite the reasonable value of the

nonmonetary consideration as reasonably estimated, in good faith, by the County Engineer.

4. Upon satisfying himself that the preconditions of this policy have been complied with, the County Administrator is hereby authorized on behalf of the Commission to issue a check or draft in an amount sufficient to pay the acquisition cost of the Property. If the consideration given for the acquisition of the Property is nonmonetary, then upon complying with the conditions and limitations of this Policy, the County Engineer is hereby authorized on behalf of the Commission to provide to the Property owner in-kind services and/or materials, provided the reasonable and good faith value of the in-kind services and/or materials shall not exceed the estimation of the appraised value of the property obtained pursuant to Paragraph B-3 of this Policy.

5. Upon obtaining a deed to the Property transferring the Property to Houston County or the Houston County Commission, the County Engineer shall cause said deed to be recorded in the Office of the Judge of Probate of Houston County, Alabama.

6. This Policy is to be deemed an authorizing policy and not a mandatory policy. Nothing in this Policy shall prohibit the Commission from, at any time, electing to bypass this procedure and proceed directly to the formal condemnation process and proceedings or to take any other action otherwise authorized or permitted by law.

7. All policies or practices heretofore adopted or implemented by the Commission or its representatives which conflict with this Policy are hereby repealed to the extent of the conflict.

PROCEDURE FOR DETERMINING THE PRIORITY ORDER FOR RESURFACING COUNTY MAINTAINED ROADS

DATE ADOPTED: 9-10-01
MINUTE BOOK: 33 PAGE 252
DATE AMENDED: 7-28-08
MINUTE BOOK: 36 PAGE 207

POLICY: To establish a procedure for determining the priority order for the resurfacing of paved roads.

PROCEDURE: The Houston County Commission hereby formally adopts the following procedure for determining the prioritization of resurfacing paved roads:

The total amount of monies budgeted by the Commission for the resurfacing of paved county roads maintained by Houston County and the total amount of all state and/or federal monies that are designated for resurfacing of paved roads maintained by Houston County in each budget year, shall, be designated, allocated and apportioned for expenditure according to need using the Alabama Department of Transportation (“ALDOT”) guidelines for grading roads that need to be resurfaced and the actual resurfacing of said paved roads shall be done in order of priority established by the application of the DOT grading guidelines.

HOUSTON COUNTY COMMISSION'S ESTABLISHMENT OF A PRECONDITION FOR NONGOVERNMENTAL ENTITIES, AGENCIES OR ORGANIZATIONS TO RECEIVE FUNDING FROM THE COMMISSION

DATE APPROVED: 4-28-03
MINUTE BOOK: 34 PAGE 161
DATE AMENDED: 2-14-05
MINUTE BOOK: 35 PAGE 129
DATE AMENDED: 7-28-08
MINUTE BOOOK: 36 PAGE 207

PURPOSE: To provide controls in order to assure that all funding for non-governmental agencies is being used for lawfully authorized purposes.

PROCEDURE: In accordance with the law, it is the desire of the Houston County Commission to ensure that all funding provided any non-governmental entity, agency or organization is used for lawfully authorized purposes. Therefore, the following preconditions exist for nongovernmental entities receiving funding authorized by the Houston County Commission:

1) That as a precondition to the provision of funding to any nongovernmental entity, agency or organization by the Commission, said entity, agency or organization shall provide to the Commission on an annual basis a copy of, as is satisfactory to the Commission, either an audit of the finances or other verifiable means and methods of account for the use of funds provided by the Commission for each preceding year. Said audit or other proof satisfactory to the Commission shall be presented to the Commission on or before June 30 of each calendar year. The audit or other proof required by and satisfactory to the Commission shall be the most recent date available to the entity, agency or organization as of June 30 of each calendar year.

2) Any Director, Board Member or other Official of any other nongovernmental entity, agency or organization that receives funding from the Houston County Commission, who becomes aware of or has knowledge that the improper use of public funds has occurred within their entity shall report that

knowledge or concern to the County Commission immediately. The Commission will take such action as the situation warrants to protect the lawful use of public funds. Failure to timely report may result in the immediate termination of appropriate funds in the current year and denial of request for funding in future years.

3) All policies and practices heretofore adopted or implemented by the Commission or any of its officers, employees or agents which conflict with this Policy Resolution are hereby repealed.

POLICIES AND PROCEDURES FOR “UNCLASSIFIED EMPLOYEES” OF THE HOUSTON COUNTY COMMISSION

DATE ADOPTED: 10-14-08
MINUTE BOOK: 36 PAGE

1. Purpose and Use of the Policy and Procedures for Unclassified Employees.

The Policy and Procedures for Unclassified Employees of the Houston County Commission (“Policy”) is for the use of all Unclassified Employees and should help each person perform his or her work effectively and in as professional and complete a manner as possible. Everyone should become thoroughly familiar with the provisions of the Policy. The Policy is designed to inform all Unclassified Employees of the Commission’s policies in general, and should be consulted and used on a continuing basis.

The contents of this Policy are presented as a matter of information and for employee guidance only and are neither intended to create, nor are they to be construed to constitute, an offer of contract or a contract, express or implied, between the Commission or any of its employees. All employment contracts, if any, with Unclassified Employees shall be made outside of the Policy and in writing with all appropriate formalities. Unless otherwise provided by separate contract or agreement, all Unclassified Employees are employed by the Commission as “AT WILL EMPLOYEES” meaning that employees may resign at any time, or the Commission may terminate their employment at any time with or without any cause (i.e., for a good reason, a wrong reason or no reason) or notice. No employee of the Commission has the authority to alter or amend this paragraph with regard to any employee. No contract for employment or any other specific rights or procedures relative to your employment is intended or granted by this Policy.

2. Definitions:

A. “Annual Leave.” Leave with pay accumulated by Unclassified Employees for use by said Unclassified Employee for vacation or personal time off. Except as may be otherwise agreed between the Commission and the Unclassified Employee, Annual Leave for Unclassified Employees shall accrue and be taken or used by Unclassified Employees in the same manner as provided by the Personnel Board Rules to Classified Employees unless otherwise determined, set or provided by the Commission.

B. “Commission.” The Houston County Commission of Houston County, Alabama.

C. “Excessive Hours” or “Excessive Hours of Work.” Hours of work that exceed ninety (90) hours of work within a single pay period.

D. “Exempt Positions.” Salaried Unclassified Positions that are exempt under the Fair Labor Standards Act of 1938, 29 U.S.C. § 201 et seq. (“FLSA”).

E. “FLSA”. The Fair Labor Standards Act of 1938, 29 U.S.C. § 201 et seq., as amended and all applicable Federal Rules and Regulations promulgated for the implementation thereof.

F. “Personnel Board.” The Personnel Board of Houston County, Alabama.

G. “Personnel Board Rules.” The Rules and Regulations of the Personnel Board of Houston County, Alabama, as may be amended from time to time.

H. “Policy.” The Policy and Procedures for Unclassified Employees of the Houston County Commission.

I. “Sick Leave.” Leave time accumulated by Unclassified Employees for use during illness and related reasons in accordance with the application of the provisions of The Personnel Board Rules. Sick leave shall accrue and be taken or used by Unclassified Employees in the same manner as provided by The Personnel Board Rules to Classified Employees unless otherwise determined, set or provided by the Commission.

J. “Unclassified Employees” or “Unclassified Positions” Unclassified Employees or “Unclassified Positions” are defined as any “at will” employee or employment position in the service of the Houston County Commission who reports directly to the Houston County Commission, the County Engineer or the County Chief Administrative Officer, as authorized and hired by the Houston County Commission, and who or which is designated or defined as a part of the “Exempt Service” in “The Rules and Regulations of The Personnel Board of Houston County” and Act Number 84-578 of the Legislature of the State of Alabama.

3. Appointment.

The Houston County Commission (“The Commission”) is authorized to fill vacancies in Unclassified Positions in any manner that the Commission deems necessary to secure, in the judgment and discretion of the Commission, the most qualified or otherwise suitable individual to fill the position. There shall be no restriction on the Commission regarding the geographical area from which Unclassified Position candidates may be recruited or employed. Applications, resumes or any other method determined suitable by the Commission may be used as the method of applying for open positions. All Unclassified Employees shall be “at will” employees who serve at the pleasure of the Houston County Commission.

It is the goal of the Commission to provide high quality and appropriate governmental services, within the budgetary limitations of the Commission, to the citizens of Houston County, Alabama. In that regard, it is the expectation of the Commission that all Unclassified Employees, as department heads or supervisors, should assume an appropriate leadership role in their respective departments and at all times set an example of the appropriate standards of job performance for other county employees. Unclassified Employees, who are department heads, should expect to be held to a higher standard of job performance than other employees.

4. Discipline.

A. With regard to Unclassified Employees, the Commission has broad authority and discretion in the way and in what form disciplinary action is provided for and administered and reserves the right to exercise that discretion at all times to provide for the effective provision of services to the citizens of Houston County, Alabama. Whenever a disciplinary matter involves the good name and character of the Unclassified Employee or other employee, all discussion of said disciplinary matter should be done in executive session in accordance with applicable law.

B. Unclassified Employees who are not serving in an Exempt Position shall be addressed to the Commission Chairman who in the Chairman's discretion, may undertake to address any such disciplinary matter or may allow the handling of any disciplinary matter by the Chief Administrative Officer or any department head.

5. Administrative Leave.

Administrative leave for Unclassified Employees, shall be provided as may be determined by the Commission in its discretion. Whenever the determination of Administrative Leave involves the good name and character of the Unclassified Employee all discussion of the issue of such Administrative Leave should be done in executive session in accordance with applicable law.

6. Pay and Benefits.

The Commission in its sole discretion shall determine and set the pay for "Unclassified Positions" and "Unclassified Employees". The Commission shall determine and set any raises or promotions. All salaries and benefits for the Unclassified Employees shall be budgeted and approved by the Commission as may be required by law.

7. Work Schedule and Overtime.

An Unclassified Employee in an Exempt Position with the approval of the Commission or their Department Head will establish the work schedule for said Unclassified Employee. Exempt Positions are salaried positions and are exempt under the Fair Labor Standards Act of 1938, 29 U.S.C § 201 et sq. ("FLSA") and the Exempt Positions may require more than forty hours of work per week. Salaried Exempt Positions shall receive no overtime pay unless such pay should become mandated by the Fair Labor Standards Act or other applicable law.

Unclassified Employees in an Exempt Position who work Excessive Hours may be granted the benefit of additional paid leave based on the criteria set forth herein. With regard to work time away from the office for one or more full work day(s) for travel or meetings, said travel day(s) or meeting day(s) shall be counted as no more than the unclassified employees' normal scheduled working hours per calendar day. For each Excessive Hour worked, the Exempt Employee may be granted one (1) hour of additional paid leave pursuant to this policy. No more than forty (40) unused Excessive Hours of work may be accumulated at any one time for purposes of the granting of the additional paid leave contemplated herein. The additional paid leave granted pursuant to this Policy is not a right for which an Unclassified Employee may make demand but is a privilege and additional benefit that is granted in accordance with this Policy which may be changed from time to time as the best interests of the County are determined by the Commission. Separation from employment in the service of Houston County for any reason shall result in the forfeiture of any unused additional leave with pay granted pursuant to this Policy.

As a precondition to qualifying for the granting of the additional paid leave contemplate herein, the Unclassified Employee shall complete, maintain and submit the additional time and attendance record/report to the Payroll Department at the end of each pay period for which additional paid leave time is requested. All time and attendance records for Unclassified Employees will be maintained through the Time and Attendance System.

8. Leaves of Absence.

The following types of leave are officially established: holidays, vacation leave, sick leave, military leave, jury leave, leaves for special meetings and conferences, administrative leave with or without pay and additional paid leave time granted for Excessive Hours of work. Any Unclassified Employee who is absent from work without authorized leave may be subject to disciplinary action as determined by the Commission or its representative(s).

9. Holidays.

Unclassified Employees shall receive the same holidays as those determined by the Houston County Personnel Board unless otherwise determined or authorized by the Commission.

