

County Council of Cuyahoga County, Ohio

Resolution No. R2020-0121

Sponsored by: Council President Brady on behalf of Cuyahoga County Public Library Board of Trustees	A Resolution declaring the necessity of and determining to proceed with submitting to the electors of the Cuyahoga County Public Library the question of an additional 1.0 mill levy for the purpose of current expenses of the Cuyahoga County Public Library in accordance with the provisions of Sections 5705.23 and 5705.25 of the Revised Code for a continuing period of time; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, on October 21, 2019, the Board of Library Trustees of the Cuyahoga County Public Library (the Library) adopted a resolution (Resolution #1) pursuant to Sections 5705.03 and 5705.23 of the Revised Code declaring it necessary to levy an additional 1.0-mill tax levy for the purpose of current expenses of the Library, for a continuing period of time, and requesting the Cuyahoga County Fiscal Officer to certify the current total tax valuation of the territory served by the Library and the dollar amount of revenue that would be generated by that additional levy; and

WHEREAS, on October 28, 2019, the Cuyahoga County Fiscal Officer certified that the current total tax valuation of the territory served by the Library is \$18,857,237,350 and the dollar amount of revenue that would be generated by that 1.0-mill additional levy would be \$18,857,237 annually during the life of the levy, assuming that the current total tax valuation remains the same throughout the life of the levy; and

WHEREAS, after receipt of the County Fiscal Officer's certification, on November 26, 2019, the Board of Library Trustees of the Library adopted a resolution (Resolution #2) requesting this Council to submit to the electors of the Library the question of the additional tax levy described therein and in Resolution #1 pursuant to Sections 5705.23 and 5705.25 of the Revised Code, a copy of which is hereto attached, marked "Exhibit A" and made a part of hereof as though fully rewritten; and

WHEREAS, Section 5705.23 of the Revised Code provides that when a Board of Public Library Trustees of a County Library District requests its taxing authority to submit such a levy to the voters of the County Library District only, the taxing authority shall adopt a resolution submitting the levy to the electors.

WHEREAS, the County Council desires to submit to the electors of the Library the question of an additional 1.0 mill for the purpose of current expenses of the Library, to be in effect for a continuing period of time, beginning with the tax list and duplicate for the year 2020, the proceeds of which levy first would be available to the Library in

the calendar year 2021, and to be submitted to the electors of the Library at the general election to be held in the County on November 3, 2020; and

WHEREAS, it is necessary that this Resolution become immediately effective in order that services provided by the Cuyahoga County Public Library can continue and to provide for the usual, daily operation of the Cuyahoga County Library.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. The County Council acknowledges its receipt of and accepts the Board of Trustees of the Cuyahoga County Public Library's declaration and the Fiscal Officer's certification that the total current tax valuation of the County is \$18,857,237,350 and that the additional 1.0 mill levy will generate an additional \$18,857,237 of revenue in its first year of collection.

SECTION 2. In accordance with the resolutions of the Board of Library Trustees of the Library described in the preambles to this Resolution, it is hereby found, determined and declared that the amount of taxes that may be raised within the ten mill limitation by levies on the current tax duplicate will be insufficient to provide an adequate amount for the necessary requirement of the Cuyahoga County Public Library and it is necessary to levy this tax in excess of such limitation. Therefore, the County Council reaffirms the necessity of submitting this additional taxing measure to the electors and hereby determines to proceed with submitting to the electors of the Cuyahoga County Public Library the question of an additional 1.0 mill levy, for the purpose of current expenses of the Cuyahoga County Public Library, for a continuing period of time, outside the ten-mill limitation, in accordance with the provisions of Sections 5705.23 and 5705.25 of the Revised Code; such additional levy to constitute one (1) mill for each one dollar of valuation, which amounts to ten cents (\$0.10) for each one hundred dollars of valuation, to be in effect for a continuing period, beginning with the tax list and duplicate for the year 2020, the proceeds of which levy first would be available to the Library in the calendar year 2021 and to be submitted to the electors of the Library at the general election to be held in the County on November 3, 2020.

SECTION 3. The Clerk of Council is authorized and directed to certify to the Board of Elections not later than August 5, 2020: (i) Resolution #1 and Resolution #2 of the Board of Library Trustees referred to in the preambles to this Resolution, (ii) the certification by the Fiscal Officer as to the total current tax valuation of the County and the dollar amount of revenue to be generated by such levy; and (iii) a copy of this Resolution. This County Council requests that the Board of Elections give notice of the election and prepare the necessary ballots and supplies for the election in accordance with the law.

SECTION 4. The Director of the Board of Elections is hereby directed to cause notice of the election to be published once a week for two (24) consecutive weeks on the same day of each week prior to the election in a newspaper of general circulation in the County, stating the purpose, the rate of the proposed tax levy, expressed in dollars and cents for each one hundred dollars of valuation as well as in mills for each

one dollar of valuation, the number of years during which the levy shall be in effect, the first month and year in which the tax will be levied, and the time and place of the election. The Director of the Board of Elections is hereby directed to certify the result of the election, immediately after the canvas by the Board of Elections, to the taxing authority of the County, in order to permit the enactment of such levy, if approved by the electorate, for a continuing period, beginning with the tax list and duplicate for the year 2020, the proceeds of which levy first would be available to the Cuyahoga County Library in the calendar year 2021.

SECTION 5. The form of the Ballot to be used at such election shall be as follows:

CUYAHOGA COUNTY LIBRARY

PROPOSED TAX LEVY (ADDITIONAL)

A Majority Affirmation Vote is necessary for passage.

An additional tax for the benefit of the Cuyahoga County Public Library at a rate not exceeding 1.0 mill for each one dollar of valuation, which amounts to \$0.10 for each one hundred dollars of valuation, for a continuing period of time, commencing in 2020, first due in calendar year 2021.

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY




SECTION 6. It is necessary that this Resolution become immediately effective for the usual daily operation of the Cuyahoga County Public Library and any additional reasons set forth in the preamble, and to meet the Board of Elections' deadlines. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 7. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by Mr. Brady, seconded by Ms. Brown, the foregoing Resolution was duly adopted.

Yeas: Gallagher, Schron, Conwell, Jones, Brown, Stephens, Simon, Baker, Miller,
Tuma and Brady

Nays: None

	7/21/2020
_____ County Council President	_____ Date
	7/24/2020
_____ County Executive	_____ Date
	7/21/2020
_____ Clerk of Council	_____ Date

First Reading/Referred to Committee: June 23, 2020
Committee(s) Assigned: Committee of the Whole

Legislation Substituted in Committee: July 7, 2020

Committee Report/Second Reading: July 7, 2020

Journal CC039
July 21, 2020

[Clerk's Note: Electronic signatures affixed in accordance with Cuyahoga County Code Chapter 110]