STATE OF ALABAMA)

COUNTY OF BALDWIN)

RESOLUTION # 2016-062
OF THE
BALDWIN COUNTY COMMISSION

AMENDING *RESOLUTION #2015-042 OF THE BALDWIN COUNTY COMMISSION* (ADOPTED AT THE NOVEMBER 12, 2014, REGULAR AND ORGANIZATIONAL MEETING), SAID AMENDMENT RELATED TO REVISING THE DAYS OF THE MONTH ON WHICH THE BALDWIN COUNTY COMMISSION ROAD AND BRIDGE DIVISION AND DEPARTMENT HEAD MEETINGS SHALL BE HELD.

WHEREAS, at this time, the Baldwin County Commission desires to update the Divisional Resolution of the Baldwin County Commission to revise the dates of certain Meetings; now therefore BE IT RESOLVED, BY THE BALDWIN COUNTY COMMISSION, IN REGULAR SESSION ASSEMBLED, that:

1) We hereby amend *Resolution #2014-042* thereby repealing with deletions delineated by being ~~STRUCK THROUGH~~ and inclusions delineated by being **UNDERLINED**, as follows:

STATE OF ALABAMA)

COUNTY OF BALDWIN)

RESOLUTION #2015-042
OF THE
BALDWIN COUNTY COMMISSION

ENACTING AN INSTRUMENT TO BE COMMONLY KNOWN AS THE "DIVISIONAL RESOLUTION OF THE BALDWIN COUNTY COMMISSION" TO AUTHORIZE CERTAIN PROCEDURAL REQUIREMENTS AND PRESCRIBE OTHER PERMITTED AND AUTHORIZED DUTIES, AS ENUMERATED AT ACT NO. 239 (1931), AS AMENDED, AND OTHER APPLICABLE LAW.

KNOW ALL MEN BY THESE PRESENTS THAT WHEREAS, the Baldwin County Commission was established by a 1931 Act of the Legislature of Alabama, as amended by said Legislature of Alabama from time-to-time in subsequent years thereafter, which, collectively, are commonly referred to as Act No. 239, [Local Acts Alabama, 1931, p. 100] as amended [hereinafter referred to as "Act No. 239 (1931), as amended"]; and

WHEREAS, in addition to the duties, powers, jurisdiction, authority and privileges set forth in Act No. 239 (1931), as amended, the Baldwin County Commission exercises other additional authority as provided by the Constitution of Alabama 1901, General Laws of the State of Alabama and applicable Baldwin County Local Laws; and

WHEREAS, pursuant to §11-3-1 (e) of the Code of Alabama 1975, the Baldwin County Commission is required to meet on the Wednesday following the election and tabulation of provisional ballots pursuant to §17-10A-2 of the Code of Alabama 1975 of any one of its members whose term commences at 12:00 a.m. on the second Wednesday following the general election at which he or she is elected; and

WHEREAS, in Baldwin County, Alabama, during the November 4, 2014, General Election, County Commissioners were elected to compose the Baldwin County Commission requiring said honorable county governing body to convene as required by the aforementioned Alabama law; and

WHEREAS, on this date, November 12, 2014, during the regular meeting required by the aforementioned Alabama law, the Baldwin County Commission, respecting Act No. 239 (1931), as amended, coupled with the decision of the Supreme Court of the State of Alabama as found at *State ex rel. Whetstone v. Baldwin County, 686 So.2d 220 (Ala.1996)* and §45-2-72.01 of the Code of Alabama 1975 hereby adopts this instrument in order to authorize certain procedural requirements, and prescribe other permitted and authorized duties, as enumerated at Act No. 239 (1931), as amended, and other applicable law; now therefore

BE IT RESOLVED, BY THE BALDWIN COUNTY COMMISSION, IN REGULAR SESSION ASSEMBLED, that, pursuant to Section 7 of Act No. 239 (1931), as amended, and for the convenience and efficiency in the exercise and execution of the duties, powers, jurisdiction, authority and privileges, as enumerated in Act No. 239 (1931), as amended, the Baldwin County Commission is required to provide for the "Divisions," of the Baldwin County Commission, as follows:

