

**PROCEEDINGS PERTAINING TO  
AN INCREASE IN AN AD VALOREM  
TAX LEVIED IN THE CITY**

The following ordinance was introduced in writing by Council President Smith:

**ORDINANCE NO. 2049**

**AN ORDINANCE CALLING AN  
ELECTION IN THE CITY OF  
MOUNTAIN BROOK ON SEPTEMBER 24, 2019**

**BE IT ORDAINED** by the City Council (herein called "the Council") of the City of Mountain Brook (herein called "the City"), in the State of Alabama, as follows:

Section 1. Findings of Fact. The Council, upon evidence duly submitted to and considered by it, does hereby find and declare that the following facts are true and correct:

(a) A special election was duly called and held in the City on May 20, 1947, pursuant to Amendment No. 56 to the Constitution of Alabama of 1901, at which election a majority of the qualified electors of the City voting thereat did vote in favor of the levy and collection of a special additional annual ad valorem tax (herein called "the Amendment No. 56 Tax") for the purpose of providing additional funds for public school purposes. The said tax was originally authorized to be levied at the rate of 5 mills and, pursuant to proceedings taken under Amendment No. 325 and Amendment No. 373 to the Constitution of Alabama of 1901, is now being levied at the rate of 10.6 mills.

(b) The Council, by resolution adopted February 11, 2019, following a public hearing, proposed to increase the rate at which the Amendment No. 56 Tax is levied from 10.6 mills on each dollar to 20.6 mills on each dollar of the assessed value of taxable property in the City.

(c) The Legislature of Alabama, through the enactment of Act No. 2019-203, has approved the said increase.

(d) The levy of the Amendment No. 56 Tax at the rate of 20.6 mills on each dollar of assessed value of taxable property, if approved by the electorate, shall be in continuation of the levy of the Amendment No. 56 Tax.

Section 2. Call of Election. A special municipal election is hereby called to be held in the City on Tuesday, the 24<sup>th</sup> day of September, 2019, between the hours of 7:00 a.m. and 7:00 p.m. for the purpose of submitting the following question or proposition to the qualified electors of the City and determining by ballot their will with respect thereto:

Whether the City shall be authorized to levy and collect, in addition to all other taxes now or hereafter authorized, the special annual ad valorem tax at the per annum rate of 20.6 mills on each dollar of the assessed valuation of the

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taxable property in the City referred to in the notice of election set out in Section 3 of this ordinance.

Section 3. Notice of Election. The Mayor is hereby directed to give notice of the said election in the manner provided by law in substantially the following form by posting in the Mountain Brook City Hall, 56 Church Street; Cahaba River Walk, 3053 Overton Road; Overton Park, 3020 Overton Road; and Gilchrist, 2805 Cahaba Road; the said posting to be made not later than the fourth Tuesday in ~~September, 2019~~ July, 2019: (corrected in minutes)

**NOTICE OF SPECIAL MUNICIPAL ELECTION**

Notice is hereby given that a special municipal election will be held in the City of Mountain Brook in the State of Alabama on Tuesday, the 24<sup>th</sup> day of September, 2019, between the hours of 7:00 a.m. and 7:00 p.m., Central Time, at which there will be submitted to the qualified electors of the said City, for their determination by ballot, the following proposition:

Shall the City of Mountain Brook be authorized to levy and collect at the rate of 2.06% (or 20.6 mills on each dollar) of the assessed value of taxable property in the City (being an increase of 10 mills), the special ad valorem tax authorized at an election held on May 20, 1947, and now being levied at the rate of 10.6 mills; said tax is to be levied and the proceeds thereof to be used for public school purposes in the City; said increase to be effective for each tax year of the City commencing with the tax year for which taxes of the City will become due and payable on October 1, 2020, and continuing for each successive tax year thereafter?

The said election shall be at the following regularly established voting places in the City at which shall be cast the ballots of the electors customarily voting at the said respective places:

Polling District No.	Polling Location
1	St. Luke's Episcopal Church (Precinct 46, Box 8) 3736 Montrose Road Mountain Brook, Alabama 35213
2	Mountain Brook City Hall (Precinct 46, Box 9) 56 Church Street Mountain Brook, Alabama 35213
3	Brookwood Baptist Church (Precinct 48, Box 6) 3449 Overton Road Mountain Brook, Alabama 35223

Polling  
District  
No.

Polling Location

4

Mountain Brook Community Church (Precinct 48, Box 4)  
3001 U.S. Highway 280  
Mountain Brook, Alabama 35243

[smart phone mapping location]  
4428 Cahaba River Road  
Birmingham, Alabama 35243

5

Canterbury United Methodist Church (Precinct 46, Box 7)  
350 Overbrook Road  
Mountain Brook, Alabama 35213

6

Cherokee Bend Elementary School (Precinct 45, Box 2)  
4400 Fair Oaks Drive  
Mountain Brook, Alabama 35223

Absentee Ballot Box

Mountain Brook City Hall  
56 Church Street  
Mountain Brook, Alabama 35223

By order of the City Council.

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Mayor of the City of Mountain Brook

(End of form of notice)

Section 4. Form of Ballot. The following is hereby adopted as the form of the official ballot to be used at the said election on the proposition referred to in the Notice of Election set out in Section 3 of this ordinance, which ballot shall be prepared under the direction of the City Clerk for use in the voting machines at the respective voting places:

**OFFICIAL BALLOT**

**SPECIAL MUNICIPAL TAX ELECTION  
10 MILL INCREASE IN EXISTING 10.6 MILL SCHOOL TAX  
CITY OF MOUNTAIN BROOK, ALABAMA**

**SEPTEMBER 24, 2019**

INSTRUCTIONS TO VOTERS: [The appropriate instructions to voters shall be printed here.]

