

COUNCIL CHAMBER

City of Berea, Ohio

RESOLUTION No. 2017-43

By NICK HASCHKA Sponsored By Mayor Cyril M. Kleem

A RESOLUTION

AMENDING SECTION 1 OF RESOLUTION NO. 2017-33, WHICH AUTHORIZED THE SUBMISSION OF THE RENEWAL OF THE 1.4 MILL TAX LEVY TO THE VOTERS OF THE CITY OF BEREА, OHIO, FOR THE PURPOSE OF PROVIDING FOR IMPROVEMENTS TO THE CITY'S WATER PLANT AND THE CONSTRUCTION AND ACQUISITION OF OTHER PERMANENT IMPROVEMENTS RELATING TO THE CITY'S WATER SYSTEM, PURSUANT TO OHIO REVISED CODE SECTION 5705.191, TO PROVIDE CLARIFICATION OF THE SINGLE PURPOSE OF THE TAX LEVY, AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the City of Berea approved Resolution No. 2017-33, which authorized the submission of the renewal of the 1.4 mill tax levy to the voters of the City of Berea, Ohio, for the purpose of providing for improvement to the City's Water Plant and the construction and acquisition of other permanent improvements relating to the City's water system; and

WHEREAS, Section 1 of Resolution No. 2017-33 inadvertently included additional language that would have permitted the tax revenues to be used for the current expenses of the City, in addition to the intended purpose of providing for improvements to the City's Water Plant and construction and acquisition of other permanent improvements relating to the City's water system; and

WHEREAS, in order to place the renewal tax levy on the November 7, 2017 ballot, it is necessary to amend the language of Section 1 to clarify that the purpose of the levy is limited to providing improvements to the City's Water Plant and the construction and acquisition of other permanent improvements relating to the City's water system.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Berea, State of Ohio:

SECTION 1. That Section 1 of Resolution No. 2017-33 is hereby amended to read as follows:

Section 1. That it is hereby found, determined and declared that the amount of taxes which may be raised by the City of Berea, Cuyahoga County, Ohio, by levies at the maximum rates within the ten-mill limitation and the limitation of the Charter of the City on the current tax duplicate will be insufficient to provide an adequate amount for the necessary requirements of the City, and it is therefore necessary to levy a tax in excess of such limitations for the purpose of providing improvements to the City's Water Plant and construction and acquisition of other permanent improvements relating to the City's water system, at the rate of 1.4 mills for a period of five years.

SECTION 2. That existing Section 1 of Resolution No. 2017-33 is hereby expressly repealed.

SECTION 3. That the Clerk of Council is hereby directed to certify a copy of this Amendment to Resolution No. 2017-33, immediately upon its passage and approval, to the Board of Elections of Cuyahoga County, Ohio.

SECTION 4. That is found and determined that all formal actions of this Council concerning and 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 actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

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SECTION 5. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare, or providing for the usual daily operation of a municipal department, and for the further reason that the amendment must be filed with the Board of Elections by 4:00p.m. on August 9, 2017. Therefore, provided this Resolution receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

PASSED: August 2, 2017


President of Council

ATTEST: [Signature]
Clerk of Council

APPROVED: August 2, 2017

[Signature]
Mayor

Approved as to Form:

[Signature]
Director of Law