

RESOLUTION NO. 1030-2019

A RESOLUTION TO AUTHORIZE THE FILING WITH THE COUNTY BOARD OF EDUCATION OF BALDWIN COUNTY, ALABAMA, OF A REQUEST FOR A SPECIAL 3 MILL AD VALOREM SCHOOL DISTRICT TAX ELECTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPANISH FORT, ALABAMA, as follows:

ARTICLE 1

Definitions and Representations

Section 1.01 Definition of Capitalized Terms

Agreement shall have the meaning assigned in Section 1.02(g)(iii).

Amendment No. 382 means Amendment No. 382 to the Constitution of Alabama of 1901, as amended.

Board means the County Board of Education of Baldwin County, Alabama.

City means the City of Spanish Fort, Alabama.

District Public School Facilities means and includes the following public school facilities under the jurisdiction of the Board:

(a) Spanish Fort Elementary, Rockwell Elementary, Spanish Fort Middle School, Spanish Fort High School and any other public school facilities in the Local Public School Area under the jurisdiction of the Board.

(b) all capital improvements made to, and all equipment, fixtures, furniture and furnishings, computer and electronic and telecommunication facilities, and other personal property installed in or used in connection with, any of the foregoing public school facilities of the Board within the District at any time provided by the Board from revenues of the Board;

(c) all facilities at any time provided by the Board from any revenues of the Board with respect to virtual school programs (pursuant to Chapter 46A of Title 16 of the Code of Alabama 1975), International Baccalaureate programs, magnet school programs, and other educational programs for the benefit of students who reside in the District; and

(d) all public school facilities (as defined in Section 16-13-301(4) of the Code of Alabama 1975) at any time provided by the Board from any revenues of the Board and located within the District.

District Public School Purposes shall have the meaning assigned in Section 1.02(c).

City Request shall have the meaning assigned in Section 1.02(g)(i).

Council means the governing body of the City.

Local Public School Area means the area within Baldwin County, Alabama, described on Exhibit A, which area includes the area within the corporate limits of the City.

Petition shall have the meaning assigned in Section 1.02(g)(ii).

Special District Tax means the special ad valorem school district tax that may be levied and collected under Amendment No. 382.

Special Tax Documents shall have the meaning assigned in Section 2.02(a).

Section 1.02 Findings and Representations

The Council, upon evidence duly presented to and considered by it, has found and determined, and does hereby find, determine and declare as follows:

(a) The Board owns and operates the District Public School Facilities within, or for the benefit of, the Local Public School Area.

(b) The District Public School Facilities provide educational, vocational, and technological instruction, arts, and extracurricular activities and programs, for all children under the jurisdiction of the Board who reside within the Local Public School Area.

(c) From time to time, representatives of the various communities within the Local Public School Area have presented to the Council plans, proposals and requests for certain educational, vocational, and technological programs of instruction and related facilities and improvements, which are of particular interest to, or provide for particular needs of, such communities for certain maintenance and capital improvements to the District Public School Facilities (the "District Public School Purposes").

(d) The City shall represent, collectively, the various communities in the Local Public School Area for the purposes of the Agreement and with respect to the District Public School Purposes.

(e) The City and the Board have agreed that, for the Board to provide effectively for the District Public School Purposes, the Board needs:

(i) additional revenues from the Local Public School Area; and

(ii) recommendations from representatives of the communities within the Local Public School Area with respect to the application of such additional revenues for the District Public School Purposes.

(f) Pursuant to Amendment No. 382, the Special District Tax may be levied and collected within the Local Public School Area and the proceeds thereof applied for the exclusive benefit of the District Public School Facilities.

(g) In furtherance thereof, the City has prepared, or is in the process of preparing, the following for submission to the Board pursuant to the policies and programs of the Board therefor and in form and of content satisfactory to the Board:

(i) a Request for 3 Mill Special Ad Valorem School District Tax Election, as attached hereto as Exhibit B (the "City Request"), that the Board establish the Local Public School Area as a school tax district under Amendment No. 382 and take all action required of the Board under the applicable laws of the State of Alabama to cause the Special District Tax to be levied and collected within the Local Public School Area for District Public School Purposes at the rate and for the time set forth in such City Request; and

(ii) a Petition for 3 Mill Ad Valorem School District Tax Election, as attached hereto as Exhibit C (the "Petition"), signed by more than 200 qualified electors of the Local Public School Area that the election with respect to the Special District Tax be held in the Local Public School Area on the date, at the rate, and for the time and purposes as requested in the City Request;

(iii) a Local Public School Agreement by the Board and the City, as attached hereto as Exhibit D (the "Agreement"), that the proceeds of the Special District Tax be applied and used exclusively for District Public School Purposes, in accordance with the procedure therefor in such Agreement.

(h) It is necessary, desirable, and in the best interests of the public education provided by the Board in the Local Public School Area, that:

(i) the District Public School Purposes be effected and that sufficient funding, direction and support be provided therefor;

(ii) the Board approve the Local Public School Area as a school tax district for purposes of Amendment No. 382 and fix the boundaries thereof as the boundaries of the Local Public School Tax Area;

(iii) the Special District Tax be levied and collected in the Local Public School Area, as stated in the City Request and as provided in Amendment No. 382, and the proceeds thereof be applied exclusively for the District Public School Purposes;

(iv) to provide for the foregoing, the City deliver to the Board the City Request, the Petition and the Agreement pursuant to the policies and programs of the Board therefor; and

(v) the City undertake primary responsibility for the active and public advocacy, encouragement and promotion of the vote in favor of the levy of the Special District Tax for the District Public School Purposes.

ARTICLE 2

Authorization of Documents and Actions

Section 2.01. General Agreements of City

The City agrees:

(a) to request the Board to take all required action to cause the Special District Tax to be levied as set forth in the City Request and the Petition for the District Public School Purposes;

(b) to represent the local communities of the Local Public School Area collectively for the purposes of the Agreement and with respect to the District Public School Purposes;

(c) to pay all costs of the election to be held in the Local Public School Area with respect to the Special District Tax;

(d) to undertake primary responsibility for the active and public advocacy, encouragement, and promotion of the vote in favor of the levy of the Special District Tax for the District Public School Purposes.

Section 2.02. Authorization of Documents and Delivery

(a) The City approves and authorizes the terms and provisions of, the representations of the City set forth in, the agreements to be undertaken by the City pursuant to, and the execution and delivery by the City of the following (collectively, the "Special Tax Documents"):

(i) the City Request;

(ii) the Agreement;

(iii) all agreements, certificates, documents, instruments, notices and proceedings with may be necessary, desirable or required by law to effect the purposes of the City Request, the Agreement and this Resolution.

(b) The City Request and the Agreement are approved in substantially the form and of substantially the content presented, with such addition thereto or deletions therefrom as the officer of the City executing the same shall approve and as shall not create, increase, or extend the amount or duration of, any obligation of the City therein, which approval shall be conclusively evidenced by execution thereof as provided herein.

(c) The Mayor of the City is authorized and directed to execute, deliver, and file or record (to the extent required therefor), and to effect the performance of, the Special Tax Documents for and on behalf of and in the name of the City. The City Clerk is authorized and directed to attest and seal the Special Tax Documents to the extent required thereby.

(d) The Mayor and City Clerk of the City are authorized and directed to deliver to the Board:

(i) Certified copies of this Resolution and the proceedings of the Council for adoption hereof;

- (ii) Executed counterparts of the City Request and the Agreement;
- (iii) The Petition.

Section 2.03 Authorization and Ratification of Actions

(a) The officers of the City, including without limitation the Mayor, the Treasurer, and the City Clerk, are authorized and directed to take any and all actions which are necessary, desirable, required by applicable law, or required by counsel to the Board or to the City, to effect the purposes of the Special Tax Documents and this Resolution.

(b) The Council, on behalf of the City, ratifies and confirms all prior action taken by or on behalf of the City by any officer of the City, and any of the Special Tax Documents heretofore executed by or on behalf of the City, with respect to the matters approved and authorized by this Resolution.

ARTICLE 3

Provisions of General Application

Section 3.01 Other Proceedings

(a) Any resolution, order, ordinance, or part thereof, in conflict or inconsistent with the provisions of this Resolution is hereby, to the extent of such conflict or inconsistency, repealed.

(b) The provisions of Section 3.01(a) shall not operate or be construed to revive any instrument, ordinance order or resolution, or part thereof, of the City.

Section 3.02. Effect of this Resolution

This Resolution shall take effect immediately.

Duly passed and adopted this 20th day of *May, 2019*.



Michael M. McMillan
Mayor of the City of Spanish Fort, Alabama


SEAL

Attest:



Mary Lynn Williams
City Clerk

Transmitted to and approved by the Mayor on this 3rd day of *June, 2019*.



Mayor of the City of Spanish Fort, Alabama

Exhibit A
to
City Proceedings

Local Public School Area

Spanish Fort Special Tax District

Special Tax District 7 shall consist of all parcels of real property located in Baldwin County, Alabama within the following described area:

Beginning at a point at Southwest corner of Section 42, Township 3 South, Range 1 East; thence East along the South line of Section 42, Township 3 South, Range 1 East to the Southeast corner of Section 42, Township 3 South, Range 1 East; thence Northeast along the East line of Section 42, Township 3 South, Range 1 East to the Northwest corner of Section 28, Township 3 South, Range 1 East.

Thence East along the North lines of Section 28, Township 3 South, Range 1 East and Section 27, Township 3 South, Range 1 East to the Northwest corner of Section 26, Township 3 South, Range 1 East; thence East along the North line of Section 26, Township 3 South, Range 1 East to the Northeast corner of Section 26, Township 3 South, Range 1 East.

Thence North along the West line of Section 38, Township 3 South, Range 1 East to the Northwest corner of Section 38, Township 3 South, Range 1 East; thence generally East along the North line of Section 38, Township 3 South, Range 1 East to the intersection of the West line of Section 42, Township 3 South, Range 2 East; thence East, then North along the section line of Section 42, Township 3 South, Range 2 East to the Northwest corner of Section 42, Township 3 South, Range 2 East; thence East along the North line of Section 42, Township 3 South, Range 2 East to the intersection of the North line of Parcel 05-29-09-42-0-000-002.036; thence generally South along the West lines of Parcels 05-29-09-42-0-000-002.036, 05-29-09-42-0-000-002.037, 05-29-09-42-0-000-002.038, 05-29-09-42-0-000-002.039 and 05-29-09-42-0-000-002.040 to the West line of Parcel 05-29-09-42-0-000-003.045; thence South along the West lines of Parcels 05-29-09-42-0-000-003.045, 05-29-09-42-0-000-003.044, 05-29-09-42-0-000-003.048, 05-29-09-42-0-000-003.049 and 05-29-09-42-0-000-003.046 to Northwest corner of Parcel 05-29-09-42-0-000-003.035.

Thence generally East along the North lines of Parcels 05-29-09-42-0-000-003.035, 05-29-09-42-0-000-003.036, 05-29-09-42-0-000-003.037, 05-29-09-42-0-000-003.038, 05-29-09-42-0-000-003.041 and 05-29-09-42-0-000-003.042 to the Northeast corner of Parcel 05-29-09-42-0-000-003.042; thence South along the East line of Parcel 05-29-09-42-0-000-003.042 to the Northwest corner of Parcel 05-29-09-42-0-000-003.052; thence East along the North line of Parcel 05-29-09-42-0-000-003.052 to the Northeast corner of Parcel 05-29-09-42-0-000-003.052; thence South along the East line of Parcel 05-29-09-42-0-000-003.052 to the Northwest corner of Parcel 05-29-09-42-0-000-008.001.

Thence East along the North lines of Parcels 05-29-09-42-0-000-008.001 and 05-29-09-42-0-000-008.000 to the Southeast corner of Parcel 05-29-09-42-0-000-003.051; thence North along the East line of Parcel 05-29-09-42-0-000-003.051 to the Northeast corner of Parcel 05-29-09-42-0-000-003.051; thence East along the North line of Parcel 05-29-09-42-0-000-008.000 to the Northeast corner of Parcel 05-29-09-42-0-000-008.000; thence South along the East line of Parcel 05-29-09-42-0-000-008.000 to the Southwest corner of Parcel 05-29-09-42-0-000-006.000; thence East along the South line of Parcel 05-29-09-42-0-000-006.000 to the West right of way of State Hwy 225; thence South along the West right of way of State Hwy 225 to the Southeast corner of Parcel 05-29-09-42-0-000-009.000.

Thence East to the Northwest corner of Parcel 05-29-09-42-0-000-029.000; thence East along the North line of Parcel 05-29-09-42-0-000-029.000 to the Northeast corner of Parcel 05-29-09-42-0-000-029.000; thence South along the East line of Parcel 05-29-09-42-0-000-029.000 to the Northwest corner of Parcel 05-29-10-29-0-000-017.005; thence East along the North line of Parcel 05-29-10-29-0-000-017.005 to the Northeast corner of Parcel 05-29-10-29-0-000-017.005; thence North along the East line of Parcel 05-29-10-29-0-000-016.000 to the Northwest corner of Parcel 05-29-08-28-0-000-002.000; thence East along the North lines of Parcels 05-29-08-28-0-000-002.000 and 05-29-08-28-0-000-001.011 to the Northeast corner of Parcel 05-29-08-28-0-000-001.011; thence South along the East line of Parcel 05-29-08-28-0-000-001.011 to North line of Section 46, Township 3 South, Range 2 East; thence generally East along the North line of Section 46, Township 3 South, Range 2 East to the Northeast corner of Section 46, Township 3 South, Range 2 East; thence generally South along the East line of Section 46, Township 3 South, Range 2 East to the Northwest corner of Section 34, Township 3 South, Range 2 East; thence East along the North lines of Sections Section 34, Township 3 South, Range 2 East, Section 35, Township 3 South, Range 2 East and Section 36, Township 3 South, Range 2 East to the Northwest corner of Parcel 05-29-07-

36-0-000-002.001; thence South along the West line of Parcel 05-29-07-36-0-000-002.001 to the Southwest corner of Parcel 05-29-07-36-0-000-002.001; thence East along the South lines of Parcels 05-29-07-36-0-000-002.001, 05-29-07-36-0-000-002.002, 05-29-07-36-0-000-002.000, and 05-29-07-36-0-000-001.000 to the Southeast corner of Parcel 05-29-07-36-0-000-001.000.

Thence South along the East lines of Section 36, Township 3 South, Range 2 East, Section 1, Township 4 South, Range 2 East and Section 12, Township 4 South, Range 2 East to the Southwest corner of the Northwest Quarter of Section 7, Township 4 South, Range 3 East. Thence East along the South line of the Northwest Quarter of Section 7, Township 4 South, Range 3 East to the Southeast Corner of the Northwest Quarter of Section 7, Township 4 South Range 3 East. Thence South along the West line of the Southeast Quarter of Section 7, Township 4 South, Range 3 East to the Southwest corner of the Southeast Quarter of Section 7, Township 4 South, Range 3 East; thence East along the South lines of Section 7, Township 4 South, Range 3 East and Section 8, Township 4 South, Range 3 East to the Southeast corner of Section 8, Township 4 South, Range 3 East.

