

RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. **2003-05**

Passed September 16, 2003
YEAR

AN ORDINANCE APPROVING THE FORM AND AUTHORIZING THE EXECUTION OF A JOINT VENTURE AGREEMENT AMONG THE CITIES OF BROOKVILLE, ENGLEWOOD AND VANDALIA FOR THE PURPOSE OF CREATING, PLANNING, FINANCING, OWNING, OPERATING AND MAINTAINING A MUNICIPAL JOINT VENTURE FOR THE ADMINISTRATION AND COLLECTION OF MUNICIPAL INCOME TAXES AND THE TAKING OF CERTAIN OTHER ACTIONS IN CONNECTION THEREWITH.

WHEREAS, the City of Brookville ("City"), has enacted an income tax ordinance which provides for the levy, collection and administration of a municipal income tax;

WHEREAS, other regional municipalities, including the Cities of Englewood and Vandalia, Ohio have also enacted such income tax ordinances;

WHEREAS, the City Manager, along with other representatives of the City, along with like representatives from the City of Englewood and the City of Vandalia have met to discuss the potential benefits of the creation of a municipal joint venture consisting of the City of Brookville, the City of Englewood and the City of Vandalia ("Participants"), and such other municipalities as the Participants shall unanimously agree, to administer the respective income tax ordinances of the Participants;

WHEREAS, in order to take advantage of economies of scale and to otherwise lower costs and improve the delivery of service to the taxpayers, the joint development and operation of an intergovernmental joint venture for administration of the City of Brookville's income tax ordinance is appropriate and in the best interests of the City and in the best interests of its citizens and taxpayers;

WHEREAS, it is efficient and economical to act jointly in such regard and the same is contemplated and authorized by, *inter alia*, Article XVIII, Sections 3 and 4 of the Ohio Constitution and Ohio R.C. §715.02; and

WHEREAS, the Participants intend jointly to plan, create, finance, own and operate, a joint venture to perform the administration and collection of municipal income taxes, and related functions, and to perform such other duties on behalf of the Participants as the Participants shall agree, for the benefit of their respective citizens and taxpayers; and

WHEREAS, each Participant, including the City, in order to become owners of individual interests in the contemplated venture, and any related property, as tenants in common, and to own and operate the venture jointly, has determined to exercise jointly their powers under the Ohio Constitution in the manner contemplated by Ohio R.C. §715.02, to the extent applicable, and a joint venture agreement, as an intergovernmental joint venture to be known and do business as the Consolidated Office for Revenue Assistance ("CORA"); and

WHEREAS, the Participants desire, and pursuant to a proposed joint venture agreement dated September 1, 2003 and currently on file with the Clerk of Council (hereinafter "Joint Venture Agreement"), will agree, jointly to plan, finance, own and operate CORA and to pay such amounts as are in the aggregate sufficient to pay all of the costs and expenses with respect to CORA and to meet their, and CORA's, obligations under the Joint Venture Agreement including any and all operating expenses, debt service, principal payments and other financing costs associated with borrowings to finance any capital improvements and to provide for the payment of all other costs all as specified in said Joint Venture Agreement; and

WHEREAS, the City desires the Participants, acting jointly pursuant to the Joint Venture Agreement, to proceed with the creation and operation of CORA in accordance with the Joint Venture Agreement, as the Participants, acting jointly in accordance with the Joint Venture Agreement, may deem necessary or convenient in order to meet their obligations under the Joint Venture Agreement; and

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

SECTION 1: The form of Joint Venture Agreement now on file with the Clerk of Council, including Appendices thereto, among the City and the Cities of Englewood and Vandalia be, and the same hereby is, approved, subject to and with any and all changes provided herein.

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SECTION 2: The City Manager is hereby authorized to execute and deliver on behalf of the City an agreement substantially in the form of the Joint Venture Agreement dated September 1, 2003 now on file with the Clerk. The form of the Joint Venture Agreement is approved with such changes therein as are not inconsistent with this ordinance and not materially adverse to the City as approved by the City Manager. The approval of those changes, and that those changes are not materially adverse to the City, shall be conclusively evidenced by the execution of the Joint Venture Agreement by the City Manager.


SECTION 3: The City Manager, or in the City Managers' absence such other City official as the City Manager shall designate, as part of such officers' official duties, are hereby appointed as the City's representative on the Board of Participants as specified in, and created pursuant to, the Joint Venture Agreement and are authorized and directed, acting for, in the name of and on behalf of the City, to vote the City's interest with regard to the management of the Joint Venture as set forth in the Joint Venture Agreement, to act as an officer of CORA and to make, execute, acknowledge, certify, file, verify, issue and deliver all applications, agreements, documents, instruments, consents and certifications, and to do or cause to be done all acts, and to take all steps, and to make all payments and remittances, as may in each case be, in the opinion of such officer, necessary or desirable in order to fulfill all obligations under the Joint Venture Agreement. Such responsibilities shall be a part of such officer's official duties for the City and such officer shall not receive any compensation therefore, except such officer may receive reimbursement from CORA for any expenses incurred by such person in connection with his or her duties, as the City's representatives to CORA.


SECTION 4: Each section of this ordinance and each subdivision or paragraph of any section thereof is hereby declared to be independent and the finding or holding of any section or any subdivision or paragraph of any section thereof to be invalid or void shall not be deemed or held to affect the validity of any other section, subdivisions or paragraph of this ordinance.

SECTION 5: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings to the public, in compliance with the law.

PASSED this 16th day of September, 2003.

ATTEST:


Sonja M. Keaton, Clerk


Carole A. Imler, Mayor


CERTIFICATE

The undersigned, Clerk of the City of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance No. 2003-05, passed by the Council of the City of Brookville, Ohio, on the 16th day of September, 2003.


Sonja M. Keaton, Clerk

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance No. 2003-05 was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 17th day of September, 2003 to the 17th day of October, 2003, both days inclusive.


Sonja M. Keaton, Clerk