RESOLUTION #2015-094 OF THE BALDWIN COUNTY COMMISSION, AMENDING RESOLUTION #2015-084

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) there have heretofore been duly filed with and presented to the Commission

(i) an instrument in writing signed on behalf of the Board of Education of Baldwin County, and

(ii) a request or petition in writing signed by more than two hundred (200) qualified electors of Baldwin County, Alabama (herein called "the County"),

each of which requested that the Commission call and cause to be held, on Tuesday, March 31, 2015, a special election in that special school tax district of the County consisting of all the territory and property of and within the County that lies south of that certain line that is specifically described in the Commission's Resolution #2015-051 (referred to hereinbelow) (which such school district is sometimes known as, and is herein called, "School District No. 2"), for the purpose of submitting to the qualified electors of School District No. 2, for their determination by ballot, the question of whether there shall be levied and collected in School District No. 2, for public school purposes in School District No. 2, a special district school tax of thirty cents ($0.30) on each one hundred dollars ($100.00) of the assessed value of the taxable property in School District No. 2, pursuant to Amendment No. 382 to the Constitution of Alabama of 1901, as amended, such tax, if authorized, to be levied annually for a period commencing with the tax year of the County beginning October 1, 2015 (for which tax year county taxes will become due and payable on October 1, 2016), 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);

(b) the Commission did, on December 2, 2014, duly adopt Resolution #2015-051, a resolution and order calling said special election to be held in School District No. 2 on Tuesday, March 31, 2015;

BALDWIN COUNTY, ALABAMA
TIM RUSSELL PROBATE JUDGE
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(c) following the adoption of the aforesaid Resolution #2015-051, there were duly appointed the appropriate officers to conduct and make return of such special election (all of whom were, as required by Section 16-13-184 of the Code of Alabama 1975, as amended, residents of School District No. 2 and qualified electors of the beats or precincts in which they respectively reside), and the Sheriff of the County did thereafter notify such officers of their appointment as required by law;

(d) notice of the said special election was duly given by the Sheriff of the County in the manner prescribed by law, viz., (i) 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, and (ii) by posting written notice of said election, not less than thirty (30) days prior to the date thereof, in each of the following three public places in School District No. 2:

Central Annex Building, Robertsdale, Alabama

Baldwin County Foley Satellite Courthouse, Foley, Alabama

Baldwin County Fairhope Satellite Courthouse, Fairhope, Alabama

(e) at the time the Commission adopted Resolution No. 2015-084, 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

(f) the provisional ballots have now been certified, tabulated, returned or canvassed, and the Commission desires to amend Resolution No. 2015-084 to reflect the final election results; and

(g) the said special election was held in School District No. 2 on Tuesday, March 31, 2015, in all respects as provided in said Resolution #2015-051 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 #2015-051; 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 14,344 votes were cast "FOR" said proposed taxation, and a total of 31,344 votes were cast "AGAINST" said proposed taxation, resulting in a majority of votes against said proposed taxation;

(h) the Commission, as the governing body of the County, must, under the provisions of Section 16-13-184 of the Code of Alabama 1975, as amended, canvass the returns thereof and make a written report under oath declaring the result of the said special election.

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 a majority of the qualified electors of School District No. 2 who voted in said special election on the question of the levy and collection of said special district school tax voted in favor of authorizing the levy and collection of said special district school tax of thirty cents ($0.30) on each one hundred dollars ($100.00) of the assessed value of the taxable property in School District No. 2; 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 canvass, declarations and findings of the Commission, acting as a board of canvassers. The election results as set forth in Resolution No. 2015-084 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