

**RESOLUTION 2023-03**

**AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH THE BALDWIN COUNTY COMMISSION FOR BALDWIN COUNTY TO ENFORCE, WITHIN THE CORPORATE LIMITS OF THE TOWN OF MAGNOLIA SPRINGS, ALABAMA, THE BUILDING CODES OF BALDWIN COUNTY, ALABAMA, AND THE FLOOD DAMAGE PREVENTION ORDINANCE 2010-08 OF THE TOWN OF MAGNOLIA SPRINGS, ALABAMA.**

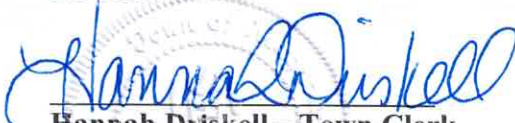
WHEREAS, the Town Council believes it would be in the Town's best interest to authorize the Baldwin County Commission to enforce, within the corporate limits of the Town of Magnolia Springs, the building codes of Baldwin County and the Flood Damage Prevention Ordinance 2010-08 of the Town of Magnolia Springs. The Town also authorizes payment to Baldwin County of any associated fees related to enforcement, within the corporate limits of the Town of Magnolia Springs, of the Building Codes of Baldwin County and the Flood Damage Prevention Ordinance of the Town of Magnolia Springs. This authorization is consistent with Title 34-14A- 12 of the Code of Alabama 1975.

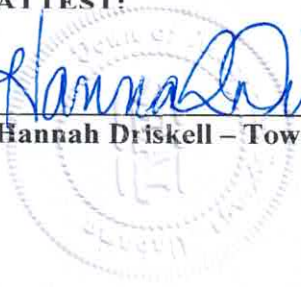
NOW THEREFORE, BE IT RESOLVED, by the Council of the Town of Magnolia Springs, Alabama, that Mayor Kim Koniar is hereby authorized to enter into an agreement with the Baldwin County Commission, for the purpose of authorizing Baldwin County to enforce, within the corporate limits of the Town of Magnolia Springs, Alabama, the Building Codes of Baldwin County and the Flood Damage Prevention Ordinance Number 2010-08 of the Town of Magnolia Springs. Said agreement shall last until such time as the Town of Magnolia Springs, Alabama, takes action to rescind such authority.

Adopted, this the 28<sup>th</sup> day of February 2023.

  
Kim Koniar – Mayor

ATTEST:

  
Hannah Driskell – Town Clerk





## COUNTY COMMISSION

BALDWIN COUNTY  
312 Courthouse Square, Suite 12  
BAY MINETTE, ALABAMA 36507  
(251) 937-0264  
Fax (251) 580-2500  
www.baldwincountyal.gov

MEMBERS  
DISTRICT 1. JAMES E. BALL  
2. MATTHEW P. MCKENZIE  
3. BILLIE JO UNDERWOOD  
4. CHARLES F. GRUBER

February 24, 2023

The Honorable Kim Koniar, Mayor  
Town of Magnolia Springs  
Post Office Box 890  
Magnolia Springs, Alabama 36555

**RE: Town of Magnolia Springs - Agreement for Enforcement of Building Laws and Codes**

Dear Mayor Koniar:

The Baldwin County Commission, during its regularly scheduled meeting held on February 24, 2023, took the following actions:

- 1) With respect to Section 34-14A-12 of the Code of Alabama 1975, approve the Baldwin County Building Inspection Department to enforce the building codes adopted by the Baldwin County Commission and any amendments thereto within the corporate limits of the Town of Magnolia Springs, Alabama, with the understanding that all fees collected under this approval and by the Baldwin County Building Inspection Department shall be retained by the Baldwin County Commission; and
- 2) Authorize me, as Chairman, to execute the *Building Laws and Codes Agreement* between the Baldwin County Commission (Building Inspection Department) and the Town of Magnolia Springs, Alabama, to accomplish the aforementioned.

The term of this *Agreement* shall be for thirty-six (36) months beginning on the date of full execution, and either party shall be entitled to terminate the *Agreement* by passing a resolution expressing said party's desire to terminate and providing written notice of the same to the other party.

**Enclosed** is a **fully executed copy** of the *Agreement* for your files.

If you have any questions or need further assistance, please do not hesitate to contact me at or Eddie Harper, Building Official, at (251) 937-0264.

