

RESOLUTION NO. 2013 - 1885

**A RESOLUTION BY FREMONT CITY COUNCIL OPPOSING  
PASSAGE OF HB-5 AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Municipal Income Tax Uniformity Coalition, headed by the Ohio Society of CPAs, with business community membership including the Ohio Chamber of Commerce, with support from Representative Grossman, Representative Henne and Representative Barnes, met with members of the Ohio Municipal League and municipal income tax representatives; and,

**WHEREAS**, the purpose of these interested parties' meetings was to achieve consensus on issues regarding municipal income tax uniformity for the inclusion in legislation; and

**WHEREAS**, Municipalities agree that revenue neutral uniformity on issues that will ease compliance burdens for businesses in, and potentially locating in, Ohio would be of great benefit to all of Ohio; and

**WHEREAS**, Representative Grossman and Representative Henne introduced language that is detrimental to the financial stability of municipalities that includes "unfunded mandates" and limits the ability of municipalities to provide basic services to residents and resident businesses alike; and

**WHEREAS**, HB-5 includes provisions that require state oversight of municipal income tax administration, administrative policies and procedures for municipal income tax collection and administration that hamper the ability to administer the tax in an effective manner; and

**WHEREAS**, the long term purpose of HB-5 is state oversight of municipal income tax operations which could lead to a future push for forced state centralized collection of municipal income tax; and

**WHEREAS**, Municipalities have been responsive in the past to efforts to streamline the rules and regulations and create uniformity in the overwhelming majority of local tax codes creating a streamlined process for all taxpayers; and

**WHEREAS**, Municipalities can most effectively ensure prompt and proper auditing of local tax returns, be fair and equitable to all taxpayers and can do so without costly administrative restrictions as created in HB-5; and

**WHEREAS**, Municipalities must be diligent in safeguarding their single largest revenue source which provides essential municipal services and promotes a positive quality of life that residents and businesses alike rely upon;

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

**SECTION 1.** This Council does hereby declare its strong opposition to HB-5 and urges members of the Ohio General Assembly to reject HB-5 and any similar provisions in pending or future legislation.

**SECTION 2.** This Council opposes the introduction of new legislation that proposes to reduce municipal income tax revenue to municipalities in Ohio because the City of Fremont, as well as other Ohio municipalities, could lose a substantial amount of revenue with the passage of HB-5.

**SECTION 3.** The Ohio General Assembly should request the drafting of legislation that would address the issues that were agreed upon as a result of the interested parties' meetings which will bring uniformity without compromising revenue neutrality and will simplify the compliance process for businesses and individuals alike.

**SECTION 4.** The Ohio General Assembly should focus on restoring previous funding levels to the Ohio business gateway and focus on correcting its multitude of programming problems and customer service issues to make that tool less cumbersome, more useful and relevant to municipalities and businesses as a simple, generic, one-stop method of filing local business income tax returns in one location.

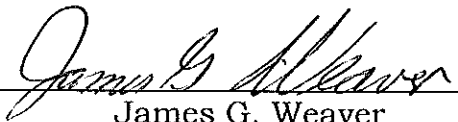
**SECTION 5.** Members of the Ohio General Assembly should engage in constructive dialogue with local officials to gain consensus on correction of the perceived issues of potential revenue-neutral commonality and uniformity in those few remaining differences in municipal income tax provisions.

**SECTION 6.** Upon passage, the Clerk of Council is directed to send this resolution to all members of the Ohio General Assembly and the Governor.

**SECTION 7.** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this Council, and that 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 Section 121.22 of the Revised Code of Ohio.

**SECTION 8.** The immediate operation of the provisions of this resolution is necessary for the immediate preservation of the public peace, health, safety and welfare of the citizens of the City of Fremont. Said emergency being the need for the City of Fremont to voice its objection to the passage of HB-5 in an expeditious manner.

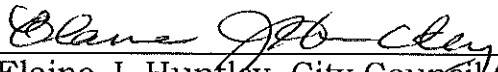
This resolution, provided it receives a two-thirds yea or nay vote of all the members elected to the Fremont City Council, is hereby declared to be an emergency measure and this resolution shall be in full force and effect from and after its passage by the Council of the City of Fremont, approval by the Mayor, and publication and posting as required by law.

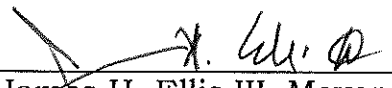
  
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James G. Weaver  
President of Council

PASSED: 3-7-13

Effective date: 3-7-13

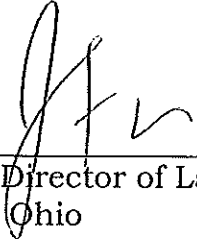
YEAS: 6 NAYS: 0

  
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Elaine J. Huntley, City Council Clerk

  
\_\_\_\_\_  
James H. Ellis III, Mayor

RES365

Approved as to form:

A handwritten signature in black ink, appearing to read 'JFM', is written over a horizontal line.

James F. Melle, Director of Law  
City of Fremont, Ohio