

# CITY OF CLAYTON, OHIO

## RESOLUTION NO. R – 06 - 23 - 42

### A RESOLUTION PURSUANT TO CLAYTON CHARTER SECTION 12.12(D) SUPPORTING THE CITY OF CLAYTON INCOME TAX LEVY TO BE PLACED ON THE NOVEMBER 7, 2023 BALLOT

**WHEREAS**, on June 15, 2023, Council adopted legislation and directed the Clerk of Council to submit said legislation to the Montgomery County Board of Elections to conduct an election on November 7, 2023 on the issue of a 1.00% increase in the City income tax rate and to further restore the 100% tax credit; and

**WHEREAS**, Clayton Charter Section 12.12(D) provides, “The City, through action of Council, may financially support the passage of or opposition to issues, that in Council’s opinion, affect the operation and/or well being of the City. City employees and officials may be authorized by Council to engage in activities related to the passage of or opposition to such issues. The City shall not provide financial support to any political parties or candidates for office.”; and

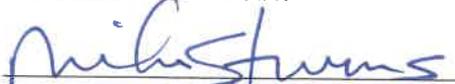
**WHEREAS**, in accordance with Clayton Charter Section 12.12(D) and the holdings of the Courts in *Lash v. City of Union*, 104 F. Supp.2d 866 (1999) and *Kidwell v. City of Union*, 462 F.3d 620 (2006), City Council hereby finds and determines that passage of the proposed ballot issue of a 1.00% increase in the City income tax rate and to further restore the 100% tax credit is “germane to the fundamental function of local government” and passage of said ballot issue will affect the operation and/or well being of the City; and Council therefore desires to authorize support of the passage of the aforementioned proposed ballot issue of a 1.00% increase in the City income tax rate and to further restore the 100% tax credit.

### **NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:**

1. That the Clayton Council, in accordance with Charter Section 12.12(D), hereby authorizes the City Manager and her authorized designees to take such actions as are necessary to financially support the passage of the aforementioned proposed ballot issue of a 1.00% increase in the City income tax rate and to further restore the 100% tax credit. Further, in accordance with Charter Section 12.12(D), City employees and officials are authorized to engage in activities related to the passage of the aforementioned proposed ballot issue of a 1.00% increase in the City income tax rate and to further restore the 100% tax credit.

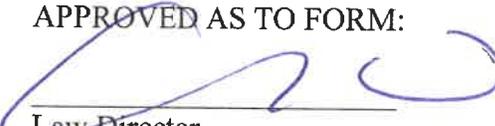
ADOPTED BY COUNCIL ON JUNE 15, 2023.

AUTHENTICATION:

  
Mayor (Presiding Officer of Council)

  
Clerk of Council

APPROVED AS TO FORM:

  
Law Director

CERTIFICATION OF PUBLICATION

This shall certify that that the text of the above referenced enactment or a summary thereof was published once in the following newspaper and a summary posted in three places of public access as designated by Council.

Name of newspaper

Date of publication

Register Herald

June 21, 2023

  
CLERK