

STATE OF ALABAMA

COUNTY OF LEE

F I L I N G

Alabama  
Sec. Of State

New Entity  
001-007-709 DNP  
Date 3/09/2022  
Time 17:00  
220310 38 Pg  
Lee County  
File \$00.00  
Total \$00.00  
01/001

**CERTIFICATE OF INCORPORATION OF the**  
**SMITHS STATION FIRE PROTECTION DISTRICT**

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned Felton Adkinson, Earline Morris, Joseph Walden, Daniel Sexton, Dwight Christopher, Clinton Knox, Billy Jones, and Ronald Cecil Martin, in order to form a Fire Protection District under and pursuant to the provisions of Code of Alabama, 1975, Section 11-89-1, et. seq. for the purposes hereinafter set forth, do hereby make, and file this Certificate of Incorporation.

**ITEM ONE**

The name of this Fire Protection District is the  
**SMITHS STATION FIRE PROTECTION DISTRICT**

**ITEM TWO**

The duration of the Smiths Station Fire Protection District shall be perpetual.

**ITEM THREE**

The principal office of the Smiths Station Fire Protection District is 50 Lee Road 430, Smiths Station, AL 36877

#### **ITEM FOUR**

The Purpose of the Smiths Station Fire Protection District shall be to provide fire protection and fire-based EMS services to the residents of the area served by the fire protection district.

#### **ITEM FIVE**

The authorizing subdivision(s) for the Smiths Station Fire Protection District is the County Commission of Lee County, Alabama, and the City Council of the City of Smiths Station, Alabama.

#### **ITEM SIX**

The application filed with the governing body of each of the authorizing subdivision(s) in accordance with Code of Alabama 1975, Section 11-89-3 was identical, and a copy is attached hereto.

#### **ITEM SEVEN**

The names of the persons forming the Corporation are:  
Felton Adkinson, Earline Morris, Joseph Walden, Daniel Sexton, Dwight Christopher, Clinton Knox, Billy Jones, and Ronald Cecil Martin. (hereinafter the "Incorporators")

Each of the foregoing names persons hereby state and certify they are over the age of 21 and a duly qualified elector of Lee County, Alabama.

#### **ITEM EIGHT**

The governing body of Lee County, Alabama has reviewed the contents of the Application filed by the named incorporators and has found and determined as a matter of fact that it is wise, expedient, and necessary that the proposed fire protection district be formed. As such the Lee County Commission adopted a resolution on February 28, 2022, authorizing the herein named Incorporators to proceed to form the Smiths Station Fire Protection District by the filing for record of a certificate of incorporation in accordance with the provisions of Code of Alabama, 1975, Section 11-89-4.

#### **ITEM NINE**

The governing body of the City of Smiths Station, Alabama has reviewed the contents of the Application filed by the named incorporators and has found and determined as a matter of fact that it is wise, expedient, and necessary that the proposed fire protection district be formed. As such the Smiths Station City Council adopted a resolution on February 22, 2022, authorizing the herein named Incorporators to proceed to form the Smiths Station Fire Protection District by the filing for record of a certificate of incorporation in accordance with the provisions of Code of Alabama, 1975, Section 11-89-4.

#### ITEM TEN

The Fire Protection District created hereby shall have and exercise all the power and authority granted for such pursuant to Code of Alabama, 1975, Section 11-89-1, et. seq. and such additional power and authority as is now or may hereafter be provided by law.

#### ITEM ELEVEN

The Fire Protection District created hereby shall be governed by a Board of Directors. All powers of the said Fire Protection District shall be exercised by the Board or pursuant to its authorization.

The Board shall consist of five directors. Board members shall be appointed by the governing bodies of the Lee County Commission and Smiths Station City Council as follows:

Place 1: Nominated by District 3 Commissioner; approved by simple majority vote of Lee County Commission.

Place 2: Nominated by District 3 Commissioner; approved by simple majority vote of Lee County Commission.

Place 3: Nominated by District 4 Commissioner; approved by simple majority vote of Lee County Commission.

Place 4: Nominated by District 5 Commissioner; approved by simple majority vote of Lee County Commission.

Place 5: Nominated by Mayor of Smiths Station; approved by simple majority vote of Smiths Station City Council

To allow for staggered terms the initial terms of each director shall be as follows:

- Place 1: 2 years
- Place 2: 4 years
- Place 3: 3 years
- Place 4: 3 years
- Place 5: 2 years

Thereafter the term of office for each Director shall be four years.

Each Director nominated by a governing body must be a duly qualified elector of that governing body and must be a resident of the area in which the Smiths Station Fire Protection District shall render fire protection services.

Each Director shall be reimbursed for expenses actually incurred in and about the performance of their duties. Each director shall be compensated in an additional amount as prescribed by the governing body of each authorizing subdivision. The chairman may be compensated in an additional amount as prescribed by the governing body of each authorizing subdivision.

Any director of the district may be impeached and removed from office in the same manner and on the same grounds provided by Section 175 of the Constitution of Alabama and the general laws of the state for impeachment and removal of the officers mentioned in said Section 175.

### ITEM TWELVE

The initial Board of Directors shall be:

Place 1: Felton Adkinson  
Place 2: Walter Cox  
Place 3: Todd Boatner  
Place 4: Joe Walden  
Place 5: Cecil Martin

F I L I N G  
Alabama  
Sec. Of State  
New Entity  
001-007-709 DNP  
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Pg 37  
Lee County  
File \$00.00  
Total \$00.00  
01/001

Each Director shall have 1 equal vote.

### ITEM THIRTEEN

The concise legal description of the area of Lee County, Alabama and the City of Smiths Station, Alabama in which the Smiths Station Fire Protection District shall render fire protection services is as follows, to-wit:

Commence at the POINT OF BEGINNING being the high water mark of the Chattahoochee River making the intersection of the state of Alabama and the state of Georgia and also being the of intersection of the Lee County and Russell County boundary line; thence continue West along the Lee County and Russell County line located in Section 34, 33 & 32 of Township 18 North, Range 30 East to the Lee County and Russell County line; thence continue South along the Lee County and Russell County line along the east section lines of Section 31, Township 18N, Range 30E and Section 6 & 7, Township 17 North, Range 30 East to the Lee County and Russell County line; thence continue west along the Lee County and Russell County, Alabama line passing along the south boundary of Section 7, Township 17 North, Range 30 East and the south boundary of Section 12, 11, 10, 9, 8 and 7 of Township 17 North, Range 29 East and then into Section 12, Township 17 North, Range 28 East to the East right of way of Lee County Highway Number 179;


