



COUNTY COMMISSION

BALDWIN COUNTY

312 COURTHOUSE SQUARE, SUITE 12

BAY MINETTE, ALABAMA 36507

(251) 937-0264

FAX (251) 580-2500

www.baldwincountyal.gov

MEMBERS

DIST: 1. FRANK BURT, JR.
2. ROBERT E. (BOB) JAMES
3. J. TUCKER DORSEY
4. CHARLES F. GRUBER

March 6, 2014

The Honorable Marvin Williams
Mayor
Town of Elberta
ATTN: Mr. Tim Bragg
Post Office Box 277
Elberta, Alabama 36530

RE: Enforcement of Building Laws and Codes and Flood Damage Prevention Ordinance

Dear Mayor Williams:

The Baldwin County Commission, during its regularly scheduled meeting held on March 6, 2014, took the following actions:

- 1) Authorized, with respect to Section 34-14A-12 of the Code of Alabama 1975, the Baldwin County Building Inspection Department to enforce the Town of Elberta's Municipal Flood Damage Prevention Ordinance #2008-07, and any amendments thereto, and the Building Codes adopted by the Baldwin County Commission and any amendments thereto, within the corporate limits of the Town of Elberta, Alabama, with the understanding that all fees collected under this authorization and by the Baldwin County Building Inspection Department shall be retained by the Baldwin County Commission; and
- 2) Authorized the execution of the two (2) *Agreements (Enforcement of the Flood Damage Prevention Ordinance & Building Laws and Codes)* between the Baldwin County Commission and the Town of Elberta, Alabama, to accomplish the aforementioned. The term of these *Agreements* shall be for a term of thirty-six (36) months from the date of full execution of these *Agreements*, and either party shall be entitled to terminate the *Agreements* by passing a resolution expressing said party's desire to terminate and providing written notice of the same to the other party.

Mayor Marvin Williams
March 6, 2014
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Enclosed are both **fully executed original Agreements** for your file.

If you have any questions or need further assistance, please do not hesitate to contact me at (251) 972-6833 or Mike Howell, Building Official, at (251) 972-6837.

Sincerely,



CHARLES F. GRUBER, Chairman
Baldwin County Commission

CFG/met Item BD1

cc: Mike Howell
Kim Nelson
David Brewer

ENCLOSURE(S)

AGREEMENT
BETWEEN
THE BALDWIN COUNTY COMMISSION
AND THE
TOWN OF ELBERTA, ALABAMA
[Enforcement of the Flood Damage Prevention Ordinance]

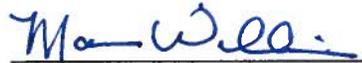
WHEREAS, the BALDWIN COUNTY COMMISSION, hereinafter referred to as “the COMMISSION”, and the TOWN OF ELBERTA, ALABAMA, hereinafter referred to as “the MUNICIPALITY,” desire to enter into an agreement concerning the enforcement of the MUNICIPALITY’s Flood Damage Prevention Ordinance, Ordinance No. 2008-07, within the corporate limits of the MUNICIPALITY consistent with Section 34-14A-12 of the Code of Alabama (1975); and

WHEREAS, the MUNICIPALITY has requested that the COMMISSION enforce the MUNICIPALITY’s Flood Damage Prevention Ordinance, Ordinance No. 2008-07, and any amendments thereto, within the corporate limits of the MUNICIPALITY and hereby assents to said enforcement.

NOW, THEREFORE, the COMMISSION and the MUNICIPALITY do hereby agree, pursuant to all authority under Alabama and/or applicable law, as follows:

1. The COMMISSION shall enforce the MUNICIPALITY’s Flood Damage Prevention Ordinance, Ordinance No. 2008-07, and any amendments thereto, within the corporate limits of the MUNICIPALITY.
2. All fees generated from said administration and enforcement of the MUNICIPALITY’s Flood Damage Prevention Ordinance, Ordinance No. 2008-07, and any amendments thereto, shall be the property of and retained by the COMMISSION.
3. The MUNICIPALITY shall be responsible for the issuance and approval of Land Use Certificates on any construction within the corporate limits of the MUNICIPALITY.

