# EXCERPTS FROM THE MINUTES OF A REGULAR MEETING OF THE COUNTY BOARD OF EDUCATION OF BALDWIN COUNTY, ALABAMA

#### In the Matter of

# A Special 3 Mill Ad Valorem School District Tax under

Amendment No. 382 to the Constitution of Alabama of 1901, as amended

The County Board of Education of Baldwin County, Alabama met in regular public session at the offices of the Board at 2600 N. Hand Avenue in the City of Bay Minette, Alabama, at 5:30 p.m. on May 16, 2019.

The meeting was called to order by the President, and the roll was called with the following results:

Present:

Absent:

Shannon Cauley Cecil Christenberry JaNay Dawson Michael Johnson Andrea Lindsey Norma Lynch

Tony Myrick

\* \* \*

The President stated that a quorum was present and that the meeting was open for the transaction of business.

\* \* \*

Thereupon, the following Resolution was introduced in writing by the President and considered by the Board:

A RESOLUTION TO AUTHORIZE THE FILING WITH THE BALDWIN COUNTY COMMISSION, THE GOVERNING BODY OF BALDWIN COUNTY, ALABAMA, OF A REQUEST FOR A SPECIAL 3 MILL AD VALOREM SCHOOL DISTRICT TAX ELECTION

BE IT RESOLVED BY THE COUNTY BOARD OF EDUCATION OF BALDWIN COUNTY, ALABAMA, as follows:

#### ARTICLE 1

#### **Definitions and Representations**

#### Section 1.01 Definition of Capitalized Terms

Agreement means the Local Public Schools Agreement by the City and the Board as attached hereto as Appendix C.

Amendment No. 382 means Amendment No. 382 to the Constitution of Alabama of 1901, as amended.

Board means the County Board of Education of Baldwin County, Alabama.

<u>Board Request</u> means the Request for Special 3 Mill Ad Valorem School District Tax Election by the Board to the Baldwin County Commission, as attached hereto as <u>Appendix B</u>.

City means the City of Fairhope, Alabama.

City Request shall have the meaning assigned in Section 1.02(g)(i).

<u>District Public School Facilities</u> means and includes the following public school facilities of the Board:

- (a) (1) Fairhope Elementary School;
  - (2) Fairhope Intermediate School;
  - (3) J. Larry Newton Elementary School;
  - (4) Fairhope Middle School;
  - (5) Fairhope High School;
- (b) all capital improvements made to, and all equipment, fixtures, furniture and furnishings, computer and electronic and telecommunication facilities, and other personal property installed in or used in connection with, any of the foregoing public school facilities of the Board within the District at any time provided by the Board from revenues of the Board;

- (c) all facilities at any time provided by the Board from any revenues of the Board with respect to virtual school programs (pursuant to Chapter 46A of Title 16 of the Code of Alabama 1975), International Baccalaureate programs, magnet school programs, and other educational programs for the benefit of students who reside in the District; and
- (d) all public school facilities (as defined in Section 16-13-301(4) of the Code of Alabama 1975) at any time provided by the Board from any revenues of the Board and located within the District.

District Public School Purposes shall have the meaning assigned in Section 1.02(c).

<u>Local Public School Area</u> means the area within Baldwin County, Alabama, described on <u>Appendix A</u>, which area includes the area within the corporate limits of the City.

Petition shall have the meaning assigned in Section 1.02(g)(ii).

Special District Tax means the special ad valorem school district tax that may be levied and collected under Amendment No. 382.

Special Tax Documents shall have the meaning assigned in Section 2.02(a).

#### Section 1.02 Findings and Representations

The Board, upon evidence duly presented to and considered by it, has found and determined, and does hereby find, determine and declare as follows:

- (a) The Board owns and operates the District Public School Facilities within, or for the benefit of, the Local Public School Area.
- (b) The District Public School Facilities provide educational, vocational, and extracurricular activities and programs, for all children under the jurisdiction of the Board who reside within the Local Public School Area.
- (c) The City has advised the Board that, from time to time, representatives of the various communities within the Local Public School Area have presented to the City plans, proposals and requests for certain educational, vocational, and technological programs of instruction and related facilities and improvements, which are of particular interest to, or provide for particular needs of, such communities for certain maintenance and capital improvements to the District Public School Facilities (the "District Public School Purposes").
- (d) The City shall represent, collectively, the various communities in the Local Public School Area for the purposes of the Agreement and with respect to the District Public School Purposes.
- (e) The City has requested the Board to provide for the District Public School Purposes and the City and the Board have agreed that, for the Board to provide effectively for the District Public School Purposes, the Board needs:
  - (i) additional revenues from the Local Public School Area; and

- (ii) recommendations from representatives of the communities within the Local Public School Area with respect to the application of such additional revenues for the District Public School Purposes.
- (f) Pursuant to Amendment No. 382, the Special District Tax may be levied and collected within the Local Public School Area and the proceeds thereof applied for the exclusive benefit of the District Public School Facilities.
- (g) In furtherance thereof, the City has delivered the following to the Board pursuant to the policies and programs of the Board therefor and in form and of content satisfactory to the Board:
  - (i) a Request for 3 Mill Special Ad Valorem School District Tax Election (the "City Request") that the Board establish the Local Public School Area as a school tax district under Amendment No. 382 and take all action required of the Board under the applicable laws of the State of Alabama to cause the Special District Tax to be levied and collected within the Local Public School Area for District Public School Purposes at the rate and for the time set forth in such City Request; and
  - (ii) a Petition for 3 Mill Ad Valorem School District Tax Election (the "<u>Petition</u>"), signed by more than 200 qualified electors of the Local Public School Area that the election with respect to the Special District Tax be held in the Local Public School Area on the date, at the rate, and for the time and purposes as requested in the City Request;
  - (iii) a Local Public School Agreement by the Board and the City, as attached hereto as Exhibit C (the "Agreement"), that the proceeds of the Special District Tax be applied and used exclusively for District Public School Purposes, in accordance with the procedure therefor in such Agreement.
- (h) The City has agreed to undertake primary responsibility for the active and primary advocacy, encouragement and promotion of the vote in favor of the levy of the Special District Tax for the District Public School Purposes.
- (i) It is necessary, desirable, and in the best interests of the public education provided by the Board in the Local Public School Area, that:
  - (i) the District Public School Purposes be effected and that sufficient funding, direction and support be provided therefor;
  - (ii) the Board approve the Local Public School Area as a school tax district for purposes of Amendment No. 382 and fix the boundaries thereof as the boundaries of the Local Public School Tax Area;
  - (iii) the Special District Tax be levied and collected in the Local Public School Area, as stated in the Board Request and the City Request and as provided in Amendment No. 382, and the proceeds thereof be applied exclusively for the District Public School Purposes;

(iv) to provide for the foregoing, the Board deliver the Board Request, with the City Request and the Petition attached thereto, to the Baldwin County Commission, as governing body of Baldwin County, Alabama.

