

ORDINANCE 2019 - 06

AN ORDINANCE TO AMEND ORDINANCE 2019- 04 PREVIOUSLY ADOPTED BY THE COUNCIL, 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 BY TWELVE (12) MILLS ON EACH DOLLAR (OR \$1.20 ON EACH ONE HUNDRED DOLLARS) OF THE ASSESSED VALUE 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TAX YEAR BEGINNING OCTOBER 1, 2019 (WHICH WILL BE DUE AND PAYABLE OCTOBER 1, 2020) AND IN ALL SUBSEQUENT YEARS, UNLESS REPEALED OR AMENDED, TO BE ASSESSED AND COLLECTED BY THE TAX ASSESSOR AND TAX COLLECTOR OF MADISON COUNTY, ALABAMA

Ordinance 2019-04 adopted by the Town Council of the Town of Triana on May 13, 2019 is hereby amended to provide as follows:

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, a citywide ad valorem tax increase of twelve mills on each dollar (or \$1.20 on each \$100.00) of the assessed value 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October 1, 2019, the tax for which year will be due and payable October 1, 2020, and in all subsequent years, unless repealed or amended; and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. 2018-07 by which it proposed that the current rate of ad valorem tax in the Town be increased by twelve (12) mills on each dollar (or \$1.20 on each \$100.00) of the assessed value 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 9, 2019, gave final approval to HB-130 which became law without the Governor's signature on April 19, 2019 and which has been enrolled by the Secretary of State as Act No. 2019-51, by which Act 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 shall be levied only if the City of Madison, Alabama also approves a 12 mill increase in the rate of its ad valorem tax at a special election held contemporaneously with

the special election held in the Town, the proceeds of which are to be used exclusively for public educational purposes; 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 May, 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 a citywide ad valorem tax increase of twelve (12) mills on each dollar (or \$1.20 on each \$100.00) of the assessed value 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, said increase in the ad valorem tax of the Town to be levied only if the City of Madison, Alabama also approves a 12 mill increase in the rate of its ad valorem tax at a special election held contemporaneously with the special election held in the Town of Triana, the proceeds of which are to be used exclusively for public educational purposes.

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 Town, shall be authorized to levy and collect annually a citywide ad valorem tax increase of twelve (12) mills on each dollar (or \$1.20 on each \$100.00) of the assessed value of taxable property in the Town of Triana, 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; provided that said increase in the ad valorem tax of the Town shall be levied only if the City of Madison, Alabama also approves a 12 mill increase in

the rate of its ad valorem tax at a special election held contemporaneously with the special election held in the Town of Triana, the proceeds of which are to be used exclusively for public educational purposes.

All registered and qualified electors of the State, who reside within the corporate limits of Triana, 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 the Madison County precinct which embraces and covers the portion 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 Town, shall be authorized to levy and collect annually an ad valorem tax increase of twelve (12) mills on each dollar (or \$1.20 on each \$100.00) of the assessed value of taxable property in the Town of Triana, 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, provided that said increase in the ad valorem tax of the Town shall be levied only if the City of Madison, Alabama also approves a 12 mill increase in the rate of its ad valorem tax at a special election held contemporaneously with the special election held in the Town of Triana, the proceeds of which are to be used exclusively for public educational purposes.

_____ FOR proposed taxation

_____ AGAINST proposed taxation

The Town Council hereby designates the Triana Town Hall, 640 6th Street, Triana, AL 35756 as the voting place for this special election.

The Town Clerk-Treasurer is hereby directed to pay the expense of said special election from the general fund of the Town of Triana, Alabama, as provided by law.

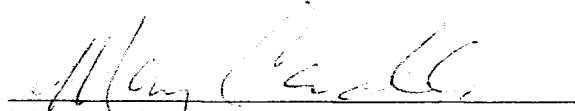
Section 5. Severability.

The provisions of this ordinance are severable. If any section, subsection, or portion of this ordinance is found to be unlawful or unconstitutional by a court of competent jurisdiction, such findings shall not affect the part which remains.

Section 6. Effective Date.


This amended ordinance shall supersede and replace Ordinance 2019-04 as previously adopted, and shall become effective upon adoption by the Town Council of the Town of Triana, Alabama, and upon its publication as required by law.

READ, ADOPTED and APPROVED this 28 day of May, 2019.



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

ATTEST:



Town Clerk-Treasurer
Town of Triana, Alabama