10. Annual Leave.

Unclassified Employees shall accrue and receive the same Annual Leave time provided by the Personnel Board Rules for Classified Employees unless otherwise determined or authorized by the Commission.

11. Sick Leave, Military Service Leave and Reinstatement, Temporary Leave for National Guard and Armed Forces Reserve Training, Civil/Legal Leave, Hazardous Weather Leave, Family and Medical Leave Act Leave.

Unclassified Employees shall accrue or be entitled to receive the same Sick Leave, Military Service Leave and Reinstatement, Temporary Leave for National Guard and Armed Forces Reserve Training, Civil/Legal Leave, Hazardous Weather Leave, Family and Medical Leave Act Leave as provided by The Personnel Board Rules except as may be otherwise determined or authorized by the Commission in accordance with applicable law.

12. Special Meetings and Conferences.

Unclassified Employees will be allowed to attend meetings and conferences as may be approved in the Commission's Annual Budget for the County or as otherwise authorized by the Commission. As stated herein above, for time away from the office for one or more full work day(s) for travel or meetings, said travel day(s) or meeting day(s) shall be counted as no more than the unclassified employees' normal scheduled working hours per calendar day for purposes of computing Excessive Hours.

THE COMMISSION RESERVES THE RIGHT, AT ANY TIME, TO DEVIATE FROM, MODIFY, CHANGE, DISREGARD, SUSPEND OR CANCEL AT ANY TIME, WITHOUT WRITTEN NOTICE OR VERBAL NOTICE, ALL OR ANY PART OF THE POLICY'S CONTENTS AS CIRCUMSTANCES MAY WARRANT OR REQUIRE. ADOPTED AND MADE EFFECTIVE THE 14TH DAY OF OCTOBER, 2008.

POLICY #28

COUNTY EXCESS MATERIALS

DATE ADOPTED: 8-22-05
DATE AMENDED: 1-11-16
MINUTE BOOK: 40 PAGE 12

POLICY: To establish a policy for disposal of county property.

PROCEDURE: All county owned property deemed surplus, obsolete, damaged or otherwise no longer needed by the county shall be disposed of under the guidance and responsibility of the County Engineer. The County Engineer is authorized to determine the most efficient and cost effective means for disposal and shall present a list of the materials to be disposed of along with disposal recommendations to the Commission for approval.

POLICY #29

SMOKING POLICY IN HOUSTON COUNTY BUILDINGS AND VEHICLES

DATE ADOPTED: 5-8-06

MINUTE BOOK: 35 PAGE 308

POLICY: To establish a policy concerning smoking in County buildings and vehicles.

PROCEDURE: It is the policy of the Houston County Commission to establish a smoke free work place. Smoking within all buildings and in all vehicles owned and/or under control of the Houston County Commission shall be prohibited. This prohibition in buildings shall be in effect and enforced as prescribed by Ordinance #92-115 of the City of Dothan. This prohibition in vehicles shall be enforced as a Group One disciplinary offense. This prohibition shall not apply to the inmate portion of the Houston County Jail.

Smoking within the inmate portion of the Jail shall be regulated in accordance with agreements reached by the Houston County Sheriff's Department and the Houston County Health Department.

KEY POLICY

DATE ADOPTED: 9-25-06
MINUTE BOOK: 35 PAGE 361
DATE AMENDED: 7-28-08
MINUTE BOOK: 36 PAGE 207

POLICY:

I. All access granted to the following Houston County Buildings or any building covered under the County Buildings Department budget, will be authorized by the Houston County Commission: Administration, Courthouse, Veterans Affairs, DHR, Farm Extension Office, Community Corrections, RSVP, JCS/ Woolsworth, SARCOA, and (Downtown Maintenance Shop)

1. All key/key cards that access exterior doors will be authorized by the Houston County Commission. The Chief Administrative Officer will present to the Commission a list of those position titles for which exterior door keys are recommended for approval. Only those positions approved by the County Commission will be issued exterior door keys. Issue and control of said keys will be the responsibility of the Maintenance Manager.

2. All keys to individual department doors will be authorized by each department head. Keys will be issued upon written request and will be the responsibility of the said department. It is also the responsibility of the department head to notify the Maintenance Department of any changes in users, or lost keys/key cards.

3. All grand master keys will be authorized by the Houston County Commission. The Chief Administrative Officer will present to the Commission a list of those position titles for which Grand Master keys are recommended for approval. Only those positions approved by the County Commission will be issued grand master keys. Issue and control of said keys will be the responsibility of the Maintenance Manager.

II. Duplication and Misuse of keys/key cards

1. Any expense incurred due to loss or theft of keys will be the responsibility of the said department or independent agency.

2. Duplication of any key/key card is strictly prohibited by any person other than employees of the County Buildings Maintenance Department as

authorized by the Maintenance Manager. Disciplinary action will be handled by the department head. Independent agencies that hold keys under this policy will be responsible to the Houston County Commission.

3. Keys/key cards issued to any person is intended for their use alone. Loaning keys to another person for any length of time is strictly prohibited.
4. Keys/key cards remain the property of Houston County and are to be returned upon resignation, termination, retirement, or other separation from employment with Houston County or independent agencies governed by this policy.

POLICY #31

ACCEPTANCE OF PRIVATE DIRT ROADS

DATE ADOPTED: 10-10-06
MINUTE BOOK: 35 PAGE 366
DATE AMENDED: 7-28-08
MINUTE BOOK: 36 PAGE 207

POLICY: In certain unusual circumstances where the welfare of citizens is in question, the Houston County Commission may vote by majority of elected members to accept a private dirt road as a county road under the following conditions:

PROCEDURE:

- 1) The County must be able to obtain a 60 foot dedicated right of way given by the landowners of the road. The condemnation process will not be used in this procedure.
- 2) All dead end roads must have a minimum 100-foot cul-de-sac or a fifty-foot radius.
- 3) The road must have at least two residences to be considered for acceptance.
- 4) The road must have been a private dirt road prior to September 1, 1995 to be considered for acceptance.
- 5) Each road will be considered on its own merit and must be an unusual circumstance detrimental to the residents of the road before it will be considered.
- 6) The County will accept no more than one mile of private dirt roads per fiscal year.
- 7) The County Engineer will prepare a full report for the Commission including number of landowners, houses, extenuating circumstances, and his recommendation on the road. The report will be provided to the Commission before the item is placed on an Administrative or Regular agenda for a vote.
- 8) Only roads in the unincorporated parts of Houston County will be considered for acceptance.

It is understood that this policy is not designed to create a tool for Commission members to add additional roads for the taxpayers of Houston County to maintain, but instead is to be used in the rare instance when all other options have been excluded.

POLICY FOR ACCEPTANCE OF PRIVATE ROADS

For a private road to be accepted into the Houston County road system, the road must have a 60 foot dedicated right-of-way with ten (10) houses per mile. It has to have been a dirt road for ten (10) years and must be recommended by the County Engineer. Houston County will accept one (1) mile per year into the maintenance system.

POLICY #32

CALL OUT PROCEDURES FOR ROAD AND BRIDGE EMPLOYEES

DATE APPROVED: 12-11-06

MINUTE BOOK: 35 PAGE 388

POLICY: A non-exempt employee who responds to a call to perform County services after normal working hours, as authorized by his/her department head, is on Call-Out Status.

PROCEDURE: An employee shall be paid at overtime rates for all calls to which he/she responds. An employee shall be guaranteed a minimum of two (2) hours overtime for each time he/she is called out. Such time shall be computed from the time the employee leaves his non- job site and returns to that point.

When an employee is required to use their personal vehicle to travel to the job-site or to the County yard to pick up a vehicle to drive to the job site, they will be eligible for mileage reimbursement for the use of their personal vehicle.

NOTIFICATION PROCEDURE REGARDING TEMPORARY ROAD CLOSINGS

DATE ADOPTED: 3-20-00
PAGE DATE AMENDED: 7-28-08
MINUTE BOOK: 36 PAGE 207

PURPOSE: To establish formal procedures to be followed in the event of a road closing.

PROCEDURE: The following procedure is hereby established with regard to the notification of entities affected by road closings:

- 1) Road and Bridge will notify EMA of any road closings due to construction or emergency. Location, reason for closure, and estimated time to reopen will be provided.
- 2) EMA will notify County Road Department of any road closings due to emergency giving same information as item #1.
- 3) Road Department will notify the Town Hall or Mayor of towns affected by the closure giving same information as item #1. If after hours, message is to be left if possible or contact is to be made first thing the following morning.
- 4) EMA will notify affected school systems in emergency situations. County Road Department will notify school systems concerning preplanned construction.
- 5) EMA will notify all emergency personnel and law enforcement via page giving same information.
- 6) Repeat process in reverse when road reopens.

POLICY #34

RENTAL OF COUNTY VOTING MACHINES

DATE ADOPTED: 3-24-08
MINUTE BOOK: 36 PAGE 164

POLICY: To establish guidelines for the rental of County-owned Election machines.

PROCEDURE: County Owned HAVA compliant Election machines may be rented by another Houston County municipality or town for a fee of \$100 per machine per election cycle. Houston County will be responsible for the delivery and pick up of rented machines.

Houston County will be responsible for ink cartridges to be used in the rental machines. Fees will be collected by the Probate Judge and submitted to the County General Fund.

POLICY #35

MAINTENANCE ON COUNTY OWNED VEHICLES

DATE ADOPTED: 7-28-08
MINUTE BOOK: 36 PAGE 207

POLICY: To establish guidelines for servicing county owned vehicles.

PROCEDURE: All County owned vehicles should have preventative maintenance and repair work performed by the County Shop unless otherwise directed by the County Shop. For work performed by the County Shop, each department will only be charged for the cost of parts and/or materials required to repair and/or maintain those vehicles assigned to their department. The only exception to this policy will be heavy equipment.

POLICY #36

USE OF COUNTY LOGO

DATE ADOPTED: 7-28-08
MINUTE BOOK: 36 PAGE 207

POLICY: To establish guidelines concerning use of the county logo.

PROCEDURE: All County owned vehicles and County owned equipment is required to be marked with the County Logo. Exceptions to this would include small pieces of equipment such as weed-eater, push mowers, tools designed for personal use, etc. This list of exceptions would generally include those pieces of equipment too small for practical application of the county logo. The Sheriff's Department and EMA vehicles are excluded from this policy.

In addition, all correspondence of an official nature that is issued by county departments or county officials should have the county logo included on the correspondence.

GUIDELINES FOR FUEL PUMP ACCESS

DATE ADOPTED: 7-28-08
MINUTE BOOK: 36 PAGE 207

POLICY: To establish a policy for accessing Fuel Pumps for County Vehicles and Equipment by County Employees.

PROCEDURE: All County Employees who are authorized to operate County Vehicles and/or equipment shall adhere to the following guidelines when obtaining fuel from the fuel pumps located at the Road & Bridge Department:

1. No Swapping fuel keys
 - A. DO NOT fuel another vehicle with your vehicle key.
 - B. DO NOT fuel your vehicle with a key not assigned to it.
 - C. If your key is lost, contact the Road & Bridge Department Shop for a backup key IMMEDIATELY.
2. DO NOT put fuel in containers for small equipment use with your fuel key.
 - A. Fuel cans and small equipment must be fueled using a miscellaneous gas key.
 - B. If you are running small equipment see Road & Bridge Shop for miscellaneous key.
3. All fuel put into any vehicle must be entered on that vehicle's fuel log sheet.
 - A. Cash and credit card transactions should be identified in your "NOTE" OR "COMMENT" column as "CASH."
4. Fuel log sheets must be turned in by the 10th of the following month.

POLICY #38

RESERVE POLICY

DATE ADOPTED: 7-28-08
MINUTE BOOK: 36 PAGE 207

POLICY: To establish a guideline regarding County fund reserve levels.

PROCEDURE: In order to assure an adequate funding reserve, the Houston County Commission hereby adopts the following reserve balance policy.

