RESOLUTION NO. 2014-329

SPONSOR Mr. Pry

DATE August 4, 2014

First Reading Passage Requested
R. Pry

COMMITTEE Finance

A Resolution rescinding Amended Resolution No. 2014-242 and further determining it necessary to levy an additional tax in the amount of one-quarter of one percent upon all retail sales made in the County of Summit for the purposes of providing additional revenue to (i) operate and maintain the Summit County Jail, (ii) acquire, construct, equip or repair permanent improvements for the County’s 800 MHz Emergency Radio System, County 9-1-1 System and County-owned facilities, (iii) fund the County’s general fund and (iv) pay the expenses of administering the sales tax levy, pursuant to Section 5739.026 of the Ohio Revised Code, for a period of ten years, which shall be effective and levied beginning April 1, 2015, or at the earliest time permitted by law, and submitting to the voters at the general election on November 4, 2014 the question of whether to levy the aforesaid additional sales tax, for the Executive, and declaring an emergency.

WHEREAS, the Council of the County of Summit is the taxing authority of the County pursuant to Article III, Section 3.01 of the County Charter; and

WHEREAS, the County currently levies a County sales and use tax of one-half of one percent (.50%) pursuant to Sections 5739.021 and 5741.021 of the Ohio Revised Code, which is currently tied for the lowest in the State of Ohio with Stark County; and

WHEREAS, Section 5739.026 of the Ohio Revised Code permits the County to levy an additional tax of up to an amount of one-half of one percent on every retail sale in the County, except sales of watercraft and outboard motors required to be titled under Chapter 1548 of the Ohio Revised Code and sales of motor vehicles, for certain purposes, including, but not limited to:

(i) the acquisition, construction, equipping, or repair of any specific permanent improvement or any class or group of permanent improvements and to pay principal, interest, premium, and other costs associated with the issuance of bonds or notes in anticipation of bonds issued pursuant to Chapter 133 of the Ohio Revised Code for the acquisition, construction, equipping or repair of the specific permanent improvement or class or group of permanent improvements, pursuant to Section 5739.026(A);

(ii) the operation or maintenance of a detention facility in the County, as that term is defined under division (F) of section 2921.01 of the Revised Code, pursuant to Section 5739.026(A)(7);

(iii) providing additional revenue for the County’s general fund, pursuant to Section 5739.026(A)(3);

(iv) paying the expenses of administering the sales tax levy; and

WHEREAS, Section 5741.023 of the Ohio Revised Code provides that any county which levies a sales tax pursuant to Section 5739.026 shall levy a use tax at the same rate on the storage, use or other consumption of motor vehicles, watercraft and outboard motors required to be titled under Chapter 1548 and tangible personal property and services; and
RESOLUTION NO. 2014-329
PAGE TWO

WHEREAS, this Council previously adopted Amended Resolution No. 2014-242, which
determined it necessary to levy an additional tax in the amount of one-quarter of one percent
upon all retail sales made in the County of Summit for a continuing period of time for the
purposes of providing additional revenue to (i) operate and maintain the Summit County Jail,
(ii) acquire, construct, equip or repair permanent improvements for the County’s 800 MHz
Emergency Radio System, County 9-1-1 System, County-owned facilities, and a County-owned
arena, (iii) fund the County’s general fund and (iv) pay the expenses of administering the sales
tax levy, pursuant to Section 5739.026 of the Ohio Revised Code, effective April 1, 2015, or at
the earliest time permitted by law, and would submit to the voters at the general election on
November 4, 2014 the question or whether to levy the aforesaid additional sales tax; and

WHEREAS, prior to the adoption of Amended Resolution No. 2014-242 by this
Council, notice was published and two public hearings held on this issue; and

WHEREAS, the County Executive requests that this Council rescind Amended
Resolution No. 2014-242 and enact this Resolution determining it necessary to levy an
additional tax in the amount of one-quarter of one percent upon all retail sales made in the
County of Summit for the purposes of providing additional revenue to (i) operate and maintain
the Summit County Jail, (ii) acquire, construct, equip or repair permanent improvements for the
County’s 800 MHz Emergency Radio System, County 9-1-1 System and County-owned
facilities, (iii) fund the County’s general fund and (iv) pay the expenses of administering the
sales tax levy, pursuant to Section 5739.026 of the Ohio Revised Code, for a period of ten years,
which shall be effective and levied beginning April 1, 2015, or at the earliest time permitted by
law, and submitting to the voters at the general election on November 4, 2014 the question or
whether to levy the aforesaid additional sales tax; and

