

ORDINANCE NO. O-2009-5

AN ORDINANCE DECLARING IT NECESSARY TO PLACE A 2.0 MILL TAX LEVY ON THE BALLOT IN THE VILLAGE OF WINDHAM FOR THE MAY 15, 2009 PRIMARY ELECTION FOR FIRE DEPARTMENT EQUIPMENT AND OPERATING EXPENSES UNDER SECTION 5705.19(I) OF THE OHIO REVISED CODE AND NOTIFYING THE PORTAGE COUNTY BOARD OF ELECTIONS AND DECLARING AN EMERGENCY AND REPEALING ALL PRIOR INCONSISTENT ORDINANCES.

WHEREAS, the Village of Windham is desirous of providing for fire and emergency rescue and ambulance services for the Village of Windham residents; and

WHEREAS, after withdrawing from the Windham Township Fire District and no longer being subject to that tax levy the Village of Windham needs to pass its own levy for fire and ambulance services; and

WHEREAS, the amount of taxes which may be raised within the ten mill limitation will be insufficient to provide an amount adequate for the requirement of the Village of Windham to provide fire and emergency medical rescue and ambulance services; and

WHEREAS, this matter is an emergency measure affecting the health, safety and general welfare of the residence of the Village of Windham;

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of Windham three-fourths or more of the members elected thereto concerning that:

Section One: This Council declares it necessary to levy an additional 2.0 mill tax for operating expenses and equipment acquisitions for fire and emergency medical rescue and ambulance purposes, and that it intends to submit the question of the additional levy to the electors at an election on May 15, 2009 as authorized by Section 5705.19(I) of the Ohio Revised Code.

Section Two: It is necessary to levy a tax in excess of the ten mill limitation for the benefit of the Village of Windham, Portage County, Ohio for the purpose of providing fire and emergency medical rescue and ambulance services, as provided in Ohio Revised Code, Section 5705.19(I) a rate not to exceed 2.0 mill for each one dollar of valuation which amounts to \$0.20 cents for each one hundred dollars of valuation for the tax year 2009 for a five year period.

Section Three: If a majority of the electors voting thereon vote in favor thereof, said levy will be placed on the tax list beginning January 1, 2009 for a five year period.

Section Four: The form of the ballot to be case at such election on the question of such tax shall be substantially as follows:

A majority of affirmative votes is necessary for passage.

An additional tax for the benefit of the Village of Windham residents for the purpose of providing fire and emergency medical rescue and ambulance services at a rate not exceeding 2.0 mill for each one dollar of valuation, which amounts to \$0.20 cents for each one hundred dollars of valuation, for the year 2009 for a five year period.

FOR THE TAX LEVY

AGAINST THE TAX LEVY

Section Five: That the Village Fiscal Officer shall deliver a certified copy of this Ordinance to the Board of Elections, Portage County, Ohio promptly following adoption thereof to cause notice of election on the question of levying said tax to be given as required by law.

Section Six: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted 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.

Section Seven: This Ordinance is hereby declared to be an emergency measure necessary to preserve the public health, safety, morals and general welfare of the inhabitants of the Village of Windham, Ohio and further reason that this matter must be enacted and conveyed to the Portage County Board of Elections on or before February 19, 2009 to permit the Village of Windham voters to vote on the enactment of this tax at the May 15, 2009 Primary Election. Wherefore, this Ordinance shall go into full force and effect immediately upon its passage.

Passed in Council as an emergency this 10th day of February, 2009.

Vote of Council: Ayes: Mr. Snyder, Mr. Garrett, Mrs. Barrett, Mr. Slusher, Mrs. Rininger, Mrs. Meszaros Nays: None.

ATTEST:

APPROVED:

Village Fiscal Officer

Mayor, Village of Windham

I hereby certify that this Ordinance was duly published by public posting at predesignated posting places.

Village Fiscal Officer

Date: _____

Date: _____

Date: _____

Date: _____

Date: _____