

RESOLUTION NO. 105-2020

**CITY OF BARBERTON
SUMMIT COUNTY, OHIO**

**TITLE: AMEND RESOLUTION NO. 89-2020
ADDITIONAL TAX LEVY - RESOLUTION TO PROCEED TO THE BALLOT**

A RESOLUTION TO PROCEED WITH THE SUBMISSION OF THE BALLOT QUESTION OF LEVYING AN ADDITIONAL THREE (3) MILL TAX TO ENSURE SUFFICIENT FUNDS FOR CURRENT OPERATING EXPENSES OF THE CITY OF BARBERTON, AND DECLARING AN EMERGENCY.

WHEREAS, Council of the City of Barberton (“Council”) previously approved Resolution No. 82-2020 declaring the necessity to levy an additional three (3) mill tax (the “Tax”) to ensure sufficient funds for current operating expenses of the City of Barberton, Summit County, Ohio (the “City”); and

WHEREAS, upon request, the Summit County Auditor (“Auditor”) has provided a “Certificate of Estimated Property Tax Revenue” (the “Certificate”), thereby certifying that the total current tax valuation of the City is \$343,670,820, and that the estimated property tax revenue that would be produced by the proposed three (3) mill tax, assuming that the tax valuation of the subdivision remains constant through the life of the levy, is calculated to be \$1,031,012. A copy of the Certificate is attached hereto as Exhibit A; and

WHEREAS, after submission of Resolution No. 89-2020 to the Summit County Board of Elections, the Ohio Secretary of State amended the ballot language.

NOW, THEREFORE, BE IT RESOLVED, by at least two-thirds (2/3) of the Council of the City of Barberton, Summit County, Ohio, concurring as follows:

SECTION 1. That Council shall proceed with the submission of the question of the additional Tax levy to the electors of the entire territory of the City.

SECTION 2. That the rate of the Tax levy, expressed in mills for each one dollar in tax valuation as estimated by the Auditor, is 3 mills outside the ten-mill limitation for current expense purposes pursuant to R.C. 5705.19 and 5705.191. This Tax is an additional levy.

SECTION 3. That, pursuant to R.C. 5705.03(B)(1): (a) the purpose of the Tax is to ensure sufficient funds for the City’s current operating expenses; (b) the Tax is an additional levy; (c) the sections of the Revised Code authorizing submission of the question of the Tax are R.C. 5705.03, 5705.19, 5705.191, 5705.192, and 5705.25; (d) the term of the Tax shall be three (3) years; (e) the Tax shall be levied upon the entire territory of the City; (f) the question of the Tax shall appear as a ballot measure of the November 3, 2020 election; (g) the ballot measure shall be submitted to the electors of the entire territory of the City; (h) the Tax shall be first levied in the tax year of 2020, and first collected in the calendar year of 2021; and (i) the City has territory located exclusively in Summit County, Ohio.

SECTION 4. That the Fiscal Officer is hereby directed to certify the proposed levy of Tax to the Auditor and the Board of Elections of Summit County, Ohio (the “BOE”). Certification shall include copies of the following: (a) the “Resolution of Necessity” (Resolution No. 82-2020, passed on July 6, 2020, and approved on July 7, 2020); (b) the “Certificate of Estimated Property Tax Revenue” of the Auditor, dated July 10, 2020; and (c) the “Resolution to Proceed” (this Resolution). Certification shall occur no later than 90 days prior to the November 3, 2020 election. The Fiscal Officer shall also notify the BOE to cause notice of the election on the question of levying the Tax to be given as required by law.

SECTION 5. That the BOE is hereby directed to submit substantially the following question to the electors of the entire territory of the City at the Election:

OFFICIAL QUESTIONS AND ISSUE BALLOT November 3, 2020 PROPOSED ADDITIONAL TAX LEVY CITY OF BARBERTON SUMMIT COUNTY, OHIO
An additional tax for the benefit of the City of Barberton for the purpose of current operating expenses at a rate not exceeding 3 mills for each one dollar of valuation, which amounts to 30 cents for each one hundred dollars of valuation, for 3 years, commencing in 2020, first due in calendar year 2021.
_____ FOR THE TAX LEVY
_____ AGAINST THE TAX LEVY

SECTION 6. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were taken 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 action were meetings open to the public in compliance with the law.

SECTION 7. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, convenience, and welfare of the City of Barberton and the inhabitants thereof, and provided it receives the necessary votes required, shall be in full force and effect from and after its passage and approval; otherwise to be in full force and effect from and after the earliest period allowed by law.

Passed _____ 2020

Clerk of Council

President of Council

Approved _____ 2020

Mayor

CERTIFICATION

STATE OF OHIO)
)
COUNTY OF SUMMIT)

I, the undersigned Fiscal Officer for the City of Barberton, Ohio, hereby certify that the foregoing Resolution is taken and copied from the record of proceedings of the Council of the City of Barberton, Ohio, and that it has been compared by me with the Resolution on the record, and is a true and accurate copy. Further, I certify that the adoption of such Resolution occurred in an open meeting held in compliance with R.C. 121.22.

Date: _____

By: Jeremy Flaker
Its: Fiscal Officer