

CITY COUNCIL AGENDA

January 16, 2018

7:30p.m.

The meeting convenes at City Hall, in Council Chambers, 1st Floor, 538 N. Market Street, Wooster, Ohio.

- I. ROLL CALL & ORDERING OF AGENDA**
- II. APPROVAL OF MINUTES**
- III. COMMUNICATIONS FROM MAYOR/ADMINISTRATION**
- IV. PETITIONS/COMMUNICATIONS FROM PUBLIC**
- V. COMMITTEE REPORTS; PUBLIC HEARINGS**
Utilities Committee
- VI. OLD BUSINESS**
- VII. NEW BUSINESS**
 1. First Reading – RESOLUTION NO. 2018-002
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR RESURFACING AND PAVEMENT REPAIRS ON VARIOUS STREETS (Bostancic)
 2. First Reading – RESOLUTION NO. 2018-003
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR CONCRETE PAVEMENT REPAIRS ON VARIOUS STREETS (Bostancic)
 3. First Reading – RESOLUTION NO. 2018-004
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE PURCHASE AND INSTALLATION OF A TRAFFIC SIGNAL AND RELATED EQUIPMENT AT MADISON AVENUE AND STATE ROUTE 83 (Bostancic)
 4. First Reading – RESOLUTION NO. 2018-005
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE CONSTRUCTION OF A NEW SANITARY SEWER SERVING THE BEAVER ALLEY AREA BETWEEN WALNUT STREET AND MARKET STREET (Silvestri)
 5. First Reading – RESOLUTION NO. 2018-006
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE REPLACEMENT OF A CULVERT ON WEST WAYNE AVENUE (Bostancic)
 6. First Reading – RESOLUTION NO. 2018-007
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO PURCHASE POWER COTS FOR THE DIVISION OF FIRE (Cavin)
 7. First Reading – RESOLUTION NO. 2018-008
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO PURCHASE VEHICLES IN ACCORDANCE WITH THE CAPITAL PLAN FOR 2018 (Warden)

8. First Reading – RESOLUTION NO. 2018-009
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT(S) WITH THE LOWEST AND BEST BIDDER FOR THE PURCHASE OF CERTAIN MATERIALS FOR THE WATER TREATMENT PLANT (Silvestri)
9. First Reading – RESOLUTION NO. 2018-010
A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO A TECHNICAL SERVICES CONTRACT WITH MEDICOUNT OF CINCINNATI, OHIO FOR BILLING SERVICES RELATED TO THE CITY EMS SERVICE (Cavin)
10. First Reading – ORDINANCE NO. 2018-001
AN ORDINANCE AMENDING SECTION 1701.03 OF THE CODIFIED ORDINANCES OF WOOSTER TO CORRESPOND WITH CHAPTER 718 OF THE OHIO REVISED CODE, REPEALING CERTAIN ORDINANCES, AND DECLARING AN EMERGENCY (Sanders)

VIII. BREAK FOR EXECUTIVE SESSION – ORC121.22G(4)

To discuss negotiations and bargaining /OPBA

IX. NEW BUSINESS - CONTINUED

11. First Reading – ORDINANCE NO. 2018-02
AN ORDINANCE AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO AN AGREEMENT WITH REPRESENTATIVES OF THE OHIO PATROLMEN'S BENEVOLENT ASSOCIATION REGARDING WAGES, BENEFITS AND TERMS AND CONDITIONS OF EMPLOYMENT, AND DECLARING AN EMERGENCY (Sanders)

X. MISCELLANEOUS

XI. ADJOURNMENT

RESOLUTION NO. 2018-002

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR RESURFACING AND PAVEMENT REPAIRS ON VARIOUS STREETS

WHEREAS, it is necessary to resurface and repair the pavement on public roads including, but not limited to, Highland Park Road, Skylark Avenue, Catalina Avenue, Monterey Street, Highland Avenue and Graustark Path, and the cost is included in the capital plan for 2018.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1. That the Director of Administration is authorized to advertise according to law and enter into a contract with the lowest and best bidder for resurfacing and repairing the pavement on public roads including, but not limited to, Highland Park Road, Skylark Avenue, Catalina Avenue, Monterey Street, Highland Avenue and Graustark Path in accordance with specifications on file in the Office of the Director of Administration.

SECTION 2. The cost of such contract/project will not exceed the amount budgeted.

SECTION 3. This Council finds and declares that all formal actions concerning and relating to the adoption of this resolution occurred in an open meeting of this Council or its committees, in compliance with the law.

SECTION 4. This resolution shall take effect and be in force from and after the earliest period allowed by law.

