

City of Oberlin, Ohio

RESOLUTION No. R11-01 CMS

A RESOLUTION SUBMITTING THE QUESTION OF A REPLACEMENT TAX LEVY FOR THE PURPOSE OF CURRENT EXPENSES OF THE OBERLIN PUBLIC LIBRARY TO THE ELECTORS OF THE TERRITORY SERVED BY THE LIBRARY, PURSUANT TO SECTIONS 5705.192 AND 5705.23 OF THE REVISED CODE AND DECLARING AN EMERGENCY

WHEREAS, at the election held on November 8, 2005, the electors of the territory served by the Oberlin Public Library approved a replacement and increase tax levy totaling 3.25 mills for the purpose of current expenses of the Oberlin Public Library for a period of five years, the last collection of which will occur in calendar year 2011; and

WHEREAS, the Board of Library Trustees of the Oberlin Public Library has determined that the replacement of said 3.25 mill tax levy upon its expiration is necessary for the proper operation of the Library; and

WHEREAS, on December 9, 2010, and December 29, 2010, the Board of Library Trustees of the Oberlin Public Library duly adopted Resolutions carrying out statutory procedures and declaring that the amount of taxes which may be raised within the ten-mill limitation by levies on the tax list and duplicate will be insufficient to provide an adequate amount for the necessary requirements of the Oberlin Public Library, a municipal public library serving the City of Oberlin and the territory of the Oberlin City School District not in the City and the residents thereof; and

WHEREAS, those Resolutions request this Council, as the taxing authority for the Oberlin Public Library and pursuant to Sections 5705.192 and 5705.23 of the Revised Code, submit the question of replacing the existing tax levy of 3.25 mills for each one dollar of valuation, which amounts to 32.5 cents for each one hundred dollars of valuation, to the electors of the territory served by the Library at an election to be held therein on May 3, 2011; and

WHEREAS, this Council is in receipt of a certificate of the Lorain County Auditor, dated December 27, 2010, provided at the request of the Oberlin Public Library in connection with these tax levy proceedings, which states that the total current tax valuation of the territory served by the Oberlin Public Library is \$192,605,730., and that the amount of revenue that would be generated by the proposed 3.25 mill levy would be \$644,957. annually during the life the levy, assuming that the total current tax valuation of the territory served by the Library remains the same throughout the life of the levy.

NOW, THEREFORE, 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. In accordance with the aforesaid Resolutions of the Board of Library Trustees of the Oberlin Public Library, a municipal public library, it is hereby found, determined and declared that the amount of taxes which may be raised within the ten-mill limitation by levies on the tax list and duplicate will be insufficient to provide an adequate amount for the necessary requirements of the Oberlin Public Library and it is therefore necessary to levy a tax in excess of such limitation for the purpose of the current expenses of the Oberlin Public Library in the total amount of 3.25 mills for five (5) years.

Section 2. The question of replacing an existing tax of 3.25 mills for the purpose of the current expenses of the Oberlin Public Library for five (5) years, beginning with the tax list and duplicate for the year 2011, the proceeds of which levy first would be available to the Board of Library Trustees in calendar year 2012, shall be submitted under the provisions of Sections 5705.192 and 5705.23 of the Revised Code to the electors residing within the boundaries of the territory served by the Oberlin Public Library, as defined by the State Library Board and set forth in the preambles hereto, at an election to be held therein on May 3, 2011, as authorized by law, and that the election shall be held within the territory served by the Library at the regular places of voting established by the Board of Elections of Lorain County, or otherwise, within the times provided by law and shall be conducted, canvassed and certified in the manner provided by law.

Section 3. The form of the ballot to be cast at the election on the question of this tax levy shall be substantially as follows:

**OBERLIN PUBLIC LIBRARY
PROPOSED TAX LEVY (REPLACEMENT)**

A majority affirmative vote is necessary for passage.

