

RESOLUTION NO. 06-04 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 POLICE 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 Police Pension Fund requirements at a rate not exceeding one and six-tenths (1.60) mills, for a period of five (5) years, commencing in 2006, and being first due in calendar year 2007.

SECTION 2. That said levy is a replacement of an existing levy of one and six-tenths (1.60) mills for the benefit of the City of Oberlin for the purpose of providing funds for the payment of Police 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 2006, being May 2, 2006, and shall be placed upon the 2006 tax list for collection in the 2007 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 levy for the benefit of the City of Oberlin for the purpose of providing funds for the payment of Police Pension Fund requirements at a rate not exceeding one and six-tenths (1.60) mills for each one dollar of valuation, which amounts to sixteen (16) cents for each one hundred dollars of valuation for five (5) years and commencing in 2006, first due in calendar year 2007.

	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 2, 2006, 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, or to provide for the usual daily operation of a municipal department, to wit:

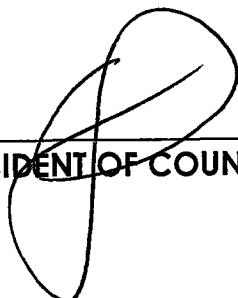
“to ensure that this Resolution is adopted and certified to the Board of Elections of Lorain County, Ohio, within the time limitations provided by law”, and shall take effect immediately upon passage.

PASSED: 1st Reading - February 6, 2006 (E)
 2nd Reading -
 3rd Reading -

ATTEST:



 CLERK OF COUNCIL



 PRESIDENT OF COUNCIL

POSTED: February 7, 2006

EFFECTIVE DATE: February 7, 2006

Certificate of Result of Election on Tax Levy in Excess of the Ten Mill Limitation

Revised Code, Secs. 3501.011; 3505.33; 5705.19-5705.25

The State of Ohio, Lorain County, ss. 05-30-06A09:44 RCVD

To: Oberlin City

We, the undersigned, Board of Elections of said County, do hereby certify that the Primary Election held in The City of Oberlin (Name of Subdivision) in said County, on the 2nd day of May, 2006, on the question of levying a tax in excess of the ten mill limitation, for the benefit of said subdivision (Year)

for the purpose of Providing funds for the payment of police pension fund requirements

Said tax being ²

A Replacement of a tax

at a rate not exceeding 1.6 mills

\$0.16

(Rate expressed in dollars and cents)

for each one hundred dollars of valuation, for

Five years

(Number of years the levy is to run, life of indebtedness, or continuing period of time)

resulted as follows:

Total number of votes cast:

One thousand, two hundred and fifty seven

(Write number of votes in Words)

1,257

(In Figures)

For the Tax Levy:

Nine hundred and seventy eight

(Write number of votes in Words)

978

(In Figures)

Against the Tax Levy:

Two hundred and seventy nine

(Write number of votes in Words)

279

(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

Ohio, this

25th day of

May, 2006

(Year)

Thomas E. Smith

Chairman.

Robert S. Rousseau

Robert S. Rousseau Board of Elections,

Nelson M. Hersh Lorain County, Ohio.

Attest:

W. J. Jackson

Director.

1. Ohio Dept. of Taxation, Tax Equalization Division, The Board of County Commissioners of _____ County; the Council of the City or Village of _____; Board of Education _____; Township or to the taxing authority.

2. 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, Members of Council and Council Appointees
From: Sal Talarico, Finance Director
Subject: Police Pension, Refuse, and General Fund Levy Replacements
Date: February 3, 2006

As you recall at the Council meeting of January 17, 2006 Council members requested the administration have various forms of legislation prepared to address the expiring levies for Police Pensions, Refuse and General Fund. The options Council requested were replacement levies for all 3, a charter amendment for all 3 and a charter amendment for Police and Fire Pensions only. The Law Director, and Squire, Sanders & Dempsey, have researched the charter amendment option and will explain why the charter amendments are not on the agenda.

Since the last meeting we received the Certificates of Estimated Property Taxes from the County Auditor (attached).

Emergency passage is required so a Certified copy of the Resolutions (and the County Auditor's certificate of filing and certificate of estimated revenue) can be filed with the Board of Elections before the filing deadline (Feb. 16th).

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

c. File

"Ohio's Best College Town"

CERTIFICATE OF ESTIMATED PROPERTY TAX REVENUE
(Use this form when a taxing authority certifies a millage rate and requests
the revenue produced by that rate.)

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

1. On January 19, 2006, the taxing authority of the City of Oberlin certified a copy of its resolution or ordinance adopted January 17, 2006 requesting the County Auditor to certify the tax valuation of the sub-division and the amount of revenue that would be produced by 1.60 mills, to levy a tax outside the ten-mill limitation for Police Pension purposes pursuant to Revised Code 5705.19 (W), to be placed on the ballot at the May 2, 2006 election. The levy type is Renewal.
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 \$158,423.
\$ 5,543. – P.P. State Reimbursement – 2007
\$163,966. – Total
3. The total tax valuation of the sub-division used in calculating the estimated property tax revenue is 110,482,366.



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.

CERTIFICATE OF ESTIMATED PROPERTY TAX REVENUE
(Use this form when a taxing authority certifies a millage rate and requests
the revenue produced by that rate.)

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

1. On January 19, 2006, the taxing authority of the City of Oberlin certified a copy of its resolution or ordinance adopted January 17, 2006 requesting the County Auditor to certify the tax valuation of the sub-division and the amount of revenue that would be produced by 1.60 mills, to levy a tax outside the ten-mill limitation for Police Pension purposes pursuant to Revised Code 5705.19 (W), to be placed on the ballot at the May 2, 2006 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
\$176,772.
\$ 5,543. - P.P. State Reimbursement - 2007
\$182,315. - Total
3. The total tax valuation of the sub-division used in calculating the estimated property tax revenue is 110,482,366.



Auditor's Signature

1-30-06

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.