Total Reserve (including General Fund + Road and Bridge + Other) = Approved General Fund budget expenditures x 25% Funds used in the calculation of "General Fund" include: General Fund, Contingent fund, Farm Center, Sanitation, EMA, APCO ref., Revenue Commissioner and all other funds classified under the "0" General Fund category.

The calculated fund reserve will be the minimum year-end on hand fund balance approved during the budget approval process. The expenditure of such funds may be authorized by the Houston County Commission.

POLICY #39

PURCHASES OF NEW VEHICLES

DATE ADOPTED: 7-28-08
MINUTE BOOK: 36 PAGE 207

POLICY: To establish review guidelines regarding the purchase of new vehicles.

PROCEDURE: In order to provide the Houston County Commission with information regarding new vehicle purchases, the request for purchase of new vehicles must first be submitted to the Chief Administrative Officer of Houston County. The Chief Administrative Officer will be responsible for gathering formation from the requisitioner and other resources and for submitting an analysis to the Commission. The analysis should include:

- A detailed description of the vehicle to be purchased including proposed options
- A general description of the work application for which the vehicle will be used
- Alternative vehicle purchase options
- Proposed purchase price and proposed purchase price for alternative vehicle options
- Indication as to whether or not the vehicle can be serviced by the County Shop

The completed review must be submitted to and approved by the Houston County Commission prior to issue of a purchase order for the new vehicle.

POLICY #40

**HOUSTON COUNTY COMMISSION COUNTY CREDIT CARD POLICY AND
PROCEDURES**

DATE ADOPTED: 5-29-07
MINUTE BOOK: 36 PAGE 43
DATE AMENDED: 7-28-08

This policy was amended and incorporated into the Purchasing Policy and Procedures (Policy #4) on 7-28-08.

**HOUSTON COUNTY SANITATION DEPARTMENT
HOUSEHOLD GARBAGE & TRASH COLLECTION POLICY**

DATE ADOPTED: 5-12-03
MINUTE BOOK: 34 PAGE 165
DATE AMENDED: 5-9-16
MINUTE BOOK: 40 PAGE 44

I. DEFINITIONS:

DEFINITION OF GARBAGE: Garbage is defined as all debris accumulated within the household that is in need of disposal. Garbage does not include household furnishings, carpet, remodeling debris, appliances, batteries, tires, and propane tanks.

DEFINITION OF TRASH: Trash is defined as large cardboard boxes, toys, household furnishings, carpet, remodeling debris and appliances.

DEFINITION OF LIMB/YARD DEBRIS: Limb/yard debris is defined as any of the following: tree limbs, shrubbery, grass trimmings, leaves, and pine straw.

Please see Section VIII. for the procedure for having Trash and Limb/Yard Debris picked up and the charges for pickup of those items.

Please note that the County will not pick up batteries, tires, or propane tanks and disposal of these items is the responsibility of the resident.

II. CONTAINERS

All Garbage shall be bagged in heavy duty plastic bags and placed loosely in assigned Houston County Garbage Containers. The Houston County Sanitation Department will not be responsible for spillage of Garbage due to stray animals or containers being improperly placed on the county right-of-way. Additional bags or unauthorized containers will not be picked up by Houston County.

1. Contents

- A. Containers shall contain only Garbage.
- B. Garbage must be bagged to avoid wind-blown litter.
- C. Needles of any kind must be placed into a bottle or other plastic container before being placed in the Garbage.
- D. No hot ashes, liquids, paints, tires, animal carcasses, household hazardous waste, or automobile parts.

- E. Animal waste must be double bagged.
2. Capacities
- A. All Garbage must be placed loosely in the container and not compacted.
 - B. The lid must be closed and have nothing on top of the container.
 - C. The total weight of all contents shall not exceed 250 pounds.

III. FEES

The Alabama Law (Ala. Code §§22-27-1, et seq.) which establishes mandatory participation in and subscription to the system of services by Houston County provides that every person, household, business, industry, or property owner is liable for the monthly fee for the solid waste or garbage collection services made available to such person, household, business, industry or property owner for the property generating solid waste or garbage.

1. Monthly Fee

The fee for Garbage pickup is currently \$15.00 per month. There will be a \$5.00 per month late fee for any account that is not paid in full by the billing due date.

Any customer whose sanitation fee is delinquent by 60 days will receive a notice indicating that the can will be picked up if payment is not received within 30 days. If payment becomes 90 days or more past due, the garbage can will be picked up. If a garbage container is retrieved for nonpayment, a pickup and re-delivery service charge of \$50.00 will be assessed and added to the outstanding balance due by the customer. In addition, customers who fail to pay their garbage bill may be subject to civil and criminal action.

2. Replacement Cost of Garbage Containers

If a container is damaged by a resident beyond use or lost or damaged because it was not removed from the right-of-way by close of business the following day, the resident must pay \$150.00 to receive a new container.

If the container becomes damaged from normal use, repairs will be made by Houston County or a replacement container will be issued. If the container is lost or stolen the customer must contact Houston County Sanitation Department.

3. Additional Garbage Containers

Sanitation customers may request an additional container. There will be a seventy-five dollar (\$75.00) NON-REFUNDABLE, one-time rental fee per extra container.

****All containers are assigned to an address, not a customer/resident. The containers must be moved to a new address by the Houston County Sanitation Department. Do not take the garbage containers if you move. ****

IV. LOCATION

All containers shall be placed on Houston County right-of-ways on the scheduled pickup day and shall be placed within three (3) feet of the edge of the road. Containers that are beyond reach of the garbage trucks or are placed in the wrong location will not be picked up. Once the container is properly placed on the right-of-way, the Garbage will be collected on the next regularly scheduled pickup day.

If the County Engineer determines that a non-county maintained road could be damaged by the sanitation trucks or could cause damage to the sanitation trucks, or may be unsafe for the sanitation trucks to travel, then an alternate pickup location will be assigned (such as the nearest county maintained road right-of-way).

V. TIME

Household garbage containers shall be placed on the right-of-way by 6:00 a.m. on your regular collection day. Garbage will be picked up once per week on your assigned day. If you fail to have your Garbage out on the right-of-way by 6:00 a.m. on your scheduled pickup day, that Garbage will not be picked up until your next scheduled pickup day of the following week.

VI. EMPTY CONTAINERS

Sanitation customers/residents are responsible for removing the containers from the right-of-way. Empty containers must be removed from the right-of-way by close of business the following day. If the container is not removed from the county right-of-way, by close of business the day following Garbage collection, the container will be tagged with a warning, and will be recorded by Houston County Sanitation Personnel. If the container is left out on the right-of-way three days or longer, it will be considered no longer in use and may be removed by the Sanitation Department. If a garbage container is retrieved for being left on the right-of-way, a pickup and re-delivery service charge of \$50.00 will be assessed and added to the outstanding balance due by the customer.

VII. HOLIDAYS

The Houston County Sanitation Department observes twelve holidays per calendar year. Some of the holidays are considered off holidays, which means there will be no pick up that day. And some of the holidays are considered working holidays, which means the garbage pickup day will remain the same for that week.

The County Engineer and the County Commission decide the County Holiday Schedule and the Sanitation Holiday Schedule. This schedule is sent to all sanitation customers in November or December for the following calendar year. The holiday schedule can also be found online at www.houstoncounty.org under Departments Sanitation Pickup Holiday Pickup Schedule.

Houston County Holidays (subject to change at the discretion of the commission).

- New Year's Day

- Martin Luther King Day / Robert E. Lee birthday
- President's Day
- Confederate Memorial Day
- Memorial Day
- Jefferson Davis Birthday
- Independence Day
- Labor Day
- Columbus Day
- Veterans Day
- Thanksgiving Day
- Christmas Day

VIII. TRASH, CONSTRUCTION DEBRIS, AND LIMB/YARD DEBRIS PICKUP

Trash (see definitions) can be picked up at a residence, but there will not be a set date or time for this service. Trash will be picked up in as timely a manner as possible, but at the discretion of the Houston County Sanitation Department. Please call the Sanitation Department (334-793-5442) and place a trash, construction debris, or limb pickup work order. A Sanitation Supervisor will go to the residence and give a price quote, if applicable, for the pickup. Regular office hours are Monday through Thursday, from 6:30 am until 5:00 pm.

Pickup Charges for Trash, Construction Debris, and Limbs / Yard Debris

****Please note: Trash, Construction Debris, and Limbs / Yard Debris that is generated by a contractor will not be picked up by the Houston County Sanitation Department. Disposal of contractor generated debris is the responsibility of the contractor. ****

Minimum Charge	\$50.00
Half Truck Load	\$75.00 each Full Truck Load \$150.00 each

- All charges are quoted and must be paid in full, in advance of the pickup.
- There may be exceptions to these guidelines, such as in the event of a natural disaster.

Please note the following guidelines for limb pickup:

1. The limbs must be cut into lengths not to exceed 5 feet.
2. Limbs and other yard debris must not be mixed with Trash or Garbage.

Please observe the following guidelines when placing trash near the street on the right-of-way:

1. Do not put Trash in the street (roadway), as this would create a traffic hazard.
2. Do not let Trash block gutters, ditches, or any portions of the County drainage system.
3. Do not place Trash around fire hydrants, sign posts, guide wires, power poles, over water meters, over masonry work, or against fences.
4. Do not place Trash under low hanging power lines, phone lines, television cables, low tree limbs, or near mailboxes.

5. County crews will pick up one pick-up truck load or less of residential Trash per trip (or once per week).
6. The County will not pick up tree stumps or debris from land or lot clearing.
7. The County will not pick up batteries, tires, or propane tanks.
8. Burning is not allowed on County right-of-ways. The Sanitation Department will not pick up any burn debris.

POLICY #42

SUBJECT: Allowable Speed Limit for Vehicles Owned by Houston County

COMMISSION POLICY

DATE ADOPTED: July 28, 2008

DATE ADOPTED: MINUTE BOOK

POLICY: To establish a policy regarding the allowable speed limit for county owned vehicles.

PROCEDURE: Except for emergency situations, county owned vehicles are not to exceed the speed limit. Further, while county owned vehicles are traveling within the boundaries of Houston County, the maximum allowable speed for two lane highways is 50 MPH but not to exceed the allowable posted speed limit. County owned vehicles traveling on four lane highways within the county should not exceed the maximum allowable posted speed limit.

IDENTITY THEFT PREVENTION PROGRAM

DATE ADOPTED: 1-26-09
MINUTE BOOK: 36 PAGE 274

PURPOSE:

The purpose of this policy is to comply with the Fair and Accurate Credit Transactions Act and federal regulations promulgated at 16 CFR § 681.2 in order to detect, prevent and mitigate identity theft by identifying and detecting identity theft red flags and by responding to such red flags in a manner that will prevent identify theft.

DEFINITIONS:

For the purpose of this policy, the following definitions apply:

- A) Billing Agent means Wiregrass Electric Cooperative, Inc.
- B) Covered Account means an account that Houston County offers or maintains, primarily for personal, family, or household purposes, that invoices or is designed to permit multiple payments or transactions, such as utility account, and Any other account that Houston County offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of Houston County for identifying theft, including financial, operational, compliance, reputation, or litigation risks.
- C) Credit means the right granted by a creditor to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase services and defer payment therefore.
- D) Creditor means any person who regularly extends, renews, or continues credit; any person who regularly arranges for the extension, renewal, or continuation of credit; or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit and includes Houston County as it relates to solid waste/sanitation fees.
- E) Customer means a person that has a covered account with Houston County.
- F) Identify theft means a fraud committed or attempted using identifying information of another person without authority. Examples include credit cards, social security card, driver's license, etc.
- G) Notice of address discrepancy means a notice sent to a user by a consumer reporting agency pursuant to 15 U.S.C. §1681 that informs the user of a substantial difference between the address for the consumer that the user provided to request the consumer report and the address(es) in the agency's file for the consumer.
- H) Person means a natural person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, Cooperative or association.
- I) Personal Identifying Information means a person's credit card account information, debit card information, bank account information and drivers' license information and for a natural person includes their social security number, mother's birth name, and date of birth.

