

**BALDWIN COUNTY COMMISSION
AGENDA ACTION FORM**

Meeting Type:	Baldwin County Commission – Regular
Meeting Date:	11/01/2016
Placement of Item on the Agenda:	CONSENT AGENDA: - ADMINISTRATION
Item Status:	New
Submitted By:	Brandy N. Volovecky
From:	Ronald J. Cink, County Administrator/Budget Director
ITEM TITLE	
Resolution #2017-006 of the Baldwin County Commission - Act No. 90-449 (Fire Tax) - Barnwell Volunteer Fire & Rescue Department - Approval of Use of Fire Tax Proceeds	
STAFF RECOMMENDATION	
Adopt Resolution #2017-006 of the Baldwin County Commission which provides the Baldwin County Commission's required approval for the Barnwell Volunteer Fire and Rescue 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 purchase one (1) 3,500 Gallon Tanker, to strengthen their provision of fire fighting and other related emergency services to Baldwin County, Alabama.	
BACKGROUND INFORMATION	
Previous Commission Action/Background Information:	No
<p>The Baldwin County Commission received a written request (see Exhibit A to Resolution #2017-006) from the Barnwell Volunteer Fire & Rescue, asking the Commission for approval for said entity to use their 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 purchase one (1) 3,500 Gallon Tanker.</p> <p>The Baldwin County Fire Chiefs Association has approved the purchase by a resolution as required (see Exhibit B). The amount the Barnwell VFD is expecting to spend on the 3,500 Gallon Tanker should not exceed \$370,000.00.</p> <p><u>BACKGROUND ON ACT NO. 90-449:</u></p> <p>In 1990, Act No. 90-449 was adopted by the Alabama Legislature as a Local Act calling for a</p>	

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 to purchase a tanker fire truck to strengthen their provision of fire fighting and other related emergency services to Baldwin County, Alabama.

FINANCIAL IMPACT	
Does the recommendation have a financial impact?	No
LEGAL IMPACT	
Are there any legal documents required to be executed if this recommendation is approved?	No
ADVERTISING REQUIREMENTS	
Is advertising required for this recommendation?	No
CONSISTENCY WITH B.C. STRATEGIC PLAN - 2006-2016	
Is the recommendation applicable to the goals set forth in the Strategic Plan?	Yes
POLICY IMPACT	
Is the recommendation consistent with Commission Policy?	Yes
PERSONNEL IMPACT	
Does the recommendation have personnel impact?	No
IMPLEMENTATION	
Is implementation for this item time sensitive?	No

<p>Department(s)/Individual(s) responsible for follow up activities and specific actions required:</p>	<p>Administration - Letter and Resolution to:</p> <p>Barnwell Volunteer Fire & Rescue ATTN: Chief Roy Glenn Post Office Box 84 Point Clear, Alabama 36564</p> <p>Place copy of the letter in courier to EMA. BC Fire Chiefs Association uses EMA as its mailing address.</p> <p>Baldwin County Fire Chiefs Association 23100 McAuliffe Drive Robertsdale, Alabama 36567</p>
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ATTACHMENTS

- 1. Resolution 2017-006.doc
- 2. Exhibit A - Request from Barnwell VFD
- 3. Exhibit B - Baldwin County Fire Chiefs Association Approval Resolution.pdf

APPROVALS

Budget	
Personnel	
Administration	Anu Gary 10/25/2016 10:54:18 AM
Chairman and County Administrator	Chris Elliott 10/26/2016 6:58:38 PM