TOWN OF ELBERTA, ALABAMA



MARVIN WILLIAMS Date
Mayor

ATTEST:


SANDY GERMANY, Town Clerk

This Instrument prepared by:

DAVID A.Z. BREWER
Assistant County Administrator
Baldwin County Commission
312 Courthouse Square, Suite 12
Bay Minette, Alabama 36507

AGREEMENT
BETWEEN
THE BALDWIN COUNTY COMMISSION
AND THE
TOWN OF ELBERTA, ALABAMA
[Building Laws and Codes]

WHEREAS, the BALDWIN COUNTY COMMISSION, hereinafter referred to as “the COMMISSION”, and the TOWN OF ELBERTA, ALABAMA, hereinafter referred to as “the MUNICIPALITY,” desire to enter into an agreement concerning the establishment and enforcement of Building Laws and Codes within the corporate limits of the MUNICIPALITY consistent with Section 34-14A-12 of the Code of Alabama (1975); and

WHEREAS, the MUNICIPALITY has requested that the COMMISSION enforce the Building Code of Baldwin County, and any successor thereto, within the corporate limits of the MUNICIPALITY and hereby assents to said enforcement.

NOW, THEREFORE, the COMMISSION and the MUNICIPALITY do hereby agree, pursuant to all authority under Alabama and/or applicable law, as follows:

1. The COMMISSION shall enforce the Building Code of the County (the Code), and any successor thereto, within the corporate limits of the MUNICIPALITY.
2. All fees generated from said building code, and any successor thereto, shall be the property of and retained by the COMMISSION.
3. The COMMISSION shall enforce the Code in the same manner as it enforces the Code in the unincorporated areas of the County.
4. The MUNICIPALITY shall be responsible for the issuance and approval of Land Use Certificates on any construction within the corporate limits of the MUNICIPALITY.

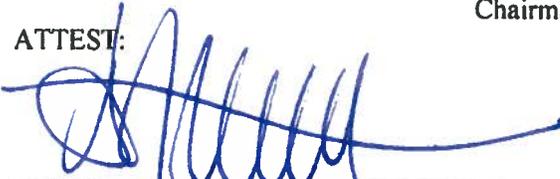
5. This Agreement shall be for a term of thirty-six (36) months from the date of full execution of this Agreement, and either party shall be entitled to terminate this Agreement by passing a resolution expressing said party's desire to terminate and providing written notice of the same to the other party.
6. The MUNICIPALITY shall fully indemnify and hold the COMMISSION, its Commissioners, departments, employees, supervisors, agents, representatives and attorneys (hereinafter referred to collectively in this paragraph as the "Commission") completely harmless from any and all claims, demands, notices, violations, findings, actions or orders of whatsoever kind or character which may arise from, or which are in any way related to, the work done and duties or obligations performed by the COMMISSION pursuant to this Agreement, including, without limitation, attorney fees and legal expenses and costs incurred as a result of the County enforcing, defending or complying with this Agreement, or otherwise addressing any actions or claims related in any way to this Agreement. This provision shall survive the expiration or termination of this Agreement.

IN WITNESS WHEREOF, the COMMISSION and MUNICIPALITY have fully executed this Agreement on the day and year last written below by their duly authorized representatives.

BALDWIN COUNTY COMMISSION



CHARLES F. GRUBER Date
Chairman

ATTEST:


DAVID A. Z. BREWER
County Administrator



TOWN OF ELBERTA, ALABAMA



MARVIN WILLIAMS Date
Mayor

ATTEST:



SANDY GERMANY, Town Clerk

This Instrument prepared by:

DAVID A.Z. BREWER
Assistant County Administrator
Baldwin County Commission
312 Courthouse Square, Suite 12
Bay Minette, Alabama 36507