First Division

Chairman and Purchasing Division Commissioner

Second Division

Road and Bridge Division Commissioner

Third Division

Finance and Taxation Division Commissioner

Fourth Division

Industrial and Civic Division Commissioner

FURTHER, BE IT RESOLVED, that, pursuant to Section 8 of Act No. 239 (1931), as amended, the duties required of each "Division," of the Baldwin County Commission, are as follows:

First Division

Chairman and Purchasing Division Commissioner

(a) Shall be the presiding officer of the Baldwin County Commission; and

(b) Shall sign the minutes of the proceedings of the Baldwin County Commission; and

(c) Shall sign all warrants drawn on the County Treasury and all orders drawn on funds or disbursements of the County, except as otherwise directed by the Baldwin County Commission; and

(d) Shall be such Office's duty to prepare the order of business and obtain information for the sessions of the Baldwin County Commission and see that all orders thereof are properly executed, except as otherwise directed by the Baldwin County Commission; and

(e) Shall act as the Purchasing Agent for the County and all purchases for and on behalf of Baldwin County and the Baldwin County Commission or by any Division or employee of the Baldwin County Commission, and all purchases by and for any office, officer or employee of Baldwin County, except those under the jurisdiction of and acting as for the Baldwin County Board of Education and paid out of school funds, shall be made through the Chairman and Purchasing Commissioner; and

(f) Such Office is directed and required to use all proper care in purchasing to the best interest of Baldwin County; and

(g) Shall perform such services only under the direction and control of the entire Baldwin County Commission and in the manner directed by the Baldwin County Commission; and

(h) In addition thereto, such Office shall perform all duties and have all rights, powers, jurisdiction, authority and privileges that may be granted to and required of the Chairman and Purchasing Division Commissioner by the Baldwin County Commission, and all duties, powers, jurisdiction, authority and privileges that are now or may hereafter be granted to and required by the presiding officer of the Courts of County Commissioners, Boards of Revenue, or other governing bodies of the Counties by the General Laws of the State of Alabama, except as otherwise provided in this act; and

(i) Shall give bond in the sum of $5,000 payable to Baldwin County, conditioned upon the faithful performance of such Office's duties with lawful sureties, to be approved by the Judge of Probate of Baldwin County; and

(j) Shall, upon requisition from any officer, Division or employee of Baldwin County, issue a purchase order for equipment, supplies and materials necessary and proper for the functioning of the county business, and attend the purchase of the same; and

(k) At each meeting of the Baldwin County Commission, such Office shall have available for the Baldwin County Commission the details of all purchases made since the previous meeting, show the articles purchased, from who purchased, the price paid therefor, the quantity purchased, for what office, officer for Division the same was purchased, and the object for which said purchase was made and the requisition therefor to the end that the Baldwin County Commission as a whole and individually shall at all times be fully advised as to the expenditures made since the last preceding meeting.

Second Division

Road and Bridge Division Commissioner

(a) Shall have jurisdiction over the location, construction, maintenance and repair of the roads and bridges in Baldwin County under the jurisdiction of the Baldwin County Commission; and

(b) Shall render all necessary and proper assistance to the State Highway Department in its operation in Baldwin County; and

(c) Shall make requisition upon the Chairman and Purchasing Division Commissioner for all necessary and proper purchases of supplies, material, and equipment for the location, construction, maintenance and repair of the roads, provided, however, it shall not be necessary for such Office to make requisition for repair parts and for minor equipment before purchasing the same when the same is needed for immediate use, nor shall it be necessary for such Office to make requisition for authority to have minor repairs made on County road equipment and machinery, when to make such requisition would cause unnecessary and expensive delay; and

(d) Shall budget the funds available for road location, construction, maintenance, and repair and allocate the fair and reasonable amount of such funds to the location, maintenance and repair and shall maintain necessary and proper labor and technical employees and proper equipment within the funds available for the proper location, construction, repair and maintenance of the roads and bridges in every section of Baldwin County, and such Office shall report to the Baldwin County Commission such budget and allocation of the funds, equipment, labors and employees, so that the Baldwin County Commission may pass upon the same and make such recommendations, changes and directions as it shall deem to the interest of Baldwin County.

