

MOTION BY COMMISSIONER BURT, SECONDED BY COMMISSIONER ARMSTRONG TO APPROVE THE TRANSFER OF A 2001 FORD CROWN VICTORIA, S/N 2FAPF73W21X127033 FROM BCC DISTRICT 6 TO THE BUDGET/PURCHASING DEPARTMENT AND THAT THE BUDGET/PURCHASING DEPARTMENT WILL REIMBURSE DISTRICT 6'S MILEAGE EXPENSE 80% OF THE BLUE BOOK VALUE FOR THE VEHICLE AND FURTHER, AUTHORIZE THE AUCTION OF THE BUDGET/PURCHASING DEPARTMENT'S 1997 FORD CROWN VICTORIA, S/N 2FALP71W1VX149536 WITH PROCEEDS FROM THOSE FUNDS GOING BACK TO THE BUDGET/PURCHASING DEPARTMENT AND AUTHORIZE THE CHAIRMAN TO SIGN THE FIXED ASSET CHANGE FORM. UNANIMOUS.

RESOLUTION #2002-31

On February 5, 2002, the Commission authorized the Chairman and County Administrator to sign, only to acknowledge receipt of, an Application To Amend The Certificate Of Incorporation Of The East Central Baldwin County Water And Fire Protection Authority.

Upon receipt of such Application, the Commission must accomplish the statutory provision, found at §11-88-5 *Code of Alabama 1975*, of reviewing the Application and find & determine if the statements were true and, further, that such Application, and related Amendment, would promote the public health, convenience & welfare.

Staff has reviewed the aforementioned Application and has discussed such with the Attorney for the Authority, Mr. Robert A. Wills, and has prepared Resolution #2002-31 for the Commission's consideration.

Commissioner Burt said this resolution expands the service area and asked if there is some assurance as to when service would be available to the area requested east of Bay Minette and south of Perdido? He said during the work session, Mr. Pierce and the engineering firm had assured the Commission that the service would be provided in the northern area within 18 months. He said he was in support of the resolution but wanted some assurance that they would provide the service by October 2003.

The County Administrator said the Commission could make that part of the Memorandum of Understanding with them in that the Commission can approve this action contingent upon them providing the service within that time frame. A letter can be sent along with the Resolution notifying them of such.

MOTION BY COMMISSIONER BURT, SECONDED BY COMMISSIONER PRICE TO ADOPT *RESOLUTION #2002-31* WHICH EVIDENCES THE BALDWIN COUNTY COMMISSION REVIEWED AN *APPLICATION TO AMEND THE CERTIFICATE OF INCORPORATION FOR THE EAST CENTRAL BALDWIN COUNTY WATER AND FIRE PROTECTION AUTHORITY* AND FURTHER, HAS DETERMINED AS A MATTER OF FACT, THAT THE STATEMENTS CONTAINED IN SAID APPLICATION ARE TRUE AND THE RELATED AMENDMENT WILL PROMOTE THE PUBLIC HEALTH, CONVENIENCE AND WELFARE:

STATE OF ALABAMA)

COUNTY OF BALDWIN)

*RESOLUTION # 2002-31
OF THE
BALDWIN COUNTY COMMISSION*

PURSUANT TO §11-88-5 *CODE OF ALABAMA 1975*, UPON REVIEW OF AN APPLICATION TO AMEND THE CERTIFICATE OF INCORPORATION OF THE EAST CENTRAL BALDWIN COUNTY WATER AND FIRE PROTECTION AUTHORITY, FINDING & DETERMINING THAT THE

STATEMENTS IN SUCH APPLICATION ARE TRUE; FURTHER, THAT SAID APPLICATION AND RELATED AMENDMENT WILL PROMOTE THE PUBLIC HEALTH, CONVENIENCE & WELFARE.