**PROPOSITION**

Shall the City of Mountain Brook be authorized to levy and collect, at the rate of 2.06% (or 20.6 mills on each dollar) of the assessed value of taxable property in the City (being an increase of 10 mills), the special ad valorem tax authorized at an election held on May 20, 1947, and now being levied at the rate of 10.6 mills; said tax to be levied and the proceeds thereof used for public school purposes in the City; said increase to be effective for each tax year of the City commencing with the tax year for which taxes of the City will become due and payable on October 1, 2020, and continuing for each successive tax year thereafter?

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(     )     FOR said proposed 10 mill increase in existing 10.6 mill tax, resulting in said 2.06% (or 20.6 mills) additional rate of taxation

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(     )     AGAINST said proposed 10 mill increase in existing 10.6 mill tax, resulting in said 2.06% (or 20.6 mills) additional rate of taxation

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The form of the official absentee ballot to be used at the said election shall be the same as the foregoing form of the official ballot with the following exceptions:

In lieu of the words "Official Ballot" appearing at the head of the form thereof, there shall be inserted in the official absentee ballot the words "Official Absentee Ballot"; and there shall be included with the official absentee ballot the forms of affidavit for absent voters substantially equivalent to the forms of affidavit prescribed therefor by law.

Section 5. Polling Places and Election Officials. The polling or voting places in the City for the holding of the said election are hereby designated and appointed as follows:

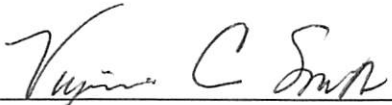
<b><u>Polling District No.</u></b>	<b><u>Polling Location</u></b>
1	St. Luke's Episcopal Church (Precinct 46, Box 8) 3736 Montrose Road Mountain Brook, Alabama 35213
2	Mountain Brook City Hall (Precinct 46, Box 9) 56 Church Street Mountain Brook, Alabama 35213
3	Brookwood Baptist Church (Precinct 48, Box 6) 3449 Overton Road Mountain Brook, Alabama 35223
4	Mountain Brook Community Church (Precinct 48, Box 4) 3001 U.S. Highway 280 Mountain Brook, Alabama 35243  [smart phone mapping location] 4428 Cahaba River Road Birmingham, Alabama 35243
5	Canterbury United Methodist Church (Precinct 46, Box 7) 350 Overbrook Road Mountain Brook, Alabama 35213
6	Cherokee Bend Elementary School (Precinct 45, Box 2) 4400 Fair Oaks Drive Mountain Brook, Alabama 35223
Absentee Ballot Box	Mountain Brook City Hall 56 Church Street Mountain Brook, Alabama 35223

The Council will by resolution hereinafter to be adopted appoint and designate the election officials to conduct the said election at the said voting places.

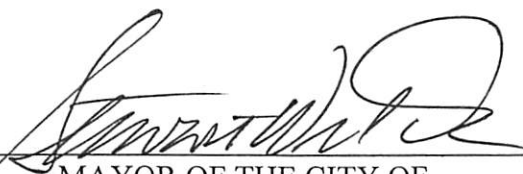
Section 6. Canvass of Returns and Declaration of Results. The Council shall meet in the Council Chambers in the City Hall at 12:00 p.m., on October 1, 2019, being the first Tuesday after the holding of the election, for the purpose of canvassing the results and declaring the results of said election. The record of the results of the election shall be recorded in the minutes and proceedings of the Council and when so recorded said records shall be conclusive evidence of the matters therein stated and of the validity of the election, unless contested as required by law.

Section 7. Conduct of Election. Except as otherwise specifically provided herein, said special municipal election shall be conducted, canvassed, and the results thereof declared in the same manner as provided in Chapter 46 of Title 11 of the Code of Alabama 1975, as amended.

**ADOPTED** this the 24th day of June, 2019.

  
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PRESIDENT OF THE CITY COUNCIL OF  
THE CITY OF MOUNTAIN BROOK,  
ALABAMA

**APPROVED** this the 24th day of June, 2019.


  
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MAYOR OF THE CITY OF  
MOUNTAIN BROOK, ALABAMA

**CERTIFICATION**

I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama, hereby certify the above to be a true and correct copy of an ordinance adopted by the City Council of the City of Mountain Brook, Alabama, at its meeting held on this 24th day of June, 2019, as same appears in the minutes of record of said meeting, and published by posting copies thereof on June 25, 2019, at the following public places, which copies remained posted for five (5) days as required by law.

City Hall, 56 Church Street  
Overton Park, 3020 Overton Road

Gilchrist Pharmacy, 2805 Cahaba Road  
Cahaba River Walk, 3503 Overton Road

  
\_\_\_\_\_  
City Clerk

Councilmember Womack moved that the rules be suspended and unanimous consent be given for immediate consideration of and action on the said ordinance, which motion was seconded by Councilmember Shelton and, upon the same being put to vote, the following vote was recorded:

YEAS  
Virginia C. Smith, President  
Philip E. Black  
Lloyd C. Shelton  
Alice B. Womack

NAYS  
None

The chairman thereupon declared that the motion for unanimous consent for immediate consideration of and action on the said ordinance had been unanimously carried. Councilmember Womack thereupon moved that the foregoing ordinance be adopted, which motion was seconded by Councilmember Shelton and, upon the same being put to vote, the following vote was recorded:

YEAS  
Virginia C. Smith, President  
Lloyd C. Shelton  
Alice B. Womack

NAYS  
None

ABSTAINED  
Philip E. Black

The chairman thereupon announced that the motion for the adoption of the said ordinance was adopted by a vote of 3—0 with one councilmember abstaining.

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