STATE OF ALABAMA

COUNTY OF BALDWIN

RESOLUTION # 2015-014
OF THE
BALDWIN COUNTY COMMISSION

AS REQUIRED BY ACT NO. 90-449, PROVIDING FOR A DETERMINATION BY THE BALDWIN COUNTY COMMISSION RELATING TO A REQUEST FROM THE FISH RIVER/MARLOW FIRE AND RESCUE DEPARTMENT, INC.

KNOW ALL MEN BY THESE PRESENTS, that Act No. 90-449, 1990 Regular Session [Acts 1990, Vol. 1, p. 634] provided for a levy of a 1½ 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 aforesaid 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, within Act No. 90-449, Section 3 provides as follows:

> *"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."***

; and

WHEREAS, the Fish River/Marlow Fire and Rescue Department, Inc. is duly incorporated under the laws of the State of Alabama and remains qualified to receive proceeds derived from Act No. 90-449 and, furthermore, has presented a written request (attached hereto as **Exhibit "A"**) for the consideration of the Baldwin County Commission to approve the utilization of their proceeds of said taxes as security for repayment of a loan (and the repayment of said loan's applicable interest as well as equipment costs) to purchase a: One (1) 2014 E-One eMax Series Rescue Pumper [1250 GPM, 1030 Gallon Water Tank, Custom Cab and Chasis with Cab Mounted Night Scan Scene Light) to strengthen their provision of firefighting and other related emergency services to Baldwin County, Alabama; and

WHEREAS, this honorable county governing body, pursuant to Act No. 90-449, has reviewed the aforementioned written request, as well as the accompanying instrument indicating the required approval of the Baldwin County Fire Chiefs Association related to the same (attached hereto as **Exhibit "B"**), and finds that such remains an exception to the spending guidelines set forth in said Act No. 90-449 and seeks to provide its approval to said spending exception; and

WHEREAS, if applicable, the Fish River/Marlow Fire and Rescue Department, Inc., may conduct a public hearing(s) related to the aforesaid request; now therefore

BE IT RESOLVED BY THE BALDWIN COUNTY COMMISSION, IN REGULAR SESSION ASSEMBLED, That the Fish River/Marlow Fire and Rescue Department, Inc. be, and is hereby, authorized 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 as well as equipment costs) to purchase a: One (1) 2014 E-One eMax Series Rescue Pumper [1250 GPM, 1030 Gallon Water Tank, Custom Cab and Chasis with Cab Mounted Night Scan Scene Light) to strengthen their provision of firefighting and other related emergency services to Baldwin County, Alabama.

FURTHER, BE IT RESOLVED, That this instrument, codified as *Resolution #2015-014 of the Baldwin County Commission* shall in no way obligate the Baldwin County Commission as to the loan sought by the Fish River/Marlow Fire and Rescue Department, Inc. as hereinabove referenced, or any loan, sought or secured by the Fish River/Marlow Fire and Rescue Department, Inc.

DONE, at the County Seat, in Bay Minette, Alabama, and under the Seal of Baldwin County, Alabama, as affixed on this the 7th day of October, 2014.

Commissioner Charles F. Gruber, Chairman

ATTEST:

David A. Z. Brewer, County Administrator

EXHIBIT
A
Res 2015-014

David Brewer

From: Erica Christmas
Sent: Wednesday, October 01, 2014 8:00 AM
To: David Brewer
Subject: FW: Fish River Resolution

David,

Please see message below from Matt Proctor regarding price of equipment. It is more than the resolution states.

Thanks.

Erica Christmas
Chief Administrative Assistant
Baldwin County Commission
312 Courthouse Square, Suite 12
Bay Minette, Alabama 36507
(251) 937-0266
Fax: (251) 580-2500
echristmas@baldwincountyal.gov

From: Matthew Proctor [mailto:m_pproctor@yahoo.com]
Sent: Tuesday, September 30, 2014 5:05 PM
To: Erica Christmas
Subject: Re: Fish River Resolution

Erica I'm sorry... I double checked and the truck cost is 399,850.00 . The equipment is 18,529.20. The specifications were correct the only change is the cost of the truck and equipment. Thank you for your help.

