

RESOLUTION NO. R-07-13

A RESOLUTION SUBMITTING TO THE ELECTORS OF THE CITY OF AVON THE QUESTION OF THE RENEWAL OF AN EXISTING 1.90 MILL TAX LEVY FOR THE PURPOSE OF STREET MAINTENANCE AND REPAIRS PURSUANT TO THE OHIO REVISED CODE SECTION 5705.19(G) AND DECLARING AN EMERGENCY

WHEREAS, Council deems it necessary and in the best interest of the health, safety and welfare of the citizens of Avon to provide funds for street maintenance and repairs in the Municipality; and

WHEREAS, pursuant to Resolution R-36-07, the question of a 2.0 replacement tax levy with a .10 mills decrease for a rate not exceeding 1.9 mills, which is in excess of the Ten Mill limitation, for the purpose of providing for street maintenance and repairs, was submitted to the electors at the November 6, 2007 general election and approved; and

WHEREAS, this levy will expire in duplicate year 2012, the last collection year being calendar year 2013; and

WHEREAS, Section 5705.19(G) of the Ohio Revised Code authorizes the renewal of the existing levy and in order to continue to maintain and repair city streets without interruption, a renewal of this 1.90 mill levy must be placed on the May 7, 2013 primary ballot; and

WHEREAS, on January 30, 2013, the Lorain County Auditor certified that the total current tax valuation of the City is \$730,797,100 and the dollar amount of revenue that would be generated by a 1.90 mill renewal levy would be \$1,316,438 annually during the life of the levy, assuming the total current tax valuation remains constant throughout the life of the levy; and

WHEREAS, this renewal of the 1.90 mill levy would be for a period of five (5) years commencing in duplicate year 2013 with first collection year being 2014; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVON, COUNTY OF LORAIN AND STATE OF OHIO:

Section 1 - That it is necessary to levy a tax in excess of the ten-mill limitation for the benefit of the City of Avon for the purpose of street maintenance and repair at the rate of 1.90 mills for each One Dollar (\$1.00) of valuation, which amounts to nineteen (\$.19) Cents for each One Hundred (\$100.00) Dollars of valuation for a period of Five (5) Years and would generate approximately One Million, Three Hundred Sixteen Thousand, Four Hundred and Thirty-Eight (\$1,316,438.00) Dollars, commencing with the levy on the 2013 tax list and duplicate.

Section 2 - That the question of the renewal of the existing 1.90 mill levy upon the 2013 tax duplicate, shall be submitted to the electors of said Avon City at a primary election to be held at the usual voting places on May 7, 2013.

Resolution R-07-13 (Con't.)

Section 3 - That the form of ballot to be cast at such election on the question of such tax levy shall be substantially as follows:

“A majority affirmative vote is necessary for passage.

A renewal of an existing 1.90 mill levy to constitute a tax for the benefit of AVON CITY for the purpose of STREET MAINTENANCE AND REPAIRS, at a rate not exceeding 1.90 mills for each one dollar of valuation, which amounts to nineteen cents (\$0.19) for each one hundred dollars of valuation, for five (5) years, commencing in 2013, first due in calendar year 2014.”

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

Section 4 - That this Resolution shall be effective upon its adoption and shall be certified by the Clerk of Council within Five (5) days thereafter to the Board of Elections of Lorain County, which shall place such question upon the ballot at the primary election to be held on May 7, 2013 and shall request the Board to provide for a notice of the election as required by law.

Section 5 - That it is found and determined that all formal actions of the Council of the City of Avon concerning and relating to the adoption of this Resolution were taken in an open meeting of the Council of the City of Avon and that all deliberations of this City's Council and any of its committees that resulted in those 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 6 - That this Resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity of placing a levy on the primary ballot for May 7, 2013 to provide necessary funds for street maintenance and repair for and within the City; therefore, this Resolution shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Daniel S. Zegarac, Council President

Resolution R-07-13 (Con't.)

DATE APPROVED BY THE MAYOR: _____

James A. Smith, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director
City of Avon, Ohio

ATTEST:

Ellen R. Young
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

Prepared by:
John A. Gasior, Esq.
Law Director