

BEREA CITY COUNCIL

City of Berea, Ohio

RESOLUTION NO. 2022- __

By: _____ Sponsor: Mayor Cyril M. Kleem

A RESOLUTION

SUBMITTING TO THE VOTERS OF THE CITY OF BEREA, OHIO, THE QUESTION OF THE RENEWAL OF THE 1.4 MILL TAX LEVY 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 AND ITEM XI-3 OF THE CHARTER OF THE CITY OF BEREA.

WHEREAS, the people of the City of Berea, at the election held November 6, 2007, approved a 1.4 mill tax levy to be used 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; and

WHEREAS, since its initial approval in 2007, the electors of the City of Berea have consistently voted to renew this levy; and

WHEREAS, the authority of the City to levy said tax expires with the levy to be made on the 2022 tax duplicate for distribution to the City in 2023; and

WHEREAS, this Council finds it necessary to renew said 1.4 mill levy in accordance with Section 5705.191 of the Ohio Revised Code and Item XI-3 of the Charter of the City of Berea, in order to maintain such revenue without interruption.

WHEREAS, Item XI-3 of the Charter of the City of Berea provides that the Council may at any time prior to September 15th in any year declare by resolution that the amount of taxes which may be raised within the limitation of the Charter will be insufficient to provide an adequate amount for the necessary requirements of the Municipality for current operating expenses and other expenses payable from the general fund of the Municipality and such permanent improvements and equipment as shall have an estimated useful life of five (5) years or more, and that it is necessary to levy taxes in excess of such limitation in addition to the levies authorized and limited by this Charter for the municipal purpose or purposes specified in such resolution; and

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WHEREAS, Item XI-3 of the Charter of the City of Berea provides that such resolution shall be effective upon its adoption and shall be certified within five (5) days thereafter to the election authorities, who shall place such question upon the ballot at an election to be held on the first Tuesday after the first Monday of November of such year.

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

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 the question of the renewal of said tax levy of 1.4 mills, upon the tax list and duplicate for five years beginning with the 2022 tax list and duplicate and with the first distribution of the proceeds of said levy to the City in the calendar year 2023, 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 under provisions of Ohio Revised Code Section 5705.191, and Item XI-3 of the Charter of the City of Berea, shall be submitted to the electors of the City of Berea at the election to be held on the 8th day of November, 2022, as authorized by law, and said election shall be held at the regular places of voting in the City, as established by the Board of Elections of Cuyahoga County, Ohio, or otherwise, within the time provided by law and shall be conducted, canvassed and certified in a manner provided by law.

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SECTION 3. That the form of ballot to be cast at the election described in Section 2, above, on the question of such tax, shall be as follows:

A majority affirmative vote is necessary for passage.

A renewal of a tax for the benefit of the City of Berea for the purpose of improvements to the City's Water Plant and the construction and acquisition of other permanent improvements relating to the City's Water System, at a rate not exceeding 1.4 mills for each one dollar of valuation which amounts to 14 cents for each one hundred dollars of valuation, for five years.

FOR RENEWAL OF THE TAX LEVY

AGAINST RENEWAL OF THE TAX LEVY

SECTION 4. That the Clerk of Council is hereby authorized and directed to request that notice of said election be given as provided by law.

SECTION 5. That the Clerk of Council is hereby directed to certify a copy of this Resolution, immediately upon its passage and approval, to the Board of Elections of Cuyahoga County, Ohio.

SECTION 6. That is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in accordance with the Charter of the City of Berea and 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.

SECTION 7. That this Resolution shall go into immediate effect upon its passage by two-thirds or more of Council's affirmative vote, and signature of the Mayor, in accordance with the Charter of the City of Berea and Section 5705.191 of the Revised Code.

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PASSED:

President of Council

ATTEST: _____
Clerk of Council

APPROVED:

Mayor

APPROVED AS TO FORM:

Director of Law