Thence South along the East lines of Section 17, Township 4 South, Range 3 East, Section 20, Township 4 South, Range 3 East and Section 29, Township 4 South, Range 3 East to the Southeast corner of Section 29, Township 4 South, Range 3 East. Thence West along the South lines of Section 29, Township 4 South, Range 3 East and Section 30, Township 4 South, Range 3 East to the Southwest corner of Section 30, Township 4 South, Range 3 East. Thence South along the East line of Section 36, Township 4 South, Range 2 East to the North right of way of Interstate 10.

Thence generally West along the North right of way of Interstate 10, crossing the right of way of State Hwy 181, to the Southwest corner of Parcel 05-31-07-36-0-000-002.000. Thence generally North to the Southeast corner of Section 26, Township 4 South, Range 1 East; thence West along the South line of Section 26, Township 4 South, Range 1 East to the Southwest corner of Section 26, Township 4 South, Range 1 East. Thence South along the East line of Section 34, Township 4 South, Range 1 East to the Southeast corner of Section 34, Township 4 South, Range 1 East. Thence generally Northwest along the South line of Section 34, Township 4 South, Range 1 East, continuing generally Northwest along the South line of Section 28, Township 4 South, Range 1 East to the Southeast corner of Section 20, Township 4 South, Range 1 East; thence West along the South line of Section 20, Township 4 South, Range 1 East to the Southwest corner of Section 20, Township 4 South, Range 1 East; thence North along the West lines of Section 20, Township 4 South, Range 1 East and Section 17, Township 4 South, Range 1 East to the Northwest corner of Section 17, Township 4 South, Range 1 East; thence generally Northwest along the West line of Section 37, Township 4S, Range 1 East to the point of beginning.

All references herein to "Parcels" shall refer to the parcel identification number as assigned by the Baldwin County Revenue Commissioner on the 28th day of September, 2018.

Exhibit B
to
City Proceedings
Form of City Request

**REQUEST FOR SPECIAL 3 MILL AD VALOREM SCHOOL DISTRICT TAX
ELECTION**

May 20, 2019

From: City of Spanish Fort, Alabama

To: County Board of Education of Baldwin County, Alabama

The undersigned City of Spanish Fort, Alabama, having determined pursuant to Resolution duly adopted thereby on May 20, 2019, to undertake primary responsibility for the active and public advocacy, encouragement and promotion of the vote in favor of the levy of the within-referenced special district school tax for the exclusive benefit of the local public schools in the Spanish Fort Special School Tax District in furtherance of the best interests of such schools, does hereby request your honorable body to:

- (1) approve, and fix the boundaries of, a special school tax district for the purposes of Amendment No. 382 to the Constitution of Alabama of 1901, as amended, consisting of the area of Baldwin County, Alabama, described on Exhibit A hereto (the "District"); and
- (2) deliver a request, in accordance with Article 9 of Chapter 13 of Title 16 of the Code of Alabama 1975 ("Article 9"), to the Baldwin County Commission, as governing body of Baldwin County, Alabama, to call and order an election to be held as provided in Article 9 to determine whether a special ad valorem district school tax shall be levied and collected annually in the District, at the rate, for the time, and for the purposes described as follows:

Rate of Tax: 3 Mills (\$0.30 on each one hundred dollars of taxable property);

Time of Tax 10 ad valorem tax years from the October 1 next after the election;

Purposes: public school purposes in the District for public schools under the jurisdiction of the County Board of Education of Baldwin County, Alabama, for academic enhancement and life skills programs; ¹¹¹ In accordance with state law, the Special Tax Proceeds may be used to pay for the cost of the special election. The Special Tax Proceeds shall not be used to secure any indebtedness or the issuance of bonds.

District: as described on Exhibit A hereto; and

- (3) take all action required of the Board under the applicable laws of the State of Alabama to cause the Special District Tax to be levied and collected within the Local Public School Area for District Public School Purposes at the rate and for the time set forth herein.

In Witness Whereof, the City of Spanish Fort, Alabama, has caused this instrument to be executed in its name, under seal, and attested, by officers thereof duly authorized thereunto on the date and year first above written.

CITY OF SPANISH FORT, ALABAMA

By: 

Michael M. McMillan
Mayor

SEAL

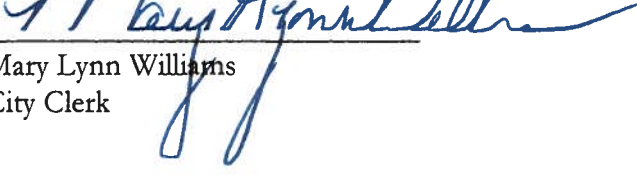
Attest: 
Mary Lynn Williams
City Clerk

Exhibit A
to
City Request for School District Tax Election

Description of District

Spanish Fort Special Tax District

Special Tax District 7 shall consist of all parcels of real property located in Baldwin County, Alabama within the following described area:

Beginning at a point at Southwest corner of Section 42, Township 3 South, Range 1 East; thence East along the South line of Section 42, Township 3 South, Range 1 East to the Southeast corner of Section 42, Township 3 South, Range 1 East; thence Northeast along the East line of Section 42, Township 3 South, Range 1 East to the Northwest corner of Section 28, Township 3 South, Range 1 East.

Thence East along the North lines of Section 28, Township 3 South, Range 1 East and Section 27, Township 3 South, Range 1 East to the Northwest corner of Section 26, Township 3 South, Range 1 East; thence East along the North line of Section 26, Township 3 South, Range 1 East to the Northeast corner of Section 26, Township 3 South, Range 1 East.

Thence North along the West line of Section 38, Township 3 South, Range 1 East to the Northwest corner of Section 38, Township 3 South, Range 1 East; thence generally East along the North line of Section 38, Township 3 South, Range 1 East to the intersection of the West line of Section 42, Township 3 South, Range 2 East; thence East, then North along the section line of Section 42, Township 3 South, Range 2 East to the Northwest corner of Section 42, Township 3 South, Range 2 East; thence East along the North line of Section 42, Township 3 South, Range 2 East to the intersection of the North line of Parcel 05-29-09-42-0-000-002.036; thence generally South along the West lines of Parcels 05-29-09-42-0-000-002.036, 05-29-09-42-0-000-002.037, 05-29-09-42-0-000-002.038, 05-29-09-42-0-000-002.039 and 05-29-09-42-0-000-002.040 to the West line of Parcel 05-29-09-42-0-000-003.045; thence South along the West lines of Parcels 05-29-09-42-0-000-003.045, 05-29-09-42-0-000-003.044, 05-29-09-42-0-000-003.048, 05-29-09-42-0-000-003.049 and 05-29-09-42-0-000-003.046 to Northwest corner of Parcel 05-29-09-42-0-000-003.035.

Thence generally East along the North lines of Parcels 05-29-09-42-0-000-003.035, 05-29-09-42-0-000-003.036, 05-29-09-42-0-000-003.037, 05-29-09-42-0-000-003.038, 05-29-09-42-0-000-003.041 and 05-29-09-42-0-000-003.042 to the Northeast corner of Parcel 05-29-09-42-0-000-003.042; thence South along the East line of Parcel 05-29-09-42-0-000-003.042 to the Northwest corner of Parcel 05-29-09-42-0-000-003.052; thence East along the North line of Parcel 05-29-09-42-0-000-003.052 to the Northeast corner of Parcel 05-29-09-42-0-000-003.052; thence South along the East line of Parcel 05-29-09-42-0-000-003.052 to the Northwest corner of Parcel 05-29-09-42-0-000-008.001.

Thence East along the North lines of Parcels 05-29-09-42-0-000-008.001 and 05-29-09-42-0-000-008.000 to the Southeast corner of Parcel 05-29-09-42-0-000-003.051; thence North along the East line of Parcel 05-29-09-42-0-000-003.051 to the Northeast corner of Parcel 05-29-09-42-0-000-003.051; thence East along the North line of Parcel 05-29-09-42-0-000-008.000 to the Northeast corner of Parcel 05-29-09-42-0-000-008.000; thence South along the East line of Parcel 05-29-09-42-0-000-008.000 to the Southwest corner of Parcel 05-29-09-42-0-000-006.000; thence East along the South line of Parcel 05-29-09-42-0-000-006.000 to the West right of way of State Hwy 225; thence South along the West right of way of State Hwy 225 to the Southeast corner of Parcel 05-29-09-42-0-000-009.000.

Thence East to the Northwest corner of Parcel 05-29-09-42-0-000-029.000; thence East along the North line of Parcel 05-29-09-42-0-000-029.000 to the Northeast corner of Parcel 05-29-09-42-0-000-029.000; thence South along the East line of Parcel 05-29-09-42-0-000-029.000 to the Northwest corner of Parcel 05-29-10-29-0-000-017.005; thence East along the North line of Parcel 05-29-10-29-0-000-017.005 to the Northeast corner of Parcel 05-29-10-29-0-000-017.005; thence North along the East line of Parcel 05-29-10-29-0-000-016.000 to the Northwest corner of Parcel 05-29-08-28-0-000-002.000; thence East along the North lines of Parcels 05-29-08-28-0-000-002.000 and 05-29-08-28-0-000-001.011 to the Northeast corner of Parcel 05-29-08-28-0-000-001.011; thence South along the East line of Parcel 05-29-08-28-0-000-001.011 to North line of Section 46,

Township 3 South, Range 2 East; thence generally East along the North line of Section 46, Township 3 South, Range 2 East to the Northeast corner of Section 46, Township 3 South, Range 2 East; thence generally South along the East line of Section 46, Township 3 South, Range 2 East to the Northwest corner of Section 34, Township 3 South, Range 2 East; thence East along the North lines of Sections Section 34, Township 3 South, Range 2 East, Section 35, Township 3 South, Range 2 East and Section 36, Township 3 South, Range 2 East to the Northwest corner of Parcel 05-29-07-36-0-000-002.001; thence South along the West line of Parcel 05-29-07-36-0-000-002.001 to the Southwest corner of Parcel 05-29-07-36-0-000-002.001; thence East along the South lines of Parcels 05-29-07-36-0-000-002.001, 05-29-07-36-0-000-002.002, 05-29-07-36-0-000-002.000, and 05-29-07-36-0-000-001.000 to the Southeast corner of Parcel 05-29-07-36-0-000-001.000.

Thence South along the East lines of Section 36, Township 3 South, Range 2 East, Section 1, Township 4 South, Range 2 East and Section 12, Township 4 South, Range 2 East to the Southwest corner of the Northwest Quarter of Section 7, Township 4 South, Range 3 East. Thence East along the South line of the Northwest Quarter of Section 7, Township 4 South, Range 3 East to the Southeast Corner of the Northwest Quarter of Section 7, Township 4 South Range 3 East. Thence South along the West line of the Southeast Quarter of Section 7, Township 4 South, Range 3 East to the Southwest corner of the Southeast Quarter of Section 7, Township 4 South, Range 3 East; thence East along the South lines of Section 7, Township 4 South, Range 3 East and Section 8, Township 4 South, Range 3 East to the Southeast corner of Section 8, Township 4 South, Range 3 East.

Thence South along the East lines of Section 17, Township 4 South, Range 3 East, Section 20, Township 4 South, Range 3 East and Section 29, Township 4 South, Range 3 East to the Southeast corner of Section 29, Township 4 South, Range 3 East. Thence West along the South lines of Section 29, Township 4 South, Range 3 East and Section 30, Township 4 South, Range 3 East to the Southwest corner of Section 30, Township 4 South, Range 3 East. Thence South along the East line of Section 36, Township 4 South, Range 2 East to the North right of way of Interstate 10.

Thence generally West along the North right of way of Interstate 10, crossing the right of way of State Hwy 181, to the Southwest corner of Parcel 05-31-07-36-0-000-002.000. Thence generally North to the Southeast corner of Section 26, Township 4 South, Range 1 East; thence West along the South line of Section 26, Township 4 South, Range 1 East to the Southwest corner of Section 26, Township 4 South, Range 1 East. Thence South along the East line of Section 34, Township 4 South, Range 1 East to the Southeast corner of Section 34, Township 4 South, Range 1 East. Thence generally Northwest along the South line of Section 34, Township 4 South, Range 1 East, continuing generally Northwest along the South line of Section 28, Township 4 South, Range 1 East to the Southeast corner of Section 20, Township 4 South, Range 1 East; thence West along the South line of Section 20, Township 4 South, Range 1 East to the Southwest corner of Section 20, Township 4 South, Range 1 East; thence North along the West lines of Section 20, Township 4 South, Range 1 East and Section 17, Township 4 South, Range 1 East to the Northwest corner of Section 17, Township 4 South, Range 1 East; thence generally Northwest along the West line of Section 37, Township 4S, Range 1 East to the point of beginning.

All references herein to "Parcels" shall refer to the parcel identification number as assigned by the Baldwin County Revenue Commissioner on the 28th day of September, 2018.

Exhibit C
to
City Proceedings
Form of Petition

Petitioners must be registered voters in the District

PETITION FOR SPECIAL 3 MILL AD VALOREM SCHOOL DISTRICT TAX ELECTION

TO THE BALDWIN COUNTY COMMISSION, AS GOVERNING BODY OF BALDWIN COUNTY, ALABAMA:

The undersigned request your honorable body to call and order an election to be held pursuant to Amendment No. 382 to the Constitution of Alabama of 1901, as amended ("Amendment No. 382"), and Article 9 of Chapter 13 of Title 16 of the Code of Alabama 1975, in the Spanish Fort (Am. 382) School Tax District (the "District") in Baldwin County, Alabama, the boundaries of which are described on Exhibit A attached hereto and made apart hereof by this reference thereto, on September 17, 2019, to determine whether a special ad valorem school district tax shall be levied and collected annually in the District, pursuant to Amendment No. 382 and in addition to all ad valorem taxes now or hereafter levied in the District, for public school purposes in the District for public schools under the jurisdiction of the County Board of Education of Baldwin County, Alabama, for academic enhancement and life skills programs at the uniform rate of thirty cents (\$0.30) on each one hundred dollars of taxable property in the District for a period of 10 years beginning with the levy for the tax year October 1, 2019 to September 30, 2020 (the tax for which year becoming due and payable on October 1, 2020) and ending with the levy for the tax year October 1, 2028 to September 30, 2029 (the tax for which year becoming due and payable on October 1, 2029).

Each of the undersigned represents that he or she is a qualified elector of the District.

