

RESOLUTION NO. R22-38

A RESOLUTION BY THE TROTWOOD CITY COUNCIL TO PROCEED WITH PLACING AN ADDITIONAL TEMPORARY INCOME TAX OF ONE-HALF OF ONE PERCENT (0.5%) FOR A PERIOD OF FIVE (5) YEARS ON THE BALLOT FOR THE NOVEMBER 8, 2022 ELECTION AND TO CERTIFY THE SAME TO THE MONTGOMERY COUNTY BOARD OF ELECTIONS.

WHEREAS, the Trotwood City Council has determined that it is necessary to increase annual revenues in the City for the purpose of providing additional funding for the installation and/or improvements of street paving and roadways, curbs and gutters, pavement milling and striping, crosswalks, all traffic signals, Americans with Disabilities Act (ADA)-compliant ramps, street signage, water management resources, grading, safety equipment and safety-compliant materials, and/or the labor and materials for the same in the City of Trotwood, Ohio; and

WHEREAS, to provide sufficient funding for the purposes described above, the Trotwood City Council has determined it necessary to impose an additional temporary income tax of one-half of one percent (0.5%) for a period of five (5) years in the City of Trotwood, Ohio, which five (5) year period shall be effective January 1, 2023 through December 31, 2027; and

WHEREAS, the current local income tax rate in the City of Trotwood is 2.25%; and

WHEREAS, in accordance with Section 718.04 of the Ohio Revised Code, the approval of this additional temporary income tax must be submitted to the electors of the City of Trotwood, Ohio, for consideration; and

WHEREAS, with the addition of the temporary income tax described herein, the local income tax rate, if approved by the voters, will be 2.75% for five (5) years; and

WHEREAS, the Trotwood City Council believes that the imposition of an additional temporary income tax, subject to all restrictions in the City's current code, and as prescribed by Chapter 718 of the Ohio Revised Code is in the best interest of the citizens of the City of Trotwood as the revenue generated by this tax will help protect and promote the health, safety and general welfare of the citizens of Trotwood and others who frequent the City; and

WHEREAS, in order to impose an additional temporary income tax of one-half of one percent (0.5%) for a period of five (5) years, the Trotwood City Council has adopted Ordinance No. OR21-22 to repeal Section 184.01 of the Trotwood Codes of Ordinances "Authority to Levy Tax; Purposes of Tax; Rate," which includes Subsection

184.011 “Authority to Levy Tax,” Subsection 184.012 “Purpose of Tax; Rate,” Subsection 184.013 “Allocation of Funds,” and Subsection 184.014 “Statement of Procedural History; State Mandated Changes to Municipal Income Tax” and enact a new Section 184.01 “Authority to Levy Tax; Purposes of Tax; Rate,” which includes Subsection 184.011 “Authority to Levy Tax,” Subsection 184.012 “Purpose of Tax; Rate,” Subsection 184.013 “Allocation of Funds,” and Subsection 184.014 “Statement of Procedural History; State Mandated Changes to Municipal Income Tax”; and

WHEREAS, after complying with all of the statutorily required notice and hearing requirements, the City of Trotwood has determined it necessary to place the City of Trotwood’s Ordinance imposing an additional temporary income tax of one-half of one percent (0.5%) for a period of five (5) years on the ballot for the November 8, 2022 election; and

WHEREAS, pursuant to Section 718.04(C)(2) of the Ohio Revised Code, the Trotwood City Council intends to hereby direct the Montgomery County Board of Elections to conduct the election and place the City of Trotwood’s Ordinance imposing an additional temporary income tax of one-half of one percent (0.5%) for a period of five (5) years on the ballot for the November 8, 2022 election.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TROTWOOD, STATE OF OHIO:

SECTION I:

City Council hereby authorizes the submission to the electors of the City of Trotwood, Ohio, at the election to be held on November 8, 2022, during the times and places established by state law or the Board of Elections of Montgomery County, Ohio, the question of approving the passage of an Ordinance, a copy of which is attached hereto as Exhibit “A”, to impose an additional temporary income tax of one-half percent (0.5%) for a period of five (5) years effective January 1, 2023 and continuing through December 31, 2027, for the purpose of providing additional funding for the installation and/or improvements of street paving and roadways, curbs and gutters, pavement milling and striping, crosswalks, all traffic signals, Americans with Disabilities Act (ADA)-compliant ramps, street signage, water management resources, grading, safety equipment and safety-compliant materials, and/or the labor and materials for the same in the City of Trotwood, Ohio. The Montgomery County Board of Elections is hereby directed, in accordance with Section 718.04(C)(2) of the Ohio Revised Code, to conduct the election.