- J) Red Flag means a pattern, practice, or specific activity that indicates the possible existence of identity theft.
- K) Service Provider means a person that provides a service directly to Houston County.

FINDINGS:

- 1) Houston County is a creditor pursuant to 16 CFR § 681.2 due to its provision or maintenance of covered accounts for which payment is made in arrears.
- 2) Covered accounts offered to customers for the provision of services include solid waste/Sanitation Fees.
- 3) The County's previous experience with identify theft related to covered accounts is as follows: None detected as of the adoption of this Policy.
- 4) The processes of opening a new covered account, restoring an existing covered account and making payments on such accounts have been identified as potential processes in which identity theft could occur.
- 5) Houston County limits access to personal identifying information to only those employees involved in opening and restoring covered accounts or accepting payment for use of covered accounts. Houston County's Billing Agent, Wiregrass Electric Cooperative, Inc., also complies with identity theft prevention security measures in order to assure limited employee information access.
- 6) Houston County determines that there is a risk of identity theft when one or more of the following situations occur:

Alerts, Notices and Warnings

- A fraud or active duty alert
- A notice of a credit freeze
- A credit or consumer report indicating a pattern of activity that is inconsistent with history and usual pattern of applicant or customer, such as:
 - Recent and significant increase in volume of inquiries
 - An unusual number of recently est. credit relationships
 - Material change in use of credit, especially with respect to recently established credit relationships
 - Account that was closed for cause or identified for abuse of account privileges by financial institution or creditor

Presentation of Suspicious identification documents such as follows:

- Those which appear altered or forged;
- Those in which the photo or physical description is not consistent with appearance of applicant or customer,
- Those on which information is not consistent with information provided by person opening account or customer presenting ID;
- Those on which information is not consistent with readily accessible on file.
- Those new account applications which appear to have been altered or forged or which give appearance of having been destroyed or reassembled.

Suspicious Personal Identifying Information (PII):

- Address doesn't match any address in consumer report OR social security number has not been issued or is listed on Social Security Administration's Death Mater List
- PII not consistent with other PII provided by customer. Example – no correlation between SSN range and date of birth.
- PPI associated with known fraudulent activity indicated by internal or third party sources used by Houston County. Example – address on application same as address provided on

fraudulent application OR phone number on application same as number on fraudulent application.

- SSN same as that submitted by other persons opening account or current customer.
- Address or phone number same or similar to those submitted by unusually large number of others opening accounts or other customers.
- Person opening account or customer fails to provide all required PII on application or in response to notification that the application is incomplete.

Unusual Use of or Other Suspicious Activity Related to Customer Account

- Unusual account activity on account
- Mail sent to account is returned repeatedly as undeliverable although account continues to have activity
- Houston County or the Billing Agent for Houston County is notified that customer is not receiving paper statements
- Houston County or the Billing Agent for Houston County is notified of unauthorized charges or transactions in connection with a customer's covered account

Notice from customers, victims of identity theft, law enforcement authorities, or other persons regarding possible identify theft in connection with covered accounts held by Houston County or the collection agent for Houston County.

Detection, Prevention and Mitigation:

In order to assure protection of identity and other customer information, Houston County or the Billing Agent for Houston County will implement the following guidelines:

Detection:

- All customers will provide at a minimum the following information:
- Full Name
- DOB
- Address
- Social Security Number or Taxpayer ID
- For non-US citizens, one or more of the following: Taxpayer ID passport number and country of issuance, alien ID card number, or number and country of any other government issued document showing photo and nationality

Preventing and Mitigating ID Theft:

If ID theft is detected, Houston County or the Billing Agent for Houston County will respond by taking one or more of the following steps:

- Monitor the account for evidence of ID theft
- Contact the customer
- Reopen the account using a new account number
- Close existing account
- Not attempt to collect on customer account or not sell on covered account to debt collector
- Determine that no response is warranted under circumstances

Houston County's Billing Agent, Wiregrass Electric Cooperative, Inc., will take all necessary steps to assure privacy and control of credit card payments made over the internet.

Houston County's sanitation fee Billing Agent, Wiregrass Electric Cooperative, Inc., will develop and provide to the Houston County Commission its own internal Identity Theft Prevention Policy (i.e., "Red Flags Policy") in accordance with guidelines outlined in the Fair and Accurate Credit Transactions Act and federal regulations promulgated at 16 CFR § 681.2.

The Houston County Commission shall annually review and, as deemed necessary, update the Identity Theft Prevention Program along with any relevant red flags in order to reflect changes in risks to customers or to the safety and soundness of Houston County and its covered accounts from identify theft. In so doing, the Houston County Commission shall consider the following factors and exercise its discretion in amending the program:

- 1) Houston County's experiences with identify theft;
- 2) Updates in methods of identity theft;
- 3) Updates in customary methods used to detect, prevent and mitigate identify theft;
- 4) Updates in the types of accounts that Houston County offers or maintains; and
- 5) Updates in service provider arrangements

Treatment of Address Discrepancies

In the event that the Houston County Commission or its Billing Agent receives a notice of address discrepancy, the employee responsible for verifying consumer addresses for the purpose of providing the service or account sought by the consumer shall perform one or more of the following activities, as determined to be appropriate by such employee:

- 1) Compare the information in the consumer report with:
 - (a). Information the Houston County Commission or its Billing Agent obtains and uses to verify a consumer's identity in accordance with the requirements of the Customer Information Program rules implementing 31 U.S.C. § 5318 (1);
 - (b). Information the Houston County Commission maintains in its own records or the records of its Billing Agent, such as applications for service, change of address notices, other customer account records or tax records; or
 - (c). Information the Houston County Commission or its Billing Agent obtains from third-party sources that are deemed reliable by the relevant employee; or
- 2) Verify the information in the consumer report with the customer.

Furnishing Consumer's Address to Consumer Reporting Agency

In the event that the Houston County Commission or its Billing Agent reasonably confirms that an address provided by a consumer is accurate, the Houston County Commission or its Billing Agent is required to provide such address to the consumer reporting agency from which it received a notice of discrepancy with respect to such consumer. This information is required to be provided to the consumer reporting agency when:

- (a). The Houston County Commission or its Billing Agent is able to form a reasonable belief that the consumer report relates to the consumer about whom it requested the report;
- (b). The Houston County Commission or its Billing Agent establishes a continuing relation with the consumer; and
- (c). The Houston County Commission or its Billing Agent regularly and in the ordinary course of business provides information to the consumer reporting agency from which it received the notice of address discrepancy.

Such information shall be provided to the consumer reporting agency as part of the information regularly provided by the Houston County Commission or its Billing Agent to such agency for the reporting period in which the Commission establishes a relationship with the customer.

Methods of Confirming Consumer Addresses

The employee charged with confirming consumer addresses may, in his or her discretion, confirm the accuracy of an address through one or more of the following methods:

- 1) Verifying the address with the consumer
- 2) Reviewing the Houston County Commission's records or the records of its Billing Agent to verify the consumer's address;
- 3) Verifying the address through third party sources; or
- 4) Using other reasonable sources.

Program Administration and Oversight

Houston County's Chief Administrative Officer (CAO) is responsible for the oversight of the program and for the program implementation. The CAO is responsible for reviewing reports prepared by staff regarding compliance with red flag requirements and with recommending material changes to the program as necessary in the opinion of the CAO, to address changing identify theft risks and to identify new or discontinued types of covered accounts. Any recommended material changes to the program shall be submitted to the Houston County Commission.

The CAO will report to the Houston County Commission at least annually on compliance with the red flag requirements. The report shall be due no later than September 30th each year and shall address material matters related to the program and evaluate issues, including but not limited to:

- 1) The effectiveness of the program policies and procedures in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts.
- 2) Service provider arrangements;
- 3) Significant incidents involving identify theft and management's response; and
- 4) Recommendations for material changes to the Program.

The CAO is responsible for providing training to all employees responsible for or involved in opening a new covered account, restoring an existing covered account or accepting payment for a covered account with respect to the implementation and requirements of the Identify Theft Prevention Program. The CAO shall exercise his or her discretion in determining the amount and substance of training necessary.

POLICY #44

Reimbursement of FEMA and Federal Highway Administration funding from Small Towns

DATE ADOPTED: 6-8-09

MINUTE BOOK: 37 PAGE 37

DATE AMENDED:

During a presidential declared disaster in which small towns with a population less than 5,000 will be receiving FEMA Funding or Federal Highway Administration Funding on city controlled streets or roads repaired by Houston County Road and Bridge, Houston County shall receive all the funds received by the town from FEMA or Federal Highway Administration for those completed repairs made by the County. (This includes materials, labor, equipment and administrative cost.) This policy shall be retroactive to March 28, 2009.

POLICY #45

Threshold for Capitalizing In-House Developed Software

DATED ADOPTED: 1-24-11
MINUTE BOOK: 37 PAGE: 200

POLICY: To establish a threshold for capitalizing in-house developed software.

PROCEDURE: In accordance with guidelines established by GASB 51 and communicated by the State Examiners office, a threshold of expenditures exceeding \$25,000 is hereby established for the development of in-house designed software. Software development costs that equals or exceeds the \$25,000 threshold limit will be capitalized while software development cost below the \$25,000 threshold will be expensed.

The capitalization limit pertains to in-house labor expenditures occurring after the initial design of the software and continuing until the software is implemented.

Excess Funds Claims From Tax Sales

DATED ADOPTED: 9-26-11

MINUTE BOOK: 38 Page: 17

POLICY: To establish a policy and authorization for the handling of claims and demands made against the County for excess funds after the sale of lands for the payment of unpaid taxes assessed on the lands, or against the owners of the lands for same as authorized by Chapter 10, Sale of Land, Title 40 of the Code of Alabama 1975, as amended; and to comply with the legal requirements, set forth in Chapter 12, Claims and Demands Against County, Article 11 of the Code of Alabama of 1975, as amended, for the inspection, review, auditing and the corresponding payment and registration or rejection of said claims and demands.

PROCEDURE:

1. Claim for excess funds made within three years of the date of the tax sale requires action by either the CAO or the Chairman.

When a claim is made for excess funds within three (3) years after the date of the tax sale, the following procedures shall apply:

- a. The Chief Administrative Officer (CAO) or the Chairman of the County Commission (Chairman) shall:
 - (1) inspect, review and audit each claim presented for payment to ensure that the claim is a valid and legally payable claim as required by law;
 - (2) examine the Certificate of Land Sold for Taxes;
 - (3) identify the person or entity assessed the taxes at the date and time of the tax sale;
 - (4) request and review identification documentation (e.g. driver's license, etc.) to confirm that the person or entity applying for the excess was the person or entity who was assessed the taxes (Original owner);
 - (5) if the claim is made by a third party on behalf of the owner as the owner's agent or by the person legally representing such owner, then the agent or representative must also provide a verified claim for the excess funds signed by

the original owner and provide a valid power of attorney from the original owner authorizing the third party to act on the original owner=s behalf;

(6) if deemed necessary by the CAO or Chairman, consult with the county attorney with regard to legal issues related to the claim presented;

(7) the CAO or the Chairman, if satisfied that all appropriate documentation has been presented and that the claim is otherwise a valid claim by or on behalf of the original owner, the CAO is hereby authorized to cause to be drawn or issued a warrant, check or draft made payable to the original owner of the property and given to the original owner or the agent or legal representative of the original owner as the case may be.