#### ARTICLE 2

#### **Authorization of Documents and Actions**

#### Section 2.01. Authorization of District 9 (Am. 382) School Tax District

The Board hereby approves, forms and fixes the boundaries of District 9 (Am. 382) School Tax District in Baldwin County, Alabama, as the area described on <u>Appendix A</u> hereto, for the purpose of the levy and collection therein, pursuant to Amendment No. 382 to the Constitution of Alabama of 1901, as amended, of a 3 mill ad valorem school district tax consequent upon compliance with the provisions of said Amendment No. 382 therefor.

#### Section 2.02. Authorization of Documents and Delivery

- (a) The Board approves and authorizes the terms and provisions of, the representations of the Board set forth in, the agreements to be undertaken by the Board pursuant to, and the execution and delivery by the Board of the following (collectively, the "Special Tax Documents"):
  - (i) the Board Request;
  - (ii) the Agreement;
  - (iii) all agreements, certificates, documents, instruments, notices and proceedings which may be necessary, desirable or required by law to effect the purposes of the Board Request, the Agreement and this Resolution.
- (b) The Board Request and the Agreement are approved in substantially the form and of substantially the content presented, with such addition thereto or deletions therefrom as the officer of the Board executing the same shall approve and as shall not create, increase, or extend the amount or duration of, any obligation of the Board thereunder, which approval shall be conclusively evidenced by execution thereof as provided herein.
- (c) The President of the Board is authorized and directed to execute, deliver, and file or record (to the extent required therefor), and to effect the performance of, the Special Tax Documents for and on behalf of and in the name of the Board. The Secretary is authorized and directed to attest and seal the Special Tax Documents to the extent required thereby.

- (d) The President and Secretary of the Board are authorized and directed to deliver to the Baldwin County Commission, as governing body of Baldwin County, Alabama, executed counterparts of:
  - (i) the Board Request;
  - (ii) the City Request;
  - (iii) the Petition.

#### Section 2.03 Authorization and Ratification of Actions

- (a) The officers of the Board, including without limitation the President and Secretary, are authorized and directed to take any and all actions which are necessary, desirable, required by applicable law, or required by counsel to the Board, to effect the purposes of the Special Tax Documents and this Resolution.
- (b) The Board ratifies and confirms all prior action taken by or on behalf of the Board by any officer of the Board, and any of the Special Tax Documents heretofore executed by or on behalf of the Board, with respect to the matters approved and authorized by this Resolution.

#### ARTICLE 3

#### **Provisions of General Application**

#### Section 3.01 Other Proceedings

- (a) Any resolution, order, ordinance, or part thereof, in conflict or inconsistent with the provisions of this Resolution is hereby, to the extent of such conflict or inconsistency, repealed.
- (b) The provisions of Section 3.01(a) shall not operate or be construed to revive any instrument, ordinance order or resolution, or part thereof, of the Board.

#### Section 3.02. Effect of this Resolution

This Resolution shall take effect immediately.

# APPENDIX A to Resolution

Local Public School Area

#### Special Tax District Descriptions

#### Fairhope High School Special Tax District

Special Tax District 9 shall consist of all parcels of real property located in Baldwin County, Alabama within the following described area:

Beginning at the Northwest corner of Parcel 05-43-09-42-0-002-010.002; thence East along the North line of Parcel 05-43-09-42-0-002-010.002 to the East line of Parcel 05-43-09-42-0-002-010.002; thence Southeast along the East lines of Parcels 05-43-09-42-0-002-010.002, 05-43-09-42-0-002-020.000, 05-43-09-42-0-002-019.000, 05-43-09-42-0-002-018.000, 05-43-09-42-0-002-016.000, 05-43-09-42-0-002-017.001, 05-43-09-42-0-001-032.000, 05-43-09-30-0-000-022.000, 05-43-09-30-0-000-017.000 and 05-43-09-30-0-000-016.000 to the Northwest corner of Parcel 05-43-09-30-0-000-015.000; thence generally East along the North Lines of Parcels 05-43-09-30-0-000-015.000, 05-43-09-30-0-000-013.001 and 05-43-09-30-0-000-03.000 to the intersection of the West right of way of Main St; thence North along the West right of way of Main St to the Southeast corner of Parcel 05-43-09-30-0-000-001.000; thence East to the Northwest corner of Parcel 05-43-09-29-2-000-042.013. Thence South along the East right of way of Holy Cross Dr to the Southwest corner of Parcel 05-43-09-29-2-000-042.013. Thence East along the South lines of Parcels 05-43-09-29-2-000-042.012, 05-43-09-29-2-000-042.011, 05-43-09-29-2-000-042.007, and 05-43-09-29-2-000-042.010, 05-43-09-29-2-000-042.006 to the Southeast corner of Parcel 05-43-09-29-2-000-042.006.

Thence East to the East right of way of U S Hwy 98; thence South along the East right of way of U S Hwy 98 to the North right of way of Dale Dr. Thence generally Northeast along the North right of way of Dale Dr to the Southeast corner of Parcel 05-43-09-29-2-000-049.000. Thence East to the Southwest corner of Parcel 05-43-09-29-1-000-131.043, thence East along the South lines of Parcels 05-43-09-29-1-000-131.043, 05-43-09-29-1-000-145.000, 05-43-09-29-1-000-144.000, 05-43-09-29-1-000-143.000, 05-43-09-29-1-000-141.000 to the West line of Parcel 05-43-08-28-0-000-033.025. Thence North to the Northwest corner of Parcel 05-43-08-28-0-000-033.025; thence East along the South line of Parcels 05-43-08-28-0-000-032.000, o5-43-08-28-0-000-032.003, and 05-43-08-28-0-000-033.001 to the West right of way of County Road 13. Thence South along the West right of way of County Road 13 to the Southeast corner of Parcel 05-43-08-33-0-000-003.000.

Thence East to the Northwest corner of Parcel 05-43-08-34-0-000-002.001, thence East along the North lines of Parcels 05-43-08-34-0-000-002.001, and 05-43-08-34-0-000-002.002 to the Northeast corner of Parcel 05-43-08-34-0-000-002.002. Thence generally Northeast to the Southwest corner of Parcel 05-43-07-35-0-000-004.000; thence North along the West line of Parcel 05-43-07-35-0-000-004.000 to the Northwest corner of Parcel 05-43-07-35-0-000-004.000; thence East along the North lines of Parcels 05-43-07-35-0-000-004.000, 05-43-07-35-0-000-001.001 to the Northwest corner of Parcel 05-43-07-35-0-000-001.000; thence South along the West line of Parcel 05-43-07-35-0-000-001.000 to the Southwest corner of Parcel 05-43-07-36-0-000-002.000; thence East along the South line of Parcel 05-43-07-36-0-000-002.000. Thence South along the West line of Parcel 05-43-07-36-0-000-002.001 to the Southwest corner of Parcel 05-43-07-36-0-000-002.001; thence East along the South line