1. Signature: _____

Name: _____

Address: _____

Date of Birth: _____

3. Signature: _____

Name: _____

Address: _____

Date of Birth: _____

2. Signature: _____

Name: _____

Address: _____

Date of Birth: _____

4. Signature: _____

Name: _____

Address: _____

Date of Birth: _____

Exhibit A
to
Petition

Description of District

Spanish Fort Special Tax District

Special Tax District 7 shall consist of all parcels of real property located in Baldwin County, Alabama within the following described area:

Beginning at a point at Southwest corner of Section 42, Township 3 South, Range 1 East; thence East along the South line of Section 42, Township 3 South, Range 1 East to the Southeast corner of Section 42, Township 3 South, Range 1 East; thence Northeast along the East line of Section 42, Township 3 South, Range 1 East to the Northwest corner of Section 28, Township 3 South, Range 1 East.

Thence East along the North lines of Section 28, Township 3 South, Range 1 East and Section 27, Township 3 South, Range 1 East to the Northwest corner of Section 26, Township 3 South, Range 1 East; thence East along the North line of Section 26, Township 3 South, Range 1 East to the Northeast corner of Section 26, Township 3 South, Range 1 East.

Thence North along the West line of Section 38, Township 3 South, Range 1 East to the Northwest corner of Section 38, Township 3 South, Range 1 East; thence generally East along the North line of Section 38, Township 3 South, Range 1 East to the intersection of the West line of Section 42, Township 3 South, Range 2 East; thence East, then North along the section line of Section 42, Township 3 South, Range 2 East to the Northwest corner of Section 42, Township 3 South, Range 2 East; thence East along the North line of Section 42, Township 3 South, Range 2 East to the intersection of the North line of Parcel 05-29-09-42-0-000-002.036; thence generally South along the West lines of Parcels 05-29-09-42-0-000-002.036, 05-29-09-42-0-000-002.037, 05-29-09-42-0-000-002.038, 05-29-09-42-0-000-002.039 and 05-29-09-42-0-000-002.040 to the West line of Parcel 05-29-09-42-0-000-003.045; thence South along the West lines of Parcels 05-29-09-42-0-000-003.045, 05-29-09-42-0-000-003.044, 05-29-09-42-0-000-003.048, 05-29-09-42-0-000-003.049 and 05-29-09-42-0-000-003.046 to Northwest corner of Parcel 05-29-09-42-0-000-003.035.

Thence generally East along the North lines of Parcels 05-29-09-42-0-000-003.035, 05-29-09-42-0-000-003.036, 05-29-09-42-0-000-003.037, 05-29-09-42-0-000-003.038, 05-29-09-42-0-000-003.041 and 05-29-09-42-0-000-003.042 to the Northeast corner of Parcel 05-29-09-42-0-000-003.042; thence South along the East line of Parcel 05-29-09-42-0-000-003.042 to the Northwest corner of Parcel 05-29-09-42-0-000-003.052; thence East along the North line of Parcel 05-29-09-42-0-000-003.052 to the Northeast corner of Parcel 05-29-09-42-0-000-003.052; thence South along the East line of Parcel 05-29-09-42-0-000-003.052 to the Northwest corner of Parcel 05-29-09-42-0-000-008.001.

Thence East along the North lines of Parcels 05-29-09-42-0-000-008.001 and 05-29-09-42-0-000-008.000 to the Southeast corner of Parcel 05-29-09-42-0-000-003.051; thence North along the East line of Parcel 05-29-09-42-0-000-003.051 to the Northeast corner of Parcel 05-29-09-42-0-000-003.051; thence East along the North line of Parcel 05-29-09-42-0-000-008.000 to the Northeast corner of Parcel 05-29-09-42-0-000-008.000; thence South along the East line of Parcel 05-29-09-42-0-000-008.000 to the Southwest corner of Parcel 05-29-09-42-0-000-006.000; thence East along the South line of Parcel 05-29-09-42-0-000-006.000 to the West right of way of State Hwy 225; thence South along the West right of way of State Hwy 225 to the Southeast corner of Parcel 05-29-09-42-0-000-009.000.

Thence East to the Northwest corner of Parcel 05-29-09-42-0-000-029.000; thence East along the North line of Parcel 05-29-09-42-0-000-029.000 to the Northeast corner of Parcel 05-29-09-42-0-000-029.000; thence South along the East line of Parcel 05-29-09-42-0-000-029.000 to the Northwest corner of Parcel 05-29-10-29-0-000-017.005; thence East along the North line of Parcel 05-29-10-29-0-000-017.005 to the Northeast corner of Parcel 05-29-10-29-0-000-017.005; thence North along the East line of Parcel 05-29-10-29-0-000-016.000 to the Northwest corner of Parcel 05-29-08-28-0-000-002.000; thence East along the North lines of Parcels 05-29-08-28-0-000-002.000 and 05-29-08-28-0-000-001.011 to the Northeast corner of Parcel 05-29-08-28-0-000-001.011; thence South along the East line of Parcel 05-29-08-28-0-000-001.011 to North line of Section 46,

Township 3 South, Range 2 East; thence generally East along the North line of Section 46, Township 3 South, Range 2 East to the Northeast corner of Section 46, Township 3 South, Range 2 East; thence generally South along the East line of Section 46, Township 3 South, Range 2 East to the Northwest corner of Section 34, Township 3 South, Range 2 East; thence East along the North lines of Sections Section 34, Township 3 South, Range 2 East, Section 35, Township 3 South, Range 2 East and Section 36, Township 3 South, Range 2 East to the Northwest corner of Parcel 05-29-07-36-0-000-002.001; thence South along the West line of Parcel 05-29-07-36-0-000-002.001 to the Southwest corner of Parcel 05-29-07-36-0-000-002.001; thence East along the South lines of Parcels 05-29-07-36-0-000-002.001, 05-29-07-36-0-000-002.002, 05-29-07-36-0-000-002.000, and 05-29-07-36-0-000-001.000 to the Southeast corner of Parcel 05-29-07-36-0-000-001.000.

Thence South along the East lines of Section 36, Township 3 South, Range 2 East, Section 1, Township 4 South, Range 2 East and Section 12, Township 4 South, Range 2 East to the Southwest corner of the Northwest Quarter of Section 7, Township 4 South, Range 3 East. Thence East along the South line of the Northwest Quarter of Section 7, Township 4 South, Range 3 East to the Southeast Corner of the Northwest Quarter of Section 7, Township 4 South Range 3 East. Thence South along the West line of the Southeast Quarter of Section 7, Township 4 South, Range 3 East to the Southwest corner of the Southeast Quarter of Section 7, Township 4 South, Range 3 East; thence East along the South lines of Section 7, Township 4 South, Range 3 East and Section 8, Township 4 South, Range 3 East to the Southeast corner of Section 8, Township 4 South, Range 3 East.

Thence South along the East lines of Section 17, Township 4 South, Range 3 East, Section 20, Township 4 South, Range 3 East and Section 29, Township 4 South, Range 3 East to the Southeast corner of Section 29, Township 4 South, Range 3 East. Thence West along the South lines of Section 29, Township 4 South, Range 3 East and Section 30, Township 4 South, Range 3 East to the Southwest corner of Section 30, Township 4 South, Range 3 East. Thence South along the East line of Section 36, Township 4 South, Range 2 East to the North right of way of Interstate 10.

Thence generally West along the North right of way of Interstate 10, crossing the right of way of State Hwy 181, to the Southwest corner of Parcel 05-31-07-36-0-000-002.000. Thence generally North to the Southeast corner of Section 26, Township 4 South, Range 1 East; thence West along the South line of Section 26, Township 4 South, Range 1 East to the Southwest corner of Section 26, Township 4 South, Range 1 East. Thence South along the East line of Section 34, Township 4 South, Range 1 East to the Southeast corner of Section 34, Township 4 South, Range 1 East. Thence generally Northwest along the South line of Section 34, Township 4 South, Range 1 East, continuing generally Northwest along the South line of Section 28, Township 4 South, Range 1 East to the Southeast corner of Section 20, Township 4 South, Range 1 East; thence West along the South line of Section 20, Township 4 South, Range 1 East to the Southwest corner of Section 20, Township 4 South, Range 1 East; thence North along the West lines of Section 20, Township 4 South, Range 1 East and Section 17, Township 4 South, Range 1 East to the Northwest corner of Section 17, Township 4 South, Range 1 East; thence generally Northwest along the West line of Section 37, Township 4S, Range 1 East to the point of beginning.

All references herein to "Parcels" shall refer to the parcel identification number as assigned by the Baldwin County Revenue Commissioner on the 28th day of September, 2018.

Exhibit D
to
City Proceedings
Form of Agreement

LOCAL PUBLIC SCHOOL AGREEMENT

(Spanish Fort (Am. 382) School Tax District)

Effective Date: _____, 20__

This Agreement is made on the above date by:

Board: County Board of Education of Baldwin County, Alabama

City: City of Spanish Fort, Alabama

Recitals

In furtherance of the stated public purpose of the City to facilitate the provision of additional local ad valorem tax revenues for the within-referenced "District Public School Purposes," and pursuant to requests in writing by the City and the Board to the Baldwin County Commission, a petition of more than 200 qualified electors of the within-described "Spanish Fort (Am. 382) School Tax District" (the "District"), proceedings of the Baldwin County Commission, and an election duly held and conducted in the District on September 17, 2019, a special ad valorem school district tax (the "Special Tax") shall be levied and collected in the District for the District Public School Purposes for a period of 10 years, until and including levy for the tax year October 1, 2019 to September 30, 2029.

Pursuant to applicable law, the proceeds of the Special Tax are the property of the Board and must be applied and used for the exclusive benefit of the public schools in the District.

The District contains all, or a significant portion of, the area within the corporate limits of the City.

The City has agreed to represent the various communities of the District collectively for the purposes of this Agreement and with respect to the within-referenced District Public School Purposes.

The Board and the City have delivered this Agreement to provide for advice and recommendations to be directed to the Board by a public school commission appointed by the governing body of the City with respect to the application and use of the proceeds of the Special Tax for the District Public School Purposes within the District that are adapted and responsive to the particular interests and needs of the public school students, and the public schools, within the District.

Agreement

Now Therefore, in consideration of the premises and the mutual covenants and agreements herein, the Board and the City hereby covenant and agree as follows:

ARTICLE 1

Representations

Section 1.01 Recitals

The Board and the City agree the Recitals to this Agreement are true and correct.

Section 1.02 Representations of Board

The Board, having obtained and made any required approvals, consents and filings, having determined that this Agreement is not in conflict with or inconsistent with any law or policy of the State Board of Education or the purposes of the Board, and having duly authorized and executed this Agreement by all required action and proceedings, delivers this Agreement to the City on the above Effective Date pursuant to Sections 16-8-12.1 and 16-13-198 of the Code of Alabama 1975.

Section 1.03 Representations by the City

The City, having obtained and made any required approvals, consents, and filings, and having duly authorized and executed this Agreement by all required action and proceedings, delivers this Agreement to the Board on the above Effective Date pursuant to Section 16-13-309 of the Code of Alabama 1975.

ARTICLE 2

Definitions

The following terms shall have the respective meanings in this Agreement:

Commission shall have the meaning assigned in Section 3.03.

District means Spanish Fort (Am. 382) School Tax District, as more particularly described on Exhibit A hereto.

District Public School Facilities means and includes the following public school facilities under the jurisdiction of the Board:

(a) Spanish Fort Elementary, Rockwell Elementary, Spanish Fort Middle School, Spanish Fort High School and any other public school facilities in the Local Public School Area under the jurisdiction of the Board.

(b) all capital improvements made to, and all equipment, fixtures, furniture and furnishings, computer and electronic and telecommunication facilities, and other personal property installed in or used in connection with, any of the foregoing public school facilities of the Board within the District at any time provided by the Board from revenues of the Board;

(c) all facilities at any time provided by the Board from any revenues of the Board with respect to virtual school programs (pursuant to Chapter 46A of Title 16 of the Code of Alabama 1975), International Baccalaureate programs, magnet school programs, and other educational programs for the benefit of students who reside in the District; and

(d) all public school facilities (as defined in Section 16-13-301(4) of the Code of Alabama 1975) at any time provided by the Board from any revenues of the Board and located within the District.

District Public School Purposes means and includes educational, vocational, and technological programs of instruction, arts, and extracurricular activities and programs (excluding athletics), and all facilities and improvements necessary for any thereof, which are of particular interest to, or provide for particular needs of, the District Public School Facilities, and operation, maintenance and capital improvement of the District Public School Facilities.

Special Tax means the special ad valorem school district tax levied and collected in the District under Amendment No. 382 to the Constitution of Alabama of 1901, as amended, at the rate of 3 mills and for the Special Tax Period.

Special Tax Period means the period of levy of the Special Tax, being beginning with the levy for the tax year October 1, 2019 to September 30, 2020 and ending with the levy for the tax year October 1, 2028 to September 30, 2029.

Special Tax Proceeds means the net proceeds of the Special Tax actually received by the Board.

Superintendent means the County Superintendent of Education of Baldwin County, Alabama.

ARTICLE 3

Application of Special Tax Proceeds

Section 3.01 Control, Custody and Identification of Special Tax Proceeds

- (a) The Board shall receive and have sole custody of all of the Special Tax Proceeds.
- (b) The Board shall separately account for all Special Tax Proceeds, by segregation of such proceeds in a separate account or fund, separate accounting on the financial records of the Board, or by such other means as shall provide for identification of the amounts and uses of such proceeds.

Section 3.02 Exclusive Benefit of District Public School Facilities

The Special Tax Proceeds shall be used for the exclusive benefit of the District Public School Facilities.

Section 3.03 Public School Commission

- (a) The City Council shall establish a commission to be known as the “Spanish Fort Public School Commission,” for purposes of this Agreement.
- (b) The City Council may determine the number, qualifications, and terms of service of the members of the Commission, provided, however, for purposes of this Agreement:
 - (i) each member of the Commission must be a qualified elector of the District; and
 - (ii) the membership of the Commission shall fairly represent all communities within the District, including communities within both incorporated and unincorporated areas within the District, and economic, gender and racial diversity of the District; and
 - (iii) any member of the governing body of the City may be a member of the Commission.
- (c) The authority and purposes of the Commission are limited to advice and recommendations to the Board with respect to the use of the Special Tax Proceeds, as provided in Section 3.04.

Section 3.04 Cooperation by Commission and Board; Use of Special Tax Proceeds

- (a)
 - (i) The Commission may, in its discretion, provide advice and recommendations in writing to the Superintendent, in accordance with the policies and procedures of the Board therefor, with respect to the use of the Special Tax Proceeds for specific District Public School Purposes.
 - (ii) The Superintendent shall timely review all recommendations received from the Commission pursuant to this Agreement. The Commission shall provide any further information requested by the Superintendent with respect to any recommendation of the Commission. The Superintendent may approve or disapprove the use of Special Tax Proceeds for all or any part of any purpose recommended by the Commission.
 - (iii) The Superintendent shall timely deliver to the Board a recommendation with respect to the use of the Special Tax Proceeds for any purpose which shall have been recommended by the Commission and approved by the Superintendent.
 - (iv) The Superintendent may withhold from the Board any recommendation from the Commission with respect to the use of Special Tax Proceeds for any purpose which the Superintendent shall not have approved.
 - (v) The Superintendent shall not deliver to the Board any recommendation with respect to the use of any of the Special Tax Proceeds unless such recommendation is based upon a recommendation properly made by the Commission to the Superintendent pursuant to this Agreement.0

(b) The Board will consider and act upon any advice or recommendations provided by the Commission pursuant to subsection (a) within the period of time requested therefor by the Commission to the extent the Board may do so in accordance with applicable law.

