

ORDINANCE NO: 2018-15 (As Amended)

INTRODUCED BY:

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE VILLAGE OF MORELAND HILLS OF A PROPOSED AMENDMENT TO ARTICLE IX, SECTION 4 OF THE CHARTER OF THE VILLAGE OF MORELAND HILLS, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Article XI of the Village Charter, this Council may, by the affirmative vote of not less than two-thirds (2/3) of the members of Council, submit to the electors proposed amendments to the Charter; and

WHEREAS, on November 2, 1999, the electors of the Village approved an amendment of the Charter of the Village by adding a new Section 4 to Article IX authorizing the levy of taxes, in an amount not to exceed 2.0 mills, for the purpose of paying current and capital expenses associated with Village safety services, including but not limited to fire and EMS protection for Village residents and the Village police department, for a period of five years; and

WHEREAS, on November 2, 2004, the electors of the Village approved a continuation of the 2.0 mill levy for an additional five years and increased the millage in that levy by 1.0 mill, for a total levy of 3.0 mills; and

WHEREAS, on November 3, 2009, the electors of the Village approved a continuation of the 3.0 mill levy for an additional five years; and

WHEREAS, on November 5, 2013, the electors of the Village approved continuing the 3.0 mill levy on a permanent basis which levy constitutes a “qualifying levy” as defined in Section 319.302(B)(1) of the Ohio Revised Code; and

WHEREAS, this Council finds that it is necessary to levy an additional 3.0 mills to pay the current and capital expenses associated with the Village safety services now and in the future.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF MORELAND HILLS, COUNTY OF CUYAHOGA, STATE OF OHIO, NOT LESS THAN TWO-THIRDS (2/3) OF ALL THE MEMBERS THEREOF CONCURRING, THAT:

Section 1: Pursuant to Article XVIII, Section 9 of the Ohio Constitution and Article XI of the Charter of the Village, this Council hereby authorizes and directs the submission to the electors of the Village at the general election to be held at the usual places of voting in said Village on November 6, 2018, of the following proposal to amend Article IX, Section 4 of the Charter of the Village so that it shall read upon adoption of said amendment as follows:

ARTICLE IX
FINANCES

SECTION 4. LEVYIES FOR SAFETY SERVICES.

(a) The taxing authority of this Municipality is hereby granted the authority, without a vote of the people, to levy taxes annually, commencing in tax year 2014, upon the tax lists or duplicates of property assessed and listed for taxation according to value an amount not in excess of 3.0 mills per dollar of assessed valuation for the purpose of paying current and capital expenses associated with Village safety services, including but not limited to fire and EMS protection for Village residents and the Village police department. The amount of taxes in each year so levied pursuant to this Section shall not be subject to the limitations on the rate of taxation provided in this Charter and shall be in addition to any taxes levied by Council pursuant to any provision of this Charter or the general laws of the State of Ohio.

(b) The taxing authority of this Municipality is hereby granted the authority, without a vote of the people, and in addition to the levying of taxes as provided in subsection (a) of this Section, to levy taxes annually, commencing in tax year 2018, upon the tax lists or duplicates of property assessed and listed for taxation according to value an amount not in excess of 3.0 mills per dollar of assessed valuation for the purpose of paying current and capital expenses associated with Village safety services, including but not limited to fire and EMS protection for Village residents and the Village police department. The amount of taxes in each year so levied pursuant to this Section shall not be subject to the limitations on the rate of taxation provided in this Charter and shall be in addition to any taxes levied by Council pursuant to any provision of this Charter or the general laws of the State of Ohio.

Section 2: If the foregoing proposal receives the affirmative vote of a majority of the electors voting thereon, it shall become effective from and after the time of its approval by the electors.

Section 3: Upon the effective date of the proposal as provided in Section 2 of this Ordinance, the corresponding numbered Section of the Charter of the Village which is presently in effect shall be repealed.

Section 4: It is the desire of the Council that the ballot for said question shall be in substantially the following form.

PROPOSED CHARTER AMENDMENT
VILLAGE OF MORELAND HILLS, OHIO

A majority affirmative vote is necessary for passage.

Shall Article IX, Section 4 of the Charter of the Village of Moreland Hills be amended to authorize an additional levy of taxes, in an amount not to exceed 3.0 mills, for the purpose of paying current and capital expenses associated with Village safety services, including but not limited to fire and EMS protection for Village residents and the Village police department for a continuing period of time, commencing in tax year 2018?

YES

NO

Section 5: The Clerk is hereby authorized and directed to forward a certified copy of this Ordinance to the Board of Elections of Cuyahoga County on or before September 7, 2018.

Section 6: The Board of Elections of Cuyahoga County shall cause an appropriate notice to be duly given of the election to be held on November 6, 2018, on the foregoing amendment to Article IX, Section 4 of the Charter of the Village and otherwise to provide for such election in the manner provided by the general laws of the State of Ohio.

Section 7: The Clerk is hereby authorized and directed to cause the full text of such proposed amendment to be published once a week for two consecutive weeks in a newspaper of general circulation in the Village, with the first publication to be made at least 15 days prior to the election to be held on November 6, 2018, as provided in Article XVIII, Section 9 of the Ohio Constitution and in Section 731.211 of the Revised Code.

Section 8: There is hereby appropriated from the General Fund a sufficient sum of money to pay the costs of carrying out the authorizations and directions of this Ordinance.

Section 9: It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken 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 action, were in meetings open to the public, in compliance with the law.

Section 10: This Ordinance is hereby declared to be an emergency measure, necessary for the immediate preservation of the public peace, health, and safety of the residents of the Village and for the further reason that this Ordinance must be immediately effective so that it can be timely filed with the Board of Elections in order to submit the question of amending the Charter of the Village to the voters on November 6, 2018.

WHEREFORE, this Ordinance shall be in full force and effect immediately upon its passage by a vote of not less than two-thirds (2/3) of all the Council members and approval by the Mayor.

Placed on First Reading April 11, 2018
Placed on Second Reading May 9, 2018
Placed on Second Reading June 13, 2018

MAYOR

PASSED:

ATTEST:

CLERK