

STATE OF ALABAMA        )  
COUNTY OF BALDWIN    )

**RESOLUTION (ORDINANCE) NO. 2020-076  
OF  
THE BALDWIN COUNTY COMMISSION**

A RESOLUTION (ORDINANCE) CONSENTING TO THE PLEDGE BY THE COUNTY BOARD OF EDUCATION OF BALDWIN COUNTY, ALABAMA (THE "BOARD") OF THE PROCEEDS OF VARIOUS LOCAL SCHOOL TAXES LEVIED BY THE BALDWIN COUNTY COMMISSION ALLOCABLE TO THE BOARD AND MAKING FURTHER PROVISION THEREFOR

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BE IT RESOLVED AND ORDAINED BY THE BALDWIN COUNTY COMMISSION (THE "COMMISSION"), AS GOVERNING BODY OF BALDWIN COUNTY, ALABAMA (THE "COUNTY"), as follows:

**Section 1.** The Commission has found and determined, and does hereby find, determine and declare that:

- (a) (i) The County Board of Education of Baldwin County, Alabama (the "Board") has heretofore issued public school warrants of series 2012, 2015 and 2017 for public school purposes.
- (ii) The Board has determined that the issuance of a series of public school warrants of series 2020 (the "Series 2020 Refunding Warrants") to provide for the refinancing of certain maturities of the public school warrants of series 2012 and series 2015 of the Board will produce significant present value net interest costs savings without material increase in the total indebtedness of the Board.
- (iii) The realization of net present value interest costs savings by the Board from the refinancing of long-term indebtedness thereof is of material financial benefit to the taxpayers and citizens of Baldwin County, Alabama.
- (iv) The Board will obtain the prior written approval of the State Superintendent of Education for the issuance of the Series 2020 Refunding Warrants.
- (v) The Series 2020 Refunding Warrants, and the obligations of the Board with respect thereto, shall never constitute a direct, indirect, or contingent obligation, indebtedness, pecuniary liability, or charge against the general credit, revenues, or taxing power, of Baldwin County, Alabama (the "County") within the meaning of any constitutional or statutory provision.

- (b) The Board has represented to the Commission that the pledge of a sufficient amount of the proceeds of the following local public school taxes (collectively, the “Special School Taxes”) for the benefit of the Series 2020 Refunding Warrants will produce the greatest amount of net interest costs savings and has requested the agreement and consent thereto of the Commission, to the extent required therefor, as provided in this Resolution (Ordinance):
- (i) the privilege license and excise taxes levied in the County by the State of Alabama pursuant to Act No. 83-532 of the 1983 Alabama Legislature;
  - (ii) the privilege license and excise taxes levied in the County by the Baldwin County Commission pursuant to Section 40-12-4 of the Code of Alabama 1975 and ordinances, resolutions and proceedings of the Commission adopted, had and taken on December 20, 1988, March 5, 1991, June 6, 1991, March 1, 2005, and August 21, 2012;
  - (iii) the privilege license and excise taxes levied in the County by the Baldwin County Commission pursuant to Section 40-12-4 of the Code of Alabama 1975 and the ordinance, resolution and proceedings adopted, had and taken on January 3, 2017;
  - (iv) the 5-mill countywide ad valorem school tax levied in the County by the Baldwin County Commission pursuant to Amendment No. 162 to the Constitution of Alabama of 1901, as amended, and the election held in the County on December 5, 1961.
- (c) It is necessary, desirable and in the best financial interests of the public education system in the County for:
- (i) the Board to issue the Series 2020 Refunding Warrants secured by a pledge of the proceeds distributed to the Board from the Special School Taxes in order to realize the greatest amount of net present value interest costs savings available therefrom; and
  - (ii) the Commission to agree and consent to the pledge by the Board of the proceeds distributed to the Board from the privilege license and excise taxes levied by the Commission under Section 40-12-4 of the Code of Alabama 1975 (the “Section 40-12-4 Taxes”) for the benefit of the Series 2020 Refunding Warrants.

**Section 2.** Capitalized terms used herein shall have the respective meanings assigned in Section 1.

**Section 3.** The Commission does hereby:

- (a) ratify, confirm and adopt the ordinances, resolutions and proceedings adopted, had and taken by the Commission with respect to the Section 40-12-4 Taxes;
- (b) consent to the pledge by the Board for the benefit of the Series 2020 Refunding Warrants of the proceeds of the Section 40-12-4 Taxes distributed to the Board;
- (c) covenant and agree that, as long as any of the Series 2020 Refunding Warrants are outstanding, the Commission will continue to levy and collect the Section 40-12-4 Taxes at rates not less than those in effect on the date of adoption of this Resolution (Ordinance);
- (d) covenant and agree that the terms and provisions of this Resolution (Ordinance) shall constitute a contract with the Board and the owners of the Series 2020 Refunding Warrants, each of which persons shall be a third party beneficiary hereof.

**Section 4.** This Resolution (Ordinance) shall be subject to all provisions of state and federal law which may be controlling in the premises.

**Section 5.** This Resolution (Ordinance) shall take effect immediately upon its adoption.

Adopted this 17<sup>th</sup> day of March, 2020.

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Billie Jo Underwood, Chairman  
Baldwin County Commission

ATTEST:

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Wayne Dyess, County Administrator