

ORDINANCE NO. 072-19

**AN ORDINANCE AMENDING THE CITY INCOME TAX CODE,
SECTION 194.03 DEFINITIONS, TO ADOPT SECTIONS 718.01(Y Y)
AND 718.01(Z Z) OF THE OHIO REVISED CODE; AND DECLARING
AN EMERGENCY**

WHEREAS, House Bill (H.B.) 166 of the 133rd General Assembly, the State's operating appropriations and tax levy bill, includes an amendment by addition of two definitions added to Chapter 718, Municipal Income Taxes, R.C. Section 718.01 regarding supplemental executive retirement plan (SERP) exemptions; and,

WHEREAS, Section 757.220 of H.B. 166 makes clear that the amendment by this act of section 718.01 of the Revised Code applies to municipal taxable years beginning on or after January 1, 2020; and,

WHEREAS, the relevant income tax definitions added to R.C. 718.01 include a definition for "Pension" and one for "Retirement Benefit Plan;" and,

WHEREAS, in recognition of the above-listed changes and with a desire to keep the City's Municipal Income Tax Code up to date the City intends to add the two new definitions contained in R.C. 718.01 to the City's Municipal Income Tax Code. **Now Therefore**,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NAPOLEON,
OHIO:**

Section 1. That, section 194.03 of Chapter 194 of the Codified Ordinances of the City shall hereby be amended to add the following definitions for tax years starting on or after January 1, 2020:

"Pension" means a retirement benefit plan, regardless of whether the plan satisfies the qualifications described under section 401(a) of the Internal Revenue Code, including amounts that are taxable under the "Federal Insurance Contributions Act," Chapter 21 of the Internal Revenue Code, excluding employee contributions and elective deferrals, and regardless of whether such amounts are paid in the same taxable year in which the amounts are included in the employee's wages, as defined by section 3121(a) of the Internal Revenue Code.

"Retirement benefit plan" means an arrangement whereby an entity provides benefits to individuals either on or after their termination of service because of retirement or disability. "Retirement benefit plan" does not include wage continuation payments, severance payments, or payments made for accrued personal or vacation time.

Section 2. That, the definition for "Pension" currently contained in Chapter 194 of the Codified Ordinances of Napoleon, Ohio remains in full force and effect for all taxable years prior to 2020.

Section 3. That, Chapter 193 of the Codified Ordinances of Napoleon, Ohio remains in full force and effect for all taxable years prior to 2016.

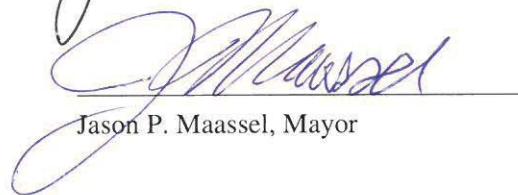
Section 4. That, the Council hereby finds that this Ordinance was deliberated upon and passed in open meetings in compliance with Section 121.22 of the Ohio Revised Code.

Section 5. That, this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health or safety of the City and its inhabitants, such necessity arising from the City's need to effectively manage and control municipal income taxes, and therefore this Ordinance shall be effective upon passage.

Passed: November 18, 2019

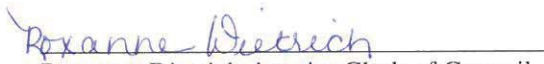

Joseph D. Bialorucki, Council President

Approved: November 18, 2019


Jason P. Maassel, Mayor

VOTE ON PASSAGE 6 Yea 0 Nay 0 Abstain

Attest:


Roxanne Dietrich, interim Clerk of Council

I, Roxanne Dietrich, interim Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Ordinance No. 072-19 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the _____ day of _____, _____; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances Of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.

Roxanne Dietrich, interim Clerk of Council