

PIC 4/14/17 LEGISLATIVE  
CA 4-25-17  
1st R 5-2-17  
2nd R \_\_\_\_\_  
3rd R \_\_\_\_\_  
B/C \_\_\_\_\_

CITY OF BROOK PARK, OHIO

RESOLUTION NO. 12-2017

INTRODUCED BY: MAYOR COYNE + Council members TROYER, MENZINI, POWERS  
SCOTT BURGIO, SALVATORE and Council President ASTORINO.  
McDonnell

A RESOLUTION  
IN OPPOSITION TO THE PROPOSED CENTRALIZED  
COLLECTION OF NET PROFIT TAX RETURNS,  
AND DECLARING AN EMERGENCY

**WHEREAS**, Ohio Governor Kasich and his administration proposed to institute a state-operated program for the centralized collection of Ohio net profit municipal income tax; and

**WHEREAS**, the proposal for a state takeover of collection of the municipal income taxes of the City of Brook Park's corporations is in derogation of home rule powers granted to municipal corporations by the Ohio Constitution; and

**WHEREAS**, municipalities can and will provide more efficiently, immediately, and scrupulously than the state, the personal service and assistance to its taxpayers in the preparation and filing of their tax reports and returns; and

**WHEREAS**, the proposed language also includes a provision that would eliminate a portion of the sales factor, known as "throwback", substantially reducing reportable tax revenue to municipalities with warehouses, distribution centers, and any business providing online sales; and

**WHEREAS**, the Mayor and Council oppose the latest encroachment on municipal home rule under consideration by the State of Ohio; and

**WHEREAS**, the recent reduction in the Local Government Fund, elimination of Estate Tax, and accelerated phase-out of promised reimbursement for loss of revenues due to the repeal of the Tangible Personal Property Tax have all resulted in a loss of revenue; and

**WHEREAS**, only municipalities can ensure the prompt and proper auditing of local tax returns to verify all applicable deductions and declarations are reported and that businesses located within the City of Brook Park are filing and

reporting to the proper locality thus also ensuring that all taxpayers pay their fair share without causing higher costs of compliance for all, and must be able to do so without burdensome and costly restrictions included in the Governor's budget proposal created with the only purpose of restricting municipalities from correcting/auditing business return filings or making assessments; and

**WHEREAS**, provisions in this proposal will hamper municipalities' ability to audit and correct municipal income tax business returns, to equitably enforce the municipal income tax laws and has been crafted as a vehicle to control the administrative process of municipal income tax to the benefit of specific taxpayer interests;

**WHEREAS**, the municipal income tax is the City's single largest revenue source, providing essential municipal services, promoting a positive quality of life that residents and businesses alike rely upon. Any forced reduction in this revenue will have a negative impact on residents and businesses, creating an environment detrimental to retaining and attracting businesses in Ohio;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Brook Park, Cuyahoga County, and State of Ohio, that:

**SECTION 1.** The City of Brook Park Council urges the Ohio General Assembly to request the immediate removal of all language pertaining to municipal income tax collection and administration, and should promote upcoming changes to the Ohio Business Gateway as a solution for businesses to file municipal income tax returns in a more simple and efficient manner, with the Ohio Business Gateway continuing to act only as a portal to remit payments and filing information directly to municipalities for processing.

**SECTION 2.** The City of Brook Park does hereby formally urge the Ohio General Assembly to preserve and safeguard the "throwback" provision of the Business Allocation Formula for municipal income tax purposes as designed and intended by the Controllers' Institute of America and the Council of State Governments to ensure a uniform, fair, and equitable imposition of tax among several taxing jurisdictions as it has been for nearly sixty (60) years, and has been recommended by the Council of State Governments for equally as long.

**SECTION 3.** The Clerk of Council is hereby instructed to send certified copies of this Resolution to Governor John Kasich, Representative Martin J. Sweeney, and Senator Michael Skindell.

**SECTION 4.** It is found and determined that all formal actions of this Council concerning and relating to this Resolution 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 actions were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION 5.** This resolution is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety, convenience and welfare of the City of Brook Park and the inhabitants thereof and provided it receives the affirmative vote of two thirds of the members elected or appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force at the earliest period allowed by law.

PASSED: May 2, 2017 Jim Astora  
PRESIDENT OF COUNCIL

ATTEST: Michelle Blazak APPROVED: [Signature]  
MAYOR  
Clerk of Council

5/2/2017  
DATE

	Yea	Nay
Troyer	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mencini	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Powers	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Scott	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Burgio	<input checked="" type="checkbox"/>	<input type="checkbox"/>
McConnick	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Salvatore	<input checked="" type="checkbox"/>	<input type="checkbox"/>

CERTIFICATE

Michelle Blazak, Clerk of Council, of the City of Brook Park, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ordinance/Resolution No. 13-2017 passed on the 2nd day of May 2017 by said council.

Michelle Blazak  
Clerk of Council

I, Michelle Blazak, Clerk of Council for the City of Brook Park, State of Ohio, do hereby certify that there is no newspaper of general circulation in the municipality and that publication of the foregoing ordinances/resolutions was made by posting true copies at six of the most public places in said municipality as determined by Ordinance No. 4838-1975; location City Hall 6161 Engle Road, Police Station 17401 Holland Road, #1 Fire Station 5560 Smith Road, #2 Fire Station 22530 Ruple Parkway, #3 Fire Station 17401 Holland Road, Brook Park Library 6165 Engle Road, for a period of fifteen days.

commencing May 4, 2017  
Michelle Blazak  
MICHELLE BLAZAK  
Clerk of Council