

RESOLUTION NO. 1121-2020

A RESOLUTION OPPOSING THE CLOSING OF THE SPANISH FORT POST OFFICE, THE DISCONTINUANCE OF POSTAL SERVICES AND THE REMOVAL OF POST OFFICE BOXES AND REQUESTING THE UNITED STATES POSTMASTER GENERAL, THE POSTAL REGULATORY COMMISSION, ELECTED OFFICIALS AND ALL APPROPRIATE AUTHORITIES TO REVIEW THE ACTIONS TAKEN BY THE UNITED STATES POSTAL SERVICE

WHEREAS, the provision of mail delivery and related postal services has been deemed an essential function of the United States government since the beginning of this great country; and

WHEREAS, the people and businesses in this country rely on the United States Postal Service (“USPS”) for the provision of these essential services, and the services provided by the USPS are vital to the City of Spanish Fort and the surrounding community; and

WHEREAS, the Spanish Fort Post Office has been serving the Spanish Fort community for approximately fifty years, and there have been continual requests to enlarge and/or build a new post office in Spanish Fort to provide needed services to the community; and

WHEREAS, the City of Spanish Fort is one of the fastest growing communities in Baldwin County and now has a population of approximately 9,214 residents residing in the corporate limits of the City, which is a growth in population of approximately 19.3% in the last five years, and there are thousands of people residing just outside the corporate limits in the surrounding Spanish Fort community; and

WHEREAS, while Baldwin County (approximately the size of the state of Rhode Island) is one of the largest counties in the United States east of the Mississippi river in land mass, with a population of approximately 223,234 residents, Baldwin County still has many rural areas, and the Spanish Fort Post Office provides service to the surrounding rural areas as well; and

WHEREAS, the need and demand for postal service in the City of Spanish Fort has grown and will continue to grow based on planned and future development of the City, including economic development projects and large residential developments which have been approved and are under construction which will result in thousands of new residents in a very short time; and

WHEREAS, essential services offered by the United States Government by and through the United States Postal Service are necessary for the orderly development, operation and business of any community and its residents; and

WHEREAS, the USPS began the process of soliciting bids for a Contract Postal Unit to be located in the City of Spanish Fort; and

WHEREAS, while it is our understanding that United States Senator Richard Shelby and United States Representative Bradley Byrne of Alabama were informed that the post office boxes located within the existing Spanish Fort Post Office would remain in the City of Spanish Fort, however, pursuant to the new solicitation of bids, it now appears that Senator Shelby and Representative Byrne were misled by the USPS, as the solicitation for bids did not include a provision that the post office boxes remain in the City of Spanish Fort; and

WHEREAS, the City is aware that bids were submitted in response to the solicitation for bids that included the condition that the post office boxes remain in the City of Spanish Fort, the USPS has rejected the bids submitted; and

WHEREAS, in spite of the fact that the elected officials at the federal and local level were informed that a Contract Postal Unit with post office boxes would remain in Spanish Fort, that appears to be contrary to the actions taken by the USPS; and

WHEREAS, it has come to the attention of the City of Spanish Fort that the USPS now plans on closing the Spanish Fort Post Office on January 15, 2021, based on a notice that was issued by the United States Postal Service on December 10, 2020, and the USPS plans to move the Spanish Fort post office boxes to the City of Daphne Post Office; and

WHEREAS, it is our belief that the USPS did not comply with letter and/or the intent of the Code of Federal Regulations entitled Post Office Organization and Administration: Establishment, Classification, and Discontinuance, 39 C.F.R. Part 241, which outlines the procedures for the closing of a post office which include, but are not limited to, the following: (1) initiating a closure, (2) public notice

of a proposal, (3) public comment period, (4) internal review, (5) final determination notice, and (6) an appeals process; and

WHEREAS, the USPS has taken the position that a Community Post Office (CPO) and Contract Postal Unit (CPU) are not post offices subject to the provisions of 39 C.F.R. Part 241, and therefore, it is the USPS's position that the closure or discontinuance of a CPO or CPU are not subject to review by the United States Postal Regulatory Commission which is charged with regulatory oversight of the USPS; and

WHEREAS, we believe that the USPS position is incorrect and deprives the public of any meaningful opportunity to participate in the decision-making process to close a post office, and virtually allows the USPS to close a post office in a growing community without any oversight by any regulatory body; and

WHEREAS, the impact to a growing community based on the closing of its only post office which has been in operation for approximately fifty years is the same whether or not that post office is a main post office, CPO or CPU and should be subject to regulation and review; and

WHEREAS, the City Council hereby expresses its opposition to the closing of the Spanish Fort Post Office without any meaningful public input and the consideration of all appropriate factors required by applicable laws, rules and regulations; and

WHEREAS, the closing of the Spanish Fort Post Office will have a detrimental effect on the City of Spanish Fort and the surrounding community, the City Council desires to take the following action.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPANISH FORT, ALABAMA, AS FOLLOWS:

SECTION 1. The City Council hereby opposes the closing of the Spanish Fort Post Office, as its services are vital to our growing community.

SECTION 2. The City Council hereby authorizes the Mayor, the City Attorney and staff to take any and all action deemed necessary related to the proposed closing of the United States Post Office and the removal of the post office boxes from the City.

SECTION 3. The City Council hereby requests the USPS to follow all applicable laws, rules and regulations related to the closing of a United States Post Office, including, but not limited to, those provisions set forth in Post Office Organization and Administration: Establishment, Classification, and Discontinuance, 39 C.F.R. Part 241, in order to allow sufficient analysis, public comment and a review of all applicable factors in making this decision.

SECTION 4. The City Council hereby requests that the United States Postal Regulatory Commission ("PRC") review all actions taken by the USPS related to the closing of the Spanish Fort Post Office and, at a minimum, order that the USPS be required to comply with all requirements set forth in 39 C.F.R. Part 241 and all applicable laws, rules and regulations related to the closing of a post office.

SECTION 5. The City Council hereby requests that the Postal Regulatory Commission reconsider its previous determination that Community Post Offices and Contract Postal Units are not post offices subject to the closure or discontinuance procedures set forth in 39 C.F.R. Part 241.

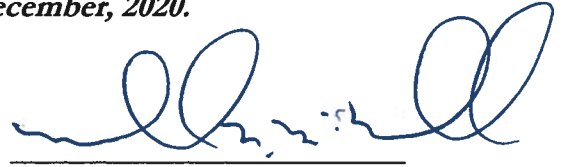
SECTION 6. The City Council hereby requests that the Postal Regulatory Commission determine that, under the circumstances, the City of Spanish Fort is a sole source provider and to reconsider the definition of post office and the exceptions which allow the USPS to close post offices in communities around the country without due consideration of the interest of the public served by the post offices.

SECTION 7. In light of the effects of the COVID 19 pandemic and social distancing requirements that must be maintained inside public facilities, if the Spanish Fort Post Office is closed, there would be increased demand for services at other postal locations. Therefore, the City Council hereby requests that the USPS and the Postal Regulatory Commission consider postponing the closing of the post office at this time.

SECTION 8. The City Council hereby requests that the USPS and the Postal Regulatory Commission take any and all actions deemed necessary to stop the closure of the Spanish Fort Post Office to allow time for the proper review, analysis and public input that such a decision demands.

SECTION 9. This Resolution shall become effective upon its adoption.

ADOPTED and APPROVED this *11th day of December, 2020.*



Michael M. McMillan
Mayor

ATTEST:



Rebecca A. Gaines
City Clerk