

**CITY OF BEAVERCREEK
CITY COUNCIL
AGENDA ITEM REPORT**

Meeting Date: <u>January 25, 2021</u>	Reference Topic: <u>Resolutions 21-06</u> Resolution for Placement of a 3.4 Mill Renewal Street Levy on the May 4, 2021 ballot
Agenda Reference No.: VI-E	

ACTION REQUESTED		
<input type="checkbox"/> Adopt Ordinances	<input checked="" type="checkbox"/> Adopt Resolutions	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Other Motion _____

RESPONSIBLE DEPARTMENT OR AGENCY		
<input checked="" type="checkbox"/> Finance	<input checked="" type="checkbox"/> City Council	<input checked="" type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input type="checkbox"/> Engineering	<input type="checkbox"/> Planning & Zoning
<input type="checkbox"/> Police	<input checked="" type="checkbox"/> Public Service	<input checked="" type="checkbox"/> City Manager
<input checked="" type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

On January 11, 2021 City Council adopted a resolution requesting the County Auditor certify revenue for a renewal of the 3.4 mill Street levy. The County Auditor has provided the City with the revenue that would be generated from this proposed levy and is indicated below:

<u>Resolution #</u>	<u>Street Levy (Current 1.0 mill)</u>	<u>Total Millage</u>	<u>Revenue Generated From Millage</u>
21-02	Renewal	3.4	\$4,700,000

This levy represents 76% of the street fund revenue necessary to operate the Street Department. This resolution would place a 3.4 mill renewal of the street levy to run for a continuous period of time on the May 4, 2021 ballot. **The renewal will not increase resident's taxes.** The cost of this levy will be \$88.93 per \$100,000 valuation of property. This renewal levy will preserve the \$4.38 per \$100,000 (12.5%) valuation property tax rollback issued by the State of Ohio for the benefit of Beaver Creek residents and provide stability in revenue collection to Public Service Division. Collection for the 3.4 mill street levy will end in 2021. If the renewal of this levy is approved by the voters, the levy collection will begin in 2022.

If approved, funding for the 3.4 mill street levy will in part allow the public service division to maintain the approximately 253 centerline miles of, with accompanying street lighting, signs, traffic signals, and pavement markings. In addition, this levy would provide residents and traveling public alike services such as, street sweeping, pavement repairs, mowing, landscaping, ditching, snow removal, tree trimming and is essential in maintaining the infrastructure of the City of Beaver Creek.

This levy will allow the Public Service and Engineering division to continue to meet the current service levels. This levy will;

- Maintain current service levels.

- Continue current service level for snow and ice treatments
- Continue current level of capital equipment replacement
- Continue the 5 year capital plan with funding available
- Keep Annual resurfacing program
- Provide funds to match Federal and State grants

Council, by a two-thirds vote, will need to adopt this resolution declaring it necessary to levy a renewal tax in excess of the ten-mill limitation for the purpose of constructing, reconstructing, resurfacing and repairing such streets and highways, which levy shall be 3.4 mill to run for continuing period of time. If the resolution is approved by Council, the 3.4 mill renewal of the street levy for a continuous period of time would be filed with the Board of Elections to appear on the May 4, 2021 ballot.

Staff recommends approval of Resolution 21-06

FILED

RESOLUTION NO. 21-06

JAN 26 2021

**CITY OF BEAVERCREEK GREENE CO.
BOARD OF ELECTIONS**

SPONSORED BY COUNCIL MEMBER DUERR ON THE 25TH DAY OF JANUARY, 2021.

A RESOLUTION BY BEAVERCREEK CITY COUNCIL TO PROCEED TO LEVY A RENEWAL TAX IN EXCESS OF THE TEN-MILL LIMITATION, IN ACCORDANCE WITH R.C. 5705.19 AND SUBSECTION 5705.19(G), AS AMENDED, FOR CONSTRUCTING, RECONSTRUCTING, RESURFACING, AND REPAIRING STREETS, ROADS AND BRIDGES, AS AUTHORIZED BY THE OHIO REVISED CODE, WHICH LEVY SHALL BE THREE AND FOUR TENTHS (3.4) MILLS, WHICH IS A RENEWAL LEVY TO RUN FOR A CONTINUING PERIOD OF TIME, AND DECLARING THAT THE QUESTION OF THE RENEWAL TAX LEVY SHALL BE SUBMITTED TO THE ELECTORS AT THE ELECTION TO BE HELD MAY 4, 2021.

WHEREAS, the Beaver Creek City Council previously determined that it is necessary to levy a renewal tax in excess of the ten-mill limitation for the benefit of the City, in accordance with R.C. 5705.19 of the Ohio Revised Code, as amended, for the purpose of constructing, reconstructing, resurfacing, and repairing streets, roads and bridges as authorized by the Ohio Revised Code.

