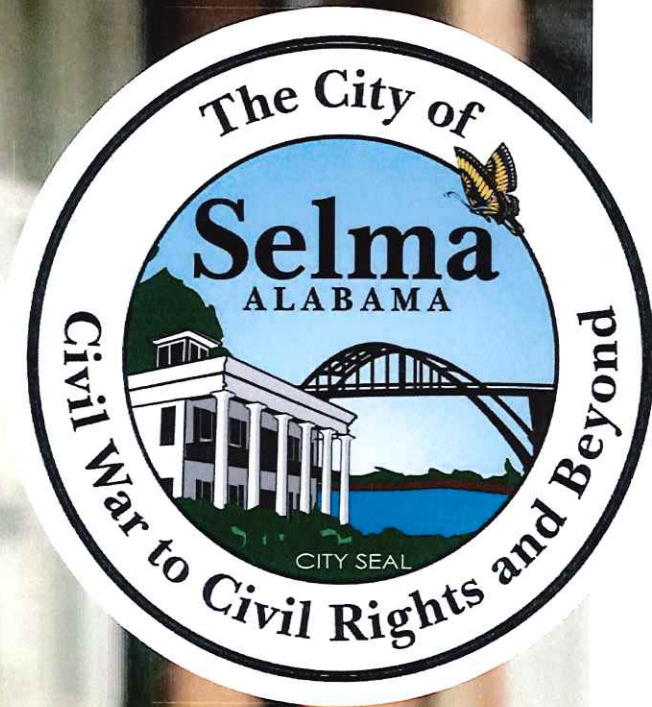


CITY OF SELMA
WE ARE TOGETHER



STEPHANIE E. FEE
DIRECTOR,
PUBLIC BUILDINGS

KENTA FULFORD
CHIEF,
POLICE DEPARTMENT

FRANKLIN EDWARDS
INTERIM FIRE CHIEF,
FIRE DEPARTMENT

MAYOR'S REPORT
COUNCIL MEETING
June 13, 2023

MAYOR JAMES PERKINS, JR.

SUBMITTED: WEDNESDAY, JUNE 7, 2023

   @selmacityhall

JAMES PERKINS, JR.
MAYOR



222 BROAD STREET
SELMA, ALABAMA 36702

OFFICE OF THE MAYOR

WE ARE TOGETHER

Mayor's Report

Submitted on June 7, 2023
Council Meeting June 13, 2023
6:00 PM

AGENDA

Mayor's Report/Attorney's Report

Items

1. Live Scan – Kenta Fulford, Chief, Police Department
 - A. Memorandum to Council
 - B. Memorandum to Council
 - C. Purchase Requisition
 - D. DataWorks Plus Proposal
2. Pay Adjustment for Fire Chief & Assistant Fire Chief – Franklin Edwards, Interim Chief, Fire Department
 - A. Memorandum to Council
 - B. Memorandum to the Mayor
 - C. Letter to Council
3. George Evans Building Updates – Stephanie E. Meniffee Director, Public Buildings
 - A. Memorandum to Council
 - B. Memorandum to the Mayor
 - C. Purchase Requisition
 - D. Fails & Sons Construction Invoice
 - E. Perez Construction LLC Estimates
 - F. S&S Construction Services, LLC Quote
4. Amphitheatre Updates - Stephanie E. Meniffee, Director, Public Buildings
 - A. Memorandum to Council
 - B. Memorandum to the Mayor
 - C. Purchase Requisition
 - D. Perez Construction LLC Estimate
 - E. Fails & Sons Construction Invoice
 - F. S&S Construction Services, LLC

SELMA-AL.GOV

(334) 874-2101 (office) | (334) 874-2402 (fax) | mayoroffice@selma-al.gov

Mayor's Report cont.
Submitted on June 7, 2023
Page 2

5. An Ordinance for the Landbank
 - A. Memorandum to Council
 - B. Ordinance 106-22/23
6. Budget Negotiations Update
7. Purchase of Memorial Stadium and Bloch Park
 - A. Discussion with Council

Announcements:

Public Hearing for Spectrum – June 13, 2023 at 6:00pm – Council Chambers

1

JAMES PERKINS, JR.
MAYOR



222 BROAD STREET
SELMA, ALABAMA 36702

OFFICE OF THE MAYOR
WE ARE TOGETHER.

MEMORANDUM

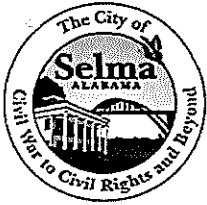
To: Selma City Council
From: James Perkins, Jr., Mayor, City of Selma
Date: June 7, 2023
Re: **Live Scan**

Find attached documents supporting the above referenced subject. The same are submitted for your consideration.

I ask for your favorable consideration and vote.

If you have questions, please respond in writing. In advance, thank you.

JPJ/dt



CITY OF SELMA, ALABAMA
POLICE DEPARTMENT

PHONE (334) 874-2120

E-MAIL kfulford@selma-al.gov

Kenta K. Fulford
Chief of Police

Memo

To: City Council
From: Kenta K. Fulford (Chief of Police) *VF*
Date: 31 May 23
Ref: Live Scan

Attached is a copy of a quote for a Live Scan system that is needed for the jailers to process detainees. Our current system has been inoperable for some time now and I am asking for a favorable vote so that we can continue to improve the service at the Police Department. I am requesting that we use a portion of an unfilled police slot to the expense.

PURCHASE ORDER

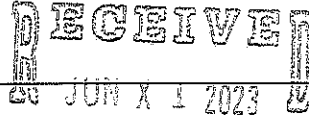
City of Selma
PO Box 450
Selma, Alabama 36702-0450
Phone (334) 874-2105

Municipality Exempt From
Sales and Excise Tax
§40-23-4-(11)

Purchase Order Number Below Must Appear on All
Correspondence, Invoices, Bills of Lading, Packing
Slips, Labels, and Packages.