2. Claim for excess funds not made within three (3) years of the date of the tax sale but within thirteen (13) years of the date of the tax sale requires action by both the CAO and the Chairman.

a. The Chief Administrative Officer (ACAO@) and the Chairman of the County Commission (AChairman@) shall:

(1) inspect, review and audit each claim presented for payment to ensure that the claim is a valid and legally payable claim as required by law - All such claims shall be verified claims that comply with the legal requirements related to same;

(2) examine the Certificate of Land Sold for Taxes;

(3) identify the person or entity assessed the taxes at the date and time of the tax sale;

(4) request and review identification documentation (e.g. driver=s license, etc.) to confirm that the person or entity applying for the excess was the person or entity who was assessed the taxes (Aoriginal owner@);

(5) if the claim is made by a third party on behalf of the owner as the owner=s agent or by the person legally representing such owner, then the agent or representative shall also provide a verified claim for the excess funds signed by the original owner and provide a valid power of attorney from the original owner authorizing the third party to act on the original owner=s behalf;

(6) if deemed necessary by the CAO or Chairman, consult with the county attorney with regard to legal issues related to the claim presented;

(7) if the CAO **and** the Chairman shall certify in writing that they are satisfied that all appropriate documentation has been presented and that the claim is otherwise a valid claim by or on behalf of the original owner, cause the claim to be registered as a valid and allowable claim, the CAO or Chairman is hereby **ordered and authorized** to cause to be drawn or issued a warrant, check or draft **made payable to the original owner of the property** and given to the original

owner or the agent or legal representative of the original owner as the case may be.

3. In addition to the forgoing, when any claim for excess funds has been, inspected, reviewed and audited as set forth hereinabove, and in consultation with the county attorney, it is the judgment of the CAO or the Chairman that additional documentation, requirements or legal actions are reasonably necessary in order to avoid potential liability or adverse consequence(s) for the county, the Chairman of the Commission is then hereby authorized, on behalf of the Commission, to impose any additional requirements (e.g. third party indemnity agreements) or to take or cause to be taken any additional actions deemed by the Chairman to be necessary to protect the interests of the county (e.g. the filing of declaratory judgment and/or interpleader actions in the Circuit Court of Houston County, Alabama) and to execute all documentation necessary to assert, settle, compromise or otherwise resolve, on behalf of the Commission, any such actions arising out of any claim for excess funds.

LEGAL AUTHORITY

ALA. CODE '11-12-4, Audit B Registration B Payment, provides, in pertinent part, as follows:

The county commission must audit all claims against the county, and every claim or such part thereof as is allowed must be registered in a book kept for that purpose and the chairman of the county commission must give the claimant a warrant on the treasury for the amount so allowed . . .

ALA. CODE ' 11-12-5, Itemization, provides in pertinent part, as follows:

No claim against the county shall be passed upon or allowed by the county commission unless it is itemized by the claimant or some person in his behalf having personal knowledge of the facts . . .

ALA. CODE '11-12-10, Review, provides, in pertinent part, as follows:

It shall be the duty of the chairman of the county commission or such other officer as is authorized by law to draw county warrants upon the county treasurer or county depository to inspect and review each claim presented for payment from the public funds of the county, irrespective of whether such claim has previously been audited and allowed by the county commission, and such officer shall examine and determine independently with reference to each of such claims whether or not the expenditure of public money of the county in payment of such claim is authorized by law and whether or not public funds of the county may be expended for the purpose or purposes shown in such claim . . .

ALA. CODE '11-12-11, Investigation; Rejection, provides in pertinent part as follows:

In making such determination with reference to the authorized expenditure of public funds of the county in payment of the claims so presented and filed for payment with the county commissioner, such officer shall make such investigation and inquiry, both as to fact and legal sufficiency, as he shall deem reasonably necessary to correctly ascertain the legal liability of the county with reference to each of the claims presented for payment.

In the event it should be determined by such officer, as a result of such investigation and inquiry, that payment of such claim or claims may not lawfully be made from the public funds of the county, he shall refuse to affix his signature to or draw warrant upon the county treasurer or county depository authorizing payment of such claim or claims from the public funds of the county.

ALA. CODE '11-12-12, Liability for Approval of Claims Not Legally Chargeable, provides as follows:

Should such officer draw a warrant upon the county treasurer or county depository in payment of a claim or claims not legally chargeable to or payable from the public funds of the county such officer shall be

held jointly liable with the other members of the county commission of the county for such unauthorized or unlawful expenditure of the public funds of the county and shall bear the same responsibilities and suffer the same penalties as do the other members of the county commission of the county with reference to the unauthorized or unlawful expenditure of public funds of the county; provided, that sections 11-12-10 through 11-12-12 shall in no way affect or repeal the protection to such official or officials as provided for under written opinion of the attorney general, section 36-15- 19 and/or under written opinion of the county attorney.

ALA. CODE ' 40-10-28, Excess Funds After Sale, provides as follows:

The excess arising from the sale of any real estate remaining after paying the amount of the decree of sale, and costs and expenses subsequently accruing, shall be paid over to the owner, or his agent, or to the person legally representing such owner, or into the county treasury, and it may be paid therefrom to such owner, agent or representative in the same manner as to the excess arising from the sale of personal property sold for taxes is paid. If such excess is not called for within three years after such sale by the person entitled to receive the same, upon the order of the county commission stating the case or cases in which such excess was paid, together with a description of the lands sold, when sold and the amount of such excess, the county treasurer shall place such excess of money to the credit of the general fund of the county and make a record on his books of the same, and such money shall thereafter be treated as part of the general fund of the county. At any time within 10 years after such excess has been passed to the credit of the general fund of the county, the county commission may on proof made by any person that he is the rightful owner of such excess of money order the payment thereof to such owner, his heir or legal representative, but if not so ordered and paid within such time, the same shall become the property of the county.

ALA. CODE ' 6-5-20, Generally, provides as follows:

- a. An action must not be commenced against a county until the claim has been presented to the county commission, disallowed or reduced by the commission and the reduction refused by the claimant.
- b. The failure or refusal of such a county commission to enter upon its minutes the disallowance or reduction of the claim for 90 days is a disallowance.
- c. Proof of the fact of presentation of such claim to such county commission may be made by parole evidence.

Capital Replacement Departmental Spending

DATE ADOPTED: September 23, 2013

MINUTE BOOK: 38 Page #230

POLICY: To establish a procedure for expenditure approval from the Capital Replacement department category.

PROCEDURE: In order to facilitate fund allocation, expenditure tracking and budget planning, a department category entitled "Capital Replacement" has been established for the purpose of replacing obsolete large-ticket capital equipment. Funding for the "Capital Replacement" department will be established during the annual budget process based on equipment replacement requirements and available funding.

Expenditures from this account should occur in the following manner:

In non-emergency situations the General Manager of County Buildings should present a request to the County Commission for approval to release funds associated with a specific capital replacement project. Requests should include the cost, description, timing and other relevant details of the project.

In emergency situations the General Manager of County Buildings should present the request to the Commission Chairman for approval, or, in his absence, the CAO. The request should include the cost, description, timing and other relevant information. The General Manager of County Buildings should notify the Commission of the expenditure at the next scheduled Commission meeting.

Policy # 48

RIGHT OF WAY ENCROACHMENT POLICY

Date Adopted: 4/14/14
Minute Book: 39 PAGE 52
Effective Date: APRIL 14, 2014

POLICY: To establish a policy to prevent Hazardous structures on Houston County's Right of Ways.

PROCEDURES: NO RIGHT OF WAY ENCROACHMENTS ARE ALLOWED ON COUNTY RIGHT OF WAY (such as non-breakaway mail boxes, brick mailboxes, brick columns, brick head walls, concrete columns, fences, buildings, etc.) No mailbox made of brick or any type of non-breakaway materials are allowed on Houston County right of ways. Mailboxes on the right of way must be mounted on a wooden post not greater than 4"x4" or 4" in diameter, or 2" in diameter hollow thin walled metal post. Mailboxes should also comply with the United States Postal Service Regulations. A copy of this Encroachment Policy will be given out when a driveway pipe is sized and/or a building permit application is applied for.

Property owners will be notified by letter if there is an encroachment on the right of way. Any existing hazard on the right of way will be removed by Houston County after thirty (30) days from the date shown on the notification letter.

This policy shall not apply to platted subdivisions.

TRAVEL REIMBURSEMENT

DATE ADOPTED: 10/24/2016
MINUTE BOOK: 40 PAGE 84
REVISION DATE: 4/14/14

County employees are authorized to receive reimbursement for county-related travel expenses incurred when traveling outside Houston County. Reimbursable expenses include:

- Mileage reimbursement for use of personal vehicle. The county will reimburse at the same rate as established by the State of Alabama.
- Hotel Expense
- Meal Expense. Tips should not exceed normal local custom and in no case should tips exceed 20% of the meal cost.
- Gasoline purchased for county vehicles.
- Parking expense
- Transportation cost other than mileage
- Miscellaneous incidental non personal expense

In order to be reimbursed for travel expense all employees must complete a county Expense Report Form, obtain an authorizing signature from their Department Head and submit the Expense Report Form to the Accounting Department.

All submitted expenses must have a detailed itemized list, including an itemized list for food purchases, supporting the expenses submitted for reimbursement.

The cost of alcohol purchases will not be reimbursed by the county.

Departmental annual travel expense cannot exceed the department's budgeted annual travel expense as approved by the Houston County Commission.

The county will provide a cash travel advance upon request. If an employee receives a travel advance he/she must submit the required signed Expense Report Form within 14 days after the expense is incurred. The expense report must indicate the travel advance amount and must include a detailed itemized list of all expenses. If the travel advance exceeds the travel expenses, the employee must return to the county the excess cash advance portion at the time the expense report is submitted.

Date Adopted: 3/13/17
Minute Book: 40 Page: 116

POLICY: To establish a procedure for the county for providing copies of records requested.

PROCEDURE: In response to a valid public records request pursuant to ALA. CODE § 36-12-40, the following procedure is adopted for handling records requests:

- (A) Every citizen seeking to inspect or make copies of public writings shall complete and submit a Houston County Public Records Request Form, a copy of which is attached below. For records already governed by separate federal statute, state statute, or local act, the law for those records shall be followed.

When a public inspection of records is requested, a custodian of those records will oversee inspection, retrieval, and re-filing. Appointments must be scheduled in advance. A labor charge will be imposed as set out below. Charges for requests are based upon the hourly base rate of pay for the employee of the applicable department who can respond to the request and the hourly base rate of pay for a custodian of those records to oversee retrieval, research, duplication, preparation, and re-filing of those records, multiplied by the actual time worked, and is computed on the basis of quarter hours, rounded up. The standard rate of copies shall be \$0.25 per page plus expenses incurred in providing public writings, including retrieval, research, duplication, preparation, and re-filing time of the public writings. Labor charges are in addition to the per page cost specified above and are due and payable even if no records responsive to the request are located, or in the event the requested records are subsequently determined to be exempt from disclosure.

The Office of the County Administrator will provide the requestor with an estimate of costs. A deposit in the amount of the estimated cost will be required when the Office of the County Administrator determines that more than one (1) hour of staff time will be needed to respond to a request. If the final cost is less than the deposit, the difference will be refunded; if greater, the additional cost must be paid prior to delivery or review of the records. Deposits and final costs for records may be paid by cash, check, cashier check, or money order. Credit and debit cards are not accepted. If payment is made by cash, the exact amount is required; picture ID is required for payment by check.

- (B) Instead of the costs stated above and the form requirements provided in this policy, the judge of probate may elect to charge a flat fee of \$1.00 or more for copies of documents on record with the probate department, and the revenue commissioner may elect to charge a flat fee of \$1.00 or more for copies of documents on record with the revenue department.

HOUSTON COUNTY PUBLIC RECORDS REQUEST FORM

DATE _____ **TIME** _____ **RECEIVED BY** _____
(Initials)

THE FOLLOWING MUST BE COMPLETED

RECORDS REQUESTED:

NAME _____ **PHONE** _____
(Please Print Legibly)

ADDRESS _____ **CITY/ZIP** _____

Your stated interest in the Records Requested: _____

COSTS: The County is permitted by law to recoup reasonable costs incurred in providing public records which can include retrieval, research, duplication, and preparation time.

INSPECTION OF PUBLIC RECORDS: When a public inspection of records is requested, a custodian of those records will oversee inspection, retrieval, and re-filing. Appointments must be scheduled in advance. A labor charge will be imposed as set out herein.

MATERIALS: The cost of copies sized 8.5x11 or 8.5x14 inches is \$0.25 per page. Fees are due whether the records are provided by paper or by PDF file.