SECTION II: The form of the ballot to be used at said election shall be substantially as follows:

PROPOSED ADDITIONAL TEMPORARY INCOME TAX OF ONE-HALF OF ONE PERCENT (0.5%) FOR A PERIOD OF FIVE (5) YEARS

CITY OF TROTWOOD

A majority affirmative vote is necessary for passage

Shall the Ordinance providing for the imposition of an additional temporary income tax of one-half of one percent (0.5%) for a period of five (5) years in the City of Trotwood, Ohio, beginning January 1, 2023 and continuing through December 31, 2027, to be levied on income as defined by Ordinance of the City of Trotwood Ohio, for the purpose of providing additional funding for the installation and/or improvements of street paving and roadways, curbs and gutters, pavement milling and striping, crosswalks, all traffic signals, Americans with Disabilities Act (ADA)-compliant ramps, street signage, water management resources, grading, safety equipment and safety-compliant materials, and/or the labor and materials for the same in the City of Trotwood, Ohio, be passed?

| | |
|--|------------------------|
| | FOR THE INCOME TAX |
| | AGAINST THE INCOME TAX |

SECTION III: The Clerk of Council is hereby authorized and directed to forward a certified copy of this Resolution, together with a certified copy of the Ordinance attached hereto, to the Board of Elections of Montgomery County, Ohio, as soon as possible but not later than 4:00 p.m. on August 10, 2022.

SECTION IV: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and 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, including, but not limited to Section 121.22 of the Ohio Revised Code.

SECTION V: This Resolution shall take effect and be in full force from and after its passage.

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CITY OF TROTWOOD

Passed on this 5th day of August, 2022.

ATTEST:

APPROVED:



KARA B. LANDIS
CLERK OF COUNCIL



MARY A. McDONALD
MAYOR



YVETTE F. PAGE
VICE-MAYOR

CERTIFICATE OF RECORDING OFFICER

I, the undersigned, hereby certify that the foregoing is a true and correct copy of Resolution No. R22-38 adopted by the Trotwood City Council at a special meeting held on the 5th day of August, 2022, and that I am duly authorized to execute this certificate.

Signed this _____ day of _____, _____.

KARA B. LANDIS
CLERK OF COUNCIL

ORDINANCE NO. OR21-22

AN ORDINANCE BY THE TROTWOOD CITY COUNCIL REPEALING OLD SECTION 184.01 "AUTHORITY TO LEVY TAX; PURPOSE OF TAX; RATE" OF THE TROTWOOD CODES OF ORDINANCES, WHICH INCLUDES SUBSECTION 184.011 "AUTHORITY TO LEVY TAX," SUBSECTION 184.012 "PURPOSES OF TAX; RATE," SUBSECTION 184.013 "ALLOCATION OF FUNDS," AND SUBSECTION 184.014 "STATEMENT OF PROCEDURAL HISTORY; STATE MANDATED CHANGES TO MUNICIPAL INCOME TAX" AND ENACTING A NEW SECTION 184.01 "AUTHORITY TO LEVY TAX; PURPOSE OF TAX; RATE" OF THE TROTWOOD CODES OF ORDINANCES, WHICH INCLUDES SUBSECTION 184.011 "AUTHORITY TO LEVY TAX," SUBSECTION 184.012 "PURPOSES OF TAX; RATE," SUBSECTION 184.013 "ALLOCATION OF FUNDS," AND SUBSECTION 184.014 "STATEMENT OF PROCEDURAL HISTORY; STATE MANDATED CHANGES TO MUNICIPAL INCOME TAX" AND DECLARING THAT THE QUESTION OF THE REPEAL OF THE OLD SECTION 184.01 OF THE TROTWOOD CODES OF ORDINANCES, WHICH INCLUDES SUBSECTIONS 184.011, 184.012, 184.013, AND 184.014, AND THE ENACTMENT OF THE NEW SECTION 184.01 OF THE TROTWOOD CODES OF ORDINANCES, WHICH INCLUDES SUBSECTIONS 184.011, 184.012, 184.013, AND 184.014, SHALL BE SUBMITTED TO THE ELECTORS AT THE ELECTION TO BE HELD NOVEMBER 8, 2022.

