

**VILLAGE OF YELLOW SPRINGS
RESOLUTION 2017-61**

**AUTHORIZING THE VILLAGE MANAGER TO ENGAGE THE LAW FIRM OF
WALTER/HAVERFIELD JOINTLY WITH THE REGIONAL INCOME TAX AGENCY
AND OTHER MUNICIPALITIES FOR PURPOSE OF CHALLENGING THE
CONSTITUTIONALITY OF AMENDMENTS TO CHAPTER 718 OF THE OHIO
REVISED CODE RELATING TO MUNICIPAL INCOME TAX**

WHEREAS, the Village of Yellow Springs (the "Village") recognizes, as a home rule power of local self-government, that municipal income tax administration and collection is vital to the health, safety and welfare of the municipality; and

WHEREAS, the Village 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 centralized collection by the State of Ohio of municipalities' net profits taxes; and

WHEREAS, the Village 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.

**NOW, THEREFORE, COUNCIL FOR THE VILLAGE OF YELLOW SPRINGS,
OHIO RESOLVES THAT:**

Section 1 - The Manager is authorized to engage Walter & Haverfield, LLP jointly with the Regional Income Tax Agency and other municipalities for the purpose of pursuing litigation challenging the constitutionality of amendments to Chapter 718 of the Ohio Revised Code. That the legal services of Walter & Haverfield, LLP are hereby retained, those services to be in connection with the legal challenge(s) to H.B. 49 regulating the collection, administration and enforcement of net profits taxes all of which is as further described in Exhibit A that will be signed by the Manager in a substantially similar form.

Section 2 - It is 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 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 3. This Resolution is adopted under the Home Rule powers of the Village.

Section 4. This Resolution shall become effective immediately upon adoption.

Karen Wintrow, President of Council

Passed: 12-18-2017

Attest: _____
Judy Kintner, Clerk of Council

ROLL CALL

Karen Wintrow __Y__ Brian Housh __Y__ Gerald Simms _Y__

Marianne MacQueen __Y__ Judith Hempfling __Y__