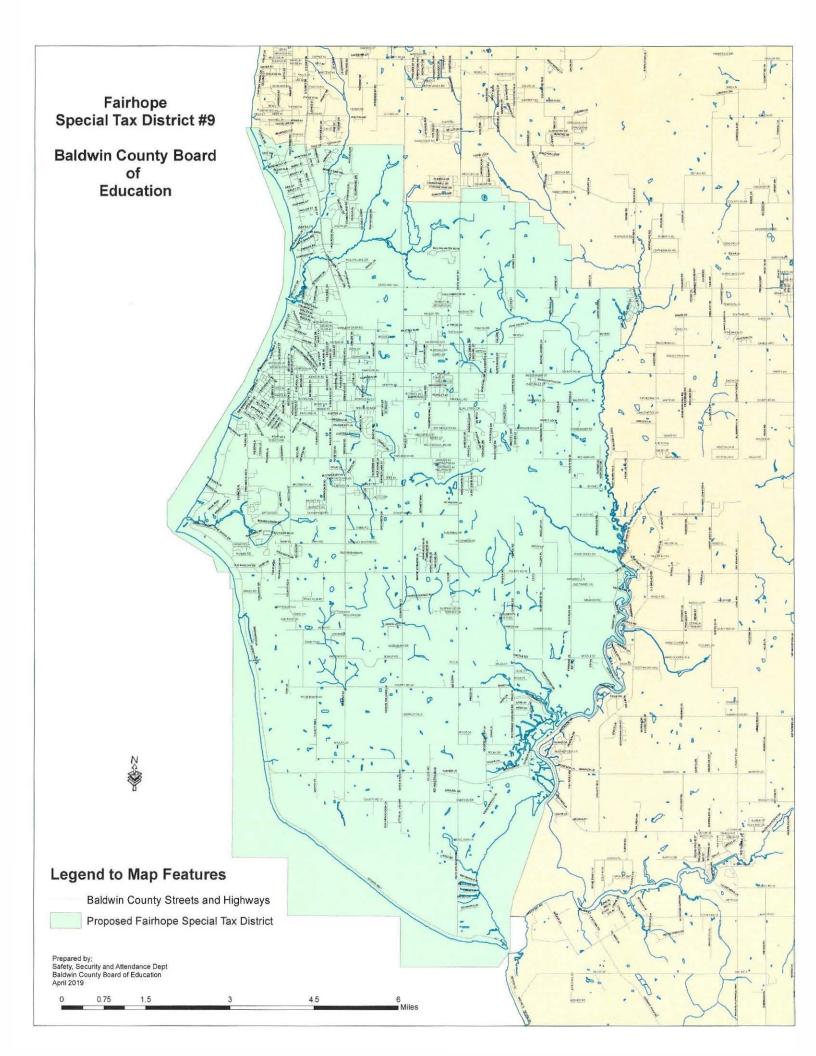
of Parcel 05-43-07-36-0-000-002.012 to the Southeast corner of Parcel 05-43-07-36-0-000-002.012. Thence South along the West line of Parcel 05-43-07-36-0-000-002.014 to the Northwest corner of Parcel 05-46-01-01-0-000-001.013; thence East along the North line of Parcel 05-46-01-01-0-000-001.013 to the Northeast corner of Parcel 05-46-01-01-0-000-001.013; thence South along the East line of Parcel 05-46-01-01-0-000-001.013 to the Southeast corner of Parcel 05-46-01-01-0-000-001.013. Thence East along the South line of Parcel 05-46-01-01-0-000-001.008 to the Southeast corner of Parcel 05-46-01-01-0-000-001.008. Thence South along the West line of Parcels 05-47-03-06-0-000-004.000, 05-47-03-06-0-000-005.000, 05-47-03-06-0-000-017.000 and 05-47-03-06-0-000-018.000 to the Northwest corner of Parcel 05-47-03-07-0-000-007.000. Thence East along the South right of way of State Hwy 104 to the Northeast corner of Parcel 05-47-03-08-0-000-003.151.

Thence South along the East line of Parcel 05-47-03-08-0-000-003.151 to the Northeast corner of Parcel 05-47-03-08-0-000-003.022; thence South along the East line of Parcel 05-47-03-08-0-000-003.022 to the West line of Parcel 05-47-03-08-0-000-006.000; thence South along the West lines of Parcels 05-47-03-08-0-000-006.000, and 05-47-03-08-0-000-003.152 to the Southwest corner of Parcel 05-47-03-08-0-000-003.152. Thence generally Southwest along the North line of Parcels 05-47-03-08-0-000-003.168, and 05-47-03-07-0-000-002.011 to the Northwest corner of Parcel 05-47-03-07-0-000-002.011. Thence South along the West lines of Parcels 05-47-03-07-0-000-002.011 and 05-47-03-07-0-000-002.012 to the Southwest corner of Parcel 05-47-03-07-0-000-002.012; thence East along the South line of Parcel 05-47-03-07-0-000-002.012 to the midline of Fish River. Thence generally South along the midline of Fish River to the mouth of Fish River at Weeks Bay.

Thence Southwest along the midline of Weeks Bay to the intersection of the midline of Weeks Bay and the Northeast corner of Section 4, Township 8 South, Range 2 East; thence South along the East line of Section 4, Township 8 South, Range 2 East to the Southeast corner of Section 4, Township 8 South, Range 2 East.

Thence generally North along the South and West lines of Township 8 South, Range 2 East, Township 7 South, Range 2 East, Township 6 South, Range 1 East, Township 6 South, Range 2 East and Township 5 South, Range 2 East to a point due West of the Northwest corner of Parcel 05-43-09-42-0-002-010.002; thence East to the point of beginning.

All references herein to "Parcels" shall refer to the parcel identification number as assigned by the Baldwin County Revenue Commissioner as of the 28<sup>th</sup> day of September, 2018.



# APPENDIX B to Resolution

Form of Board Request

STATE OF ALABAMA )
BALDWIN COUNTY )

#### REQUEST FOR SPECIAL 3 MILL AD VALOREM SCHOOL DISTRICT TAX ELECTION

Baldwin County Board of Education

May 16, 2019

From: County Board of Education of Baldwin County, Alabama

To: Baldwin County Commission, as governing body of Baldwin County, Alabama

The undersigned County Board of Education of Baldwin County, Alabama requests your honorable body to call and order an election to be held pursuant to Amendment No. 382 to the Constitution of Alabama of 1901, as amended ("Amendment No. 382"), and Article 9 of Chapter 13 of Title 16 of the Code of Alabama 1975, in the District 9 (Am. 382) School Tax District in Baldwin County, Alabama, the boundaries of which are described on Exhibit A attached hereto and made apart hereof by this reference thereto (the "District"), on September 17, 2019, to determine whether a special ad valorem school district tax shall be levied and collected annually in the District, pursuant to Amendment No. 382 and in addition to all ad valorem taxes now or hereafter levied in the District, for public school purposes in the District at the uniform rate of thirty cents (\$0.30) on each one hundred dollars of taxable property in the District for a period of 30 years beginning with the levy for the tax year October 1, 2019 to September 30, 2020 (the tax for which year becoming due and payable on October 1, 2020) and ending with the levy for the tax year October 1, 2048 to September 30, 2049 (the tax for which year becoming due and payable on October 1, 2049).

A Request for Special 3 Mill Ad Valorem School District Tax Election requesting the abovereferenced school district tax election be held as provided herein has been authorized by the governing body of the City of Fairhope, Alabama, and executed and delivered to the Board and is attached hereto as Exhibit B.

A Petition in writing requesting the above-referenced school district tax election be held as provided herein has been signed by more than 200 persons, who are qualified electors of the District, and is attached hereto as Exhibit C.

