

CITY OF OBERLIN, OH

ORDINANCE No. 18-43 AC CMS

AN ORDINANCE AMENDING ORDINANCE NO. 507 AC CMS, AS AMENDED, TO PROVIDE FOR THE CONTINUATION OF A ONE-FIFTH OF ONE PERCENT (1/5%) LEVY ON INCOME FOR A PERIOD OF FIVE (5) YEARS, FOR THE PURPOSE OF PROVIDING FUNDS FOR OPERATING AND CAPITAL IMPROVEMENT EXPENSES FOR THE CITY OF OBERLIN, PROVIDING FOR AN EFFECTIVE DATE THEREOF, AND PROVIDING THAT THIS ORDINANCE SHALL BE EFFECTIVE ONLY IF APPROVED BY THE ELECTORS AND DECLARING AN EMERGENCY

BE IT ORDAINED, by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1. Subject to approval of the electors of the City of Oberlin, Ohio as provided in Section 718.04 of the Revised Code of Ohio and the Charter of the City of Oberlin, Ordinance No. 507 AC CMS, passed April 17, 1967, with subsequent amendments, be and the same is hereby amended effective January 1, 2020, to provide for the continuation of a one-fifth of one percent (1/5%) tax on income, such tax to be in effect and collected for five (5) years, from January 1, 2020, through December 31, 2024, and to be used for the purpose of providing funds for operating and capital improvements expenses for the City of Oberlin.

SECTION 2. That the annual tax authorized herein shall be levied on the income of every person residing in or earning or receiving income in the City of Oberlin and shall be measured by municipal taxable income.

SECTION 3. That the levy of the annual income tax is made in accordance with Chapter 718 of the Ohio Revised Code, the same being incorporated herein.

SECTION 4. That the annual tax authorized herein shall be subject to the credit for taxes paid to other municipalities as is provided in Section 184.06 of the Oberlin Codified Ordinances.

SECTION 5. That Sections 181.03, 181.13, and 184.01 of the City of Oberlin's Codified Ordinances, are hereby amended to read as set forth in **Exhibit A** attached hereto and incorporated herein by reference, to conform with the provisions of this Ordinance so as to provide for the collection of said tax if this Ordinance is approved by the electors of the City of Oberlin at the May 7, 2019 election.

SECTION 6. No provision of this Ordinance shall in any way affect any rights or obligations of the City, any taxpayer, or any other person, official or entity with respect to the previous income taxes approved by the electorate and authorized by ordinance of Council.

SECTION 7. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted 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 action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 8. That this ordinance is hereby declared an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Oberlin, Ohio, or to provide for the usual daily operation of a municipal department, to wit: to submit this Ordinance to the Lorain County Board of Elections within the time limitations provided by law and shall take effect immediately upon passage, subject to the approval of the electors of the City of Oberlin, Ohio, at the May 7, 2019 election and the certification of the results of said election.

PASSED: 1st Reading: June 4, 2018
2nd Reading: June 18, 2018 (A)(E)
3rd Reading: _____

ATTEST:


BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL


BRYAN BURGESS
PRESIDENT OF COUNCIL

POSTED: 06/19/2018

EFFECTIVE DATE: 07/18/2018

Exhibit A

181.03 EFFECTIVE PERIOD.

Said taxes shall be levied, collected and paid with respect to the income, qualifying wages, commissions and other compensation, and with respect to the net profits of persons, businesses, professions or other activities earned from January 1, 1999, at the rate of one and one-half percent (1-1/2%) per annum to and including the date of revocation of Ordinance No. 507 AC CMS; one-fifth of one percent (1/5%) additional tax from January 1, 2019 to December 31, 2028; one-fifth of one percent (1/5%) additional tax from January 1, 2020 to December 31, 2024; three-fifths of one percent (3/5%) additional tax from January 1, 2015 to December 31, 2024.

181.13 ALLOCATION OF FUNDS.

The funds collected under the provisions of this chapter shall be deposited in the respective Funds and used for the following purposes, to wit:

- (a) Such part thereof as shall be necessary to defray all cost of collecting the taxes and the cost of administering and enforcing the provisions thereof.
- (b) A sum equal to the amount of taxes collected per year from the additional one-half percent (1/2%) in effect from January 1, 2004, shall be used for capital improvements and operating expenses.
- (c) A sum equal to the amount of taxes collected per year from the additional one-fifth of one percent (1/5%) in effect from January 1, 2019 through December 31, 2028 shall be used for capital improvements and general operating expenses, including debt service on obligations issued to finance such activities.
- (d) A sum equal to the amount of taxes collected per year from the additional one-fifth of one percent (1/5%) in effect from January 1, 2020 through December 31, 2024, shall be used for the purpose of providing funds for operating and capital improvement expenses for the City of Oberlin.
- (e) A sum equal to the amount of taxes collected per year from the additional three-fifths of one percent (3/5%) in effect from January 1, 2015 through December 31, 2024, shall be used for the purpose of providing funds for operating and capital improvement expenses for the City of Oberlin.
- (f) The balance of such tax receipts collected shall be allocated to the General Fund of the City.

SECTION 184.01 AUTHORITY TO LEVY TAX; PURPOSE OF TAX.

(A) To provide funds for the purposes of general municipal operations, maintenance, new equipment, extension and enlargement of municipal services and facilities and capital improvements, Oberlin hereby levies an annual municipal income tax on income, qualifying wages, commissions and other compensation, and on net profits as hereinafter provided.

(B)(1) The annual tax is levied at a rate of 2.5% (two and one-half percent). The tax is levied at a uniform rate on all persons residing in or earning or receiving income in Oberlin. The tax is levied on income, qualifying wages, commissions and other compensation, and on net profits as hereinafter provided in Section 184.03 of this Ordinance and other sections as they may apply.

(2) The tax of two and one-half percent (2.5%) so imposed shall be allocated as follows:

(a) Such part thereof as shall be necessary to defray all cost of collecting the taxes and the cost of administering and enforcing the provisions thereof.

(b) A sum equal to the amount of taxes collected per year from the additional one-half percent (1/2%) in effect from January 1, 2004, shall be used for capital improvements and operating expenses.

(c) A sum equal to the amount of taxes collected per year from the additional one-fifth of one percent (1/5%) in effect from January 1, 2019 through December 31, 2028 shall be used for capital improvements and general operating expenses, including debt service on obligations issued to finance such activities.

(d) A sum equal to the amount of taxes collected per year from the additional one-fifth of one percent (1/5%) in effect from January 1, 2020 through December 31, 2024, shall be used for the purpose of providing funds for operating and capital improvement expenses for the City of Oberlin.

(e) A sum equal to the amount of taxes collected per year from the additional three-fifths of one percent (3/5%) in effect from January 1, 2015 through December 31, 2024, shall be used for the purpose of providing funds for operating and capital improvement expenses for the City of Oberlin.

(f) The balance (one percent (1.0%)) of such tax receipts collected shall be allocated to the General Fund of the City.

(C) The tax on income and the withholding tax established by this Ordinance 15-58 AC CMS are authorized by Article XVIII, Section 3 of the Ohio Constitution. The tax is levied in accordance with, and is intended to be consistent with, the provisions and limitations of Ohio Revised Code 718 (ORC 718). Municipal taxable years beginning on or before December 31, 2015, are subject to the income tax ordinance and amendments thereto, and rules and regulations and amendments thereto, as they existed before January 1, 2016.