Introduced: _____ Passed: _____ Vote: _____

Attest: _____
Clerk of Council

President of Council

Approved: _____, 2018

Mayor

Introduced by: Bill Bostancic

**Request for Agenda Item
Authorization for Bid or Purchase Capital Item**

Division Engineering	Meeting Date Requested January 16, 2018
Project Name 2018 Asphalt Pavement Repairs	Approved for Agenda
Estimated Total Funds/Cost \$900,000.00 (Capital Improvement Funds)	
Is Full Amount Budgeted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If No, How Is The Purchase To Be Funded?	
Description Of Request This is a request to authorize advertisement and award of a contact to the lowest and best bidder for asphalt pavement repairs on Highland Park Road, Skylark Avenue, Catalina Avenue, Monterey Street, Highland Avenue and Graustark Path. The project will include pavement planning, adjust manholes and water valve boxes to grade, and place new asphalt and pavement markings. All of the design engineering, construction management and inspection will be performed in-house by the Engineering Division Staff.	
Justification / Benefits These streets are at the top of the road priority list for streets needing resurfacing. Utility work was also completed last year on Skylark and Catalina. The existing pavement has deteriorated and pavement repairs are necessary to maintain and upgrade the streets.	
Will This Project Effect the City's Operating Costs This project should lower operation and maintenance costs by repairing deteriorating roads.	
What Alternatives Exist and What Are The Implications of The Alternatives We can do nothing and continue to patch holes as best as possible..	
Is This A Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	
If Yes, Explain The Circumstances	
Are You Requesting Suspension Of The Rules <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, Note Reasons While suspension of the rules is not necessary, earlier passage would allow the opportunity to bid this project as early as possible in order to obtain the best possible bids and to schedule the paving as soon as possible.	
Division Manager Roger Kobilarcsik	Date January 4, 2018

**Request for Agenda Item
Authorization for Bid or Purchase of Capital Item**

Division Engineering	Meeting Date Requested January 16, 2018
Project Name Country Club lane and Oak Heights Allotment Concrete Repairs	Approved for Agenda
Estimated Total Cost \$300,000 (Capital Improvements Fund)	
Is Full Amount Budgeted <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If No, How Is The Purchase To Be Funded?	
Description Of Purchase This is a request to authorize advertisement and award of a contract to the lowest and best bidder for concrete pavement repairs on Country Club Lane, Mindy lane, Marilyn Drive, Normandy Drive, Patrick Place, Melanie Drive and Brooke Way. Failed areas will be removed and replaced with concrete material. All of the design engineering, construction management and inspection will be performed in-house by the Engineering Division Staff.	
Justification / Benefits This group of concrete streets are at the top of the road priority list for condition of concrete streets. The road priority list rates the conditions of all the City streets. The concrete repairs will reduce the time and materials the City's maintenance department will spend on spot repairs.	
Will This Project Effect the City's Operating Costs This project will reduce maintenance costs by replacing the deteriorated concrete.	
What Alternatives Exist and What Are The Implications of The Alternatives Do nothing, and continue to patch holes as best as possible.	
Is This A Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Explain The Circumstances	
Are You Requesting Suspension Of The Rules <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Note Reasons While suspension of the rules is not necessary, earlier passage would allow the opportunity to advertise and bid this project as soon as possible in order to obtain the best possible bids.	
Division Manager Roger Kobilarcsik	Date January 4, 2018

**Request for Agenda Item
Authorization for Bid or Purchase of Capital Item**

Division Engineering	Meeting Date Requested January 16, 2018
Project Name Madison Avenue Traffic Signal Bid	Approved for Agenda
Estimated Total Cost \$145,000 (Capital Funds)	
Is Full Amount Budgeted <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If No, How Is The Purchase To Be Funded?	
Description Of Purchase This is a request to authorize advertisement and award of a contract to the lowest and best bidder for the replacement of the traffic signal at Madison Avenue and State Route 83. This will be a complete replacement of the signal systems in accordance with current standards and technology.	
Justification / Benefits This signal is among the top signal to be replaced from a survey completed on all the City's signals.	
Will This Project Effect the City's Operating Costs This project should have little or no effect on the City's operating costs. Signal maintenance should be reduced after the project is completed.	
What Alternatives Exist and What Are The Implications of The Alternatives Do nothing, and the traffic signal will continue to deteriorate and require increased maintenance.	
Is This A Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, Explain The Circumstances	
Are You Requesting Suspension Of The Rules <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, Note Reasons While suspension of the rules is not necessary, earlier passage would allow the opportunity to bid this project as early as possible in order to obtain the best possible bids and to schedule as soon as possible.	
Division Manager Roger Kobilarcsik	Date January 4, 2018

RESOLUTION NO. 2018-005

A RESOLUTION AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ADVERTISE ACCORDING TO LAW AND ENTER INTO A CONTRACT WITH THE LOWEST AND BEST BIDDER FOR THE CONSTRUCTION OF A NEW SANITARY SEWER SERVING THE BEAVER ALLEY AREA BETWEEN WALNUT STREET AND MARKET STREET

WHEREAS, it is necessary to construct a new sanitary sewer serving the Beaver Alley area between Walnut Street and Market Street south of Liberty and north of South Street.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1. That the Director of Administration is authorized to advertise according to law and enter into a contract with the lowest and best bidder for the construction of a new sanitary sewer serving the Beaver Alley area, as described above, and including repairs to the existing storm sewer serving that area, in accordance with specifications now on file in his office.

