



# Baldwin County Commission

## Legislation Text

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File #: 23-0210, Version: 1

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**Meeting Type:** BCC Regular Meeting

**Meeting Date:** 12/5/2022

**Item Status:** New

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

**Submitted by:** Anu Gary, Administrative Services Manager

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### **ITEM TITLE**

Resolution #2023-025 and Funding Agreement with ADCNR Forever Wild Land Trust

### **STAFF RECOMMENDATION**

Take the following actions:

- 1) Adopt Resolution #2023-025 authorizing the execution of an agreement with the Alabama Forever Wild Land Trust (FWLT); and
- 2) Approve a Memorandum of Understanding between the Alabama Forever Wild Land Trust and the Baldwin County Commission for the FWLT to make an annual payment of \$1.60 per acre, beginning with FWLT's Fiscal Year 2023, to each county where FWLT owns land, upon the execution of this Agreement and receipt of required documentation as specified in the MOU.

This Agreement shall become effective upon execution by both Parties and shall remain and continue in full force and effect until September 30, 2032, contingent upon the legal availability of funds, unless and until terminated in writing by either Party with advance written notice of 90 days to the other Party.

### **BACKGROUND INFORMATION**

**Background:** Staff received correspondence from ADCNR on November 1, 2022 (attached) requesting the County to approve a Memorandum of Understanding with the Alabama Forever Wild Land Trust for the FWLT to make an annual payment of \$1.60 per acre, beginning with FWLT's Fiscal Year 2023, to each county where FWLT owns land.

According to the ADCNR State Lands Division, FWLT owns 48,774.7 acres in Baldwin County, which represents a payment of \$78,039.52 for fiscal year 2023.

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

### **FINANCIAL IMPACT**

**Total cost of recommendation:** Incoming revenue in the amount of \$78,039.52 for Fiscal Year

2023.

**Budget line item(s) to be used:** TBD

**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?**

Yes, County Attorney and ACCA review necessary.

**Reviewed/approved by:** Review and approved by Brad Hicks, County Attorney 11/03/2022 agk

Reviewed and approved by ACCA 11/04/2022 - The language in the proposed agreement ensures that the funding is not considered the payment of property tax or a payment in lieu of property taxes. This money does not represent a property tax payment, but is described in the resolution as a "reasonable fee" paid to the county commission to accomplish the goals of Forever Wild, "including, but not limited to, the support, promotion, protection and conservation of such lands within the county." In the resolution, the payment is also referred to as "reasonable compensation to applicable counties." At this time, ACCA sees no reason why the county commission should not accept these funds.

**Additional comments:** N/A

**ADVERTISING REQUIREMENTS**

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**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:** **TIME SENSITIVE** - First invoice must be submitted to ADCNR by December 30, 2022 to receive the FY2023 payment.

**Individual(s) responsible for follow up:** Administration Department and Finance/Accounting Department

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

Administration: Have the correspondence, resolution and agreement executed and forward documents to Finance and Accounting.

Finance and Accounting:

- 1) Register as a vendor in the State of Alabama Accounting and Resource System (STAARS).
- 2) Generate and submit an invoice on official county letterhead, dated in the same fiscal year as the requested transfer of funds.
- 3) Include A W-9 Form.
- 4) For its first payment (Fiscal Year 2023), the County Commission must submit the documentation to ADCNR by December 30, 2022.
- 5) All documentation must be mailed or delivered by overnight courier to the attention of:

Patricia P. McCurdy, State Lands Director  
Alabama Department of Conservation and Natural Resources  
64 North Union Street, Room 464  
Montgomery, Alabama 36130

Cc:

Ron Cink  
Cian Harrison  
Eva Cutsinger  
Christie Bezoari

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