

RESOLUTION NO. 38-2019 (AMENDED)

INTRODUCED BY: Mayor James P. Graven and Council as a Whole

A RESOLUTION SUBMITTING TO THE ELECTORS OF THE CITY THE QUESTION OF THE RENEWAL OF AN EXISTING 2.0-MILL TAX LEVY FOR THE PURPOSE OF PROVIDING AND MAINTAINING FIRE APPARATUS, APPLIANCES AND EMERGENCY RESCUE EQUIPMENT OR SOURCES OF WATER SUPPLY AND MATERIALS THEREFOR OR THE PAYMENT OF PERMANENT, PART-TIME OR VOLUNTEER FIREMEN OR FIRE-FIGHTING COMPANIES TO OPERATE THE SAME, AND DECLARING AN EMERGENCY.

WHEREAS, on May 14, 2019, this Council adopted Resolution No. 37-2019 pursuant to Section 5705.03 of the Revised Code declaring it necessary to renew an existing 2.0-mill tax levy, for five years, and requesting the Cuyahoga County Auditor to certify the total current tax valuation of the City and the dollar amount of revenue that would be generated by that renewal levy; and

WHEREAS, on May 20, 2019, the County Auditor certified that the total current tax valuation of the City is \$216,145,760 and the dollar amount of revenue that would be generated by that 2.0-mill renewal tax levy would be \$126,595 annually during the life of the levy, assuming that the total current tax valuation remains the same throughout the life of the levy. Now therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OLMSTED FALLS, CUYAHOGA COUNTY, STATE OF OHIO, THAT:

SECTION 1. Declaration of Necessity of Tax Levy. This Council hereby finds, determines and declares that the amount of taxes which may be raised by the City within the ten-mill limitation by levies on the current tax list and duplicate will be insufficient to provide an adequate amount for the necessary requirements of the City, and that it is necessary to levy a tax in excess of that limitation at the rate of 2.0 mill for the purpose of providing and maintaining fire apparatus, appliances and emergency rescue equipment or sources of water supply and materials therefor or the payment of permanent, part-time or volunteer firemen or fire-fighting companies to operate the same, for five years.

SECTION 2. Submission of Question of Tax Levy to the Electors. The question of the renewal of an existing 2.0-mill tax levy for the purpose of providing and maintaining fire apparatus, appliances and emergency rescue equipment or sources of water supply and materials therefor or the payment of permanent, part-time or volunteer firemen or fire-fighting companies to operate the same, for five years, beginning with the tax list and duplication for the year 2019, the proceeds of which levy first would be available to the City in calendar year 2020, shall be submitted under the provisions of Section 5705.19 of the Revised Code to the electors of the City at an election to be held therein on November 5, 2019, as authorized by law. The ballot language is attached as Exhibit "A." That election shall be held at the regular places of voting in the City

as established by the Cuyahoga County Board of Elections, or otherwise, within the times provided by law and shall be conducted, canvassed and certified in the manner provided by law.

SECTION 3. Notice of Election. The Clerk of Council, or other authorized official of the City, be and are hereby authorized and directed to give or cause to be given notice of that election as provided by law.

SECTION 4. Delivery of Materials to the Board of Elections. The Clerk of Council, or other authorized official of the City, be and are hereby directed to deliver or cause to be delivered a certified copy of this Resolution, Resolution No. 37-2019 referred to in the first preamble to this Resolution and the related County Auditor's certificate, to the Cuyahoga County Board of Elections before the close of business on August 7, 2019.

SECTION 5. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and of any of its committees concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council or committees, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

SECTION 6. Captions and Headings. The captions and headings in this Resolution are solely for convenience of reference and in no way define, limit or describe the scope of intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof.

SECTION 7. Declaration of Emergency; Effective Date. This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City and to meet a situation affecting health, property and the public peace, and for the further reason that this Resolution is required to be immediately effective so that it can be timely filed with the Cuyahoga County Auditor, in order that the question of the renewal of the 2.0-mill levy for the purpose stated in Section 1 may be submitted to the electors at an election on November 5, 2019; wherefore, this Resolution shall be in full force and effect immediately upon its adoption by not less than five affirmative votes of Council and approval by the Mayor.

