

ORDINANCE 2019 - 04

AN ORDINANCE TO CALL AND PROVIDE FOR NOTICE OF A SPECIAL ELECTION IN THE TOWN OF TRIANA, ALABAMA, ON THE QUESTION OF WHETHER THE TOWN OF TRIANA, ALABAMA, SHALL BE AUTHORIZED TO LEVY AND COLLECT ANNUALLY FOR PUBLIC EDUCATION PURPOSES AN INCREASE IN THE CURRENT RATE OF AD VALOREM TAX IN THE AMOUNT OF ONE DOLLAR AND TWENTY CENTS (\$1.20, OR TWELVE [12] MILLS) ON EACH ONE HUNDRED DOLLARS' WORTH OF TAXABLE PROPERTY IN THE TOWN OF TRIANA, EFFECTIVE FOR THE TAX YEAR BEGINNING OCTOBER 1, 2019 (WHICH WILL BE DUE AND PAYABLE OCTOBER 1, 2020) AND IN ALL SUBSEQUENT YEARS, UNLESS REPEALED OR AMENDED, TO BE ASSESSED AND COLLECTED BY THE TAX ASSESSOR AND TAX COLLECTOR OF MADISON COUNTY, ALABAMA

WHEREAS, the Town Council of the Town of Triana, Alabama, the duly elected governing body of said municipality, after public notice thereof, held a public hearing on November 19, 2018 concerning whether or not, pursuant to the provisions of Amendment No. 373 to the Constitution of Alabama of 1901, an ad valorem tax increase of one dollar and twenty cents (\$1.20, or twelve [12] mills) on each \$100.00 worth of taxable property in the Town of Triana should be levied and collected annually, exclusively for public education purposes, beginning with the tax year beginning October 1, 2019, the tax for which year will be due and payable October 1, 2020, and in all subsequent years, unless repealed or amended; and

WHEREAS, written notice of the public hearing was published in the Huntsville Times ten (10) days before the public hearing and was posted in three (3) public places within the Town and said notice was reasonably designed to inform residents of the Town of Triana of the proposed ad valorem tax increase as set forth above; and

WHEREAS, the public hearing was held pursuant to said written notice on November 19, 2018 and was conducted in a manner that provided a reasonable opportunity for persons to express their views on the issue of the aforesaid Town ad valorem tax increase; and

WHEREAS, on November 19, 2018, the Town Council of the Town of Triana adopted Resolution No. 2018-_____ by which it proposed that the current rate of ad valorem tax in the Town be increased by one dollar and twenty cents (\$1.20, or twelve [12] mills) on each \$100.00 worth of taxable property in the Town of Triana for public school purposes be levied and collected for the tax year beginning October 1, 2019, the tax for which year will be due and payable on October 1, 2020, and in all subsequent years, unless repealed or amended, pursuant to the provisions of Amendment No. 373 to the Constitution of Alabama of 1901, subject to approval of said levy and collection by the Legislature of the State of Alabama, and by a majority vote of the qualified electors of said Town; and

WHEREAS, the Alabama Legislature, on April 11, 2019, adopted Act No. _____ by which the ad valorem tax increase proposed by the Town of Triana for public education purposes was approved and may be made effective beginning with the levy for the tax year beginning on October 1, 2019 said tax to be due and payable on October 1, 2020, provided that the said increase shall be approved by a majority vote of the qualified electors residing in the Town who vote on the proposed increase at a special election called and held in accordance with Amendment No. 373 and the law governing special elections; and

WHEREAS, the Town Council of the Town of Triana, Alabama has determined that it is in the best interest of said municipality that a special referendum be held concerning the question

of whether the Town Council shall be authorized to levy and collect said ad valorem tax increase;
and

WHEREAS, said municipality, acting by and through the Town Council, desires to establish by ordinance the time, place, manner, and procedure for holding a special election for the purpose of submitting to the duly qualified electors of said municipality the question of the levy and collection of the above-said ad valorem tax increase.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Triana, Alabama, sitting in regular session on this the _____ day of _____ 2019 as follows:

Section 1. Call for Special Election and Setting of Date Therefor.

There shall be held in the Town of Triana, Alabama, on the second (2nd) Tuesday in September 2019 (i.e., September 10, 2019), a special election, as provided for in Amendment No. 373 to the Alabama Constitution of 1901 and the law governing such special elections, to determine the question of whether the Town Council of the Town of Triana, Alabama, shall be authorized to levy and collect a citywide ad valorem tax increase of one dollar and twenty cents (\$1.20, or twelve [12] mills) on each \$100.00 worth of taxable property in the Town of Triana, exclusively for public education purposes, for the tax year beginning October 1, 2019 (the tax for which year will be due and payable on October 1, 2020), and in all subsequent years, unless repealed or amended, said twelve (12) mills to be certified to, and assessed and collected by, the Tax Assessor and Tax Collector of Madison County, Alabama, in addition to all other ad valorem taxes now levied and collected in the Town of Triana.

