

STATE OF ALABAMA

COUNTY OF BALDWIN

**RESOLUTION # 2012-016  
OF THE  
BALDWIN COUNTY COMMISSION**

**AS REQUIRED BY SECTION 45-2-242 OF THE CODE OF ALABAMA 1975, PROVIDING THE BALDWIN COUNTY COMMISSION'S APPROVAL OF THE LITTLE RIVER VOLUNTEER FIRE DEPARTMENT, INC.'S PARTICIPATION IN THE DISTRIBUTION OF PROCEEDS OF THE ONE AND ONE-HALF MILL AD VALOREM TAX AUTHORIZED BY SAID SECTION 45-2-242 OF THE CODE OF ALABAMA, 1975, SAID AUTHORIZATION EXPRESSLY CONDITIONED BY THIS INSTRUMENT.**

KNOW ALL MEN BY THESE PRESENTS, that Section 45-2-242 of the Code of Alabama 1975, commonly referred to as Act No. 90-449, 1990 Regular Session [Acts 1990, Vol. 1, p. 634], provided for a levy of a one and one-half mill tax on all property located in Baldwin County, Alabama, to be distributed among qualified fire departments in Baldwin County, Alabama, based upon the outcome of a referendum election; and

WHEREAS, the required and foregoing referenced referendum election was held on June 26, 1990, wherefore a majority of the qualified electors, voting at such election and in Baldwin County, Alabama, voted for said tax; and

WHEREAS, Section 45-2-242 of the Code of Alabama 1975, provides as follows:

**"Levy of tax; disposition of funds.**

"(a) In addition to any other taxes levied and collected in Baldwin County, there is hereby levied, and shall be collected, a one and one-half mill ad valorem tax on all property located in Baldwin County.

"(b)(1) The net proceeds of the tax herein levied shall be equally distributed among the qualified existing and subsequently formed county volunteer, municipal fire departments, and volunteer municipal fire departments which are qualified. A qualified department is one which is certified and incorporated and has a Class 9 Insurance Service Office (I.S.O.) or higher rating, and which maintains such Class 9 I.S.O. classification or better. Nonqualified departments shall become qualified by meeting the following requirements:

"a. Noncertified departments shall become certified within one year after agreeing to certification;

"b. A certified department shall receive a Class 9 I.S.O. rating or better within two years after seeking such rating; and

"c. Certified departments, excluding municipal fire departments, shall become incorporated as nonprofit organizations within one year following April 17, 1990.

“(2) Any department which meets the above requirements within the respective time limits prescribed shall temporarily participate in the distribution of proceeds until becoming a qualified department. If a department fails to meet any requirement within the time allowed, the department shall have no further participation in the funds until such time as each respective requirement is met. It is provided that no new fire departments will be funded within Baldwin County without the prior approval of the Baldwin County Fire Chiefs Association, the Alabama Forestry Commission, and the Baldwin County Commission.

“(c)(1) 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 and drink, or to hold fund raising projects.

“(2) Any exceptions to the above spending guidelines must be approved by the Baldwin County Fire Chiefs Association and the Baldwin County Commission.”

; and

COMES NOW, the Alabama Forestry Commission and Baldwin County Fire Chiefs Association, by written correspondence respectively and attached hereto as **Exhibit A** and **Exhibit B**, informing the Baldwin County Commission that they have approved and/or provided permission for the newly formed Little River Volunteer Fire Department, Inc.(hereinafter referred to as Little River VFD) to participate in the distribution of the proceeds of the one and one-half mill ad valorem tax authorized by Section 45-2-242 of the Code of Alabama 1975; and

WHEREAS, in order for the Little River VFD, a newly formed volunteer fire department in Baldwin County, to enjoy participation in the distribution of the one and one-half mill ad valorem tax authorized by Section 45-2-242 of the Code of Alabama 1975, the following must be verified by the Baldwin County Commission, to-wit:

1. The Little River VFD must be a qualified department. The 1st requirement to be a qualified department is that the Little River VFD be certified. **The Baldwin County Commission determines that the Little River VFD meets this requirement.** See **Exhibit A** hereto as issued by the Alabama Forestry Commission and specifically its “Inspection Form for Certification/FC-45,” and as dated November 1, 2011.
2. The Little River VFD must be a qualified department. The 2<sup>nd</sup> requirement to be a qualified department is that the Little River VFD be incorporated as a nonprofit organization. **The Baldwin County Commission determines that the Little River VFD meets this requirement.** See **Exhibit A** hereto as issued by the Alabama Forestry Commission and **Exhibit C** hereto.
3. The Little River VFD must be a qualified department. The 3<sup>rd</sup> requirement to be a qualified department is that the Little River VFD have a Class 9 Insurance Service Office (I.S.O) or higher rating, and which maintains such Class 9 I.S.O. classification or better. At this time, no evidence has been presented by the Baldwin County Commission that the Little River VFD meets this requirement. However, Section 45-2-242 of the Code of Alabama 1975, provides that a nonqualified department shall become qualified by meeting the following requirement, among others, as follows: “[a] certified department shall receive a Class 9 I.S.O. rating or better within two years after seeking