Thence continue North along the eastern right of way of Lee County Highway Number 179 passing through Sections 12 & 1, Township 17 North, Range 28 East and into Section 6, Township 17 North, Range 29 East crossing over Uchee Creek; and thence continuing along the east right of way of Lee Highway 179


through Section 31 and 30 Township 18 North, Range 29 East to the East right of way of Lee County Highway Number 245: thence continue along the east right of way of Lee County Highway 245 through Sections 30, Township 18 North Range 29 East into and along the right of way into Section 25, 24 and 13 of Township 18 North, Range 28 East onto the North right of way of Lee County Highway Number 246 located in Section 18, Township 18 North, Range 29 East; thence continue along the eastern right of way of Lee County Highway Number 246 into Section 18 and 7, Township 18 North, Range 29 East to Lee County Highway Number 198; thence continue along a straight line from the intersection of Lee County Highway Number 198 and Lee County Highway Number 246 to the common section corner between Section 1 & 12, Township 18 North, Range 28 East and Section 6 & 7, Township 18 North, Range 29 East; thence continue North along the Township line along Section 6, Township 18 North, Range 29 East and crossing U.S. Highway 431; thence continue along the Township line along Section 31 and 30, Township 19 North, Range 29E to the centerline of the Wacoochee Creek; thence continue east along the centerline of the Wacoochee Creek through Section 19 & 20, Township 19 North Range 29 East to the western right of way of Lee County Highway Number 279; thence continue North along the western right of way of Lee County Highway Number 279 to the southern right of way of Lee County Highway Number 334; thence continue along the southern right of way of Lee County Highway 334 through Section 20, 21, 22, 15, 14, 11 and 12 of Township 19 North, Range 29 East thence continue along the Bartletts Ferry Dam road to where it intersects the highwater mark of the western bank of the Chattahoochee River being the State line between Alabama and Georgia; thence continue south along the highwater mark of the western bank of the Chattahoochee River being the State line between Alabama and Georgia to the POINT OF BEGINNING.

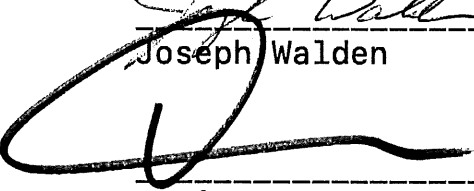
Less and except the incorporated areas of the City of Phenix City, Alabama within the described area.


IN WITNESS WHEREOF, We the undersigned incorporators of the  
SMITHS STATION FIRE PROTECTION DISTRICT, having been duly  
authorized by the governing bodies of Lee County, Alabama, and  
the City of Smiths Station, Alabama, hereunto set our hands and  
affixed our seals this 8 day of March 2022.

  
\_\_\_\_\_  
Felton Adkinson


  
\_\_\_\_\_  
Earline Morris

  
\_\_\_\_\_  
Joseph Walden

  
\_\_\_\_\_  
Daniel Sexton

  
\_\_\_\_\_  
Dwight Christopher, CSM USA (ret)

  
\_\_\_\_\_  
Clinton Knox

  
\_\_\_\_\_  
Billy Jones

  
\_\_\_\_\_  
Ronald Cecil Martin

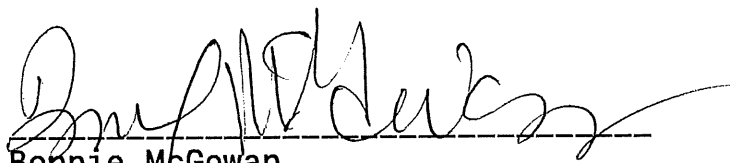


STATE OF ALABAMA

COUNTY OF LEE

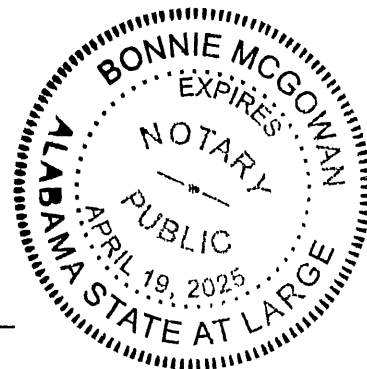
I, Bonnie McGowan, a duly commissioned Notary Public in the State of Alabama at large, do hereby certify that Felton Adkinson, Earline Morris, Joseph Walden, Daniel Sexton, Dwight Christopher, Clinton Knox, Billy Jones, and Ronald Cecil Martin, each of whom are known to me and whose names are signed to the foregoing Certificate of Incorporation for the SMITHS STATION FIRE PROTECTION DISTRICT, appeared and acknowledged before me on this day that, being informed of the contents of the Certificate of Incorporation, he executed the same voluntarily.

Given under my hand this 8th day of February 2022.

  
Bonnie McGowan

My Commission Expires:

4/19/2025



(seal)

John H. Merrill  
Secretary of State

P.O. Box 5616  
Montgomery, AL 36103-5616

# STATE OF ALABAMA

**I, John H. Merrill, Secretary of State of Alabama, having custody of the  
Great and Principal Seal of said State, do hereby certify that**

pursuant to the provisions of Title 10A, Chapter 1, Article 5, Code of Alabama  
1975, and upon an examination of the entity records on file in this office, the  
following entity name is reserved as available:

**Smiths Station Fire Protection District**

This name reservation is for the exclusive use of Daniel Sexton, 50 Lee Rd 430,  
Smiths Station, AL 36877 for a period of one year beginning March 02, 2022 and  
expiring March 02, 2023



RES006848

**In Testimony Whereof, I have hereunto set my  
hand and affixed the Great Seal of the State, at the  
Capitol, in the city of Montgomery, on this day.**

March 02, 2022

Date

*J. H. Merrill*

John H. Merrill

Secretary of State

I will serve as the registered agent and the address will be:

Daniel Sexton

50 Lee Rd 430

Smiths Station, AL 36877



# Smiths Station Fire & Rescue Smiths Station, Alabama

Felton Adkinson  
Chairman

## MEMORANDUM

17 February 2022

To: City Council of the City of Smiths Station

From: Felton Adkinson, Chairman  
Earline Morris, Secretary of  
the Board of Directors for  
Smiths Station Fire & Rescue and

Joseph Walden  
Daniel Sexton  
Dwight Christopher, CSM USA (ret)  
Clinton Knox  
Billy Jones  
Ronald Martin

Subject: Application for the establishment of the Smiths  
Station Fire Protection District under the Code  
of Alabama § 11-89-1 et sq.