WHEREAS, this Resolution concerns the same subject matter as Amended Resolution
No. 2014-242, upon which numerous public hearings were held, with the only changes in this
Resolution being the removal of a County-owned arena as a purpose of said tax upon all retail
sales and the imposition of a defined time period that said tax will be in effect; and

WHEREAS, it is the intention of this Council that proceeds of the additional sales tax, if
approved by the electors of the County, be used for the purposes of providing additional
revenue to (i) operate and maintain the Summit County Jail, (ii) acquire, construct, equip or
repair permanent improvements for the County’s 800 MHz Emergency Radio System, County
9-1-1 System and County-owned facilities, (iii) fund the County’s general fund and (iv) pay the
expenses of administering such sales tax levy, as more fully set forth in Section 2; and

WHEREAS, this Council finds and determines, after reviewing all pertinent information,
that it is necessary and in the best interest of the County of Summit to rescind Amended
Resolution No. 2014-242 and to levy an additional sales tax in the amount of one-quarter of one
percent upon every retail sale made in the County of Summit (except sales of watercraft and
outboard motors required to be titled pursuant of Chapter 1548 of the Ohio Revised Code and
sales of motor vehicles) for the purposes of providing additional revenue to (i) operate and
maintain the Summit County Jail, (ii) acquire, construct, equip or repair permanent
improvements for the County’s 800 MHz Emergency Radio System, County 9-1-1 System and
County-owned facilities, (iii) fund the County’s general fund and (iv) pay the expenses of
administering such sales tax levy, pursuant to Section 5739.026 of the Ohio Revised Code, for a
period of ten years, which shall be effective and levied beginning April 1, 2015, or at the
RESOLUTION NO. 2014-329
PAGE THREE

earliest time permitted by law, and submitting to the voters at the general election on November 4, 2014 the question of whether to levy the aforesaid additional sales tax.

NOW, THEREFORE, BE IT RESOLVED by the County Council of the County of Summit, Ohio, that:

SECTION 1

Amended Resolution No. 2014-242 is hereby rescinded.

SECTION 2

This Council hereby finds and determines that, pursuant to Section 5739.026 of the Ohio Revised Code, it is necessary to levy an additional sales tax in the amount of one-quarter of one percent upon every retail sale made in the County of Summit (except sales of watercraft and outboard motors required to be titled pursuant to Chapter 1548 of the Ohio Revised Code and sales of motor vehicles), for a period of ten years, which shall be effective and levied beginning April 1, 2015, or at the earliest time permitted by law, for the purpose of providing additional revenue for the following:

(i) The operation and maintenance of the Summit County Jail, pursuant to Section 5739.026(A)(7).

(ii) The acquisition, construction, equipping or repair of the following permanent improvements and to pay principal, interest, premium and other costs associated with the issuance of bonds or notes in anticipation of bonds for the following permanent improvements, pursuant to Section 5739.026(A)(5):

(a) The Regional 800 MHz Emergency Radio System and all components thereof, including, but not limited to backbone towers and equipment, consoles and radios that comprise the system.

(b) The County 9-1-1 System and all components thereof, including, but not limited to, equipment, consoles, dispatch stations and building improvements necessary for the current system, consolidations of other systems into the County System, and necessary upgrades or updates thereto such as the NextGen 9-1-1 System.

(c) County-owned facilities.

(iii) The County’s general fund pursuant to Section 5739.026(A)(3).

SECTION 3

The question of whether an additional sales tax shall be levied in the amount of one-quarter of one percent upon every retail sale made in the County of Summit (except sales of watercraft and outboard motors required to be titled pursuant to Chapter 1548 of the Ohio Revised Code and sales of motor vehicles), for the purposes of providing additional revenue to (i) operate and maintain the Summit County Jail, (ii) acquire, construct, equip or repair
RESOLUTION NO. 2014-329

PAGE FOUR

SECTION 3 (Cont.)

permanent improvements for the County’s 800 MHz Emergency Radio System, County 9-1-1 System and County-owned facilities, (iii) fund the County’s general fund and (iv) pay the expenses of administering such sales tax levy, as more fully set forth in Section 2, pursuant to Section 5739.026 of the Ohio Revised Code, for a period of ten years, which shall be effective and levied beginning April 1, 2015, or at the earliest time permitted by law, should be submitted to the electors of the County at the general election on November 4, 2014.

