

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]

EXHIBIT A

BOARD OF TRUSTEES OF THE CUYAHOGA COUNTY PUBLIC LIBRARY

The Board of Trustees (the "Board") of the Cuyahoga County Public Library (the "Library"), a county library district of Cuyahoga County, Ohio met in regular session on the 21st day of October , 2019, at 5:00 p.m., at Cuyahoga County Public Library Administration Building, with the following members present:

Edward H. Blakemore
Allyn Davies
Dean E. DePiero
William J. Leonard
Patricia A. Shlonsky
Maria L. Spangler

Mr. Leonard introduced the following resolution and moved its passage:

RESOLUTION REQUESTING THE CUYAHOGA COUNTY FISCAL OFFICER TO CERTIFY THE TOTAL CURRENT TAX VALUATION OF THE LIBRARY DISTRICT OF THE CUYAHOGA COUNTY PUBLIC LIBRARY, CUYAHOGA COUNTY, OHIO AND THE AMOUNT TO BE GENERATED DURING THE FIRST YEAR OF COLLECTION OF AN ADDITIONAL TAX OF 1.0 MILL FOR PURPOSE OF CURRENT EXPENSES OF THE CUYAHOGA COUNTY PUBLIC LIBRARY FOR A CONTINUING PERIOD OF TIME.

(R.C. Sections 5705.03, 5705.23)
ADDITIONAL TAX LEVY

WHEREAS, the Cuyahoga County Public Library (the "Library") is a county library district and political subdivision of the State of Ohio organized under Section 3375.19 of the Ohio Revised Code, and this Library Board of Trustees (the "Board") is a body politic and corporate organized under Section 3375.22 and acting under relevant provisions of the Ohio Revised Code; and

WHEREAS, the Board wishes to initiate proceedings for the submission to the electors of the library district of the Library, at the primary election to be held November 3, 2020, the question of an additional tax of 1.0 mill for the purpose of current expenses of the Library, which tax shall be for a continuing period of time and shall be levied on the territory of the library district of the Library located in Cuyahoga County; and

WHEREAS, such tax levy shall be placed upon the tax list and duplicate for the current tax year, beginning 2020, first due in calendar year 2021, if a majority of the electors voting thereon vote in favor thereof.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Cuyahoga County Public Library, Cuyahoga County, Ohio, two-thirds of all of the members thereof concurring, that:

Section 1. It is necessary to levy an additional tax of 1.0 mill for the purpose of current expenses of the Library.

Section 2. The Cuyahoga County Fiscal Officer is hereby requested to certify the total current tax valuation of the library district of the Library, as established under R.C. Chapter 3375, and the amount to be generated during the first year of collection of an additional tax for the benefit of the Library at a rate not exceeding 1.0 mill for each one dollar of valuation, which amounts to _____ cents (\$____) for each one hundred dollars of valuation, for current expenses of the Library.

Section 3. The Fiscal Officer of this Board is hereby authorized and directed to deliver a certified copy of this resolution to the Cuyahoga County Fiscal Officer.

Section 4. It is hereby found and determined that all formal actions of this Board concerning and relating to the adoption of this resolution were taken in an open meeting of this Board, and that all deliberations of this Board 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.

Mr. Blakemore seconded the motion and, after discussion, a roll call vote was taken and the results were:

Edward H. Blakemore
Allyn Davies
Dean E. DePiero
William J. Leonard
Patricia A. Shlonsky
Maria L. Spangler

Ayes: Six

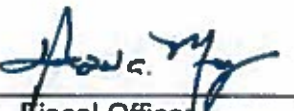
Nays: None

The resolution was adopted.

Passed: October 21, 2019

BOARD OF TRUSTEES,
CUYAHOGA COUNTY PUBLIC LIBRARY
CUYAHOGA COUNTY, OHIO

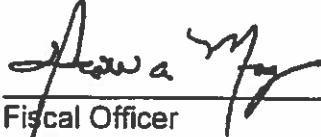
Attest:


Fiscal Officer


Board President

CERTIFICATE

The undersigned Fiscal Officer of the Board of Trustees of the Cuyahoga County Public Library, Cuyahoga County, Ohio, hereby certifies that the foregoing is a true copy of a resolution duly adopted by said Board on the 21st day of October, 2019, and that a certified copy thereof was filed in the office of the Cuyahoga County Fiscal Officer on the 21st day of October, 2019.



