

**RESOLUTION NO. R-08-13**

**A RESOLUTION SUBMITTING TO THE ELECTORS OF THE CITY OF AVON  
THE QUESTION OF THE RENEWAL OF AN EXISTING .45 MILLS TAX  
LEVY FOR THE PURPOSE OF PROVIDING FOR THE  
MAINTENANCE, MANAGEMENT AND OPERATION OF  
PUBLIC PARKS AND RECREATIONAL ACTIVITIES PURSUANT  
TO THE OHIO REVISED CODE, SECTION 5705.19(H)  
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 the maintenance, management and operation of public parks and recreational activities in the Municipality; and

**WHEREAS**, pursuant to Resolution R-30-08, the question of a .50 mills replacement tax levy with a decrease of .05 mills, or a .45 mill replacement levy, which is in excess of the Ten Mill limit, for the purpose of providing for the maintenance, management and operation of public parks and recreational activities was submitted to the electors at the November 4, 2008 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(H) of the Ohio Revised Code authorizes the renewal of the existing levy and in order to continue with the maintenance, management and operation of public parks and recreational activities, a renewal levy is needed to 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 .45 mill renewal levy would be \$311,787 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 .45 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, to provide for the maintenance, management and operation of public parks and recreational activities at the rate of .45 mills for each One Dollar (\$1.00) of valuation, which amount to Four and One half (\$.045) Cents for each One Hundred (\$100.00) Dollars of valuation for a period of Five (5) years and would generate approximately Three Hundred, Eleven Thousand, Seven Hundred and Eighty-Seven (\$311,787.00) Dollars, commencing with the levy on the 2013 tax list and duplicate.

Section 2 - That the question of a renewal of the current .45 mills levy, upon the 2013 tax duplicate, shall be submitted to the electors of said Avon City at the primary election to be held at the usual voting places on May 7, 2013.

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 .45 levy to constitute a tax for the benefit of AVON CITY for the purpose of PROVIDING FOR THE MAINTENANCE, MANAGEMENT AND OPERATION OF PUBLIC PARKS AND RECREATIONAL ACTIVITIES, at a rate not exceeding 0.45 mills for each one dollar of valuation, which amounts to four and a half (\$0.045) cents for each one hundred dollars of valuation, for a period of 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 for the maintenance, management and operation of public parks and recreational activities 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-8-13 (Con't.)

DATE APPROVED BY THE MAYOR: \_\_\_\_\_

\_\_\_\_\_  
James A. Smith, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
John A. Gasior, Law Director

ATTEST:

\_\_\_\_\_  
Ellen R. Young  
Clerk of Council

Posted: \_\_\_\_\_

In Five Places as  
Provided by Council

Prepared By:

John A. Gasior, Esq.  
Law Director