Purchase Order
No. _____
For Office Use Only

Vendor No. _____



R O U T E	DataWorks Plus
	728 North Pleasantburg Drive
	Greenville, SC 29607
	(864) 672-2780
	(864) 672-2787

BY:

IMPORTANT-READ CAREFULLY

Prices, Terms, And F.O.B. Shown Are Per Your Quotation or Previous Purchases and Will Be Considered Correct Unless We Are Notified In Writing Prior To Invoice. This Purchase Order Will be Considered Void If Invoices or Statements Are Not Received Within Six Months of the Date of This Purchase Order.

S H I P T O	Selma Police Department
	1300 Alabama Ave.
	Selma, AL 36701

I N V O I C E	City of Selma
	Finance Department
	P.O. Box 450
	Selma, Alabama 36702
	Attn: Accounts Payable

DATE	TERMS	F.O.B	SHIP VIA
5/26/2023	Net	SELMA, ALABAMA	

DATE DELIVERY REQUIRED	FOR	DEPARTMENT
ASAP	Data Processing/Jail	Selma Police Department

QUANTITY	Item #	DESCRIPTION	UNIT PRICE	PRICE
ESTIMATE				
		LiveScan Plus Upgrade		
		New FBI Certified Palm/tenprint Scanner		\$10,000.00
NOTE Please see attached documents for more details!				
		ESTIMATE Total		\$10,000.00

Vendor agrees, as a condition of sale, to comply with Section 202 of Executive Order 11246, as amended, relating to nondiscrimination in employment.

_____ Purchasing Agent

REQUISITION

NO. 23-1019

PAYMENT

I certify that the goods or services listed above have been received.

_____ DEPARTMENT HEAD

_____ Date

Fund 1 Budgeted 94,000.00

Dept. 6100

Acct. No. 51055

Unencumbered 68,888.15

(Before This Order)

Amount of Payment _____
Approval: [Signature] Jun 23

May 19, 2023

Lt. Curtis
Selma Police Department
Selma, AL

334-375-0100
spdit@selma-al.gov

RE: Required Upgrade due to Non -supported operating system

Dear Lt. Curtis,

I am pleased to provide this proposal to replace your LiveScan Plus PC with a unit that can run Win 10. As you are aware, submissions from a non-supported operating system is against CJIS compliance and opens your department to malware risks.

This proposal includes a new workstation for the existing PC along with a few other peripherals running LiveScan Plus™ at the Selma PD and Remote installation services.


The upgrade is compatible with existing workflows, interfaces and DataWorks software your agency has already purchased and installed.

DataWorks Plus is the only vendor that can provide the livescan upgrade that is compatible with your existing livescan software. DataWorks Plus is the creator, owner and exclusive provider of this software.

We appreciate your interest in the DataWorks Plus family of imaging products for law enforcement and correctional agencies. If you have any questions regarding this quote, please do not hesitate to call.

If you have any questions regarding this quote, please do not hesitate to call.

Sincerely,



Becky Houston
Senior Account Executive
864-672-6783 (O)
864-414-5118 (M)
bhouston@dataworksplus.com

LiveScan Plus™ Upgrade Proposal

Windows 10 Workstation Upgrade Quote

Customer to place new PC on network BEFORE swap

- Dell Precision™ Workstation 3431 (with monitor) or similar if Dell changes model number
- Professional Services to include:
- Migrate current applications, configuration, interfaces and reports from your existing computer to the new computer.
- Convert existing records to new version of SQL DB
- Includes remote installation support (Remote access required and “hands on” assistance from IT staff)

*Both the old and new PC need to be on the Network at the same time to enable conversion and configuration changes.

New LiveScan Plus PC Workstation	\$2,400.00
----------------------------------	------------

You currently have the following items that have reached their “end of life” and will not operate with Win 10 (mugshot photo package and FBI certified printer)

New Mugshot Camera package with Face Find enabled	\$1,200.00
---	------------

UPS	\$250.00
-----	----------

New FBI Certified Printer (includes duplexer, three paper trays and Ethernet) with redesigned print formats to print to new printer	\$1,780.00
---	------------

Your existing fingerprint scanner is approximately 13 years old. We generally expect hardware life to be 5-6 years.

New FBI Certified Palm/tenprint scanner	\$10,000.00
---	-------------

Electronic Iris Capture	\$2,200.00*
-------------------------	-------------

*ALEA has asked that agencies start capturing IRIS images to be submitted as part of the fingerprint/mugshot NIST records

Quoted prices are based on remote installation with “hands on” assistance from IT staff	
Optional on-site installation and training	\$1,200.00

2

JAMES PERKINS, JR.
MAYOR



222 BROAD STREET
SELMA, ALABAMA 36702

OFFICE OF THE MAYOR
WE ARE TOGETHER.

MEMORANDUM

To: Selma City Council

From: James Perkins, Jr., Mayor, City of Selma

Date: June 7, 2023

Re: **Pay Adjustment for Fire Chief & Assistant Fire Chief**

Find attached documents supporting the above referenced subject. The same are submitted for your consideration.

I ask for your favorable consideration and vote.

If you have questions, please respond in writing. In advance, thank you.

JPJ/dt



CITY OF SELMA, ALABAMA
FIRE DEPARTMENT

Franklin Edwards
Interim Fire Chief

PHONE (334) 874-2150
E-MAIL sfdasstchief@selma-al.gov

MEMORANDUM

To: Mayor James Perkins Jr.
From: Franklin Edwards, Interim Fire Chief *FE*
Date: June 2, 2023
Re: Pay Adjustment for Fire Chief and Asst. Fire Chief

A letter was submitted on March 13, 2023; to the Selma City Council for a pay increase for the Fire Chief and Assistant Fire Chief salary. The increase was in-line with the increases given by the Council to the rest of the fire department. Each position and salary was matched according to same position and salary of the police department, with the exception of the chief's positions. After hearing nothing from the Council for several months; I'm asking if you could include this matter in your report and ask for a favorable vote from the Council to adjust the pay to reflect that of the Police Chief and the Assistant Chief of the Police Department. The Chief Salary is \$80,000 and the Assistant Chief salary is \$75,000; while Fire Chief salary is \$69,000, and the Assistant is \$66,000.

Also, I'm including Rule 3 section 3.5 (General or Across-the-Board Raise). It states: "In the event City grants a general or across-the-board raised based on the increase in the cost of living, such increase may be a percentage increase or a flat rate or sum increase, and shall be applied uniformly to all classes in the Classified Service. Such general increases shall not affect individual eligibility for normal merit increases as provided in Rule 3.4 (b)."

