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Honorable Hobson Manasco, Jr.
Winston County Attorney
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Haleyville, Alabama 35565-0310

County Commissions – County Funds – Solid Waste Disposal – Roads, Highways, and Bridges

Winston County may not use sanitation funds for the purpose of repairing roads damaged by the county's garbage trucks. Use of sanitation funds for this purpose would be in conflict with the stipulated uses of waste disposal funds as prescribed under the Code of Alabama.

Dear Mr. Manasco:

This opinion of the Attorney General is issued in response to your request on behalf of the Winston County Commission.

QUESTION

Can county sanitation funds be transferred to the county road department to repair roads damaged by county garbage trucks?

FACTS AND ANALYSIS

Your letter indicates that the Winston County Commission has expressed interest in transferring funds from the county's sanitation department to the road department to address damage, particularly in the area adjacent to Smith Lake, allegedly resulting from the county's excessively heavy garbage collection trucks. To this end, your inquiry centers on the legality of such a transfer pursuant to the Code.

In the past, this Office has found no statutes regulating the manner in which money for disposing of solid waste may be reallocated. This Office, however, has found statutes limiting the expenditure of these funds. *See* opinion to Honorable Jerry Lacey, Chairman, Fayette County Commission, dated October 6, 1997, A.G. 98-00005 (funds collected must directly relate to the expenses of implementing a solid waste statute).

Section 22-27-1, *et seq.*, of the Code (the Solid Wastes and Recyclable Materials Management Act) governs the establishment of municipal and county waste programs and the process for the disposal of solid waste. Section 22-27-5 stipulates, in relevant part, as follows:

> The county commission or municipality undertaking the responsibility for providing services to the public under this article may establish fees, charges and rates and may collect and disburse funds within cooperating areas or districts, inside or outside of county boundaries, ***for the specific purpose of administering this article and providing and operating a solid waste program.***

ALA. CODE § 22-27-5 (2006) (emphasis added).

The statutory rules of construction require that a statute be given its natural, plain, ordinary, and commonly understood meaning. Moreover, a court must interpret statutory language to mean exactly what it says. *Ex parte Cove Properties Inc.*, 796 So. 2d 331, 333-34 (Ala. 2000). Thus, from the language used in this particular provision, Winston County may not use funds collected and allocated for the purpose of administering and operating a waste program for any other purpose. *See, generally*, *Lacey* (determining that, although proceeds from the tipping fees at the solid waste landfill may be deposited into the general fund, such fees must be earmarked for expenses related to the operation of the landfill and could not be used to supplement the general fund budget).

CONCLUSION

Winston County may not use sanitation funds for the purpose of repairing roads damaged by the county's garbage trucks. Use of sanitation funds for this purpose would be in conflict with the stipulated uses of waste disposal funds as prescribed under the Code.

I hope this opinion answers your question. If this Office can be of further assistance, please contact Monet Gaines of my staff.

Sincerely,

LUTHER STRANGE
Attorney General
By:

BRENDA F. SMITH
Chief, Opinions Division

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