

CITY OF FRANKLIN, OHIO
RESOLUTION 2017-49

**AUTHORIZING THE CITY MANAGER TO JOIN A COALITION OF MUNICIPALITIES
RETAINING SPECIAL COUNSEL FOR PURPOSES OF INITIATING LITIGATION TO
CHALLENGE THE CONSTITUTIONALITY OF AMENDMENTS TO CHAPTER 718 OF THE OHIO
REVISED CODE RELATING TO MUNICIPAL INCOME TAX**

WHEREAS, the City of Franklin 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 City of Franklin 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 City of Franklin 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, BE IT RESOLVED by the Council of the City of Franklin, Ohio, a majority of members present concurring, that:

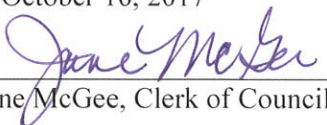
Section 1. The City Manager is authorized to join a coalition of municipalities being formed for the purpose of initiating litigation to challenge the constitutionality of amendments to Chapter 718 of the Ohio Revised Code contained in H.B. 5 and H.B. 49, and retain the law firm of Frost Brown Todd LLC as special counsel for the coalition of municipalities. The effective date of Am. Sub. HB 49 is January 1, 2018.

Section 2. It is found that all formal actions of this Council concerning and relating to the adoption of the Resolution were in an open meeting of this Council, and that all deliberations of this Council that resulted in this formal action were in meeting open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Rules of Council.

Section 3. This Resolution shall become effective immediately upon its passage.

ADOPTED: October 16, 2017

ATTEST:


Jane McGee, Clerk of Council

APPROVED:


Todd Hall, Presiding Officer

CERTIFICATE

I, the undersigned Clerk of Council for the Franklin City Council, do hereby certify that the foregoing is a true and correct copy of Resolution 2017-49 passed by that body on October 16, 2017.


Jane McGee, Clerk of Council