Third Division

Finance and Taxation Division Commissioner

(a) Shall be charged with the duty of acquiring all necessary and proper information for the Baldwin County Commission as to the financial condition of Baldwin County, and at each meeting have available for the Baldwin County Commission a complete statement showing all funds available and for what purpose created, all claims against Baldwin County and on which fund the same are chargeable, and shall from time to time prepare a general budget for Baldwin County so as to fairly and equitably allocate and apportion the funds of Baldwin County to its several services and shall from time to time determine the probable expenditures and the probable income of Baldwin County from all available sources; and

(b) Shall gather all necessary and proper information as to the assessed valuation of property in Baldwin County; and

(c) Shall in the exercise and discharge of such Office's duties report to the Baldwin County Commission at each meeting his actions and make recommendations relating to Baldwin County's finances to the end that Baldwin County's expenditures shall not exceed its income.

Fourth Division

Industrial and Civic Division Commissioner

(a) Shall make a survey of the resources of Baldwin County and have the same available for the Baldwin County Commission from time to time, to the end that the agricultural, mineral, timber, water, labor and all other resources of Baldwin County shall be fully developed; and

(b) Shall cooperate with the Department of Public Health, the Department of Public Welfare, the Agricultural Experiment Station, the Agricultural Extension Work Services, and the Federal and State Reforestation Services, as well as with all other services for the promotion of all its resources and render to them all proper assistance in their respective spheres of operation, and keep the Baldwin County Commission advised as to the activities and needs of the several departments and services; and

(c) Shall cooperate with the several municipalities and communities in Baldwin County in the development of such communities and municipalities, and keep the Baldwin County Commission advised as to such Office's activities relative thereto.

FURTHER, BE IT RESOLVED, that, as authorized at Section 11-3-20 of the Code of Alabama 1975 and pursuant to Section 7 of Act No. 239 (1931), as amended, and for the convenience and efficiency in the exercise and execution of the duties, powers, jurisdiction, authority and privileges, as enumerated in Act No. 239 (1931), as amended, the Baldwin County Commission, further, invokes Section 11-3-20 of the Code of Alabama 1975, and said Section 7 of Act No. 239 (1931), as amended, and, collectively, authorizes and directs, as follows:

> *The Chairman and Purchasing Division Commissioner shall serve as signatory for the Baldwin County Commission on all appropriate documents, such as resolutions, orders, contracts or directives as are necessary to carry out the official actions as adopted by the Baldwin County Commission in regular or special session assembled.*

FURTHER, BE IT RESOLVED, that, while Section 7 of Act No. 239 (1931), as amended, requires the Baldwin County Commission to designate its members into the aforementioned Division(s) ***in January of each year***, the Baldwin County Commission, pursuant to the decision of the Supreme Court of the State of Alabama as found at *State ex rel. Whetstone v. Baldwin County, 686 So.2d 220 (Ala.1996)* and §45-2-72.01 of the Code of Alabama 1975 shall authorize the initial application of said designations on November 12, 2014, which, in fact, causes the Baldwin County Commission to invoke Section 7 of Act No. 239 (1931), as amended, which provides that said Baldwin County Commission retains the authority, ***from time to time***, to change the "Division(s)" of the specific duties, powers, jurisdiction, authority and privileges within each of such "Division(s)" and, furthermore pursuant to said Section 7, preserves the authority to change, ***at will***, the Commissioner from one "Division" to another, as limited by §45-2-72.01 of the Code of Alabama 1975 and, to this end, the Baldwin County Commission exercises its collective will to change the Commissioners, from one "Division" to another, to be effected as per the following time schedule as follows:

Divisional Composition of the Members of the Baldwin County Commission from November 12, 2014, through November 2, 2015

First Division

Chairman and Purchasing Division Commissioner

Charles F. Gruber

Second Division

Road and Bridge Division Commissioner

Tucker Dorsey

Third Division

Finance and Taxation Division Commissioner

Chris Elliott

Fourth Division

Industrial and Civic Division Commissioner

Frank Burt, Jr.

