

STATE OF ALABAMA)

COUNTY OF BALDWIN)

**RESOLUTION # 2018-095
OF THE
BALDWIN COUNTY COMMISSION**

**AS REQUIRED BY ACT NO. 90-449, PROVIDING FOR A DETERMINATION BY THE
BALDWIN COUNTY COMMISSION RELATING TO A REQUEST FROM THE ELBERTA
VOLUNTEER FIRE DEPARTMENT, INC.**

KNOW ALL MEN BY THESE PRESENTS, that Act No. 90-449, 1990 Regular Session [Acts 1990, Vol. 1, p. 634] provided for a levy of a 1½ mill tax on all property located in Baldwin County, Alabama, to be distributed among qualified fire departments in Baldwin County, Alabama, based upon the outcome of a referendum election; and

WHEREAS, the required and aforesaid referenced referendum election was held on June 26, 1990, wherefore a majority of the qualified electors, voting at such election and in Baldwin County, Alabama, voted for said tax; and

WHEREAS, within Act No. 90-449, Section 3 provides as follows:

"Section 3. (a) Fire departments which participate in the distribution of tax proceeds shall expend such funds only for the acquisition of fire trucks, fire stations, fire equipment, communications, fire training, fire vehicle and station insurance, oil, gas, hydrants, utilities, and vehicle or station repair. Such funds shall not be used to pay salaries, purchase food or drink, or to hold fund raising projects.

(b) Any exceptions to the above spending guidelines must be approved by the Baldwin County Fire Chiefs' Association and the Baldwin County Commission."; and

WHEREAS, the Elberta Volunteer Fire Department, Inc. is duly incorporated under the laws of the State of Alabama and remains qualified to receive proceeds derived from Act No. 90-449 and, furthermore, has presented a written request (attached hereto as **Exhibit "A"**) for the consideration of the Baldwin County Commission to approve the utilization of their proceeds of said taxes as security for repayment of a loan (and the repayment of said loan's applicable interest) to purchase:

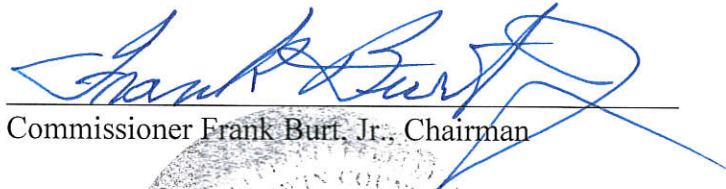
- One (1): E-One Pumper on a 4-door Freightliner Chassis:
Includes additional 18" brow light, swing-out toolboard,
permanent shelf, roll-out tray, Shoreline 110V receptacle, air
outlet, TFT ball-intake valve, (2) sections of hard suction
hose, and a full ladder compliment
- One (1): E-One Pumper on a 4-door Freightliner Chassis:
Includes additional 18" brow light, swing-out toolboard,
permanent shelf, roll-out tray, Shoreline 110V receptacle, air
outlet, TFT ball-intake valve

WHEREAS, this honorable county governing body, pursuant to Act No. 90-449, has reviewed the aforementioned written request, as well as the accompanying instrument indicating the required approval of the Baldwin County Fire Chiefs' Association related to the same (attached hereto as **Exhibit "B"**), and finds that such remains an exception to the spending guidelines set forth in said Act No. 90-449 and seeks to provide its approval to said spending exception; now therefore

BE IT RESOLVED BY THE BALDWIN COUNTY COMMISSION, IN REGULAR SESSION ASSEMBLED, That Elberta Volunteer Fire Department, Inc. is hereby authorized to use their proceeds of taxes derived by Act No. 90-449 as security for repayment of a loan (and the repayment of said loan's applicable interest) to purchase the above-described equipment to strengthen their provision of firefighting and other related emergency services to Baldwin County, Alabama.

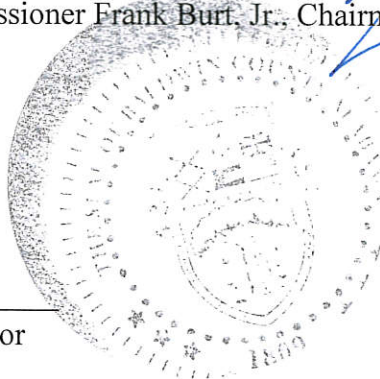
FURTHER, BE IT RESOLVED, that this instrument, codified as *Resolution #2018-095 of the Baldwin County Commission*, shall in no way obligate the Baldwin County Commission as to the loan sought by Elberta Volunteer Fire Department, Inc. as hereinabove referenced, or any loan, sought or secured by Elberta Volunteer Fire Department, Inc.

DONE, at the County Seat, in Bay Minette, Alabama, and under the Seal of Baldwin County, Alabama, as affixed on this the 3rd day of July, 2018.


