

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA

**RETIREMENT SYSTEM
ALABAMA,**



Plaintiffs,

**COMMISSION; BALDWIN COUNTY,
ALABAMA,**

Defendants.

COMPLAINT

-076.

3. RSA administers a defined benefit plan which provides retirement benefits to all State of Alabama employees, approximately 860 counties, cities, municipalities, or other local governmental entities, and all public education employees which include teachers, administrators, and support personnel for K-12 schools, community colleges, four-year higher education institutions and state education agencies.

to a voting precinct or precincts in the county unless the county governing body determines that the use of voting precinct boundaries is not feasible.

9. On December 29, 2020, a certain number of electors in District 19 voted to institute county zoning.¹ Neither the Commission nor anyone associated with the County gave RSA notice that an election in relation to District 19 was going to take place.

10. On March 2, 2021, the Commission appointed an Advisory Committee to make recommendations regarding the District 19 zoning map and local provisions. On April 20, 2021, the Advisory Committee made its recommendations to the Commission. RSA was given no notice that the Advisory Committee had been appointed or that it had made recommendations to the Commission.

11.

implement District 19 as part of the Ordinance. RSA was not given notice of the May 6, 2021

zoning map to add District 19.

14. District 19 encompasses the Property as well as a number of surrounding parcels on which single family homes and other structures are built. The zoning map for District 19 singles out the Property and zones it, in particular, as an Outdoor Recreation (OR) district one of the most restrictive, if not the most restrictive, zoning designations. Articles 2.3.19.3 and 6.2 of the Ordinance prohibit the construction of new residential homes in OR districts like that now applicable to the Property. The OR district designation would even require RSA to seek a variance to make renovations to its existing Lakewood Golf Club clubhouse.

15. Resolution #2021-076 and the District 19 zoning map are void, however, because they violate Alabama procedural and substantive law, including the Ordinance.

16. Section 19.16.3 requires that before acting on any proposed rezoning, the Planning adjacent violated here when, upon information and belief, the Planning Commission failed to give RSA timely notice of the Planning Commission hearing by certified mail.

17. Alabama Code § 45-2-261.04(b) and Section 19.16.4 of the Ordinance require that subject to the amendment at least three weeks prior to the date of the Commission hearing. These provisions were violated because no sign was placed on the Property indicating that Planning District 19 was under consideration or that the Commission intended to hold a public hearing to consider whether to amend the Ordinance to add the Planning District 19 zoning map and local provisions.

18.

copy of the proposed rezoning, amendment, supplement, modification, or repeal shall be made

available for public inspection at the nearest County Courthouse or satellite County Courthouse in 000912 0 61