### Requested Action:

In accordance with the Code of Alabama 1975 § 11-89-3 (6) the undersigned request that the Lee County Commission and the City of Smiths Station adopt a resolution declaring that it is wise, expedient, and necessary to form the Smiths Station Fire Protection District and authorizing the applicants to proceed to form the proposed district by the filing for record of a certificate of incorporation in accordance with the provisions of Section §11-89-4.

We respectfully you add this to the February 22, 2022  
commission meeting agenda.

1331 631  
Recorded in the Above  
ALSC Book & Page  
02-17-2022 12:58:06 PM  
Bill English - Probate Judge  
Lee County, AL

Doc# 1774/631  
Term/Cashier: SSPJ01 / JND  
Trans: 26313.398608.523157  
Recorded: 02-17-2022 12:58:17  
REC Recording Fee  
Total Fees: \$ 68.00

68.00

## **RESOLUTION 2022-460**

Recorded in the Above  
DEEDS Book & Page  
02-23-2022 09:07:17 AM  
Bill English - Probate Judge  
Lee County, AL

### **A RESOLUTION OF THE CITY OF SMITHS STATION, ALABAMA SUPPORTING SMITHS STATION FIRE AND RESCUE'S EFFORTS TO APPLY FOR AND ESTABLISH THE SMITHS STATION FIRE PROTECTION DISTRICT.**

**WHEREAS**, Smiths Station Fire and Rescue was incorporated in the State of Alabama, County of Lee County as the Friendship Firefighter's Association on September 29, 1966; and,

**WHEREAS**, Smiths Station Fire and Rescue, a 501(c)4 non-profit welfare organization, services the entirety of the City of Smiths Station, providing both fire protection and rescue services year-round inside the boundaries of its response area; and,

**WHEREAS**, Smiths Station Fire and Rescue's continual growth as an entity, economic inflation, and population growth within its response area have put a significant strain on the entity's budget; and,

**WHEREAS**, Smiths Station Fire and Rescue has petitioned the City of Smiths Station and the Lee County Commission to support its endeavors to establish a "Fire Protection District" and become a combination fire department to have both paid firefighters and volunteer firefighters to meet daily demands; and,

**WHEREAS**, funding obtained from the creation of a Fire Protection District will be used to restore Smiths Station Fire and Rescue's ambulance service; and,

**WHEREAS**, an exact copy of the application for approval of the Smiths Station Fire Protection District has been filed with the City of Smiths Station and the Lee County Commission in accordance with the provisions of Code of Alabama (1975) Section 11-89-4; and,

**WHEREAS**, the current Fire Fee does not provide adequate funding for Smiths Station Fire and Rescue's personnel, or additional equipment, training, or facilities; and,

**WHEREAS**, the creation of a Fire Protection District that services the entirety of the City of Smiths Station is provided for under Code of Alabama (1975) Section 11-89-3; and,

**WHEREAS**, the creation of a Fire Protection District will necessitate the formation of a Board of Directors, per Code of Alabama (1975) Sections 11-89-3 and 11-89-6, a meeting body that will consist of five members and include one appointment from the City of Smiths Station that will be nominated by the Mayor and approved by a vote of the City Council as a whole.

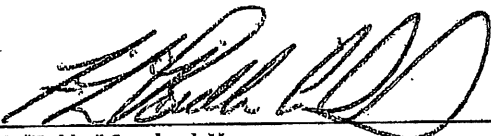
**BE IT FURTHER RESOLVED** that the City of Smiths Station finds Smiths Station Fire and Rescue's efforts to apply and establish the Smiths Station Fire Protection District to be wise, expedient, and necessary that the proposed district be formed and authorizing the applicants to proceed to form the proposed district by the filing for record of a certificate of incorporation with the provisions of Code of Alabama (1975) Section 11-89-4.

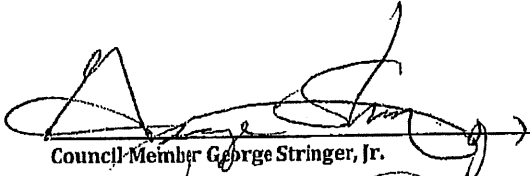
**Now Therefore be it Ordained by the City Council of Smiths Station, Alabama, that this Resolution becomes Effective Immediately upon Adoption and Approval pursuant to §11-45-8, Code of Alabama 1975, as amended.**

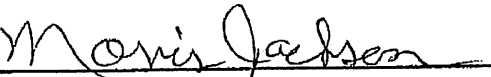
**APPROVED and ADOPTED this the 22<sup>nd</sup> Day of February, 2022.**


# RESOLUTION 2022-460

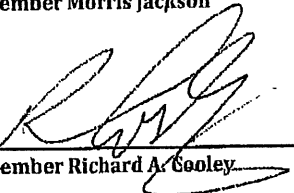
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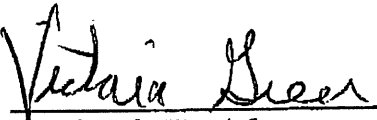
  
F.L. "Bubba" Copeland, Mayor

  
Council Member George Stringer, Jr.

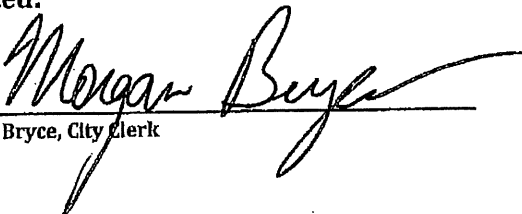
  
Council Member Morris Jackson

  
Council Member Steve Lansdon

  
Council Member Richard A. Cooley

  
Council Member Victoria Green

Attested:

  
Morgan Bryce, City Clerk

SEAL:



**CITY OF SMITHS STATION**  
**P. O. BOX 250**  
**Smiths Station, Alabama 36877**

2657 448  
DEEDS Book & Page  
Book/Pg: 2657/446  
Term/Cashier: SSPJ01 / JNB  
Tran: 26329.395945.523502  
Recorded: 02-23-2022 08:07:39  
REC Recording Fee  
Total Fees: \$ 14.00

14.00

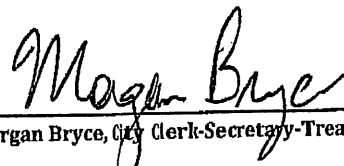
**Resolution 2022-460**

**CERTIFICATION**

I, Morgan Bryce, City Clerk-Secretary-Treasurer of the City of Smiths Station, Alabama hereby certify the attached to be a true and correct copy of the resolution adopted by the City Council of Smiths Station, Alabama at the Regular Meeting held **February 22, 2022** as same appears in minutes of record of said meeting and published by posting copies thereof on **February 23, 2022** at the public places listed below, which copies remained posted for five business days, through **March 2, 2022**. The resolution will remain posted for a minimum of thirty days.

