AGENDA

1-201901263
PG 2
ORDINANCE, (EMERGENCY) (VERSION C), submitted by Councilmember Sittenfeld from Paula Boggs Muething, City Solicitor on 8/1/2019, TO SUBMIT to the electors of the City of Cincinnati an amendment to the Charter of the City to provide that, in the event that the electors of Hamilton County pass a sales and use tax on or before November 3, 2020, the public transit earnings tax of 0.3 shall be eliminated such that the overall City earnings tax rate is reduced from 2.1% to 1.8%, by amending existing Section 6c of Article VIII, "Taxation and Finance."
To: Councilmember P.G. Sittenfeld

From: Paula Boggs Muething, City Solicitor

Subject: Emergency Ordinance – Earnings Tax Charter Amendment – C Version

Transmitted herewith is an emergency ordinance captioned as follows:

TO SUBMIT to the electors of the City of Cincinnati an amendment to the Charter of the City to provide that, in the event that the electors of Hamilton County pass a sales and use tax on or before November 3, 2020, the public transit earnings tax of 0.3% shall be eliminated such that the overall City earnings tax rate is reduced from 2.1% to 1.8%, by amending existing Section 6c of Article VIII, “Taxation and Finance.”

PBM/ZDS/(tr)
Attachment
291411
EMERGENCY

City of Cincinnati

An Ordinance No. - 2019

TO SUBMIT to the electors of the City of Cincinnati an amendment to the Charter of the City to provide that, in the event that the electors of Hamilton County pass a sales and use tax on or before November 3, 2020, the public transit earnings tax of 0.3% shall be eliminated such that the overall City earnings tax rate is reduced from 2.1% to 1.8%, by amending existing Section 6c of Article VIII, “Taxation and Finance.”

WHEREAS, prior to 1972, earned income in Cincinnati was taxed at a rate of 1.7 percent; and

WHEREAS, in 1972 the total earned income tax rate rose to 2.0 percent, with the creation of a 0.3 percent Transit Tax; and

WHEREAS, in 1988 the total earned income tax rate rose to its current 2.1 percent, with the inclusion of a 0.1 percent Infrastructure Tax; and

WHEREAS, the Southwest Ohio Regional Transit Authority has previously proposed a Hamilton County sales tax increase to provide a dedicated source of funding for the Metro bus system (“SORTA Sales Tax Levy”); and

WHEREAS, Council desires to repeal the 0.3 percent Transit Tax if the voters of Hamilton County approve the SORTA Sales Tax Levy at an election on or before November 3, 2020; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio, two-thirds of the members elected thereto concurring:

Section 1. That there shall be submitted to the vote of the qualified electors of the City of Cincinnati for their approval or disapproval at the election to be held on November 5, 2019, an amendment to the Charter of the City of Cincinnati, amending existing Section 6c of Article VIII, “Taxation and Finance,” to read as follows:

Article VIII. – Taxation and Finance.

Section 6c.

If the council shall at any time levy a tax on earned income, such tax may be at a uniform rate or at a graduated rate, with exemptions, and deductions to the extent such may be
allowed by the constitution of the state of Ohio and laws enacted pursuant thereto. Such earned income tax shall not be at a rate in excess of one and fifty-five one-hundredths percent (1.55%) for current operating expenses and permanent improvement purposes plus fifteen-hundredths of one percent (.15%) for permanent improvement purposes only and three-tenths of one percent (.3%) for public transit purposes generally and without limitation and including both capital and current operating expenses for the remainder of the calendar year 1972 and thereafter without having obtained the approval of any tax in excess of that stated herein by the electors voting on the question at a general election or at a special or primary election.

In the event that at an election on or before November 3, 2020 the Southwest Ohio Regional Transit Authority passes a resolution, pursuant to Ohio Revised Code § 5739.023 or any successor section, to levy a sales and use tax to provide general revenues for the Southwest Ohio Regional Transit Authority and the electors of the county of Hamilton, state of Ohio approve the sales and use tax levy, so long as such levy or successor levies to it remain in effect the three-tenths of one percent (.3%) earned income tax levied for public transit purposes generally shall not be levied. If the sales and use tax levy is approved, the levy of the .3% earnings tax for public transit purposes generally shall be stopped as of the first day following the collection of the sales and use tax to provide general revenues for the Southwest Ohio Regional Transit Authority.

Section 2. That the tax on income and the withholding tax authorized by this ordinance is authorized by Article XVIII, Section 3 of the Ohio Constitution. The tax on income and the withholding tax established by this chapter are deemed to be levied in accordance with, and to be consistent with, the provisions and limitations of Chapter 718 of the Ohio Revised Code.

Section 3. That Council shall file with the Board of Elections at least sixty (60) days before the day of the election a copy of this ordinance requesting the Board of Elections to place the charter amendment on the ballot for approval by the electors. The submission of the proposed amendment to the electors shall be substantially as follows:
CHARTER AMENDMENT
A majority vote is necessary for passage.

| YES | If the electors of Hamilton County pass a sales and use tax for general revenues for Southwest Ohio Regional Transit Authority bus operations, bus capital improvements, and infrastructure improvements in Hamilton County, at an election on or before November 3, 2020, shall section 6c of Article VIII, “Taxation and Finance,” of the Charter of the City of Cincinnati be amended to eliminate 0.3% of the City’s earnings tax? |
| NO | |

Section 4. That the Clerk of Council shall give notice of the proposed Charter Amendment in the manner provided by Sections 8 and 9 of Article XVIII of the Ohio Constitution and Section 731.211 (B) of the Ohio Revised Code.