Fiscal Officer
Cuyahoga County Public Library

DTE form 140R
Revised 5/11
O.R.C. 5705.03 (B)

Certificate of Estimated Property Tax Revenue

(Use This form when a taxing authority certifies a millage rate and requests the revenue produced by that rate.)

The County Fiscal Officer of Cuyahoga County, Ohio, does hereby certify the following:

1. On October 21, 2019 the taxing authority of the Cuyahoga County Library certified a copy of its resolution or ordinance adopted October 21, 2019 requesting the county fiscal officer to certify the current tax valuation of the subdivision and the amount of revenue that would be produced by One and Zero Tenths (1.00) Mills to levy a tax outside the ten-mill limitation for Current Expenses pursuant to Revised Code 5705.03, 5705.23 to be placed on the ballot at the November 3, 2020 election.

The levy type is an Additional

2. The estimated property tax revenue that will be produced by the stated millage, assuming the tax valuation of the subdivision remains constant throughout the life of the levy, is calculated to be \$18,857,237.

3. The total tax valuation of the subdivision used in calculating the estimated property tax revenue is \$18,857,237,350.


Fiscal Officer Signature

October 28, 2019
Date

INSTRUCTIONS:

1. "Total tax valuation" includes the taxable value of all real property in the subdivision as indicated on the tax list most recently certified for collection and estimates of the taxable value of personal and public utility personal property for the first year the levy will be collected as set forth on the worksheets prescribed in conjunction with this form. If the subdivision is located in more than one county, the home county auditor (where the greatest taxable value of the subdivision is located) shall obtain the assistance of the other county auditors to establish the total tax valuation of the subdivision.
2. For purposes of this certification, "subdivision" includes any agency, board, commission, or other authority authorized to request a taxing authority to submit a tax levy on its behalf.
3. "Levy type" includes the following: (1) additional, (2) renewal, (3) renewal with an increase, (4) renewal with a decrease, (5) replacement, (6) replacement with an increase, and (7) replacement with a decrease levies.
4. Please file this certificate with the subdivision as soon as possible, so the taxing authority can pass a resolution to proceed not later than 90 days before the election.

BC0001

Levy Certification Information Sheet

****Please be as specific as possible****

Political Subdivision: Cuyahoga County Library

Levy Purpose: Current Expense
(ie: current expense, bond, PI)

Levy Type: Additional
(Renewal, Additional, Replacement, etc)

Projected Millage: 1.00

Length of Levy: Continuing

Levy Collection Start Year: TY2020CY2021
(ie: starts TY2009CY2010)

Levy Collection End Year: Continuing
(ie: ends TY2013/CY2014)

Finance Director/Treasurer Signature: _____

Date: _____

Analyst Signature: K. Cmj

Date: 10/28/2019

**BOARD OF TRUSTEES
OF THE
CUYAHOGA COUNTY PUBLIC LIBRARY**

The Board of Trustees (the "Board") of the Cuyahoga County Public Library (the "Library"), a county library district of Cuyahoga County, Ohio met in regular session on the 26th day of November, 2019, at 5:00 p.m., at Cuyahoga County Public Library Parma-Snow Branch Auditorium, with the following members present:

Edward H. Blakemore
Allyn Davies
Dean E. DePiero
Patricia A. Shlonsky
Maria L. Spangler
Robert W. Varley

Mr. Blakemore introduced the following resolution and moved its passage:

**RESOLUTION REQUESTING THE COUNCIL OF THE COUNTY
OF CUYAHOGA, OHIO TO SUBMIT TO THE ELECTORS OF THE
LIBRARY DISTRICT OF THE CUYAHOGA COUNTY PUBLIC
LIBRARY THE QUESTION OF AN ADDITIONAL TAX OF 1.00
MILL FOR THE PURPOSE OF CURRENT EXPENSES OF THE
CUYAHOGA COUNTY PUBLIC LIBRARY FOR A CONTINUING
PERIOD OF TIME.**