TWO-THIRDS OF ALL MEMBERS OF COUNCIL OF THE CITY OF BEAVERCREEK, STATE OF OHIO, CONCUR AND HEREBY RESOLVE:

SECTION I.

Council has received certification issued by the County Auditor for Greene County, Ohio, pursuant to Section 5705.03, as amended, of the Ohio Revised Code.

SECTION II.

The amount of taxes which may be raised within the ten-mill limitation will be insufficient to provide an adequate amount for the necessary requirements of the City of Beaver Creek.

SECTION III.

It is necessary to levy a renewal tax in excess of said ten-mill limitation, pursuant to R.C. 5705.19(G), as amended, upon the entire territory of the City of Beaver Creek, Ohio, for the purpose of constructing, reconstructing, resurfacing, and repairing streets, roads and bridges in the City of Beaver Creek, at a rate not exceeding Three and Four Tenths (3.4) Mills for each One Dollar (\$1.00) of valuation, which amounts to Thirty-Four Cents (\$0.34) for each One Hundred Dollars (\$100.00) of valuation, for a continuing period of time.

SECTION IV.

The City of Beaver Creek will proceed with the submission of the question of the tax to the electors of this City. Said levy shall be submitted to the electors of this City at the Special Election to be held on Tuesday, May 4, 2021, and at the regular place or places of voting within this City as established by the Board of Elections of Greene County, Ohio during the election hours established by state law or by said Board of Elections. This ballot measure shall be submitted to voters in the entire territory of the City of Beaver Creek, which is located entirely within Greene County, Ohio.

27 JAN 25 2021

to voters in the entire territory of the City of Beavercreek, which is located entirely within Greene County, Ohio.

SECTION V.

The form of the ballot to be used at said election shall be substantially as follows:

PROPOSED RENEWAL TAX LEVY

CITY OF BEAVERCREEK, OHIO

A majority affirmative vote is necessary for passage

A renewal tax for the benefit of the City of Beavercreek, Ohio, as stated in section 5705.19(G), as amended, of the Ohio Revised Code, for constructing reconstructing, resurfacing, and repairing streets, roads, and bridges at a rate not exceeding Three and Four Tenths (3.4) Mills for each One Dollar (\$1.00) of valuation, which amounts to Thirty-Four Cents (\$0.34) for each One Hundred Dollars (\$100.00) of valuation, said proposed rate is a renewal of the existing levy of Three and Four Tenths (3.4) Mills for a continuing period of time, beginning in the year 2021 and first due in calendar year 2022.

	FOR THE TAX
	AGAINST THE TAX

SECTION VI.

If a majority of the qualified electors of the City voting thereon vote in favor thereof, said levy shall be placed upon the tax list and duplicate of the then current year of 2021 (the proceeds of which levy first would be available for collection in the calendar year of 2022.

SECTION VII.

The Clerk of Council is hereby directed to certify a copy of this Resolution to the Board of Elections of Greene County, Ohio, not later than four o'clock (4:00) p.m. on the ninetieth (90th) day before the date of said election and to notify said Board of Elections of Greene County, Ohio, to cause notice of the election on the question of levying said tax to be given as required by law.

SECTION VIII.

It is hereby found and determined 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 any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

SECTION IX.

Pursuant to Section 5705.19, as amended, of the Revised Code, this Resolution shall go into immediate effect upon its passage, and no publication of the resolution is necessary other than that provided for in the notice of election.

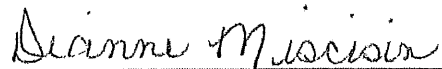
26 JAN 21 4:11 PM '07

PASSED this 25th day of January, 2021.



Bob Stone, Mayor

ATTEST:



Dianne Miscisin, Clerk of Council

PREPARED BY: CITY ATTORNEY

SUMMARY

THIS RESOLUTION BY BEAVERCREEK CITY COUNCIL IS TO PROCEED TO LEVY A RENEWAL TAX IN EXCESS OF THE TEN-MILL LIMITATION, PURSUANT TO R.C. 5705.19, FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, RESURFACING, AND REPAIRING STREETS, ROADS AND BRIDGES AS AUTHORIZED BY THE OHIO REVISED CODE WHICH LEVY SHALL BE THREE AND FOUR TENTHS MILLS (3.4), WHICH IS A RENEWAL OF AN EXISTING LEVY OF THREE AND FOUR TENTHS (3.4) MILLS, TO RUN FOR A CONTINUING PERIOD OF TIME, AND DECLARING THAT THE QUESTION OF THE RENEWAL TAX LEVY SHALL BE SUBMITTED TO THE ELECTORS OF THE CITY OF BEAVERCREEK AT THE SPECIAL ELECTION TO BE HELD MAY 4, 2021.

25 JAN 21 AM 11:40

Receipt for Resolutions

N^o 1-26-21

Office of the Board of Elections, Greene County, Ohio, Jan 26, 2021, 1921

Received of City of Beavercreek

DESCRIPTION — PURPOSE, RATE, DATE OF ELECTION, ETC.

- TAX LEVY — Renewal - Roads & Bridges
- BOND ISSUE — Tax for 2021 - Cont. Bond 3.40 mills
- CHARTER AMENDMENT —
- OTHER — May 4, 2021 Special Election

BOARD OF ELECTIONS, By [Signature] (SIGNED)

**CITY OF BEAVERCREEK
CITY COUNCIL
AGENDA ITEM REPORT**

Meeting Date: <u>January 11, 2021</u>	Reference Topic: <u>Resolutions 21-02</u>
Agenda Reference No.: X-C	Resolutions Declaring It Necessary to Levy an Additional Tax in Excess of the Ten-Mill Limitation for the 3.4 mill Street Levy.

ACTION REQUESTED		
<input type="checkbox"/> Adopt Ordinance	<input checked="" type="checkbox"/> Adopt Resolution	<input type="checkbox"/> Review and Comment
<input type="checkbox"/> No Action Requested	<input type="checkbox"/> Accept Staff Recommendation	<input type="checkbox"/> Other Motion _____

RESPONSIBLE DEPARTMENT OR AGENCY		
<input checked="" type="checkbox"/> Finance	<input type="checkbox"/> City Council	<input checked="" type="checkbox"/> Law
<input type="checkbox"/> Parks & Recreation	<input type="checkbox"/> Engineering	<input type="checkbox"/> Planning & Zoning
<input type="checkbox"/> Police	<input checked="" type="checkbox"/> Public Service	<input checked="" type="checkbox"/> City Manager
<input type="checkbox"/> Clerk of Council	<input type="checkbox"/> Human Resources	<input type="checkbox"/> Other _____

BACKGROUND AND STAFF SUMMARY:

The current 3.4 mill Street levy is set to expire in 2021. Council has requested a renewal of the existing 3.4 mill Street Levy and to make the levy continuous in order to stabilize the funding for maintaining, operating and providing capital funds for the City's street program. This levy represents \$4.64m and is approximately 76.2% of Street Levy Fund revenue.

In order to place this levy on the May 4th ballot, Council must take the following steps.

Council must adopt a resolution requesting certification of revenue from the County Auditor for the proposed tax levy. Ohio Revised Code 5705.03 requires this be done before Council can adopt legislation to place a property tax levy on the ballot. The statute allows the County Auditor 10 days upon receipt of the resolution to certify the revenue.

Upon receipt of the County Auditor's certification, Council, by a two-thirds vote, will need to adopt the resolution directing that the Street Levy be filed with the Board of Elections to appear on the May 4, 2021 ballot. Council will then need to approve the resolution (ballot language) at the January 25th, 2021 meeting so that the resolution can be filed with the Board of Elections prior to the February 3, 2021 filing deadline.

CITY OF BEAVERCREEK
RESOLUTION NO. 21-02

2021 12 31 12:34

SPONSORED BY COUNCIL MEMBER Bales ON THE 11TH DAY OF
JANUARY, 2021.

A RESOLUTION BY BEAVERCREEK CITY COUNCIL DETERMINING THE NECESSITY OF LEVYING A RENEWAL TAX IN EXCESS OF THE TEN-MILL LIMITATION FOR CONSTRUCTING, RECONSTRUCTING, RESURFACING, AND REPAIRING STREETS, ROADS AND BRIDGES, AS AUTHORIZED BU THE OHIO REVISED CODE, WHICH LEVY SHALL BE THREE AND FOUR TENTHS (3.4) MILLS, WHICH IS A RENEWAL LEVY TO RUN FOR A CONTINUING PERIOD OF TIME, PURSUANT TO OHIO REVISED CODE SECTION 5705.19 AND SUBSECTION 5705.19(G), AS AMENDED, AND REQUESTING THE COUNTY AUDITOR TO CERTIFY MATTERS IN CONNECTION THEREWITH.

WHEREAS, the Beavercreek City Council finds that a renewal tax levy in excess of the ten-mill limitation is required for the purpose of constructing, reconstructing, resurfacing, and repairing streets, roads and bridges in the City of Beavercreek in accordance with Section 5705.19(G), as amended, of the Ohio Revised Code, at a rate not to exceed Three and Four Tenths Mills (3.4) for each One Dollar (\$1.00) of valuation, which amounts to Thirty-Four Cents (\$.34) for each One Hundred Dollars of the taxable property within the City of Beavercreek, County of Greene, State of Ohio, for a continuing period of time, pursuant to Section 5705.19 of the Ohio Revised Code; and

WHEREAS, pursuant to Section 5705.03 of the Ohio Revised Code, this Council is required to certify to the Greene County Auditor a Resolution requesting the County Auditor to certify certain matters in connection with such a tax levy.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BEAVERCREEK, STATE OF OHIO:

SECTION I.

Pursuant to Section 5705.19 of the Ohio Revised Code, the Beavercreek City Council determines it necessary that a renewal tax be levied in excess of the ten-mill limitation for the benefit of this City, for the purpose of constructing, reconstructing, resurfacing and repairing such streets, roads and bridges in accordance with Section 5705.19(G) of the Ohio Revised Code, as amended, at a rate not exceeding Three and Four Tenths Mills (3.4) for each One Dollar (\$1.00) of valuation, which amounts to Thirty-Four Cents (\$0.34) for each One Hundred Dollars (\$100.00) of valuation, for a continuing period of time. The proposed rate for the renewal levy is the same rate as the existing levy.

SECTION II.

The territory of the City of Beavercreek is located entirely within Greene County, Ohio. The tax is to be levied on the ballot measure submitted to the entire territory of the City of Beavercreek.

SECTION III.

Council seeks to have the question of the passage of the renewal tax levy submitted to the electors of the City of Beavercreek at an election to be held on May 4, 2021. If approved by the electors, the tax levy shall first be placed upon the 2021 tax list and duplicate, for first collection in calendar year 2022.

SECTION IV.

Pursuant to Section 5705.03 of the Ohio Revised Code, the Greene County Auditor is hereby requested to certify to this Council, within ten (10) days after receiving this Resolution, the total current tax valuation of the City and the dollar amount of the revenue that would be generated by the number of mills specified in Section I above, and the Clerk of Council is hereby directed to certify forthwith a copy of this Resolution to the County Auditor at the earliest possible time so that the County Auditor may certify such matters in accordance with said Section 5705.03 of the Ohio Revised Code.

SECTION V.

It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were done in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to, Section 121.22 of the Ohio Revised Code.

SECTION VI.

This Resolution shall take effect and be in full force from and after the date of its passage.

PASSED this 11th day of January, 2021.



Bob Stone, Mayor

ATTEST:


Melissa Gillaugh, Deputy Clerk

PREPARED BY: CITY ATTORNEY

SUMMARY

THIS RESOLUTION BY BEAVERCREEK CITY COUNCIL DETERMINES THE NECESSITY OF LEVYING A RENEWAL TAX IN EXCESS OF THE TEN-MILL LIMITATION FOR THE PURPOSE OF CONSTRUCTING, RECONSTRUCTING, RESURFACING, AND REPAIRING STREETS, ROADS AND BRIDGES AS AUTHORIZED BY THE OHIO REVISED CODE WHICH LEVY SHALL BE THREE AND FOUR TENTHS MILLS (3.4) WHICH IS A RENEWAL LEVY TO RUN FOR A CONTINUING PERIOD OF TIME, PURSUANT TO OHIO REVISED CODE SECTION 5705.19 AND SUBSECTION 5705.19(G), AS AMENDED, AND REQUESTING THE COUNTY AUDITOR TO CERTIFY MATTERS IN CONNECTION THEREWITH.

Certificate of Estimated Property Tax Revenue

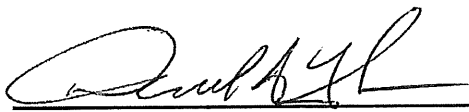
JAN 13 2021

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

RECEIVED

The county auditor of Greene County, Ohio, does hereby certify the following:

- On January 12, 2021 the taxing authority of the City of Beavercreek (political subdivision name) certified a copy of its resolution or ordinance adopted January 11, 2021, requesting the county auditor to certify the current tax valuation of the subdivision and the amount of revenue that would be produced by Three & Four Tenths (3.40) mills, to levy a tax outside the 10-mill limitation for Street Expense purposes pursuant to Revised Code § 5705.19 (G), to be placed on the ballot at the May 4, 2021, election. The levy type is Renewal for Continuing Period; TY2021-Cont.
- 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 \$ 4,700,000.
- The total tax valuation of the subdivision used in calculating the estimated property tax revenue is \$ 1,624,949,940.



Auditor's signature

January 13, 2021
Date

Instructions

- "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.
- 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.
- "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.
- 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.