

RECORD OF ORDINANCES

FINANCE
Council
8-1-23

Ordinance No. 08-44- 2023 Passed 8-1- 2023

RESOLUTION TO SUBMIT TO THE ELECTORS AT A GENERAL ELECTION TO BE HELD ON NOVEMBER 7, 2023, AN ORDINANCE TO REPLACE THE ONE-HALF PERCENT (.50%) INCOME TAX RATE INCREASE ALLOCATED FOR THE PURPOSE OF OPERATING AND MAINTAINING THE SAFETY FORCES IN THE CITY OF CIRCLEVILLE, TO BE EXPENDED FOR THE SAFETY FORCES PRIOR TO THE FUNDS ALLOCATED TO THE GENERAL FUND, WITH A 0.40% PER ANNUM INCOME TAX FOR A FIVE-YEAR PERIOD TO COMMENCE JANUARY 1, 2025 AND EXPIRING DECEMBER 31, 2029, DIRECTING THE PICKAWAY COUNTY BOARD OF ELECTIONS TO SUBMIT THE TAX ORDINANCE TO THE ELECTORS OF THE CITY PURSUANT TO OHIO REVISED CODE, SECTION 718.04 AND DECLARING AN EMERGENCY.

WHEREAS, on the 1st day of August, 2023, the Council of the City of Circleville introduced Ordinance # 08-43-2023 to amend the Codified Ordinances of the City to replace the one-half percent income tax rate increase allocated for the purpose of operating and maintaining the safety forces in the City of Circleville with a 0.40% per annum income tax for a five-year period commencing January 1, 2025 and expiring December 31, 2029; and

WHEREAS, Ohio Revised Code, Section 718.04 provides that no municipal corporation shall levy a tax on income at a rate in excess of one percent (1.0%) without having first obtained the approval of the excess by a majority of the electors of the municipality voting on the question at a general, primary or special election; and

WHEREAS, the Council of the City of Circleville is authorized pursuant to Ohio Revised Code, Section 705.15 to submit a tax levy to the electors at an election at any time, the purpose of which is required to be set forth in said tax ordinance; and

WHEREAS, Council desires this issue to be addressed by the electors of the City at the next general election to be held on November 7, 2023;

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CIRCLEVILLE, COUNTY OF PICKAWAY, OHIO AS FOLLOWS:

SECTION I. That is hereby determined that there be submitted to the electors of the City of Circleville, Ohio at the general election to be held on November 7, 2023, for their approval, Ordinance # 08-43-2023, a copy of which is attached hereto and incorporated herein by reference, submitting the question as to whether the additional one-half percent (.50%) per annum income tax levy for the purpose of operating and maintaining the safety forces for the City of Circleville should be replaced with a 0.40% per annum income tax for a five-year period commencing January 1, 2025 and expiring December 31, 2029, to be expended for the Safety Forces prior to the use of the funds allocated to the General Fund.

SECTION II. This replacement tax is an annual tax levied on the income of every person residing in or earning or receiving income within the municipal boundaries of the City of Circleville and such tax shall be measured by municipal taxable income.

SECTION III. The City of Circleville is levying this replacement tax in accordance with the limitations specified in Chapter 718 of the Ohio Revised Code and all the provisions as set forth in Chapter 718 are hereby incorporated herein by reference.

SECTION IV. That pursuant to Ohio Revised Code Section 718.04(C), the Board of Elections of Pickaway County, Ohio is hereby directed to conduct the election and submit to the electors of the City of Circleville at the general election to take place on the 7th day of November, 2023 said replacement tax levy. The ballot shall be in substantially the following form: Shall the Ordinance providing for a replacement of the one-half percent (.50%) income tax rate levy with a five -year 0.40% per annum income tax rate levy for operating and maintaining the safety forces of the City of Circleville commencing January 1, 2025, be passed?

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	For the income tax
	Against the income tax

SECTION V. That the Clerk is hereby directed to file a certified copy of Ordinance # 08-43-2023 together with a certified copy of this Resolution to the Pickaway County Board of Elections at least 90 days prior to the date of the election set forth in Section I hereof and in accordance with Ohio Revised Code Section 718.04 (C).

SECTION VI. That all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of said Council and that all deliberations of this Council that resulted in such formal action were made in meetings open to the public as required by law in full compliance with all legal requirements, including without limitation, all provisions of the Codified Ordinances of the City of Circleville and Section 121.22 of the Ohio Revised Code.

SECTION VII. That this Resolution is hereby declared to be an emergency measure, necessary for the preservation of the health, safety and welfare of the citizens of the City of Circleville, such emergency arising out of the continued decreased revenues currently being generated by the City and the immediate need for the receipt of additional funding without which the City will be unable to continue to provide for basic operations of the safety forces and the necessity of submitting the proposed income tax levy to the Board of Elections for submission to the electors within the time period required by law to be on the ballot at the general election to be held on November 7, 2023, so that this Resolution shall take effect and be in force immediately from and after its passage and approval by the mayor.

PASSED: 8-1-2023

Bryan D. Kelle
PRESIDENT OF COUNCIL

ATTEST: Ivan M. Chay
CLERK OF COUNCIL

APPROVED: 8-2-2023
DATE

William R. McHenry
MAYOR

APPROVED AS TO FORM:

Gary D. Kenworthy
GARY D. KENWORTHY, LAW DIRECTOR

REVIEWED BY LAW DIRECTOR
AND APPROVED AS TO FORM