

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

2017-10

October 3

17

Ordinance No. _____ Passed _____, 20_____

AN ORDINANCE TO AUTHORIZE THE CITY MANAGER TO JOIN A COALITION OF MUNICIPALITIES RETAINING SPECIAL COUNSEL FOR PURPOSES OF INITIATING LITIGATION TO CHALLENGE THE CONSTITUTIONALITY OF AMENDMENTS TO CHAPTER 718 OF THE OHIO REVISED CODE RELATING TO MUNICIPAL INCOME TAX, AND DECLARING IT AN EMERGENCY.

WHEREAS, the City of Brookville recognizes, as a home rule power of local self-government, that municipal income tax administration and collection is vital to the health, safety and welfare of the municipality; and

WHEREAS, the City of Brookville relies on the revenue from effective municipal income tax administration and collection to provide the services that maintain the health, safety and welfare of the municipality; and

WHEREAS, the Ohio General Assembly has attempted to assert control over the administration and collection of municipal income taxes by claiming that a municipality has no authority to impose an income tax unless it adopts a code in strict compliance with R.C. Chapter 718; and

WHEREAS, the established law of Ohio is clear that any such preemption of municipal income tax codes by the State of Ohio violates the Ohio Constitution and home rule provisions that allow a municipal corporation the right to administer and enforce its own municipal income tax; and

WHEREAS, more specifically, the State of Ohio has enacted HB 5 in 2014 comprehensively rewriting the entire municipal income tax law and HB 49 in 2017 authorizing centralized collection by the State of Ohio of municipalities' net profits taxes; and

WHEREAS, the City of Brookville desires to assert its home rule authority to control the administration and collection of the municipal income tax, in order to provide for the health, safety and welfare of the municipality; and

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROOKVILLE, OHIO:

Section I: The City Manager is authorized to join a coalition of municipalities being formed for the purpose of initiating litigation to challenge the constitutionality of amendments to Chapter 718 of the Ohio Revised Code contained in H.B. 5 and H.B. 49 and retain the law firm of Frost Brown Todd LLC as special counsel for the coalition of municipalities.

Section II: This Ordinance shall be an emergency measure necessary for the preservation of the health, welfare and safety of the residents of the City of Brookville, Ohio, such emergency arising from the need for immediate judicial proceedings given that the effective date of Am. Sub. HB 49 is January 1, 2018;

WHEREFORE, This Ordinance shall be in full force and effect upon its passage.

Passed this 3rd day of October 2017.

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ATTEST:



Meghan Wheeler, Clerk



David E. Seagraves, Mayor

Certificate

The undersigned, Clerk of the City of Brookville, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2017-10, passed by the Council of the City of Brookville, Ohio, on the 3rd day of October 2017.



Meghan Wheeler, Clerk

Certificate of Posting

The undersigned, Clerk of the City of Brookville, hereby certifies that the foregoing Ordinance No. 2017-10 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 6th day of October 2017 to the 5TH day of November 2017, both days inclusive.



Meghan Wheeler, Clerk