WHEREAS, the East Central Baldwin County Water and Fire Protection Authority, by and through their Chairman & Secretary-Treasurer, have filed written Application with the governing body of Baldwin County, Alabama ("Baldwin County Commission"), entitled an Application To Amend The Certificate Of Incorporation Of The East Central Baldwin County Water And Fire Protection Authority, dated February 4, 2002, filed with the Baldwin County Commission on February 5, 2002, and attached to *Resolution # 2002-31 of the Baldwin County Commission* as *Exhibit "1,"* as required by §11-88-5 *Code of Alabama 1975*, proposing an amendment to the Certificate of Incorporation of the East Central Baldwin County Water and Fire Protection Authority filed in the Office of Judge of Probate of Baldwin County, Alabama, on April 8, 1987, and recorded in Miscellaneous Book 59, page 1237, et seq., said Certificate of Incorporation later amended with said amendment filed in the Office of Judge of Probate of Baldwin County, Alabama, on May 25, 1994, and recorded in Miscellaneous Book 78, page 1184, et seq.; and

WHEREAS, such Application To Amend The Certificate Of Incorporation Of The East Central Baldwin County Water And Fire Protection Authority, proposes to enlarge / expand the service area to add additional territory to the East Central Baldwin County Water and Fire Protection Authority; and

WHEREAS, further, attached to such Application To Amend The Certificate Of Incorporation Of The East Central Baldwin County Water And Fire Protection Authority remains a Resolution, of the East Central Baldwin County Water and Fire Protection Authority, dated February 4, 2002, filed with the Baldwin County Commission on February 5, 2002, and attached to *Resolution # 2002-31 of the Baldwin County Commission* as *Exhibit "2,"* together with said Resolution's Exhibit A, Exhibit B & Exhibit C; and

WHEREAS, as required by §11-88-5 *Code of Alabama 1975*, the Baldwin County Commission hereby evidences its review of the Application To Amend The Certificate Of Incorporation Of The East Central Baldwin County Water And Fire Protection Authority and, further, has determined, as a matter of fact, that the statements contained in said Application are true and the related Amendment will promote the public health, convenience & welfare; now therefore

BE IT RESOLVED, BY THE BALDWIN COUNTY COMMISSION, IN REGULAR SESSION ASSEMBLED, That, as required by §11-88-5 *Code of Alabama 1975*, the Baldwin County Commission hereby evidences its review of the Application To Amend The Certificate Of Incorporation Of The East Central Baldwin County Water And Fire Protection Authority and, further, has determined, as a matter of fact, that the statements contained in said Application are true and the related Amendment will promote the public health, convenience & welfare.

FURTHER, BE IT RESOLVED, that, within forty (40) days following adoption of *Resolution # 2002-31 of the Baldwin County Commission*, the Chairman and Secretary-Treasurer of the East Central Baldwin County Water and Fire Protection Authority shall sign and file for record in the Office of Judge of Probate of Baldwin County, Alabama, in the name, and on the behalf, of the East Central Baldwin County Water and Fire Protection Authority, under its Seal, reciting the adoption of their Resolution and *Resolution # 2002-31 of the Baldwin County Commission*.

DONE, Under the Seal of the County Commission of Baldwin County, Alabama, on this the 19th day of February, 2002.

s/s
Commissioner Allen D. Perdue,
Mr. Chairman

ATTEST:

s/s
Robert W. Koncar, County Administrator

CERTIFICATE

The undersigned, ALLEN D. PERDUE, as Chairman of the County Commission of Baldwin County, Alabama, and ROBERT W. KONCAR, as County Administrator for the County Commission of Baldwin County, Alabama, hereby certify that the foregoing *Resolution # 2002-31 of the Baldwin County Commission* is a true and correct copy of a *Resolution* duly adopted by the County Commission of Baldwin County, Alabama, during their February 19, 2002, regular meeting, at the County Seat, in Bay Minette, Alabama.

WITNESS our hands, together with the Seal of the County Commission of Baldwin County, Alabama, on this the 19th day of February, 2002.

s/s
 Commissioner Allen D. Perdue,
 Mr. Chairman

ATTEST:

s/s
 Robert W. Koncar, County Administrator

*This Instrument prepared by:
 David Anthony Brewer
 Assistant to County Administrator
 for Research & Special Projects*

FURTHER, AUTHORIZE THE CHAIRMAN TO SIGN AND CERTIFY.

The County Attorney said Ms. Lucas, the Engineer said the only contingency was that there had to be enough subscribers to sign up. Commissioner Burt responded by stating that his question to them was if you are going to get a grant for about half the amount then what are you going to do. He though Ms. Lucas' answer was that the County has to abide by whatever the grant application is.

