

Section 45-44-70

Performance of work or services on private property; written policy; contracts.

(a) The Macon County Commission, within Macon County, may go upon private property and perform work or services for churches, schools, individuals, and nonprofit associations or corporations and sell materials to churches, schools, individuals, and nonprofit associations or corporations subject to this section.

(b) It is the intent of this section to make available to the citizens of Macon County services only when such services are not reasonably available to them at a reasonable cost from private enterprise. Upon May 19, 1980, and during the month of January each year thereafter, the county commission shall investigate the availability of work, services, and material from private enterprise in the various areas of Macon County and shall enter upon the minutes of the county commission the results of such investigation. The county commission shall thereafter adopt a written policy governing the doing of such work or services and the sale of such material. The policy shall include a description of the work and services which shall be performed and the materials to be sold and a limitation upon the areas in which such work or services shall be performed and in which materials shall be sold to those areas in which such work, services, or material are not reasonably available at a reasonable cost from private enterprise. The policy shall include a provision that such work, services, or materials are available to all citizens of Macon County where such work, services, or material are not reasonably available from private enterprise at a reasonable cost. The written policy adopted by the county commission shall be published annually in a newspaper of general circulation in Macon County in the type normally used for news stories.

(c) No work may be done by the Macon County Commission upon private property unless the county commission has no present need for the use for public county purposes of the existing personnel and equipment necessary to perform such work and unless the county commission and the proper fund in the county treasury are justly compensated for work or services performed and for the materials used or sold. In determining just compensation for work or services performed and for materials used or sold, all indirect costs including, but not limited to, overhead, management, and depreciation shall be included.

(d) Before any work or services are performed on private property or material is sold to churches, schools, individuals, or nonprofit associations or corporations, a written contract shall be signed by the party for whom the work or services are to be performed or to whom the material is to be sold stating the work to be done or material sold, the amount to be paid for such work or services or material, or the rate

by which the amount to be paid for such work, services, or materials shall be computed. Such contract shall be a public document available for inspection by any interested party. The work or services performed shall be paid for at the time it is completed and any material delivered shall be paid for at the time the material is delivered. The name of each church, school, individual, or nonprofit association or corporation for whom work or services are performed, or to whom material is delivered, shall be entered upon the permanent minutes of the Macon County Commission at its next regular meeting following the completion of the work or the delivery of the material, along with a description of the work performed or material delivered and a statement of the price paid to the county for the work performed or material sold.

(e) No work shall be performed for any church, school, individual, or nonprofit association or corporation under this section including labor, materials, equipment use, or any other cost or expense that exceeds one thousand dollars (\$1,000) for any 12-month period.

(f) This section shall not be construed to repeal any law not in direct conflict herewith.

(Act 80-440, p. 669, §§ 1-6.)