

THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 12-113

INTRODUCED BY: Antoskiewicz, Nickell, Petrusky, Willey,
Marnecheck, Muller, Kasaris, Mayor Stefanik

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF NORTH ROYALTON A CERTAIN AMENDMENT TO ARTICLE XIV TAXATION, SUBSECTION (a) SUBMISSION OF EXTRA LEVY TO VOTE, OF THE CHARTER OF THE CITY OF NORTH ROYALTON, PERTAINING TO SIXTY PERCENT MAJORITY FOR PASSAGE OF AN EXTRA LEVY AT A SPECIAL ELECTION, AND DECLARING AN EMERGENCY

WHEREAS: The 2012 North Royalton Charter Review Commission has determined to provide a ballot issue to remove language requiring a sixty percent (60%) majority to pass an extra tax levy at any scheduled election; and

WHEREAS: In order to provide for the above it is necessary to recommend amending Article XIV Taxation, Subsection (a) Submission of Extra Levy to Vote, of the Charter of the City of North Royalton; and

WHEREAS: Pursuant to Article XVIII, Subsection (f) of the Charter, the Council is obligated to submit the Charter Review Commission recommendations to the electors.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. Pursuant to Article XVIII, Section 9 of the Ohio Constitution and Article XVIII, Subsection (e) of the Charter of the City of North Royalton, the Council hereby authorizes and directs the submission to the electors of the City of North Royalton, at an election to be held in usual places of voting in said City on November 6, 2012, an amendment to Article XIV Taxation, Subsection (a) of the Charter of the City of North Royalton which shall upon adoption read as follows:

(a) SUBMISSION OF EXTRA LEVY TO VOTE.

The Council may, at any time at least sixty (60) days prior to a ~~November or special~~ **scheduled** election, declare by resolution, adopted by a vote of two-thirds (2/3) of all the members elected thereto, that the amount of taxes which may be raised within the Constitutional limitation of the State of Ohio will be insufficient to provide an adequate amount for the necessary requirements of the Municipality, and that it is necessary to levy a tax in excess of such limitations in addition to the levies authorized and limited by said Constitution for any municipal purpose or purposes specified in such resolution, and permitted by law. Such resolution shall be confined to a single purpose and specify the amount of increase in rate which it is necessary to levy, the purpose thereof, and the number of years in which such increase shall be in effect which may or may not include a levy on the duplicate for the current year and date of any proposed election. The number of years shall be any number not exceeding five (5) years except that when the additional rate is for the payment of debt charges the increased rate shall be for the life of the indebtedness. Such resolution shall be effective upon its adoption and shall be certified within five (5) days thereafter to the ~~election authorities hereinafter described in this Charter~~ **Cuyahoga County Board of Elections**, which shall place such question upon the ballot at the next ~~succeeding November election or at the specified proposed election.~~ **scheduled election**. If a majority of those voting thereon for an extra levy at a November election, or if sixty percent (60%) voting thereon in the ~~case of a special election~~ cast their ballots for the approval of such additional levy, the Council shall immediately make such levy or such part thereof as it finds necessary, pursuant to such approval, and certify the same to the County ~~Auditor~~ **Fiscal Officer** to be placed on the tax list and collected as other taxes. The authority of the Council to submit additional levies to a vote of the people under authority of the Constitution or the laws of this State shall not be deemed impaired or abridged by reason of any provision in this Charter. ~~except as to the requirement of the percentage of the voters necessary to approve the passage of the issue.~~

Section 2. The ballot for said question shall be in substantially the following form:

PROPOSED CHARTER AMENDMENT

A majority affirmative vote is necessary for passage.

SHALL THE CHARTER OF THE CITY OF NORTH ROYALTON BE AMENDED TO PROVIDE THAT ALL EXTRA LEVIES SHALL REQUIRE A SIMPLE MAJORITY VOTE FOR PASSAGE AT ANY ELECTION.

	YES
	NO

Section 3. The foregoing proposed amendment, if approved by a majority of the electors voting thereon at the aforesaid election to be held on November 6, 2012, shall become a part of the Charter of this City and shall be effective as of the date that said amendment or amendments have been certified by the Cuyahoga County Board of Elections as having been approved by a majority of the voters.

Section 4. The Director of Legislative Services in her capacity as Clerk of Council is hereby authorized and directed to deliver immediately to the Board of Elections a certified copy of this Ordinance.

Section 5. The Director of Legislative Services in her capacity as Clerk of Council is hereby authorized and directed, pursuant to laws passed by the General Assembly, to give notice of these proposed amendments by newspaper advertising.

Section 6. There shall be and hereby is appropriated from the General Fund a sufficient sum of money to pay the cost of printing and mailing copies of said proposed Charter amendment to the electors for publishing such election notice, and other costs incidental to carrying out the terms of this Ordinance.

Section 7. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that 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.

Section 8. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that this Ordinance must be effective immediately in order to permit necessary arrangements to be made in sufficient time for said election.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

/s/ Larry Antoskiewicz
PRESIDENT OF COUNCIL

APPROVED: /s/ Robert A. Stefanik
MAYOR

DATE PASSED: July 3, 2012

DATE APPROVED: July 5, 2012

ATTEST: /s/ Laura J. Haller
DIRECTOR OF LEGISLATIVE SERVICES

First reading suspended
Second reading suspended
Third reading July 3, 2012

YEAS: Antoskiewicz, Nickell, Petrusky, Willey
Marnecheck, Muller, Kasaris

NAYS: none