(c) The Board will give priority to the use of the Special Tax Proceeds in accordance with the recommendations by the Superintendent; provided, however, any indebtedness to be incurred by the Board with respect to District Public School Purposes shall be payable solely from the Special Tax Proceeds and the principal of, and interest on, all existing and proposed indebtedness payable from the Special Tax Proceeds becoming due and payable in any fiscal year shall not exceed eighty percent (80%) of the Special Tax Proceeds for the fiscal year next preceding the date of incurrence of any such indebtedness.

(d) (i) The Board shall cause the Special Tax Proceeds to be applied for the District Public School Purposes which are recommended by the Superintendent and approved by the Board.

(ii) The Board shall hold, pursuant to Section 3.01(b) and for application as provided in Section 3.02, all Special Tax Proceeds which are not applied as provide in subsection (d)(i). No Special Tax Proceeds shall be used by the Board unless the expenditure has been approved by the Commission.

Section 3.05 Authority of Board

(a) As the control and supervision of the District Public School Facilities are vested in the Board, the Board shall, with respect to the use of the Special Tax Proceeds for District Public School Purposes, control and direct the engagement of instructors, teachers and other employees of the Board, the providers of professional services, the procurement of materials, and the delivery of contractual agreements.

(b) Anything in this Agreement to the contrary notwithstanding, the application and use of the Special Tax Proceeds shall be subject to final approval of the Board.

ARTICLE 4

Special Agreement of Board

The Board agrees the Board shall determine, and include in the annual budget for each fiscal year, the amount of local public school funds to be allocated for the benefit of the District Public School Facilities without regard to the amount of Special Tax Proceeds estimated to be received in such fiscal year and shall not adjust or reduce the amount of local public school funds of the Board which are to be used for the District Public School Facilities in any fiscal year by the amount of the Special Tax Proceeds received in such fiscal year.

ARTICLE 5

Termination of Agreement

The Board and the City agree that this Agreement shall terminate and be of no force and effect from and after the first to occur of (i) authorization, execution and delivery by the Board and the City of a termination in writing of this Agreement or (ii) the termination of the Special Tax Period, without action by or notice to the Board or the City or any other governmental or nongovernmental person.

ARTICLE 6

Provisions of General Application

The Board and the City agree:

- (a) **Governing Law:** This Agreement shall be governed by and construed in accordance with the laws of the State of Alabama without regard to principles of conflict of laws.
- (b) **Counterparts:** This Agreement may be executed in several counterparts each of which shall constitute one and the same agreement.
- (c) **Amendment:** This Agreement may be amended only in writing duly authorized, executed and delivered by each party to this Agreement.
- (d) **Notices:** Any notice given hereunder by any party shall be delivered simultaneously to all parties hereto at the respective addresses thereof set forth on the signature page hereof.
- (e) **No Joint Venture:** Each party hereto agrees that (1) this Agreement shall not operate or be construed to create a joint venture or partnership among the parties hereto and (2) it shall be solely responsible for the administration of its respective agreements and relationships with the other parties hereto.
- (f) **No Other Beneficiaries:** Each party hereto agrees that the Agreement is solely for the benefit of the parties hereto and the successors and assigns thereof and no other person shall have any benefit, interest or rights under or by virtue of this Agreement.

IN WITNESS WHEREOF, the Board and the City have each caused this Agreement to be executed in the name thereof, under seal, by an officer thereof duly authorized thereunto on the above Effective Date.

**COUNTY BOARD OF EDUCATION OF
BALDWIN COUNTY, ALABAMA**


By:

President

Address: 2600 North Hand Avenue
Bay Minette, AL 36507

**CITY OF CITY OF SPANISH FORT,
ALABAMA**

By:



Michael M. McMillan
Mayor

Address: 7361 Spanish Fort Blvd.
Spanish Fort, AL 36527

ATTEST:



Mary Lynn Williams
City Clerk

Exhibit A
to
Local Public School Agreement

Description of District

Spanish Fort Special Tax District

Special Tax District 7 shall consist of all parcels of real property located in Baldwin County, Alabama within the following described area:

Beginning at a point at Southwest corner of Section 42, Township 3 South, Range 1 East; thence East along the South line of Section 42, Township 3 South, Range 1 East to the Southeast corner of Section 42, Township 3 South, Range 1 East; thence Northeast along the East line of Section 42, Township 3 South, Range 1 East to the Northwest corner of Section 28, Township 3 South, Range 1 East.

Thence East along the North lines of Section 28, Township 3 South, Range 1 East and Section 27, Township 3 South, Range 1 East to the Northwest corner of Section 26, Township 3 South, Range 1 East; thence East along the North line of Section 26, Township 3 South, Range 1 East to the Northeast corner of Section 26, Township 3 South, Range 1 East.

Thence North along the West line of Section 38, Township 3 South, Range 1 East to the Northwest corner of Section 38, Township 3 South, Range 1 East; thence generally East along the North line of Section 38, Township 3 South, Range 1 East to the intersection of the West line of Section 42, Township 3 South, Range 2 East; thence East, then North along the section line of Section 42, Township 3 South, Range 2 East to the Northwest corner of Section 42, Township 3 South, Range 2 East; thence East along the North line of Section 42, Township 3 South, Range 2 East to the intersection of the North line of Parcel 05-29-09-42-0-000-002.036; thence generally South along the West lines of Parcels 05-29-09-42-0-000-002.036, 05-29-09-42-0-000-002.037, 05-29-09-42-0-000-002.038, 05-29-09-42-0-000-002.039 and 05-29-09-42-0-000-002.040 to the West line of Parcel 05-29-09-42-0-000-003.045; thence South along the West lines of Parcels 05-29-09-42-0-000-003.045, 05-29-09-42-0-000-003.044, 05-29-09-42-0-000-003.048, 05-29-09-42-0-000-003.049 and 05-29-09-42-0-000-003.046 to Northwest corner of Parcel 05-29-09-42-0-000-003.035.

Thence generally East along the North lines of Parcels 05-29-09-42-0-000-003.035, 05-29-09-42-0-000-003.036, 05-29-09-42-0-000-003.037, 05-29-09-42-0-000-003.038, 05-29-09-42-0-000-003.041 and 05-29-09-42-0-000-003.042 to the Northeast corner of Parcel 05-29-09-42-0-000-003.042; thence South along the East line of Parcel 05-29-09-42-0-000-003.042 to the Northwest corner of Parcel 05-29-09-42-0-000-003.052; thence East along the North line of Parcel 05-29-09-42-0-000-003.052 to the Northeast corner of Parcel 05-29-09-42-0-000-003.052; thence South along the East line of Parcel 05-29-09-42-0-000-003.052 to the Northwest corner of Parcel 05-29-09-42-0-000-008.001.

Thence East along the North lines of Parcels 05-29-09-42-0-000-008.001 and 05-29-09-42-0-000-008.000 to the Southeast corner of Parcel 05-29-09-42-0-000-003.051; thence North along the East line of Parcel 05-29-09-42-0-000-003.051 to the Northeast corner of Parcel 05-29-09-42-0-000-003.051; thence East along the North line of Parcel 05-29-09-42-0-000-008.000 to the Northeast corner of Parcel 05-29-09-42-0-000-008.000; thence South along the East line of Parcel 05-29-09-42-0-000-008.000 to the Southwest corner of Parcel 05-29-09-42-0-000-006.000; thence East along the South line of Parcel 05-29-09-42-0-000-006.000 to the West right of way of State Hwy 225; thence South along the West right of way of State Hwy 225 to the Southeast corner of Parcel 05-29-09-42-0-000-009.000.

Thence East to the Northwest corner of Parcel 05-29-09-42-0-000-029.000; thence East along the North line of Parcel 05-29-09-42-0-000-029.000 to the Northeast corner of Parcel 05-29-09-42-0-000-029.000; thence South along the East line of Parcel 05-29-09-42-0-000-029.000 to the Northwest corner of Parcel 05-29-10-29-0-000-017.005; thence East along the North line of Parcel 05-29-10-29-0-000-017.005 to the Northeast corner of Parcel 05-29-10-29-0-000-017.005; thence North along the East line of Parcel 05-29-10-29-0-000-016.000 to the Northwest corner of Parcel 05-29-08-28-0-000-002.000; thence East along the North lines of Parcels 05-29-08-28-0-000-002.000 and 05-29-08-28-0-000-001.011 to the Northeast corner of Parcel 05-29-08-28-0-000-001.011; thence South along the East line of Parcel 05-29-08-28-0-000-001.011 to North line of Section 46,

Township 3 South, Range 2 East; thence generally East along the North line of Section 46, Township 3 South, Range 2 East to the Northeast corner of Section 46, Township 3 South, Range 2 East; thence generally South along the East line of Section 46, Township 3 South, Range 2 East to the Northwest corner of Section 34, Township 3 South, Range 2 East; thence East along the North lines of Sections Section 34, Township 3 South, Range 2 East, Section 35, Township 3 South, Range 2 East and Section 36, Township 3 South, Range 2 East to the Northwest corner of Parcel 05-29-07-36-0-000-002.001; thence South along the West line of Parcel 05-29-07-36-0-000-002.001 to the Southwest corner of Parcel 05-29-07-36-0-000-002.001; thence East along the South lines of Parcels 05-29-07-36-0-000-002.001, 05-29-07-36-0-000-002.002, 05-29-07-36-0-000-002.000, and 05-29-07-36-0-000-001.000 to the Southeast corner of Parcel 05-29-07-36-0-000-001.000.

Thence South along the East lines of Section 36, Township 3 South, Range 2 East, Section 1, Township 4 South, Range 2 East and Section 12, Township 4 South, Range 2 East to the Southwest corner of the Northwest Quarter of Section 7, Township 4 South, Range 3 East. Thence East along the South line of the Northwest Quarter of Section 7, Township 4 South, Range 3 East to the Southeast Corner of the Northwest Quarter of Section 7, Township 4 South Range 3 East. Thence South along the West line of the Southeast Quarter of Section 7, Township 4 South, Range 3 East to the Southwest corner of the Southeast Quarter of Section 7, Township 4 South, Range 3 East; thence East along the South lines of Section 7, Township 4 South, Range 3 East and Section 8, Township 4 South, Range 3 East to the Southeast corner of Section 8, Township 4 South, Range 3 East.

Thence South along the East lines of Section 17, Township 4 South, Range 3 East, Section 20, Township 4 South, Range 3 East and Section 29, Township 4 South, Range 3 East to the Southeast corner of Section 29, Township 4 South, Range 3 East. Thence West along the South lines of Section 29, Township 4 South, Range 3 East and Section 30, Township 4 South, Range 3 East to the Southwest corner of Section 30, Township 4 South, Range 3 East. Thence South along the East line of Section 36, Township 4 South, Range 2 East to the North right of way of Interstate 10.

Thence generally West along the North right of way of Interstate 10, crossing the right of way of State Hwy 181, to the Southwest corner of Parcel 05-31-07-36-0-000-002.000. Thence generally North to the Southeast corner of Section 26, Township 4 South, Range 1 East; thence West along the South line of Section 26, Township 4 South, Range 1 East to the Southwest corner of Section 26, Township 4 South, Range 1 East. Thence South along the East line of Section 34, Township 4 South, Range 1 East to the Southeast corner of Section 34, Township 4 South, Range 1 East. Thence generally Northwest along the South line of Section 34, Township 4 South, Range 1 East, continuing generally Northwest along the South line of Section 28, Township 4 South, Range 1 East to the Southeast corner of Section 20, Township 4 South, Range 1 East; thence West along the South line of Section 20, Township 4 South, Range 1 East to the Southwest corner of Section 20, Township 4 South, Range 1 East; thence North along the West lines of Section 20, Township 4 South, Range 1 East and Section 17, Township 4 South, Range 1 East to the Northwest corner of Section 17, Township 4 South, Range 1 East; thence generally Northwest along the West line of Section 37, Township 4S, Range 1 East to the point of beginning.

All references herein to "Parcels" shall refer to the parcel identification number as assigned by the Baldwin County Revenue Commissioner on the 28th day of September, 2018.

EXCERPTS FROM THE MINUTES OF A REGULAR MEETING
OF THE CITY COUNCIL OF THE CITY OF SPANISH FORT, ALABAMA

In the Matter of
A Special 3 Mill Ad Valorem School District Tax
under
Amendment No. 382 to the Constitution of Alabama of 1901, as amended

The City Council of the City of Spanish Fort, Alabama, met in regular public session at the Community Center in the City of Spanish Fort, Alabama, at 6:00 p.m. on May 20, 2019.

The meeting was called to order by the Mayor, and the roll was called with the following results:

Present: William A. Menas, Sr., Robert Curtis Smith, Bobby J. Fortenberry, Clewis W. Smith, Jr., Mary W. Brabner and Michael M. McMillan

Absent: None

* * *

A quorum being present, the City Council proceeded with the business of the meeting.

* * *

Thereupon, the following Resolution was introduced in writing by the Mayor and considered by the City Council:

RESOLUTION NO. 1030-2019

A RESOLUTION TO AUTHORIZE THE FILING WITH THE COUNTY BOARD OF EDUCATION OF BALDWIN COUNTY, ALABAMA, OF A REQUEST FOR A SPECIAL 3 MILL AD VALOREM SCHOOL DISTRICT TAX ELECTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPANISH FORT, ALABAMA, as follows:

ARTICLE 1

Definitions and Representations

Section 1.01 Definition of Capitalized Terms

Agreement shall have the meaning assigned in Section 1.02(g)(iii).

Amendment No. 382 means Amendment No. 382 to the Constitution of Alabama of 1901, as amended.

Board means the County Board of Education of Baldwin County, Alabama.

City means the City of Spanish Fort, Alabama.

District Public School Facilities means and includes the following public school facilities under the jurisdiction of the Board:

(a) Spanish Fort Elementary, Rockwell Elementary, Spanish Fort Middle School, Spanish Fort High School and any other public school facilities in the Local Public School Area under the jurisdiction of the Board.

(b) all capital improvements made to, and all equipment, fixtures, furniture and furnishings, computer and electronic and telecommunication facilities, and other personal property installed in or used in connection with, any of the foregoing public school facilities of the Board within the District at any time provided by the Board from revenues of the Board;

(c) all facilities at any time provided by the Board from any revenues of the Board with respect to virtual school programs (pursuant to Chapter 46A of Title 16 of the Code of Alabama 1975), International Baccalaureate programs, magnet school programs, and other educational programs for the benefit of students who reside in the District; and

(d) all public school facilities (as defined in Section 16-13-301(4) of the Code of Alabama 1975) at any time provided by the Board from any revenues of the Board and located within the District.