Section 5. That the Board of Elections of Hamilton County shall certify to the Council the result of the vote upon said amendment, and if said amendment is approved by a majority of the electors voting thereon, the amended Section 6c of Article VIII, “Taxation and Finance,” shall become a part of the Charter of the City of Cincinnati.

Section 6. That Council authorizes the proper City officials to take all necessary and proper actions to implement this ordinance including, without limitation, to cease collection of the 0.3% earned income tax for public transit purposes (the “Transit Tax”) upon satisfaction of the conditions in Section 5 of this ordinance.

Section 7. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6, be effective immediately. The reason for the emergency is the immediate necessity to
authorize the Clerk of Council to certify and transmit this ordinance to the Board of Elections at least sixty days prior to the November 5, 2019 election.

Passed: __________________________, 2019

Mayor John Cranley, Mayor

Attest: __________________________

Clerk
SUPPLEMENT AGENDA

2-201901274 ORDINANCE (EMERGENCY) dated 08/02/2019, Submitted by Vice Mayor Smitherman From Paula Boggs Muething, City Solicitor on 08/02/2019, TO SUBMIT to the electors of the City of Cincinnati an amendment to the Charter of the City that would require the City through the Solicitor’s Office to locate and notify individuals eligible for expungement of low-level marijuana related convictions of their eligibility, and to engage third-party organizations to provide expungement services to such individuals.
To: Vice Mayor Christopher Smitherman
From: Paula Boggs Muething, City Solicitor
Subject: Emergency Ordinance – Charter Amendment Marijuana Expungement

TRANSMITTED herewith is an emergency ordinance captioned as follows:

TO SUBMIT to the electors of the City of Cincinnati an amendment to the Charter of the City that would require the City through the Solicitor’s Office to locate and notify individuals eligible for expungement of low-level marijuana-related convictions of their eligibility, and to engage third-party organizations to provide expungement services to such individuals.

PBM/AEP/(ps)
Attachment
292197-5
EMERGENCY
City of Cincinnati
An Ordinance No. - 2019

TO SUBMIT to the electors of the City of Cincinnati an amendment to the Charter of the City that would require the City through the Solicitor’s Office to locate and notify individuals eligible for expungement of low-level marijuana-related convictions of their eligibility, and to engage third-party organizations to provide expungement services to such individuals.

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio, two-thirds of the members elected thereto concurring:

Section 1. That there shall be submitted to the vote of qualified electors of the City of Cincinnati for their approval or disapproval at the general election to be held November 5, 2019, an amendment to the Charter of the City of Cincinnati, enacting new Article XVII thereof, to read as follows:

Article XVII.
EXPUNGEMLNT OF MARIJUANA-RELATED OFFENSES.

Section 1. For a period of three fiscal years beginning with Fiscal Year 2021, the council shall annually appropriate to the city solicitor’s office an amount determined by the city solicitor to be sufficient to fund expungement representation services for individuals who have been charged by the City of Cincinnati and convicted of nonviolent marijuana-related offenses involving 100 grams or less of marijuana who may be eligible to have their record sealed under Ohio Revised Code § 2953.32. The appropriation shall include the funding of one new FTE position to the city solicitor’s office to manage the expungement effort. Council may not reduce the city solicitor’s office’s overall budget to offset or account for the addition of this new FTE.

Section 2. The city shall engage third party organizations to represent individuals who have been charged by the City of Cincinnati and convicted of nonviolent marijuana-related offenses involving 100 grams or less of marijuana in proceedings to have their record sealed under Ohio Revised Code § 2953.32. The city solicitor’s office shall administer these contracts, including monitoring the work done by contractors.
Section 3. The office of the city solicitor shall be responsible for identifying individuals who were charged by the City of Cincinnati and convicted of nonviolent marijuana-related offenses involving 100 grams or less of marijuana who may be eligible to have their record sealed under Ohio Revised Code § 2953.32. The city solicitor shall notify such individuals of their potential eligibility and of the availability of city funded-expungement representation.

Section 4. The city manager shall provide a report to the council on the number of eligible individuals identified by the solicitor's office and the number of expungements funded after one year, and every two years thereafter.

Section 2. That the form of submission of the proposed amendment to the electors shall be substantially as follows:

<table>
<thead>
<tr>
<th>CHARTER AMENDMENT</th>
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<tbody>
<tr>
<td><strong>A majority vote is necessary for passage.</strong></td>
</tr>
<tr>
<td>YES</td>
</tr>
<tr>
<td>NO</td>
</tr>
</tbody>
</table>

Section 3. That the Clerk of Council shall give notice of the proposed Charter amendment in the manner provided by Sections 8 and 9 of Article XVI of the Ohio Constitution and Section 731.211 (B) of the Ohio Revised Code.

Section 4. That the Clerk of Council is directed to certify and transmit to the Board of Elections of Hamilton County, Ohio, a copy of this ordinance and direct the said Board to submit the proposed Charter amendment to the electors of the City of Cincinnati as provided by law.
Section 5. That the Board of Elections of Hamilton County, Ohio, shall certify to the Council the result of the vote upon said amendment, and if said amendment is approved by a majority of the electors voting thereon, this Article shall become a part of the Charter of the City of Cincinnati.

Section 6. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety, and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate necessity to authorize the Clerk of Council to certify and transmit this ordinance to the Board of Elections at least sixty days prior to the November 5, 2019 general election.

Passed: _____________________________, 2019

John Cranley, Mayor

Attest: _____________________________

Clerk