AUBURN CITY COUNCIL

ADJOURNED MEETING

(Adjourned from September 17, 2013)

AGENDA

October 1, 2013

11:45 AM

1. **CALL TO ORDER**. Mayor Ham.

2. **ROLL CALL**.

3. **PROVISIONAL BALLOTS.** City Manager Duggan.
   Accept from Lee County Board of Registrars.

4. **ORDINANCE.** Special Municipal Election.
   Canvass Election Results.

5. **ADJOURNMENT.**

Agenda Item Summary

Item No. 4

Council Meeting Date	October 01, 2013
Department	Office of the City Manager
Submitted By	Charles M. Duggan, Jr.
Agenda Section	Ordinances

Name and address of person(s) or business(es) this item affects:

Citizens of Auburn

Description of item under consideration

Ordinance Canvassing Results of the Special Municipal Election held on Tuesday, September 24, 2013.

Why is Council action needed?

Section 17-10-2(3)(f) Code of Alabama, 1975, as amended, requires that the Council shall meet seven days after the election to tabulate provisional ballots which have been certified by the board of registrars as being cast by qualified voters of the voting places in which the ballots were cast and adopts an ordinance canvassing the results of the election.

Are there deadlines involved with this item?

Yes

Please explain

State law requires the governing body to canvass the election results before noon the Tuesday after the election.

Is this a budgeted item?

N/A

Ordinance No. ____

AN ORDINANCE CANVASSING AND DECLARING THE RESULTS OF A SPECIAL MUNICIPAL ELECTION HELD IN THE CITY OF AUBURN, ALABAMA, ON TUESDAY, SEPTEMBER 24, 2013, REGARDING AN INCREASE IN THE MILLAGE RATE OF A PROPERTY TAX LEVIED FOR PUBLIC SCHOOL PURPOSES

WHEREAS, at a meeting of the City Council ("the Council") of the City of Auburn ("the City") in the State of Alabama held on June 4, 2013, Ordinance No. 2827 was duly adopted by the Council in which a special municipal election was called to be held in the City on September 24, 2013 (being the fourth Tuesday in the said month of September) for the purpose of submitting to the qualified electors of the City to determine their will with respect to the following proposition:

> Shall the City of Auburn, Alabama, be authorized to levy and collect, in addition to all other taxes, a special ad valorem tax pursuant to Amendment No. 148 to the Constitution of Alabama of 1901 at the rate of fourteen (14) mills, resulting from an increase of nine (9) mills, on each dollar ($1.40 on each one hundred dollars) of the valuation of the taxable property in the City as assessed for municipal taxation, the proceeds of which tax shall be used exclusively for the support and furtherance of education, said tax to be levied and collected annually for each successive tax year of the City continuing without limit as to time, which levy shall be in continuation, except as to rate, of the tax approved pursuant to said Amendment No. 148 at an election held in the City on October 23, 2001?

WHEREAS, notice of the said election was posted in three public places in the City and was published in *The Auburn Villager*, a newspaper published and having general circulation in the City once a week for three consecutive weeks in the issues of the said newspaper published on June 13, June 20 and June 27, 2013, in the form of the said notice as provided in the said ordinance, the first of the said dates of publication having been more than thirty days before the date of the said election, and having been on or before the fourth Tuesday of the second month next preceding the month in which the said election was held;

WHEREAS, the said election was held in the City on September 24, 2013, in all respects as provided in the said notice between the hours of 7:00 o'clock, a.m., and 7:00 o'clock, p.m., being the legal hours provided by law for the holding of the said election, and the ballots used in the said election were in all respects in the forms therefor set out in the said ordinance, and the

officials who conducted the said election have duly made and duly filed with the Council their respective reports, returns, and certificates; and

WHEREAS, the Council is required by law to canvass the returns of the said election on the first Tuesday next after the said election, and declare the results thereof, and at a meeting of the Council held on October 1, 2013, the Council, acting as a board of canvassers, has duly canvassed the said returns and ascertained the results of the said election with respect to the said proposition;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Auburn, acting as a board of canvassers for the purpose of canvassing the results of the said election, as follows:

(1) the recitations contained in the foregoing preambles are hereby found and declared to be true and are hereby adopted as a part of this ordinance;

(2) the said election was duly called, notice thereof was duly given, and the said election was duly held and the ballots used thereat were in all respects as provided by law;

(3) at the said election on the said proposition, the canvass of the returns indicated the following:

Ward Number	Voting Place	For the Proposed Increase	Against the Proposed Increase
1	Boykin Community Center 400 Boykin Street	131	249
2	National Guard Armory 1455 Shug Jordan Parkway	918	986
3, 4	Frank Brown Recreation Center 235 Opelika Road	730	994
5, 6	Dean Road Recreation Center 307 South Dean Road	1,125	1,137
7, 8	Clarion Inn & Suites 1577 South College Street	1,416	1,669
Absentee Ballot Box	City Hall 144 Tichenor Avenue	132	150
	Subtotal	4,452	5,185
Provisional Ballots		_____	_____

(4) at the said election on the said proposition a total of _____ votes were received and cast; of the said votes so received and cast _____ votes were received and cast for the levy of the said special tax at the increased rate and _____ votes were received and cast against the levy of the said special tax; that the number of votes received and cast in the said election against the levy of the said special tax at the increased rate exceeded by _____ votes the number of votes received and cast in the said election against the levy of the said special tax at the increased rate; and that at the said election a majority of the qualified electors of the said City who voted thereat voted against the levy of the said special tax at the increased rate.

BE IT FURTHER ORDAINED, that this ordinance shall comprise the canvass and declaration by the Council of the results of the aforesaid election and shall be recorded in the minutes of the proceedings of the City and a certified copy of this ordinance shall be published one time in *The Auburn Villager* and filed in the office of the Judge of Probate of Lee County.

Adopted this 1st day of October, 2013.

_____
Mayor

ATTEST:

_____
City Manager