District Public School Purposes shall have the meaning assigned in Section 1.02(c).

City Request shall have the meaning assigned in Section 1.02(g)(i).

Council means the governing body of the City.

Local Public School Area means the area within Baldwin County, Alabama, described on Exhibit A, which area includes the area within the corporate limits of the City.

Petition shall have the meaning assigned in Section 1.02(g)(ii).

Special District Tax means the special ad valorem school district tax that may be levied and collected under Amendment No. 382.

Special Tax Documents shall have the meaning assigned in Section 2.02(a).

Section 1.02 Findings and Representations

The Council, upon evidence duly presented to and considered by it, has found and determined, and does hereby find, determine and declare as follows:

(a) The Board owns and operates the District Public School Facilities within, or for the benefit of, the Local Public School Area.

(b) The District Public School Facilities provide educational, vocational, and technological instruction, arts, and extracurricular activities and programs, for all children under the jurisdiction of the Board who reside within the Local Public School Area.

(c) From time to time, representatives of the various communities within the Local Public School Area have presented to the Council plans, proposals and requests for certain educational, vocational, and technological programs of instruction and related facilities and improvements, which are of particular interest to, or provide for particular needs of, such communities for certain maintenance and capital improvements to the District Public School Facilities (the "District Public School Purposes").

(d) The City shall represent, collectively, the various communities in the Local Public School Area for the purposes of the Agreement and with respect to the District Public School Purposes.

(e) The City and the Board have agreed that, for the Board to provide effectively for the District Public School Purposes, the Board needs:

(i) additional revenues from the Local Public School Area; and

(ii) recommendations from representatives of the communities within the Local Public School Area with respect to the application of such additional revenues for the District Public School Purposes.

(f) Pursuant to Amendment No. 382, the Special District Tax may be levied and collected within the Local Public School Area and the proceeds thereof applied for the exclusive benefit of the District Public School Facilities.

(g) In furtherance thereof, the City has prepared, or is in the process of preparing, the following for submission to the Board pursuant to the policies and programs of the Board therefor and in form and of content satisfactory to the Board:

(i) a Request for 3 Mill Special Ad Valorem School District Tax Election, as attached hereto as Exhibit B (the "City Request"), that the Board establish the Local Public School Area as a school tax district under Amendment No. 382 and take all action required of the Board under the applicable laws of the State of Alabama to cause the Special District Tax to be levied and collected within the Local Public School Area for District Public School Purposes at the rate and for the time set forth in such City Request; and

(ii) a Petition for 3 Mill Ad Valorem School District Tax Election, as attached hereto as Exhibit C (the "Petition"), signed by more than 200 qualified electors of the Local Public School Area that the election with respect to the Special District Tax be held in the Local Public School Area on the date, at the rate, and for the time and purposes as requested in the City Request;

(iii) a Local Public School Agreement by the Board and the City, as attached hereto as Exhibit D (the "Agreement"), that the proceeds of the Special District Tax be applied and used exclusively for District Public School Purposes, in accordance with the procedure therefor in such Agreement.

(h) It is necessary, desirable, and in the best interests of the public education provided by the Board in the Local Public School Area, that:

(i) the District Public School Purposes be effected and that sufficient funding, direction and support be provided therefor;

(ii) the Board approve the Local Public School Area as a school tax district for purposes of Amendment No. 382 and fix the boundaries thereof as the boundaries of the Local Public School Tax Area;

(iii) the Special District Tax be levied and collected in the Local Public School Area, as stated in the City Request and as provided in Amendment No. 382, and the proceeds thereof be applied exclusively for the District Public School Purposes;

(iv) to provide for the foregoing, the City deliver to the Board the City Request, the Petition and the Agreement pursuant to the policies and programs of the Board therefor; and

(v) the City undertake primary responsibility for the active and public advocacy, encouragement and promotion of the vote in favor of the levy of the Special District Tax for the District Public School Purposes.

ARTICLE 2

Authorization of Documents and Actions

Section 2.01. General Agreements of City

The City agrees:

(a) to request the Board to take all required action to cause the Special District Tax to be levied as set forth in the City Request and the Petition for the District Public School Purposes;

(b) to represent the local communities of the Local Public School Area collectively for the purposes of the Agreement and with respect to the District Public School Purposes;

(c) to pay all costs of the election to be held in the Local Public School Area with respect to the Special District Tax;

(d) to undertake primary responsibility for the active and public advocacy, encouragement, and promotion of the vote in favor of the levy of the Special District Tax for the District Public School Purposes.

Section 2.02. Authorization of Documents and Delivery

(a) The City approves and authorizes the terms and provisions of, the representations of the City set forth in, the agreements to be undertaken by the City pursuant to, and the execution and delivery by the City of the following (collectively, the "Special Tax Documents"):

(i) the City Request;

(ii) the Agreement;

(iii) all agreements, certificates, documents, instruments, notices and proceedings with may be necessary, desirable or required by law to effect the purposes of the City Request, the Agreement and this Resolution.

(b) The City Request and the Agreement are approved in substantially the form and of substantially the content presented, with such addition thereto or deletions therefrom as the officer of the City executing the same shall approve and as shall not create, increase, or extend the amount or duration of, any obligation of the City therein, which approval shall be conclusively evidenced by execution thereof as provided herein.

(c) The Mayor of the City is authorized and directed to execute, deliver, and file or record (to the extent required therefor), and to effect the performance of, the Special Tax Documents for and on behalf of and in the name of the City. The City Clerk is authorized and directed to attest and seal the Special Tax Documents to the extent required thereby.

(d) The Mayor and City Clerk of the City are authorized and directed to deliver to the Board:

(i) Certified copies of this Resolution and the proceedings of the Council for adoption hereof;

- (ii) Executed counterparts of the City Request and the Agreement;
- (iii) The Petition.

Section 2.03 Authorization and Ratification of Actions

(a) The officers of the City, including without limitation the Mayor, the Treasurer, and the City Clerk, are authorized and directed to take any and all actions which are necessary, desirable, required by applicable law, or required by counsel to the Board or to the City, to effect the purposes of the Special Tax Documents and this Resolution.

(b) The Council, on behalf of the City, ratifies and confirms all prior action taken by or on behalf of the City by any officer of the City, and any of the Special Tax Documents heretofore executed by or on behalf of the City, with respect to the matters approved and authorized by this Resolution.

ARTICLE 3

Provisions of General Application

Section 3.01 Other Proceedings

(a) Any resolution, order, ordinance, or part thereof, in conflict or inconsistent with the provisions of this Resolution is hereby, to the extent of such conflict or inconsistency, repealed.

(b) The provisions of Section 3.01(a) shall not operate or be construed to revive any instrument, ordinance order or resolution, or part thereof, of the City.

Section 3.02. Effect of this Resolution

This Resolution shall take effect immediately.

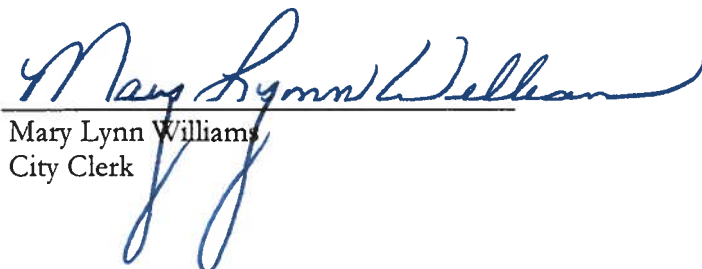
Duly passed and adopted this *20th* day of *May, 2019*.



Michael M. McMillan
Mayor of the City of Spanish Fort, Alabama

SEAL

Attest:



Mary Lynn Williams
City Clerk

Transmitted to and approved by the Mayor on this *3^d* day of *June, 2019*.



Mayor of the City of Spanish Fort, Alabama

**Exhibit A
to
City Proceedings**

Local Public School Area

Spanish Fort Special Tax District

Special Tax District 7 shall consist of all parcels of real property located in Baldwin County, Alabama within the following described area:

Beginning at a point at Southwest corner of Section 42, Township 3 South, Range 1 East; thence East along the South line of Section 42, Township 3 South, Range 1 East to the Southeast corner of Section 42, Township 3 South, Range 1 East; thence Northeast along the East line of Section 42, Township 3 South, Range 1 East to the Northwest corner of Section 28, Township 3 South, Range 1 East.

Thence East along the North lines of Section 28, Township 3 South, Range 1 East and Section 27, Township 3 South, Range 1 East to the Northwest corner of Section 26, Township 3 South, Range 1 East; thence East along the North line of Section 26, Township 3 South, Range 1 East to the Northeast corner of Section 26, Township 3 South, Range 1 East.

Thence North along the West line of Section 38, Township 3 South, Range 1 East to the Northwest corner of Section 38, Township 3 South, Range 1 East; thence generally East along the North line of Section 38, Township 3 South, Range 1 East to the intersection of the West line of Section 42, Township 3 South, Range 2 East; thence East, then North along the section line of Section 42, Township 3 South, Range 2 East to the Northwest corner of Section 42, Township 3 South, Range 2 East; thence East along the North line of Section 42, Township 3 South, Range 2 East to the intersection of the North line of Parcel 05-29-09-42-0-000-002.036; thence generally South along the West lines of Parcels 05-29-09-42-0-000-002.036, 05-29-09-42-0-000-002.037, 05-29-09-42-0-000-002.038, 05-29-09-42-0-000-002.039 and 05-29-09-42-0-000-002.040 to the West line of Parcel 05-29-09-42-0-000-003.045; thence South along the West lines of Parcels 05-29-09-42-0-000-003.045, 05-29-09-42-0-000-003.044, 05-29-09-42-0-000-003.048, 05-29-09-42-0-000-003.049 and 05-29-09-42-0-000-003.046 to Northwest corner of Parcel 05-29-09-42-0-000-003.035.

Thence generally East along the North lines of Parcels 05-29-09-42-0-000-003.035, 05-29-09-42-0-000-003.036, 05-29-09-42-0-000-003.037, 05-29-09-42-0-000-003.038, 05-29-09-42-0-000-003.041 and 05-29-09-42-0-000-003.042 to the Northeast corner of Parcel 05-29-09-42-0-000-003.042; thence South along the East line of Parcel 05-29-09-42-0-000-003.042 to the Northwest corner of Parcel 05-29-09-42-0-000-003.052; thence East along the North line of Parcel 05-29-09-42-0-000-003.052 to the Northeast corner of Parcel 05-29-09-42-0-000-003.052; thence South along the East line of Parcel 05-29-09-42-0-000-003.052 to the Northwest corner of Parcel 05-29-09-42-0-000-008.001.

Thence East along the North lines of Parcels 05-29-09-42-0-000-008.001 and 05-29-09-42-0-000-008.000 to the Southeast corner of Parcel 05-29-09-42-0-000-003.051; thence North along the East line of Parcel 05-29-09-42-0-000-003.051 to the Northeast corner of Parcel 05-29-09-42-0-000-003.051; thence East along the North line of Parcel 05-29-09-42-0-000-008.000 to the Northeast corner of Parcel 05-29-09-42-0-000-008.000; thence South along the East line of Parcel 05-29-09-42-0-000-008.000 to the Southwest corner of Parcel 05-29-09-42-0-000-006.000; thence East along the South line of Parcel 05-29-09-42-0-000-006.000 to the West right of way of State Hwy 225; thence South along the West right of way of State Hwy 225 to the Southeast corner of Parcel 05-29-09-42-0-000-009.000.

Thence East to the Northwest corner of Parcel 05-29-09-42-0-000-029.000; thence East along the North line of Parcel 05-29-09-42-0-000-029.000 to the Northeast corner of Parcel 05-29-09-42-0-000-029.000; thence South along the East line of Parcel 05-29-09-42-0-000-029.000 to the Northwest corner of Parcel 05-29-10-29-0-000-017.005; thence East along the North line of Parcel 05-29-10-29-0-000-017.005 to the Northeast corner of Parcel 05-29-10-29-0-000-017.005; thence North along the East line of Parcel 05-29-10-29-0-000-016.000 to the Northwest corner of Parcel 05-29-08-28-0-000-002.000; thence East along the North lines of Parcels 05-29-08-28-0-000-002.000 and 05-29-08-28-0-000-001.011 to the Northeast corner of Parcel 05-29-08-28-0-000-001.011; thence South along the East line of Parcel 05-29-08-28-0-000-001.011 to North line of Section 46, Township 3 South, Range 2 East; thence generally East along the North line of Section 46, Township 3 South, Range 2 East to the Northeast corner of Section 46, Township 3 South, Range 2 East; thence generally South along the East line of Section 46, Township 3 South, Range 2 East to the Northwest corner of Section 34, Township 3 South, Range 2 East; thence East along the North lines of Sections Section 34, Township 3 South, Range 2 East, Section 35, Township 3 South, Range 2 East and Section 36, Township 3 South, Range 2 East to the Northwest corner of Parcel 05-29-07-

36-0-000-002.001; thence South along the West line of Parcel 05-29-07-36-0-000-002.001 to the Southwest corner of Parcel 05-29-07-36-0-000-002.001; thence East along the South lines of Parcels 05-29-07-36-0-000-002.001, 05-29-07-36-0-000-002.002, 05-29-07-36-0-000-002.000, and 05-29-07-36-0-000-001.000 to the Southeast corner of Parcel 05-29-07-36-0-000-001.000.

Thence South along the East lines of Section 36, Township 3 South, Range 2 East, Section 1, Township 4 South, Range 2 East and Section 12, Township 4 South, Range 2 East to the Southwest corner of the Northwest Quarter of Section 7, Township 4 South, Range 3 East. Thence East along the South line of the Northwest Quarter of Section 7, Township 4 South, Range 3 East to the Southeast Corner of the Northwest Quarter of Section 7, Township 4 South Range 3 East. Thence South along the West line of the Southeast Quarter of Section 7, Township 4 South, Range 3 East to the Southwest corner of the Southeast Quarter of Section 7, Township 4 South, Range 3 East; thence East along the South lines of Section 7, Township 4 South, Range 3 East and Section 8, Township 4 South, Range 3 East to the Southeast corner of Section 8, Township 4 South, Range 3 East.

Thence South along the East lines of Section 17, Township 4 South, Range 3 East, Section 20, Township 4 South, Range 3 East and Section 29, Township 4 South, Range 3 East to the Southeast corner of Section 29, Township 4 South, Range 3 East. Thence West along the South lines of Section 29, Township 4 South, Range 3 East and Section 30, Township 4 South, Range 3 East to the Southwest corner of Section 30, Township 4 South, Range 3 East. Thence South along the East line of Section 36, Township 4 South, Range 2 East to the North right of way of Interstate 10.

