CITY COUNCIL AGENDA ITEM COVER MEMO

Agenda Item Number_____

Meeting Type: Regular

Meeting Date: 5/~~10~~/2012 5-24-12

Action Requested By:
Public Transit

Agenda Item Type
Resolution

Subject Matter:

Resolution declaring certain property surplus and entering into an Agency Appropriation Agreement.

Exact Wording for the Agenda:

Resolution declaring certain property surplus and entering into an Agency Appropriation Agreement.

Note: If amendment, please state title and number of the original

Item to be considered for: Action

Unanimous Consent Required: No

Briefly state why the action is required; why it is recommended; what Council action will provide, allow
and accomplish and; any other information that might be helpful.

This resolution declares a Transit Admin Vehicle surplus and requests to enter into an agency appropriation agreement with the Alabama Non-Violent Offenders Organization, Inc., a program to help them assimilate back into stable working and living environment.

Associated Cost: 0.00

Budgeted Item: Not applicable

MAYOR RECOMMENDS OR CONCURS: Yes

Department Head: John Brown

Date: 4-18-12

revised 4/13/2011

ROUTING SLIP
CONTRACTS AND AGREEMENTS

5-24-12

Originating Department: **Public Transit** Council Meeting Date: **5/10/2012**

Department Contact: **Kim Smith** Phone # **256-427-6831**

Contract or Agreement: **Agency Appropriation Agreement with Alabama Non-Violent Offenders Organ...**

Document Name: **Agency Appropriation Agreement Alabama Non-Violent Offenders Organization**

City Obligation Amount: **0.00**

Total Project Budget: **0.00**

Uncommitted Account Balance: **0.00**

Account Number: **N/A**

Procurement Agreements

Not Applicable	**Not Applicable**

Grant-Funded Agreements

Not Applicable	**Grant Name:**

Department	Signature	Date
1) Originating		4-18-12
2) Legal	Mary C. Cates	5-8-12
3) Finance		5/9
4) Originating		
5) Copy Distribution		
a. Mayor's office (2 copies)		
b. Clerk-Treasurer (Original & 2 copies)		
c. Legal (1 copy)		

Revised 04/15/2011

RESOLUTION NO. 12 - _____

BE IT RESOLVED by the City Council of the City of Huntsville, Alabama, that the following described property declared surplus and no longer needed for a public or municipal purpose is described as follows:

Equip #021113 1998 GMC Safari Van
VIN 1GKEL19WOWB540959

BE IT FURTHER RESOLVED that the property described above shall be donated to the Alabama Non-Violent Offenders Organization for the public purpose of transporting non-violent offenders to assimilate them back into stable working and living environment.

BE IT FURTHER RESOLVED by the City Council of the City of Huntsville, Alabama, that the Mayor of the City of Huntsville is herby authorized, requested and directed to enter into and effectuate all terms of an agreement, on behalf of the City of Huntsville, a municipal corporation in the State of Alabama (herein, the "City"), by and between the City of Huntsville and the Alabama Non-Violent Offenders Organization, which said agreement is substantially in words and figures similar to that certain document attached hereto and identified as, **Agency Appropriation Agreement between the City of Huntsville, Alabama, and Alabama Non-Violent Offenders Organization**, consisting of six (6) pages and the date of May, 2012, appearing on the margin of the first page, together with the signature of the President or President Pro-Tem of the City Council, an executed copy of said document being permanently kept on file in the office of the City Clerk-Treasurer of the City of Huntsville, Alabama.

ADOPTED this the _____ day of May, 2012.

_____
President of the City Council of
the City of Huntsville, Alabama

APPROVED this the _____ day of May, 2012.

_____
Mayor of the City of Huntsville,
Alabama

AGENCY APPROPRIATION AGREEMENT
BETWEEN THE CITY OF HUNTSVILLE AND
ALABAMA NON-VIOLENT OFFENDERS ORGANIZATION

STATE OF ALABAMA

COUNTY OF MADISON

AGENCY APPROPRIATION AGREEMENT

THIS AGREEMENT, made and entered into this _____ day of May, 2012, by and between the Alabama Non-Violent Offenders Organization, an Alabama non-profit corporation, hereinafter referred to as "AGENCY", and the City of Huntsville, a municipal corporation in the State of Alabama, hereinafter referred to as "CITY".

WITNESSETH:

WHEREAS, Agency provides services which confer a public benefit of a reasonably general character by helping non-violent offenders to become lawful, productive members of society; and,

WHEREAS, City desires to appropriate funds or equipment to Agency to assist with the provision of such services; and,

WHEREAS, the expenditure of funds or equipment appropriated by City to Agency for such services constitutes a legitimate public purpose; and,

WHEREAS, both parties acknowledge the receipt of good and valuable consideration supporting the terms and conditions of this agreement.

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein, the parties agree as follows:

A. Agency will provide the services authorized by its charter, Articles of Incorporation, by-laws, or other applicable documents which govern the scope of its services.

B. City agrees to donate certain equipment, identified on Exhibit A and having been previously declared surplus, to Agency in exchange for the Agency's mutual aide assistance to the City.

C. The parties agree that the services provided by Agency serve a legitimate public purpose.

_____
President of the City Council of
the City of Huntsville, Alabama

Date: _____

D. Agency agrees that it has no authority to obligate any City funds or equipment beyond those appropriated by City for this agreement.