WHEREAS, Article XVIII, Section 3, of the Constitution of the State of Ohio, grants municipalities the authority to exercise all powers of local self-government and to enact and enforce local police, sanitary, and other regulations that are not in conflict with the general laws; and

WHEREAS, pursuant to the home rule authority granted by Article XVIII, Section 3 of the Ohio Constitution, the citizens of the City of Trotwood, State of Ohio, have adopted a Charter and Codes of Ordinances to exercise the powers of local self-government and to enforce local police power regulations; and

WHEREAS, the current local income tax rate in the City is 2.25%; and

WHEREAS, in accordance with Ohio Revised Code Chapter 718, the City of Trotwood wishes to adopt an additional, temporary income tax of one-half of one percent (0.5%) in order to provide revenue for the purpose of installation and/or improvements of street paving and roadways, curbs and gutters, pavement milling and striping, crosswalks, all traffic signals, Americans with Disabilities Act (ADA)-compliant ramps; street signage, water management resources, grading, safety

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equipment and safety-compliant materials, and/or the labor and materials for the same in the City of Trotwood; and

WHEREAS, the imposition of this additional, temporary income tax is in the best interest of the citizens of the City of Trotwood as the revenue generated therefrom will help protect and promote the health, safety and general welfare of the citizens of the City and others who frequent this community; and

WHEREAS, in accordance with Ohio Revised Code Section 718.04, the approval of this additional, temporary income tax must be submitted to the electors of the City of Trotwood, State of Ohio, for consideration; and

WHEREAS, City Council intends to accomplish the imposition of this additional, temporary income tax by repealing the old Section 184.01 "Authority to Levy Tax; Purposes of Tax; Rate" of the Trotwood Codes of Ordinances, which includes Subsection 184.011 "Authority to Levy Tax," Subsection 184.012 "Purpose of Tax; Rate," Subsection 184.013 "Allocation of Funds," and Subsection 184.014 "Statement of Procedural History; State Mandated Changes to Municipal Income Tax," and enacting a new Section 184.01 "Authority to Levy Tax; Purposes of Tax; Rate" of the Trotwood Codes of Ordinances, which includes Subsection 184.011 "Authority to Levy Tax," Subsection 184.012 "Purpose of Tax; Rate," Subsection 184.013 "Allocation of Funds," and Subsection 184.014 "Statement of Procedural History; State Mandated Changes to Municipal Income Tax" ; and

WHEREAS, the additional, temporary income tax of one-half of one percent (0.5%) described herein will be submitted to the electors of the City of Trotwood, Ohio for approval or rejection in accordance with Chapter 718 of the Ohio Revised Code at the election to be held November 8, 2022.

NOW, THEREFORE, BE IT ORDAINED BY A VOTE OF FIVE (5) MEMBERS OF THE COUNCIL OF THE CITY OF TROTWOOD, STATE OF OHIO:

SECTION I:

City Council hereby finds that imposition of an additional, temporary income tax of one-half of one percent (0.5%) for a period of five (5) years, which temporary income tax shall be effective January 1, 2023 and shall continue through December 31, 2027, is necessary to help fund the installation and/or improvements of street paving and roadways, curbs and gutters, pavement milling and striping, crosswalks, all traffic signals, Americans with Disabilities Act (ADA)-compliant ramps, streets signage, water management resources, grading, safety equipment and safety-compliant materials, and/or the labor and materials for the same.

SECTION II:

City Council hereby finds that the imposition of an additional, temporary income tax as prescribed by Ohio Revised Code Chapter 718 is in the best interest of the citizens of the City of Trotwood as the revenue generated by this tax will help protect and promote the health, safety and welfare of the citizens of Trotwood and those who frequent the City by providing additional funding necessary to adequately provide for and maintain the City's streets, roadways and other City-owned property and resources.

SECTION III:

The current Section 184.01 of the Trotwood Codes of Ordinances, which is entitled "Authority to Levy Tax; Purposes of Tax; Rate," which includes Subsection 184.011 "Authority to Levy Tax," Subsection 184.012 "Purpose of Tax; Rate," Subsection 184.013 "Allocation of Funds," and Subsection 184.014 "Statement of Procedural History; State Mandated Changes to Municipal Income Tax" is hereby repealed and a new Section 184.01 entitled "Authority to Levy Tax; Purposes of Tax; Rate," which includes Subsection 184.011 "Authority to Levy Tax," Subsection 184.012 "Purpose of Tax; Rate," Subsection 184.013 "Allocation of Funds," and Subsection 184.014 "Statement of Procedural History; State Mandated Changes to Municipal Income Tax" is hereby enacted as set forth in Exhibit "A" attached hereto and incorporated herein by reference, with the new language being in **bold** and underscored and the text to be deleted with ~~strikethrough~~.

SECTION IV:

City Council hereby directs that the question of whether this additional, temporary income tax of one-half of one percent (0.5%) for a period of five (5) years shall be imposed in the City of Trotwood shall be submitted to the City's electors for approval or rejection and placed on the election ballot on November 8, 2022 in accordance with Ohio law.

