



# Baldwin County Commission

## Legislation Details (With Text)

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**File #:** 19-0889      **Version:** 1

**Type:** Consent      **Status:** Passed

**File created:** 3/12/2019      **In control:** Baldwin County Commission Regular

**On agenda:** 3/19/2019      **Final action:** 3/19/2019

**Title:** Resolution #2019-060 of the Baldwin County Commission - Act No. 90-449 (Fire Tax) - Stapleton Volunteer Fire Department - Approval of Use of Fire Tax Proceeds

**Indexes:**

**Attachments:** 1. Resolution 2019-060 - Stapleton VFD, 2. Exhibit A, 3. Exhibit B, 4. \*BA5 - Resolution 2019-060 SIGNED

Date	Ver.	Action By	Action	Result
3/19/2019	1	Baldwin County Commission Regular	Approved	

**Meeting Type:** BCC Regular Meeting

**Meeting Date:** 3/19/2019

**Item Status:** New

**From:** Ronald J. Cink, Budget Director

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

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### ITEM TITLE

Resolution #2019-060 of the Baldwin County Commission - Act No. 90-449 (Fire Tax) - Stapleton Volunteer Fire Department - Approval of Use of Fire Tax Proceeds

### STAFF RECOMMENDATION

Take the following actions:

1) Adopt Resolution #2019-060 of the Baldwin County Commission which provides the Baldwin County Commission's required approval for the Stapleton 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 \$168,806.00 (and the repayment of said loan's applicable interest) to expand the station to include the addition of bays, conference/training rooms, additional offices, and bunk rooms to provide a needed service to the growing fire jurisdiction in the north portion of Baldwin County; and

2) Authorize the Baldwin County Commission Chairman to execute any other necessary documentation related to the adoption of Resolution #2019-060, including any other assurances, certificates and financing documents or approvals to affect such approval and purchase of the expansion. 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

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**Background:** The Baldwin County Commission received a written request (see Exhibit A to Resolution #2019-060) from Stapleton Volunteer Fire Department, 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 expand the fire station to include the addition of bays, conference/training rooms, additional offices and bunk rooms.

The Baldwin County Fire Chiefs' Association has approved the request by resolution as required (see Exhibit B to Resolution #2019-060). The amount Stapleton Volunteer Fire Department is expecting to spend on the first phase of the fire station expansion will not exceed the financed amount of \$168,806.00.

### **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 by 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?

Yes, County Attorney will review before Baldwin County Commission approval.

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: N/A

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

#### **Additional instructions/notes:**

Administration - Letter and Resolution to:

Chief Allie T. Pouncey  
Stapleton Volunteer Fire Department  
P.O. Box 366  
Stapleton, Alabama 36578

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