Thence generally West along the North right of way of Interstate 10, crossing the right of way of State Hwy 181, to the Southwest corner of Parcel 05-31-07-36-0-000-002.000. Thence generally North to the Southeast corner of Section 26, Township 4 South, Range 1 East; thence West along the South line of Section 26, Township 4 South, Range 1 East to the Southwest corner of Section 26, Township 4 South, Range 1 East. Thence South along the East line of Section 34, Township 4 South, Range 1 East to the Southeast corner of Section 34, Township 4 South, Range 1 East. Thence generally Northwest along the South line of Section 34, Township 4 South, Range 1 East, continuing generally Northwest along the South line of Section 28, Township 4 South, Range 1 East to the Southeast corner of Section 20, Township 4 South, Range 1 East; thence West along the South line of Section 20, Township 4 South, Range 1 East to the Southwest corner of Section 20, Township 4 South, Range 1 East; thence North along the West lines of Section 20, Township 4 South, Range 1 East and Section 17, Township 4 South, Range 1 East to the Northwest corner of Section 17, Township 4 South, Range 1 East; thence generally Northwest along the West line of Section 37, Township 4S, Range 1 East to the point of beginning.

All references herein to "Parcels" shall refer to the parcel identification number as assigned by the Baldwin County Revenue Commissioner on the 28th day of September, 2018.

Exhibit B
to
City Proceedings
Form of City Request

**REQUEST FOR SPECIAL 3 MILL AD VALOREM SCHOOL DISTRICT TAX
ELECTION**

May 20, 2019

From: City of Spanish Fort, Alabama

To: County Board of Education of Baldwin County, Alabama

The undersigned City of Spanish Fort, Alabama, having determined pursuant to Resolution duly adopted thereby on May 20, 2019, to undertake primary responsibility for the active and public advocacy, encouragement and promotion of the vote in favor of the levy of the within-referenced special district school tax for the exclusive benefit of the local public schools in the Spanish Fort Special School Tax District in furtherance of the best interests of such schools, does hereby request your honorable body to:

- (1) approve, and fix the boundaries of, a special school tax district for the purposes of Amendment No. 382 to the Constitution of Alabama of 1901, as amended, consisting of the area of Baldwin County, Alabama, described on Exhibit A hereto (the "District"); and
- (2) deliver a request, in accordance with Article 9 of Chapter 13 of Title 16 of the Code of Alabama 1975 ("Article 9"), to the Baldwin County Commission, as governing body of Baldwin County, Alabama, to call and order an election to be held as provided in Article 9 to determine whether a special ad valorem district school tax shall be levied and collected annually in the District, at the rate, for the time, and for the purposes described as follows:

Rate of Tax: 3 Mills (\$0.30 on each one hundred dollars of taxable property);

Time of Tax 10 ad valorem tax years from the October 1 next after the election;


Purposes: public school purposes in the District for public schools under the jurisdiction of the County Board of Education of Baldwin County, Alabama, for academic enhancement and life skills programs; ¹¹¹ In accordance with state law, the Special Tax Proceeds may be used to pay for the cost of the special election. The Special Tax Proceeds shall not be used to secure any indebtedness or the issuance of bonds.

District: as described on Exhibit A hereto; and

- (3) take all action required of the Board under the applicable laws of the State of Alabama to cause the Special District Tax to be levied and collected within the Local Public School Area for District Public School Purposes at the rate and for the time set forth herein.


In Witness Whereof, the City of Spanish Fort, Alabama, has caused this instrument to be executed in its name, under seal, and attested, by officers thereof duly authorized thereunto on the date and year first above written.

CITY OF SPANISH FORT, ALABAMA

By: 

Michael M. McMillan
Mayor

SEAL

Attest: 

Mary Lynn Williams
City Clerk

Exhibit A
to
City Request for School District Tax Election

Description of District

Spanish Fort Special Tax District

Special Tax District 7 shall consist of all parcels of real property located in Baldwin County, Alabama within the following described area:

Beginning at a point at Southwest corner of Section 42, Township 3 South, Range 1 East; thence East along the South line of Section 42, Township 3 South, Range 1 East to the Southeast corner of Section 42, Township 3 South, Range 1 East; thence Northeast along the East line of Section 42, Township 3 South, Range 1 East to the Northwest corner of Section 28, Township 3 South, Range 1 East.

Thence East along the North lines of Section 28, Township 3 South, Range 1 East and Section 27, Township 3 South, Range 1 East to the Northwest corner of Section 26, Township 3 South, Range 1 East; thence East along the North line of Section 26, Township 3 South, Range 1 East to the Northeast corner of Section 26, Township 3 South, Range 1 East.

Thence North along the West line of Section 38, Township 3 South, Range 1 East to the Northwest corner of Section 38, Township 3 South, Range 1 East; thence generally East along the North line of Section 38, Township 3 South, Range 1 East to the intersection of the West line of Section 42, Township 3 South, Range 2 East; thence East, then North along the section line of Section 42, Township 3 South, Range 2 East to the Northwest corner of Section 42, Township 3 South, Range 2 East; thence East along the North line of Section 42, Township 3 South, Range 2 East to the intersection of the North line of Parcel 05-29-09-42-0-000-002.036; thence generally South along the West lines of Parcels 05-29-09-42-0-000-002.036, 05-29-09-42-0-000-002.037, 05-29-09-42-0-000-002.038, 05-29-09-42-0-000-002.039 and 05-29-09-42-0-000-002.040 to the West line of Parcel 05-29-09-42-0-000-003.045; thence South along the West lines of Parcels 05-29-09-42-0-000-003.045, 05-29-09-42-0-000-003.044, 05-29-09-42-0-000-003.048, 05-29-09-42-0-000-003.049 and 05-29-09-42-0-000-003.046 to Northwest corner of Parcel 05-29-09-42-0-000-003.035.

Thence generally East along the North lines of Parcels 05-29-09-42-0-000-003.035, 05-29-09-42-0-000-003.036, 05-29-09-42-0-000-003.037, 05-29-09-42-0-000-003.038, 05-29-09-42-0-000-003.041 and 05-29-09-42-0-000-003.042 to the Northeast corner of Parcel 05-29-09-42-0-000-003.042; thence South along the East line of Parcel 05-29-09-42-0-000-003.042 to the Northwest corner of Parcel 05-29-09-42-0-000-003.052; thence East along the North line of Parcel 05-29-09-42-0-000-003.052 to the Northeast corner of Parcel 05-29-09-42-0-000-003.052; thence South along the East line of Parcel 05-29-09-42-0-000-003.052 to the Northwest corner of Parcel 05-29-09-42-0-000-008.001.

Thence East along the North lines of Parcels 05-29-09-42-0-000-008.001 and 05-29-09-42-0-000-008.000 to the Southeast corner of Parcel 05-29-09-42-0-000-003.051; thence North along the East line of Parcel 05-29-09-42-0-000-003.051 to the Northeast corner of Parcel 05-29-09-42-0-000-003.051; thence East along the North line of Parcel 05-29-09-42-0-000-008.000 to the Northeast corner of Parcel 05-29-09-42-0-000-008.000; thence South along the East line of Parcel 05-29-09-42-0-000-008.000 to the Southwest corner of Parcel 05-29-09-42-0-000-006.000; thence East along the South line of Parcel 05-29-09-42-0-000-006.000 to the West right of way of State Hwy 225; thence South along the West right of way of State Hwy 225 to the Southeast corner of Parcel 05-29-09-42-0-000-009.000.

Thence East to the Northwest corner of Parcel 05-29-09-42-0-000-029.000; thence East along the North line of Parcel 05-29-09-42-0-000-029.000 to the Northeast corner of Parcel 05-29-09-42-0-000-029.000; thence South along the East line of Parcel 05-29-09-42-0-000-029.000 to the Northwest corner of Parcel 05-29-10-29-0-000-017.005; thence East along the North line of Parcel 05-29-10-29-0-000-017.005 to the Northeast corner of Parcel 05-29-10-29-0-000-017.005; thence North along the East line of Parcel 05-29-10-29-0-000-016.000 to the Northwest corner of Parcel 05-29-08-28-0-000-002.000; thence East along the North lines of Parcels 05-29-08-28-0-000-002.000 and 05-29-08-28-0-000-001.011 to the Northeast corner of Parcel 05-29-08-28-0-000-001.011; thence South along the East line of Parcel 05-29-08-28-0-000-001.011 to North line of Section 46,

Township 3 South, Range 2 East; thence generally East along the North line of Section 46, Township 3 South, Range 2 East to the Northeast corner of Section 46, Township 3 South, Range 2 East; thence generally South along the East line of Section 46, Township 3 South, Range 2 East to the Northwest corner of Section 34, Township 3 South, Range 2 East; thence East along the North lines of Sections Section 34, Township 3 South, Range 2 East, Section 35, Township 3 South, Range 2 East and Section 36, Township 3 South, Range 2 East to the Northwest corner of Parcel 05-29-07-36-0-000-002.001; thence South along the West line of Parcel 05-29-07-36-0-000-002.001 to the Southwest corner of Parcel 05-29-07-36-0-000-002.001; thence East along the South lines of Parcels 05-29-07-36-0-000-002.001, 05-29-07-36-0-000-002.002, 05-29-07-36-0-000-002.000, and 05-29-07-36-0-000-001.000 to the Southeast corner of Parcel 05-29-07-36-0-000-001.000.

Thence South along the East lines of Section 36, Township 3 South, Range 2 East, Section 1, Township 4 South, Range 2 East and Section 12, Township 4 South, Range 2 East to the Southwest corner of the Northwest Quarter of Section 7, Township 4 South, Range 3 East. Thence East along the South line of the Northwest Quarter of Section 7, Township 4 South, Range 3 East to the Southeast Corner of the Northwest Quarter of Section 7, Township 4 South Range 3 East. Thence South along the West line of the Southeast Quarter of Section 7, Township 4 South, Range 3 East to the Southwest corner of the Southeast Quarter of Section 7, Township 4 South, Range 3 East; thence East along the South lines of Section 7, Township 4 South, Range 3 East and Section 8, Township 4 South, Range 3 East to the Southeast corner of Section 8, Township 4 South, Range 3 East.

Thence South along the East lines of Section 17, Township 4 South, Range 3 East, Section 20, Township 4 South, Range 3 East and Section 29, Township 4 South, Range 3 East to the Southeast corner of Section 29, Township 4 South, Range 3 East. Thence West along the South lines of Section 29, Township 4 South, Range 3 East and Section 30, Township 4 South, Range 3 East to the Southwest corner of Section 30, Township 4 South, Range 3 East. Thence South along the East line of Section 36, Township 4 South, Range 2 East to the North right of way of Interstate 10.

Thence generally West along the North right of way of Interstate 10, crossing the right of way of State Hwy 181, to the Southwest corner of Parcel 05-31-07-36-0-000-002.000. Thence generally North to the Southeast corner of Section 26, Township 4 South, Range 1 East; thence West along the South line of Section 26, Township 4 South, Range 1 East to the Southwest corner of Section 26, Township 4 South, Range 1 East. Thence South along the East line of Section 34, Township 4 South, Range 1 East to the Southeast corner of Section 34, Township 4 South, Range 1 East. Thence generally Northwest along the South line of Section 34, Township 4 South, Range 1 East, continuing generally Northwest along the South line of Section 28, Township 4 South, Range 1 East to the Southeast corner of Section 20, Township 4 South, Range 1 East; thence West along the South line of Section 20, Township 4 South, Range 1 East to the Southwest corner of Section 20, Township 4 South, Range 1 East; thence North along the West lines of Section 20, Township 4 South, Range 1 East and Section 17, Township 4 South, Range 1 East to the Northwest corner of Section 17, Township 4 South, Range 1 East; thence generally Northwest along the West line of Section 37, Township 4S, Range 1 East to the point of beginning.

All references herein to "Parcels" shall refer to the parcel identification number as assigned by the Baldwin County Revenue Commissioner on the 28th day of September, 2018.

**Exhibit C
to
City Proceedings**

Form of Petition

Petitioners must be registered voters in the District

PETITION FOR SPECIAL 3 MILL AD VALOREM SCHOOL DISTRICT TAX ELECTION

TO THE BALDWIN COUNTY COMMISSION, AS GOVERNING BODY OF BALDWIN COUNTY, ALABAMA:

The undersigned request your honorable body to call and order an election to be held pursuant to Amendment No. 382 to the Constitution of Alabama of 1901, as amended ("Amendment No. 382"), and Article 9 of Chapter 13 of Title 16 of the Code of Alabama 1975, in the Spanish Fort (Am. 382) School Tax District (the "District") in Baldwin County, Alabama, the boundaries of which are described on Exhibit A attached hereto and made apart hereof by this reference thereto, on September 17, 2019, to determine whether a special ad valorem school district tax shall be levied and collected annually in the District, pursuant to Amendment No. 382 and in addition to all ad valorem taxes now or hereafter levied in the District, for public school purposes in the District for public schools under the jurisdiction of the County Board of Education of Baldwin County, Alabama, for academic enhancement and life skills programs at the uniform rate of thirty cents (\$0.30) on each one hundred dollars of taxable property in the District for a period of 10 years beginning with the levy for the tax year October 1, 2019 to September 30, 2020 (the tax for which year becoming due and payable on October 1, 2020) and ending with the levy for the tax year October 1, 2028 to September 30, 2029 (the tax for which year becoming due and payable on October 1, 2029).

Each of the undersigned represents that he or she is a qualified elector of the District.

1. Signature: _____

Name: _____

Address: _____

Date of Birth: _____

3. Signature: _____

Name: _____

Address: _____

Date of Birth: _____

2. Signature: _____

Name: _____

Address: _____

Date of Birth: _____

4. Signature: _____

Name: _____

Address: _____

Date of Birth: _____

Exhibit A
to
Petition

Description of District

Spanish Fort Special Tax District

Special Tax District 7 shall consist of all parcels of real property located in Baldwin County, Alabama within the following described area:

Beginning at a point at Southwest corner of Section 42, Township 3 South, Range 1 East; thence East along the South line of Section 42, Township 3 South, Range 1 East to the Southeast corner of Section 42, Township 3 South, Range 1 East; thence Northeast along the East line of Section 42, Township 3 South, Range 1 East to the Northwest corner of Section 28, Township 3 South, Range 1 East.

Thence East along the North lines of Section 28, Township 3 South, Range 1 East and Section 27, Township 3 South, Range 1 East to the Northwest corner of Section 26, Township 3 South, Range 1 East; thence East along the North line of Section 26, Township 3 South, Range 1 East to the Northeast corner of Section 26, Township 3 South, Range 1 East.

Thence North along the West line of Section 38, Township 3 South, Range 1 East to the Northwest corner of Section 38, Township 3 South, Range 1 East; thence generally East along the North line of Section 38, Township 3 South, Range 1 East to the intersection of the West line of Section 42, Township 3 South, Range 2 East; thence East, then North along the section line of Section 42, Township 3 South, Range 2 East to the Northwest corner of Section 42, Township 3 South, Range 2 East; thence East along the North line of Section 42, Township 3 South, Range 2 East to the intersection of the North line of Parcel 05-29-09-42-0-000-002.036; thence generally South along the West lines of Parcels 05-29-09-42-0-000-002.036, 05-29-09-42-0-000-002.037, 05-29-09-42-0-000-002.038, 05-29-09-42-0-000-002.039 and 05-29-09-42-0-000-002.040 to the West line of Parcel 05-29-09-42-0-000-003.045; thence South along the West lines of Parcels 05-29-09-42-0-000-003.045, 05-29-09-42-0-000-003.044, 05-29-09-42-0-000-003.048, 05-29-09-42-0-000-003.049 and 05-29-09-42-0-000-003.046 to Northwest corner of Parcel 05-29-09-42-0-000-003.035.