SECTION V:

It is hereby 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 any and all deliberations of this Council that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including, but not limited to, Section 121.22 of the Ohio Revised Code.

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SECTION VI:

The Clerk of Council is hereby directed to take any administrative and/or clerical action that may be required to ensure that a certified copy of this Ordinance is properly recorded with the State of Ohio.

The Clerk of Council shall certify a copy of this Ordinance with Exhibit A attached, together with a Resolution specifying the date of the election to be held, directing the Board of Elections to conduct the election.

SECTION VII:

This Ordinance shall take effect at the earliest time allowed by law.


Passed this 5th day of July, 2022.

ATTEST:

APPROVED:


KARA B. LANDIS
CLERK OF COUNCIL


MARY A. MCDONALD
MAYOR


YVETTE F. PAGE
VICE-MAYOR

CERTIFICATE OF RECORDING OFFICER

I, the undersigned, hereby certify that the foregoing is a true and correct copy of Ordinance No. OR21-22 adopted by the Trotwood City Council at a regular scheduled meeting held on the 5th day of July, 2022, and that I am duly authorized to execute this certificate.

Signed this _____ day of _____, _____.

KARA B. LANDIS
CLERK OF COUNCIL

184.01 AUTHORITY TO LEVY TAX; PURPOSES OF TAX; RATE

184.011 AUTHORITY TO LEVY TAX

(A) The tax on income and the withholding tax established by this Chapter 184 are authorized by Article XVIII, Section 3 of the Ohio Constitution. The tax on income and the withholding tax established by this Chapter 184 are deemed to be levied in accordance with, and to be consistent with, the provisions and limitations of Ohio Revised Code 718 (ORC 718). This Chapter is deemed to incorporate the provisions of ORC 718.

(B) The tax is an annual tax levied on the income of every person residing in or earning or receiving income in the municipal corporation, and shall be measured by municipal taxable income. The City of Trotwood shall tax income at a uniform rate. The tax is levied on Municipal Taxable Income, as defined herein.

184.012 PURPOSES OF TAX; RATE

(A) To provide funds for purposes of general municipal operations, maintenance, new equipment, extension and enlargement of municipal services and facilities and capital improvements of the Municipality there shall be levied a tax on municipal taxable income, salaries, qualifying wages, commissions and other compensation, and on net profits as hereinafter provided.

(B) Subject to the provisions of division (A) of this section, an annual tax shall be levied at the rate of two and one-quarter per cent (2.25 $\frac{1}{4}$ %) per annum.

(C) Upon approval of the electorate of the City of Trotwood, an additional temporary income tax shall be levied at the rate of one-half of one percent (0.5%) per annum for the purpose of installation and/or improvements of street paving and roadways, curbs and gutters, pavement milling and striping, crosswalks, all traffic signals, Americans with Disabilities Act (ADA)-compliant ramps, street signage, water management resources, grading, safety equipment and safety compliance materials, and/or the labor and materials for the same. This additional temporary tax of one-half of one percent (0.5%) shall be effective for the period of January 1, 2023 through December 31, 2027. Accordingly, for the period of January 1, 2023 through December 31, 2027, the total annual tax to be levied shall be at the rate of two and three-quarter percent (2.75%).

184.013 ALLOCATION OF FUNDS

(A) The funds collected under the provisions of this Chapter shall be allocated in such manner as may be determined by Council.

(B) In accordance with section 184.012(C) above, the additional temporary tax of one-half of one percent (0.5%) for the specified time period shall specifically be allocated to the installation and/or improvements of street paving and roadways, curbs and gutters, pavement milling and striping, crosswalks, all traffic signals, Americans with Disabilities Act (ADA)-compliant ramps, street signage, water management resources, grading, safety equipment and safety compliance materials, and/or the labor and materials for same.

184.014 STATEMENT OF PROCEDURAL HISTORY; STATE MANDATED CHANGES TO MUNICIPAL INCOME TAX

(A) Significant and wide-ranging amendments to ORC 718 were enacted by Am Sub HB 5, passed by the 130th General Assembly, and signed by Governor Kasich on December 19, 2014, and H.B. 5 required municipal corporations to conform to and adopt the provisions of ORC 718 in order to have the authority to impose, enforce, administer and collect a municipal income tax.

(B) As mandated by H.B. 5, municipal income tax Ordinance 20-15, effective January 1, 2016, adopts new Chapter 184 in accordance with the provisions of ORC 718 to allow the Municipality to continue the income tax and withholding tax administration and collection efforts on behalf of the Municipality.