As required by law, the Board submits with this Request a map of the District and has caused such map to be recorded in the Office of the Judge of Probate of Baldwin County, Alabama.

In Witness Whereof, the County Board of Education of Baldwin County, Alabama, has caused this instrument to be executed in its name, under seal, and attested, by officers thereof duly authorized thereunto on the date and year first above written.

COUNTY BOARD OF EDUCATION OF BALDWIN COUNTY, ALABAMA

By: \_

President

SEAL

Attest:

# Exhibit A to Board Request

Description of District

#### Special Tax District Descriptions

#### Fairhope High School Special Tax District

Special Tax District 9 shall consist of all parcels of real property located in Baldwin County, Alabama within the following described area:

Beginning at the Northwest corner of Parcel 05-43-09-42-0-002-010.002; thence East along the North line of Parcel 05-43-09-42-0-002-010.002 to the East line of Parcel 05-43-09-42-0-002-010.002; thence Southeast along the East lines of Parcels 05-43-09-42-0-002-010.002, 05-43-09-42-0-002-020.000, 05-43-09-42-0-002-019.000, 05-43-09-42-0-002-018.000, 05-43-09-42-0-002-016.000, 05-43-09-42-0-002-017.001, 05-43-09-42-0-001-032.000, 05-43-09-30-0-000-022.000, 05-43-09-30-0-000-017.000 and 05-43-09-30-0-000-016.000 to the Northwest corner of Parcel 05-43-09-30-0-000-015.000; thence generally East along the North Lines of Parcels 05-43-09-30-0-000-015.000, 05-43-09-30-0-000-013.001 and 05-43-09-30-0-000-03.000 to the intersection of the West right of way of Main St; thence North along the West right of way of Main St to the Southeast corner of Parcel 05-43-09-30-0-000-001.000; thence East to the Northwest corner of Parcel 05-43-09-29-2-000-042.013. Thence South along the East right of way of Holy Cross Dr to the Southwest corner of Parcel 05-43-09-29-2-000-042.013. Thence East along the South lines of Parcels 05-43-09-29-2-000-042.012, 05-43-09-29-2-000-042.011, 05-43-09-29-2-000-042.007, and 05-43-09-29-2-000-042.006 to the Southeast corner of Parcel 05-43-09-29-2-000-042.006.

Thence East to the East right of way of U S Hwy 98; thence South along the East right of way of U S Hwy 98 to the North right of way of Dale Dr. Thence generally Northeast along the North right of way of Dale Dr to the Southeast corner of Parcel 05-43-09-29-2-000-049.000. Thence East to the Southwest corner of Parcel 05-43-09-29-1-000-131.043, thence East along the South lines of Parcels 05-43-09-29-1-000-131.043, 05-43-09-29-1-000-145.000, 05-43-09-29-1-000-144.000, 05-43-09-29-1-000-143.000, 05-43-09-29-1-000-141.000 to the West line of Parcel 05-43-08-28-0-000-033.025. Thence North to the Northwest corner of Parcel 05-43-08-28-0-000-033.025; thence East along the South line of Parcels 05-43-08-28-0-000-032.000, o5-43-08-28-0-000-032.003, and 05-43-08-28-0-000-033.001 to the West right of way of County Road 13. Thence South along the West right of way of County Road 13 to the Southeast corner of Parcel 05-43-08-33-0-000-003.000.

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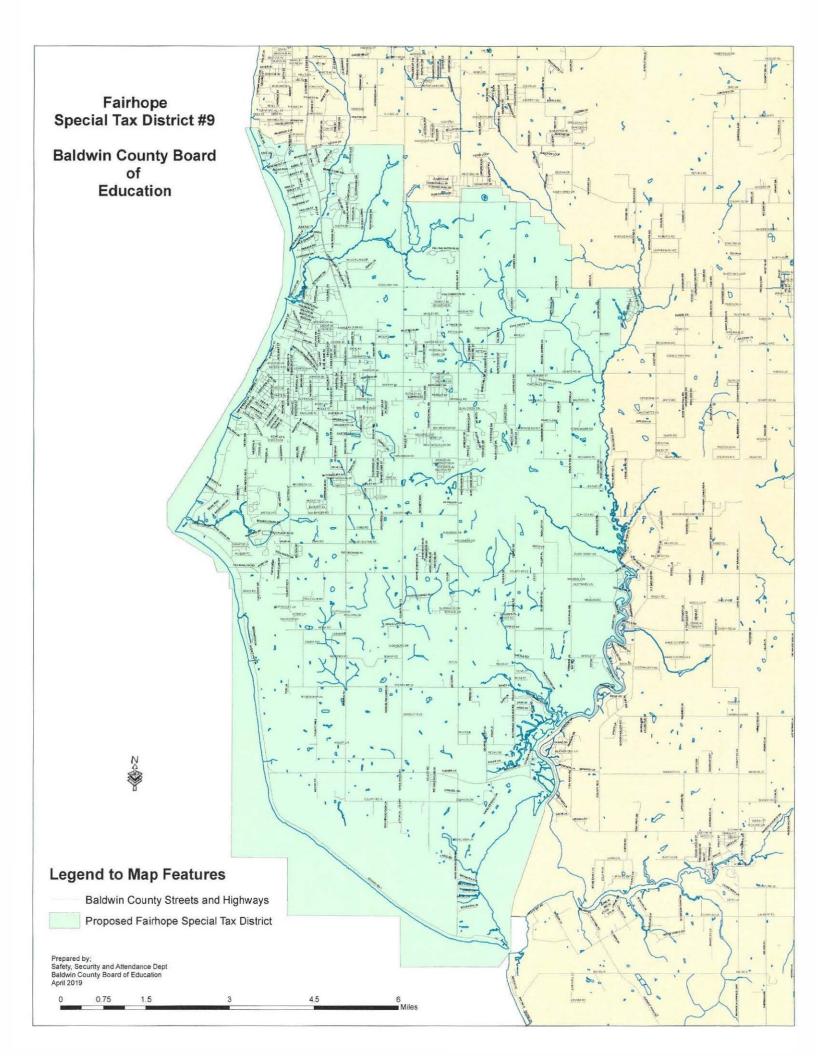
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Thence South along the East line of Parcel 05-47-03-08-0-000-003.151 to the Northeast corner of Parcel 05-47-03-08-0-000-003.022; thence South along the East line of Parcel 05-47-03-08-0-000-003.022 to the West line of Parcel 05-47-03-08-0-000-006.000; thence South along the West lines of Parcels 05-47-03-08-0-000-006.000, and 05-47-03-08-0-000-003.152 to the Southwest corner of Parcel 05-47-03-08-0-000-003.152. Thence generally Southwest along the North line of Parcels 05-47-03-08-0-000-003.168, and 05-47-03-07-0-000-002.011 to the Northwest corner of Parcel 05-47-03-07-0-000-002.011. Thence South along the West lines of Parcels 05-47-03-07-0-000-002.011 and 05-47-03-07-0-000-002.012 to the Southwest corner of Parcel 05-47-03-07-0-000-002.012; thence East along the South line of Parcel 05-47-03-07-0-000-002.012 to the midline of Fish River to the mouth of Fish River at Weeks Bay.