Matthew Proctor.
Sent from my iPhone

On Sep 30, 2014, at 4:22 PM, Erica Christmas <ECHRISTMAS@baldwincountyal.gov> wrote:

Thanks Matt!

David wants to be sure that you all are purchasing the following:

<image006.png>

Please let me know.

Thanks.

Erica Christmas
Chief Administrative Assistant

Baldwin County Commission
312 Courthouse Square, Suite 12
Bay Minette, Alabama 36507
(251) 937-0266
Fax: (251) 580-2500
echristmas@baldwincountyal.gov
<image003.png><image004.jpg><image005.png>

From: Matthew Proctor [mailto:m_pproctor@yahoo.com]
Sent: Tuesday, September 30, 2014 2:59 PM
To: Erica Christmas; David Brewer
Subject: Fwd: Fish River Resolution

Sent from my iPhone

Begin forwarded message:

> **From:** sadler dennis <bluewaterdiver46@hotmail.com>
> **Date:** September 30, 2014 at 2:42:37 PM CDT
> **To:** Matthew Proctor <m_pproctor@yahoo.com>
> **Subject: FW: Fish River Resolution**

> Date: Tue, 30 Sep 2014 06:59:03 -0700
> From: ral6003@yahoo.com
> Subject: Fw: Fish River Resolution
> To: bluewaterdiver46@hotmail.com
>
> Hey Dennis,
>
> Please let me know you got this Resolution.
>
> Thanks, Raymond Lovell
>
> --- On Mon, 9/29/14, Troy Dyess <troy.dyess@gmail.com> wrote:
>
> > From: Troy Dyess <troy.dyess@gmail.com>
> > Subject: Fish River Resolution
> > To: ral6003@yahoo.com, rfew@spanishfortfire.org
> > Date: Monday, September 29, 2014, 10:45 PM
> > Tony - Attached
> > is a copy of the resolution for Fish River. We have had
> > this document ready since June and have had it at every

> > meeting since June. Anyhow, in case you need it prior to
> > the meeting this Thursday, it is attached.
> > Thanks,Troy

Baldwin County Fire Chiefs' Association

established 1969

EXHIBIT B
Res 2015-014

RESOLUTION

KNOW ALL MEN BY THESE PRESENTS, THAT WHEREAS, Act No. 90-449 of the 1990 Legislature provides 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 the county, and

WHEREAS, said Act provides as follows:

"(a) Fire departments which participate in the distribution of the 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."

"(b) Any exception to the above spending guidelines must be approved by the Baldwin County Fire Chiefs' Association and the Baldwin County Commission."

AND, WHEREAS, Fish River Marlow Fire Department is duly incorporated under the laws of this State and qualified pursuant to Section 9-13-17, Code of Alabama, 1975, has presented an application for approval by the Baldwin County Fire Chiefs' Association to use proceeds of the taxes derived from Act 90-449 for the acquisition of equipment, property or services as set forth in said act and to pledge said taxes as security for repayment of a loan to acquire said properties;

NOW, THEREFORE, to be resolved by the Baldwin County Fire Chiefs' Association, that Fish River Marlow Fire Department be, and is hereby, authorized to purchase the equipment and or properties set forth in said application and to pledge the proceeds from Act 90-449 for repayment of the same.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and affixed the official seal of the Baldwin County Fire Chiefs' Association.

Approved at the regular monthly meeting held on May 1, 2014 located at Foley Civic Center, 407 East Laurel Avenue, Foley, AL 36535.

ATTEST:

BALDWIN COUNTY FIRE CHIEFS' ASSOCIATION

BY:

Baldwin County Fire Chiefs' Association

established 1969

Fish River Marlow Fire Department

Equipment Approved to Purchase

May 1, 2014

1 – 2014 E-One eMax series Rescue Pumper

1250 GPM

1030 Gallon Water Tank

Custom Cab and Chasis

Cab Mounted Night Scan Scene Light

Apparatus Cost: $399,850

Equipment Cost: $18,529