

RESOLUTION NO. 2023-24 - FAILED
VILLAGE OF BUCKEYE LAKE, OHIO

A RESOLUTION TO PROCEED WITH A REPLACEMENT LEVY ON PROPERTY IN EXCESS OF THE TEN-MILL LIMITATION FOR POLICE PROTECTION SERVICES FOR THE VILLAGE AND TO SUBMIT THE QUESTION OF THE REPLACEMENT TAX TO THE ELECTORS OF THE VILLAGE AT THE MARCH 19, 2024 ELECTION AND THE DECLARATION OF AN EMERGENCY.

WHEREAS, on November 27, 2023, this Council, by Resolution 2023-21, determined the amount of taxes that may be raised within the ten-mill limitation will be insufficient to provide an adequate amount for the necessary requirements of the Village to provide police protection services, and it is necessary to continue and replace the five-mill (5.0) levy, which expired in 2023 and is last collected in 2024, with a five-mill (5.0) tax levy, for five (5) years, to be effective in 2024 and first collected in 2025, for the same purpose of providing police protection services, said tax being in excess of the ten-mill limitation, and said levy replacing the expired tax, pursuant to Ohio Revised Code 5705.192; and

WHEREAS, this Council, in compliance with Ohio Revised Code Section 5705.03, did certify to the Auditors of Fairfield and Licking Counties Resolution 2023-21, requesting the Auditors to certify the total current tax valuation of the Village of Buckeye Lake in said respective counties, and the dollar amount of revenue that would be generated by the continuation and replacement of five mills (5.0 mills); and

WHEREAS, the Auditor of Licking County has certified to this Council that the total replacement tax valuation is One Hundred Twenty Seven Million Eight Hundred Forty Nine Thousand Nine Hundred Sixty dollars and no cents (\$127,849,960.00) and that the dollar amount of revenue that would be generated by the replacement five-mill (5.0) tax is Six Hundred Thirty Nine Thousand dollars and no cents (\$639,000.00), annually during the life of the levy assuming the total current tax valuation remains the same throughout the life of the levy, for all properties within the Village from in both Fairfield and Licking counties, (attached hereto as Exhibit A); and

WHEREAS, the replacement levy for the purpose of providing funds for police protection services, pursuant to Ohio Revised Code 5705.19(J), for the Village at a rate not exceeding five mills (5.0 mills) for each one dollar of valuation, which amounts to Fifty Cents (\$0.50) for each One Hundred Dollars of valuation, and One Hundred Seventy Five Dollars and No Cents (\$175.00) for each one-hundred thousand dollars (\$100,00.00) of valuation, and said levy shall be for a term of five (5) years, beginning in tax year 2024, to first be collected in calendar year 2025; and

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, this Resolution to place the replacement levy on the March 19, 2024 ballot must be filed with the Board of Election before 4:00PM on December 20, 2023;

NOW THEREFORE, BE IT RESOLVED BY A TWO-THIRDS (2/3) MAJORITY OF THE LEGISLATIVE AUTHORITY OF THE VILLAGE OF BUCKEYE LAKE THAT FOLLOWING AN AFFIRMATIVE VOTE OF AT TWO-THIRDS (2/3) OF THE COUNCIL TO DISPENSE WITH THE REQUIREMENT OF THE BUCKEYE LAKE VILLAGE CHARTER TO READ A RESOLUTION ON THREE SEPARATE DAYS,

Section 1: The Village of Buckeye Lake hereby declares it will proceed with placing the issue on the ballot, March 19, 2024 election, for a five-mill (5.0) replacement levy for police protection services, pursuant to Ohio Revised Code 5705.03, 5705.192, and 5705.19(J), for a period of five (5) years, commencing January 1, 2024, to be first collected in 2025.

Section 2: It is hereby declared the form of the ballot to be used at said regular election shall be substantially as follows, with the proposed language on the question of the replacement levy reading as follows, or in a similar manner as follows:

PROPOSED TAX LEVY (REPLACEMENT)
VILLAGE OF BUCKEYE LAKE

A majority affirmative vote is necessary for passage

A replacement of a tax for the benefit of the Village of Buckeye Lake for the purpose of providing funds for police protection services for the Village, that the county auditor estimates will collect \$639,00.00 annually, at a rate not exceeding 5.0 mills for each \$1 of taxable value, which amounts to \$175.00 for each \$100,000 of the county auditor's appraised value, for a term of five (5) years, beginning in tax year 2024, to first be collected in calendar year 2025.

For the Tax Levy _____

Against the Tax Levy _____

Section 3: The question approving the replacement levy as set forth in Section 2 shall be submitted to the electors of the Village of Buckeye Lake, Ohio, at the election on March 19, 2024.

Section 4: The Village Clerk is hereby authorized and directed to certify a copy of this Resolution, with the attached Exhibit A, and a copy of Resolution 2023-21, passed on November 27, 2023, to the Board of Elections in both Fairfield and Licking Counties, no later than 4:00PM on December 20, 2023.

Section 5: 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 6: For the reasons in the preamble, and pursuant to Ohio Revised Code 5705, 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

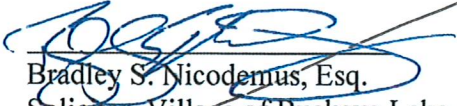
Date Approved by Mayor: _____, 2023

Mayor, Jeryne Peterson

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APPROVED:

Approved as to form on this day, December 6, 2023.



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