

RESOLUTION NO. 2023-18

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE LORAIN PORT AUTHORITY AUTHORIZING REQUEST FOR REPLACEMENT OF AN EXISTING TAX LEVY FOR ALL PURPOSES OF THE LORAIN PORT AUTHORITY, INCLUDING ITS CONTINUING WATERFRONT DEVELOPMENT ACTIVITIES AND ECONOMIC DEVELOPMENT ACTIVITIES, AND FOR THE SUBMISSION OF THE REPLACEMENT TAX LEVY TO THE ELECTORS WITHIN THE JURISDICTION OF THE LORAIN PORT AUTHORITY IN THE MARCH 19, 2024, PRIMARY ELECTION.

WHEREAS, The Lorain Port Authority is subject to the provisions of Ohio Revised Code Section 4582.40 concerning the levy of taxes upon real property located within its territorial jurisdiction; and

WHEREAS, Ohio Revised Code Section 4582.40 reads, in relevant part, "Upon the affirmative vote in a primary or general election of at least a majority of the qualified electors within the port authority voting at an election held for the purpose, the port authority may levy upon the property within its jurisdiction a tax, for all purposes including bond debt charges, not in excess of one mill annually on the total value of all property as listed and assessed for taxation for any period not exceeding five years, except that when the tax is for the payment of bond debt charges, such tax shall be for the life of the bond indebtedness... Such tax shall be for the purpose of providing funds necessary for the port authority budget and shall be certified annually ...".

WHEREAS, The Lorain Port Authority has determined that existing financial resources available to assure the public interest and to use the Lorain Port Authority's real property fully to help achieve economic revitalization of Lorain's economy and waterfront are not sufficient.

WHEREAS, pursuant to Resolution No. 2018-40 adopted by the Board of Directors of the Lorain Port Authority, an election was held on May 7, 2019, on the question of levying a tax in excess of the 10-mill limitation for the benefit of the Lorain Port Authority for all general purposes pursuant to Revised Code §4585.40, to be placed on the ballot at the March 19, 2024, election. The county auditor estimates will collect \$1,022,000 annually, at a rate not exceeding 1 mills for each \$1 of taxable value, which amounts to \$35 for each \$100,000 of the county auditor's appraised value, for 5 years, commencing in 2024, first due in calendar year 2025, which election a majority of the electors voting on such proposition voted in favor thereof and of which election due notice was given according to law; and

WHEREAS, it is now deemed necessary to request of the electors a replacement of the existing Tax Levy for all purposes of the Lorain Port Authority for a period of five (5) years beginning with the tax duplicate of 2024 for the continuing operation of the Lorain Port Authority, for the further development of its facilities and to fund its developmental activities upon its real property.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE LORAIN PORT AUTHORITY:

SECTION I. The amount of taxes which may be raised by the Lorain Port Authority, Lorain County, Ohio within the ten mill limitation imposed by Article XII, Section 2 of the Ohio Constitution will be insufficient to provide for the necessary monetary funding requirements of the Lorain Port Authority, and therefore, it is necessary to levy a tax in excess of such limitation for operating purposes of the Lorain Port Authority in an amount not to exceed one (1.0) mill for each one dollar of valuation for five (5) years commencing on the 2024 tax duplicate.

SECTION II. The question of a replacement of a Levy to constitute a tax for the benefit of the Lorain Port Authority for all purposes of the Lorain Port Authority, at a rate not exceeding one (1.0) mill for each \$1 of valuation, which amounts to \$35 for each \$100,000 of the county auditor's appraised value, for 5 years, commencing in 2024, first due in calendar year 2025, shall be submitted to the electors of the Lorain Port Authority at a Primary Election to be held on March 19, 2024, as authorized by law, and that election shall be held at the regular places of voting within the territorial limits of the Lorain Port Authority, within the time provided by law and shall be conducted, canvassed, and certified in the manner provided by law.

SECTION III. The Board of Directors of the Lorain Port Authority hereby finds and determines that the levying of the tax heretofore described would exceed the limitation provided by Article XII, Section 2 of the Constitution of the State of Ohio and that there is not available to the Lorain Port Authority any part of the taxes which may be raised within said limitation. The Board of Directors of the Lorain Port Authority hereby also finds and determines that it is necessary to seek replacement of its existing levy so as to provide for the necessary monetary funding requirements of the Lorain Port Authority for the continuing daily operation of the Lorain Port Authority, for the further development of its facilities and to fund its developmental activities upon its real property.

SECTION IV. That the form of the ballot to be cast at the above described election shall be as follows:

PROPOSED TAX LEVY -- (REPLACEMENT)

THE LORAIN PORT AUTHORITY

A Majority Affirmative Vote Is Necessary For Passage

A replacement of a tax levy for the benefit of the Lorain Port Authority for the purpose of operating that the county auditor estimates will collect \$1,022,000 annually, at a rate not exceeding 1 mills for each \$1 of taxable value, which amounts to \$35 for each \$100,000 of the county auditor's appraised value for 5 years, commencing in 2024, first due in calendar year 2025.

:	:	FOR THE TAX LEVY	:
:	:		:
:	:	AGAINST THE TAX LEVY	:
:	:		:

SECTION V. The Secretary of the Board of Directors of the Lorain Port Authority is hereby directed to immediately certify and provide a true copy of this resolution to the Board of Elections of Lorain County, Ohio.

SECTION VI. That it is found and determined that all formal proceedings actions of this Board concerning and relating to the passage of this Resolution were adopted in an open meeting of this Board, and that 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 Section 121.22 of the Ohio Revised Code.

SECTION VII. That this Resolution shall take effect immediately upon its adoption.

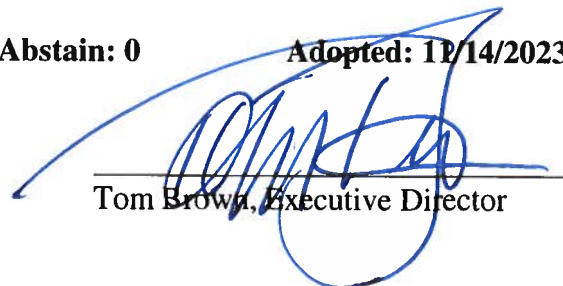
Ayes: 8

Nays: 0

Abstain: 0

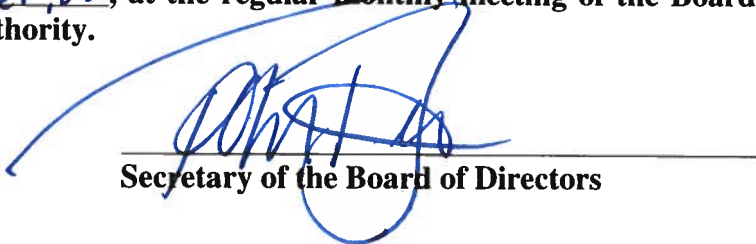
Adopted: 11/14/2023


 Brad Mullins, Chairman


 Tom Brown, Executive Director

Certification

I, Tom Brown, certify and attest as to the genuineness of this resolution that was passed this 14th day of November, 2023, at the regular monthly meeting of the Board of Directors for the Lorain Port Authority.


 Secretary of the Board of Directors