The County Administrator said they can still reach the target goal of 18 months and if for some reason they cannot meet that goal, they will have to come back to the Commission.

The County Attorney said the only point he is making is that when Commissioner Burt asked the question as to whether there was any contingency, Ms. Lucas said that under the Rural Utility Loan guidelines, you had to have so many people signed up before you can get a loan.

Commissioner Price understood at the work session that if they could not get enough people in a given area, then they would not include that area in their loan process.

UNANIMOUS.

ORANGE BEACH WATER, SEWER & FIRE PROTECTION AUTHORITY

Commissioner Burt said in the past, appointments to the Orange Beach Water, Sewer & Fire Protection Authority have been made subject to a non-binding referendum. In this case, there is a letter attached to the Agenda Action from L.P. Williamson, Chairman of the Orange Beach Water, Sewer & Fire Protection Authority explaining such.

MOTION BY COMMISSIONER BURT, SECONDED BY COMMISSIONER PRICE TO APPOINT KENNETH R. THOMPSON TO FILL THE BALANCE OF THE UNEXPIRED 6 YEAR TERM OF ROBERT FUQUA TO BEGIN MARCH 1, 2002 WITH AN EXPIRATION DATE OF MARCH 1, 2003 AND FURTHER, REAPPOINT L. GODBEE SMITH FOR A 6 YEAR TERM EFFECTIVE MARCH 1, 2002 WITH AN EXPIRATION DATE OF MARCH 1, 2008 AND AUTHORIZED THE CHAIRMAN TO SIGN THE REQUIRED CORRESPONDENCE. FURTHER, THAT THE FOLLOWING LETTER FROM L.P. WILLIAMSON, CHAIRMAN OF THE ORANGE BEACH WATER, SEWER & FIRE PROTECTION AUTHORITY BE MADE PART OF THE RECORD:

January 28, 2002

Baldwin County Commission
 Chairman Allen Perdue
 Post Office Box 1488
 Bay Minette, AL 36507

APPLICATION TO AMEND
THE CERTIFICATE OF INCORPORATION
OF THE
EAST CENTRAL BALDWIN COUNTY
WATER AND FIRE PROTECTION AUTHORITY



STATE OF ALABAMA)

BALDWIN COUNTY)

TO THE CHAIRMAN AND COMMISSIONERS OF THE BALDWIN COUNTY
COMMISSION:

COMES NOW, the EAST CENTRAL BALDWIN COUNTY WATER AND
FIRE PROTECTION AUTHORITY (AUTHORITY) by and through the undersigned as
its Chairman and Secretary-Treasurer and do hereby file this written Application with the
governing body of Baldwin County, Alabama, which is the Baldwin County
Commission.

The applicants would show the following unto the Honorable Members of the
Baldwin County Commission, to-wit:

1. The AUTHORITY is a public corporation organized pursuant to the
provisions of Article I of Chapter 88 of Title 11 of the Code of Alabama (1975) by a
Certificate of Incorporation filed in the Office of the Judge of Probate of Baldwin
County, Alabama, on April 8, 1987, and there recorded in Miscellaneous Book 59 at page
1237, et seq. Said Certificate of Incorporation was duly amended by an Amendment to
Certificate of Incorporation filed in the Office of the Judge of Probate of Baldwin
County, Alabama, on May 25, 1994, and there recorded in Miscellaneous Book 78 at
page 1184, et seq.

2. The AUTHORITY proposes to amend said Certificate of Incorporation, as
last amended, for the purposes of enlarging the service area of the AUTHORITY.

3. The Board of Directors of the AUTHORITY has adopted a Resolution (a certified copy of which is attached hereto as Exhibit A) proposing such an amendment to said Certificate of Incorporation, as last amended.

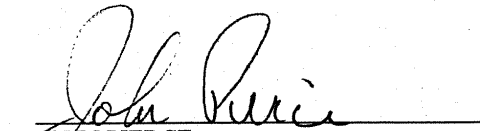
4. There is no public water system adequate to serve any new territory in which it is proposed that the AUTHORITY will render water service. There are no public fire protection facilities adequate to serve any new territory in which it is proposed that the AUTHORITY will render fire protection service.