Sincerely,

CHARLES F. GRUBER, Chairman  
Baldwin County Commission

CG/clc Item CF3

cc: Eddie Harper  
Mindy Smith

ENCLOSURE(S)

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

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

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

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

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





TOWN OF MAGNOLIA SPRINGS

Kim Koniar  
Kim Koniar, Mayor

2/9/23  
Date

ATTEST:

Hannah Driskell

Hannah Driskell, Town Clerk



This instrument prepared by:  
Mindy Smith, Permit Administrator  
Building Department  
Baldwin County Commission  
201 East Section Avenue  
Foley, Alabama 36535



## COUNTY COMMISSION

BALDWIN COUNTY  
312 Courthouse Square, Suite 12  
BAY MINETTE, ALABAMA 36507  
(251) 937-0264  
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MEMBERS  
DISTRICT 1. JAMES E. BALL  
2. MATTHEW P. McKENZIE  
3. BILLIE JO UNDERWOOD  
4. CHARLES F. GRUBER

February 24, 2023

The Honorable Kim Koniar, Mayor  
Town of Magnolia Springs  
Post Office Box 890  
Magnolia Springs, Alabama 36555

**RE: Town of Magnolia Springs - Agreement for Enforcement of Flood Damage Prevention Ordinance**

Dear Mayor Koniar:

The Baldwin County Commission, during its regularly scheduled meeting held on February 24, 2023, took the following actions:

- 1) With respect to Section 34-14A-12 of the Code of Alabama 1975, approve the Baldwin County Building Inspection Department to enforce the Town of Magnolia Springs Flood Damage Prevention Ordinance No. 2019-01 and any amendments thereto within the corporate limits of the Town of Magnolia Springs, Alabama, with the understanding that all fees collected under this approval and by the Baldwin County Building Inspection Department shall be retained by the Baldwin County Commission; and
- 2) Authorize me, as Chairman, to execute the *Flood Damage Prevention Ordinance Agreement* between the Baldwin County Commission (Building Inspection Department) and the Town of Magnolia Springs, Alabama, to accomplish the aforementioned.

The term of this *Agreement* shall be for thirty-six (36) months beginning on the date of full execution, and either party shall be entitled to terminate the *Agreement* by passing a resolution expressing said party's desire to terminate and providing written notice of the same to the other party.

**Enclosed** is a **fully executed copy** of the *Agreement* for your files.

If you have any questions or need further assistance, please do not hesitate to contact me at or Eddie Harper, Building Official, at (251) 937-0264.

Sincerely,

CHARLES F. GRUBER, Chairman  
Baldwin County Commission

CG/clc Item CF4

cc: Eddie Harper  
Mindy Smith

ENCLOSURE(S)



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

WHEREAS, the BALDWIN COUNTY COMMISSION, hereinafter referred to as “the COMMISSION”, and the TOWN OF MAGNOLIA SPRINGS, ALABAMA, hereinafter referred to as “the MUNICIPALITY”, desire to enter into an agreement concerning the enforcement of the MUNICIPALITY’S Flood Damage Prevention Ordinance, Ordinance No. 2019-01, within the corporate limits of the of the MUNICIPALITY consistent with Section 34-14A-12 of the Code of Alabama (1975); and

WHEREAS, the MUNICIPALITY has requested that the COMMISSION enforce the MUNICIPALITY’S Flood Damage Prevention Ordinance, Ordinance No.2019-01, and any amendments thereto, within the corporate limits of the MUNICIPALITY and hereby assents to said enforcement.

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

1. The COMMISSION shall enforce the MUNICIPALITY’S Flood Damage Prevention Ordinance, Ordinance No. 2019-01, and any amendments thereto, within the corporate limits of the MUNICIPALITY.
2. All fees generated from said administration and enforcement of the MUNICIPALITY’S Flood Damage Prevention Ordinance, Ordinance No. 2019-01, and any amendments thereto, shall be the property of and retained by the COMMISSION.
3. The MUNICIPALITY shall be responsible for the issuance and approval of Land Use Certificates on any construction within the corporate limits of the MUNICIPALITY.





TOWN OF MAGNOLIA SPRINGS

Kim Koniar  
Kim Koniar, Mayor

2/9/23  
Date

ATTEST:

Hannah Driskell  
Hannah Driskell, Town Clerk

This instrument prepared by:  
Mindy Smith, Permit Administrator  
Building Department  
Baldwin County Commission  
201 East Section Avenue  
Foley, Alabama 36535