

CITY OF KIRTLAND

ORDINANCE NO.: 22-O-33

AN ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORATE OF THE CITY OF KIRTLAND, OHIO, A PROPOSAL TO AMEND THE CHARTER OF SAID CITY BY AMENDING ARTICLE VI – TAXATION, SECTION 1 – PROHIBITION OF EXCESSIVE INCOME TAX, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Kirtland has thoroughly examined the condition of its roads and the cost to fund the City’s road plan; and

WHEREAS, after holding three different community forums addressing this issue, this Council, in addition to the Mayor and Director of Finance have determined that the best method to achieve appropriate, consistent funding for the City’s road plan is to levy an income tax beyond the restriction placed upon the City by Article VI, Section 1 of its own Charter; and

WHEREAS, through diligent research and collaborative discussion, this Council has determined that increasing the maximum percentage of income tax from 2.00 to 2.25% is best for the City.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Kirtland, County of Lake, State of Ohio, that:

Section 1. That this Council hereby authorizes and directs a submission to the electors of the City of Kirtland, Ohio, at the general election to be held at the usual places of voting in the City of Kirtland on or about Tuesday, November 8, 2022, of a proposal to amend the Charter of the City of Kirtland, Ohio, as hereinafter provided.

Section 2. That Article VI – Taxation, Section 1 – Prohibition of Excessive Income Tax, of the Charter of the City of Kirtland, be amended so that said section, as amended, shall provide and read as follows:

**ARTICLE VI
TAXATION**

SECTION 1. Prohibition of Excessive Income Tax.

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

The Council shall, by ordinance, levy a tax at the minimum rate of two percent (2%) and not to exceed two and twenty-five hundredths percent (2.25%) on all incomes which are now, or may hereafter be, subject to taxation by the Municipality of Kirtland under the Constitution and laws

of the State of Ohio, subject to such exceptions and deductions as Council may determine. Such ordinance may be amended from time to time, but the tax required to be levied by this section shall remain in effect until repealed by amendment to this Charter by vote of the electors of the Municipality of Kirtland.

Section 3. That the foregoing proposed amendment, if approved by a majority of the electors voting thereon at the aforesaid election to be held on or about November 8, 2022, shall become a part of the Charter of the City of Kirtland, Ohio shall become effective immediately upon its adoption and all prior versions of this Charter be repealed.

Section 4. That the ballot submitting the question of the adoption of the aforesaid amendment will be read substantially as follows:

“Proposed Charter Amendment”

City of Kirtland

A majority of affirmative votes is necessary for passage.

Shall Article VI, Section 1 of the Charter of the City of Kirtland, Ohio be amended to provide that the Council shall have the power to levy a municipal income tax at a rate not to exceed two and twenty-five hundredths percent (2.25%)?

Section 5. That the Clerk of Council be, and hereby is, authorized and directed to certify a copy of this Ordinance to the Lake County Board of Elections for an election to be held at the next general election to be held on or about November 8, 2022.

Section 6. That the Clerk of Council be, and hereby is, authorized and directed to provide notice pursuant to Ohio Revised Code, Section 731.211 in one of the two following ways:

1. Not less than thirty days prior to the election, mail a copy of the proposed charter amendment to each elector whose name appears upon the poll or registration books of the last regular or general election held therein; or
2. The full text of the proposed charter amendment shall be published once a week for not less than two consecutive weeks in a newspaper of general circulation in the municipal corporation or as provided in section 7.16 of the Revised Code, with the first publication being at least fifteen days prior to the election at which the amendment is to be submitted to the electors.

Section 7. That there shall be and is hereby appropriated from the General Fund a sufficient sum of money to pay the cost of printing or otherwise preparing and mailing said copies of said proposed Charter Amendment and of publishing such election notice.

Section 8. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed 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 in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 9. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that it is necessary to file a certified copy of this Ordinance and the proposed form of the ballot question with the Board of Elections of Lake County not later than 90 days prior to the November 8, 2022 election as provided herein; therefore, this Ordinance shall be in full force and effect immediately upon its passage by the affirmative vote of five (5) members of Council and approval by the Mayor, otherwise this Ordinance shall be in effect from and after its adoption at the earliest period allowed by law.

First Reading: _____

Second Reading: _____

Third Reading: _____

DATE PASSED: _____

President of Council

Submitted to the Mayor for his
Approval on this _____ day of
_____, 2022.

ATTEST:

Approved by the Mayor, this _____ day
of _____, 2022.

Clerk of Council
Charter Amendment – Income Tax

Mayor Kevin F. Potter