

Anniston, Alabama  
September 10, 2012

The City Council of the City of Anniston, Alabama, met in Special Session in the Council Chamber in the City Hall of the City of Anniston, Alabama, on Monday, September 10, 2012, at approximately 1:19 o'clock p.m. to consider a resolution acknowledging requests for a Municipal Election Recount and confirming the cost of said recount.

Mayor Robinson called the meeting to order. On call of the roll the following Council Members were found to be present: Council Members Jenkins, Palmore, Little, Dunn and Robinson; absent: Council Member Little. A quorum was present and the meeting opened for the transaction of business.

Don Hoyt, City Manager, was present.

Council Member Jenkins introduced and read Resolution Number 12-R-335 as follows:

RESOLUTION NUMBER 12-R-335

A RESOLUTION ACKNOWLEDGING REQUESTS FOR A MUNICIPAL ELECTION  
RECOUNT AND CONFIRMING THE COST OF SAID RECOUNT

Whereas, Mr. Ralph Bradford Sr. has requested a recount of the municipal ballots cast on August 28, 2012 for the office of Mayor, and

Whereas, Mr. Benjamin Little has requested a recount of the municipal ballots cast on August 28 for the office of City Council Ward 3, and

Whereas, Mr. Harold Ray has likewise requested a recount of the municipal ballots cast on August 28 for the office of City Council Ward 3, and

Whereas, by this Resolution the City Council of the City of Anniston acknowledges these requests for recount were filed in a timely manner, and

Whereas, the petitioner(s) is responsible for the cost of the recount and is required to give security to cover the costs of conducting the recount, and

Whereas, it is the duty of the City to fix the reasonable costs associated with performing the recount, and

Whereas, the recount must be conducted under the supervision of a trained and certified election official, and

Whereas, the City must obtain from ESS a voting machine to recount the ballots in each race a recount is requested, and

Whereas, the City must also file an action and receive an Order from a court of competent jurisdiction to open the ballot boxes, and

Whereas, the City must have a City representative overseeing this recount, and

Whereas, Mr. Rick Bearden of the Law Firm of Massey & Stotser has experience in the area of election recounts, and

Whereas, by this Resolution the City Council does hereby agree to employ Mr. Rick Bearden to operate as the City representative in this recount, and

Whereas, the City has determined that the reasonable costs associated with this recount are as follows.

ESS machine rental per recount	\$ 750.00
2 Certified Election Officials	\$ 600.00
Legal	<u>\$ 2,500.00</u>
Total Cost	\$3,850.00

NOW THEREFORE, BE IT RESOLVED, by the City Council of the City of Anniston, Alabama as follows:

Section 1. That the amounts listed above are fixed costs.

Section 2. That no recount will begin until the security in the form of cash, certified cashier's check or money order payable to the City of Anniston to pay for the recount has been received by the City Clerk's office.

Section 3. That those requesting a recount must provide that security to the City Clerk by 4:00 o'clock p.m. on Thursday September 13, 2012.

Section 4. That the expense of conducting this recount will be based pro rata among the petitioners on the number of total ballots cast.

Section 5. That the City Clerk, upon receipt of the security must provide all interested parties at least 24 hours notice before conducting a recount.

PASSED AND ADOPTED this the 10th day of September, 2012.

CITY COUNCIL OF THE CITY OF  
ANNISTON, ALABAMA

By: /s/ Gene Robinson, Mayor

By: /s/ Jay W. Jenkins, Council Member

By: /s/ Herbert N. Palmore, Council Member

By: /s/ Marcus L. Dunn, Council Member

ATTEST:

/s/ Alan B. Atkinson, City Clerk

Council Member Jenkins made a motion for the passage and adoption of Resolution Number 12-R-335 as introduced and read. The motion was seconded by Council Member Dunn; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Palmore, Dunn and Robinson; nays: none; absent: Council Member Little. The motion carried and Resolution Number 12-R-335 was passed and adopted.

There being no further business to come before the meeting at that time Council Member Jenkins made a motion the meeting be adjourned. The motion was seconded by Council Member Palmore; and on call of the roll the following vote was recorded: ayes: Council Members Jenkins, Palmore, Dunn and Robinson; nays: none; absent: Council Member Little. The motion carried and the meeting was adjourned at approximately 1:28 o'clock p.m.