*such rating.*” Furthermore, Section 45-2-242 of the Code of Alabama 1975, provides as follows: “[a]ny department which meets the above requirements within the respective time limits prescribed shall temporarily participate in the distribution of proceeds until becoming a qualified department. If a department fails to meet any requirement within the time allowed, the department shall have no further participation in the funds until such time as each respective requirement is met.” The Alabama Forestry Commission, by its written correspondence attached as **Exhibit A** hereto, confirms through its “Inspection Form for Certification/FC-45,” and as dated November 1, 2011, that the Little River VFD’s two year start date to receive a Class 9 I.S.O rating commenced on November 1, 2011, and by operation of law expires on November 1, 2013. **Therefore, compliant with the aforesaid, the Baldwin County Commission determines that the Little River VFD meets this requirement only until the period expiring November 1, 2013.**

4. The Baldwin County Fire Chief Association must approve a new department to receive funding. The Baldwin County Fire Chiefs Association by correspondence to the Baldwin County Commission, dated November 3, 2011, and attached as **Exhibit B** hereto, has approved the Little River VFD to participate in the distribution of the proceeds of the one and one-half mill ad valorem tax authorized by Section 45-2-242 of the Code of Alabama 1975. **The Baldwin County Commission determines that the Little River VFD meets this requirement.**
5. The Alabama Forestry Commission must approve a new department to receive the funding. The Alabama Forestry Commission by correspondence to the Baldwin County Commission, dated November 3, 2011, and attached as **Exhibit A** hereto, has approved the Little River VFD to participate in the distribution of the proceeds of the one and one-half mill ad valorem tax authorized by Section 45-2-242 of the Code of Alabama 1975. **The Baldwin County Commission determines that the Little River VFD meets this requirement.**
6. The Baldwin County Commission must approve a new department to receive the funding. The Baldwin County Commission as expressly provided by this instrument, Resolution #2012-016, will approve the Little River VFD to participate in the distribution of the proceeds of the one and one-half mill ad valorem tax authorized by Section 45-2-242 of the Code of Alabama 1975. **The Baldwin County Commission determines that the Little River VFD meets this requirement as expressly provided by this instrument.**

; and

WHEREAS, after reviewing the aforesaid requirements set forth by Section 45-2-242 of the Code of Alabama 1975, this honorable county governing body seeks to provide its approval for the Little River VFD to participate in the distribution of the proceeds of the one and one-half mill ad valorem tax authorized by Section 45-2-242 of the Code of Alabama 1975 as expressly provided hereinbelow; now therefore

**BE IT RESOLVED BY THE BALDWIN COUNTY COMMISSION, IN REGULAR SESSION ASSEMBLED, That:**

**ARTICLE 1.** The Little River Volunteer Fire Department, Inc., be, and is hereby, authorized to participate in the distribution of the proceeds of the one and one-half mill ad valorem tax authorized by Section 45-2-242 of the Code of Alabama 1975.

**FURTHER, BE IT RESOLVED, That:**

**ARTICLE 2.** This authorization shall terminate on November 1, 2013, if the Little River Volunteer Fire Department, Inc., does not receive a Class 9 I.S.O. rating or better within two years commencing on November 1, 2011.

**FURTHER, BE IT RESOLVED, That:**

**ARTICLE 3.** The Little River Volunteer Fire Department, Inc. shall provide the Baldwin County Commission written confirmation no later than November 1, 2013, that it has received a Class 9 I.S.O. rating or better within two years commencing on November 1, 2011.

**FURTHER, BE IT RESOLVED, That:**

**ARTICLE 4.** Upon the Little River Volunteer Fire Department, Inc., meeting the requirement at Article 3 above or it receiving a Class 9 I.S.O. rating or better by November 1, 2013, Article 2 of this instrument shall be null and void.

**FURTHER, BE IT RESOLVED, That:**

**ARTICLE 5.** If the Little River Volunteer Fire Department, Inc., does not receive a Class 9 I.S.O. rating or better by November 1, 2013, this instrument, Resolution #2012-016 of the Baldwin County Commission, shall be rescinded, repealed and voided effective November 1, 2013.

**FURTHER, BE IT RESOLVED, That:**

**ARTICLE 6.** This instrument, Resolution #2012-016 of the Baldwin County Commission, be immediately conveyed, in original form, to the Revenue Commissioner of Baldwin County, Alabama.

DONE, at the County Seat, in Bay Minette, Alabama, and under the Seal of Baldwin County, Alabama, as affixed on this the 6<sup>th</sup> day of December, 2011.

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Commissioner Robert E. James, Chairman

*ATTEST:*

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David A. Z. Brewer, County Administrator