City Hall 2336 Lee Road 430  
Rainbow Foods 2461 Lee Road 430  
Terry's Grocery, 9309 Lee Road 246  
U.S. Post Office, 2720 Lee Road 430

Smiths Station, AL 36877  
Smiths Station, AL 36877  
Smiths Station, AL 36877  
Smiths Station, AL 36877

  
\_\_\_\_\_  
Morgan Bryce, City Clerk-Secretary-Treasurer  
Seal:





# Smiths Station Fire & Rescue Smiths Station, Alabama

Felton Adkinson  
Chairman

## MEMORANDUM

17 February 2022

To: The Lee County Commission

From: Felton Adkinson, Chairman  
Earline Morris, Secretary of  
the Board of Directors for  
Smiths Station Fire & Rescue and

Joseph Walden  
Daniel Sexton  
Dwight Christopher, CSM USA (ret)  
Clinton Knox  
Billy Jones  
Ronald Martin

Subject: Application for the establishment of the Smiths  
Station Fire Protection District under the Code  
of Alabama § 11-89-1 et sq.

### Requested Action:

In accordance with the Code of Alabama 1975 § 11-89-3 (6) the undersigned request that the Lee County Commission and the City of Smiths Station adopt a resolution declaring that it is wise, expedient, and necessary to form the Smiths Station Fire Protection District and authorizing the applicants to proceed to form the proposed district by the filing for record of a certificate of incorporation in accordance with the provisions of Section §11-89-4.

We respectfully you add this to the February 28, 2022  
commission meeting agenda.

1331 610  
Recorded in the Above  
MISC Book & Page  
02-17-2022 12:52:51 PM  
Bill English - Probate Judge  
Lee County, AL  
Book/Pg: 1331/610  
Term/Cashier: SSPJ01 / JNE  
Tran: 26313.395606.523154  
Recorded: 02-17-2022 12:52:59  
REC Recording Fee  
Total Fees: \$ 68.00

68.00



STATE OF ALABAMA

COUNTY OF LEE

**RESOLUTION AUTHORIZING APPLICANTS TO INCORPORATE THE**  
**SMITHS STATION FIRE PROTECTION DISTRICT**

WHEREAS, Felton Adkinson, Earline Morris, Joseph Walden, Daniel Sexton, Dwight Christopher, Clinton Knox, Billy Jones, and Ronald Cecil Martin (hereinafter the "Applicants", all duly qualified electors of Lee County, Alabama) have made application (hereinafter the "Application") to the County Commission of Lee County, Alabama for permission to incorporate a fire protection district under the authority granted by the Code of Alabama, 1975, Section 11-89-1, et. seq.; and

WHEREAS, the County Commission has reviewed the contents of the Application and has found and determined as a matter of fact that it is wise, expedient, and necessary that the proposed fire protection district be formed.

WHEREAS, the City of Smiths Station, Alabama has previously adopted an authorizing Resolution approving an identical Application and has found and determined as a matter of fact that it is wise, expedient, and necessary that the proposed fire protection district be formed.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION OF LEE COUNTY, ALABAMA that the Application be, and the same hereby is APPROVED.

BE IT FURTHER RESOLVED by the County Commission of Lee County, Alabama that the said Applicants are authorized to proceed to form the proposed Smiths Station Fire Protection

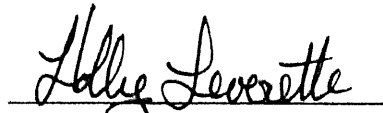
District by the filing for record of a certificate of incorporation in accordance with the provisions of Section 11-89-4 Code of Alabama (1975).

BE IT FURTHER RESOLVED by the County Commission of Lee County, Alabama that the said Application be spread upon or otherwise made a part of the minutes of the Lee County Commission meeting held on February 28, 2022.

ADOPTED in Regular Meeting on February 28, 2022.

ATTEST:

LEE COUNTY, ALABAMA

A handwritten signature in cursive script, reading "Holly Leverette", written over a horizontal line.

Holly Leverette  
Chief Administrative Officer

A handwritten signature in cursive script, reading "Bill English", written over a horizontal line.

Bill English, Chairman  
Lee County Commission

## **Application to Establish the Smiths Station Fire Protection District**

**WHEREAS**, Smiths Station Fire & Rescue was incorporated in the State of Alabama, County of Lee County as The Friendship Firefighters Association on September 29, 1966; and,

**WHEREAS**, Smiths Station Fire & Rescue was originally organized in the State of Alabama, County of Lee County, as a 501(c)4 non-profit social welfare organization for the purpose of providing Volunteer Fire & Rescue services to the community; and,

**WHEREAS**, Smiths Station Fire & Rescue is a Fire Department recognized by the Lee County Commission; and,

**WHEREAS**, Smiths Station Fire & Rescue is a Fire Department recognized by the City Council of the City of Smiths Station; and,

**WHEREAS**, Smiths Station Fire & Rescue is a Fire Department recognized by the Alabama State Fire Marshal; and,

**WHEREAS**, Smiths Station Fire & Rescue is a Fire Department recognized by the Lee County 911 Emergency Communications District; and,

**WHEREAS**, Smiths Station Fire & Rescue is a Fire Department recognized by the Alabama Forestry Commission; and,

**WHEREAS**, Smiths Station Fire & Rescue is a Fire Department recognized by the Alabama Fire College & Personnel Standards and Education Commission, which was established by the Code of Alabama 1975 § 36-32-2; and,

**WHEREAS**, Smiths Station Fire & Rescue services a response area in south east Lee County and the boundaries of the response area were originally defined by the Lee County Commission; and,

**WHEREAS**, Smiths Station Fire & Rescue response boundaries include the entirety of the City of Smith Station; and,

**WHEREAS**, a concise legal description of the Smiths Station Fire & Rescue response area has been prepared by a engineer licensed in the State of Alabama and is attached to this application as exhibit 99, as required by the Code of Alabama 1975 § 11-89-3 (a)(2)(i); and,

**WHEREAS**, Smiths Station Fire & Rescue provides fire protection and rescue services 24 hours a day, 365 days a year inside the boundaries of its response area; and,

**WHEREAS**, Smiths Station Fire & Rescue is the primary first responding agency to Fire & Rescue calls inside its response area; and,