Thence Southwest along the midline of Weeks Bay to the intersection of the midline of Weeks Bay and the Northeast corner of Section 4, Township 8 South, Range 2 East; thence South along the East line of Section 4, Township 8 South, Range 2 East to the Southeast corner of Section 4, Township 8 South, Range 2 East.

Thence generally North along the South and West lines of Township 8 South, Range 2 East, Township 7 South, Range 2 East, Township 6 South, Range 1 East, Township 6 South, Range 2 East and Township 5 South, Range 2 East to a point due West of the Northwest corner of Parcel 05-43-09-42-0-002-010.002; thence East to the point of beginning.

All references herein to "Parcels" shall refer to the parcel identification number as assigned by the Baldwin County Revenue Commissioner as of the 28<sup>th</sup> day of September, 2018.



# ${\bf Exhibit~B}\\ {\bf to}\\ {\bf Board~Request}$

City Request

# REQUEST FOR SPECIAL 3 MILL AD VALOREM SCHOOL DISTRICT TAX ELECTION

## TAX DISTRICT 9 - FAIRHOPE FEEDER PATTERN

March 7, 2019

From:	City of Fairhop	e, Alabama				
То:	County Board of Education of Baldwin County, Alabama					
thereb encour school interes	y on March 7. agement and pr tax for the excl ts of such school approve, and fix 352 to the Cons	of Fairhope. Alabama, having determined pursuant to Resolution duly adopted 2019, to undertake primary responsibility for the active and public advocacy omotion of the vote in favor of the levy of the within-referenced special district dusive benefit of the local public schools in the City in furtherance of the best schools hereby request your honorable body to:  It the boundaries of, a special school tax district for the purposes of Amendment Notitution of Alabama of 1901, as amended, consisting of the area of Baldwin County (bed on Exhibit A hereto (the "District"); and				
(2)	deliver a request, in accordance with Article 9 of Chapter 13 of Title 16 of the Code of Al 1975 ("Article 9"), to the Baldwin County Commission, as governing body of Baldwin C Alabama, to call and order an election to be held as provided in Article 9 to determine who special ad valorem district school tax shall be levied and collected annually in the District, rate, for the time, and for the purposes described as follows:					
	Rate of Tax:	_3 Mills (80.30 on each one hundred dollars of taxable property):				
	Time of Tax	<u>_30</u> , ad valorem tax years from the October 1 next after the election:				
	Purposes:	public school purposes, as provided by law, including:				
	District:	as described on Exhibit A hereto: and				
(3) take all action required of the Board under the applicable laws of the State of Alaba the Special District Tax to be levied and collected within the Local Public School Area Public School Purposes at the rate and for the time set forth herein.						

Specific purposes may be added or excluded.

In Witness Whereof, the City of Fairhope, Alabama, has caused this instrument to be executed in its name, under seal, and attested, by officers thereof duly authorized thereunto on the date and year first above written.

City Clerk

CITY OF FAIRHOPE, ALABAMA

Jack Burrell, Council President

 $\begin{aligned} \textbf{Exhibit C} \\ \textbf{to} \\ \textbf{Board Request} \end{aligned}$ 

Petition

Petitioners must be registered voters in the District

# PETITION FOR SPECIAL \_\_ MILL AD VALOREM SCHOOL DISTRICT TAX ELECTION

TO THE BALDWIN COUNTY COMMISSION, AS GOVERNING BODY OF BALDWIN COUNTY, ALABAMA:

The undersigned request your honorable body to call and order an election to be held pursuant to Amendment No. 382 to the Constitution of Alabama of 1901, as amended ("Amendment No. 382"), and Article 9 of Chapter 13 of Title 16 of the Code of Alabama 1975, in the Fairhope (Am. 382) School Tax District (the "District") in Baldwin County, Alabama, the boundaries of which are described on Exhibit A attached hereto and made apart hereof by this reference thereto, on September 24, 2019, to determine whether a special ad valorem school district tax shall be levied and collected annually in the District, pursuant to Amendment No. 382 and in addition to all ad valorem taxes now or hereafter levied in the District, for public school purposes in the District at the uniform rate of thirty cents (\$0.30) on each one hundred dollars of taxable property in the District for a period of 30 years beginning with the levy for the tax year October 1, 2019 to September 30, 2020 (the tax for which year becoming due and payable on October 1, 2049).

Each of the undersigned represents that he or she is a qualified elector of the District.

1.	4	
Name:	Name:	
Address:		
2.		
Name:		
Address:	Address:	
3	6.	· · · · · · · · · · · · · · · · · · ·
Name:	Name:	
Address:	Address:	
MARKET HOLD TO THE PARTY OF THE		

# APPENDIX C to Resolution

Form of Agreement

#### LOCAL PUBLIC SCHOOL AGREEMENT

(District 9 (Am.	. 382) School Tax District
Effective Date	e:, 2019

This Agreement is made on the above date by:

Board: County Board of Education of Baldwin County, Alabama

City: City of Fairhope, Alabama

#### Recitals

In furtherance of the stated public purpose of the City to facilitate the provision of additional local ad valorem tax revenues for the within-referenced "District Public School Purposes," and pursuant to requests in writing by the City and the Board to the Baldwin County Commission, a petition of more than 200 qualified electors of the within-described "District 9 (Am. 382) School Tax District" (the "District"), proceedings of the Baldwin County Commission, and an election duly held and conducted in the District on September 17, 2019, a special ad valorem school district tax (the "Special Tax") shall be levied and collected in the District for the District Public School Purposes for a period of 30 years, until and including levy for the tax year October 1, 2048 to September 30, 2049.

Pursuant to applicable law, the proceeds of the Special Tax are the property of the Board and must be applied and used for the exclusive benefit of the public schools in the District.

The District contains all, or a significant portion of, the area within the corporate limits of the City.

The City has agreed to represent the various communities of the District collectively for the purposes of this Agreement and with respect to the within-referenced District Public School Purposes.

The Board and the City have delivered this Agreement to provide for advice and recommendations to be directed to the Board by a public school commission appointed by the governing body of the City with respect to the application and use of the proceeds of the Special Tax for the District Public School Purposes within the District that are adapted and responsive to the particular interests and needs of the public school students, and the public schools, within the District.

#### Agreement

Now Therefore, in consideration of the premises and the mutual covenants and agreements herein, the Board and the City hereby covenant and agree as follows:

#### ARTICLE 1

#### Representations

#### Section 1.01 Recitals

The Board and the City agree the Recitals to this Agreement are true and correct.

#### Section 1.02 Representations of Board

The Board, having obtained and made any required approvals, consents and filings, having determined that this Agreement is not in conflict with or inconsistent with any law or policy of the State Board of Education or the purposes of the Board, and having duly authorized and executed this Agreement by all required action and proceedings, delivers this Agreement to the City on the above Effective Date pursuant to Sections 16-8-12.1 and 16-13-198 of the Code of Alabama 1975.

### Section 1.03 Representations by the City

The City, having obtained and made any required approvals, consents, and filings, and having duly authorized and executed this Agreement by all required action and proceedings, delivers this Agreement to the Board on the above Effective Date pursuant to Section 16-13-309 of the Code of Alabama 1975.

