

RESOLUTION NO. ____-2011

AN RESOLUTION DECLARING IT NECESSARY TO AMEND SECTIONS 181.03 (a) OF THE CODIFIED ORDINANCES OF THE VILLAGE OF PERRY, OHIO, TO PROVIDE FOR AN ADDITIONAL TAX LEVIED FOR THE PURPOSE OF PROVIDING FUNDS FOR GENERAL MUNICIPAL OPERATIONS, SERVICES AND CAPITOL IMPROVEMENTS PURSUANT TO SECTION 718.01(C) OF THE OHIO REVISED CODE AND DECLARING AN EMERGENCY.

WHEREAS, in accordance with Subsection (C) of Section 718.01 of the Ohio Revised Code, as amended by HB 48, effective July 2, 2010, in order to submit the question of an income tax levy **at a rate in excess of one per cent (1%)**, Council must seek **the approval of said excess by a majority of the electors of the Village voting on the question at a general, primary, or special election**; and

WHEREAS, in accordance with said Subsection (C) of Section 718.01 of the Ohio Revised Code, Council must file with the board of elections of Lake County, Ohio, at least ninety days before the day of the election a certified copy of this Resolution together with the Resolution of this Council seeking to so **levy a tax on income at a rate in excess of one per cent (1%)**, declaring the necessity of the tax, stating its purpose and **specifying the date the election is to be held and directing the board of elections to conduct the election**; and

WHEREAS, Section 181.13(b)(1) of the Codified Resolutions of the Village of Perry, Ohio, presently provides for the levy of a tax in the amount of one percent (1%) per annum, same having been imposed by virtue of Resolution Number 3-1987 and to remain in effect until repealed, for the imposition of an income tax; and

WHEREAS, Section 181.01(a) of the Codified Resolutions of the Village of Perry, Ohio, provides that all tax received as a result of the provisions of Chapter 181 of the Codified Resolutions of the Village of Perry, Ohio, shall be used to provide funds for the purposes of general municipal operation, maintenance of equipment, extension, enlargement and improvement of municipal services and facilities and capitol improvement of the Village; and

WHEREAS, Council finds it to be in the best interest of the residents of the Village to take all steps necessary to now submit a request to allow for the levy of an additional income tax in the amount of one percent (1%) per annum in excess of the one percent (1%) per annum rate presently in effect, thereby effecting a total income tax of two percent (2%) per annum for the purposes of general municipal operation, maintenance of equipment, extension, enlargement and improvement of municipal services and facilities and capitol improvement of the Village; and

WHEREAS, That Council declares that it intends to submit the question of additional income tax in the amount of one percent (1%) per annum in excess of the one percent (1%) per annum rate presently in effect to the electors of the Village at the **general election to be held on November 8, 2011**, as authorized by Section 718.01(C) of the Revised Code; and

WHEREAS, The following relevant portion of Section 181.03(a) of Codified Resolutions of the Village of Perry, Ohio presently reads as follows:

181.03 IMPOSITION OF INCOME TAX

- (a) Rate and Taxable Income. For the purposes specified in Section 181.01, on and after the effective date of this chapter the annual tax of one and one-half percent per annum (1.5%) shall be imposed upon the following income;; and

WHEREAS, Council has been advised of the need to increase the rate of said income tax to two percent (2%) per annum; and

WHEREAS, Council has been further advised of the need to amend the aforesaid Section 181.03(a) of the Codified Ordinances of the Village of Perry, Ohio, "Imposition of Income Tax," to read as follows:

181.03 IMPOSITION OF INCOME TAX

- (a) Rate and Taxable Income. For the purposes specified in Section 181.01, effective on and after the 1st day of January, 2012, the annual tax of two percent (2%) per annum shall be imposed upon the following income;; and

WHEREAS, Council finds it necessary and appropriate to so amend and modify the previously designated tax imposed by the aforesaid section; and

WHEREAS, Council finds it to be in the best interest of the residents of the Village to take all steps necessary to so amend the aforesaid section.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF PERRY, COUNTY OF LAKE, AND STATE OF OHIO, AS FOLLOWS:

Section 1. That Council declares it is necessary to levy an additional tax and to amend the aforesaid section of the Codified Ordinances of the Village of Perry, Ohio, and intends to submit the question of this additional one percent (1%) tax levy to the electors of the Village at the general election to be held on November 8, 2011, as authorized by 718.01(C) of the Revised Code.

Section 2. That Council declares it intends to submit the question of an additional income tax in the amount of one percent (1%) per annum in excess of the one percent (1%) per annum rate presently in effect to the electors of the Village at the **general election to be held on November 8, 2011**, as authorized by Section 718.01(C) of the Revised Code; and

Section 3. Council, pursuant to the provisions of Ohio Revised Code Section 718.01, **authorizes**

and directs that the question of an additional levy of one percent (1%) per annum [in excess of the one percent (1%) per annum tax rate presently in effect], until repealed, for the purpose of providing for general municipal operation, maintenance of equipment, extension, enlargement and improvement of municipal services and facilities and capitol improvement of the Village, be submitted to the electors of the Village of Perry, Ohio, by the Board of Elections of Lake County, Ohio, at the general election to be held on **November 8, 2011**, as authorized by law, and said election shall be held at the regular places of voting in said Village as established by the Board of Elections of Lake County, Ohio, or otherwise, within the time permitted by law and shall be conducted, canvassed, and certified in the manner provided by law.

Section 4. The form of ballot to be cast at such election on the question of such additional income tax shall be substantially as follows:

PROPOSED ADDITIONAL TAX LEVY
VILLAGE OF PERRY

Majority vote is necessary for passage.

Shall the ordinance providing for an additional one percent (1%) tax to be levied on income for the purpose of providing for general municipal operation, maintenance of equipment, extension, enlargement and improvement of municipal services and facilities and capitol improvement of the Village be passed?

FOR THE TAX LEVY
AGAINST THE TAX LEVY

Section 5. That Council requests and directs the Board of Elections of Lake County, Ohio, to take all steps, perform all acts and execute all documents necessary to present the question of an additional one percent (1%) per annum tax levy in excess of the one percent (1%) per annum rate presently in effect to the electors of the Village at the general election to be held on November 8, 2011, as authorized by 718.01(C) of the Revised Code.

Section 6. The Chief Fiscal Officer is hereby authorized and directed to request that notice of said election be given as provided by law.

Section 7. The Chief Fiscal Officer of the Village is hereby authorized and directed to immediately certify a copy of this Resolution together with a copy of Ordinance Number ____-2011, to the Board of Elections of Lake County, Ohio.

Section 8. That this Resolution is hereby declared to be and is passed as an emergency measure, the emergency being the need for the efficient administration of the financial affairs of the Village which

includes the continued provision of necessary general municipal operation, maintenance of equipment, extension, enlargement and improvement of municipal services and facilities and capitol improvement of the Village in order to secure the well being of the Village, its residents and inhabitants; and further, said Resolution is necessary for the immediate preservation of the public peace, health, safety and welfare of the Village of Perry, Ohio, and its residents and inhabitants.

WHEREFORE, this Resolution shall be in full force and effect immediately upon its passage.

LAURENCE LOGAN, MAYOR

ADOPTED: _____

ATTEST: _____
LINDA HOFER, CHIEF FISCAL OFFICER