**WHEREAS**, Smiths Station Fire & Rescue provides automatic mutual aid for structure fires to 3 other fire departments in Lee County; and,

**WHEREAS**, Smiths Station Fire & Rescue provides mutual aid for fire & rescue calls to all other fire departments in Lee County when requested; and,

**WHEREAS**, Smiths Station Fire & Rescue provided mutual aid ambulance services and transport to all of Lee & Russell Counties when requested; and,

**WHEREAS**, Smiths Station Fire & Rescue is dispatched by the E911 PSAP located at the Lee County Sheriff's office; and,

**WHEREAS**, the population of Lee County was 49,754 in 1960 and is estimated to be 164,542 as of 2019 an increase of 331%; and,

**WHEREAS**, the population of the Smiths Station Fire response area is estimated to have been approximately 11,480 in 1964 and 39,000 as of 2022; and,

**WHEREAS**, the Lee County GIS department lists 14,086 addresses in the Smiths Station Fire & Rescue response area; and,

**WHEREAS**, the City of Smiths Station was incorporated on June 22, 2001; and,

**WHEREAS**, the estimated population of the City of Smiths Station is 5,391 as of 2019; and,

**WHEREAS**, Smiths Station Fire & Rescue answered approximately 25 calls for service per year in the 1960's; and,

**WHEREAS**, Smiths Station Fire & Rescue answered 2,899 calls for service in 2020; and,

**WHEREAS**, Smiths Station Fire & Rescue has grown from a small organization with a single station and fire engine to a large organization with 20+ volunteers, 6 Stations, 6 Engines, 1 Ladder Truck, 3 Brush Trucks, 1 Ambulance, and 3 quick response SUVs; and,

**WHEREAS**, Smiths Station Fire & Rescue is currently funded by a Fire Fee assessed by the Lee County Commission; and,

**WHEREAS**, the amount of this fire fee was set by a vote of the citizens within the Smiths Station Fire & Rescue response area in 2012; and,

**WHEREAS**, approximately 80% of the voters inside the Smiths Station Fire & Rescue response area voted to approve this fire fee in 2012; and,

**WHEREAS**, the cost of everything from electricity, to fuel, to vehicle maintenance, to Fire Engines & Medical Supplies and Turn Out Gear has increased substantially since 2012; and,

**WHEREAS**, the US Bureau of Labor Statics estimates that inflation has increased 14% since 2012; and,

**WHEREAS**, inflation as a result of the Covid-19 Pandemic has caused prices to rise at an even faster rate; and,

**WHEREAS**, the current fire fee does not include any provisions for increase; and,

**WHEREAS**, the current fire fee is not permanent funding, and is set to expire in 2037; and,

**WHEREAS**, the increased growth of the Smiths Station area has driven demand from the citizens within the Smiths Station Fire & Rescue response area for more and quicker responses as well as expanded services that typically are provided by larger "paid city" Fire Departments; and,

**WHEREAS**, Smiths Station Fire & Rescue has used the current fire fee to build or rebuild 3 stations, purchase a ladder truck and 3 fire engines; and,

**WHEREAS**, Smiths Station Fire & Rescue has a 1991 E-One fire engine that is beyond repair and urgently needs to be replaced; and,

**WHEREAS**, failure to replace this 1991 E-One fire engine will have a detrimental effect on the ISO rating of Smiths Station Fire & Rescue as well as the insurance premiums of the citizens within the response area; and,

**WHEREAS**, Smiths Station Fire & Rescue wishes to continue to modernize, grow, and to provide "city" level fire and rescue services to the citizens in the response area; and,

**WHEREAS**, Smiths Station Fire & Rescue wishes to become a "combination department" and have both paid firefighters and volunteer firefighters to insure availability as well as adequate and fast response at all times of the day and night; and,

**WHEREAS**, Smiths Station Fire & Rescue wishes to provide any paid firefighters and ambulance personnel with standard benefits such as a competitive salary, state retirement, and state health insurance; and,

**WHEREAS**, Smiths Station Fire & Rescue wishes to make substantial capital investments in both equipment, training, and facilities; and,

**WHEREAS**, the current fire fee does not provide adequate funding for personnel or additional equipment, training, or facilities; and,

**WHEREAS**, other fire departments in our area and within the State of Alabama are organized as Fire Protection Districts under the Code of Alabama § 11-89-1 et sq.; and,

**WHEREAS**, without additional funding Smiths Station Fire and Rescue will likely be forced to further reduce or eliminate services to remain solvent; and,

**WHEREAS**, any reduction or elimination of services would have extreme and lasting detrimental affects to both life and property within the response area; and,

**WHEREAS**, the current fire is not equitably applied, and does not distinguish between a single-family residence and an multifamily dwelling units, which results in an unfair and disproportionate fee system; and,

**WHEREAS**, the current fire is not equitably applied, and does not distinguish between a single-family residence and a commercial structure, which results in an unfair and disproportionate fee system; and,

**WHEREAS**, Smiths Station Fire & Rescue wishes to equitably charge proportionally higher rates for multi-family dwelling units and commercial structures, than it charges for single family residential structures; and,

**WHEREAS**, the Code of Alabama 1975 Chapter 11 Section 89 provides for the establishment of Fire Protection Districts; and,

**WHEREAS**, the Code of Alabama § 11-89-3(a) states: In order to incorporate a district under this chapter, any number of natural persons, not less than three, shall first file an identical written application with the governing body of each county and municipality located in whole or in part within the boundaries of the area or areas to be served by the proposed district; and,

**WHEREAS**, an identical copy of this application and all attachments has been or will be filed with both the City of Smiths Station and the Lee County Commission as required by the Code of Alabama 1975 § 11-89-3 (a); and,

**WHEREAS**, the Code of Alabama § 11-89-9 (a) states: The district shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form: (10) To furnish and provide fire protection service in the service area or in any part thereof or to or on behalf of one or more counties, municipalities, or other public corporations upon such reasonable terms and for such reasonable rates and consideration as the board may prescribe; and,

**WHEREAS**, the Code of Alabama § 11-89-9 (a) states: The district shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form: (24) To fix and revise from time to time reasonable rates, fees, and other charges for water service, sewer service, fire protection service, or any thereof, furnished or to be furnished by any water system, sewer system, or fire protection facility, or portion of any thereof, owned or operated by the district, and to collect all charges made by it; and,

**WHEREAS**, the Code of Alabama § 11-89-12 gives Fire Protection Districts the powers to: Establish and revise rates, fees, and charges for services rendered by district. And further states:

Rates, fees, and charges for fire protection service rendered by the district from any of its fire protection facilities shall be so fixed and from time to time revised as at all times to provide funds at least sufficient to:

(1) Pay the cost of operating, maintaining, repairing, replacing, extending, and improving the systems and facilities or either from which such services are rendered;

(2) Pay the principal of and the interest on all bonds issued and obligations assumed by the district that are payable out of the revenues derived from operation of those systems and facilities as the said principal and interest become due and payable;



(3) Create and maintain such reserve for the foregoing purposes or any of them as may be provided in any mortgage and deed of trust or trust indenture executed by the district under this chapter or in any resolutions of the board authorizing the issuance of bonds, the assumption of any obligation or the acquisition of any such system or facility; and

(4) Make such annual payments, if any, to the United States of America or any agency or instrumentality thereof, the state, municipalities, counties, departments, authorities, agencies. and political subdivisions of the state and any public corporations organized under the laws of the state as the district may have contracted to make; and,

**WHEREAS**, the Board of Directors for Smiths Station Fire & Rescue met in at the regular meeting in March 23, 2021 and with a proper quorum present, unanimously voted in favor of establishing a Fire Protection District; and,

**WHEREAS**, in accordance with Code of Alabama 1975 § 11-89-3 (5) that each of the undersigned applicants is a duly qualified elector of the county of which such application is filed.

**NOW THEREFORE BE IT RESOLVED**, the Board of Directors and the undersigned hereby submit this document to serve as a written application to the Lee County Commission and the City of Smiths Station to create/establish the Smiths Station Fire Protection District as required by the Code of Alabama 1975 § 11-89-3 (a).

**BE IT FURTHER RESOLVED**, that the current entity now known as Smiths Station Fire & Rescue along with all of its assets, accounts, real estate, personal property, and debts a shall be merged with and into the new Smiths Station Fire Protection District.

**BE IT FURTHER RESOLVED**, that the Smiths Station Fire Protection District shall operate as Smiths Station Fire & Rescue.

**BE IT FURTHER RESOLVED,** in accordance the Code of Alabama § 11-89-3 (1); that the purpose of the Smiths Station Fire Protection District shall be to provide fire protection service(s) within the boundaries of the response district herein described and under mutual aid agreements with other departments.

**BE IT FURTHER RESOLVED,** in accordance with the Code of Alabama § 11-89-3 (2)(i), that the legal boundaries of Smiths Station Fire Protection District shall be the same as those currently defined for Smiths Station Fire & Rescue and that a concise legal description of those boundaries is attached to this document.

**BE IT FURTHER RESOLVED,** that in accordance with the Code of Alabama § 11-89-3 (3) Code of Alabama, that the Board of Directors for the Smiths Station Fire Protection District will be made up of 5 Members, each serving 4-year terms.

**BE IT FURTHER RESOLVED,** that in accordance with the Code of Alabama § 11-89-6:

- The terms of the Board Members shall be staggered in a 2-2-1 format
- The Lee County Commission shall appoint place 1-4 using the following method:
  - Board Member places 1-2 shall be nominated by District 3 Commissioner
  - Board Member place 3 shall be nominated by District 4 Commissioner
  - Board Member place 4 shall be nominated by District 5 Commissioner
  - All Nominees shall be confirmed by a vote of the County Commission as a whole

- The City of Smiths Station shall appoint place 5 using the following method:
  - Board Member place 5 shall be nominated by the Mayor
  - Nominee shall be confirmed by a vote of the City Council as a whole

**BE IT FURTHER RESOLVED,** the proposed initial board members shall be:

Place 1: Felton Adkinson – 2 years  
 Place 2: Walter Cox – 4 years  
 Place 3: Todd Boatner – 3 years  
 Place 4: Joe Walden – 3 years  
 Place 5: Cecil Martin – 2 years

Should any position become vacated before the end of the term a successor shall be appointed to complete that term.

The board of directors shall have the authority to elect officers such as Chairman, Vice Chairman, Treasurer, and Secretary, as well as any other officers as the board feels necessary.

Unless otherwise specified by the laws of the State of Alabama all votes by the Board of Directors shall require a simple majority and each Director shall have one (1) vote.

F I L I N G

Alabama  
 Sec. Of State

New Entity  
 001-007-709 DNP  
 Date 3/09/2022  
 Time 17:00  
 Pg 38  
 Lee County  
 File \$00.00

Total \$00.00  
 01/001

**BE IT FURTHER RESOLVED,** in accordance with the Code of Alabama 1975 § 11-89-3(4), The location of the principal office of the Smiths Station Fire Protection District shall be 50 Lee Rd 430, Smiths Station, AL 36877

**BE IT FURTHER RESOLVED,** in accordance with the Code of Alabama 1975 § 11-89-3 (6) the undersigned request that the Lee County Commission and the City of Smiths Station adopt a resolution declaring that it is wise, expedient, and necessary that the proposed district be formed and authorizing the applicants to proceed to form the proposed district by the filing for record of a certificate of incorporation in accordance with the provisions of Section §11-89-4.

**Exhibit 99**

**Proposed boundaries of SMITHS STATION FIRE PROTECTION DISTRICT**

**Boundary Legal Description:**

Commence at the POINT OF BEGINNING being the high water mark of the Chattahoochee River making the intersection of the state of Alabama and the state of Georgia and also being the of intersection of the Lee County and Russell County boundary line; thence continue West along the Lee County and Russell County line located in Section 34, 33 & 32 of Township 18 North, Range 30 East to the Lee County and Russell County line; thence continue South along the Lee County and Russell County line along the east section lines of Section 31, Township 18N, Range 30E and Section 6 & 7, Township 17 North, Range 30 East to the Lee County and Russell County line; thence continue west along the Lee County and Russell County, Alabama line passing along the south boundary of Section 7, Township 17 North, Range 30 East and the south boundary of Section 12, 11, 10, 9, 8 and 7 of Township 17 North, Range 29 East and then into Section 12, Township 17 North, Range 28 East to the East right of way of Lee County Highway Number 179;

