

## **RESOLUTION NO. R05-03 CMS**

**A RESOLUTION DECLARING THAT THE AMOUNT OF TAXES THAT MAY BE RAISED WITHIN THE TEN-MILL LIMITATION BY LEVIES ON THE CURRENT TAX DUPLICATE TO BE INSUFFICIENT TO PROVIDE AN ADEQUATE AMOUNT FOR THE NECESSARY REQUIREMENTS OF THE CITY OF OBERLIN, AND DECLARING THE NECESSITY TO LEVY A TAX IN EXCESS OF SUCH RATE FOR THE PURPOSE OF PROVIDING FUNDS FOR THE PAYMENT OF FIRE PENSION FUND REQUIREMENTS, AND DECLARING AN EMERGENCY**

**BE IT RESOLVED** by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

**SECTION 1.** That it is hereby declared that the amount of taxes that may be raised within the ten-mill limitation by levies on the current tax duplicate will be insufficient to provide an adequate amount for the necessary requirements of the City of Oberlin, and it is necessary to levy a tax in excess of such limitation for the purpose of providing funds for the payment of Fire Pension Fund requirements at a rate not exceeding six-tenths (.60) mills, for a period of five (5) years, commencing in 2005, and being first due in calendar year 2006.

**SECTION 2.** That said levy is a replacement of an existing levy of the same rate for the benefit of the City of Oberlin for the purpose of providing funds for the payment of Fire Pension Fund requirements, pursuant to Section 5705.19 (w) of the Ohio Revised Code.

**SECTION 3.** That said levy shall be placed upon the ballot at an election which shall be held on the first Tuesday after the first Monday in May of 2005, being May 3, 2005, and shall be placed upon the 2005 tax list for collection in the 2006 tax year, if a majority of the electors voting thereon vote in favor thereof.

**SECTION 4.** That the form of the ballot to be cast at the election on the question of the replacement levy shall be as follows:

### **A Majority Affirmative Vote Is Necessary For Passage**

**A Replacement of a tax for the benefit of the City of Oberlin for the purpose of providing funds for the payment of Fire Pension Fund requirements at a rate not exceeding six-tenths (0.60) mills for each one dollar of valuation, which amounts to six cents (\$0.06) for each one hundred dollars in valuation for five (5) years, commencing in 2005, first due in calendar year 2006.**

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

**SECTION 5.** The Clerk of Council of the City of Oberlin is hereby directed to certify a copy of this Resolution to the Board of Elections of Lorain County, Ohio, at least seventy-five (75) days prior to May 3, 2005, and request that said Board of Elections cause Notice of Election on the question of levying said tax be given as required by law.

**SECTION 6.** It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.


**SECTION 7.** That this Resolution is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the citizens of the City of Oberlin, Ohio, to wit:

"to ensure that this Resolution is adopted and certified to the Board of Elections of Lorain County, Ohio, within the time limitations provided by law", and shall take effect immediately upon passage.

**PASSED:** 1<sup>st</sup> Reading - February 7, 2005 (E)

**ATTEST:**

  
 \_\_\_\_\_  
 CLERK OF COUNCIL

  
 \_\_\_\_\_  
 PRESIDENT OF COUNCIL

**POSTED:** February 8, 2005

**EFFECTIVE DATE:** February 8, 2005

# CERTIFICATE OF RESULT OF ELECTION On Tax Levy in Excess of the Ten Mill Limitation

Revised Code Sections 3501.11, 3505.33, 5705.19 - 5705.25

The State of Ohio, Lorain County, ss. 05-31-05 A10:15 IN  
To: Oberlin City

We, the undersigned, Board of Elections of said county, do hereby certify that the Primary Elec-  
tion held in Oberlin City in said county, on the 3rd day of May, 192005  
(Name of subdivision) (Primary, General or Special)

on the question of levying a tax, in excess of the ten mill limitation, for the benefit of said subdivision for the purpose of  
PROVIDING FUNDS FOR THE PAYMENT OF FIRE PENSION FUND REQUIREMENTS

