

BERLIN TOWNSHIP TRUSTEES

4:35 p.m. Emergency Meeting July 28, 21

HELD AT: Berlin Township Hall, 3271 Cheshire Road, Delaware, OH

CALL TO ORDER: Ron Bullard, Trustee Chairman

PLEDGE OF ALLEGIANCE: Ron Bullard led the Pledge of Allegiance

ROLL CALL: Ken O’Brien, Tom D’Amico, Ron Bullard, Claudia Smith, Fiscal Officer

ATTENDANCE: Joe Pichert, Dyann McDowell, Mark Fowler and Sherri Lewis

Fire Levy- Bullard explained that this emergency meeting was for a resolution of necessity for the fire levy and the wording of such on it.

**RESOLUTION MOTION TO RESCIND RESOLUTION 21-05-16 AND TO
21-07-28 RESCIND RESOLUTION 21-07-05**

Motion: O’Brien
Second: D’Amico
Vote: D’Amico yes, O’Brien yes and Bullard yes

**RESOLUTION MOTION TO ADOPT RESOLUTION OF NECESSITY TO LEVY
21-07-29 A RENEWAL TAX IN EXCESS OF THE TEN-MIL LIMITATION
THE PURPOSES OF FIRE PROTECTION AS RESCINDED BY THE
PROSECUTOR**

**BOARD OF TRUSTEES
BERLIN TOWNSHIP
DELAWARE COUNTY, OHIO**

**RESOLUTION NO. 21-07-29
A RESOLUTION OF NECESSITY TO LEVY A RENEWAL
TAX IN EXCESS OF THE TEN-MILL LIMITATION FOR THE PURPOSE OF
FIRE PROTECTION
(R.C. §§ 5705.03, 5705.19(I), 5705.191, 5705.192, and 5705.25)**

The Board of Trustees of Berlin Township, Delaware County, Ohio (“Board”) met in Emergency session on July 28, 2021 with the following members present:

Ron Bullard
Tom D’Amico
Ken O’Brien

O’Brien Moved the adoption of the following Resolution:

PREAMBLE

WHEREAS, the amount of taxes that will be raised within the ten-mill limitation will be insufficient to provide for the necessary requirements to provide fire protection in Berlin Township, Delaware County, Ohio (“Township”); and,

WHEREAS, it is necessary to levy a tax in excess of the ten-mill limitation; and

WHEREAS, the levy would be for the purpose of providing and maintaining fire apparatus, mechanical resuscitators, underwater rescue and recovery equipment, or other fire appliances, buildings and sites therefor, or sources of water supply and materials therefor, for the establishment and maintenance of lines of fire alarm communications, for the payment of permanent, part-time, or volunteer firefighters or firefighting companies to operate the same,

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including payment of the firefighter employers' contribution required for such personnel under section 145.48 or 742.34 of the Revised Code, for the purchase of ambulance equipment, for the provision of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company, or for the payment of other related costs, said purposes being authorized by R.C. § 5705.19(I); and,

WHEREAS, a resolution declaring the necessity of levying a renewal tax, pursuant to R.C. § 5705.19(I), outside the ten-mill limitation must be approved and certified to the Delaware County Auditor (“Auditor”) in order to permit the Board to consider the levy of such a tax and must request that the Auditor certify to the Board the total current tax valuation of the Township, and the number of mills required to generate a specified amount of revenue, or the dollar amount of revenue that would be generated by a specified number of mills.

RESOLUTION

NOW THEREFORE, BE IT RESOLVED, by the Board, at least two-thirds (2/3) of all of the members of the Board concurring, as follows:

- 1. The amount of taxes that will be raised within the ten-mill limitation will be insufficient to provide for the necessary requirements of the Township.

It is necessary to levy a tax in excess of the ten-mill limitation.

Pursuant to R.C. § 5705.03(B)(1):

The purpose of the tax is as follows:

Providing and maintaining fire apparatus, mechanical resuscitators, underwater rescue and recovery equipment, or other fire equipment and appliances, buildings and sites therefor, or sources of water supply and materials therefor, for the establishment and maintenance of lines of fire-alarm communications, for the payment of firefighting companies or permanent, part-time, or volunteer firefighting, emergency medical service, administrative, or communications personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.34 of the Revised Code, for the purchase of ambulance equipment, for the provision of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company, or for the payment of other related costs, said purposes being authorized by R.C. 5705.19(I);

- b. The type of levy is as follows:

_____ additional levy

 X renewal levy: n/a increase n/a decrease

_____ replacement levy: _____ increase _____ decrease

- c. The sections of the Revised Code authorizing submission of the question of the tax are R.C. §§ 5705.03, 5705.191, and 5705.25 and the following:

