

RESOLUTION NO. 2023-02 - FAILED
VILLAGE OF BUCKEYE LAKE, OHIO

A RESOLUTION DECLARING THE NECESSITY OF LEVYING A REPLACEMENT TAX ON PROPERTY IN EXCESS OF THE TEN-MILL LIMITATION FOR FIRE AND EMS PROTECTION AND SERVICES AND REQUESTING CERTIFICATION FROM THE LICKING COUNTY AND FAIRFIELD COUNTY AUDITORS AND THE DECLARATION OF AN EMERGENCY.

WHEREAS, pursuant to Section 5705.03 and 5705.192 of the Ohio Revised Code, the taxing authority of the Village of Buckeye Lake, is authorized by law to place a replacement tax levy before the electors residing within the Village's boundaries; and

WHEREAS, Village Council finds the amount of taxes which may be raised within the ten-mill limitation will be insufficient to provide an adequate amount of funds to meet the necessary requirements of this Village in providing for the operation of the fire department for fire and emergency medical services and protection within the Village, an additional tax is needed to meet these requirements; and

WHEREAS, the Village's existing five (5) mill levy, submitted to and approved by the electors pursuant to Resolutions 2017-01 and 2017-03, expires in tax year 2022 and will last be collected in calendar year 2023; and

WHEREAS, Village Council finds that in order to provide for adequate funds for continued operation of the fire department for fire and emergency medical services and protection, it is necessary to replace the prior levy, pursuant to Ohio Revised Code Section 5705.192, at a decreased rate of three (3) mills for each one dollar (\$1.00) of valuation, for a five-year (5) period, and for the same purpose of providing for operation of the fire department for fire and emergency medical services and protection; and

WHEREAS, Ohio Revised Code Section 5705.192 authorizes the submission of the question of a replacement tax for current expenses of the Village to the voters; and

WHEREAS, Ohio Revised Code Section 5705.03 requires this Council, by a vote of two-thirds of all members elected thereto, to request, from the County Auditor, certification of the total current tax valuation of the Village before proceeding with the submission of the question to the voters.;

NOW THEREFORE, BE IT RESOLVED, BY THE COUNCIL OF THE VILLAGE OF BUCKEYE LAKE, AT LEAST TWO-THIRDS (2/3) OF ITS MEMBERS CONCURRING TO DISPENSE WITH THE REQUIREMENTS OF CHARTER SECTION 4.04 REQUIRING THREE READINGS ON THREE SEPARATE DAYS WITH AT LEAST ONE WEEK BETWEEN THE READINGS,

Section 1: Council determines it is necessary to replace the expired levy placing a tax upon the entire territory of the Village of Buckeye Lake, Ohio, in excess of the ten-mill limitation for the purpose of providing funds for the operation of the fire department for fire and emergency medical services and protection, as authorized by Ohio Revised Code Section 5705.19(I), and pursuant to Ohio Revised Code Section 5705.192, the replacement rate shall be a decreased rate, three mills (3.0 mills) for each one dollar (\$1.00) of valuation, and shall be for a term of five (5) years, beginning in tax year 2023 and to be first collected in calendar year 2024, and shall be for the same purpose as the originating levy of providing for the operation of the fire department for fire and emergency medical services and protection.

Section 2: The Auditor of Fairfield County, Ohio, and the Auditor of Licking County, Ohio, are hereby requested to certify to this Council, within ten (10) days of receipt of this Resolution, the total current tax valuation of the Village of Buckeye Lake, in each respective county, and the dollar amount of revenue that would be generated by three mills (3.0 mills).

Section 3: The Village Clerk is hereby directed to file a certified copy of this Resolution with the Auditor of Licking County and Auditor of Fairfield County, upon approval.

Section 4: Upon receipt of certifications from the Auditor, it is the intent of this Council to pass a resolution to proceed with the levy and request the Boards of Election of Licking and Fairfield Counties to submit the question of a replacement tax to the voters, the question of the tax appearing on the ballot at the May 2, 2023, election, and the ballot measure shall be submitted to the entire territory of the Village of Buckeye Lake in Licking and Fairfield Counties, the Village territory situated in both counties.

Section 5: In accordance with ORC 5705.10 and 5705.19, any funds derived from such replacement tax shall be placed in the fund for the fire department operation.

Section 6: It is hereby found that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council that resulted in this 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 7: For the reasons in the preamble, this resolution is deemed to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and general welfare of the citizens of Buckeye Lake, Ohio. Therefore, this resolution shall become effective immediately upon its passage by Council.

ADOPTED this _____ day of _____, 2023

Attest: _____
Council Clerk, Samantha Torres

Council President, Linda Goodman

Date filed with Mayor: _____, 2023

Date Approved by Mayor: _____, 2023

Mayor, Jeryne Peterson

APPROVED:

Approved as to form on this day, _____.

Bradley S. Nicodemus, Esq.
Solicitor, Village of Buckeye Lake