Lastly, I am asking that this adjustment be retro paid from the time of implementation of the raise, (July 2022). Letter Attached



CITY OF SELMA, ALABAMA
FIRE DEPARTMENT

Franklin Edwards
Interim Fire Chief

PHONE (334) 874-2150
E-MAIL sfdasstchief@selma-al.gov

To: City of Selma Councilmembers
From: Franklin Edwards, Interim Fire Chief
Date: March 13, 2023
Re: Pay Discrepancy

Greetings,

Hoping this letter finds all well. It is with great concern that I am writing this letter. And out of respect, I think it is more appropriate to address this matter in private, instead of having it drawn out in public and possibly causing discord and disharmony. The City Council of Selma, Alabama, voted in July 2022, to give the fire department a raise (Thank you). But in doing so, the Chief and the Asst. Chief salary was not adjusted according to the rest of the salaries. Each ranked was matched with the rank within the Police Department except the Chief and Assistant Chief rank. I do not know if this was an oversight; but I am asking that the salary be adjusted to reflect the same. I am also requesting that each salary be retro paid back to July 2022.

The Chief of Police salary is \$80,000 per year; and the Assistant Chief of Police salary is \$75,000. The Fire Chief Salary \$69,000 per year, while the Assistant Chief salary is \$66,000. The council increased the Captain salary to \$62,000 and the Investigator's salaries to \$65,000. Note the distinctive difference in pay between the Police Chief and the Captains at the police department and small difference between the Fire Chief and Fire Captains at the fire department.

I am asking in the humblest and honorable manner that I know, that this be corrected.

Thanking You In Advance,

Franklin Edwards

Franklin Edwards

Interim Fire Chief

Selma Fire/Rescue
1500 Broad Street
Selma, AL 36702-0450

3

JAMES PERKINS, JR.
MAYOR



222 BROAD STREET
SELMA, ALABAMA 36702

OFFICE OF THE MAYOR
WE ARE TOGETHER.

MEMORANDUM

To: Selma City Council
From: James Perkins, Jr., Mayor, City of Selma
Date: June 7, 2023
Re: **George Evans Building Updates**

Find attached documents supporting the above referenced subject. The same are submitted for your consideration.

I ask for your favorable consideration and vote.

If you have questions, please respond in writing. In advance, thank you.

JPJ/dt



CITY OF SELMA, ALABAMA
PUBLIC BUILDINGS DEPARTMENT

Stephanie Meniffee
Public Buildings Director

PHONE (334) 874-2145
E-MAIL smeniffee@selma-al.gov

To: Mayor James Perkins, Jr.
From: Stephanie Meniffee, Public Buildings Director
Date: June 5, 2023
Re: G.P. Evans Reception Center

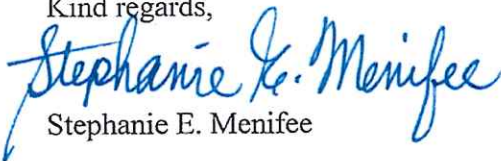
The Public Buildings Department is requesting approval to complete the scope of work to be done at the G.P. Evans Reception Center.

Three (3) quotes have been obtained to paint the exterior and interior area of the G.P. Evans Reception Center: Fails and Son's Construction-\$17,000, Perez Construction, LLC-\$22,000 and S & S Construction Services, LLC- \$114,000.

Fails and Son's Construction, is the lowest responsible bidder in the amount of \$17,000.

We are asking for a favorable vote in this matter.

Kind regards,


Stephanie E. Meniffee

PURCHASE ORDER

City of Selma
PO Box 450
Selma, Alabama 36702-0450
Phone (334) 874-2105

Municipality Exempt From
 Sales and Excise Tax
 §40-23-4-(11)

Purchase Order Number Below Must Appear on All Correspondence, Invoices, Bills of Lading, Packing Slips, Labels, and Packages.

Purchase Order No. _____

 For Office Use Only

Vendor No. _____

ROUNZEV

Fails and Son's Construction
 125 Cardinal Ave.
 Selma, AL 36701
 Phone: (334) 419-8795

SHIP

CITY OF SELMA
 PUBLIC BUILDINGS
 1000 SELMA AVE
 P.O. BOX 450
 SELMA, AL. 36702

INVOICE

City of Selma
 Finance Department
 P.O. Box 450
 Selma, Alabama 36702

Attn: Accounts Payable

IMPORTANT-READ CAREFULLY
 Prices, Terms, And F.O.B. Shown Are Per Your Quotation or Previous Purchases and Will Be Considered Correct Unless We Are Notified In Writing Prior To Invoice. This Purchase Order Will be Considered Void If Invoices or Statements Are Not Received Within Six Months of the Date of This Purchase Order.

DATE	TERMS	F.O.B	SHIP VIA	
		SELMA, ALABAMA		
DATE DELIVERY REQUIRED		FOR	DEPARTMENT	
		George Evans Recption Center	PUBLIC BUILDING	
QUANTITY	UNIT	DESCRIPTION	UNIT PRICE	PRICE
		Inside Painting		\$8,000.00
		Pressure washing and outside painting		\$9,000.00
Total				\$17,000.00

Vendor agrees, as a condition of sale, to comply with Section 202 of Executive Order 11246, as amended, relating to nondiscrimination in employment.

 Purchasing Agent

REQUISITION

NO. _____

PAYMENT

I certify that the goods or services listed above have been received.

Stephanie G. Manifoe
 DEPARTMENT HEAD

 Department Head

 Date

1 Fund
6022 Dept.
51036.2 Acct. No.

 Amount of Payment

\$236,807.00
Budgeted
\$219,807.00
Unencumbered
(Before This Order)

Approval: _____



Fails and Son's Construction

(344) - 419 - 8795

Date: 3/29/2023

Invoice:

City of Selma

Estimated Cost of Labor and material

- George P. Evans inside Painting \$8,000.00
- Outside painting and pressure washing \$9,000.00
- Amphitheater \$36,000.00
- Including all trims

Warranty: This is a standard three-year warranty; we stand by our craftsmanship. The said parties have also agreed to arbitration without the courts or attorneys. If during the ownership of (your property/three year) from the agreement date, our craftsmanship fails that which we find deemed reasonable, we will repair or replace the cause of your complaint.