SECTION 4

Pursuant to Section 5739.026(C), in the event the electors of the County elect to levy the additional tax at the general election on November 4, 2014, the method for the allocation of the tax revenue collected shall be as follows:

County Council shall annually adopt an appropriation measure appropriating the tax revenue collected by the County for the year amongst the purposes for which the tax was enacted, and different amounts of the tax may be distributed amongst the purposes in different years, provided, however, that the following shall govern the allocation by County Council:

Council shall distribute the balance of the tax revenue collected as follows:

i. Forty-five percent (45%) of the tax revenue collected shall be allocated for the operation and maintenance of the Summit County Jail, pursuant to Section 5739.026(A)(7).

ii. Thirty percent (30%) of the tax revenue collected shall be allocated for the acquisition, construction, equipping or repair of the following permanent improvements and to pay principal, interest, premium and other costs associated with the issuance of bonds or notes in anticipation of bonds for the following permanent improvements, pursuant to Section 5739.026(A)(5):

   (a) The Regional 800 MHz Emergency Radio System and all components thereof, including, but not limited to backbone towers and equipment, consoles and radios that comprise the system.

   (b) The County 9-1-1 System and all components thereof, including, but not limited to, equipment, consoles, dispatch stations and building improvements necessary for the current system, consolidations of other systems into the County System, and necessary upgrades or updates thereto such as the NextGen 9-1-1 System.

   (c) County-owned facilities.
RESOLUTION NO. 2014-329
PAGE FIVE

SECTION 4 (Cont.)

iii. Twenty-five percent (25%) of the tax revenue collected shall be allocated to the general fund, pursuant to Section 5739.026(A)(3).

SECTION 5

The ballot form for this question shall be substantially as follows:

PROPOSED SALES AND USE TAX
COUNTY OF SUMMIT

A majority affirmative vote is necessary for passage.

(Vote ballot with an “X”)

The Council of the County of Summit proposes to levy an additional sales and use tax in the amount of one-quarter of one percent (1/4%) for the purposes of providing additional revenue to (i) operate and maintain the Summit County Jail, (ii) acquire, construct, equip or repair permanent improvements for the County’s 800 MHz Emergency Radio System, County 9-1-1 System and County-owned facilities, (iii) fund the County’s general fund and (iv) to pay the expenses of administering such sales and use tax levy for a period of ten years, which shall be effective and levied beginning April 1, 2015, or at the earliest period allowed by law.

YES Shall the resolution of the Council of the County of Summit proposing a one-quarter of one percent (1/4%) sales and use tax be approved?

NO

SECTION 6

The Clerk of Council is directed, on behalf of this Council, to transmit a certified copy of this Resolution to the Summit County Board of Elections no later than August 6, 2014, and deliver, either personally or by certified mail, a copy of this Resolution to the Tax Commissioner of the State of Ohio.
RESOLUTION NO.  2014-329
PAGE SIX

SECTION 7

The Clerk of Council is hereby directed, on behalf of this Council, to request that the Summit County Board of Elections submit the question of levying the additional sales and use tax to the electors of the County at the general election to be held in the County on November 4, 2014.

SECTION 8

The Clerk of Council is hereby directed, on behalf of this Council, to request that the Summit County Board of Elections certify the results of the vote on the proposed tax levy to the Tax Commissioner of the State of Ohio no later than November 30, 2014.

SECTION 9

This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public, in compliance with the law.

SECTION 10

This Resolution is hereby declared an emergency in the interest of the health, safety and welfare of the citizens of the County of Summit and for the further reason that it is necessary in order to timely place a tax levy upon the ballot at the November 4, 2014 general election; provided however, if it is determined that this Resolution is not an emergency measure, it will become effective at the earliest time permitted by law.

SECTION 11

Provided this Resolution receives the affirmative vote of eight (8) members, it shall take effect immediately upon its adoption and approval by the Executive; otherwise, it shall take effect and be in force at the earliest time provided by law.

INTRODUCED  August 4, 2014

ADOPTED  August 4, 2014

CLERK OF COUNCIL

APPROVED  August 5, 2014

EXECUTIVE

ENACTED EFFECTIVE  August 5, 2014

Voice Vote: 11-0 YES: Comunale, Crawford, Feeman, Kostandaras Kurt, Lee, Prentice, Rodgers, Roemer, Schmidt, Shapiro