Said tax being: <sup>2</sup>

A replacement of a tax

at a rate not exceeding 0.6 mills for each one dollar of valuation, which amounts to \$0.06  
(Rate expressed in dollars and cents)

for each one hundred dollars of valuation, for 5 years, resulted as follows:  
(Number of years the levy is to run, "life of indebtedness," or "continuing period of time")

Total number of votes cast:

FIVE HUNDRED NINE

(Write number of votes in words)

( 509 )  
(in figures)

For the tax levy:

FOUR HUNDRED TWENTY-NINE

(Write number of votes in words)

( 429 )  
(in figures)

Against the tax levy:

EIGHTY

(Write number of votes in words)

( 80 )  
(in figures)

as the same appears by the Abstract of Votes duly certified and signed by us and deposited in our office.

IN WITNESS WHEREOF, We have hereunto subscribed our names officially, at SHEFFIELD TOWNSHIP

Ohio, this 19TH day of MAY, 19 2005

[Signature] Chairman  
[Signature]  
[Signature]  
[Signature]  
Lorain County, Ohio


Attest: [Signature]  
Director

<sup>1</sup> Ohio Dept. of Taxation, Tax Equalization Division; the Board of County Commissioners of \_\_\_\_\_ County; the Council of the City or Village of \_\_\_\_\_; the Board of Education of \_\_\_\_\_ School District; the Board of Township Trustees of \_\_\_\_\_ Township; or other taxing authority.

<sup>2</sup> Here insert one of the following:  
"...an additional tax of \_\_\_\_\_ mills"  
"...a renewal of an existing tax of \_\_\_\_\_ mills"  
"...a renewal of a tax of \_\_\_\_\_ mills and an increase of \_\_\_\_\_ mills to constitute a tax of \_\_\_\_\_ mills"  
"...a renewal of a part of a \_\_\_\_\_ mill existing levy, being a reduction of \_\_\_\_\_ mills to constitute a tax of \_\_\_\_\_ mills"  
"...a replacement of \_\_\_\_\_ mills and an increase of \_\_\_\_\_ mills to constitute a tax of \_\_\_\_\_ mills"  
"...a replacement of part of an existing levy, being a reduction of \_\_\_\_\_ mills to constitute a tax of \_\_\_\_\_ mills"  
"...a replacement of a tax of \_\_\_\_\_ mills"

# City of *Oberlin*

69 South Main Street Oberlin, Ohio 44074

To: Honorable President and Council  
From: Sal Talarico, Finance Director   
Subject: Fire Pension Levy Replacement – Resolution 05-03  
Date: February 4, 2005

As you recall at the Council meeting of January 18, 2005 I stated (and noted in my memo) to City Council that the Police Pension levy set to expire (tax year 2004, collections 2005) will no longer be needed since the other Police Pension levy is generating sufficient revenue to pay the police pension obligations. The police levy that is still in effect through tax year 2005 (collections 2006) will need to be addressed, along with other levies expiring at the same time. In the same memo I included a draft schedule for the Administration to discuss with Council the possibility of entertaining a Charter amendment for the November 2005 ballot to address all voted property tax levies. Based on the feedback during the meeting I understood that Council would like to have those discussions.

We also discussed during the previous meeting that the revenue from the Fire Pension levy is not sufficient to pay the costs associated with the fire pension obligations. A subsidy from the general fund is required to meet those obligations. As a result of that discussion there was a consensus to place the Fire Pension levy on the ballot in May as a replacement levy (which would cost an owner of a \$100,000 home \$9 per year when netted against the expiring police levy).

Since the last meeting we received the Certificates of Estimated Property Taxes from the County Auditor (attached). His estimates match the ones I provided Council at the last meeting.

Emergency passage is required so a Certified copy of the Resolution (and the County Auditor's certificate of filing and certificate of estimated revenue) can be filed with the Board of elections by the filing deadline (Feb. 17<sup>th</sup>).

If you have any comments/questions please give me a call.