Divisional Composition of the Members of the Baldwin County Commission from November 3, 2015, through October 31, 2016

First Division

Chairman and Purchasing Division Commissioner

Tucker Dorsey

Second Division

Road and Bridge Division Commissioner

Chris Elliott

Third Division

Finance and Taxation Division Commissioner

Frank Burt, Jr.

Fourth Division

Industrial and Civic Division Commissioner

Charles F. Gruber

Divisional Composition of the Members of the Baldwin County Commission from November 1, 2016, through November 6, 2017

First Division

Chairman and Purchasing Division Commissioner

Chris Elliott

Second Division

Road and Bridge Division Commissioner

Frank Burt, Jr.

Third Division

Finance and Taxation Division Commissioner

Charles F. Gruber

Fourth Division

Industrial and Civic Division Commissioner

Tucker Dorsey

Divisional Composition of the Members of the Baldwin County Commission from November 7, 2017, through November 13, 2018

First Division

Chairman and Purchasing Division Commissioner

Frank Burt, Jr.

Second Division

Road and Bridge Division Commissioner

Charles F. Gruber

Third Division

Finance and Taxation Division Commissioner

Tucker Dorsey

Fourth Division

Industrial and Civic Division Commissioner

Chris Elliott

FURTHER, BE IT RESOLVED, that, as required by Section 11 of Act No. 239 (1931), as amended, any three of said Commissioners shall constitute a quorum for the transaction of business which is compliant to Section 11-3-7 of the Code of Alabama 1975 which requires a majority of members of the Baldwin County Commission to constitute a quorum.

FURTHER, BE IT RESOLVED, that, pursuant to, but not limited to, a decision by the honorable Supreme Court of the State of Alabama as found at *Ex parte Meeks, 682 So.2d 423 (Ala.1996),* the "Chairman and Purchasing Division Commissioner" is entitled to vote on all matters coming before the Baldwin County Commission.

FURTHER, BE IT RESOLVED, that, as required by §45-2-72.01 of the Code of Alabama 1975, the Office of "Chairman and Purchasing Division Commissioner" shall rotate in the chronological sequence as provided for in this resolution; however, notwithstanding the chronological sequence provided for by this instrument setting forth the rotation with the Office of "Chairman and Purchasing Division Commissioner" and pursuant to §45-2-72.01 of the Code of Alabama 1975 a member may decline to serve in the Office of "Chairman and Purchasing Division Commissioner" during all or part of the period of his or her rotation by the submission of a written statement to the Baldwin County Commission, and the Baldwin County Commission shall select a member to serve as chair during the rotation period of the member.

FURTHER, BE IT RESOLVED, that, as authorized at §11-3-20 of the Code of Alabama 1975 and as directed by this instrument, and, further, pursuant to Section 7 of Act No. 239 (1931), as amended, and for the convenience and efficiency in the exercise and execution of the duties, powers, jurisdiction, authority and privileges, as enumerated in Act No. 239 (1931), as amended, the Baldwin County Commission, further, invokes §11-3-20 of the Code of Alabama 1975 and Section 7 and, collectively, authorizes, directs and elects one member of Baldwin County Commission to serve, ***only in the temporary absence of the "Chairman and Purchasing Division Commissioner***," as "Chairman and Purchasing Division Commissioner" and at all other times shall be styled, in addition to their prescribed "Division" Commissioner duties, as "Vice Chairman of the Baldwin County Commission," per the following time schedule, as follows:

November 12, 2014, through November 2, 2015

Tucker Dorsey

November 3, 2015, through October 31, 2016

Chris Elliott

November 1, 2016, through November 6, 2017

Frank Burt, Jr.

and, to such end, said member of the Baldwin County Commission, in the aforementioned time schedule, acting as "Chairman and Purchasing Division Commissioner" and only in the temporary absence of the "Chairman and Purchasing Division Commissioner," is authorized to exercise any and all duties related to said "Chairman and Purchasing Division Commissioner;" notwithstanding the aforementioned, said member of the Baldwin County Commission, while acting in the temporary absence of the "Chairman and Purchasing Division Commissioner" and as acting "Chairman and Purchasing Division Commissioner," shall, also, accomplish any and all duties required of such "Division" Commissioner as primarily designated by this instrument.

FURTHER, BE IT RESOLVED, that, with respect for §36-25A-1, et seq., Code of Alabama 1975 and as required by Section 11-3-8 (a), Code of Alabama 1975, the Baldwin County Commission at this first county commission meeting held pursuant to Section 11-3-1 of the Code of Alabama 1975, establishes the days of the month on which **REGULAR MEETINGS** of the Baldwin County Commission shall be held, as follows:

> For the purpose of conducting the public business affairs of the Baldwin County Commission, said Baldwin County Commission shall meet, in regular session assembled, in the County Commission Chambers, at the Baldwin County Administration Building, located at 322 Courthouse Square, at the County Seat, in Bay Minette, Alabama, on the first and third Tuesdays of each month, and on the Wednesday following the general election and tabulation of provisional ballots pursuant to Section 17-10A-2 of any one of its members beginning at 8:30 A.M.

FURTHER, BE IT RESOLVED, that, as authorized at Section 11-3-8 (b), Code of Alabama 1975, the Baldwin County Commission shall exercise said Section 11-3-8 (b), Code of Alabama 1975, to convene **SPECIAL MEETINGS**, emergency or other, of the Baldwin County Commission.

FURTHER, BE IT RESOLVED, that, with respect for §36-25A-1, et seq., of the Code of Alabama 1975, the Baldwin County Commission establishes the days of the month on which **WORK SESSIONS** of the Baldwin County Commission shall be held, as follows:

> For the purpose of conducting the working sessions, or what are commonly referred to as work sessions, of the Baldwin County Commission, said Baldwin County Commission shall meet, on the second and fourth Tuesdays of each month beginning at 8:30 A.M., in working session assembled at:
>
> Baldwin County Satellite Courthouse at Foley, Alabama
> 201 East Section Avenue
> Large Meeting Hall
>
> February, 2015
> May, 2015
> September, 2015
> January, 2016
> May, 2016
> September, 2016
> January, 2017
> May, 2017
> September, 2017
> January, 2018

May, 2018
September, 2018

Baldwin County Central Annex Building in Robertsdale, Alabama
22251 Palmer Street
Auditorium or Large Conference Room or County Commission Conference Room

December, 2014
June, 2015
October, 2015
February, 2016
June, 2016
October, 2016
February, 2017
June, 2017
October, 2017
February, 2018
June, 2018
October, 2018

Baldwin County Administration Building in Bay Minette, Alabama
322 Courthouse Square
Conference Room or County Commission Chambers

November 12, 2014
November, 2014
March, 2015
July, 2015
November, 2015
March, 2016
July, 2016
November, 2016
March, 2017
July, 2017
November, 2017
March, 2018
July, 2018
November, 2018

Baldwin County Satellite Courthouse at Fairhope, Alabama
1100 Fairhope Avenue
County Commission Conference Room

January, 2015
April, 2015
August, 2015
December, 2015
April, 2016
August, 2016
December, 2016
April, 2017
August, 2017
December, 2017
April, 2018
August, 2018

FURTHER, BE IT RESOLVED, that, with respect for §36-25A-1, et seq., of the Code of Alabama 1975, the Baldwin County Commission establishes the days of the month on which **ROAD AND BRIDGE DIVISION MEETINGS** of the Baldwin County Commission shall be held, as follows:

> For the purpose of conducting the Road and Bridge Division meetings of the Baldwin County Commission, said Baldwin County Commission shall meet, in Road and Bridge Division session assembled, in the 3rd Floor Conference Room, at the Baldwin County Central Annex II Building, located at 22070 Highway 59, in Robertsdale, Alabama, on the ~~third~~ second Thursday of each month beginning at 8:30 A.M.