#### ARTICLE 2

#### **Definitions**

The following terms shall have the respective meanings in this Agreement:

Commission shall have the meaning assigned in Section 3.03.

<u>District</u> means District 9 (Am. 382) School Tax District, as more particularly described on Exhibit A hereto.

<u>District Public School Facilities</u> means and includes the following public school facilities under the jurisdiction of the Board:

- (a) (1) Fairhope Elementary School;
  - (2) Fairhope Intermediate School;
  - J. Larry Newton Elementary School;
  - (4) Fairhope Middle School;
  - (5) Fairhope High School;
- (b) all capital improvements made to, and all equipment, fixtures, furniture and furnishings, computer and electronic and telecommunication facilities, and other personal property installed in or used in connection with, any of the foregoing public school facilities of the Board within the District at any time provided by the Board from revenues of the Board;
- (c) all facilities at any time provided by the Board from any revenues of the Board with respect to virtual school programs (pursuant to Chapter 46A of Title 16 of the Code of Alabama 1975), International Baccalaureate programs, magnet school programs, and other educational programs for the benefit of students who reside in the District; and
- (d) all public school facilities (as defined in Section 16-13-301(4) of the Code of Alabama 1975) at any time provided by the Board from any revenues of the Board and located within the District.

<u>District Public School Purposes</u> means and includes educational, vocational, and technological programs of instruction, athletic, arts, and extracurricular activities and programs, and all facilities and improvements necessary for any thereof, which are of particular interest to, or provide for particular needs of, the District Public School Facilities, and operation, maintenance and capital improvement of the District Public School Facilities.

Special Tax means the special ad valorem school district tax levied and collected in the District under Amendment No. 382 to the Constitution of Alabama of 1901, as amended, at the rate of 3 mills and for the Special Tax Period.

Special Tax Period means the period of levy of the Special Tax, being beginning with the levy for the tax year October 1, 2019 to September 30, 2020 and ending with the levy for the tax year October 1, 2048 to September 30, 2049.

Special Tax Proceeds means the net proceeds of the Special Tax actually received by the Board.

Superintendent means the County Superintendent of Education of Baldwin County, Alabama.

#### ARTICLE 3

#### Application of Special Tax Proceeds

#### Section 3.01 Control, Custody and Identification of Special Tax Proceeds

- (a) The Board shall receive and have sole custody of all of the Special Tax Proceeds.
- (b) The Board shall separately account for all Special Tax Proceeds, by segregation of such proceeds in a separate account or fund, separate accounting on the financial records of the Board, or by such other means as shall provide for identification of the amounts and uses of such proceeds.

#### Section 3.02 Exclusive Benefit of District Public School Facilities

The Special Tax Proceeds shall be used for the exclusive benefit of the District Public School Facilities.

#### Section 3.03 Public School Commission

- (a) The City shall establish a commission to be known as the "<u>District 9 Public School Commission</u>," for purposes of this Agreement.
- (b) The City may determine the number, qualifications, and terms of service of the members of the Commission, provided, however, for purposes of this Agreement:
  - (i) each member of the Commission must be a qualified elector of the District; and
  - (ii) the membership of the Commission shall fairly represent all communities within the District, including communities within both incorporated and unincorporated areas within the District, and the economic, gender and racial diversity of the District; and
    - (iii) any member of the governing body of the City may be a member of the Commission.
- (c) The authority and purposes of the Commission are limited to advice and recommendations to the Board with respect to the use of the Special Tax Proceeds, as provided in Section 3.04.

#### Section 3.04 Cooperation by Commission and Board; Use of Special Tax Proceeds

- (a) (i) The Commission may, from time to time, provide advice and recommendations in writing to the Superintendent, in accordance with the policies and procedures of the Board therefor, with respect to the use of the Special Tax Proceeds for specific District Public School Purposes.
- (ii) The Superintendent shall timely review all recommendations received from the Commission pursuant to this Agreement. The Commission shall provide any further information requested by the Superintendent with respect to any recommendation of the Commission. The Superintendent may approve or disapprove the use of Special Tax Proceeds for all or any part of any purpose recommended by the Commission.
- (iii) The Superintendent shall timely deliver to the Board a recommendation with respect to the use of the Special Tax Proceeds for any purpose which shall have been recommended by the Commission and approved by the Superintendent.
- (iv) The Superintendent may withhold from the Board any recommendation from the Commission with respect to the use of Special Tax Proceeds for any purpose which the Superintendent shall not have approved.
- (v) The Superintendent shall not deliver to the Board any recommendation with respect to the use of any of the Special Tax Proceeds unless such recommendation is based upon a recommendation properly made by the Commission to the Superintendent pursuant to this Agreement.
- (b) The Board will consider and act upon any advice or recommendations provided by the Commission pursuant to subsection (a) within the period of time requested therefor by the Commission to the extent the Board may do so in accordance with applicable law.
- (c) The Board will give priority to the use of the Special Tax Proceeds in accordance with the recommendations by the Superintendent; provided, however, any indebtedness to be incurred by the Board with respect to District Public School Purposes shall be payable solely from the Special Tax Proceeds and the principal of, and interest on, all existing and proposed indebtedness payable from the Special Tax Proceeds becoming due and payable in any fiscal year shall not exceed eighty percent (80%) of the Special Tax Proceeds for the fiscal year next preceding the date of incurrence of any such indebtedness.
  - (d) (i) The Board shall cause the Special Tax Proceeds to be applied for the District Public School Purposes which are recommended by the Superintendent and approved by the Board.
  - (ii) The Board shall hold, pursuant to Section 3.01(b) and for application as provided in Section 3.02, all Special Tax Proceeds which are not applied as provide in subsection (d)(i).

#### Section 3.05 Authority of Board

- (a) As the control and supervision of the District Public School Facilities are vested in the Board, the Board shall, with respect to the use of the Special Tax Proceeds for District Public School Purposes, control and direct the engagement of coaches, instructors, teachers and other employees of the Board, the providers of professional services, the procurement of materials, and the delivery of contractual agreements.
- (b) Anything in this Agreement to the contrary notwithstanding, the application and use of the Special Tax Proceeds shall be subject to final approval of the Board.

#### ARTICLE 4

#### Special Agreement of Board

The Board agrees the Board shall determine, and include in the annual budget for each fiscal year, the amount of local public school funds to be allocated for the benefit of the District Public School Facilities without regard to the amount of Special Tax Proceeds estimated to be received in such fiscal year and shall not adjust or reduce the amount of local public school funds of the Board which are to be used for the District Public School Facilities in any fiscal year by the amount of the Special Tax Proceeds received in such fiscal year.

#### ARTICLE 5

#### Termination of Agreement

The Board and the City agree that this Agreement shall terminate and be of no force and effect from and after the first to occur of (i) authorization, execution and delivery by the Board and the City of a termination in writing of this Agreement or (ii) the termination of the Special Tax Period, without action by or notice to the Board or the City or any other governmental or nongovernmental person.