LABOR: Charges for requests are based upon the hourly base rate of pay for the employee of the applicable department who can respond to the request and the hourly base rate of pay for a custodian of those records to oversee inspection, retrieval, and re-filing of those records, multiplied by the actual time worked, and is computed on the basis of quarter hours, rounded up. Labor charges are in addition to the per page cost specified above and are due and payable even if no records responsive to the request are located, or in the event the requested records are subsequently determined to be exempt from disclosure.

DEPOSIT: The Office of the County Administrator Houston County, Alabama will provide the requestor listed above with an estimate of costs. A deposit in the amount of the estimated cost will be required when the Office of the County Administrator determines that more than one (1) hour of staff time will be needed to respond to a request. If the final cost is less than the deposit, the difference will be refunded; if greater, the additional cost must be paid prior to delivery or review of the records.

FORM OF PAYMENT: Deposits and final costs for records may be paid by cash, check, cashier check, or money order. Credit and debit cards are not accepted. If payment is made by cash, the exact amount is required; picture ID is required for payment by check.

POLICY #51

PROCEDURE FOR AUTHORIZATION TO CLOSE COUNTY COURTHOUSE

DATE ADOPTED: 11-27-17
MINUTE BOOK: 41 PAGE -10

POLICY: To establish a procedure for closing the County Courthouse in emergency situations.

PROCEDURE: WHEREAS, **ALA. CODE § 11-1-8** states in pertinent part, “The county commission of any county in the State of Alabama may by resolution close the offices in the county courthouse or other county buildings on legal holidays set pursuant to Section 1-3-8, or for special circumstances deemed necessary or appropriate. Notice of the closing shall be posted at the courthouse and shall be published otherwise in the manner as the county commission may direct.”

WHEREAS, **ALA. CODE § 31-9-10(b)(6)** states in pertinent part, " The governing body of each political subdivision shall have the power and authority . . . (6) To close, notwithstanding Section 11-1-8, any and all public buildings owned or leased by and under the control of the political subdivision where emergency conditions warrant, whether or not a local state of emergency has been declared by the governing body of the political subdivision."

WHEREAS, from time-to-time, weather conditions require that the County Courthouse, public buildings owned or leased by and under the control of the Houston County Commission, and other county buildings be closed for non-essential services; and,

WHEREAS, it may be necessary to close the County Courthouse complex, public buildings owned or leased by and under the control of the Houston County Commission, and other county buildings when the health and safety of citizens and employees are in danger;

WHEREAS, the Houston County Commission deems it in the county’s best interest for the Chairman of the County Commission to be able to close the County Courthouse, public buildings owned or leased by and under the control of the Houston County Commission, and other county buildings when emergency conditions warrant or for special circumstances deemed necessary or appropriate; and

NOW, THEREFORE BE IT RESOLVED, by this Resolution that the Houston County Commission authorizes the Chairman of the County Commission to determine when the Houston County Courthouse Complex, the Probate and Revenue Commission satellite buildings, public buildings owned or leased by and under the control of the Houston County Commission, and other county buildings are to be closed for an emergency or for special circumstances deemed necessary or appropriate. The Chairman shall attempt to notify and communicate with all commissioners of the Houston County Commission prior to making a determination to close such county buildings for an emergency or for special circumstances deemed necessary or appropriate.

POLICY #52

SPENDING EFFICIENCY PROGRAM

DATE ADOPTED: 11-27-17
MINUTE BOOK: 39 PAGE -157

POLICY:

The purpose of the Spending Efficiency Program (SEP) is to induce the employees of the Houston County Government to come up with ways to reduce expenses related to the operation of government. SEP will do this by providing financial incentives to employees who offer suggestions on ways the County can save the taxpayers' money.

INCENTIVE:

As a reward for suggesting an idea that saves Houston County money, the employee may be rewarded by public recognition, a one-time cash award of \$100 or a one-time cash award of \$250. This incentive reward must be approved by vote of the County Commission.

The amount awarded shall be dependent upon the amount saved by Houston County as a result of the implementation of the idea for a period of six months.

- If implementation of the suggestion saves Houston County \$10,000 or more within a period of six months, the employee, or group of employees, who submitted the suggestion shall be rewarded with a one-time cash payment of \$250.
- If implementation of the suggestion saves Houston County between \$1,000 to \$9,999.99 within a period of six months, the employee, or group of employees, who submitted the suggestion shall be rewarded with a one-time payment of \$100.
- If implementation of the suggestion saves Houston County less than \$1,000 then no monetary reward shall be given.

The maximum number of suggestions that shall be awarded by a cash incentive shall be dependent upon the amount of funding available to the Employee Suggestion Review Board by the County Commission.

ELIGIBILITY:

All employees that fall under the Personnel Board are eligible for this program. All elected officials and unclassified employees are not eligible for this program.

PROCESS FOR SUBMISSION AND CONSIDERATION OF EMPLOYEE SUGGESTIONS:

Employees must complete the Houston County Spending Efficiency Form, which must include the employee's suggestion, a calculation of estimated savings that would result from the suggestion's implementation, and an explanation of how the calculation was performed. Savings must be clearly measurable. Once the form has been completed, it must be evaluated and approved by the employees' Department Head. The form must then be submitted to the Suggestion Review Committee.

The Suggestion Review Committee will review each suggestion and determine if:

- The suggestion has not been previously submitted by another employee and approved by the Board.
- Implementation of the suggestion could reasonably result in a quantifiable reduction in expense while not negatively impacting the quality of County services.

Upon consideration of the suggestion, by majority vote the Suggestion Review Committee shall determine if the suggestion should be implemented. If the suggestion is approved to be implemented, the information shall then be communicated to the employees Department Head.

Beginning with the date of the Suggestion Review Committee approval, the employee's suggestion shall then be implemented on a trial basis for six months. After the six-month trial period, the employee's Department Head shall provide an accounting to the Suggestion Review Committee along with the supporting calculations demonstrating the savings generated by the suggestion. These savings shall then be reviewed and approved or rejected by the Suggestion Review Committee. If implementation requires that an employment position goes unfilled, then the trial period shall not start until an employee leaves the said position. **NO EMPLOYEES ARE TO BE TERMINATED BASED UPON EMPLOYEE SUGGESTIONS.**

If the Suggestion Review Committee determines that the savings total at least \$10,000 or above, the Committee shall then recommend that the County Commission approve a single one-time bonus of \$250 to the individual or group of individuals submitting the suggestion.

If the Suggestion Review Committee determines that the savings total at least \$1,000 up to \$9,999.99, the Committee shall recommend that the County Commission approve a single onetime bonus of \$100 to the individual or group of individuals submitting the suggestion.

If the Suggestion Review Committee determines that the savings total less than \$1,000, the Committee shall not recommend that the Commission approve a monetary award.

Once the County Commission receives an approved recommendation from the Suggestion Review Committee, it shall then place the approved recommendation on the agenda for the next regularly scheduled meeting. The County Commission shall then determine by vote if the recommendation from the Suggestion Review Committee shall be ratified or if it shall be rejected. If the recommendation is ratified, the County shall pay the recommended incentive amount to the employee, or group of employees, who made the suggestion.

MAKEUP OF SUGGESTION BOARD MEETING:

The Suggestion Review Board must consist of the following:

- One Commissioner or the Commission Chairman
- One Department Head

For the purposes of voting on the implementation of suggestions and the awarding of incentive bonuses, all decisions must be unanimous.

SUGGESTION REVIEW BOARD MEETING SCHEDULE:

The Suggestion Review Board shall meet on an as-needed basis.

Policy #53

VOLUNTEER EMPLOYEE CONSENT FORM WHEN OPERATING COUNTY EQUIPMENT

Date Adopted: July 23, 2018

Minute Book: 41 page 54

POLICY: To implement a procedure outlining guidelines for non county employees operating county equipment.

PROCEDURE: At the advisement of the county's liability insurance provider and for the benefit of non-county employees operating county equipment or driving county vehicles, the attached policy (see page 2) has been established. Please note that this policy requires all volunteers to complete and sign the attached form prior to operating county vehicles or using county equipment. It will be the responsibility of the county department head under whom these volunteers are receiving direction to assure that these forms are completed prior to allowing the volunteer to drive a county vehicle or use county equipment. It is also the county department heads responsibility to assure that the signed documents are forwarded to the Personnel Director on a timely basis. If the volunteer will not be driving or operating county owned equipment, there is no need to have the form signed.

Houston County Volunteer Application

Name: _____

Date of Birth: _____/_____/_____

Address: _____

Phone: (_____)_____

Email: _____

Emergency Contact Name: _____

Emergency Contact Phone Number: (_____)_____

As a volunteer for Houston County, Alabama (“County”), it is possible that you will be operating a vehicle or other heavy equipment, operate or load a vehicle or heavy equipment, use tools, including both power and hand tools, that have the capacity to injure any person. Such actions place the possibility of harm on both volunteers for the County as well as others in the community. It is the policy of the County to only permit individuals to volunteer on behalf of the County that are not under the influence of or have in their system alcohol, mind altering substances, or illegal substances.

Therefore, the following are required of any County volunteer:

1. All volunteers are required to refrain from alcohol use for a minimum of four hours prior to volunteering and must be in a state of mind and physical condition free from the influence of drugs and alcohol.
2. All volunteers are required to report all injury or damage related accidents that occur while volunteering for the County or operating a county owned vehicle to the department head for the County division you volunteer for immediately.
 - 2.1. By signing this document, the volunteer hereby agrees to submit to a post-accident drug/alcohol test as soon as possible after an accident, but not to exceed thirty-two (32) hours after an accident for drug testing and eight (8) hours after an accident for blood alcohol level testing.
 - 2.2. Each volunteer whose performance either contributed to the accident or cannot be completely discounted as a contributing factor to the accident shall be subject to testing.
 - 2.3. The department head or the department head’s designee shall schedule the drug screening test immediately following a reportable incident involving medical treatment, property damage or injury to a citizen or a vehicle related accident.
 - 2.4. The department head or the department head’s will arrange for the volunteer to be taken as soon as practicable to a collection site designated by the County.
 - 2.4.1. If a volunteer is medically incapacitated or otherwise unable to evidence consent to the drug/alcohol test, the volunteer will not be tested during such incapacity.
 - 2.4.2. Nothing in this document should be construed to require the delay of necessary medical attention for injured persons following an accident, or to prohibit a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care.
 - 2.4.3. All CDL drivers will be tested in accordance with Federal Highway Administration (FHWA) requirements.

By signing this application, I hereby consent to and agree to abide by the above stated requirements:

Signature: _____ **Date:** _____/_____/_____

**POLICIES & PROCEDURES APPLICABLE TO FEDERAL AWARDS AS
REQUIRED BY 2 C.F.R. 200**

Date Adopted:

Minute Book:

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I. CASH MANAGEMENT FOR FEDERAL FUNDS

The Houston County Commission (“County”) shall follow the cash management procedures provided herein that are generally applicable to the management of federal funds; except as otherwise provided in

the federal Assistance Listing for a particular federal award.

The County will minimize the time between the receipt of federal funds or other pass-through entity, and the disbursement of those federal funds. Federal funds will only be requested to meet immediate cash needs for reimbursement not covered by prior receipts and anticipated disbursements that are generally fixed, such as monthly program salaries and benefits. Disbursements will be made within 30 calendar days after receipt of funds.

The County will maintain financial records that account for the receipt, obligation, and expenditure of each federal program fund. Cash balances for each federal program funds and for the aggregate of all federal program funds will be monitored.

Except as is exempted by the federal award, County procedures to minimize the cash balances in federal program funds are expected to prevent the aggregate cash balances of federal program funds from earning \$500 or more for the fiscal year if maintained in interest-bearing accounts. The federal program funds will not be maintained in an interest-bearing bank account if the County determines that banking requirements for minimum or average balances are so high that an interest-bearing account would not be feasible. Federal program funds will be maintained in insured checking accounts that are subject to the state requirements for public deposits in the SAFE program.

Reference: 2 C.F.R. § 200.305 and 2 C.F.R. § 200.302(b)(6).