We the undersigned do hereby agree to the above said work being done and payments.

JD Fails signature: _____

Date: _____

Customer signature: _____

Date: _____



Perez Construction LLC.

301 17th Ave SW
Birmingham, AL, 35211
perez@perezconstructionllc.co
205- 413-2703

Estimate

Estimate No: 277
Date: 05/04/2023

For: City Of Selma
smenifee@selma-al.gov

Description	Quantity	Rate	Amount
Project	1	\$9,500.00	\$9,500.00*
Evans building			
Paint all interior			
- once primed			
- two coats of main paint			
All labor and materials are included			
*Indicates non-taxable item			
		Subtotal	\$9,500.00
		Total	\$9,500.00
		Total	\$9,500.00



Perez Construction LLC.

301 17th Ave SW
Birmingham, AL, 35211
perez@perezconstructionllc.co
205- 413-2703

Estimate

Estimate No: 276
Date: 05/04/2023

For: City Of Selma
smenifee@selma-al.gov

Description	Quantity	Rate	Amount
Project Evans building Paint all interior	1	\$12,500.00	\$12,500.00*
All labor and materials are included			
*Indicates non-taxable item			
Subtotal			\$12,500.00
Total			\$12,500.00
Total			\$12,500.00

S & S Construction Services, LLC

Construction of Chain Link & Privacy Fencing
New Housing and Storm damage
Residential Houses & Roof Repairs
(334) 224-0118 Fax (334) 280-9906
AL General Contractor License #45555

5/16/2023

To: City of Selma-City Clerk's Office

The following is a bid quoted for work to be completed at the **George Evans Building:**

- Pressure Wash Exterior of Building
- Insulation portion of building where damages occurred
- Prep for repainting
- Apply 2 coats of oil base paint to exterior
- Apply 2 coats of oil base paint to interior

Total costs for material & labor for INTERIOR only - \$65,000

Total cost for materials & labor for EXTERIOR only - \$ 48,000

•
If additional information is needed, please feel free to contact me at (334) 224-0118 or
Fax: (334)280-9906.


CPA (Contract Price Adjustment Clause)

NOTE: Contract prices for materials and/or services will remain firm for 30 days from original date of quote.

*Price adjustment will be made in accordance with the percentage change from suppliers of materials.

To accept the terms of this quote, please sign below. By signing this document, you agree to enter a contract for services, as outlined above. You also agree to pay the amount as quoted. Please return by email or fax.

Please be advised that any changes made by the home owner are subjected to a **\$600 change order fee**. This is an additional charge that must be paid when the Change Order is acknowledged and signed by the property/home owner. (NO EXCEPTIONS)



Michael J. Snow, President
DBE Certified

Property Owner Signature & date

3435 Zack Gordon Lane
Hope Hull, Alabama
sms-handy@att.net or constructionatsns@gmail.com
Licensed & Insured

4

JAMES PERKINS, JR.
MAYOR



222 BROAD STREET
SELMA, ALABAMA 36702

OFFICE OF THE MAYOR
WE ARE TOGETHER.

MEMORANDUM

To: Selma City Council
From: James Perkins, Jr., Mayor, City of Selma
Date: June 7, 2023
Re: **Amphitheatre Updates**

Find attached documents supporting the above referenced subject. The same are submitted for your consideration.

I ask for your favorable consideration and vote.

If you have questions, please respond in writing. In advance, thank you.

JPJ/dt



CITY OF SELMA, ALABAMA
PUBLIC BUILDINGS DEPARTMENT

Stephanie Meniffee
Public Buildings Director

PHONE (334) 874-2145
E-MAIL smeniffee@selma-al.gov

To: Mayor James Perkins, Jr.
From: Stephanie Meniffee, Public Buildings Director
Date: June 5, 2023
Re: Amphitheatre

The Public Buildings Department is requesting approval to complete the scope of work to be done at the Amphitheatre.

Three (3) quotes have been obtained to paint the outer area of the Amphitheatre: Perez Construction, LLC-\$35,000, Fails and Son's Construction-\$36,000 and S & S Construction Services, LLC- \$150,000.

Perez Construction, LLC, is the lowest responsible bidder.

We are asking for a favorable vote in this matter.

Kind regards,


Stephanie E. Meniffee

PURCHASE ORDER

City of Selma
PO Box 450
Selma, Alabama 36702-0450
Phone (334) 874-2105

Municipality Exempt From
 Sales and Excise Tax
 §40-23-4-(11)

Purchase Order Number Below Must Appear on All Correspondence, Invoices, Bills of Lading, Packing Slips, Labels, and Packages.

Purchase Order No. _____

For Office Use Only

Vendor No. _____

V E N D O R	Perez Construction LLC. 301 17th Ave. SW Birmingham, AL 35211 Phone: (205) 413-2703 perez@perezconstructionllc.co
--	--

S H I P T O	CITY OF SELMA PUBLIC BUILDINGS 1000 SELMA AVE P.O. BOX 450 SELMA, AL. 36702
--	---

I N V O I C E	City of Selma Finance Department P.O. Box 450 Selma, Alabama 36702 Attn: Accounts Payable
--	---

IMPORTANT-READ CAREFULLY
 Prices, Terms, And F.O.B. Shown Are Per Your Quotation or Previous Purchases and Will Be Considered Correct Unless We Are Notified In Writing Prior To Invoice. This Purchase Order Will be Considered Void If Invoices or Statements Are Not Received Within Six Months of the Date of This Purchase Order.

DATE	TERMS	F.O.B	SHIP VIA
6/5/2023		SELMA, ALABAMA	

DATE DELIVERY REQUIRED	FOR	DEPARTMENT
	Amphitheatre	PUBLIC BUILDING

QUANTITY	UNIT	DESCRIPTION	UNIT PRICE	PRICE
		Paint all exterior of Amphitheatre		\$35,000.00
Total				\$35,000.00

Vendor agrees, as a condition of sale, to comply with Section 202 of Executive Order 11246, as amended, relating to nondiscrimination in employment.