SECTION 2. The cost of such contract will not exceed the amount budgeted.

SECTION 3. This Council finds and declares that all formal actions concerning and relating to the adoption of this Resolution occurred in an open meeting of this Council or its committees, in compliance with the law.

SECTION 4. This Resolution shall take effect and be in force from and after the earliest period allowed by law.

Introduced: _____ Passed: _____ Vote: _____

Attest: _____
Clerk of Council

President of Council

Approved: _____, 2018

Mayor

Introduced by: David Silvestri

**Request for Agenda Item
Authorization for Bid or Purchase Capital Item**

Division Engineering	Meeting Date Requested January 16, 2018
Project Name Beaver Alley Sanitary Sewer Repair	Approved for Agenda
Estimated Total Funds/Cost \$60,000.00; \$35,000 (Sanitary Sewer Fund) and \$25,000 (Storm Sewer Fund)	
Is Full Amount Budgeted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If No, How Is The Purchase To Be Funded?	
Description Of Request This is a request to authorize advertisement and award of a contract with the lowest and best bidder for sanitary sewer repair in Beaver alley between Walnut Street and Market Street south of Liberty and north of South Street. There is a sanitary sewer lateral entering an existing storm sewer catch basin and this project will construct new sanitary sewer to separate the sanitary from the storm sewer system.	
Justification / Benefits There have been complaints of sanitary sewer odors because of an illegal connection from the sanitary sewer into the storm sewer. This project will alleviate that issue by separating the utilities.	
Will This Project Effect the City's Operating Costs This project will have no effect on the City's operating budget.	
What Alternatives Exist and What Are The Implications of The Alternatives Do nothing and continue to have the sanitary sewer odors throughout downtown.	
Is This A Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	
If Yes, Explain The Circumstances	
Are You Requesting Suspension Of The Rules <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, Note Reasons While suspension of the rules is not necessary it is preferred so that we can advertise, award and complete this project as soon as possible.	
Division Manager Roger Kobilarcsik	Date January 4, 2018

RESOLUTION NO. 2018-006

A RESOLUTION AUTHORIZING THE DIRECTOR OF
ADMINISTRATION TO ADVERTISE ACCORDING TO LAW
AND ENTER INTO A CONTRACT WITH THE LOWEST AND
BEST BIDDER FOR THE REPLACEMENT OF A CULVERT
ON WEST WAYNE AVENUE

WHEREAS, it is necessary to replace a culvert on West Wayne Avenue, east of Oak Hill Road, and such project is included in the capital plan for 2018.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
WOOSTER, OHIO:

SECTION 1. The Director of Administration is authorized to advertise according to law and enter into a contract with the lowest and best bidder for the replacement of a culvert on West Wayne Avenue, in accordance with specifications on file in the office of the director.

SECTION 2. The cost of such contract will not exceed the amount budgeted.

SECTION 3. This Council finds and declares that all formal actions concerning and relating to the adoption of this Resolution occurred in an open meeting of this Council or its committees, in compliance with the law.

SECTION 4. This Resolution shall take effect and be in force from and after the earliest period allowed by law.

Introduced: _____ Passed: _____ Vote: _____

Attest: _____
Clerk of Council

President of Council

Approved: _____, 2018

Mayor

Introduced by: Bill Bostancic

**Request for Agenda Item
Authorization for Bid or Purchase Capital Item**

Division Engineering	Meeting Date Requested January 16, 2018
Project Name W. Wayne Avenue Culvert Replacement	Approved for Agenda
Estimated Total Funds/Cost \$150,000.00 (Storm Sewer Fund)	
Is Full Amount Budgeted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If No, How Is The Purchase To Be Funded?	
Description Of Request This is a request to advertise and enter into a contract with the lowest and best bidder for the replacement of an existing corrugated metal pipe running under W. Wayne Avenue just east of Oak Hill Road. The flowline has deteriorated to the point the culvert needs to be replaced. The proposed replacement structure is a reinforced concrete pipe complete with headwalls and wingwalls.	
Justification / Benefits The flowline of the existing corrugated metal pipe has deteriorated to the point that failure is possible.	
Will This Project Effect the City's Operating Costs This project should have no effect on the City's Operating costs.	
What Alternatives Exist and What Are The Implications of The Alternatives We can do nothing and have the culvert fail causing an emergency repair and closure of the road.	
Is This A Sole Source Bid or Non-Bid Situation <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A	
If Yes, Explain The Circumstances	
Are You Requesting Suspension Of The Rules <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, Note Reasons While suspension of the rules is not necessary, earlier passage would allow the opportunity to bid this project as early as possible.	
Division Manager Roger Kobilarcsik	Date January 4, 2018

