RESOLUTION #2015-090 OF THE BALDWIN COUNTY COMMISSION, AMENDING RESOLUTION #2015-080

BE IT RESOLVED and ORDERED by the BALDWIN COUNTY COMMISSION (herein called "the Commission") as follows:

Section 1. Findings. The Commission has ascertained and found and does hereby determine and declare as follows:

(a) a request or petition in writing signed by more than two hundred (200) qualified electors of Baldwin County, Alabama (herein called "the County"), in the manner provided by law, has heretofore been duly filed with and presented to the Commission, requesting that the Commission make and enter an order calling a special election of the qualified electors in the County to be held, on Tuesday, March 31, 2015, for the purpose of determining whether or not a special county tax for the support and furtherance of education within the County shall be levied and collected for a period commencing with the tax year of the County beginning October 1, 2017 (for which tax year county taxes will become due and payable on October 1, 2018), and continuing until and including the tax year of the County beginning October 1, 2044 (for which tax year county taxes will become due and payable on October 1, 2045), at the uniform rate of ten cents ($0.10) on each one hundred dollars ($100.00) of the assessed value of the taxable property in the County, as assessed for county taxation, it being intended that the said tax shall not supersede or increase the special county-wide tax now being levied in the County at the rate of ten cents ($0.10) on each one hundred dollars ($100.00) of the assessed value of the taxable property in the County, all pursuant to Section 269 of the Constitution of Alabama of 1901, as amended, but shall be in continuation thereof, and thereby to provide for the continued levy of such special county-wide school tax now being levied in the County;

(b) the Commission did, on December 2, 2014, duly adopt Resolution #2015-047, a resolution and order calling said special election to be held in the County on Tuesday, March 31, 2015, and the election officers were appointed and notified, and the voting places for the said special election were fixed, in the manner provided by law;

(c) notice of the said special election was duly given by the Sheriff of the County in the manner prescribed by law, viz., by publication in each of The Courier, The Foley Onlooker, The Independent, and The Islander editions of the Gulf Coast Newspapers, at least one of which is a newspaper published and having general circulation in the County, once a week for four consecutive weeks prior to the date fixed for said special election, the first of said publications having been not later than thirty (30) days prior to the date of said special election;

BALDWIN COUNTY, ALABAMA
TIM RUSSELL PROBATE JUDGE
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(d) at the time the Commission adopted Resolution No. 2015-080, all provisional ballots that were cast at the aforesaid special election were not expected to be either certified, tabulated, returned or canvassed, in accordance with applicable provisions of law (including particularly, but without limitation, Section 17-10-2 of the Code of Alabama 1975, as amended), prior to Tuesday, April 7, 2015; and

(e) the provisional ballots have now been certified, tabulated, returned or canvassed, and the Commission desires to amend Resolution No. 2015-080 to reflect the final election results; and

(f) the said special election was held in the County on Tuesday, March 31, 2015, in all respects as provided in said Resolution #2015-047 and in said notice; the ballots used in said special election were in all respects in the form provided therefor set out in said Resolution #2015-047; and the appropriate election officers have duly made and delivered to the returning officers their respective reports and certificates, which, after being in turn delivered by the returning officers to the Commission, have been duly canvassed by the Commission, including the provisional ballots, with the following results:

> A total of 23,768 votes were cast "FOR" said proposed taxation, and a total of 22,049 votes were cast "AGAINST" said proposed taxation, as a result, this measure failed to receive the required approval of three-fifths (3/5) of the qualified electors of the County who voted in said special election;

(g) in accordance with the provisions of Section 16-13-162 of the Code of Alabama 1975, as amended, the result of the aforesaid special election is required to be declared in the same manner, and by the same officers, as the result of a regular election of county officers under the general laws of the State of Alabama.

Section 2. Canvass of Election. Declaration of Results. Upon the basis of the findings contained in the preceding Section 1, the Commission hereby declares:

(a) less than three-fifths (3/5) of the qualified electors of the County who voted in said special election on the question of the levy of said special county-wide school tax voted in favor of authorizing the levy and collection of said county-wide school tax at the rate of ten cents ($0.10) on each one hundred dollars ($100.00) of the assessed value of the taxable property in the County; and

(b) therefore, the measure failed and did not pass;

all for the period specified in subsection (a) of the preceding Section 1.

Section 3. Recordation of Canvass. This resolution and order shall be recorded in the proceedings of the Commission, and this resolution and order shall be deemed to constitute the final canvass, declarations and findings on the part of the Commission with respect to the aforesaid special election. The election results as set forth in Resolution No. 2015-080 are hereby amended and modified as set forth in this resolution. Further, the County Administrator is hereby authorized and directed, (a) as promptly as practicable following the meeting of the Commission at which the final result of the aforesaid special election is hereafter declared, to cause to be filed in the office of the Judge of Probate of Baldwin County, Alabama, a written report of the Commission, under oath, in substantially such form as the Commission shall hereafter approve, declaring the result of said special election, and (b) thereafter to cause a copy of said written report to be published one time in Gulf Coast Newspapers, a newspaper published in the County.

Done, under the Seal of the County Commission of Baldwin County, Alabama, at the Baldwin County Central Annex II Building located at 22070 Highway 59, Robertsdale, Alabama, on this 9th day of April, 2015.

Charles F. Gruber, Chairman
Baldwin County Commission

ATTEST:

Ronald J. Cink, Interim County Administrator
Baldwin County Commission