

## ORDINANCE NO. 2023-09

### *An ordinance of the City of Irondale, Alabama to authorize the execution of an Intergovernmental Paving Agreement with Jefferson County, Alabama*

**WHEREAS**, Jefferson County, Alabama (the “County”) and the City of Irondale, Alabama (“City”) desire to enter into an Intergovernmental Paving Agreement for the public purpose of making certain improvements to Amber Hills Road to include resurfacing, milling, localized repair and patching, paint striping, and pavement markers in Irondale, Alabama, Jefferson County; and

**WHEREAS**, the portion of Amber Hills Road to be improved is located within the City limits and is currently maintained by the City; and

**WHEREAS**, the County will be paving certain sections of roadway located within its own jurisdictional limits that are adjacent to Amber Hills Road, and the City desires to cause its portion of Amber Hills Road to be improved at the same time so as to reduce impacts to the traveling public and to complete the work in an efficient manner; and

**WHEREAS**, the cost of construction of Amber Hills Road is estimated to be \$259,969.04 (Two Hundred Fifty-Nine Thousand Nine Hundred Sixty-Nine Dollars and Four Cents); and

**WHEREAS**, the County will provide the required material and labor services at County Cost; and

**WHEREAS**, the City will be responsible for paying Jefferson County for this work on Amber Hills Road; and

**WHEREAS**, Jefferson County and municipalities located in Jefferson County desire to establish an agreement through the authority set forth in Act 1969-916 of the Acts of Alabama and §11-102-1 et seq. of the Code of Alabama (“Law”); and

**WHEREAS**, pursuant to the Law, municipalities entering into intergovernmental paving agreements with Jefferson County must enter into such agreements by ordinance; and

**WHEREAS**, the City Council of the City of Irondale has determined that entering into an intergovernmental paving agreement with Jefferson County, Alabama will promote the public health, safety, and general welfare, and will serve a valid and sufficient public purpose; and

**WHEREAS**, the City Council further finds that it is in the public interest that the parties enter into a joint purchasing/service agreement in accordance with Alabama Code §41-16-50(b) and §11-102-1, et seq., in order to authorize County to engage in the purchase of certain services and materials through the competitive bid process for use by the parties, i.e. in order for the County and the City to make certain improvements to Amber Hills Road.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Irondale, Alabama in regular meeting duly assembled, a quorum being present, as follows:

**Section 1. AUTHORIZATION OF EXECUTION OF INTER-GOVERNMENTAL PAVING AGREEMENT.** Mayor James D. Stewart, Jr. is hereby authorized to execute an inter-governmental paving agreement with Jefferson County, Alabama for roadwork to Amber Hills Road. The form for this agreement shall be in substantially the same form as attached hereto as Exhibit A.

**Section 2. ORDINANCES REPEALED.** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 3. SEVERABILITY.** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Irondale hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 4. LEGAL RIGHTS NOT IMPAIRED.** Nothing in this ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**Section 5. ORDINANCE CUMULATIVE; COMPATIBILITY WITH OTHER REGULATIONS.** This Ordinance shall not be construed to modify or to repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this Ordinance are in addition to and cumulative to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

**Section 6. PUBLICATION OF ORDINANCE.** The City Clerk of the City of Irondale is hereby ordered and directed to cause this Ordinance to be published and that a copy of this Ordinance be entered upon the minutes of the meeting of the City Council.

**Section 7. EFFECTIVE DATE OF ORDINACNE.** That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall be in full force and effect upon adoption and shall continue in full force and effect from month to month and year to year from its effective date until repealed.

**ADOPTED & APPROVED:** This 7th day of March, 2023.

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John London, President Pro-tembrct

**APPROVED:**

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James D. Stewart, Jr., Mayor

**ATTESTED:**

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Leigh Ann Allison, City Clerk

**CERTIFICATION**

I, Leigh Ann Allison, City Clerk of the City of Irondale, Alabama, hereby certify that the above to be a true and correct copy of an ordinance adopted by the City Council of the City of Irondale at its regular meeting held on the 7th day of March, 2023, as the same appears in the minutes of record of said meeting.

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Leigh Ann Allison, City Clerk

**EXHIBIT A**