**(R.C. Sections 5705.03, 5705.23)
ADDITIONAL TAX LEVY**

WHEREAS, the Cuyahoga County Public Library (the "Library") is a county library district and political subdivision of the State of Ohio organized under Section 3375.19 of the Ohio Revised Code, and this Library Board of Trustees (the "Board") is a body politic and corporate organized under Section 3375.22 and acting under relevant provisions of the Ohio Revised Code; and

WHEREAS, the Board desires the Council of the County of Cuyahoga, Ohio to levy an additional tax of 1.00 mill under Section 5705.23, Ohio Revised Code, for the purpose of current expenses of the Library for a continuing period of time; and

WHEREAS, the Cuyahoga County Fiscal Officer has certified that the above-referenced tax will generate \$18,857,237 during the first year of collection, based on the current assessed valuation of the library district of the Library of \$18,857,237,350.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Cuyahoga County Public Library, Cuyahoga County, Ohio, two-thirds of all the members thereof concurring, that:

Section 1. It is hereby declared that the amount of taxes which 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 requirements of the Library and that it is necessary to levy an additional tax in excess of such limitation for the current expenses of the Library. Accordingly, the Council of the County of Cuyahoga, Ohio (the "Library Taxing Authority"), the taxing authority to whose jurisdiction the Board is subject, is hereby requested to submit to the electors of the library district of the Library, as established under R.C. Chapter 3375, at the general election to be held November 3, 2020, the question of an additional tax of 1.00 mill for the purpose of the current expenses of the Library, for a continuing period of time, which tax shall be levied on the territory of the library district of the Library located in Cuyahoga County.

Section 2. This Board hereby requests the Library Taxing Authority adopt a resolution under Section 5705.23 of the Ohio Revised Code, and other applicable provisions of law, to submit to the electors of the library district of the Library at a the general election to be held therein on November 3, 2020, the question of such additional tax of 1.00 mill for the purpose of current expenses of the Library for a continuing period of time.

Section 3. Such tax levy shall be for a continuing period of time at a rate not exceeding 1.00 mill for each one dollar of valuation, which amounts to 10 cents (\$.10) for each one hundred dollars of valuation.

Section 4. Such tax levy shall be placed upon the tax list and duplicate for the current tax year, beginning 2020, first due in calendar year 2021, if a majority of the electors voting thereon vote in favor thereof.

Section 5. The Board finds, determines and declares that the levy of the tax, if approved by the electors, is necessary to the proper furnishing and rendering of free public library services in the library district of the Library for the residents of such library district.

Section 6. The Fiscal Officer of the Board, acting on behalf of the Board, is hereby directed to certify a copy of this resolution to the Cuyahoga County Fiscal Officer and Clerk of Cuyahoga County Council.

Section 7. It is hereby found and determined that all formal actions of this Board concerning and relating to the adoption of this resolution were adopted in an open meeting of this Board, and that all deliberations of this Board 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 121.11, Ohio Revised Code.

Ms. Davies seconded the motion and, after discussion, a roll call vote was taken and the results were:

Ayes:

Edward H. Blakemore
Allyn Davies
Dean E. DePiero
Patricia A. Shlonsky
Maria L. Spangler
Robert W. Varley

Nays: None

The resolution was adopted.

Passed:

BOARD OF TRUSTEES,
CUYAHOGA COUNTY PUBLIC LIBRARY
CUYAHOGA COUNTY, OHIO

Attest:



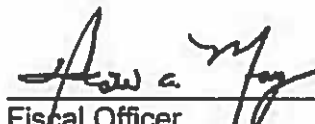
Fiscal Officer



Board President

CERTIFICATE

The undersigned Fiscal Officer of the Board of Trustees of the Cuyahoga County Public Library, Cuyahoga County, Ohio, hereby certifies that the foregoing is a true copy of a resolution duly adopted by said Board on the 26th day of November, 2019, and that a certified copy thereof was filed in the office of the Cuyahoga County Fiscal Officer and Clerk of Cuyahoga County Council on the 9th day of December, 2019.



Fiscal Officer
Cuyahoga County Public Library