- c. Rob DiSpirito, City Manager
- Eric Severs, Law Director
- Jean Simon, City Clerk
- File

**CERTIFICATE OF ESTIMATED PROPERTY TAX REVENUE**

The County Auditor of LORAIN County, Ohio does hereby certify the following:

1. On January 28, 2005, the taxing authority of the City of Oberlin certified a copy of its resolution or ordinance adopted January 25, 2005 requesting the County Auditor to certify the tax valuation of the sub-division and the amount of revenue that would be produced by .60 mills, to levy a tax outside the ten-mill limitation for Fire Pension purposes pursuant to Revised Code 5705.19 (W) and 5705.25 , to be placed on the ballot at the May 3, 2005 election. The levy type is Replacement.
2. The estimated property tax revenue that will be produced by the stated millage, assuming the tax valuation of the sub-division remains constant throughout the life of the levy, is calculated to be \$67,258.
3. The total tax valuation of the sub-division used in calculating the estimated property tax revenue is 112,097,015.

  
\_\_\_\_\_  
Auditor's Signature

  
\_\_\_\_\_  
Date

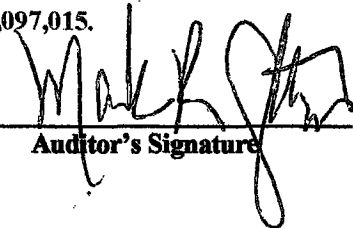
**INSTRUCTIONS**

1. "Total tax valuation" includes the taxable value of all real, personal, and public utility property in the sub-division, which are on the tax lists that were most recently certified for collection. If the sub-division is located in more than one county, the home county auditor (where the greatest taxable value of the sub-division is located) shall obtain the assistance of the other county auditors to establish the total tax valuation of the subdivision.
2. For purposes of this certification, "subdivision" includes any agency, board, commission, or other authority authorized to request a taxing authority to submit a tax levy on its behalf.
3. "Levy type" includes the following: (1) additional, (2) renewal, (3) renewal with an increase, (4) renewal with a decrease, (5) replacement, (6) replacement with an increase, and (7) replacement with a decrease levies.
4. Please file this certificate with the sub-division as soon as possible, so the taxing authority can pass a resolution to proceed not later than 75 days before the election.

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2. The estimated property tax revenue that will be produced by the stated millage, assuming the tax valuation of the sub-division remains constant throughout the life of the levy, is calculated to be \$34,637.
3. The total tax valuation of the sub-division used in calculating the estimated property tax revenue is 112,097,015.

  
\_\_\_\_\_  
Auditor's Signature

  
\_\_\_\_\_  
Date

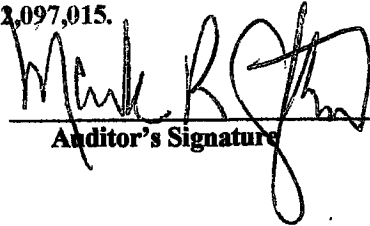
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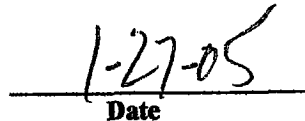
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1. On January 28, 2005, the taxing authority of the City of Oberlin certified a copy of its resolution or ordinance adopted January 25, 2005 requesting the County Auditor to certify the tax valuation of the sub-division and the amount of revenue that would be produced by .30 mills, to levy a tax outside the ten-mill limitation for Police Pension purposes pursuant to Revised Code 5705.19 (W) and 5705.25, to be placed on the ballot at the May 3, 2005 election. The levy type is Replacement.
2. The estimated property tax revenue that will be produced by the stated millage, assuming the tax valuation of the sub-division remains constant throughout the life of the levy, is calculated to be \$33,629.
3. The total tax valuation of the sub-division used in calculating the estimated property tax revenue is 112,097,015.

  
Auditor's Signature

  
Date

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2. The estimated property tax revenue that will be produced by the stated millage, assuming the tax valuation of the sub-division remains constant throughout the life of the levy, is calculated to be \$8,971.
3. The total tax valuation of the sub-division used in calculating the estimated property tax revenue is 112,097,015.

  
\_\_\_\_\_  
Auditor's Signature

  
\_\_\_\_\_  
Date

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