II. DETERMINATION OF ALLOWABLE COSTS

Before instituting a financial transaction that will require the expenditure of federal funds, the County will determine that the proposed transaction meets the requirements for allowable costs for the federal program. Actions to determine allowable costs will assure that:

- A. The proposed expenditure is included in the federal program budget;
- B. The proposed expenditure is reasonable and necessary for the federal program;
- C. The proposed expenditure is consistent with procedures for financial transactions of the County including:
 - 1. Purchase order approval procedures;
 - 2. Contract review and approval procedures;
 - 3. Applicable competitive purchasing procedures; and
 - 4. Documentation supports allowability of transaction.

Before payments are made from federal funds, the federal program director and the County will determine that the federal program expenditure complies with the terms and conditions within the federal award follows general accepted accounting principles; complies with state, local, and federal laws, rules, and regulations; and that any Personally Identifiable Information collected as part of the program is reasonably protected, as applicable.

Reference: 2 C.F.R. § 200.302(b)(7), 2 C.F.R. § 200.303, 2 C.F.R. § 200.403, and other requirements under 2 C.F.R. § 200.302.

III. TRAVEL POLICY

Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by county employees who are in travel status on official business of the County. The County's travel policy provides for reimbursement and payments for travel costs of employees paid from federal funds that is consistent with the travel costs for county employees paid from state or local funds.

The County shall pay the rates and amounts stated under Policy #49, Travel Reimbursement, as amended, which currently states as follows:

County employees are authorized to receive reimbursement for county-related travel expenses incurred when traveling outside Houston County. Reimbursable expenses include:

- Mileage reimbursement for use of personal vehicle. The county will reimburse at the same rate as established by the State of Alabama.
- Hotel Expense
- Meal Expense. Tips should not exceed normal local custom and in no case should tips exceed 20% of the meal cost.
- Gasoline purchased for county vehicles.
- Parking expense
- Transportation cost other than mileage
- Miscellaneous incidental non personal expense

In order to be reimbursed for travel expense all employees must complete a county Expense Report Form, obtain an authorizing signature from their Department Head and submit the Expense Report Form to the Accounting Department.

All submitted expenses must have a detailed itemized list, including an itemized list for food purchases, supporting the expenses submitted for reimbursement.

The cost of alcohol purchases will not be reimbursed by the county.

Departmental annual travel expense cannot exceed the department's budgeted annual travel expense as approved by the Houston County Commission.

The county will provide a cash travel advance upon request. If an employee receives a travel advance he/she must submit the required signed Expense Report Form within 14 days after the expense is incurred. The expense report must indicate the travel advance amount and must include a detailed itemized list of all expenses. If the travel advance exceeds the travel expenses, the employee must return to the county the excess cash advance portion at the time the expense report is submitted.

Reference: 2 C.F.R. § 200.474.

IV. PROCUREMENT POLICY

As used herein, the term "procurement" means the purchase of services and the purchase or lease of goods by the expenditure or anticipated expenditure of federal or state grant funds. "Grant funds," "grant monies," or "federal awards" mean funds received through federal and state grants, whether those funds come directly from a federal or state agency or from a pass-through entity.

This policy applies to all contracts, purchase orders, and expenditures of federal awards for the procurement of labor, goods, and services. Its purpose is to establish efficient and economical procurement procedures.

The applicable law for this policy includes the federal procurement standards set out at 2 C.F.R. § 200.318 through § 200.326; the state competitive bid law applicable to the purchase or lease of goods and services found at ALA. CODE § 40-16-50, *et seq.*, as amended; and the state competitive bid law applicable to construction and improvement of public works found at ALA. CODE § 39-2-1, *et seq.*, as amended, are applicable to procurements hereunder.

The Alabama Ethics Law found at ALA. CODE § 36-25-1, *et seq.*, as amended, including its conflict of interest provisions, is applicable to county officials and employees. **To the extent of conflict between the requirements of this policy and federal or state requirements, the stricter of the two shall apply.** Individual federal awards may contain further requirements unique to those federal awards and in addition to the requirements of this policy.

A. CONFLICT OF INTEREST POLICY

Generally, a conflict of interest exists when a county official or county employee participates in a matter that is likely to have a direct effect on his or her personal and financial interests. A financial interest may include, but is not limited to, stock ownership, partnership, trustee relationship, employment, potential employment, or a business relationship with an applicant, vendor, or entity. A county official or county employee may not participate in his or her official capacity in a matter that is likely to have direct and predictable effects on his or her financial interests.

Each county official or county employee will abide by the federal and state laws and regulations that address conflict of interest standards. In general, the federal rules provide that:

No employee, officer, or agent of the board shall participate in selection, or in the award, or administration of a contract supported by federal funds if he or she has a real or apparent conflict of interest. Such a conflict would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs, or is about to employ, any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from the firm considered for a contract. The board's officers, employees, or agents will neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to subcontracts.

The county's conflict of interest policies include adherence to the Alabama Ethics Law, which defines conflict of interest as:

A conflict on the part of a public official or public employee between his or her private interests and the official responsibilities inherent in an office of public trust. A conflict of interest involves any action, inaction, or decision by a public official or public employee in the discharge of his or her official duties, which would materially affect his or her financial interest or those of his or her family members or any business with which the person is associated in a manner different from the manner it affects the other members of the class to which he or she belongs. A conflict of interest shall not include any of the following:

a. A loan or financial transaction made or conducted in the ordinary course of business.

b. An occasional nonpecuniary award publicly presented by an organization for performance of public service.

c. Payment of or reimbursement for actual and necessary expenditures for travel and subsistence for the personal attendance of a public official or public employee at a convention or other meeting at which he or she is scheduled to meaningfully participate in connection with his or her official duties and for which attendance no reimbursement is made by the state.

Any campaign contribution, including the purchase of tickets to, or advertisements in journals, for political or testimonial dinners, if the contribution is actually used for political purposes and is not given under circumstances from which it could reasonably be inferred that the purpose of the contribution is to substantially influence a public official in the performance of his or her official duties.

A county official or county employee may not review applications, proposals, or participate in the evaluation or selection process where his or her participation in the review process would create the appearance that he or she is: (a) giving preferential treatment, (b) losing independence and impartiality, (c) making decisions outside official and appropriate channels, or (d) harming the public's confidence in the integrity of the county.

Situations and circumstances presenting an actual conflict or the appearance of a conflict should be brought to the immediate attention of the chairman. A county official or county employee who has knowledge of a possible conflict of interest should identify the conflict and notify the chairman. The chairman will document his or her actions related to the reported conflict of interest. Resolution can consist of disqualification, recusal, waiver, or other appropriate measures. Appropriate measures may include reporting a conflict of interest to the Alabama Ethics Commission, the Alabama Attorney General, or the appropriate federal agency.

Reference: 2 C.F.R. §200.112, ALA. CODE § 36-25-1, et seq.

B. GENERAL PROCUREMENT STANDARDS

1. When procuring goods and services, the county will comply with the more restrictive procurement procedures imposed pursuant to the county's procurement policy, the procurement procedures found in ALA. CODE § 41-16-50, *et seq.* and ALA. CODE § 39-2-1, *et seq.*, whichever is applicable, or 2 C.F.R. § 200.318.

2. Oversight must be maintained to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.
3. The acquisition of unnecessary or duplicative items must be avoided. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis must be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.
4. Entry into state and local intergovernmental agreements or inter-entity agreements, where appropriate, for procurement or use of common or shared goods and services is encouraged.
5. Use of federal excess and surplus property in lieu of purchasing new equipment and property when such use is feasible and will reduce project costs is encouraged.

Use of value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions is encouraged. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

6. Contracts shall be awarded only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, suspension or debarment by either the federal government (by and through the SAM) or by the state consistent with ALA. CODE § 41-4- 162, and financial and technical resources.
7. Records must be maintained sufficient to detail the history of each procurement. Such records are to include, but not necessarily be limited to, the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price. Records must be maintained for the retention period specified for the federal award from which procurement funds are expended.
8. Preference against time and materials contract.
 - a. A time and materials type contract may be used only after a determination that no other contract is suitable. The contract must include a ceiling price that the contractor exceeds at its own risk. A high degree of oversight must be asserted in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.
 - b. Time and materials type contract means a contract whose cost to the County is the sum of:
 - i. The actual cost of materials; and
 - ii. Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

9. The County alone is responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the County of any contractual responsibilities under its contracts.

Reference: 2 C.F.R. §§ 200.206 & 200.318.

C. COMPETITION

1. All procurement transactions must be conducted in a manner providing full and open competition consistent with the standards set out in 2 C.F.R. §§ 200.317 through 200.326. Contractors that develop or draft specifications, requirements, statements of work, invitations for bids, or requests for proposals must be excluded from competing for such procurements. Situations considered to be restrictive of competition include, but are not limited to:
 - a. Placing unreasonable requirements on firms in order for them to qualify to do business;
 - b. Requiring unnecessary experience and excessive bonding;
 - c. Noncompetitive pricing practices between firms or between affiliated companies;
 - d. Noncompetitive contracts to consultants that are on retainer contracts;
 - e. Organizational conflicts of interest;
 - f. Specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance or other relevant requirements of the procurement; and
 - g. Any arbitrary action in the procurement process.
2. Procurements must be conducted in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.
3. All solicitations must:
 - a. Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material,

product, or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a "brand name or equivalent" description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and

- b. Identify all requirements which must be fulfilled and all other factors to be used in evaluating bids or proposals.
4. Prequalified lists of persons, firms, or products which are used in acquiring goods and services must be current and include sufficient qualified sources to ensure maximum open and free competition. Potential bidders may not be precluded from qualifying during the solicitation period.
 5. Sole source funding (solicitation from only one source) can only be awarded in the following circumstances:
 - i. The cost for goods or services does not exceed the micro-purchase threshold of \$10,000 (this threshold is periodically adjusted for inflation);
 - ii. The good or service is only available from a single source;
 - iii. The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation ;
 - iv. With advance permission from the federal awarding agency; or
 - v. If after completing a solicitation using one of the procurement methods in Section D below, competition is determined inadequate.

Some federal awarding agencies impose additional and more stringent requirements for sole source funding. The County should review the federal awarding agency's specific requirements before pursuing a sole source procurement.

Reference: 2 C.F.R. §§ 200.319 and 200.320.

D. PROCUREMENT METHODS

1. When procuring materials, supplies, or services, the county will comply with the more restrictive procurement procedures imposed pursuant to the county's procurement policy, the procurement procedures found in ALA. CODE § 41-16-50, *et seq.* and ALA. CODE § 39-2- 1, *et seq.*, whichever is applicable, or 2 C.F.R. §200.318.
2. Unless the county's procurement policy is more restrictive, the procurement of all labor, materials, and services must conform to one of the following methods:
 - a. *Micro-purchases*: Procurement of materials, supplies, or services, the aggregate dollar amount of which is less than or equal to the micro-purchase threshold of \$10,000 (this

threshold is periodically adjusted for inflation) may be awarded without soliciting competitive quotes if the price is deemed to be reasonable. To the extent practicable, such awards must be distributed equitably among qualified suppliers.