Thence continue North along the eastern right of way of Lee County Highway Number 179 passing through Sections 12 & 1, Township 17 North, Range 28 East and into Section 6, Township 17 North, Range 29 East crossing over Uchee Creek; and thence continuing along the east right of way of Lee Highway 179 through Section 31 and 30 Township 18 North, Range 29 East to the East right of way of Lee County Highway Number 245; thence continue along the east right of way of Lee County Highway 245 through Sections 30, Township 18 North Range 29 East into and along the right of way into Section 25, 24 and 13 of Township 18 North, Range 28 East onto the North right of way of Lee County Highway Number 246 located in Section 18, Township 18 North, Range 29 East; thence continue along the eastern right of way of Lee County Highway Number 246 into Section 18 and 7, Township 18 North, Range 29 East to Lee County Highway Number 198; thence continue along a straight line from the intersection of Lee County Highway Number 198 and Lee County Highway Number 246 to the common section corner between Section 1 & 12, Township 18 North, Range 28 East and Section 6 & 7, Township 18 North, Range 29 East; thence continue North along the Township line along Section 6, Township 18 North, Range 29 East and crossing U.S. Highway 431; thence continue along the Township line along Section 31 and 30, Township 19 North, Range 29E to the centerline of the Wacoochee Creek; thence continue east along the centerline of the Wacoochee Creek through Section 19 & 20, Township 19 North Range 29 East to the western right of way of Lee County Highway Number 279; thence continue North along the western right of way of Lee County Highway Number 279 to the southern right of way of Lee County Highway Number 334; thence continue along the southern right of way of Lee County Highway 334 through Section 20, 21, 22, 15, 14, 11 and 12 of Township 19 North, Range 29 East thence continue along the Bartletts Ferry Dam road to where it intersects the highwater mark of the western bank of the Chattahoochee River being the State line between Alabama and Georgia; thence continue south along the highwater mark of the western bank of the Chattahoochee River being the State line between Alabama and Georgia to the POINT OF BEGINNING.

Less and except the incorporated areas of the City of Phenix City, Alabama within the described area.

**Applicants:**

Felton Adkinson  
Felton Adkinson  
Smiths Station Fire & Rescue  
Chairman of the Board of Directors

2-16-22  
Date

Earline Morris  
Earline Morris  
Smiths Station Fire & Rescue  
Secretary of the Board of Directors

2-16-22  
Date

Joseph Walden  
Joseph Walden

2-16-2022  
Date

Daniel Sexton  
Daniel Sexton

16 Feb 2022  
Date

Dwight Christopher, CSM USA (ret)  
Dwight Christopher, CSM USA (ret)

16 Feb 2022  
Date

Clinton Knox  
Clinton Knox

2-16-2022  
Date

Billy Jones  
Billy Jones

16 Feb 2022  
Date

Ronald Cecil Martin  
Ronald Cecil Martin

2/16/2022  
Date

**Certification:**

I, **Felton Adkinson**, do solemnly swear or affirm that I am a qualified elector of the City of Smiths Station and Lee County, Alabama as required by the Code of Alabama 1975 § 11-89-3 (5).

Felton Adkinson  
Felton Adkinson

2/16/22  
Date

State of **Alabama**,

County of **Lee**

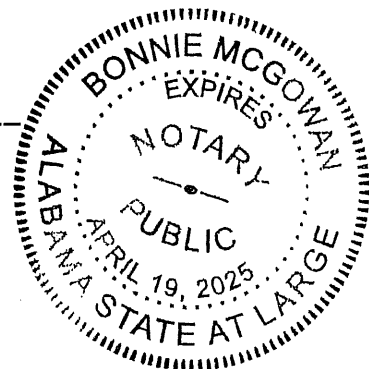
I, **Bonnie McGowan**, a duly commissioned Notary Public in the State of **Alabama**, hereby certify that **Felton Adkinson** who is known to me, and whose name was signed in my presence, to the foregoing **Fire District Application** and to the **qualified elector certification**, acknowledged before me on this day that, being informed of the contents of the document, he executed the same voluntarily.

Given under my hand this 16 day of **February** 2022.

Bonnie McGowan  
Bonnie McGowan

2.16.22  
Date

My Commission Expires: 4.19.2025



**Certification:**

I, **Earline Morris**, do solemnly swear or affirm that I am a qualified elector of Lee County, Alabama as required by the Code of Alabama 1975 § 11-89-3 (5).

Earline Morris  
Earline Morris

2-16-22  
Date

State of **Alabama**,

County of **Lee**

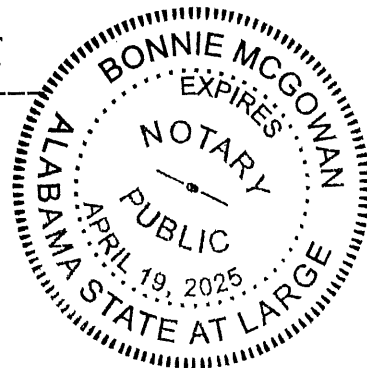
I, **Bonnie McGowan**, a duly commissioned Notary Public in the State of **Alabama**, hereby certify that **Earline Morris** who is known to me, and whose name was signed in my presence, to the foregoing **Fire District Application** and to the **qualified elector certification**, acknowledged before me on this day that, being informed of the contents of the document, he executed the same voluntarily.

Given under my hand this 16 day of **February** 2022.

Bonnie McGowan  
Bonnie McGowan

2.16.22  
Date

My Commission Expires: 4.19.2025





**Certification:**

I, **Joseph Walden**, do solemnly swear or affirm that I am a qualified elector of Lee County, Alabama as required by the Code of Alabama 1975 § 11-89-3 (5).

Joseph Walden  
Joseph Walden

2-16-2022  
Date

State of **Alabama**,

County of **Lee**

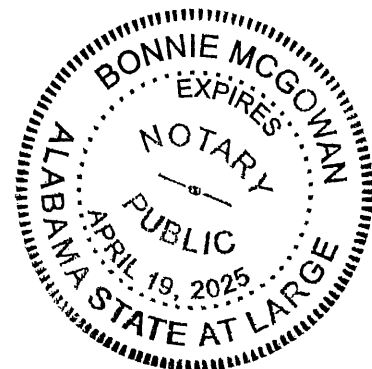
I, **Bonnie McGowan**, a duly commissioned Notary Public in the State of **Alabama**, hereby certify that **Joseph Walden** who is known to me, and whose name was signed in my presence, to the foregoing **Fire District Application** and to the **qualified elector certification**, acknowledged before me on this day that, being informed of the contents of the document, he executed the same voluntarily.

Given under my hand this 16 day of **February** 2022.

Bonnie McGowan  
Bonnie McGowan

2.16.22  
Date

My Commission Expires: 4.19.2025



**Certification:**

I, **Daniel Sexton**, do solemnly swear or affirm that I am a qualified elector of Lee County, Alabama as required by the Code of Alabama 1975 § 11-89-3 (5).

