



Baldwin County Commission

Legislation Details (With Text)

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On agenda: 8/2/2022 **Final action:**

Title: Resolution #2022-143 - Tax Abatement Agreement between Baldwin County Commission and CHONEX, Inc.

Indexes:

Attachments: 1. Chonex Inc. - Tax Abatement Resolution 2022-143, 2. Chonex Inc. - Tax Abatement Agreement, 3. Chonex Inc. - Presentation 20220728, 4. *HA3-Resolution 2022-143-SIGNED.pdf

Date	Ver.	Action By	Action	Result
8/2/2022	1	Baldwin County Commission Regular	Approved	Pass

Meeting Type: BCC Regular Meeting

Meeting Date: 8/2/2022

Item Status: Addendum

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

Submitted by: Kristen M. Rawson, Assistant Administrative Services Manager

ITEM TITLE

Resolution #2022-143 - Tax Abatement Agreement between Baldwin County Commission and CHONEX, Inc.

STAFF RECOMMENDATION

Take the following actions:

- 1) Adopt Resolution #2022-143, which grants a tax abatement to CHONEX, Inc.; and
- 2) Approve the Tax Abatement Agreement between the Baldwin County Commission and CHONEX, Inc.; and
- 3) Forward to the Office of the Revenue Commissioner of Baldwin County and the Office of Probate Judge of Baldwin County, Resolution #2022-143 and associated attachments informing the Probate Judge and Revenue Commissioner of the aforementioned grant of such Tax Abatement; and
- 4) Authorize the Chairman to execute any and all documents deemed necessary to effect such abatement.

BACKGROUND INFORMATION

Background: Staff received correspondence from the Baldwin County Economic Development Alliance on July 28, 2022, related to a Tax Abatement request from Mr. Michael Lynch with CHONEX, Inc. Mr. Lynch will be present at the August 1, 2022 work session to address the Commission on the project.

Section 40-9B-1, et seq., Code of Alabama (1975), or what is commonly referred to as the "Tax Incentive Reform Act of 1992," authorizes certain entities to grant "Tax Abatements" in their respective effort to attract new industries, and encourage existing industries to expand their pursuits in their varied jurisdictions. Section 40-9B-5, Code of Alabama (1975), which is entitled "Granting of Abatement," provides:

"(d) Any abatement of county taxes granted by a municipality or municipal industrial authority shall not be valid until the expiration of (1) 10 days following the date of physical delivery to the county commission or (2) 13 days following the date of mailing by certified mail to the county commission of a copy of the resolution granting such abatement. Proof of delivery by affidavit of service, in the case of physical delivery, or by certified mail receipt, in the case of mailing by certified mail, shall be furnished to the Department of Revenue at the same time as the filing of the abatement agreement under Section 40-9B-6. If the procedures herein prescribed are followed, any such abatement shall be effective as of the date granted."

Previous Commission action/date: N/A

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

Reviewed/approved by: Approved by Brad Hicks, County Attorney 07/29/2022 jb

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: N/A

Individual(s) responsible for follow up: N/A

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

Mail certified copy of the Resolution, with the Application and Tax Abatement Agreement to:

CHONEX, Inc.
Attn: Michael Lynch
228 Kent Drive
Homewood, Alabama 35209-6535

cc:
The Honorable Teddy Faust, Revenue Commissioner
Baldwin County, Alabama
Post Office Box 1389
Bay Minette, Alabama 36507
The Honorable Harry D'Olive, Judge of Probate
Baldwin County, Alabama
Post Office Box 459
Bay Minette, Alabama 36507
Lee Lawson
Ron Cink
Cian Harrison
Heather Gwynn

Additional instructions/notes: N/A