Purchasing Agent

REQUISITION

NO. _____

PAYMENT

I certify that the goods or services listed above have been received.

Stephanie G. Menifee
 DEPARTMENT HEAD

Department Head

Date

1 Fund 6022 Dept. 51036.2 Acct. No.

Amount of Payment

\$219,807.00 Budgeted \$184,807.00 Unencumbered (Before This Order)

Approval: _____



Perez Construction LLC.

301 17th Ave SW
Birmingham, AL, 35211
perez@perezconstructionllc.co
205-413-2703

Estimate

Estimate No: 275
Date: 05/04/2023

For: City Of Selma
smeniffee@selma-al.gov

Description	Quantity	Rate	Amount
Project Paint all exterior Amphitheater	1	\$35,000.00	\$35,000.00*
All labor and materials are included			
*Indicates non-taxable item			
		Subtotal	\$35,000.00
		Total	\$35,000.00
		Total	\$35,000.00



Fails and Son's Construction

(344) - 419 - 8795

Date: 3/29/2023

Invoice:

City of Selma

Estimated Cost of Labor and material

- George P. Evans inside Painting \$8,000.00
- Outside painting and pressure washing \$9,000.00
- Amphitheater \$36,000.00
- Including all trims

Warranty: This is a standard three-year warranty; we stand by our craftsmanship. The said parties have also agreed to arbitration without the courts or attorneys. If during the ownership of (your property/three year) from the agreement date, our craftsmanship fails that which we find deemed reasonable, we will repair or replace the cause of your complaint.

We the undersigned do hereby agree to the above said work being done and payments.

JD Fails signature: _____

Date: _____

Customer signature: _____

Date: _____

S & S Construction Services, LLC

Construction of Chain Link & Privacy Fencing
New Housing and Storm damage
Residential Houses & Roof Repairs
(334) 224-0118 Fax (334) 280-9906
AL General Contractor License #45555

5/16/2023

To: City of Selma-City Clerk's Office

The following is a bid quoted for work to be completed at Selma Amphitheater:

- Pressure Wash Exterior of Building
- Prep for repainting
- Apply 2 coats of oil base paint to exterior
-

This is quote is to paint with several colors as existing paint.

Total cost for materials & labor for EXTERIOR - \$ 150,000

If additional information is needed, please feel free to contact me at (334) 224-0118 or Fax: (334)280-9906.

CPA (Contract Price Adjustment Clause)

NOTE: Contract prices for materials and/or services will remain firm for 30 days from original date of quote.

*Price adjustment will be made in accordance with the percentage change from suppliers of materials.

To accept the terms of this quote, please sign below. By signing this document, you agree to enter a contract for services, as outlined above. You also agree to pay the amount as quoted. Please return by email or fax.

Please be advised that any changes made by the property owner are subjected to a \$600 change order fee. This is an additional charge that must be paid when the Change Order is acknowledged and signed by the property/home owner. (NO EXCEPTIONS)



Michael J. Snow, President
DBE Certified

Property Owner Signature & date

5

JAMES PERKINS, JR.
MAYOR



222 BROAD STREET
SELMA, ALABAMA 36702

OFFICE OF THE MAYOR
WE ARE TOGETHER.

MEMORANDUM

To: Selma City Council
From: James Perkins, Jr., Mayor, City of Selma
Date: June 7, 2023
Re: **An Ordinance for the Landbank**

Find attached documents supporting the above referenced subject. The same are submitted for your consideration.

I ask for your favorable consideration and vote.

If you have questions, please respond in writing. In advance, thank you.

JPJ/dt

ORDINANCE
O106-22/23
AN ORDINANCE FOR THE LAND BANK

Chapter 15 – LAND BANK AUTHORITY[1]

Footnotes:

--- (1) ---

This Chapter is authorized by The Alabama Land Bank Authority Act, Sections 24-9-1 et seq. (Act 2013-249).

ARTICLE I. - IN GENERAL

Sec. 15-1. - This chapter shall be known and may be cited as the Selma Land Bank Local Authority.

Sec. 15-2. -- Purpose - The Selma Land Bank Local authority is organized according and pursuant to Section 24-9-1 et seq., the Alabama Land Bank Authority Act. The Selma Land Bank Local Authority (“SLBA”) is hereby created for the purpose of acquiring tax delinquent properties in order to foster the public purpose of rehabilitating land which is in a nonrevenue-generating, nontax-producing status to an effective utilization status in order to provide housing, new industry, new commercial and economic development, other productive uses, jobs for the citizens, assemble parcels of real property for redevelopment, stabilize property values, and remove blight.

Sec. 15-3. - Eminent Domain

The local authority does not have the power of eminent domain.

State Law reference—no power of eminent domain.

(§ 24-9-3 Code of Alabama, 1975)

Sec. 15-4. – Definitions

When used in this Ordinance, the following words shall have the following meanings:

(1) *AGREEMENT*. The intergovernmental cooperation agreement entered into between an authority and a local authority by the parties pursuant to this chapter.

(2) *BOARD*. The Alabama Land Bank Authority Board.

(3) *LOCAL AUTHORITY*. A local land bank local authority created by a county or municipality as provided in Section 24-9-10.

(4) *PROPERTY*. Real property, including any improvements thereon.

(5) *TAX-DELINQUENT PROPERTY*. Any property on which the taxes levied and assessed by any party remain in whole or in part unpaid on the date due and payable.

Sec. 15-5. – Selma Land Bank Authority Board

(a) There is created Land Bank Authority Board which shall govern the local authority to administer and enforce this chapter.

(b) The board shall consist of the following members:

(1) Director 1 shall have experience in real estate, property management, real estate law, residential and/or commercial contracting and rehabilitation of properties.

(2) Director 2 shall be a professional in the Finance or Banking industry with experience in lending, finance and/or tax credits for residential and commercial properties. This member should also have experience with affordable and low-income housing.

(3) Director 3 shall be a registered architect, Landscape Architect or City Planner with experience in long range planning and neighborhood/community master planning.

(4) Director 4 shall be a specialist in housing related activities with experience in developing affordable housing for low and moderate income families or a member of a non-profit involved in affordable housing for residents of the City of Selma.