- b. The procurement of any materials, supplies, or services the aggregate value of which is greater than \$10,000, shall be in conformance with the competitive procurement procedures, set forth in (c), (f), and (g) below, **even if the procurement of the goods or service would otherwise be exempt from the bidding requirements found in ALA. CODE § 41-16-50, et seq. and ALA. CODE § 39-2-1, et seq.**

Informal small purchase procedure: When procuring materials, supplies, or services by the small purchase procedure, at a minimum, the county must obtain price or rate quotations. Whenever possible, quotes should be obtained from not less than three (3) vendors. Quotations may be secured via fax, email, telephone, or otherwise. All solicitation efforts and quotations must be documented in the file. The small purchase procedure may be used in the following circumstances:

- i. Procurement of any materials, supplies, or services (other than materials, supplies, or services associated with a public works project) the aggregate cost of which is greater than \$10,000, but less than \$15,000 (or that amount set out in ALA. CODE § 41-16-50(a), as the same may be amended from time to time);
 - ii. Procurement of materials, supplies, or services (other than materials, supplies, or services associated with a public works project) that would otherwise be exempt from the bidding requirements under ALA. CODE § 41-16-51, the aggregate cost of which is greater than \$10,000, but less than or equal to \$250,000. Alternatively, the County may elect to procure these materials, supplies, or services through formal procurement procedures set forth in (f) and (g) below.
 - iii. Procurement of materials, supplies, or services for public works projects involving an amount that is greater than \$10,000, up to \$50,000 (or that amount set out in ALA. CODE § 39-2-2(a)(1), as the same may be amended from time to time); or
 - iv. Procurement of materials, supplies, or services for public works projects that would otherwise be exempt from the bidding requirements under Title 39 of the Code of Alabama the aggregate cost of which is greater than \$10,000, but less than or equal to \$250,000. Alternatively, the County may elect to procure these materials, supplies, or services through formal procurement procedures set forth in (f) and (g) below.
- c. *Formal procurement by sealed bids pursuant to ALA. CODE § 41-16-50 or ALA. CODE § 39-2-2(a)(1).* Formal procurement by sealed bids as defined in subsection (f) below is required for materials, supplies, or services as follows:
 - i. The procurement of materials, supplies, or services that are subject to the bidding

requirements of ALA. CODE § 41-16-50, the aggregate cost of which is greater than or equal to \$15,000 (or that amount set out in ALA. CODE § 40-16-50, as the same may be amended from time to time); and

- ii. The procurement of materials, supplies, or services for public works projects involving an amount that is greater than \$50,000 (or that amount set out in ALA. CODE § 39-2-2(a)(1), as the same may be amended from time to time).
- d. *Formal procurement of materials, supplies, or services that are exempted from the bid requirements under ALA. CODE §§ 41-16-51 & 39-2-2(d)-(j).* If the aggregate cost of the materials, supplies, or services exempted under either ALA. CODE §§ 41-16-51 & 39-2-2(d)-(j) is greater than \$250,000, either sealed bids or proposals, as appropriate, may be utilized for procurement.
- e. Sealed bids refers to a bid process by which bids are publicly solicited for a firm fixed price contract (lump sum or unit price) and are awarded to the responsible bidder whose bid, conforming with all the material terms and conditions the invitation for bids, is the lowest in price. This will typically be the preferred method for construction projects.
- i. In order for sealed bidding to be feasible, the following conditions should be present:
 - 1) A complete, adequate, and realistic specification, or purchase description is available;
 - 2) Two (2) or more responsible bidders are willing and able to compete effectively for the business; and
 - 3) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.
 - ii. If sealed bids are used, the following requirements apply:
 - 1) Bids must be solicited from an adequate number of known suppliers, providing them sufficient response time prior to the date set for opening the bids;
 - 2) Invitations for bids must be publicly advertised in accordance with state law;
 - 3) The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
 - 4) All bids must be publicly opened at the time and place prescribed in the invitation for bids;
 - 5) A firm fixed price contract award must be made in writing to the lowest responsive and responsible bidder, except where all bids are rejected. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and,
 - 6) Any or all bids may be rejected if there is a sound, documented reason.

- f. Proposals refers to a procurement method in which either a fixed price or cost-reimbursement type contract is awarded. Proposals are generally used when conditions are not appropriate for the use of sealed bids. They are awarded in accordance with the following requirements:
- i. Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Proposals must be solicited from an adequate number of qualified offerors. Any response to publicized requests for proposals must be considered to the maximum extent practical;
 - ii. The County must have a written method for conducting technical evaluations of the proposals received and making selections;
 - iii. Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the County, with price and other factors considered; and
 - iv. The County may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby offeror's qualifications are evaluated and the most qualified offeror is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services though A/E firms that are a potential source to perform the proposed effort.

Reference: 2 C.F.R. § 200.320.

E. CONTRACTING WITH SMALL AND MINORITY BUSINESSES, WOMEN'S BUSINESS ENTITIES, AND LABOR SURPLUS AREA FIRMS

1. All necessary affirmative steps must be taken to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.
2. Affirmative steps must include:
 - a. Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
 - b. Assuring that small and minority businesses and women's business enterprises are solicited whenever they are potential sources;
 - c. Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses and women's business enterprises;
 - d. Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses and women's business enterprises;
 - e. 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

- f. Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in subparts 2.a. through 2.f. of this section.

Reference: 2 C.F.R. § 200.321.

F. CONTRACT COST AND PRICE

1. A cost or price analysis must be performed in connection with every procurement action greater than \$250,000 (as may be adjusted by Federal Regulation from time to time), including contract modifications. The method and degree of analysis will depend on the facts surrounding the particular procurement situation, but as a starting point, independent estimates must be made before receiving bids or proposals.
2. Profit must be negotiated as a separate element of the price for each contract in which there is no price competition (e.g., a qualifications-based A/E proposal) and in all cases where cost analysis is performed. Consideration must be given to the complexity of the work to be performed, the risk borne by the contractor, the contractor's investment, the amount of subcontracting, the quality of its record of past performance, and industry profit rates in the surrounding geographical area for similar work.
3. Costs or prices based on estimated costs for contracts are allowable only to the extent that costs incurred or cost estimates included in negotiated prices would be allowable for the County entity under 2 C.F.R. Subpart E-Cost Principles.
4. The cost plus a percentage of cost and percentage of construction cost methods of contracting must not be used.

Reference: 2 C.F.R. § 200.324.

G. BONDING REQUIREMENTS

The County requires bonds as set out in ALA. CODE § 40-16-50, *et seq.*, and ALA. CODE § 39-2- 1, *et seq.*, as amended.

At a minimum, the County shall require the following:

1. A bid guarantee from each bidder equivalent to five percent (5%) of the bid price. The “bid guarantee” must consist of a firm commitment such as a bid bond, certified check, or other negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified.
2. A performance bond on the part of the contractor for one hundred percent (100%) of the contract price. A “performance bond” is one executed in connection with a contract to secure fulfillment of all the contractor’s obligations under such contract.

3. A payment bond on the part of the contractor for one hundred percent (100%) of the contract price. A “payment bond” is one executed in connection with a contract to assure payment as required by law of all persons supplying labor and material in the execution of the work provided for in the contract.

Reference 2 C.F.R. § 200.326.

H. COMPENSATION – PERSONAL SERVICES

The County requires documentation to accurately reflect the work performed by any employee whose personnel costs are charged to federal awards. Each such employee shall submit a timesheet that is signed by the employee and his/her supervisor. The employee and supervisor shall certify that the time being charged to the federal award is accurate, allowable, and properly allocated.

The timesheet shall reasonably reflect the employee’s total activity for the pay period, including any activity that is not federally funded. The federally funded activity may be reflected as time or percentage of the workday. The timesheet shall in all other respects comply with the County’s established accounting practices and procedures.

Reference 2 C.F.R. § 200.430.

I. COMPENSATION – FRINGE BENEFITS

Where appropriate, the County may charge the costs of fringe benefits to federal awards, provided that such fringe benefits are provided through an established policy of the County. Under no circumstances will the County charge to a federal award automobile costs for automobiles furnished by the County to an employee.

Leave shall be charged only if it is provided pursuant to the County’s written leave policy found at Rule 6 – Attendance and Leave of Absence in the employee handbook, as amended; the costs are equitably allocated to all related activities; and the accounting basis selected for costing each type of leave is consistently followed by the County.

Reference 2 C.F.R. § 200.431.

J. CONTRACT PROVISIONS

Contracts must contain applicable provisions included in the award document. In addition, all contracts must contain all applicable provisions of 2 C.F.R. § 200, Appendix II, and as set forth in the federal award. At a minimum, the following provision should be included, as applicable:

1. Contracts that are greater than \$250,000 (as may be adjusted by federal regulation) must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.
2. Contracts greater than \$10,000 must address termination for cause and for convenience by

the County, including the manner by which it will be affected and the basis for settlement.

3. All contracts must include a provision requiring that the contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.
4. Contracts for construction greater than \$2,000 must be in compliance with the Davis-Bacon Act and require contractors to pay wages to laborers and mechanics at a rate not less than prevailing wage, unless specifically exempted by the federal award.
5. Contracts in greater than \$100,000 involving the employment of mechanics or laborers must include a provision for compliance with the Contract Work Hours and Safety Standards Act (40 U.S.C. § 3701, *et seq.*), including payment of overtime for work above 40 hours per week and a statement that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous.
6. Contracts greater than \$150,000 must be in compliance with the Clean Air Act, codified as 42 U.S.C. § 7401, *et seq.*, and the Federal Water Pollution Act, codified as 33 U.S.C. § 1251, *et seq.*
7. Contracts should contain a certification from the contractor that that contractor has not been debarred, suspended, or otherwise excluded by any federal agency, as reported on the SAM exclusions list, or by the State of Alabama Department of Finance.

Reference: 2 C.F.R. § 200.327 and Appendix II.

V. EQUIPMENT AND SUPPLIES

Equipment and supplies procured with federal funds (in whole or in part) must be used, managed, and disposed of properly.

- A. Equipment is personal property with a useful life of over one (1) year with a per unit cost that exceeds \$5,000.
 1. Equipment must be used to further the federally funded project for which it was acquired as long as that Equipment is needed for that project.
 2. To encourage efficiency and non-duplication of resources, the Equipment may be used on

other federally funded projects or other projects of the County, provided that the secondary use does not interfere with the original project for which it was originally procured.

3. During the period of performance, the County must not charge for use of federally funded Equipment for a fee less than equivalent services in the private sector.
 4. The County must keep an inventory of Equipment procured through federal funds, including a description, a County identification number, associated federal project used, acquisition date, cost of the property, and any disposition data (cost of sale and date of disposal), if applicable.
 5. The County shall develop a system to ensure adequate safeguards to prevent loss, damage, or theft. Any loss, theft, or damage should be investigated. On at least an annual basis, County should take a physical inventory of the Equipment.
 6. All Equipment must be maintained in accordance with established maintenance procedures (typically the manufacturer's guidelines). Equipment may be replaced in future years using federal funds. The County should attempt to trade in or sell the Equipment and use the proceeds to offset the costs of the replacement Equipment.
 7. If the Equipment is replaced or is no longer needed to support the original federally funded program, the Equipment (including Equipment to be replaced) should be disposed of as follows:
 - i. If the current fair market value is \$5,000 or less, the Equipment may be retained or sold in a manner that ensures the highest possible return to the County;
 - ii. If the current fair market value is more than \$5,000, the federal agency awarding the grant will provide disposition guidance (either to sell or transfer the Equipment to designated entity);
 - iii. If no disposition guidance has been received by the County within 120 days, the County may: (a) retain the Equipment, (b) transfer the property to the federal government or designated entity; or (c) sell the equipment in a manner that ensures the highest possible return to the County. In the event that the property is sold, the County must remit the proceeds of the sale to federal agency awarding the grant based upon the following calculation:
$$[\text{Cost of the sale}] \times [\text{Percentage of federal funds in the Original Purchase}] - \$500$$
- B. Supplies are personal property that is less than \$5,000.
1. Supplies must be used to further the federally funded project for which it was acquired as long as that Equipment is needed for that project.
 2. During the period of performance, County must not charge for use of federally funded

Supplies for a fee less than equivalent services in the private sector.

3. If at the end of the award program, residual inventory of Supplies exceeds an aggregate value of \$5,000, the County may either (a) retain the property for use on other activities; or (b) sell the property in a manner that ensures the highest possible return to the County. In the event that the property is sold, the County must remit the proceeds of the sale to the federal agency awarding the grant based upon the following calculation:

$[\text{Cost of the sale}] \times [\text{Percentage of federal funds in the Original Purchase}] - \$500.$

Reference: 2 C.F.R. §§ 200.313 & 200.314.

VI. RELATION TO OTHER COUNTY POLICIES

This policy supplements and does not supplant County Policy #4 “Purchasing Policy & Procedures,” Policy # 52 “Spending Efficiency Program,” or any other policy in effect at the time this policy is adopted by the County or any other policy that the County may adopt or modify in the future except as expressly stated.