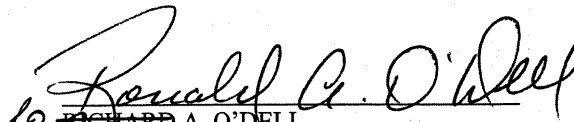
5. The proposed Amendment to the Certificate of Incorporation of the AUTHORITY, as last amended, will promote the public health, convenience and welfare.

WHEREFORE, the applicants pray that the Baldwin County Commission adopt a resolution and order declaring that it has reviewed the contents of this Application and has found and determined as a matter of fact that the statements contained in this Application are true.

Respectfully submitted this 4th day of February, 2002.

EAST CENTRAL BALDWIN COUNTY
WATER AND FIRE PROTECTION
AUTHORITY


JOHN PIERCE
Chairman of the Board of Directors


RICHARD A. O'DELL
Secretary-Treasurer


STATE OF ALABAMA)

BALDWIN COUNTY)


I, the undersigned authority, a Notary Public in and for said county in said state, hereby certify that JOHN PIERCE and RICHARD A. O'DELL, having been by me first duly sworn, depose and say that each of them has read the foregoing Application and that the statements contained therein are true and correct to the best of their knowledge and that they, as such officers and with full authority, executed the same voluntarily for and as the act of said public corporation.

Given under my hand and official seal of office this 4th day of February, 2002.

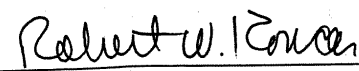
[NOTARIAL SEAL]


NOTARY PUBLIC
My Commission Expires: 4/2004

ST The foregoing Application was filed with the Baldwin County Commission this day of February, 2002.


ALLEN D. PERDUE
Chairman of the Baldwin
County Commission

ATTEST:


ROBERT W. KONCAR
Administrator of the Baldwin
County Commission



STATE OF ALABAMA

BALDWIN COUNTY

RESOLUTION

WHEREAS, the EAST CENTRAL BALDWIN COUNTY WATER AND FIRE PROTECTION AUTHORITY (AUTHORITY) was originally incorporated and formed and by virtue of §11-8-1, et seq., Code of Alabama (1975), as amended; and

WHEREAS, the AUTHORITY wishes to expand its service area to add additional territory thereto; and

WHEREAS, there is no public water system, public sewer system or public fire protection facility adequate to serve the new territory which is proposed to be added to the service area of the AUTHORITY; and

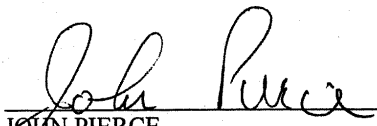
WHEREAS, a motion was duly made by John P. King and seconded by Roy Dyess, Jr., which said motion passed unanimously, it was,

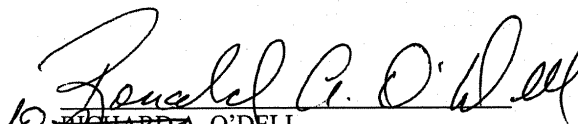
RESOLVED BY THE BOARD OF DIRECTORS as follows:

The Certificate of Incorporation of the AUTHORITY shall be amended to change the service area of the AUTHORITY to add new territory thereto to the end that the service area of the AUTHORITY shall now include all of the following land which is set forth and described on Exhibit A which is attached hereto and incorporated herein as though fully set forth and which said territory is further depicted on the map(s) which is/are attached hereto as Exhibits B and C and incorporated herein as though fully set forth.

DONE this the 4th day of February, 2002.

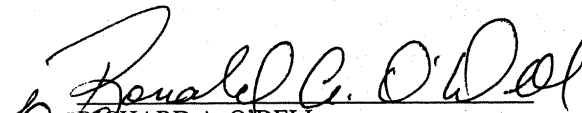
EAST CENTRAL BALDWIN COUNTY
WATER AND FIRE PROTECTION
AUTHORITY


JOHN PIERCE
Chairman of the Board of Directors


RICHARD A. O'DELL
Secretary-Treasurer

The undersigned, as Secretary of East Central Baldwin County Water and Fire Protection Authority, hereby certifies that the Resolution set forth hereinabove constitutes a true, full and complete copy of a Resolution duly adopted at a Special Meeting of the Board of Directors of said AUTHORITY held on Monday, February 4, 2002, as the same appears in the permanent records of said AUTHORITY in my custody.

