

RESOLUTION NO. 2009-27

A RESOLUTION SUBMITTING THE QUESTION OF AN ADDITIONAL TAX LEVY FOR FIRE DEPARTMENT AND EMERGENCY MEDICAL SERVICE PURPOSES PURSUANT TO SECTION 5705.19(I) OF THE REVISED CODE AND DECLARING AN EMERGENCY

WHEREAS, this Council finds that the amount of taxes which may be raised both within and without the ten-mill limitation by levies on the current tax duplicate will be insufficient to provide an adequate amount for the necessary requirements of the Village of Windham and that it is necessary to levy a tax in excess of that limitation for the purpose of Fire Department and Emergency Medical Services; and

WHEREAS, at the election held on May 5, 2009, the electors of the Village approved a levy of 2.0 mills, for the purpose of providing Fire Department and Emergency Medical Services to the Village; and

WHEREAS, this Council has determined that an additional collection of tax, at the rate of 2.00 mills, is necessary for the proper provision of Fire and Emergency Medical Services within the Village;

WHEREAS, on August 6, 2009 this Council adopted a Resolution pursuant to Section 5705.03 of the Revised Code declaring it necessary to enact an additional 2.0 mill tax levy for a period of five years and requesting the Portage County Auditor to certify the total current tax valuation of the Village and the dollar amount of revenue that would be generated by that additional levy; and

WHEREAS, the County Auditor has certified that the total current tax valuation of the Village is \$24,703,476.00 and the dollar amount of the revenue that would be generated by that 2.00 mill renewal levy would be \$49,407.00 annually during the life of the levy, assuming that the total current tax valuation remains the same throughout the life of the levy.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Windham, Portage County, State of Ohio, at least two-thirds of all members elected thereto concurring that:

SECTION 1. It is hereby found, determined and declared that the amount of taxes which may be raised by the Council of the Village of Windham, both within and without the ten-mill limitation by tax levies will be insufficient to provide an adequate amount for the provision of fire and emergency medical services within the Village, and that it is necessary to levy an additional tax in excess of such limitation for the purpose of provision of fire and emergency medical services within the village in the amount of 2.00 mills for five years.

SECTION 2. The question of the additional fire and emergency medical services tax levy of 2.0 mills, which levy is to be used for all of the purposes set forth in Section 5705.19(I) of the Revised Code, for five years, beginning with the tax list and duplicate for the year 2010, the proceeds of which levy first would be available to the Village in calendar year 2011, shall be submitted under the provisions of Section 5705.19(I) of the Revised Code to the electors of the Village at an election to be held therein on November 3, 2009, as authorized by law. That election shall be held at the regular

places of voting in the Village as established by the Board of Elections of Portage 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:

PROPOSED TAX LEVY
(ADDITIONAL)
VILLAGE OF WINDHAM

A majority affirmative vote is necessary for passage.

To authorize an additional levy of 2.0 mills, to constitute a tax for the benefit of the Village of Windham for the purpose of fire and emergency medical services and for all of the purposes set forth in Section 5705.19(I) of the Revised Code, at a rate not exceeding 2.00 mills for each one dollar of valuation, which amounts to 20.0 cents for each one hundred dollars of valuation, for five years commencing in 2010, first due in calendar year 2011.

	For the Tax Levy
	Against the Tax Levy

SECTION 4. The Fiscal Officer 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 Fiscal Officer be and is hereby directed to certify to the Board of Elections of the County of Portage on or before August 20, 2009 (i) a copy of Resolution No. 2009-26 adopted by the Council on August 6, 2009 declaring the necessity of the tax levy; (ii) the Certificate of Estimated Property Tax Revenue of the County Auditor; and (iii) a copy of this Resolution. This Council requests that the Board of Elections give notice of that election and prepare the necessary ballot and supplies for the election in accordance with law.

SECTION 6: This Resolution is declared to be an emergency measure, effective immediately upon its passage by Council and approved by the Mayor, to advance the health, safety and general welfare of the citizens of the Village of Windham, and for the further reason it is necessary to submit the question of a tax levy for the Fire Department and for emergency medical services, and for all of the purposes set forth in Section 5705.19(I) of the Revised Code to the Portage County Board of Elections by August 20, 2009, so that the levy can come before the citizens of the Village of Windham at the election to be held on November 3, 2009.

SECTION 7. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were passed 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 of Section 121.22 of the Ohio Revised Code.

PASSED IN COUNCIL this 18th day of August, 2009.

First Reading 8/6/09

Second Reading 8/11/09

Third Reading 8/18/09

Vote of Council: Ayes: Mr. Snyder, Mr. Garrett, Mrs. Barrett, Mr. Slusher.
 Nays: Mrs. Meszaros, Mrs. Rininger.

MAYOR Robert Donham II

ATTEST:

Fiscal Officer Lloyd Billman

Approved as to form:

Solicitor Thomas Reitz

I, Lloyd Billman, Fiscal Officer of the Village of Windham, Portage County, Ohio, do hereby certify that the foregoing is taken and copied from the original Resolution R-2009-27 now on file, that the foregoing has been compared by me with the original documents, and that the same is a true and correct copy thereof.

Signed this 19th day of August, 2009.

Lloyd Billman