R.C. § 5705.19(I)_____;

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d. The term of the tax is as follows (in years or continuing):

5 years_____;

e. The territory where the tax is to be levied is as follows:

 X Upon the entire territory of the Township

_____ If authorized by the Revised Code, the following described portion of the territory of the Township:

_____;

f. The date of the election at which the question of the tax shall appear on the ballot is as follows;

November 2, 2021_____;

g. The territory where the ballot measure is to be submitted is as follows:

 X Upon the entire territory of the Township

_____ If authorized by the Revised Code, the following described portion of the territory of the Township:

_____;

h. The tax will be first levied and collected as follows:

The tax year in which the tax will first be levied is 2022;

The calendar year in which the tax will first be collected is 2023;

i. The Township has territory in Delaware County and each of the following listed counties:

None - Only Delaware County_____.

Pursuant to R.C. § 5705.03(B)(1), the Fiscal Officer is hereby directed to certify a copy of this resolution to the Auditor. The Board hereby requests that the Auditor certify to this Board the following:

The total current tax valuation of the Township;

b. The number of mills required to generate the following amount of revenue; or,

\$ n/a

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c. The dollar amount of revenue that would be generated by the levy of the following mills:

 2.95 mill(s).

. All formal actions of this Board concerning and relating to the passage of this Resolution were adopted in an open meeting of the Board, and all deliberations of this Board and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including R.C. § 121.22.

. This Resolution shall be in full force and effect immediately upon adoption.
Bullard Seconded the motion.

Voted on and signed this July 28, 2021 in Berlin Township, Delaware County, Ohio.

**BOARD OF TRUSTEES
BERLIN TOWNSHIP
DELAWARE COUNTY, OHIO**

Trustee

Trustee

Trustee

Motion: O’Brien
Second: Bullard
Vote: O’Brien yes, Bullard yes and D’Amico yes

Recess at 4:47 p.m. Returned at 4:54

Bullard asked Smith if the meeting was properly advertised. Smith answered yes.

**RESOLUTION MOTION TO PROCEED WITH SUBMISSION OF THE
21-07-30 QUESTION OF LEVYING A RENEWAL TAX IN EXCESS OF
THE TEN-MIL LIMITATION FOR THE PURPOSES OF FIRE
PROTECTION AS RESCINDED**

**BOARD OF TRUSTEES
BERLIN TOWNSHIP
DELAWARE COUNTY, OHIO**

RESOLUTION NO. 21-07-30

**A RESOLUTION TO PROCEED WITH SUBMISSION OF
THE QUESTION OF LEVYING A RENEWAL TAX IN
EXCESS OF THE TEN-MILL LIMITATION
FOR THE PURPOSE OF FIRE PROTECTION
(R.C. §§ 5705.03, 5705.19(I), 5705.191, 5705.192, and 5705.25)**

The Board of Trustees of Berlin Township, Delaware County, Ohio (“Board”) met in Emergency session on July 28, 2021 with the following members present:

Ron Bullard

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Tom D’Amcio
Ken O’Brien

O’Brien Moved the adoption of the following Resolution:

PREAMBLE

WHEREAS, the Board, approved the following resolution declaring the necessity to levy a tax in excess of the ten-mill limitation:

Resolution No: 21-07-29 _____

Date Approved: July 28, 2021 _____

; and,

WHEREAS, the Delaware County Auditor (“Auditor”) has certified the following information to the Board:

- 1. The total current tax valuation of the Township is as follows:

\$ _____

The number of mills required to generate a specified amount of revenue is:

- Specified amount of revenue: \$ _____ n/a _____
- Required number of mills: _____ n/a _____.

The dollar amount of revenue that would be generated by a specified number of mills is:

- Specified number of mills: _____ 2.95 _____
- Dollar amount of revenue generated: \$ 1,001,220.00 _____

RESOLUTION

NOW THEREFORE, BE IT RESOLVED, by the Board, at least two-thirds (2/3) of all of the members of the Board concurring, as follows:

- 1. The Board shall proceed with the submission of the question of the tax to the electors.

