

ORDINANCE NO. 2023-1

**AN ORDINANCE
PROVIDING FOR THE SUBMISSION TO THE ELECTORS
OF THE VILLAGE OF WAITE HILL A PROPOSED
AMENDMENT TO THE CHARTER OF THE VILLAGE TO
RENEW THE LEVY OF SIX AND TWO TENTHS (6.2) MILL
FOR THE PURPOSE OF FUNDING THE VILLAGE'S
POLICE DEPARTMENT, AND FIRE, EMS, AND PUBLIC
SERVICES, CALLING FOR A SPECIAL ELECTION, AND
DECLARING AN EMERGENCY.**

WHEREAS, pursuant to Article XVIII, Section 9, of the Constitution of the State of Ohio and Article XII of the Charter of the Village of Waite Hill, this Council, by a vote of two-thirds of its members, has the authority to submit proposed amendments to the Charter of the Village of Waite Hill; and

WHEREAS, on November 5, 2013, the electors of the Village of Waite Hill passed an amendment to the Charter of the Village of Waite Hill which enacted a levy of six and two-tenths mills levy; and

WHEREAS, on May 8, 2018, the electors of the Village first renewed the levy enacted in the Charter of the Village of Waite Hill; and

WHEREAS, Council finds and determines it is necessary and appropriate to submit another renewal of the six and two-tenths mills levy at a special election to be held in May of 2023; and

WHEREAS, this Council chooses the date of May 2, 2023, for a special election on the Charter amendment proposal hereinafter set forth, which election is not less than sixty (60) days nor more than one hundred twenty (120) days from the date of passage of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF WAITE HILL, COUNTY OF LAKE, STATE OF OHIO, AT LEAST TWO-THIRDS (2/3) OF THE MEMBERS OF COUNCIL CONCURRING:

SECTION 1. That this Council hereby authorizes and directs the submission to the electors of Waite Hill Village, at a special election to be held at the usual places of voting in said Village, on Tuesday, May 2, 2023, of the following proposal to amend the Charter of the Village.

That existing Article VIII, Fiscal Matters, Taxation, Section 8.5, Temporary Levy of Taxes for the Village Police Department and Fire, EMS and Public Services, be amended to read and provide, in its entirety, as follows:

“SECTION 8.5 TEMPORARY LEVY OF TAXES FOR THE VILLAGE’S POLICE DEPARTMENT AND FIRE, EMS AND PUBLIC SERVICES.

In addition to the power of Council to levy taxes pursuant to the Constitution of the State of Ohio and Chapter 5705 of the Ohio Revised Code, and notwithstanding the provisions

of Section 2 of this Article VIII, the Council may continue to also levy annually, commencing with the tax year 2023 through and including the tax year 2027, without an additional vote of the people, in addition to all taxes within the constitutional and statutory ten-mill limitation, a tax in an amount not to exceed in any one year six and two-tenths (6.2) mills per dollar of assessed valuation upon all real and personal property listed and assessed for taxation upon the tax lists and duplicates of the Village of Waite Hill for the purpose of paying all costs and expenses associated with the provision and operation of the police department, fire, EMS and public services, exclusive of any capital costs associated with housing the police department but inclusive of capital equipment needed for the provision of police, fire, EMS and other public services; provided, however, that nothing in this Section 8.5 shall be construed as prohibiting the submission to the electorate of the Village of Waite Hill of the renewal or enactment of a tax for the purposes described in this Section 8.5 upon the expiration of the tax provided for in this Section 8.5.”

A majority affirmative vote of those voting on the issue shall be necessary to adopt this amendment.

SECTION 2. That the form of ballot to be cast at the election for the proposed charter amendment contained in Section 1 shall read and provide as follows:

<p>"PROPOSED CHARTER AMENDMENT TO RENEW THE POLICE DEPARTMENT AND FIRE, EMS AND PUBLIC SERVICES LEVY A majority affirmative vote is necessary for passage</p> <p>Shall the Charter of the Village of Waite Hill be amended to provide that the Village may, for five years commencing with the tax year 2023, continue to levy the existing tax of up to six and two-tenths (6.2) mills, provided that the use of such taxes is limited to the provision of police, fire, EMS and public services for the Village of Waite Hill, exclusive of any capital costs associated with housing the police department but inclusive of capital equipment needed for the provision of police, fire, EMS and other public services?"</p>
--

SECTION 3. That if such amendment is approved by a majority of the electors voting thereon at such election, such amendment shall become effective from and after the date that the Lake County Board of Elections certifies the results of the election on this issue.

SECTION 4. That the Clerk-Treasurer is hereby authorized and directed to cause copies of said proposed charter amendments to be mailed at least thirty (30) days prior to said election, to each elector in this Village whose name appears upon the registration book of the last regular or general elections held in the Village; provided, however, that in lieu of such mailing and to the extent

provided by law, the Clerk-Treasurer is hereby authorized to cause a copy of the proposed charter amendments to be published in such manner as may be authorized by law.

SECTION 5. That the Clerk-Treasurer be, and hereby is, authorized and directed to forward a certified copy of this ordinance to the Board of Elections of Lake County.

SECTION 6. That the Board of Elections of Lake County is hereby requested to cause appropriate notice of such special election to be duly given, and to conduct such special election within the Village, in accordance with law.

SECTION 7. That there is hereby appropriated from the General Fund of the Village, an amount sufficient to pay the cost of carrying out the directions of this ordinance, including the cost of printing or otherwise preparing and mailing or publishing said copies of said proposed charter amendments and of publishing notice of such election and the cost of conducting a special election in the Village of Waite Hill.

SECTION 8. That this Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the Village of Waite Hill and, further, for the reason that this ordinance must be immediately effective in order to permit necessary arrangements to be made in sufficient time for a special election to be held in May of 2023; wherefore, this ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: _____, 2023

Council President

Submitted to the Mayor
for his approval on this
_____ day of _____, 2023

Approved by the Mayor

ATTEST:

_____, 2023

Clerk-Treasurer

Mayor