

OFFICE OF THE ATTORNEY GENERAL



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Honorable H. Dean Buttram, Jr.
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Jails - Prisons and Prisoners
- Sales Tax - Municipalities
- Counties

The county commission may enter into an agreement with a municipality and an E-911 emergency management communications district authorizing office space in the new county jail for municipal police offices and a centralized emergency dispatch service.

Dear Mr. Buttram:

This opinion is issued in response to your request for an opinion from the Attorney General.

QUESTION

In consideration of the foregoing premises and recitals, can the Cherokee County Commission provide the City of Centre, Alabama, with facilities for its police department and radio dispatch office within the new county jail facility, the construction and operation of which is being funded in whole or in part by a general sales tax levied upon the people of Cherokee County, Alabama? In other words, under the foregoing facts, is

there a problem with utilizing the county sales tax proceeds for provision of a new jail facility that will be utilized in part by the City of Centre, Alabama, for the aforesaid limited purposes and provision of central dispatch for the county and municipalities located therein?

FACTS AND ANALYSIS

Cherokee County has levied a general sales tax earmarked in part for the construction and operation of a new county jail. The question presented is simply whether the county may authorize the City of Centre and E-911 personnel to maintain office space in the new building. The specific facts presented here present the issue of whether the county, the City of Centre, and the E-911 Board can combine their separate radio dispatch services into a new central dispatch office located in the county building. The office would be operated and staffed by the city and the county would provide office space and utility expenses and pay a pro rata share of the costs of the enhanced E-911 service provided to all county residents by the combined central dispatch facility. The combination of the E-911 dispatch programs is estimated to save taxpayers \$125,000 annually.

It is our opinion that the Cherokee County Commission, the City of Centre, and the E-911 Board of Directors may combine their separate radio dispatch services into a central dispatch office housed in the new county jail facilities and operated by the City of Centre. Any agreement entered into by these three agencies, so long as it is fair to all parties, may include provisions concerning staffing, equipment, utilities, office space and other general requirements which are necessary to provide emergency dispatch service to the public.

The Attorney General has written previously that emergency management communications district systems should coordinate and cooperate with adjoining districts to provide the best possible services at the least expense to the citizens of this state which they serve. Attorney General's opinion to George W. Ponder, III, dated February 24, 1993, A.G. No. 93-00133. As the Attorney General wrote: "In this spirit of cooperation, agreements between adjacent districts and their creating governing body and emergency responding units are appropriate and as a matter of public policy should be encouraged." Adjacent districts should work together in a

spirit of cooperation to develop the most effective emergency response system possible for the people they serve.

In the Attorney General's opinion to George W. Ponder, III, dated July 30, 1992, A.G. No. 92-00358, the Attorney General acknowledged that the Cullman County E-911 Board of Commissioners could use its funds to assist the City of Cullman in remodeling and expanding the facility in which E-911 equipment was maintained. The Attorney General's opinion to Jerry Batts, dated June 11, 1992, A.G. No. 92-00311, authorized the expenditure of E-911 funds to reimburse a county or municipality for the cost of dispatchers and utilities. Additionally, in previous opinions this office has held that a city may contract with the county for use of the county jail to house city prisoners. Opinion to Van Gholston, dated May 8, 1984, A.G. No. 84-00261; opinion to Martha Elrod, dated January 5, 1993, A.G. No. 93-00079; opinion to Robert A. Wills, dated May 8, 1984, A.G. No. 84-00270.

Thus, the Attorney General's opinions written previously in response to situations similar to the one described here have established the authority of cities, counties, and E-911 boards of directors to agree among themselves in what manner they should provide the best possible service to the taxpayers. These entities may enter into contracts among themselves to provide emergency dispatch service to the public. If the county commission, the city and the E-911 board of directors determine that such is the most economical means to acquire office space for its personnel and equipment, the county may provide the city with facilities for its police department and radio dispatch office within the new county jail facility.

There is no "problem" with utilizing the county sales tax proceeds to build a new jail facility, even if the commissioners intend to enter into a contract with the City of Centre allowing the city to utilize space in the building for E-911 and emergency dispatch services and municipal police offices, as long as the contract negotiated is fair to all concerned taxpayers.

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CONCLUSION

The county commission may enter into an agreement with a municipality and the E-911 emergency management communications district authorizing office space in the new county jail for municipal police offices and a centralized emergency dispatch service.

I hope this sufficiently answers your question. If our office can be of further assistance, please do not hesitate to contact us.

Sincerely,

JIMMY EVANS
Attorney General

By:


JAMES R. SOLOMON, JR.
Chief, Opinions Division

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