FURTHER, BE IT RESOLVED, that, with respect for §36-25A-1, et seq., of the Code of Alabama 1975, the Baldwin County Commission establishes the days of the month on which **DEPARTMENT HEAD MEETINGS** of the Baldwin County Commission shall be held, as follows:

> For the purpose of conducting the Department Head meetings of the Baldwin County Commission, said Baldwin County Commission shall meet, in Department Head meeting assembled in the 3rd Floor Conference Room, at the Baldwin County Central Annex II Building, located at 22070 Highway 59, in Robertsdale, Alabama, on the ~~second~~ third Thursday of each month beginning at 8:30 A.M.

FURTHER, BE IT RESOLVED, that, pursuant to Section 7 of Act No. 239 (1931), as amended, and for the convenience and efficiency in the exercise and execution of the duties, powers, jurisdiction, authority and privileges, as enumerated in Act No. 239 (1931), as amended, the Baldwin County Commission, further, invokes said Section 7 and, collectively, authorizes and directs that the Baldwin County Commission shall conduct its public business affairs in regular session and special session assembled pursuant to Robert's Rules of Order, and Act No. 239, (1931), as amended, and applicable Alabama law.

FURTHER, BE IT RESOLVED, that, pursuant to the authority conveyed at Section 23-1-80, Code of Alabama 1975, the Baldwin County Commission, for the purposes of constructing and maintaining all county roads/highways, requires all county roads/highways to be constructed and maintained on the basis of the county as a unit with funds to accomplish said construction/maintenance as provided by the Baldwin County Commission.

FURTHER, BE IT RESOLVED, that pursuant to §45-2-72.01 of the Code of Alabama 1975 the Baldwin County Commission shall adopt this instrument during the first meeting of newly-elected Baldwin County Commissioners, said meeting required pursuant to §11-3-1 (e), Code of Alabama 1975 coupled with the decision of the Supreme Court of the State of Alabama as found at *State ex rel. Whetstone v. Baldwin County, 686 So.2d 220 (Ala.1996)*, on November 12, 2014, and reconfirm said instrument, respecting Section 7 of Act No. 239 (1931), as amended, providing amendments if so authorized, in January of each year or from time to time, as set forth at Section 7 of Act No. 239 (1931), as amended, to provide for "Division" designations setting forth the "Division" Commissioners from one "Division" to another, as limited by §45-2-72.01 of the Code of Alabama 1975, as per the following time schedule with respect to §36-25A-1, et seq., Code of Alabama 1975 and §45-2-72.01 of the Code of Alabama 1975 in regular meeting assembled on the dates, chronologically prescribed as follows:

> **First Regular Meeting on November 12, 2014 for 2014-2018 Baldwin County Commission.**
>
> **First Regular Meeting in January, 2015.**

First Regular Meeting in January, 2016.

First Regular Meeting in January, 2017.

First Regular Meeting in January, 2018.

FURTHER, BE IT RESOLVED, that if any one or more of the provisions contained herein shall for any reason be held to be invalid, illegal or unenforceable in any respect, then such provision or provisions shall be deemed severable from the remaining provisions hereof, and such invalidity, illegality or unenforceability shall not affect any other provision hereof, and this instrument shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

DONE, AS RESOLVED AND ORDERED, BY THE COUNTY COMMISSION OF BALDWIN COUNTY, ALABAMA, and under the Seal of the County Commission of Baldwin County, Alabama, on this the 12th day of November, 2014.

s/s

CHARLES F. GRUBER
Chairman and Purchasing Division Commissioner

ATTEST:

s/s

DAVID A. Z. BREWER, County Administrator

DONE, AS RESOLVED AND ORDERED, BY THE COUNTY COMMISSION OF BALDWIN COUNTY, ALABAMA, and under the Seal of the County Commission of Baldwin County, Alabama, on this the 1st day of March, 2016.

TUCKER DORSEY
Chairman and Purchasing Division Commissioner

ATTEST:

RONALD J. CINK, County Administrator