

**ORDINANCE NUMBER 3150**

**AN ORDINANCE CALLING AN AD VALOREM SCHOOL TAX  
ELECTION IN THE CITY OF VESTAVIA HILLS ON MAY 9, 2023**

**BE IT ORDAINED** by the City Council (the "Council") of the City of Vestavia Hills (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) Pursuant to Amendment No. 56 to the Constitution of Alabama of 1901 (the "Alabama Constitution"), proceedings taken under the Alabama Constitution and elections held in the City on April 28, 1970, May 8, 1990, and March 11, 2014, the City presently levies, without limit as to time, a special annual ad valorem tax (the "Amendment No. 56 School Tax") at the rate of 25.6 mills per dollar (2.56%) of the assessed value of taxable property in the City, for use by the Vestavia Hills City Board of Education (the "Board of Education") for public school purposes.

(b) Pursuant to Section 217(f) of the Alabama Constitution, and at the request of the Board of Education, the Council, by resolution adopted January 23, 2023, following a public hearing, proposed to increase the rate at which it levies the Amendment No. 56 School Tax from the present rate of 25.6 mills on each dollar to a rate of 35.4 mills on each dollar (an increase of 9.8 mills on each dollar) of the assessed value of taxable property in the City.

(c) It is expected that there will be introduced in the 2023 Regular Session of the Legislature of Alabama a bill which, if enacted, will approve the said increase, subject to favorable vote of the qualified electors of the City who vote at an election called to approve the said increase.

(d) The levy of the Amendment No. 56 School Tax at the increased rate of 35.4 mills on each dollar, if approved by the electorate, shall be in continuation of the levy of the Amendment No. 56 School Tax.

Section 2. Call of Election. A special municipal election is hereby called to be held in the City on Tuesday, the 9<sup>th</sup> day of May, 2023, 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 35.4 mills on each dollar of the assessed valuation of the 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 (i) the Vestavia Hills City Hall, 1032 Montgomery Highway, (ii) the Vestavia Hills Civic Center, 1090 Montgomery Highway, (iii) the Vestavia Hills City Board of Education, 1204 Montgomery Highway, (iv) the Vestavia Hills Library in the Forest, 1221 Montgomery Highway, and (v) the New Merkel House, 2150 Hollis Crossing; the said posting to be made not later than Tuesday, March 7, 2023:

NOTICE OF SPECIAL MUNICIPAL ELECTION

Notice is hereby given that a special municipal election will be held in the City of Vestavia Hills in the State of Alabama on Tuesday, the 9<sup>th</sup> day of May, 2023, 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 Vestavia Hills be authorized to levy and collect at the rate of 3.54% (or 35.4 mills on each dollar) of the assessed value of taxable property in the City (being an increase of 9.8 mills), the special ad valorem tax authorized at elections held on April 28, 1970, May 8, 1990, and March 11, 2014, and now being levied at the rate of 25.6 mills; said tax at the increased rate of 35.4 mills to be levied and the proceeds thereof to be used by the Vestavia Hills City Board of Education 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, 2023, and continuing for each successive tax year thereafter, without limit as to time?

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:

<u>Polling District No.</u>	<u>Polling Location</u>
1	Shades Mountain Baptist Church 2017 Columbiana Road Vestavia Hills, Alabama 35216
2	Vestavia Hills Methodist Church 2061 Kentucky Avenue Vestavia Hills, Alabama 35216
3	Mountaintop Community Church 225 Centerview Drive Vestavia Hills, Alabama 35216
4	Vestavia Hills Civic Center 1090 Montgomery Highway Vestavia Hills, Alabama 35216

5 Cahaba Heights Baptist Church  
3800 Crosshaven Drive  
Vestavia Hills, Alabama 35243

6 The Church at Liberty Park  
12001 Liberty Parkway  
Vestavia Hills, Alabama 35243

Absentee Ballot Box  
Vestavia Hills City Hall  
1032 Montgomery Highway  
Vestavia Hills, Alabama 35216

By order of the City Council.

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Mayor of the City of Vestavia Hills

(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  
9.8 MILL INCREASE IN EXISTING 25.6 MILL SCHOOL TAX  
FOR PUBLIC SCHOOL PURPOSES IN THE  
CITY OF VESTAVIA HILLS, ALABAMA

MAY 9, 2023

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

PROPOSITION

Shall the City of Vestavia Hills be authorized to levy and collect, at the rate of 3.54% (or 35.4 mills on each dollar) of the assessed value of taxable property in the City (being an increase of 9.8 mills), the special ad valorem tax authorized at elections held on April 28, 1970, May 8, 1990, and March 11, 2014, and now being levied at the rate of 25.6 mills; said tax at the increased rate of 35.4 mills to be levied and the proceeds thereof used by the Vestavia Hills City Board of Education 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, 2023, and continuing for each successive tax year thereafter, without limit as to time?

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( ) FOR said proposed 9.8 mill increase in existing 25.6 mill tax, resulting in said 3.54% (or 35.4 mills) additional rate of taxation commencing with the tax year for which municipal taxes will become due and payable in the City of Vestavia Hills on October 1, 2023, and for each consecutive tax year thereafter, the proceeds of which shall be used by the Vestavia Hills City Board of Education for public school purposes.

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( ) AGAINST said proposed 9.8 mill increase in existing 25.6 mill tax, resulting in said 3.54% (or 35.4 mills) additional rate of taxation commencing with the tax year for which municipal taxes will become due and payable in the City of Vestavia Hills on October 1, 2023, and for each consecutive tax year thereafter, the proceeds of which shall be used by the Vestavia Hills City Board of Education for public school purposes.

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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:

<u>Polling District No.</u>	<u>Polling Location</u>
1	Shades Mountain Baptist Church 2017 Columbiana Road Vestavia Hills, Alabama 35216
2	Vestavia Hills Methodist Church 2061 Kentucky Avenue Vestavia Hills, Alabama 35216

- 3 Mountaintop Community Church  
225 Centerview Drive  
Vestavia Hills, Alabama 35216
  - 4 Vestavia Hills Civic Center  
1090 Montgomery Highway  
Vestavia Hills, Alabama 35216
  - 5 Cahaba Heights Baptist Church  
3800 Crosshaven Drive  
Vestavia Hills, Alabama 35243
  - 6 The Church at Liberty Park  
12001 Liberty Parkway  
Vestavia Hills, Alabama 35243
- Absentee Ballot Box Vestavia Hills City Hall  
1032 Montgomery Highway  
Vestavia Hills, Alabama 35216

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 May 16, 2023, 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 and APPROVED** this the 27<sup>th</sup> day of February, 2023.

Ashley C. Curry  
Mayor

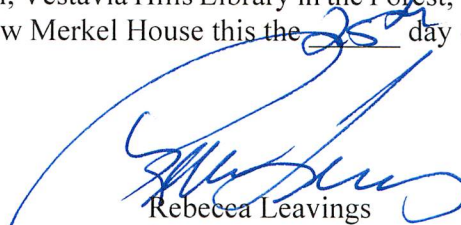
ATTESTED BY:

Rebecca Leavings  
City Clerk

**CERTIFICATION:**

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance Number 3150 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the 27th day of February, 2023 as same appears in the official records of said City.

Posted at Vestavia Hills City Hall, Vestavia Hills Library in the Forest, Vestavia Hills Civic Center and Vestavia Hills New Merkel House this the 25<sup>th</sup> day of March, 2023.



Rebecca Leavings  
City Clerk