

ORDINANCE NO. 35, 2017

AN ORDINANCE TO AUTHORIZE THE MAYOR TO JOIN A COALITION OF MUNICIPALITIES RETAINING SPECIAL COUNCIL 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 AN EMERGENCY.

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

WHEREAS, the Village of St. Bernard 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 central collection by the State of Ohio of municipalities net profit taxes; and

WHEREAS, the Village of St. Bernard 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

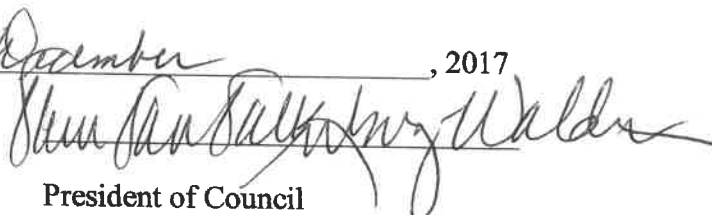
BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF ST. BERNARD OF ST. BERNARD, OHIO:

Section I: The Mayor 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. The Ordinance shall be an emergency measure necessary for the preservation of the health, welfare and safety of the residents of the Village of St. Bernard, Ohio, such emergency arising from the need for immediate judicial proceedings given 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 7th day of December, 2017


President of Council

ATTEST:

M. Sue Kathman

Clerk of Council

Approved this 7th day of December, 2017

John R. Estep
Mayor

I, M. SUE KATHMAN, CLERK OF COUNCIL, VILLAGE OF ST. BERNARD, STATE OF OHIO: DO HEREBY testify that the publication of Ordinance No.35, 2017 was made by posting true copies of same in the most public places designated by Council: St. Bernard Square Bus Stop; Vine Street and Washington Avenue; Bertus Street Park; Greenlee Avenue and Johnson Alley; Park on Heger Drive; each for a period of fifteen (15) days or more commencing

12.7, 2017.

ATTEST:

M. Sue Kathman

Date: 12.7, 2017

Clerk of Council

Approved as to form Michael N. Peck Date 12.7, 2017

Director of Law