



# Baldwin County Commission

## Legislation Text

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File #: 23-0460, Version: 1

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**Meeting Type:** BCC Regular Meeting

**Meeting Date:** 1/3/2023

**Item Status:** New

**From:** Ronald J. Cink, Budget Director/Interim County Administrator

**Submitted by:** Victoria Key, Administrative Support Specialist

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### **ITEM TITLE**

Resolution #2023-048 of the Baldwin County Commission - Act No. 90-449 (Fire Tax) - Elberta Volunteer Fire Department - Approval of Use of Fire Tax Proceeds

### **STAFF RECOMMENDATION**

Take the following actions:

- 1) Adopt Resolution #2023-048 of the Baldwin County Commission which provides the Baldwin County Commission's required approval for the Elberta Volunteer Fire Department to utilize its proceeds of taxes derived by Act. No. 90-449 as security for repayment of a loan not to exceed \$50,000.00 (and the repayment of said loan's applicable interest) for the purchase of new radio equipment; and
- 2) Authorize the Baldwin County Commission Chairman to execute any other necessary documentation related to the adoption of Resolution #2023-048, including any other assurances, certificates and financing documents or approvals to affect such approval and purchase of the above-described equipment.

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 #2023-048) from Elberta Volunteer Fire Department on December 21, 2022, requesting 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 not to exceed \$50,000.00 (and the repayment of said loan's applicable interest) for the purchase of new radio equipment.

The purchase will include the following:

34 Motorola APX 600 Portable Radios  
10 Motorola APX 4500 Mobile Radios  
2 Motorola APX 1500 Mobile Radios  
34 Motorola XE5000 Remote Speakers

The Baldwin County Fire Chiefs' Association has approved the request by resolution as required (see Exhibit B to Resolution #2023-048).

**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:** Commission Administration

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

Commission Administration - Letter and Resolution to:

Elberta Volunteer Fire Department  
Chief Nick Scheer  
Post Office Box 152  
Elberta, Alabama 36530

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

**Additional instructions/notes:** Upload resolution with exhibits to BCAP