IN WITNESS WHEREOF, I have hereunto affixed my signature under the seal of the AUTHORITY this 4th day of February, 2002.


RICHARD A. O'DELL
Secretary

(SEAL)

**EXHIBIT A
TO RESOLUTION
OF EAST CENTRAL BALDWIN COUNTY
WATER AND FIRE
PROTECTION AUTHORITY**

ORIGINAL SERVICE AREA AND 1994 ADDITION:

Begin at the Northwest corner of Section 4, Township 4 South, Range 4 East in Baldwin County, Alabama and run east along the north line of said Section 4 and a continuation thereof to where it is intersected by the Perdido River; thence follow the meanders of the Perdido River in a Southerly direction to where it joins with the Blackwater River; thence follow the meanders of the Blackwater River in a West/Northwesterly direction to the point of intersection with the north line of the South $\frac{1}{2}$ of Section 29, T 5 S, R 4 E; thence run west along the north line of the South $\frac{1}{2}$ of said Section 29 and a continuation thereof to the northwest corner of the Southeast $\frac{1}{4}$ of Section 30, T 5 S, R 4 E; then run south along the west line of the East $\frac{1}{2}$ of said Section 30 to the south line of Section 30, T 5 S, R 4 E; thence run west along said south line to the east right-of-way of Alabama Highway 59; thence run northwesterly along said east R.O.W. to its point of intersection with the east line of the West $\frac{1}{4}$ of Section 24, T 5 S, R 3 E; thence run north along said east line of the west $\frac{1}{4}$ of said Section 24 and a continuation thereof to its point of intersection with the north line of the South $\frac{1}{2}$ of Section 13, T 5 S, R 3 E; thence run east along the north line of said south $\frac{1}{2}$ to its intersection with the Blackwater River; thence follow the meanders of the Blackwater River in a northwesterly direction to its point of intersection with the south line of Section 7, T 5 S, R 4 E; thence run east along said south line to the southwest corner of the E $\frac{1}{2}$ of said Section 7; thence run north along the west line of said E $\frac{1}{2}$ of said Section 7 to the southwest corner of the northeast $\frac{1}{4}$ of Section 6, T 5 S, R 4 E; thence run east along the north line of the S $\frac{1}{2}$ of said Section 6 and a continuation thereof to the southwest corner of the Northwest $\frac{1}{4}$ of Section 4, T 5 S, R 4 E; thence run north along the west boundary of said Section 4 and a continuation thereof to the point of beginning.

2002 SOUTHERN SERVICE AREA ADDITION:

Begin at the NW Corner of Section 34 Township 6 South Range 5 East; thence run East along the North line of said Section 34, Township 6 South Range 5 East to the point of intersection of the said North line with the centerline of Blackwater River; Thence run along and following the meandering centerline of the Blackwater River in a north, northwesterly and westerly direction to the point of intersection of the centerline of the Blackwater River with the North line of Section 4 Township 6 South Range 4 East: Thence run west along the North line of Section 4 Township 6 South Range 4 East to the NW corner of Section 4 Township 6 South Range 4 East; Thence run South along the West lines of Sections 4, 9, 16, 21, 28, and 33 Township 6 South Range 4 East to the SW corner of Section 33 Township 6 South Range 4 East: Thence continue South along the West line of Section 4 Township 7 South Range 4 East to the SW corner of the North $\frac{1}{2}$ of Section 4 Township 7 South Range 4 East: Thence run East along the South line of the North $\frac{1}{2}$ of Section 4 Township 7 South Range 4 East to the SW corner of the NE $\frac{1}{4}$ of Section 4