Commissioner Frank Burt, Jr., Chairman

ATTEST:


Ronald J. Cink, County Administrator/Budget Director



SAMUEL N. CROSBY
GEORGE R. IRVINE, III♦
L. BRIAN CHUNN
T. DEVEN MOORE
SHAWN T. ALVES
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ALSO ADMITTED IN FLORIDA*
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ALSO ADMITTED IN PENNSYLVANIA*



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NORBORNE C. STONE, JR.
1925 - 2011

June 12, 2018

Chairman of the Baldwin County Commission
Baldwin County Administration Department
County Commission Office
312 Courthouse Square, Suite 12
Bay Minette, AL 36507

RE: Elberta Volunteer Fire Department, Inc.

Dear Sir:

Our firm represents Elberta Volunteer Fire Department, Inc. ("Elberta VFD"). Elberta VFD requests permission to use the ad valorem tax money it receives to purchase two (2) E-One Pumpers on a 4-door Freightliner Chassis, which will be located at the firehouse of the Elberta Volunteer Fire Department. The total cost of these items is \$610,325.00, which will be financed by the Elberta VFD pursuant to the terms of an Installment Purchase Agreement with Government Capital Corporation. The Installment Purchase Agreement requires the Elberta VFD to make annual payments on principal and interest at the rate of 4.442% per annum. The Installment Purchase Agreement also requires that the Elberta VFD pledge the ad valorem tax money it receives from the County Fire Tax as security for repayment of said amounts.

If you have any questions concerning this request, please contact our office. We appreciate the County's continued interest in helping Elberta Volunteer Fire Department progress in its community service.

Sincerely Yours,

LAURA M. COKER
For the Firm

Enclosures

4BCC
RC
KC

RECEIVED
JUN 14 2018
BY: [Signature]





Baldwin County Fire Chiefs' Association
established 1969

RESOLUTION

KNOW ALL MEN BY THESE PRESENTS, THAT WHEREAS, Act No. 90-449 of the 1990 Legislature provides for a levy of a one and one-half mill tax on all property located in Baldwin County, Alabama, to be distributed among qualified fire departments in the county, and

WHEREAS, said Act provides as for

"(a) Fire departments which participate in the distribution of the tax proceeds shall expend such funds only for the acquisition of fire trucks, fire stations, fire equipment communications, fire training, fire vehicle and station insurance, oil, gas, hydrants, utilities, and vehicle or station repair. Such funds shall not be used to pay salaries, purchase food and drink, or to hold fund raising projects."

"(b) Any exception to the above spending guidelines must be approved by the Baldwin County Fire Chiefs' Association and the Baldwin County Commission."

AND, WHEREAS, Elberta Volunteer Fire Department, Inc. is duly incorporated under the laws of this State and qualified pursuant to Section 9-13-17, Code of Alabama, 1975, has presented an application for approval by the Baldwin County Fire Chiefs' Association to use proceeds of the taxes derived from Act 90-449 for the acquisition of equipment, property or services as set forth in said act and to pledge said taxes as security for repayment of a loan to acquire said properties;

NOW, THEREFORE, to be resolved by the Baldwin County Fire Chiefs' Association, that Elberta Volunteer Fire Department, Inc. be, and is hereby, authorized to


purchase the equipment and or properties set forth in said application and to pledge the proceeds from Act 90-449 for repayment of the same.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and affixed the official seal of the Baldwin County Fire Chiefs' Association.

Approved at the regular monthly meeting held on 6-7, 2018
located at ~~Baldwin County Emergency Management Agency~~, 23100 McAniff
Drive, Robertsdale, AL 36567. ~~Robertsdale VFD~~ 27575 St Paul St

ATTEST:

BALDWIN COUNTY FIRE CHIEFS'
ASSOCIATION


Vice President

By: 



Baldwin County Fire Chiefs' Association
established 1969

Elberta Volunteer Fire Department, Inc.

Equipment Approved to Purchase

- One (1): E-One Pumper on a 4-door Freightliner Chassis:
Includes additional 18" brow light, swing-out toolboard,
permanent shelf, roll-out tray, Shoreline 110V receptacle,
air outlet, TFF ball-intake valve, (2) sections of hard
suction hose, and a full ladder compliment
- One (1): E-One Pumper on a 4-door Freightliner Chassis
Includes additional 18" brow light, swing-out toolboard,
permanent shelf, roll-out tray, Shoreline 110V receptacle,
air outlet, TFF ball-intake valve

Execution of this document in no way creates liability on the part of the Baldwin County Fire Chiefs' Association or the Baldwin County Commission or Baldwin County and said parties are not responsible for the repayment of any bonds issued pursuant hereto.