Thence generally East along the North lines of Parcels 05-29-09-42-0-000-003.035, 05-29-09-42-0-000-003.036, 05-29-09-42-0-000-003.037, 05-29-09-42-0-000-003.038, 05-29-09-42-0-000-003.041 and 05-29-09-42-0-000-003.042 to the Northeast corner of Parcel 05-29-09-42-0-000-003.042; thence South along the East line of Parcel 05-29-09-42-0-000-003.042 to the Northwest corner of Parcel 05-29-09-42-0-000-003.052; thence East along the North line of Parcel 05-29-09-42-0-000-003.052 to the Northeast corner of Parcel 05-29-09-42-0-000-003.052; thence South along the East line of Parcel 05-29-09-42-0-000-003.052 to the Northwest corner of Parcel 05-29-09-42-0-000-008.001.

Thence East along the North lines of Parcels 05-29-09-42-0-000-008.001 and 05-29-09-42-0-000-008.000 to the Southeast corner of Parcel 05-29-09-42-0-000-003.051; thence North along the East line of Parcel 05-29-09-42-0-000-003.051 to the Northeast corner of Parcel 05-29-09-42-0-000-003.051; thence East along the North line of Parcel 05-29-09-42-0-000-008.000 to the Northeast corner of Parcel 05-29-09-42-0-000-008.000; thence South along the East line of Parcel 05-29-09-42-0-000-008.000 to the Southwest corner of Parcel 05-29-09-42-0-000-006.000; thence East along the South line of Parcel 05-29-09-42-0-000-006.000 to the West right of way of State Hwy 225; thence South along the West right of way of State Hwy 225 to the Southeast corner of Parcel 05-29-09-42-0-000-009.000.

Thence East to the Northwest corner of Parcel 05-29-09-42-0-000-029.000; thence East along the North line of Parcel 05-29-09-42-0-000-029.000 to the Northeast corner of Parcel 05-29-09-42-0-000-029.000; thence South along the East line of Parcel 05-29-09-42-0-000-029.000 to the Northwest corner of Parcel 05-29-10-29-0-000-017.005; thence East along the North line of Parcel 05-29-10-29-0-000-017.005 to the Northeast corner of Parcel 05-29-10-29-0-000-017.005; thence North along the East line of Parcel 05-29-10-29-0-000-016.000 to the Northwest corner of Parcel 05-29-08-28-0-000-002.000; thence East along the North lines of Parcels 05-29-08-28-0-000-002.000 and 05-29-08-28-0-000-001.011 to the Northeast corner of Parcel 05-29-08-28-0-000-001.011; thence South along the East line of Parcel 05-29-08-28-0-000-001.011 to North line of Section 46,

Township 3 South, Range 2 East; thence generally East along the North line of Section 46, Township 3 South, Range 2 East to the Northeast corner of Section 46, Township 3 South, Range 2 East; thence generally South along the East line of Section 46, Township 3 South, Range 2 East to the Northwest corner of Section 34, Township 3 South, Range 2 East; thence East along the North lines of Sections Section 34, Township 3 South, Range 2 East, Section 35, Township 3 South, Range 2 East and Section 36, Township 3 South, Range 2 East to the Northwest corner of Parcel 05-29-07-36-0-000-002.001; thence South along the West line of Parcel 05-29-07-36-0-000-002.001 to the Southwest corner of Parcel 05-29-07-36-0-000-002.001; thence East along the South lines of Parcels 05-29-07-36-0-000-002.001, 05-29-07-36-0-000-002.002, 05-29-07-36-0-000-002.000, and 05-29-07-36-0-000-001.000 to the Southeast corner of Parcel 05-29-07-36-0-000-001.000.

Thence South along the East lines of Section 36, Township 3 South, Range 2 East, Section 1, Township 4 South, Range 2 East and Section 12, Township 4 South, Range 2 East to the Southwest corner of the Northwest Quarter of Section 7, Township 4 South, Range 3 East. Thence East along the South line of the Northwest Quarter of Section 7, Township 4 South, Range 3 East to the Southeast Corner of the Northwest Quarter of Section 7, Township 4 South Range 3 East. Thence South along the West line of the Southeast Quarter of Section 7, Township 4 South, Range 3 East to the Southwest corner of the Southeast Quarter of Section 7, Township 4 South, Range 3 East; thence East along the South lines of Section 7, Township 4 South, Range 3 East and Section 8, Township 4 South, Range 3 East to the Southeast corner of Section 8, Township 4 South, Range 3 East.

Thence South along the East lines of Section 17, Township 4 South, Range 3 East, Section 20, Township 4 South, Range 3 East and Section 29, Township 4 South, Range 3 East to the Southeast corner of Section 29, Township 4 South, Range 3 East. Thence West along the South lines of Section 29, Township 4 South, Range 3 East and Section 30, Township 4 South, Range 3 East to the Southwest corner of Section 30, Township 4 South, Range 3 East. Thence South along the East line of Section 36, Township 4 South, Range 2 East to the North right of way of Interstate 10.

Thence generally West along the North right of way of Interstate 10, crossing the right of way of State Hwy 181, to the Southwest corner of Parcel 05-31-07-36-0-000-002.000. Thence generally North to the Southeast corner of Section 26, Township 4 South, Range 1 East; thence West along the South line of Section 26, Township 4 South, Range 1 East to the Southwest corner of Section 26, Township 4 South, Range 1 East. Thence South along the East line of Section 34, Township 4 South, Range 1 East to the Southeast corner of Section 34, Township 4 South, Range 1 East. Thence generally Northwest along the South line of Section 34, Township 4 South, Range 1 East, continuing generally Northwest along the South line of Section 28, Township 4 South, Range 1 East to the Southeast corner of Section 20, Township 4 South, Range 1 East; thence West along the South line of Section 20, Township 4 South, Range 1 East to the Southwest corner of Section 20, Township 4 South, Range 1 East; thence North along the West lines of Section 20, Township 4 South, Range 1 East and Section 17, Township 4 South, Range 1 East to the Northwest corner of Section 17, Township 4 South, Range 1 East; thence generally Northwest along the West line of Section 37, Township 4S, Range 1 East to the point of beginning.

All references herein to "Parcels" shall refer to the parcel identification number as assigned by the Baldwin County Revenue Commissioner on the 28th day of September, 2018.

Exhibit D
to
City Proceedings
Form of Agreement

LOCAL PUBLIC SCHOOL AGREEMENT

(Spanish Fort (Am. 382) School Tax District)

Effective Date: _____, 20__

This Agreement is made on the above date by:

Board: County Board of Education of Baldwin County, Alabama

City: City of Spanish Fort, Alabama

Recitals

In furtherance of the stated public purpose of the City to facilitate the provision of additional local ad valorem tax revenues for the within-referenced "District Public School Purposes," and pursuant to requests in writing by the City and the Board to the Baldwin County Commission, a petition of more than 200 qualified electors of the within-described "Spanish Fort (Am. 382) School Tax District" (the "District"), proceedings of the Baldwin County Commission, and an election duly held and conducted in the District on September 17, 2019, a special ad valorem school district tax (the "Special Tax") shall be levied and collected in the District for the District Public School Purposes for a period of 10 years, until and including levy for the tax year October 1, 2019 to September 30, 2029.

Pursuant to applicable law, the proceeds of the Special Tax are the property of the Board and must be applied and used for the exclusive benefit of the public schools in the District.

The District contains all, or a significant portion of, the area within the corporate limits of the City.

The City has agreed to represent the various communities of the District collectively for the purposes of this Agreement and with respect to the within-referenced District Public School Purposes.

The Board and the City have delivered this Agreement to provide for advice and recommendations to be directed to the Board by a public school commission appointed by the governing body of the City with respect to the application and use of the proceeds of the Special Tax for the District Public School Purposes within the District that are adapted and responsive to the particular interests and needs of the public school students, and the public schools, within the District.

Agreement

Now Therefore, in consideration of the premises and the mutual covenants and agreements herein, the Board and the City hereby covenant and agree as follows:

ARTICLE 1

Representations

Section 1.01 Recitals

The Board and the City agree the Recitals to this Agreement are true and correct.

Section 1.02 Representations of Board

The Board, having obtained and made any required approvals, consents and filings, having determined that this Agreement is not in conflict with or inconsistent with any law or policy of the State Board of Education or the purposes of the Board, and having duly authorized and executed this Agreement by all required action and proceedings, delivers this Agreement to the City on the above Effective Date pursuant to Sections 16-8-12.1 and 16-13-198 of the Code of Alabama 1975.

Section 1.03 Representations by the City

The City, having obtained and made any required approvals, consents, and filings, and having duly authorized and executed this Agreement by all required action and proceedings, delivers this Agreement to the Board on the above Effective Date pursuant to Section 16-13-309 of the Code of Alabama 1975.

ARTICLE 2

Definitions

The following terms shall have the respective meanings in this Agreement:

Commission shall have the meaning assigned in Section 3.03.

District means Spanish Fort (Am. 382) School Tax District, as more particularly described on Exhibit A hereto.

District Public School Facilities means and includes the following public school facilities under the jurisdiction of the Board:

(a) Spanish Fort Elementary, Rockwell Elementary, Spanish Fort Middle School, Spanish Fort High School and any other public school facilities in the Local Public School Area under the jurisdiction of the Board.

(b) all capital improvements made to, and all equipment, fixtures, furniture and furnishings, computer and electronic and telecommunication facilities, and other personal property installed in or used in connection with, any of the foregoing public school facilities of the Board within the District at any time provided by the Board from revenues of the Board;

(c) all facilities at any time provided by the Board from any revenues of the Board with respect to virtual school programs (pursuant to Chapter 46A of Title 16 of the Code of Alabama 1975), International Baccalaureate programs, magnet school programs, and other educational programs for the benefit of students who reside in the District; and

(d) all public school facilities (as defined in Section 16-13-301(4) of the Code of Alabama 1975) at any time provided by the Board from any revenues of the Board and located within the District.

District Public School Purposes means and includes educational, vocational, and technological programs of instruction, arts, and extracurricular activities and programs (excluding athletics), and all facilities and improvements necessary for any thereof, which are of particular interest to, or provide for particular needs of, the District Public School Facilities, and operation, maintenance and capital improvement of the District Public School Facilities.

Special Tax means the special ad valorem school district tax levied and collected in the District under Amendment No. 382 to the Constitution of Alabama of 1901, as amended, at the rate of 3 mills and for the Special Tax Period.

Special Tax Period means the period of levy of the Special Tax, being beginning with the levy for the tax year October 1, 2019 to September 30, 2020 and ending with the levy for the tax year October 1, 2028 to September 30, 2029.

Special Tax Proceeds means the net proceeds of the Special Tax actually received by the Board.

Superintendent means the County Superintendent of Education of Baldwin County, Alabama.

ARTICLE 3

Application of Special Tax Proceeds

Section 3.01 Control, Custody and Identification of Special Tax Proceeds

- (a) The Board shall receive and have sole custody of all of the Special Tax Proceeds.
- (b) The Board shall separately account for all Special Tax Proceeds, by segregation of such proceeds in a separate account or fund, separate accounting on the financial records of the Board, or by such other means as shall provide for identification of the amounts and uses of such proceeds.

Section 3.02 Exclusive Benefit of District Public School Facilities

The Special Tax Proceeds shall be used for the exclusive benefit of the District Public School Facilities.

Section 3.03 Public School Commission

(a) The City Council shall establish a commission to be known as the “Spanish Fort Public School Commission,” for purposes of this Agreement.

(b) The City Council may determine the number, qualifications, and terms of service of the members of the Commission, provided, however, for purposes of this Agreement:

- (i) each member of the Commission must be a qualified elector of the District; and
- (ii) the membership of the Commission shall fairly represent all communities within the District, including communities within both incorporated and unincorporated areas within the District, and economic, gender and racial diversity of the District; and
- (iii) any member of the governing body of the City may be a member of the Commission.

(c) The authority and purposes of the Commission are limited to advice and recommendations to the Board with respect to the use of the Special Tax Proceeds, as provided in Section 3.04.

Section 3.04 Cooperation by Commission and Board; Use of Special Tax Proceeds

(a) (i) The Commission may, in its discretion, provide advice and recommendations in writing to the Superintendent, in accordance with the policies and procedures of the Board therefor, with respect to the use of the Special Tax Proceeds for specific District Public School Purposes.

(ii) The Superintendent shall timely review all recommendations received from the Commission pursuant to this Agreement. The Commission shall provide any further information requested by the Superintendent with respect to any recommendation of the Commission. The Superintendent may approve or disapprove the use of Special Tax Proceeds for all or any part of any purpose recommended by the Commission.

(iii) The Superintendent shall timely deliver to the Board a recommendation with respect to the use of the Special Tax Proceeds for any purpose which shall have been recommended by the Commission and approved by the Superintendent.

(iv) The Superintendent may withhold from the Board any recommendation from the Commission with respect to the use of Special Tax Proceeds for any purpose which the Superintendent shall not have approved.

(v) The Superintendent shall not deliver to the Board any recommendation with respect to the use of any of the Special Tax Proceeds unless such recommendation is based upon a recommendation properly made by the Commission to the Superintendent pursuant to this Agreement.

(b) The Board will consider and act upon any advice or recommendations provided by the Commission pursuant to subsection (a) within the period of time requested therefor by the Commission to the extent the Board may do so in accordance with applicable law.

(c) The Board will give priority to the use of the Special Tax Proceeds in accordance with the recommendations by the Superintendent; provided, however, any indebtedness to be incurred by the Board with respect to District Public School Purposes shall be payable solely from the Special Tax Proceeds and the principal of, and interest on, all existing and proposed indebtedness payable from the Special Tax Proceeds becoming due and payable in any fiscal year shall not exceed eighty percent (80%) of the Special Tax Proceeds for the fiscal year next preceding the date of incurrence of any such indebtedness.

(d) (i) The Board shall cause the Special Tax Proceeds to be applied for the District Public School Purposes which are recommended by the Superintendent and approved by the Board.

(ii) The Board shall hold, pursuant to Section 3.01(b) and for application as provided in Section 3.02, all Special Tax Proceeds which are not applied as provide in subsection (d)(i). No Special Tax Proceeds shall be used by the Board unless the expenditure has been approved by the Commission.

