



# Baldwin County Commission

## Legislation Text

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File #: 20-0960, Version: 1

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**Meeting Type:** BCC Regular Meeting

**Meeting Date:** 3/17/2020

**Item Status:** New

**From:** Wayne Dyess, County Administrator

**Submitted by:** Anu Gary, Administrative Services Manager; Miranda N. McKinnon, Administrative Support Specialist IV

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### **ITEM TITLE**

Resolution #2020-073 of the Baldwin County Commission - Act No. 90-449 (Fire Tax) - Approval of Use of Fire Tax Proceeds

### **STAFF RECOMMENDATION**

At the request of the Baldwin County Fire Chiefs' Association, take the following actions:

- 1) Adopt Resolution #2020-073 of the Baldwin County Commission which provides the Baldwin County Commission's required approval for an exception to the Baldwin County Local Act No. 90-449 (1990) to allow Baldwin County fire departments in good standing, to utilize their proceeds of taxes derived by Act. No. 90-449 to purchase contracts to provide aeromedical services to members which provides a service to the Baldwin County fire departments (volunteer fire fighters); and
- 2) Authorize the Baldwin County Commission Chairman to execute any other necessary documentation related to the adoption of Resolution #2020-073.

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 request was discussed during the March 10, 2020, BCC work session.

The Baldwin County Commission received a written request (see Exhibit A to Resolution #2020-073) from the Baldwin County Fire Chiefs' Association, requesting the Commission for approval for various Baldwin County Fire Departments to use their proceeds of taxes derived by Act. No. 90-449 (fire tax proceeds) to pay for contracts for aeromedical services for members.

The approval of the Baldwin County Commission is required by Act No. 90-449, specifically at

Section 3, (b), which states: "Any exceptions to the above appending guidelines must be approved by the Baldwin County Fire Chiefs Association and the Baldwin County Commission."

The Baldwin County Fire Chiefs' Association adopted its resolution on December 5, 2019, for the same.

**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?**

County Attorney is reviewing the request and will need to approve prior to Commission approval.

**Reviewed/approved by:** Brad Hicks, County Attorney, has reviewed and approved.

Note: Attorney General Opinion No. 97-00216 - June 30, 1997, provided by County Attorney is attached to this agenda item.

**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:** Administration

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

Administration - Letter and Resolution to:

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

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