The rate of the tax levy, expressed in mills for each one dollar in tax valuation as estimated by the Auditor, is as follows:

_____ 2.95 _____ mill(s);

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b. This rate amounts to the following for each one hundred dollars of tax valuation:

\$.295.

c. If the levy is a renewal levy or a replacement levy, this rate:

X **is** the same rate as the existing tax levy.

 is not the same rate as the existing tax levy and is either:

 a reduction, the extent of the reduction being: mill(s)

 an increase, the extent of the increase being: mill(s)

Pursuant to R.C. § 5705.03(B)(1):

The purpose of the tax is as follows:

Providing and maintaining fire apparatus, mechanical resuscitators, underwater rescue and recovery equipment, or other fire equipment and appliances, buildings and sites therefor, or sources of water supply and materials therefor, for the establishment and maintenance of lines of fire-alarm communications, for the payment of firefighting companies or permanent, part-time, or volunteer firefighting, emergency medical service, administrative, or communications personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.34 of the Revised Code, for the purchase of ambulance equipment, for the provision of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company, or for the payment of other related costs.

b. The type of levy is as follows:

 additional levy

X renewal levy: n/a increase n/a decrease

 replacement levy: increase decrease

c. The sections of the Revised Code authorizing submission of the question of the tax are R.C. §§ 5705.03, 5705.191, and 5705.25 and the following:

R.C. § 5705.19(I);

d. The term of the tax is as follows (in years or continuing):

5 years;

e. The territory where the tax is to be levied is as follows:

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 X Upon the entire territory of the District

_____ If authorized by the Revised Code, the following described portion of the territory of the District:

_____;

f. The date of the election at which the question of the tax shall appear on the ballot is as follows (“Election”);

November 2, 2021_____;

g. The territory where the ballot measure is to be submitted is as follows:

 X Upon the entire territory of the District

_____ If authorized by the Revised Code, the following described portion of the territory of the District:

_____;

h. The tax will be first levied and collected as follows:

The tax year in which the tax will first be levied is 2022 _____;

The calendar year in which the tax will first be collected is 2023 _____;

i. The Township has territory in Delaware County and each of the following listed counties:

None – Only Delaware County_____.

. The Fiscal Officer is hereby directed to **certify the levy to the Auditor AND the Board of Elections, Delaware County, Ohio (“BOE”)**. Certification shall include copies of **ALL** of the following documents:

- . **Resolution of Necessity** (Resolution No. 21-_____ adopted on July 28, 2021; and,
- a. **Certification of the Auditor**; and,
- b. **Resolution to Proceed** (This Resolution).

Certification shall occur by **no later than 4:00 PM on August 4, 2021** (90 days prior to the Election)

The Fiscal Officer shall also notify the BOE to cause notice of the Election on the question of levying the tax to be given as required by law.

. The BOE is hereby directed to submit substantially the following question to the electors at the Election:

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<p>OFFICIAL QUESTIONS AND ISSUES BALLOT GENERAL ELECTION NOVEMBER 2, 2021</p> <p>PROPOSED TAX LEVY (RENEWAL) BERLIN TOWNSHIP DELAWARE COUNTY, OHIO</p> <p>A majority affirmative vote is necessary for passage</p> <p>A majority affirmative vote is necessary for passage</p>	
<p>A renewal of an existing levy for the benefit of Berlin Township, Delaware County, Ohio for the purpose of providing and maintaining fire apparatus, mechanical resuscitators, underwater rescue and recovery equipment, or other fire equipment and appliances, buildings and sites therefor, or sources of water supply and materials therefor, for the establishment and maintenance of lines of fire-alarm communications, for the payment of firefighting companies or permanent, part-time, or volunteer firefighting, emergency medical service, administrative, or communications personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.34 of the Revised Code, for the purchase of ambulance equipment, for the provision of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company, or for the payment of other related costs, at a rate not exceeding 2.95 mills for each one dollar of valuation, which amounts to \$0.295 for each one hundred dollars of valuation, for five (5) years commencing in 2022, first due in calendar year 2023.</p>	
<p>FOR THE TAX LEVY</p>	
<p>AGAINST THE TAX LEVY</p>	

. All formal actions of this Board concerning and relating to the passage of this Resolution were adopted in an open meeting of the Board, and all deliberations of this Board and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including R.C. § 121.22.

. This Resolution shall be in full force and effect immediately upon adoption.

Bullard seconded the motion.

Voted on and signed this July 28, 2021 in Berlin Township, Delaware County, Ohio.

**BOARD OF TRUSTEES
BERLIN TOWNSHIP
DELAWARE COUNTY, OHIO**

Trustee

Trustee

Trustee

Motion: O'Brien
Second: Bullard
Vote: O'Brien yes, Bullard yes and D'Amico yes

**Adjourn-
RESOLUTION MOTION TO ADJOURN
21-07-31**

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Motion: Bullard
Second: O'Brien
Vote: Bullard yes, D'Amico yes and O'Brien yes

Meeting adjourned by Chairman Bullard at 4:59 p.m.

Ron Bullard, Trustee

ATTEST:

Ken O'Brien, Trustee

Theresa Taylor, Assistant Fiscal Officer

Tom D'Amico, Trustee