Section 2. Manner of Holding and Conducting Said Election.

Said special election shall be held, conducted, canvassed, and certified in accordance with the provisions of Article 2, Chapter 46, of Title 11 of the Code of Alabama (1975), as amended.

Section 3. Notice of Special Election.

The Mayor shall give notice of this special election by publishing notice thereof in the Huntsville Times, and by posting notices thereof in three public places in the town, on or before July 9, 2019, said notice to be substantially in the following form:

NOTICE OF SPECIAL ELECTION

Notice is hereby given that a special election will be held in the Town of Triana in the State of Alabama on Tuesday, September 10, 2019, between the hours of 7:00 a.m. and 7:00 p.m. at which there will be submitted to the qualified voters of the city, for their determination by ballot, of the following proposition:

Whether the Town Council of the Town of Triana, Alabama, the governing body of said City, shall be authorized to levy and collect annually an ad valorem tax increase of \$1.20 on each \$100.00 worth of taxable property in the Town of Triana (twelve [12] mills) exclusively for public education purposes, to be levied and collected beginning with the tax year beginning on October 1, 2019, and in all subsequent years, unless repealed or amended, said twelve (12) mills to be certified to, and assessed and collected by, the Tax Assessor and Tax Collector of Madison County, Alabama, in addition to all other ad valorem taxes now levied and collected in the Town.

All registered and qualified electors of the State, who reside within the corporate limits of Madison, Alabama, and have resided therein for thirty (30) days or more immediately preceding the date of such election, and who are qualified to vote in Madison County or Limestone County precincts which embrace and cover that part of the corporate limits of the Town of Triana in which the elector resides, will be authorized to participate in said election.

The polls will be opened for voting at the Triana Town Hall, 640 6th Street, Triana, AL 35756 at 7:00 a.m. on September 10, 2019 and shall be closed at 7:00 p.m. on said date for the purpose of holding said special election. Absentee voting permitted by law will be held at the Triana Town Hall, 640 6th Street, Triana, AL 35756.

Section 4. Procedures for Setting Up Said Election, Form of Ballot, Designation of Polling Place, Hours Polls Will Be Open, and Expense of Conducting Special Election.

The Mayor shall make immediate arrangements for furnishing the necessary election supplies, for the submitting of names of election officials for the conduct of said special election to the Town Council for approval, to provide for a school for instruction of election officials, public exhibition of voting machines, and for complying with all other responsibilities imposed on the Mayor under Article 2, Chapter 46, of Title 11 of the Code of Alabama (1975). The hours during which the polls will be open are hereby designated as between 7:00 a.m. and 7:00 p.m. on September 10, 2019.

The Mayor shall also make arrangements for a specially printed ballot for utilization in the conduct of said special election, said ballot to be in substantially the following form:

**BALLOT
SPECIAL MUNICIPAL ELECTION
TOWN OF TRIANA, ALABAMA
TUESDAY, SEPTEMBER 10, 2019**

Whether the Town Council of the Town of Triana, Alabama, the governing body of said City, shall be authorized to levy and collect annually an ad valorem tax increase of \$1.20 on each \$100.00 worth of taxable property in the Town of Triana (twelve [12] mills) exclusively for public education purposes, to be levied and collected beginning with the tax year beginning on October 1, 2019, and in all subsequent years, unless repealed or amended, said twelve (12) mills to be certified to, and assessed and collected by, the Tax Assessor and Tax Collector of Madison County, Alabama, in addition to all other ad valorem taxes now levied and collected in the Town.

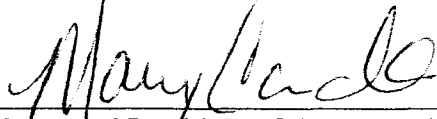
_____ FOR 12-mill increase in the rate of ad valorem taxation on taxable property in the Town of Triana exclusively for public education purposes.

_____ AGAINST 12-mill increase in the rate of ad valorem taxation on taxable property in the Town of Triana exclusively for public education purposes.

Section 6. Effective Date.

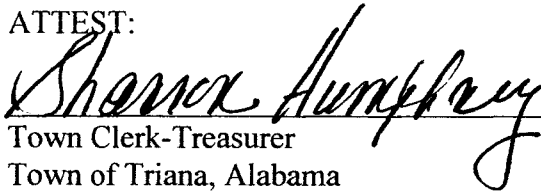
This ordinance shall become effective upon adoption by the Town Council of the Town of Triana, Alabama, its approval by the Mayor, or its otherwise becoming a law, and upon its publication as required by law.

READ, ADOPTED and APPROVED this 13th day of May 2019.



Mayor and President of the Town Council
Town of Triana, Alabama

ATTEST:



Town Clerk-Treasurer
Town of Triana, Alabama