ADOPTED: _____

Paul Stibich, President of Council

APPROVED BY: _____

James P. Graven

Date

APPROVED AS TO FORM: _____
Andrew D. Bemer, Law Director

ATTEST: _____
Angela Mancini, Clerk of Council

First Reading: _____

Second Reading: _____

Third Reading: _____

	Yea	Nay
Stibich	_____	_____
	_____	_____
Jones	_____	_____
Gorski	_____	_____
Nicolay	_____	_____
Duncan	_____	_____
Fenrich	_____	_____

RECEIPT OF DIRECTOR OF ELECTIONS

I acknowledge receipt on this date of the following materials from the City of Olmsted Falls, Ohio:

1. Certified copies of Resolution Nos. 37-2019 and 38-2019, adopted on _____, and _____, respectively, declaring the necessity of and submitting to the electors of that City at an election to be held on November 5, 2019, the question of renewal of an existing 2.0-mill tax levy in excess of the ten-mill limitation, for five years, for the purpose of providing and maintaining fire apparatus, appliances and emergency rescue equipment or sources of water supply and materials therefor or the payment of permanent, part-time or volunteer firemen or fire-fighting companies to operate the same;

2. A certificate of the Cuyahoga County Auditor dated _____, as to the total current tax valuation of the City and the dollar amount of revenue that would be generated by that renewal levy; and

3. Suggested forms of notice of election and ballot language for that question.

Date: _____, 2019

Director of Elections
Cuyahoga County, Ohio

**NOTICE OF ELECTION ON TAX LEVY
IN EXCESS OF THE TEN MILL LIMITATION**

Notice is hereby given that pursuant to Resolution Nos. 37-2019 and 38-2019, adopted by the Council of the City of Olmsted Falls, Ohio on _____, 2019 and _____, 2019, respectively, there will be submitted to the electors of the City of Olmsted Falls at an election to be held in that City at the regular places of voting, therein, on Tuesday, November 5, 2019, the question of the renewal of an existing tax levy in excess of the ten-mill limitation for the benefit of the City for the purpose of providing and maintaining fire apparatus, appliances and emergency rescue equipment or sources of water supply and materials therefor or the payment of permanent, part-time or volunteer firemen or fire-fighting companies to operate the same, at a rate not exceeding 2.0 mill for each one dollar of valuation, which amounts to 10 cents for each one hundred dollars of valuation for five years. Said tax constitutes the renewal of an existing 2.0-mill levy. If a majority of the voters voting thereon vote in favor thereof, that levy will be first placed on the tax list and duplicate in December 2019 for collection in calendar year 2020.

The polls for that election will be open at 6:30 a.m., and will remain open until 7:30 p.m., of that day.

Dated: _____, 2019

By order of the Board of Elections
of Cuyahoga County, Ohio

INSTRUCTIONS TO PRINTER:

Publish in a newspaper or newspapers of general circulation in Cuyahoga County and in the City of Olmsted Falls, **once a week for two consecutive weeks on the same day of each week, the first insertion being on or before _____**. Such newspaper or newspapers must be of general circulation within the meaning of Section 7.12 of the Revised Code.

NOTICE TO BOARD OF ELECTIONS.

If the Board of Elections operates and maintains a web site, then the Board of Elections must also **post this notice on its web site for 30 days prior to the election.**

PROPOSED TAX LEVY (RENEWAL)

CITY OF OLMSTED FALLS

(A majority affirmative vote is necessary for passage).

A renewal of a 2.0-mill for each one dollar of valuation, which amount to 10 cents for each one hundred dollars of valuation, for five years, commencing in 2019, first due in calendar year 2020 for the purpose of providing and maintaining fire apparatus, appliances and emergency rescue equipment or sources of water supply and materials therefor or the payment of permanent, part-time or volunteer firemen or fire-fighting companies to operate the same.

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY