



Baldwin County Commission

Legislation Details (With Text)

File #: 20-0825 **Version:** 1
Type: Consent **Status:** Passed
File created: 2/21/2020 **In control:** Baldwin County Commission Regular
On agenda: 3/3/2020 **Final action:** 3/3/2020
Title: Resolution #2020-066 and Project Agreement for Flight Works Alabama
Indexes:
Attachments: 1. BCC Resolution 2020-066 - Amendment 750/772, 2. Exhibit A to Resolution #2020-066, 3. Exhibit B to Resolution #2020-066, 4. *BA3 - Resolution 2020-066 SIGNED

Date	Ver.	Action By	Action	Result
3/3/2020	1	Baldwin County Commission Regular	Approved	

Meeting Type: BCC Regular Meeting
Meeting Date: 3/3/2020
Item Status: New
From: Wayne Dyess, County Administrator
Submitted by: Anu Gary, Administrative Services Manager

ITEM TITLE

Resolution #2020-066 and Project Agreement for Flight Works Alabama

STAFF RECOMMENDATION

Pursuant to the authority provided by Amendment No. 750 and/or Amendment No. 772 to the Constitution of Alabama 1901, take the following actions:

- 1) Adopt Resolution #2020-066 of the Baldwin County Commission, which authorizes the granting of funds to a firm, corporation, or other business entity, for the purpose of promoting the economic and industrial development of Baldwin County and provides determinations by said county governing body that the individual action, as above referenced, which involves an expenditure (grant) of public things of value to a firm, corporation, or other business entity, public or private, for the purpose of promoting the economic and industrial development of Baldwin County will serve a valid and sufficient public purpose, notwithstanding any respective incidental benefit accruing to any private entity; and
- 2) Authorize the execution and delivery of a Project Agreement by and among Baldwin County, Alabama, a political subdivision of the State of Alabama; Airbus Americas, Inc., a Delaware corporation; and Alabama Aviation Education Center, Inc., a nonprofit corporation organized under the laws of the State of Alabama, for the "Flight Works Alabama" Project, and related career training and workforce development efforts in the County which will educate multiple generations of students through hands-on, aviation-themed experiences, activities, and educational programs and to encourage students to pursue a career in the aerospace industry.

BACKGROUND INFORMATION

Previous Commission action/date: N/A

Background:

Staff recommendation #2 has been revised since the February 26, 2020, BCC Work Session at the request of Britton Bonner, Adams & Reese, LLP, to include additional language.

FINANCIAL IMPACT

Total cost of recommendation: \$2,500,000.00

The County shall make available \$2,500,000.00 and make annual payments in five (5) equal installments of \$500,000.00), as follows:

- 1) The County shall pay the first installment payment to Flight Works Alabama within thirty (30) days of the execution of this Agreement; and
- 2) Each subsequent installment payment shall be made by the County to Airbus on or before October 31st of each subsequent year until all installments have been paid in full. Said funds shall be used in support of the development of one or more of the Projects. Airbus, at its discretion, may direct that a subsequent installment payment be paid to a designated third party for the benefit of the development of the Projects.

Budget line item(s) to be used: 51990.5290

If this is not a budgeted expenditure, does the recommendation create a need for funding?

Yes - will require a mid-year budget adjustment

LEGAL IMPACT

Is legal review necessary for this staff recommendation and related documents?

Yes, review and approval is required by Britton Bonner, Adams & Reese, LLP (representing the County related to economic development matters).

Reviewed/approved by: Britton Bonner 02/21/2020 akg

Additional comments: N/A

ADVERTISING REQUIREMENTS

Is advertising required for this recommendation? Yes. Advertising completed by BCEDA and

Adams & Reese, LLP. The ad ran on Friday, February 21, 2020.

The ad and proof of publication will be attached to the Resolution as an exhibit as soon as received.

If the proof of publication affidavit is not attached, list the reason: N/A

FOLLOW UP IMPLEMENTATION

For time-sensitive follow up, select deadline date for follow up: N/A

Individual(s) responsible for follow up: Three (3) original executed agreements will be provide to Administration by Britton Bonner and/or Lee Lawson to be executed by Chairman on March 3rd.

Note - Complete document contains:

Resolution #2020-066

Exhibit A - Fully Executed Agreement

Exhibit B - Amendment 750/772 Notice (incl. proof of advertisement)

Keep one original for County contract files. Mail other original fully executed agreements to AAI and Flight Works Alabama, with cc: to everyone else listed below:

J. Bradford Hicks, Esq.
Stone Crosby, P.C.
8820 Highway 90
Daphne, Alabama 36526
jbh@sgclaw.com

Lee Lawson
Baldwin County Economic Development Alliance
22251 Palmer Street
Robertsdale, Alabama 36567
llawson@baldwineda.com

C. Britton Bonner, Esq.
Adams and Reese, LLP
11 N. Water Street, Suite 23200
Mobile, Alabama 36602

AAI: Airbus Americas, Inc. (original)
Wasser Terrace, Suite 9100
Herndon, Virginia 20171
Attention: General Counsel

Warren C. Matthews

Burr & Forman LLP
RSA Dexter Building
445 Dexter Avenue, Suite 2040
Montgomery, Alabama 36104

Flight Works Alabama: Alabama Aviation Education Center, Inc. (original)
2000 Aerospace Drive
Mobile, Alabama 36605

Cc:

Cian Harrison
Wayne Dyess
Ron Cink
Christie Davis
Sherry-Lea Bloodworth Botop

Action required (list contact persons/addresses if documents are to be mailed or emailed):
N/A

Additional instructions/notes: N/A