



# Baldwin County Commission

## Legislation Text

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File #: 20-1278, Version: 1

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**Meeting Type:** BCC Regular Meeting

**Meeting Date:** 8/4/2020

**Item Status:** New

**From:** Wayne Dyess, County Administrator

**Submitted by:** Miranda N. McKinnon, Administrative Support Specialist IV

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### **ITEM TITLE**

Resolution #2020-102 of the Baldwin County Commission - Act No. 90-449 (Fire Tax) - Magnolia Springs Volunteer Fire Department - Approval of Use of Fire Tax Proceeds

### **STAFF RECOMMENDATION**

Take the following actions:

- 1) Adopt Resolution #2020-102 of the Baldwin County Commission which provides the Baldwin County Commission's required approval for the Magnolia Springs Volunteer Fire Department to utilize its proceeds of taxes derived by Act. No. 90-449 as security for repayment of a loan for up to \$150,000.00 (and the repayment of said loan's applicable interest) for the purchase of one (1) 2020 International 3000 gallon Tanker/Pumper in the total amount not to exceed \$320,500.00, to provide a needed service to the ever-growing fire jurisdiction as well as the mutual aid areas to benefit the southwestern part of the county; and
- 2) Authorize the Baldwin County Commission Chairman to execute any other necessary documentation related to the adoption of Resolution #2020-102, including any other assurances, certificates and financing documents or approvals to affect such approval and purchase of one (1) 2020 International 3000 Gallon Tanker/Pumper. This approval does not in any way constitute any financial involvement or obligation of the Baldwin County Commission.

### **BACKGROUND INFORMATION**

**Previous Commission action/date:** N/A

**Background:** The Baldwin County Commission received a written request (see Exhibit A to Resolution #2020-102) from Magnolia Springs Volunteer Fire Department on July 22, 2020, asking the Commission for approval for said entity to use its 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 one (1) 2020 International 3000 gallon Tanker/Pumper.

The Baldwin County Fire Chiefs' Association has approved the request by resolution as required (see

Exhibit B to Resolution). The amount the Magnolia Springs Volunteer Fire Department is expecting to spend for the purchase of one (1) 2020 International 3000 gallon Tanker/Pumper not exceed \$320,500.00, of which \$150,000.00 will be financed over a period of 10 years.

**BACKGROUND ON ACT NO. 90-449:**

In 1990, Act No. 90-449 was adopted by the Alabama Legislature as a Local Act calling for a referendum election on the question of whether or not the qualified voters of Baldwin County desired to levy upon themselves a 1 ½ mill tax on all property for the specific use by the fire departments in the county. The referendum election was held on June 26, 1990, whereby the qualified voters of the county voted in the majority to install the “fire tax.”

Act No. 90-449, specifically sets forth certain requirements of which one remains what the revenue can be spent for by each fire department.

Act No, 90-449, specifically at Section 3, states that revenue derived from the fire tax may be used for the following purposes:

“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 appending guidelines must be approved by the Baldwin County Fire Chiefs Association and the Baldwin County Commission.”

**FINANCIAL IMPACT**

**Total cost of recommendation:** N/A

**Budget line item(s) to be used:** N/A

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

**LEGAL IMPACT**

**Is legal review necessary for this staff recommendation and related documents?**  
N/A

**Reviewed/approved by:** N/A

**Additional comments:** N/A

**ADVERTISING REQUIREMENTS**

**Is advertising required for this recommendation?** N/A

**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:** Administration

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

Administration - Letter and Resolution to:

Chief Kaylan Driskell  
Magnolia Springs Volunteer Fire Department  
Post Office Box 51  
Magnolia Springs, Alabama 36555

Chief Tony Lovell, President  
Baldwin County Fire Chiefs' Association  
23100 McAuliffe Drive  
Robertsdale, Alabama 36567

**Additional instructions/notes:** N/A