

ORDINANCE NO. 148-15

**ORDINANCE DECLARING IT NECESSARY TO LEVY A RENEWAL TAX IN
EXCESS OF THE TEN MILL LIMITATION ON BEHALF OF THE LORAIN
PUBLIC LIBRARY FOR CURRENT OPERATING EXPENSES OF
THE AVON BRANCH OF THE LORAIN PUBLIC LIBRARY;
AUTHORIZING THE EXECUTION OF AN AGREEMENT RELATING
TO THE AVON BRANCH OF THE LORAIN PUBLIC LIBRARY
AND DECLARING AN EMERGENCY.**

(R.C. Sections 5705.03, 5705.19(D), 5705.25)
Renewal Library Operating Levy

WHEREAS, the Board of Library Trustees of the Lorain Public Library (the "Library"), a public library with a branch located in the City of Avon, Lorain County, Ohio (the "City"), has passed a resolution requesting the City to seek voter approval of a renewal tax levy for current operating expenses of the Avon Branch of the Library, such renewal tax levy to renew all of a one and two tenths (1.20) mill tax levy first placed on the tax list and duplicate in 2011; and

WHEREAS, the Lorain County Auditor has certified that such tax will generate \$444,372.00 during the first year of collection, based on the current tax valuation of the City of \$755,191,430.00.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO, two-thirds of all the members elected thereto concurring:

Section 1 – That it is necessary to levy a renewal tax in excess of the ten mill limitation for current operating expenses of the Avon Branch of the Lorain Public Library.

Section 2 - The question of such renewal tax levy shall be submitted to the electors of the City at the election to be held therein on March 15, 2016. The Library shall reimburse the City for costs of the election as certified by the Board of Elections of Lorain County.

Section 3 - Such renewal tax levy shall be at a rate not exceeding one and two tenths (1.20) mills for each one dollar of valuation, which amounts to twelve cents (\$0.12) for each one hundred dollars of valuation, for five (5) years.

Section 4 - Such renewal levy shall be placed upon the tax list and duplicate for the current tax year, commencing in 2016, first due in calendar year 2017, if a majority of the electors voting thereon vote in favor thereof.

Section 5 - The form of the ballot to be used as said election shall be substantially as follows:

A renewal of a tax for the benefit of the Avon Branch of the Lorain Public Library, for the purpose of current operating expenses at a rate not exceeding one and two tenths (1.20) mills for each one dollar of valuation, which amounts to

twelve cents (\$0.12) for each one hundred dollars of valuation, for five (5) years, commencing in 2016, first due in calendar year 2017.

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

Section 6 - This Council finds, determines and declares that the levy of the renewal tax, if approved by the electors, is necessary to the proper furnishing and rendering of free public library services in the City and for the residents of the City.

Section 7 - Pursuant to Ohio Revised Code Section 3375.42, this Council hereby finds and determines it to be necessary to enter into an agreement (the "Agreement") with the Library relating to the operation of the Avon Branch of the Library and to the use of the proceeds of the tax levy to be voted on by the electors as contemplated in this ordinance and of other funds available for the operation of the Avon Branch of the Library.

Section 8 - The Agreement is hereby approved in substantially the form attached hereto as Exhibit A, with such changes therein as are not inconsistent with this ordinance and not substantially adverse to the Council as shall be approved by the officers executing the Agreement; provided, that the approval of those changes by those officers, and their character as not being substantially adverse to the Council, shall be evidenced conclusively by their execution of that Agreement.

Section 9 - The Mayor and the Fiscal Officer of the City are hereby authorized and directed, for and in the name and on behalf of the City, to execute and deliver the Agreement in substantially the form attached hereto as Exhibit A.

Section 10 - The Clerk of Council shall be and is hereby directed to certify a copy of this ordinance to the Board of Elections of Lorain County, Ohio, not later than December 16, 2015.

Section 11 - That it is found and determined that all formal actions of this Council concerning and relating to the passage 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, including Section 121.22 of the Ohio Revised Code.

Section 12 - That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to timely file with the Board of Elections the levy to the electors on March 15, 2016, therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Craig L. Witherspoon, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Ellen R. Young
Assistant Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

Prepared by:
John A. Gasior, Esq.
Law Director

CERTIFICATE

The undersigned Clerk of Council, City of Avon, Ohio, hereby certifies that the foregoing is a true copy of Ordinance No. _____ duly adopted by said Council on November 16, 2015, and that a true copy thereof was certified to the Board of Elections of Lorain County, Ohio, on _____, 2015.

Clerk of Council
City of Avon, Ohio