(5) The office of the Mayor of the City of Selma shall recommend three directors for the Board. These shall be known as "Director 5," "Director 6," and "Director 7".

(6) The Mayor will serve as Director 5, Director 6, or Director 7, unless he or she decides not to serve on the Board.

(c) The Council of the City of Selma shall appoint all directors recommended by the Mayor and Council to serve staggered terms, other than the Mayor, if he/she chooses to serve on the Board. If he/she chooses to serve on the Board, the Mayor's term shall coincide with his/her term of office.

(d) All other directors shall serve four-year terms. The term of office for all appointed directors shall be staggered. The initial directors other than the Mayor, if applicable, shall serve the following terms. Directors 1, 4 and 7 shall serve two-year terms.

Directors 2 and 5 shall serve three-year terms. Directors 3 and 6 shall serve four-year terms.

(e) All directors of the board must be residents of the City of Selma.

(f) Directors shall receive no compensation for their service but may be reimbursed for expenses incurred in the performance of their duties.

(g) The Mayor shall be the only elected official eligible to serve on the Board, if he/she chooses to serve on the Board.

(h) The board may employ the necessary personnel for the performance of its functions and fix their compensation.

(i) Each director appointed by the Council, including a director appointed to fill a vacancy, shall hold office until the expiration of the term for which he or she was appointed.

(j) With the exception of the Mayor, if a director is absent for more than half of the board's meetings in a twelve-month period, the director shall be removed from the Board by a vote of the City Council in accordance with the by-laws of the authority.

(k) The Directors must complete an Alabama Ethics Law course during their first year on the Board.

(l) The membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the local, county, state, and national regions.

Sec. 15-6. – Acquisition of tax delinquent properties.

(a) The local authority, at such times as it deems to be appropriate, may submit a written request to the Land Commissioner of the Alabama Department of Revenue for the transfer of the state's interest in certain properties to the local authority. Upon receipt of such request, the Land Commissioner shall issue a tax deed conveying the state's interest in the property to the local authority. The local authority shall not be required to pay the amount deemed to have been bid to cover delinquent taxes or any other amount in order to obtain the tax deed.

(b) (1) Delinquent property which may be transferred by the Land Commissioner to the local authority shall be limited to parcels which have been bid in for the state pursuant to Chapter 10 of Title 40 for at least five years and the state's interest in real property acquired pursuant to Chapter 29 of Title 40 for delinquent taxes administered by the state and held for at least five years.

(2) The Land Commissioner or his or her agents or assistants may adopt rules necessary to transfer such properties to the local authority.

(c) The local authority shall administer properties acquired by it as follows:

(1) All property acquired by the local authority shall be inventoried and the inventory shall be maintained as a public record.

(2) The local authority shall have the power to manage, maintain, protect, rent, lease, repair, insure, alter, sell, trade, exchange, or otherwise dispose of any property acquired pursuant to subsection (b)(1), on terms and conditions determined in the sole discretion of the local authority.

(d) Nothing contained in Act 2013-249 shall be construed to grant any power of eminent domain to the local authority or any local authority.

Sec. 15-7.- Disposition of tax delinquent properties.

(a) The local authority shall adopt rules and regulations for the disposition of property in which the local authority holds a legal interest, which rules and regulations shall address the conditions set forth in this section.

(b) The local authority may manage, maintain, protect, rent, repair, insure, alter, convey, sell, transfer, exchange, lease as lessor, or otherwise dispose of property or rights or interests in property in which the local authority holds a legal interest to any public or private person for value determined by the local authority on terms and conditions, and in a manner and for an amount of consideration the local authority considers proper, fair, and valuable, including for no monetary consideration. The transfer and use of property under this section and the exercise by the local authority of powers and duties

under Act 2013-249 shall be considered a necessary public purpose and for the benefit of the public.

(c) Before the local authority may sell, lease, exchange, trade, or otherwise dispose of any property, it shall either:

(1) Establish a purchase price and conditions for sale purposes.

(2) Establish a price and conditions for rent or lease purposes.

(3) Establish the conditions for trade, exchange, or other disposal of the property.

The conditions made pursuant to this subsection may include a requirement that the transferee must provide a development plan or execute a development agreement with the local authority specifying the transferee's commitments regarding the development of the property and the time frame within which the development must occur, the range of permitted uses for the property, and any restrictions on its subsequent resale or transfer.

(d) The disposition of property by the local authority shall not be governed by any laws or regulations otherwise applicable to the disposition of property by a state or local agency. Provided, however, that, prior to the disposition of property, the local authority shall give notice of its intent to dispose of any property for which notice was not previously advertised by the Commissioner of Revenue, or his or her designee, or by a local official in a manner as prescribed by the local authority and shall include in the notice the date, time, and place at which persons objecting to the intended action must appear. If no objection is made within 30 days from the date of the notice, the local authority may proceed with the disposition of the property as noticed without a public auction.

(e) No property shall be sold, traded, exchanged, or otherwise disposed of by the local authority to any entity for investment purposes only and with no intent to use the property other than to transfer the property at a future date for monetary gain.

(f) The local authority shall not sell, trade, exchange, or otherwise dispose of any property held by the local authority to any party who had an interest in the property at the time it was tax delinquent or to any party who transferred the party's interest in the property to the local authority by sale, trade, exchange, or otherwise, unless the person pays all the taxes, interest, municipal liens, penalties, fees, and any other charges due and owing under Chapter 10 and Chapter 29 of Title 40, including the amount to the Land Commissioner had the property not been transferred to the local authority.

(g) At the time that the local authority sells or otherwise disposes of property as part of its land bank program, the proceeds of the sale shall be distributed equally as follows:

(1) One-third to the operations of the local authority.

(2) One-third to the recovery of local authority expenses.

(3) If the property was initially bid in for the state for delinquent ad valorem taxes, one-third to the recipients of ad valorem taxes within the jurisdiction of the tax delinquent property, including the appropriate school districts, in proportion to and to the extent of their respective tax bills and costs. Otherwise, the remaining one-third of the proceeds shall be remitted to the state Comptroller to be distributed to the statutorily designated recipient or recipients of the delinquent tax for which the property was seized.