#### ARTICLE 6

#### **Provisions of General Application**

The Board and the City agree:

(a) Governing Law: This Agreement shall be governed by and construed in

accordance with the laws of the State of Alabama without

regard to principles of conflict of laws.

(b) <u>Counterparts</u>: This Agreement may be executed in several counterparts each

of which shall constitute one and the same agreement.

(c) Amendment: This Agreement may be amended only in writing duly

authorized, executed and delivered by each party to this

Agreement.

(d) Notices: Any notice given hereunder by any party shall be delivered

simultaneously to all parties hereto at the respective addresses

thereof set forth on the signature page hereof.

(e) No Joint Venture: Each party hereto agrees that (1) this Agreement shall not

operate or be construed to create a joint venture or partnership among the parties hereto and (2) it shall be solely responsible for the administration of its respective agreements and

relationships with the other parties hereto.

(f) No Other Beneficiaries: Each party hereto agrees that the Agreement is solely for the

benefit of the parties hereto and the successors and assigns thereof and no other person shall have any benefit, interest or

rights under or by virtue of this Agreement.

IN WITNESS WHEREOF, the Board and the City have each caused this Agreement to be executed in the name thereof, under seal, by an officer thereof duly authorized thereunto on the above Effective Date.

COUNTY BOARD OF EDUCATION OF BALDWIN COUNTY, ALABAMA

President

Address: 2600 North Hand Avenue

Bay Minette, AL 36507

CITY OF FAIRHOPE, ALABAMA

By: \_\_\_\_\_

Council President

Address: P.O. Drawer 429

Fairhope, Alabama 36533

# ${\bf Exhibit\,A} \\ {\bf to} \\ {\bf Local\,Public\,School\,Agreement} \\$

Description of District

#### Special Tax District Descriptions

#### Fairhope High School Special Tax District

Special Tax District 9 shall consist of all parcels of real property located in Baldwin County, Alabama within the following described area:

Beginning at the Northwest corner of Parcel 05-43-09-42-0-002-010.002; thence East along the North line of Parcel 05-43-09-42-0-002-010.002 to the East line of Parcel 05-43-09-42-0-002-010.002; thence Southeast along the East lines of Parcels 05-43-09-42-0-002-010.002, 05-43-09-42-0-002-020.000, 05-43-09-42-0-002-019.000, 05-43-09-42-0-002-018.000, 05-43-09-42-0-002-016.000, 05-43-09-42-0-002-017.001, 05-43-09-42-0-001-032.000, 05-43-09-30-0-000-022.000, 05-43-09-30-0-000-017.000 and 05-43-09-30-0-000-016.000 to the Northwest corner of Parcel 05-43-09-30-0-000-015.000; thence generally East along the North Lines of Parcels 05-43-09-30-0-000-015.000, 05-43-09-30-0-000-013.001 and 05-43-09-30-0-000-03.000 to the intersection of the West right of way of Main St; thence North along the West right of way of Main St to the Southeast corner of Parcel 05-43-09-30-0-000-001.000; thence East to the Northwest corner of Parcel 05-43-09-29-2-000-042.013. Thence South along the East right of way of Holy Cross Dr to the Southwest corner of Parcel 05-43-09-29-2-000-042.013. Thence East along the South lines of Parcels 05-43-09-29-2-000-042.013. O5-43-09-29-2-000-042.013. Thence East along the South lines of Parcels 05-43-09-29-2-000-042.012, 05-43-09-29-2-000-042.011, 05-43-09-29-2-000-042.010, 05-43-09-29-2-000-042.006 to the Southeast corner of Parcel 05-43-09-29-2-000-042.006.

Thence East to the East right of way of U S Hwy 98; thence South along the East right of way of U S Hwy 98 to the North right of way of Dale Dr. Thence generally Northeast along the North right of way of Dale Dr to the Southeast corner of Parcel 05-43-09-29-2-000-049.000. Thence East to the Southwest corner of Parcel 05-43-09-29-1-000-131.043, thence East along the South lines of Parcels 05-43-09-29-1-000-131.043, 05-43-09-29-1-000-144.000, 05-43-09-29-1-000-143.000, 05-43-09-29-1-000-141.000 to the West line of Parcel 05-43-08-28-0-000-033.025. Thence North to the Northwest corner of Parcel 05-43-08-28-0-000-033.025; thence East along the South line of Parcels 05-43-08-28-0-000-032.000, and 05-43-08-28-0-000-033.001 to the West right of way of County Road 13. Thence South along the West right of way of County Road 13 to the Southeast corner of Parcel 05-43-08-33-0-000-003.000.

Thence East to the Northwest corner of Parcel 05-43-08-34-0-000-002.001, thence East along the North lines of Parcels 05-43-08-34-0-000-002.001, and 05-43-08-34-0-000-002.002 to the Northeast corner of Parcel 05-43-08-34-0-000-002.002. Thence generally Northeast to the Southwest corner of Parcel 05-43-07-35-0-000-004.000; thence North along the West line of Parcel 05-43-07-35-0-000-004.000 to the Northwest corner of Parcel 05-43-07-35-0-000-004.000; thence East along the North lines of Parcels 05-43-07-35-0-000-004.000, 05-43-07-35-0-000-001.001 to the Northwest corner of Parcel 05-43-07-35-0-000-001.000; thence South along the West line of Parcel 05-43-07-35-0-000-001.000 to the Southwest corner of Parcel 05-43-07-36-0-000-002.000; thence East along the South line of Parcel 05-43-07-36-0-000-002.000. Thence South along the West line of Parcel 05-43-07-36-0-000-002.001 to the Southwest corner of Parcel 05-43-07-36-0-000-002.001 to the Southwest corner of Parcel 05-43-07-36-0-000-002.001 to the Southeast corner of Parcel 05-43-07-36-0-000-002.001 to the Southeast corner of Parcel 05-43-07-36-0-000-002.001 to the Southwest corner of Parcel 05-43-07-36-0-000-002.001; thence East along the South line of Parcel 05-43-07-36-0-000-002.001; thence East along the South line South line of Parcel 05-43-07-36-0-000-002.001; thence East along the South line

