



Baldwin County Commission

Legislation Text

File #: 18-0336, **Version:** 1

Meeting Type: BCC Work Session

Meeting Date: 6/12/2018

Item Status: Addendum

From: Ronald J. Cink, County Administrator

Submitted by: Keri E. Green, Administrative Support Specialist III

ITEM TITLE

Resolution #2018-092 of the Baldwin County Commission - Act No. 90-449 (Fire Tax) - Perdido Volunteer Fire Department - Approval of Use of Fire Tax Proceeds

STAFF RECOMMENDATION

Take the following actions:

- 1) Adopt Resolution #2018-092 of the Baldwin County Commission which provides the Baldwin County Commission's required approval for the Perdido Volunteer Fire Department to utilize 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 build a new fire station located at 22190 Old County Road 47, Perdido, Alabama, 36562, to strengthen its provision of firefighting and other related emergency services to Baldwin County, Alabama; and
- 2) Authorize the Baldwin County Commission Chairman to execute any other necessary documentation related to the adoption of Resolution #2018-092, including any other assurances, certifications and financing documents or approvals to affect such approval and purchase of the subject 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 #2018-092) from Perdido 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 build a new fire station located at 22190 Old County Road 47, Perdido, Alabama, 36562, to replace the fire station built in the 1970s.

The Baldwin County Fire Chiefs' Association has approved the purchase by resolution as required (see Exhibit B).

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 1½ 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 spending guidelines must be approved by the Baldwin County Fire Chiefs Association and the Baldwin County Commission.”

The request, by the VFD, is an “exception” to the spending guidelines established by Act No. 90-449 and as an “exception” it must be approved by, both, the Association and BCC prior to the tax proceeds being utilized by the VFD for the purpose identified as an “exception.” The “exception” in this case remains the desire of the VFD to use their Act No. 90-449 tax proceeds as security for repayment of a loan (and the repayment of said loan’s applicable interest), to build a new fire station located at 22190 Old County Road 47, Perdido, Alabama 36562, to replace the fire station built in the 1970s, to strengthen its provision of firefighting and other related emergency services to Baldwin County, Alabama.

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: N/A

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

Administration - Letter and Resolution to:

Chief Web Bush
Perdido Volunteer Fire Department
P.O. Box 302
Perdido, Alabama 36562

Cc:
Baldwin County Fire Chiefs' Association
23100 McAuliffe Drive
Robertsdale, Alabama 36567

Place copy of the letter in the courier to EMA. BC Fire Chiefs' Association uses EMA as its mailing address.

Additional instructions/notes: N/A