(h) Except as otherwise provided in this section, the local authority shall have full discretion in determining the sale price of the property. No purchaser from the local authority shall be responsible for the proper disposition of the proceeds paid to the local authority for the purchase of property. (Section 24-9-8 Code of Alabama 1975)

Sec. 15-8.- Quiet title and foreclosure action.

(a) The local authority may initiate a quiet title action under this section to quiet title to real property held by the local authority or interests in tax delinquent property held by the local authority by recording with the office of the judge of probate in the county in which the property subject to quiet title action is located a notice of pending quiet title action. The notice shall include the name of the taxpayer whose interest was affected by the tax sale; the name of any other party as revealed by a search and examination of the title to the property who may claim an interest in the property; a legal description of the property; the street address of the property if available; the name, address, and telephone number of the local authority; a statement that the property is subject to the quiet title proceedings under Act 2013-249; and a statement that any legal interests in the property may be extinguished by a circuit court order vesting title to the property in the local authority. Notwithstanding anything in this chapter to the contrary, no quiet title action and nothing in this chapter shall affect any right, title, or interest, whether recorded or unrecorded, in the subject property which was held at the time of the tax sale by any person or entity engaged in the generation, transmission, or distribution of electric power, natural gas, or telecommunications.

(b) After the notice required under subsection (a) has been recorded, the record title to the property shall be examined and an opinion of title rendered by an attorney at law, who is licensed to practice law in this state, or a certificate of title shall be prepared by a title agent or title insurer duly licensed under the Alabama Title Insurance Act as set out in Section 27-25-1, et seq., for the benefit of the local authority in order to identify all owners of an interest in the property.

(c) Once the local authority has identified the owners of interest in the property, the local authority shall file a single petition with the clerk of the circuit court for the judicial district in which the property subject to foreclosure under this section is located listing all property subject to foreclosure by the local authority and for which the local authority seeks to quiet title. No such action shall be subject to the payment of filing fees. The list

of properties shall include a legal description of, a tax parcel identification number for, and the street address of each parcel or property. The petition shall seek a judgment in favor of the local authority against each property listed and shall include a date, within 90 days, on which the local authority requests a hearing on the petition. The petition shall request that a judgment be entered vesting absolute title in the local authority, without right of redemption for each parcel of property listed, as provided in this section. At any time during the pendency of this action, the local authority may file a motion to release or dismiss a certain parcel or parcels of land from the petition, which release will not affect the remaining parcels of land subject to the petition.

(d) The case shall be docketed in the circuit court by the clerk, and shall be a preferred case therein. The circuit court in which a petition is filed under subsection (c) shall immediately set the date, time, and place for a hearing on the petition for quiet title. In no event may the clerk schedule the hearing later than 90 days after the filing of a petition by the local authority under subsection (c). The court, on the request of a party or as needed to allow completion of service of process on all interested persons, and to allow those persons 30 days after service of process to file an answer or other responsive pleadings to the petition, may extend the 90-day period for good cause shown.

(e) The local authority shall serve all persons having record title or interest in or lien upon the property with a notice of the hearing on the petition to quiet title. Such service shall be attempted by personal service and by certified mail; provided if service is perfected by either method, the service will be sufficient to provide service of process upon all persons having record title or interest in or lien upon the property. If the persons entitled to service are located outside the county, they may be served by certified mail.

(f) The notice required under subsection (e) shall include:

(1) The date on which the local authority recorded, under subsection (a), the notice of the pending quiet title and foreclosure action.

(2) A statement that a person with a property interest in the property may lose such interest, if any, as a result of the quiet title and foreclosure hearing.

(3) A legal description, tax parcel identification number of the property, and the street address of the property.

(4) The date and time of the hearing on the petition for quiet title and a statement that the judgment of the court may result in title to the property vesting in the local authority.

(5) An explanation of any rights of redemption and notice that the judgment of the court may extinguish any ownership interest in or right to redeem the property.

(6) The name, address, and telephone number of the local authority.

(g) In the event the sheriff is unable to perfect service or certified mail attempts are returned unclaimed, the local authority shall conduct a search for the person with an interest in the property conveyed to the local authority.

(1) The search, at a minimum, shall include the following:

a. An examination of the addresses given on the face of the instrument vesting interest or the addresses given to the clerk of the probate court by the transfer declaration form.

b. A search of the current telephone directory for the municipality and the county in which the property is located.

c. A letter of inquiry to the person who sold the property to the owner whose interest was sold in the tax sale at the address shown in the transfer tax declaration or in the telephone directory.

d. A letter of inquiry to the attorney handling the closing prior to the tax sale if such information is provided on the deed forms.

(2) A sign being no less than four feet by four feet shall be erected on the property and maintained by the local authority for a minimum of 30 days reading as follows:

“THIS PROPERTY HAS BEEN CONVEYED TO THE _____ LAND BANK LOCAL AUTHORITY AND IS SUBJECT TO A QUIET TITLE ACTION. PERSONS WITH INFORMATION REGARDING THE PRIOR OWNERSHIP OF OR INTEREST IN THE PROPERTY ARE REQUESTED TO CONTACT THE LAND BANK LOCAL AUTHORITY AT _____.”

(3) Any additional parties who are identified as having an interest in the property shall be provided notice in accordance with this section.

(h) If the interested party is an individual, the local authority shall examine voter registration lists, available municipal archives for records of deaths, and the probate court records of estates opened in the county in which the property is located.

(i) If the interested party is a business entity, the local authority shall search the records of the Secretary of State for the name and address of a registered agent.

(j) If an interested party appears at the hearing and asserts a right to redeem the property, that party may redeem in accordance with Chapter 10 and Chapter 29 of Title 40.

(k) (1) If the local authority has made the search as required by this section and been unable to locate those persons required to be served under subsection (e), and has located additional addresses of those persons through the search and attempted without success to serve those persons in either manner provided by subsection (e),

the local authority shall provide notice by publication. Prior to the hearing, a notice shall be published once each week for three successive weeks in a newspaper of general circulation in the county in which the property is located. If no paper is published in that county, publication shall be made in a newspaper of general circulation in an adjoining county. This publication shall substitute for notice under this subsection or subsection (g). The published notice shall include the information required in subsection (f). Should the identity of some or all of the persons who may have an interest in the property be unknown, or should such persons be infants or persons of unsound mind, the court shall appoint a *Guardian Ad Litem* to represent and defend the interests of such unknown, infant, or incompetent parties in the action.