Section 3.05 Authority of Board

(a) As the control and supervision of the District Public School Facilities are vested in the Board, the Board shall, with respect to the use of the Special Tax Proceeds for District Public School Purposes, control and direct the engagement of instructors, teachers and other employees of the Board, the providers of professional services, the procurement of materials, and the delivery of contractual agreements.

(b) Anything in this Agreement to the contrary notwithstanding, the application and use of the Special Tax Proceeds shall be subject to final approval of the Board.

ARTICLE 4

Special Agreement of Board

The Board agrees the Board shall determine, and include in the annual budget for each fiscal year, the amount of local public school funds to be allocated for the benefit of the District Public School Facilities without regard to the amount of Special Tax Proceeds estimated to be received in such fiscal year and shall not adjust or reduce the amount of local public school funds of the Board which are to be used for the District Public School Facilities in any fiscal year by the amount of the Special Tax Proceeds received in such fiscal year.

ARTICLE 5

Termination of Agreement

The Board and the City agree that this Agreement shall terminate and be of no force and effect from and after the first to occur of (i) authorization, execution and delivery by the Board and the City of a termination in writing of this Agreement or (ii) the termination of the Special Tax Period, without action by or notice to the Board or the City or any other governmental or nongovernmental person.

ARTICLE 6

Provisions of General Application

The Board and the City agree:

- (a) **Governing Law:** This Agreement shall be governed by and construed in accordance with the laws of the State of Alabama without regard to principles of conflict of laws.
- (b) **Counterparts:** This Agreement may be executed in several counterparts each of which shall constitute one and the same agreement.
- (c) **Amendment:** This Agreement may be amended only in writing duly authorized, executed and delivered by each party to this Agreement.
- (d) **Notices:** Any notice given hereunder by any party shall be delivered simultaneously to all parties hereto at the respective addresses thereof set forth on the signature page hereof.
- (e) **No Joint Venture:** Each party hereto agrees that (1) this Agreement shall not operate or be construed to create a joint venture or partnership among the parties hereto and (2) it shall be solely responsible for the administration of its respective agreements and relationships with the other parties hereto.
- (f) **No Other Beneficiaries:** Each party hereto agrees that the Agreement is solely for the benefit of the parties hereto and the successors and assigns thereof and no other person shall have any benefit, interest or rights under or by virtue of this Agreement.

IN WITNESS WHEREOF, the Board and the City have each caused this Agreement to be executed in the name thereof, under seal, by an officer thereof duly authorized thereunto on the above Effective Date.

**COUNTY BOARD OF EDUCATION OF
BALDWIN COUNTY, ALABAMA**


By:

President

Address: 2600 North Hand Avenue
Bay Minette, AL 36507

**CITY OF CITY OF SPANISH FORT,
ALABAMA**

By:



Michael M. McMillan
Mayor

Address: 7361 Spanish Fort Blvd.
Spanish Fort, AL 36527

ATTEST:



Mary Lynn Williams
City Clerk

Exhibit A
to
Local Public School Agreement

Description of District

Spanish Fort Special Tax District

Special Tax District 7 shall consist of all parcels of real property located in Baldwin County, Alabama within the following described area:

Beginning at a point at Southwest corner of Section 42, Township 3 South, Range 1 East; thence East along the South line of Section 42, Township 3 South, Range 1 East to the Southeast corner of Section 42, Township 3 South, Range 1 East; thence Northeast along the East line of Section 42, Township 3 South, Range 1 East to the Northwest corner of Section 28, Township 3 South, Range 1 East.

Thence East along the North lines of Section 28, Township 3 South, Range 1 East and Section 27, Township 3 South, Range 1 East to the Northwest corner of Section 26, Township 3 South, Range 1 East; thence East along the North line of Section 26, Township 3 South, Range 1 East to the Northeast corner of Section 26, Township 3 South, Range 1 East.

Thence North along the West line of Section 38, Township 3 South, Range 1 East to the Northwest corner of Section 38, Township 3 South, Range 1 East; thence generally East along the North line of Section 38, Township 3 South, Range 1 East to the intersection of the West line of Section 42, Township 3 South, Range 2 East; thence East, then North along the section line of Section 42, Township 3 South, Range 2 East to the Northwest corner of Section 42, Township 3 South, Range 2 East; thence East along the North line of Section 42, Township 3 South, Range 2 East to the intersection of the North line of Parcel 05-29-09-42-0-000-002.036; thence generally South along the West lines of Parcels 05-29-09-42-0-000-002.036, 05-29-09-42-0-000-002.037, 05-29-09-42-0-000-002.038, 05-29-09-42-0-000-002.039 and 05-29-09-42-0-000-002.040 to the West line of Parcel 05-29-09-42-0-000-003.045; thence South along the West lines of Parcels 05-29-09-42-0-000-003.045, 05-29-09-42-0-000-003.044, 05-29-09-42-0-000-003.048, 05-29-09-42-0-000-003.049 and 05-29-09-42-0-000-003.046 to Northwest corner of Parcel 05-29-09-42-0-000-003.035.

Thence generally East along the North lines of Parcels 05-29-09-42-0-000-003.035, 05-29-09-42-0-000-003.036, 05-29-09-42-0-000-003.037, 05-29-09-42-0-000-003.038, 05-29-09-42-0-000-003.041 and 05-29-09-42-0-000-003.042 to the Northeast corner of Parcel 05-29-09-42-0-000-003.042; thence South along the East line of Parcel 05-29-09-42-0-000-003.042 to the Northwest corner of Parcel 05-29-09-42-0-000-003.052; thence East along the North line of Parcel 05-29-09-42-0-000-003.052 to the Northeast corner of Parcel 05-29-09-42-0-000-003.052; thence South along the East line of Parcel 05-29-09-42-0-000-003.052 to the Northwest corner of Parcel 05-29-09-42-0-000-008.001.

Thence East along the North lines of Parcels 05-29-09-42-0-000-008.001 and 05-29-09-42-0-000-008.000 to the Southeast corner of Parcel 05-29-09-42-0-000-003.051; thence North along the East line of Parcel 05-29-09-42-0-000-003.051 to the Northeast corner of Parcel 05-29-09-42-0-000-003.051; thence East along the North line of Parcel 05-29-09-42-0-000-008.000 to the Northeast corner of Parcel 05-29-09-42-0-000-008.000; thence South along the East line of Parcel 05-29-09-42-0-000-008.000 to the Southwest corner of Parcel 05-29-09-42-0-000-006.000; thence East along the South line of Parcel 05-29-09-42-0-000-006.000 to the West right of way of State Hwy 225; thence South along the West right of way of State Hwy 225 to the Southeast corner of Parcel 05-29-09-42-0-000-009.000.

Thence East to the Northwest corner of Parcel 05-29-09-42-0-000-029.000; thence East along the North line of Parcel 05-29-09-42-0-000-029.000 to the Northeast corner of Parcel 05-29-09-42-0-000-029.000; thence South along the East line of Parcel 05-29-09-42-0-000-029.000 to the Northwest corner of Parcel 05-29-10-29-0-000-017.005; thence East along the North line of Parcel 05-29-10-29-0-000-017.005 to the Northeast corner of Parcel 05-29-10-29-0-000-017.005; thence North along the East line of Parcel 05-29-10-29-0-000-016.000 to the Northwest corner of Parcel 05-29-08-28-0-000-002.000; thence East along the North lines of Parcels 05-29-08-28-0-000-002.000 and 05-29-08-28-0-000-001.011 to the Northeast corner of Parcel 05-29-08-28-0-000-001.011; thence South along the East line of Parcel 05-29-08-28-0-000-001.011 to North line of Section 46,

Township 3 South, Range 2 East; thence generally East along the North line of Section 46, Township 3 South, Range 2 East to the Northeast corner of Section 46, Township 3 South, Range 2 East; thence generally South along the East line of Section 46, Township 3 South, Range 2 East to the Northwest corner of Section 34, Township 3 South, Range 2 East; thence East along the North lines of Sections Section 34, Township 3 South, Range 2 East, Section 35, Township 3 South, Range 2 East and Section 36, Township 3 South, Range 2 East to the Northwest corner of Parcel 05-29-07-36-0-000-002.001; thence South along the West line of Parcel 05-29-07-36-0-000-002.001 to the Southwest corner of Parcel 05-29-07-36-0-000-002.001; thence East along the South lines of Parcels 05-29-07-36-0-000-002.001, 05-29-07-36-0-000-002.002, 05-29-07-36-0-000-002.000, and 05-29-07-36-0-000-001.000 to the Southeast corner of Parcel 05-29-07-36-0-000-001.000.

Thence South along the East lines of Section 36, Township 3 South, Range 2 East, Section 1, Township 4 South, Range 2 East and Section 12, Township 4 South, Range 2 East to the Southwest corner of the Northwest Quarter of Section 7, Township 4 South, Range 3 East. Thence East along the South line of the Northwest Quarter of Section 7, Township 4 South, Range 3 East to the Southeast Corner of the Northwest Quarter of Section 7, Township 4 South Range 3 East. Thence South along the West line of the Southeast Quarter of Section 7, Township 4 South, Range 3 East to the Southwest corner of the Southeast Quarter of Section 7, Township 4 South, Range 3 East; thence East along the South lines of Section 7, Township 4 South, Range 3 East and Section 8, Township 4 South, Range 3 East to the Southeast corner of Section 8, Township 4 South, Range 3 East.

Thence South along the East lines of Section 17, Township 4 South, Range 3 East, Section 20, Township 4 South, Range 3 East and Section 29, Township 4 South, Range 3 East to the Southeast corner of Section 29, Township 4 South, Range 3 East. Thence West along the South lines of Section 29, Township 4 South, Range 3 East and Section 30, Township 4 South, Range 3 East to the Southwest corner of Section 30, Township 4 South, Range 3 East. Thence South along the East line of Section 36, Township 4 South, Range 2 East to the North right of way of Interstate 10.

Thence generally West along the North right of way of Interstate 10, crossing the right of way of State Hwy 181, to the Southwest corner of Parcel 05-31-07-36-0-000-002.000. Thence generally North to the Southeast corner of Section 26, Township 4 South, Range 1 East; thence West along the South line of Section 26, Township 4 South, Range 1 East to the Southwest corner of Section 26, Township 4 South, Range 1 East. Thence South along the East line of Section 34, Township 4 South, Range 1 East to the Southeast corner of Section 34, Township 4 South, Range 1 East. Thence generally Northwest along the South line of Section 34, Township 4 South, Range 1 East, continuing generally Northwest along the South line of Section 28, Township 4 South, Range 1 East to the Southeast corner of Section 20, Township 4 South, Range 1 East; thence West along the South line of Section 20, Township 4 South, Range 1 East to the Southwest corner of Section 20, Township 4 South, Range 1 East; thence North along the West lines of Section 20, Township 4 South, Range 1 East and Section 17, Township 4 South, Range 1 East to the Northwest corner of Section 17, Township 4 South, Range 1 East; thence generally Northwest along the West line of Section 37, Township 4S, Range 1 East to the point of beginning.

All references herein to "Parcels" shall refer to the parcel identification number as assigned by the Baldwin County Revenue Commissioner on the 28th day of September, 2018.

Mayor McMillan introduced Resolution No. 1030-2019, authorizing the filing with the County Board of Education of Baldwin County, Alabama, a request for a Special 3 Mill Ad Valorem School District Tax election. Mr. Conner explained the proposed Resolution. Discussion followed.

Motion was made by Councilmember Brabner and seconded by Councilmember Curt Smith to suspend the rules for immediate consideration of Resolution No. 1030-2019. Mayor McMillan called for the polling of votes. Voting "aye" were Councilmembers Curt Smith, Menas, Fortenberry, J. R. Smith, Brabner and Mayor McMillan. Voting "nay" were none. The motion carried.

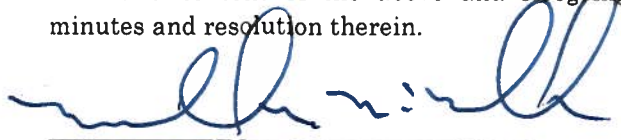
Motion was made by Councilmember J. R. Smith and seconded by Councilmember Brabner to adopt Resolution No. 1030-2019. Mayor McMillan called for the polling of votes. Voting "aye" were Councilmembers Menas, Fortenberry, J. R. Smith, Brabner and Mayor McMillan. Voting "nay" were none. Recusing was Councilmember Curt Smith.

* * *

There being no further business to come before the meeting, it was moved and seconded that the meeting be adjourned. Motion carried.

Approval of Minutes:

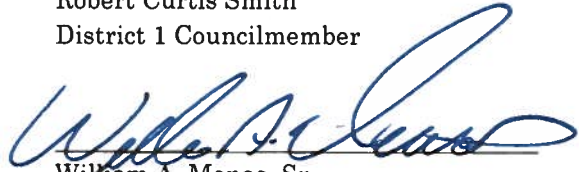
Each of the undersigned does hereby approve, and waive notice of, the date, time, place and purpose of the meeting of the Spanish Fort City Council recorded in the above and foregoing minutes thereof and does hereby approve the form and content of the above and foregoing minutes and resolution therein.



Michael M. McMillan
Mayor



Robert Curtis Smith
District 1 Councilmember



William A. Menas, Sr.
District 2 Councilmember



Bobby J. Fortenberry
District 3 Councilmember



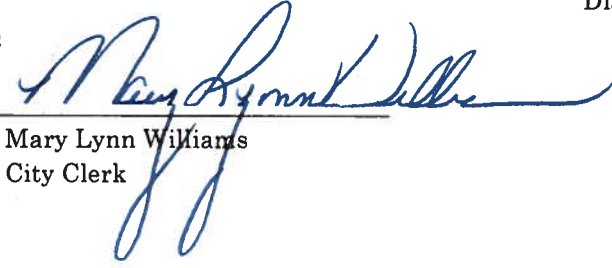
Clewis W. Smith, Jr.
District 4 Councilmember



Mary W. Brabner
District 5 Councilmember

SEAL

Attest:



Mary Lynn Williams
City Clerk


STATE OF ALABAMA
BALDWIN COUNTY

CERTIFICATE OF CITY CLERK

June 3, 2019

I, the undersigned, do hereby certify that: (1) I am the duly appointed, qualified and acting Clerk of the City of Spanish Fort, Alabama (the "City"), (2) as City Clerk of the City I have access to all original records of the City, and I am duly authorized to make certified copies of its records on its behalf, (3) the above and foregoing pages constitute a complete, verbatim and compared copy of excerpts from the minutes of a regular meeting of the City Council of the City duly held on May 20, 2019, the original of which is on file and of record in the minute book of the City Council in my custody, (4) the Resolution set forth in such excerpts is a complete, verbatim and compared copy of such Resolution as introduced and adopted by the City Council on such date, and (5) said Resolution is in full force and effect and has not been repealed, amended or changed.

IN WITNESS WHEREOF, I have hereunto set my hand as Clerk of the City of Spanish Fort, Alabama, under seal, on the above date and year.



Mary Lynn Williams
Clerk of the City of Spanish Fort, Alabama

SEAL