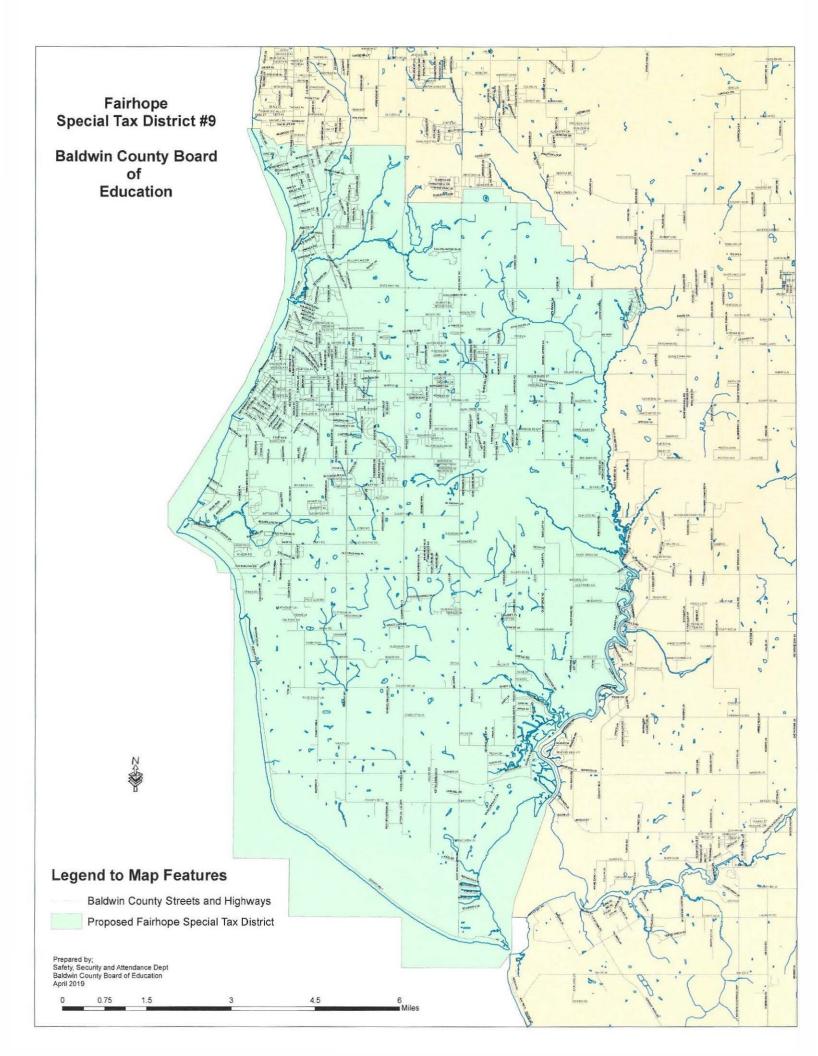
of Parcel 05-43-07-36-0-000-002.012 to the Southeast corner of Parcel 05-43-07-36-0-000-002.012. Thence South along the West line of Parcel 05-43-07-36-0-000-002.014 to the Northwest corner of Parcel 05-46-01-01-0-000-001.013; thence East along the North line of Parcel 05-46-01-01-0-000-001.013 to the Northeast corner of Parcel 05-46-01-01-0-000-001.013; thence South along the East line of Parcel 05-46-01-01-0-000-001.013 to the Southeast corner of Parcel 05-46-01-01-0-000-001.013. Thence East along the South line of Parcel 05-46-01-01-0-000-001.008 to the Southeast corner of Parcel 05-46-01-01-0-000-001.008. Thence South along the West line of Parcels 05-47-03-06-0-000-004.000, 05-47-03-06-0-000-005.000, 05-47-03-06-0-000-017.000 and 05-47-03-06-0-000-018.000 to the Northwest corner of Parcel 05-47-03-07-0-000-007.000. Thence East along the South right of way of State Hwy 104 to the Northeast corner of Parcel 05-47-03-08-0-000-003.151.

Thence South along the East line of Parcel 05-47-03-08-0-000-003.151 to the Northeast corner of Parcel 05-47-03-08-0-000-003.022; thence South along the East line of Parcel 05-47-03-08-0-000-003.022 to the West line of Parcel 05-47-03-08-0-000-006.000; thence South along the West lines of Parcels 05-47-03-08-0-000-006.000, and 05-47-03-08-0-000-003.152 to the Southwest corner of Parcel 05-47-03-08-0-000-003.152. Thence generally Southwest along the North line of Parcels 05-47-03-08-0-000-003.168, and 05-47-03-07-0-000-002.011 to the Northwest corner of Parcel 05-47-03-07-0-000-002.011. Thence South along the West lines of Parcels 05-47-03-07-0-000-002.011 and 05-47-03-07-0-000-002.012 to the Southwest corner of Parcel 05-47-03-07-0-000-002.012; thence East along the South line of Parcel 05-47-03-07-0-000-002.012 to the midline of Fish River to the mouth of Fish River at Weeks Bay.

Thence Southwest along the midline of Weeks Bay to the intersection of the midline of Weeks Bay and the Northeast corner of Section 4, Township 8 South, Range 2 East; thence South along the East line of Section 4, Township 8 South, Range 2 East to the Southeast corner of Section 4, Township 8 South, Range 2 East.

Thence generally North along the South and West lines of Township 8 South, Range 2 East, Township 7 South, Range 2 East, Township 6 South, Range 1 East, Township 6 South, Range 2 East and Township 5 South, Range 2 East to a point due West of the Northwest corner of Parcel 05-43-09-42-0-002-010.002; thence East to the point of beginning.

All references herein to "Parcels" shall refer to the parcel identification number as assigned by the Baldwin County Revenue Commissioner as of the 28<sup>th</sup> day of September, 2018.



Duly passed and adopted this 16th day of May, 2019.

President

SEAL

Attest: \_

Secretary

After said Resolution had	l been disc	cussed and co	onsidered	in full b	y the E	Board, it	was move	ed by
Board member	that said	d Resolution	be now	placed	upon	its final	passage	and
adopted. The motion was second	ed by Boa	ard member			The qu	estion b	eing put	as to
the adoption of said motion and t	the final p	assage and	adoption (	of said I	Resoluti	on, the r	oll was c	alled
with the following results:								

Ayes:

Shannon Cauley Cecil Christenberry JaNay Dawson Michael Johnson Andrea Lindsey Norma Lynch Tony Myrick

Nays:

The President thereupon declared said motion carried and the Resolution passed and adopted as introduced and read.

There being no further business to come before the meeting, it was moved and seconded that the meeting be adjourned. Motion carried.

## **Approval of Minutes:**

Each of the undersigned does hereby approve, and waive notice of, the date, time, place and purpose of the meeting of the County Board of Education of Baldwin County, Alabama recorded in the above and foregoing minutes thereof and does hereby approve the form and content of the above and foregoing minutes and resolution therein.

Mr. Cecil Christenberry, President

Mrs. Shannon Cauley

Mrs. JaNay Dawson

Mr. Michael Johnson

Mrs. Andrea Lindsey

Mrs. Norma Lynch

Mr. Tony Myrick

SEAL

Attest:

Secretary

# STATE OF ALABAMA BALDWIN COUNTY

#### CERTIFICATE OF SECRETARY

Baldwin County Board of Education

May 16, 2019

I, the undersigned, do hereby certify that: (1) I am the duly elected, qualified and acting Superintendent of Education and Secretary of the County Board of Education of Baldwin County, Alabama, (2) as Secretary I have access to all original records of the Board and I am duly authorized to make certified copies of its records on its behalf, (3) the above and foregoing pages constitute a complete, verbatim and compared copy of excerpts from the minutes of a regular meeting of the Board duly held on May 16, 2019, the original of which is on file and of record in the minute book of the Board in my custody, (4) the Resolution set forth in such excerpts is a complete, verbatim and compared copy of such Resolution as introduced and adopted by the Board on such date, and (5) said Resolution is in full force and effect and has not been repealed, amended or changed.

IN WITNESS WHEREOF, I have hereunto set my hand as Superintendent of Education and Secretary of the County Board of Education of Baldwin County, Alabama, under seal, on the above date and year.

Secretary of the County Board of Education

of Baldwin County, Alabama

SEAL