(2) A person claiming an interest in a parcel of property set forth in the quiet title action who desires to contest that petition shall file an answer containing written objections with the clerk of the circuit court and serve those objections on the local authority before the date of the hearing. The circuit court may appoint and utilize as the court considers necessary a special master for assistance with the resolution of any objections to the quiet title action or questions regarding the title to property subject thereto. Within 30 days following the hearing, the circuit court shall enter judgment on a petition to quiet title. The circuit court's judgment shall specify all of the following:

- a. The legal description, tax parcel identification number, and, if known, the street address of the subject property.
- b. That fee simple title to the property by the judgment is vested absolutely in the local authority, except as otherwise provided in paragraph e., without any further rights of redemption.
- c. That all liens against the property, including any lien for unpaid taxes or special assessments, are extinguished.
- d. That, except as otherwise provided in paragraph e., the local authority has good and marketable fee simple title to the property.
- e. That all existing recorded and unrecorded interests in the property are extinguished, except a recorded easement or right-of-way, restrictive covenant, prior reservation or severance of all mineral, mining, oil and gas rights within and underlying the property, such state of facts as shown on recorded plats, or restrictions or covenants imposed under the Alabama Land Recycling and Economic Development Act or any other environmental law in effect in the state, severed oil, gas, and mineral rights and mineral leases and agreements are excepted from Act 2013-249 and any quiet title action authorized herein.
- f. A finding that all persons entitled to notice and an opportunity to be heard have been provided that notice and opportunity and that the local authority

provided notice to all interested parties or that the local authority complied with the notice procedures in subdivision (1), which compliance shall create a rebuttable presumption that all interested parties received notice and an opportunity to be heard.

(l) Except as otherwise provided in paragraph e. of subdivision (2) of subsection (k), fee simple title to property set forth in a petition for quiet title filed under subsection (c) shall vest absolutely in the local authority upon the effective date of the judgment by the circuit court and the local authority shall have absolute title to the property. The local authority's title is not subject to any recorded or unrecorded lien, except as provided in paragraph e. of subdivision (2) of subsection (k) and shall not be stayed except as provided in subsection (m). A judgment entered under this section is a final order with respect to the property affected by the judgment.

(m) The local authority or a person claiming to have an interest in property under this section may within 42 days following the effective date of the judgment under subsection (k) appeal the circuit court's judgment quieting title to the property to the court of appeals. An appeal under this subsection is limited to the record of the proceedings in the circuit court under this section. In the event of a timely appeal, the circuit court's judgment quieting title to the property shall be stayed until the court of appeals has reversed, modified, or affirmed that judgment. If an appeal under this subsection stays the circuit court's judgment, the circuit court's judgment is stayed only as to the property that is the subject of that appeal and the circuit court's judgment quieting title to other property that is not the subject of that appeal is not stayed.

(n) The local authority shall record an order of judgment for each parcel of property in the office of the judge of probate for the county in which the subject property is located.

(o) Notwithstanding the requirements for adverse possession under Section 40-10-82, or any other law, the local authority may initiate a quiet title action under this section at any time after acquiring an interest in the property which is subject to the action. A final decree of an action properly filed in compliance with this section shall extinguish all outstanding rights of redemption.

Sec. 15-9. - Applicability of Ordinance.

This Ordinance shall not apply to property owned, operated, or used by utilities in the generation, transmission, or distribution of electricity.

Sec.15-10. - Incorporation of local authority.

(a) If the number of tax delinquent properties in a municipality exceeds 1,000, then the governing body of a municipality may adopt a resolution declaring that it is wise, expedient, and necessary that a local authority be formed by the municipality by the filing for record of a certificate of incorporation in accordance with the provisions of subsection (c).

(b) If the number of tax delinquent properties in a municipality exceeds 1,000, then the governing body of a county may adopt a resolution declaring that it is wise, expedient, and necessary that a local authority be formed by the county by the filing for record of a certificate of incorporation in accordance with the provisions of subsection (c).

(c) Upon the adoption of the authorizing resolution, the municipality shall proceed to incorporate the local authority by filing for record in the office of the judge of probate of the county a certificate of incorporation which shall comply in form and substance with the requirements of Act 2013-249 Section 24-9-10 and which shall be in the form and executed in the manner herein provided. The certificate of incorporation of the local authority shall state all of the following:

- (1) The name of the local unit of government forming the local authority.
- (2) The name of the local authority.
- (3) The size of the initial governing body of the local authority, which shall be composed of an odd number of members, but not less than five.
- (4) The qualifications, method of selection, and terms of office of the initial board members.
- (5) A method for the adoption of bylaws by the governing body of the local authority.
- (6) A method for the distribution of proceeds from the activities of the local authority.
- (7) A method for the dissolution of the local authority.
- (8) Any other matters considered advisable by the local unit of government, consistent with Act 2013-249.

(d) Following incorporation, a local authority may enter into an intergovernmental agreement with the local authority providing for the transfer to the local authority of any property held by the local authority which is located within the corporate limits of the municipality or the boundary of the county which created the land bank.

(e) A local authority shall have all of the powers of the local authority as set forth in this chapter.

(f) A local unit of government and any agency or department of such local unit of government may do one or more of the following:

- (1) Anything necessary or convenient to aid a local authority in fulfilling its purposes under Act 2013-249.

(2) Lend, grant, transfer, appropriate, or contribute funds to a local authority in furtherance of its purposes.

(3) Lend, grant, transfer, or convey funds to a local authority that are received from the federal government or this state or from any nongovernmental entity in aid of the purposes of Act 2013-249.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF SELMA, ALABAMA,
THIS THE 27th DAY OF September, 2022.

The Municipality of Selma, Alabama

Warren Young, *President*

ATTEST:

Ivy S. Harrison, *City Clerk*

James Perkins, Jr., *Mayor*