



# Baldwin County Commission

## Legislation Text

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File #: 23-1066, Version: 2

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**Meeting Type:** BCC Regular Meeting

**Meeting Date:** 5/2/2023

**Item Status:** Replacement

**From:** Terri Graham, Development and Environmental Director

**Submitted by:** Suzanne Doughty, Accounting Manager

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### ITEM TITLE

\*Application for Formation of Solid Waste Disposal Authority

### STAFF RECOMMENDATION

Take the following actions:

- 1) Execute the Application for the Incorporation of the Solid Waste Disposal Authority of Baldwin County, Alabama, Inc.; and
- 2) Review the form Certificate of Incorporation for the proposed authority; and
- 3) Adopt Resolution #2023-114 authorizing the formation of the Solid Waste Disposal Authority of Baldwin County, Alabama, Inc.

### BACKGROUND INFORMATION

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

**Background:** Reason for replacement: The Baldwin County Commission determined during the May 1, 2023, regularly scheduled Work Session that it was wise, expedient, and necessary to form the proposed Solid Waste Authority. During the review of the Certificate of Incorporation document, namely Section Seven - the Commission opted for *Alternative B - Initial Board of Directors named in Certificate*. The Certificate of Incorporation attached to this agenda reflects that selection and the names and terms of the initial board of directors.

The Baldwin County Commission may form a Solid Waste Disposal Authority, which is a public, nonprofit corporation responsible for the collection, disposal and utilization of solid waste pursuant to §§ 11-89A-1, et seq., Code of Alabama (1975). The formation process begins with an Application for Incorporation and concludes when a Certificate of Incorporation is filed for record in the office of the Judge of Probate. Such authorities are governed by a Board of Directors, the majority of which must be elected or appointed by a subdivision forming the authority. Authorities can contract with counties and municipalities to provide solid waste services to them. Authorities are statutorily exempt from certain requirements. Subdivisions forming an authority may donate, sell, convey, transfer, lease or

grant any property of any kind to an authority, with or without consideration.

Consistent with the proposed Certificate of Incorporation for the Solid Waste Disposal Authority of Baldwin County, Alabama, Inc., the proposed authority would have Baldwin County as the sole determining subdivision. Upon formation, Baldwin County can convey property it owns and uses for solid waste operations to the authority. Under the proposed Certificate of Incorporation, if the authority dissolves, all property of the authority will vest in Baldwin County.

### **FINANCIAL IMPACT**

**Total cost of recommendation:** \$0.00

**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:** County Attorney has authored and/or reviewed accompanying documents.

**Additional comments:** Any subsequent changes to documents will be reviewed by County Attorney.

### **ADVERTISING REQUIREMENTS**

**Is advertising required for this recommendation?** While it shall not be necessary that any authorizing resolution be published in the newspaper or posted, the Commission shall cause a copy of the Application for Incorporation to be spread upon or otherwise made a part of the minutes of the meeting of the Commission at which final action upon the Application is taken. See § 11-89A-3, Code of Alabama 1975.

**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:** Within forty (40) days of the Commission's passage of an authorizing Resolution, the applicants shall file the Certificate of Incorporation for record in the office of the Judge of Probate, at which time the authority shall come into existence. See § 11-89A-4(d), Code of Alabama 1975.

**Individual(s) responsible for follow up:** Solid Waste Department, Legal

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

N/A

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