E. **E-VERIFY - NOTICE**

The Beason-Hammon Alabama Taxpayer and Citizen Protection Act, Act No. 2011-535, *Code of Alabama (1975) § 31-13-1 through 31-13-30"* (also known as and hereinafter referred to as " the Alabama Immigration Act") is applicable to contracts with the City of Huntsville. As a condition for the award of a contract and as a term and condition of the contract with the City of Huntsville, in accordance with § 31-13-9 (a) of the Alabama Immigration Act, any business entity or employer that employs one or more employees shall not knowingly employ, hire for employment, or continue to employ an unauthorized alien and shall attest to such by sworn affidavit signed before a notary. Such business entity or employer shall provide a copy of such affidavit to the City of Huntsville as part of its bid or proposal for the contract along with a copy of the Memorandum of Understanding as documentation establishing that the business entity or employer is enrolled in the E-Verify program. The required affidavit forms for the contractor and for subcontractors are included at the end of this notice.

During the performance of the contract, such business entity or employer shall participate in the E-Verify program and shall verify every employee that is required to be verified according to the applicable federal rules and regulations. The business entity or employer shall assure that these requirements are required of every subcontractor in accordance with §31-13-9(c) and shall maintain records that are available upon request by the City, state authorities or law enforcement to verify compliance with the requirements of the Alabama Immigration Act. Failure to comply with these requirements may result in breach of contract, termination of the contract or subcontract, and possibly suspension or revocation of business licenses and permits in accordance with §31-13-9 (e) (1) & (2) or in the case of a subcontractor, in accordance with §31-13- 9 (f) (1) & (2).

AFFFIDAVITS:

FORM FOR SECTIONS 9 (a) and (b) BEASON-HAMMON ALABAMA TAXPAYER AND CITIZEN PROTECTION ACT; CODE OF ALABAMA, SECTIONS 31-13-9 (a) and (b)
AFFIDAVIT FOR BUSINESS ENTITY/EMPLOYER /CONTRACTOR
(To be completed as a condition for the award of any contract, grant, or incentive by the State of Alabama, any political subdivision thereof, or any state-funded entity to a business entity or employer that employs one or more employees)

State of Alabama
County of Madison
Before me, a notary public, personally appeared Travis Hulber (print name) who, being duly sworn, says as follows:

As a condition for the award of any contract, grant, or incentive by the State of Alabama, any political subdivision thereof, or any state-funded entity to a business entity or employer that employs one or more employees, I hereby attest that in my capacity as Vice President (state position) for Alabama Non-Violent Offender Organization (state business entity/employer/contractor name) that said business entity/employer/contractor shall not knowingly employ, hire for employment, or continue to employ an unauthorized alien.

I further attest that said business entity/employer/contractor is enrolled in the E-Verify program. (ATTACH DOCUMENTATION ESTABLISHING THAT BUSINESS ENTITY/EMPLOYER/CONTRACTOR IS ENROLLED IN THE E-VERIFY PROGRAM).

_____ Signature of Affiant

Sworn to and subscribed before me this 2 day of May, 2012.

I certify that the affiant is known (or made known) to me to be the identical party he or she claims to be.

Deanna Hamer Signature and Seal of Notary Public

County of Madison State of AL

MY COMMISSION EXPIRES 6-16-2015

Author: Jean Brown
Statutory Authority: Code of Alabama, sections 31-13-9 (a) and (b); Section 31-13-9 (h).
History: **New Rule:** Filed December 12, 2011; effective December 12, 2011

820-4-1-.02ER Contents of Acceptable Affidavit Form For Administering Code of Alabama, Section 31-13-9 (c).

(1) This rule is intended to provide an acceptable form to be completed by subcontractors as a condition for performing work on a project paid for by contract, grant, or incentive by the State of Alabama, any political subdivision thereof, or any state-funded entity.

(2) The form shall appear as follows:

FORM FOR SECTION 9 (c) BEASON- HAMMON ALABAMA TAXPAYER AND CITIZEN PROTECTION ACT; CODE OF ALABAMA, SECTION 31-13-9 (c)

AFFIDAVIT FOR SUBCONTRACTOR
(To be completed as a condition for performing work on a project paid for by contract, grant, or incentive by the State of Alabama, any political subdivision thereof, or any state-funded entity)

State of _____
County of _____
Before me, a notary public, personally appeared _____ (print name) who, being duly sworn, says as follows:

_____Signature of Affiant

Sworn to and subscribed before me this ____day of _____, 2_____.

I certify that the affiant is known (or made known) to me to be the identical party he or she claims to be.

_____Signature and Seal of Notary Public

*Code of Alabama, Section 31-13-9 (c) provides: "No subcontractor on a project paid for by contract, grant, or incentive by the state [of Alabama], any political subdivision thereof, or any state-funded entity shall knowingly employ, hire for employment, or continue to employ an unauthorized alien and shall attest to such by sworn affidavit signed before a notary. The subcontractor shall also enroll in the E-Verify program prior to performing any work on the project and shall attach to the sworn affidavit documentation establishing that the subcontractor is enrolled in the E-Verify program."

Author: Jean Brown
Statutory Authority: Code of Alabama, section 31-13-9 (d); Section 31-13-9 (h).
History: New Rule: Filed December 12, 2011; effective December 12, 2011.

IN WITNESS WHEREOF, the parties hereto have executed this agreement on this the _____ day of_____, 2012.

CITY OF HUNTSVILLE, ALABAMA

BY: _____
Tommy Battle
ITS: Mayor

ATTEST:

By:_____
Charles E. Hagood
Its: Clerk-Treasurer

AGENCY

Alabama Non-Violent Offenders Organization

BY: _____
ITS: _____

WITNESS:

_____

ALABAMA NON-VIOLENT OFFENDERS ORGANIZATION
(WE CLOSE THE PAST LIFE TO CREATE A BRIGHTER FUTURE)

ANVO
ORGANIZATION

P.O. Box 17199 Huntsville, Al 35810 (256) 489-9775

To Whom It May Concern:

We at Alabama Non-Violent Offenders Organization do not have any employee's at this time.

Be Bless,

Travis Muller
Vice President