

RESOLUTION NO. 046-18

A RESOLUTION CREATING AND AUTHORIZING JOB CREATION TAX AGREEMENTS BETWEEN THE CITY OF NAPOLEON, OHIO, AND JAC PRODUCTS, INC., AND AUTHORIZING THE CITY MANAGER TO SIGN ANY AND ALL DOCUMENTS NECESSARY TO EXECUTE SAID AGREEMENTS; AND DECLARING AN EMERGENCY

WHEREAS, the Codified Ordinances of the City of Napoleon, Chapter 194 impose income taxes, including a tax on business net profits; and,

WHEREAS, a City Income Tax Credit on business net profits is authorized by Ohio Revised Code Sections 718.15 and 718.151, and by City of Napoleon, Ohio Codified Ordinances 194.064 and 194.065; and,

WHEREAS, City of Napoleon, Ohio Codified Ordinance 194.064, Codified Ordinance 194.065, and Ohio Revised Code Sections 718.15 and 718.151 require that JAC Products, Inc. and the City enter into an agreement specifying the conditions of the City Income Tax Credit prior to the City's passage of an ordinance granting the City Income Tax Credit; and,

WHEREAS, JAC Products, Inc. represents and has documented to the City that the credits authorized by the City Income Tax Credit Agreement against the tax imposed on the JAC Products, Inc.'s net profits under Codified Ordinances Chapter 194 is a major factor in the decision to go forward with a project which will create new jobs within the City, to offset costs of capital expenditures and/or moving; and,

WHEREAS, the kilowatt-hour distribution tax imposed by the State of Ohio is calculated by applying the rates found in Ohio Revised Code Section 5727.81 on the amount of kilowatt hours of electricity distributed to an end user by an "electric distribution company;" and,

WHEREAS, Ohio municipalities that operate a municipally owned electric utility that distributes electricity to an end user are under the State of Ohio's definition are an "electric distribution company" and when said municipally owned electric utility distributes electricity to an end user within the municipality's corporate boundaries the municipality is authorized by Ohio Revised Code Section 5727.81 to collect and deposit said tax in the municipality's general fund; and

WHEREAS, Napoleon Ordinance No. 14-01 further authorizes collection of the kilowatt-hour tax mentioned above; and,

WHEREAS, the City of Napoleon is authorized under the State of Ohio Constitution's Home Rule Amendment to credit back to JAC Products, Inc. the kilowatt-hour distribution tax as outlined in the Kilowatt-Hour Distribution Tax Credit Agreement; and,

WHEREAS, JAC Products, Inc. represents and has documented to the City that the credits authorized by the Kilowatt-Hour Distribution Tax Credit Agreement is a major factor in the decision to go forward with a project which will create new jobs within the City, to offset costs of capital expenditures and/or moving; and,

WHEREAS, the City of Napoleon, Ohio desires to encourage commercial and industrial development and create and preserve jobs and employment opportunities within the City; and,

WHEREAS, the City of Napoleon, Ohio desires to create and consent to Job Creation Tax Agreements with JAC Products, Inc. in an effort to create and retain approximately two hundred (200) new jobs in the City.

Now Therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:

Section 1. That, the City approves, authorizes and consents to the creation of the Job Creation Tax Agreements mentioned above, by and between the City of Napoleon, Ohio and JAC Products, Inc.

Section 2. That, the City Manager is authorized to execute said agreements with JAC Products, Inc. as substantially in the form as currently on file in the office of the City Finance Director which is between the City and JAC Products, Inc.

Section 3. It is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Ohio Revised Code Section 121.22 and the Codified Ordinances of the City of Napoleon, Ohio.

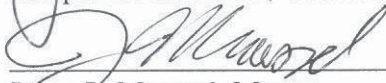
Section 4. That, if any prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 5. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time to expeditiously proceed with this development project for the economic welfare of the inhabitants of the City; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to begin the process in a timely manner, and for further reasons as stated in the Preamble hereof.

Passed: August 20, 2018


Joseph D. Bialorucki, Council President

Approved: August 20, 2018


Jason P. Maassel, Mayor

VOTE ON PASSAGE 7 Yea 0 Nay 0 Abstain