Daniel Sexton

16 Feb 2022  
Date

State of **Alabama**,

County of **Lee**

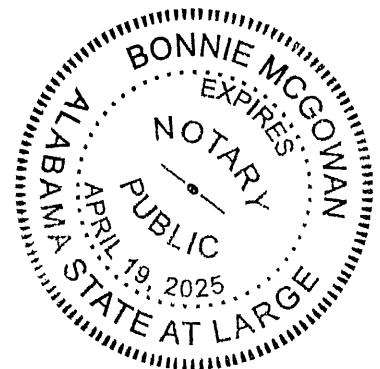
I, **Bonnie McGowan**, a duly commissioned Notary Public in the State of **Alabama**, hereby certify that **Daniel Sexton** who is known to me, and whose name was signed in my presence, to the foregoing **Fire District Application** and to the **qualified elector certification**, acknowledged before me on this day that, being informed of the contents of the document, he executed the same voluntarily.

Given under my hand this 16 day of **February** 2022.

Bonnie McGowan  
Bonnie McGowan

2.16.22  
Date

My Commission Expires: 4.19.2025



**Certification:**

I, **Dwight Christopher**, do solemnly swear or affirm that I am a qualified elector of the City of Smiths Station and Lee County, Alabama as required by the Code of Alabama 1975 § 11-89-3 (5).

  
Dwight Christopher

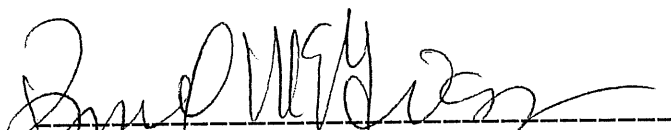
16 FEB 2022  
Date

State of **Alabama**,

County of **Lee**

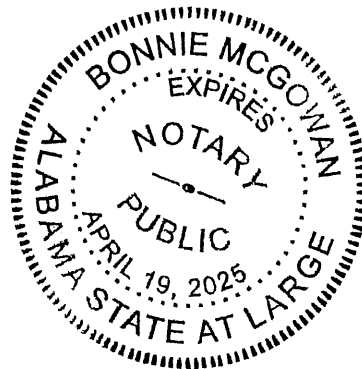
I, **Bonnie McGowan**, a duly commissioned Notary Public in the State of **Alabama**, hereby certify that **Dwight Christopher** who is known to me, and whose name was signed in my presence, to the foregoing **Fire District Application** and to the **qualified elector certification**, acknowledged before me on this day that, being informed of the contents of the document, he executed the same voluntarily.

Given under my hand this 16 day of **February** 2022.

  
Bonnie McGowan

2.16.22  
Date

My Commission Expires: 4.19.2025



**Certification:**

I, **Clinton Knox**, do solemnly swear or affirm that I am a qualified elector of Lee County, Alabama as required by the Code of Alabama 1975 § 11-89-3 (5).

Clinton Knox  
Clinton Knox

2-16-2022  
Date

State of **Alabama**,

County of **Lee**

I, **Bonnie McGowan**, a duly commissioned Notary Public in the State of **Alabama**, hereby certify that **Clinton Knox** who is known to me, and whose name was signed in my presence, to the foregoing **Fire District Application** and to the **qualified elector certification**, acknowledged before me on this day that, being informed of the contents of the document, he executed the same voluntarily.

Given under my hand this 16 day of **February** 2022.

Bonnie McGowan  
Bonnie McGowan

2.16.22  
Date

My Commission Expires: 4.19.2025



**Certification:**

I, **Billy Jones**, do solemnly swear or affirm that I am a qualified elector of the City of Smiths Station and Lee County, Alabama as required by the Code of Alabama 1975 § 11-89-3 (5).

Billy Jones  
Billy Jones

2-16-2022  
Date

State of **Alabama**,

County of **Lee**

I, **Bonnie McGowan**, a duly commissioned Notary Public in the State of **Alabama**, hereby certify that **Billy Jones** who is known to me, and whose name was signed in my presence, to the foregoing **Fire District Application** and to the **qualified elector certification**, acknowledged before me on this day that, being informed of the contents of the document, he executed the same voluntarily.

Given under my hand this 16 day of **February** 2022.

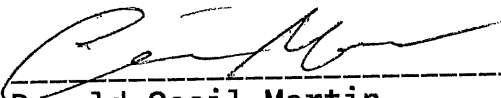
Bonnie McGowan  
Bonnie McGowan

2.16.22  
Date

My Commission Expires: 4.19.2025



I, **Ronald Cecil Martin**, do solemnly swear or affirm that I am a qualified elector of the City of Smiths Station and Lee County, Alabama as required by the Code of Alabama 1975 § 11-89-3 (5).

  
\_\_\_\_\_  
Ronald Cecil Martin

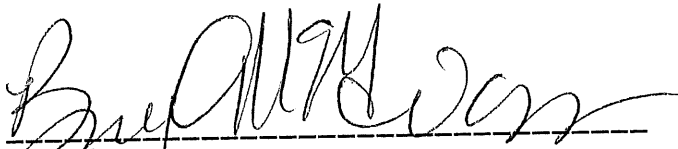
2/16/2022  
\_\_\_\_\_  
Date

State of **Alabama**,

County of **Lee**

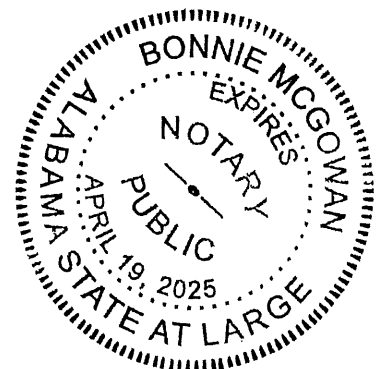
I, **Bonnie McGowan**, a duly commissioned Notary Public in the State of **Alabama**, hereby certify that **Ronald Cecil Martin** who is known to me, and whose name was signed in my presence, to the foregoing **Fire District Application** and to the **qualified elector certification**, acknowledged before me on this day that, being informed of the contents of the document, he executed the same voluntarily.

Given under my hand this 16 day of **February 2022**.

  
\_\_\_\_\_  
Bonnie McGowan

2.16.22  
\_\_\_\_\_  
Date

My Commission Expires: 4.19.2025



F I L I N G  
Alabama  
Sec. Of State  
New Entity  
001-007-709 DNP  
Date 3/09/2022  
Time 17:00  
220310 38 Pg  
Lee County  
File \$00.00  
Total \$00.00  
01/001