Township 7 South Range 4 East; Thence South to the SW Corner of the SE 1/4 of Section 4 Township 7 South Range 4 East; Thence continue South to the SW Corner of the SE 1/4 of Section 9 Township 7 South Range 4 East; Thence run east along the South line of the SE 1/4 of Section 9 Township 7 South Range 4 East to the SE corner of Section 9 Township 7 South Range 4 East; Thence continue East along the South lines of Sections 10 and 11 Township 7 South Range 4 East to the SE corner of Section 11 Township 7 South Range 4 East; Thence run South along the West line of Section 13 Township 7 South Range 4 East to the SW corner of Section 13 Township 7 South Range 4 East; Thence run East along the South line of Section 13 Township 7 South Range 4 East to the SE corner of Section 13 Township 7 South Range 4 East; Thence continue East along the South lines of Sections 18, 17, and 16 Township 7 South Range 5 East to the SE corner of Section 16 Township 7 South Range 5 East; Thence run North along the East lines of Sections 16, 9, and 4 Township 7 South Range 5 East to the NE corner of Section 4 Township 7 South Range 5 East; Thence continue North along the East Line of Section 33 Township 6 South Range 5 East to the NE corner of Section 33 Township 6 South Range 5 East and the point of beginning.

Less and except any part thereof within a Municipal City Limits Boundary.

2002 NORTHERN SERVICE AREA ADDITION:

Begin at the point of intersection of the South line of Section 36, Township 3 South, Range 5 East and the Perdido River in Baldwin County, Alabama; thence run Northwesterly, northerly and northeasterly along the Perdido River to the point of intersection of the centerline of the Perdido River with the West line of Section 24 Township 2 South Range 4 East; thence run North along the West line of Section 24 Township 2 South Range 4 East to the NW corner of Section 24 Township 2 South Range 4 East; thence run West along the South line of Sections 14 and 15 Township 2 South Range 4 East to the SW corner of Section 15 Township 2 South Range 4 East; thence run North along the West line of Section 15 Township 2 South Range 4 East to the NW corner of Section 15 Township 2 South Range 4 East; thence run East along the North line of Section 15 Township 2 South Range 4 East to the NE corner of Section 15 Township 2 South Range 4 East; thence run North along the West line of Sections 11 and 2 Township 2 South Range 4 East to the NW corner of Section 2 Township 2 South Range 4 East; thence continue North along the West line of Sections 35 and 26 Township 1 South Range 4 East to the NW corner of Section 26 Township 1 South Range 4 East; thence run West along the South Line of Sections 22, 21, 20, and 19 Township 1 South Range 4 East to the SW corner of Section 19 Township 1 South Range 4 East; thence North along the East line of Section 24 Township 1 South Range 3 East to the intersecting point of the East line of Section 12 Township 1 South Range 3 East with the Southerly Right of Way line of I - 65; thence run Southwesterly along the said Southerly Right of Way line of I - 65 to the intersecting point of the said Southerly Right of Way line of I 65 with the West line of Section 12 Township 1 South Range 3 East; thence run South along the West line of Sections 12, 24, 25 and 36 Township 1 South Range 3 East to the SW corner of Section 36 Township 1 South Range 3 East; thence run East along the South line of said Section 36, Township 1 South, Range 3 East to the Northwest corner of the

East ½ of Section 1, Township 2 South, Range 3 East; thence run South along the West line of the East ½ of Section 1, Township 2 South, Range 3 East and the projection thereof to the Southwest corner of the East ½ of Section 13, Township 2 South, Range 3 East; thence run East along the South line of the East ½ of Section 13, Township 2 South, Range 3 East to the North west corner of Section 19, Township 2 South, Range 4 East; thence run South along the West line of said Section 19, Township 2 South, Range 4 East and the projection thereof to the Northwest corner of Section 6, Township 3 South, Range 4 East; thence run South along the West line of said Section 6, Township 3 South, Range 4 East and the projection thereof to the Northwest corner of Section 6, Township 4 South, Range 4 East; thence run South along the West line of said Section 6, Township 4 South, Range 4 East to the Southwest corner of the North ½ of said Section 6, Township 4 South, Range 4 East; thence run East along the South line of the said North ½ of said Section 6, Township 4 South, Range 4 East and the projection thereof to the Southeast corner of the North ½ of Section 5, Township 4 South, Range 4 East; thence run North along the east line of the said Section 5, Township 4 South, Range 4 East to the Northeast corner of Section 5, Township 4 South, Range 4 East; thence run east along the south line of Section 31 Township 3 South, Range 4 East and the projection thereof to the Southeast corner of Section 36, Township 3 South, Range 4 East; thence run east along the South line of Section 31, Township 3 South and Range 5 East and the projection thereof to the Point of Beginning.

Less and except any part thereof within a Municipal City Limits Boundary.

