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City of Willoughby Hills

Council
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ORDINANCE NO. 2010 – 7

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF WILLOUGHBY HILLS A PROPOSED AMENDMENT TO THE CHARTER OF THE CITY PROVIDING FOR AN INCREASE IN THE RATE OF THE MUNICIPAL INCOME TAX TO 2.25% AND A TAX CREDIT OF 100% WITH SAID CREDIT LIMIT TO BE EQUAL TO 1.85%; AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to the Charter of the City and the Constitution of the State of Ohio, the Council has determined to authorize and direct the submission to the electors of the City of Willoughby Hills of the proposed Charter amendment hereinafter set forth, at a Primary Election to be held on May 4, 2010 which election is not less than 60 days nor more than 120 days from the date of passage of this Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, LAKE COUNTY, OHIO:

SECTION 1. That this Council hereby authorizes and directs the submission to the electors of the City of Willoughby Hills at the time of the Primary Election to be held at the usual places of voting in said City on Tuesday, May 4, 2010, of the following proposal to amend the Charter of the City:

That existing Section 7.4 of the Charter be amended to read as follows:

"SECTION 7.4 PROHIBITION OF EXCESSIVE INCOME TAX

No income tax shall be imposed by Council which shall be in excess of two and one-quarter percent (2.25%).

The Council shall, by ordinance, impose an income tax at a rate of two and one-quarter percent (2.25%) on all incomes which are now or may hereafter be subject to taxation by the municipality of Willoughby Hills under the Constitution and laws of the State of Ohio. The income tax required to be imposed by this section shall remain in effect until repealed by amendment of this Charter by a vote of the electors of Willoughby Hills.

By the terms of said ordinance the Council shall amend existing Sections 185.0501 and 185.0502 of the Codified Ordinances of the municipality so that the rate of the municipal income tax shall be increased from one and one-half percent (1.50%) to two and one-quarter percent (2.25%) per annum, effective June 1, 2010. Section 185.1902 shall be amended to reflect a tax credit of one hundred percent (100%); such credit limit shall be equal to one and eighty-five hundredths percent (1.85%). The credit and limits by this section shall remain in effect until repealed by amendment of this Charter by a vote of the electors of Willoughby Hills.

SECTION 2. That the form of ballot to be cast at the election for the proposed Charter amendment contained in Section 1 shall read and provide as follows:

"PROPOSED CHARTER AMENDMENT
A majority affirmative vote is necessary for passage.

Shall the Charter of the City of Willoughby Hills be amended to provide an income tax of 2.25%, an increase from the existing income tax rate of 0.75%, and to provide for a tax credit of 100% with said credit limit to be equal to 1.85%, an increase of .85%, that can only be changed by a majority vote of the people?"

YES

NO

SECTION 3. That if such amendment is approved by a majority of the electors voting thereon at such election, it shall become effective from and after the time of its approval by the electors.

SECTION 4. That the Clerk of Council is hereby authorized and directed to cause copies of said proposed Charter amendment to be mailed at least thirty (30) days prior to said election to each elector of the City whose name appears upon the registration book of the last regular or General Election held in the City; provided, however, that in lieu of such mailing and to the extent provided by law, the Clerk of Council is hereby authorized to cause a copy of the proposed Charter amendment to be published in such manner as may be authorized by law.

SECTION 5. That the Clerk of this Council be and hereby is authorized and directed to forward a certified copy of this Ordinance to the Board of Elections of Lake County on or before March 4, 2010.

SECTION 6. That the Board of Elections is hereby requested to cause appropriate notice of such election to be duly given in accordance with law.

SECTION 7. That there is hereby appropriated from the General Fund of the City an amount sufficient to pay the cost of carrying out the directions of this Ordinance including the cost of printing, or otherwise preparing, and mailing or publishing said copies of said proposed Charter amendment and of publishing notice of such election.

SECTION 8. That the actions of this Council concerning and relating to the passage of this legislation 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 held in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

SECTION 9. That this Ordinance constitutes an emergency measure necessary for the immediate preservation of the public peace, property, health and safety of the City of Willoughby Hills and its inhabitants and for the further reason that this Ordinance must be immediately effective in order to permit necessary arrangements to be made in sufficient time for the foregoing issue to be presented to the voters at the time of the Primary Election to be held May 4, 2010; wherefore this Ordinance shall take effect and be in full force immediately upon its adoption.

PASSED: _____, 2010

Kevin D. Malecek
President of Council

Submitted to the Mayor for his approval
on this ____ day of _____, 2010

Approved by the Mayor

_____, 2010

ATTEST:

Victoria Ann Savage, CMC
Clerk of Council

Robert M. Weger
Mayor