A replacement of 3.25 mills of an existing levy, to constitute a tax for the benefit of the Oberlin Public Library for the purpose of the current expenses of the Oberlin Public Library at a rate not exceeding 3.25 mills for each one dollar of valuation, which amounts to 32.5 cents for each one hundred dollars in valuation, for five (5) years.

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

Section 4. The Clerk of this Council be and is hereby authorized and directed to give or cause to be given notice of said election as provided by law.

Section 5. The Board of Trustees of the Oberlin Public Library, at its meeting held on December 29, 2010, passed a Resolution confirming its intent to pay or reimburse the City for the costs (as certified by the Board of Elections) of placing the 3.25-mill replacement tax levy on the May 3, 2011 ballot, and that, upon adoption of such resolution, it would be certified to the Board of Elections and the Budget Commission. In accordance with the policies of the Budget Commission, upon receipt of such Resolution, this Council requests that such election costs be deducted from moneys of the Oberlin Public Library instead of the City's general fund.

Section 6. The Clerk of Council be and is hereby directed to certify a copy of this Resolution, the two Resolutions of the Board of Library Trustees and the certification of the Lorain

County Auditor referred to in the preambles hereto to the Board of Elections of Lorain County, Ohio, not later than February 2, 2011.

Section 7. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this Ordinance were adopted in an open meeting of the 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 8. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City of Oberlin, and for the further reason that its immediate effectiveness is necessary to meet the filing deadlines for the May 3, 2011 election; wherefore, and in accordance with Section 5705.23 of the Revised Code, this Resolution shall be in full force and effect immediately upon its adoption.

ADOPTED: 1st Reading – January 18, 2011 (S, E)
2nd Reading –
3rd Reading –

ATTEST:



BELINDA B. ANDERSON, CMC
CLERK OF COUNCIL



KENNETH SLOANE
PRESIDENT OF COUNCIL

POSTED: 01/19/2011

EFFECTIVE DATE: 01/18/2011

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CT

Receipt for Resolutions

N^o

Office of the Board of Elections, Lorain County, Ohio, Jan 26 , 19 2012

Received of Oberlin City Oberlin Public Library Sal Talarico 275-7210

DESCRIPTION — PURPOSE, RATE, DATE OF ELECTION, ETC.

TAX LEVY — Replacement / 3.25 mills / current expenses of The Library / 5 years

BOND ISSUE — _____

CHARTER AMENDMENT — _____

OTHER — _____

BOARD OF ELECTIONS, By David A Stambol
(SIGNED)

LORAIN COUNTY
BOARD OF ELECTIONS

CERTIFICATE OF FILING
FOR TAX LEVY

2011 JAN 26 P 1:51

State of Ohio))
Lorain County) ss

I, Mark R. Stewart, the duly elected, qualified and acting Auditor in and for the County and State aforesaid, do hereby certify that Belinda B. Anderson, the duly elected/appointed, qualified and acting Clerk of Council for said City of Oberlin of Lorain County, Ohio has this day officially filed in the office of the Auditor of Lorain County a certified copy of a Resolution adopted on January 18, 2011.

To proceed to submit to the electors residing within the boundaries of the territory served by the Oberlin Public Library, as defined by the State Library Board, at an election to be held on May 3, 2011 the question of an existing tax levy in excess of the ten-mill limitation.

Levy – Replacement

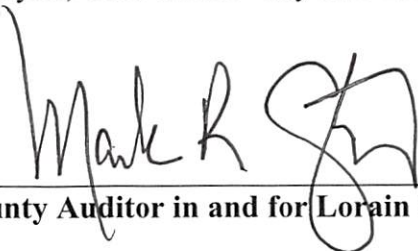
Rate – 3.25 mills

Number of years – 5 years

For the purpose of current expenses for the Oberlin Public Library. See attached resolution.

WITNESS my hand and Official Seal at Elyria, Ohio this 26th day of January 2011.

(Seal)



County Auditor in and for Lorain County, Ohio