RESOLUTION NO. 2018-007

A RESOLUTION AUTHORIZING THE DIRECTOR OF
ADMINISTRATION TO PURCHASE POWER COTS FOR THE
DIVISION OF FIRE

WHEREAS, the Director of Administration, in consultation with the Chief of Fire, has recommended the purchase of power cots that will assist firefighters in lifting patients into ambulances, and the cost of such project is included in the capital plan for 2018; and

WHEREAS, the anticipated expense is budgeted; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1. The Director of Administration is authorized to purchase the power cots for the Division of Fire.

With respect to such purchase(s), the Director of Administration will advertise according to law and enter into a purchase contract with the lowest and best bidder, except that if the item is available through a state-sponsored cooperative purchasing program, or can be accomplished through a vendor upon equivalent terms, conditions and specifications, but at a price which is equal to or lower than that which is available from the state sponsored program, s/he may make such purchase therefrom if s/he determines that the price and availability is more advantageous to the City.

SECTION 2. Such contract will not exceed the amounts budgeted for this purpose.

SECTION 3. This Council finds and declares that all formal actions concerning and relating to the adoption of this Resolution occurred in an open meeting of this Council or its committees, in compliance with the law.

SECTION 4. This Resolution shall take effect and be in force from and after the earliest period allowed by law.

Introduced: _____ Passed: _____ Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2018
Mayor

Introduced by: Mark Cavin

Request for Agenda Item
Authorization for Bid or Purchase of Capital Item

Division Project Name Requested Meeting Date

- Approved for Agenda
 Full Amount is Budgeted

If not, how is purchase to be funded?

The full amount of the request has been budgeted.
Additional funding (\$40,000), has been awarded by the BWC Safety Intervention Grant Program to off set the cost of the project.

Description of Purchase

The Fire Division request approval to purchase three (3) Stryker Power Load systems.
The Power load system is a mechanical loading system that is installed into the Fire Division's primary Medic Units, that help secure, lift, load and unload the EMS cot (w/ patient).
The Power Load system is intended to reduce spinal loads and the risk of cumulative traumatic back, neck and shoulder injuries by lifting, loading and unloading the cot into and out of the ambulance.
The cost of each unit is \$27,121.71, for a total cost of \$81,365.13 (plus installation).
In late 2017, the City was awarded the BWC Safety Intervention Grant in the amount of \$40,000 to off set the cost of project.

Justifications / Benefits

The intent and benefit of the Power Load System project is to reduce the potential of lifting injuries suffered by our firefighters.
Stryker has documented that lifting and loading of the EMS cots is the cause of 70% of the back injuries of EMT/Paramedics. This system will reduce the lifting of the cot by approx. 95%, which should reduce the repetitive motion and eliminate the potential musculoskeletal injuries.
Which should reduce BWC claims, staff injuries, time off, and related healthcare cost.

How will this project effect the City's operating budget?

By eliminating the potential of back, neck, and shoulder injuries, the City should see a reduction in the related BWC and medical cost associated with an employee's on the job injury.

What alternatives exist, and what are the implications of the alternatives?

The alternative is to maintain our current process, which requires the firefighters to manually lift the EMS cot (w/ patient) into and out of the Medic Unit. As EMS calls continue to increase, this alternative option will lead to increased potential for acute and chronic injuries of staff members.

Sole Source Bid or Non-Bid Situation?

If Yes, explain the circumstances

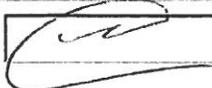
The purchase will be through the State Bid program and it is sole source bid, as this unit is the only system that is compatible with our current cots.

Requesting suspension of the rules?

If Yes, explain reasons.

Fully Budgeted in 2018.

Division Manager



Date

1-4-18

RESOLUTION NO. 2018-008

A RESOLUTION AUTHORIZING THE DIRECTOR OF
ADMINISTRATION TO PURCHASE VEHICLES IN
ACCORDANCE WITH THE CAPITAL PLAN FOR 2018

WHEREAS, this City Council, in Ordinance No. 2017-36, adopted an annual budget and capital plan for 2018, and such capital plan includes the purchase of new vehicles and equipment for the various divisions of municipal service.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF
WOOSTER, OHIO:

SECTION 1. That in accordance with the capital plan, adopted in Ordinance No. 2017-36, the Director of Administration is authorized to purchase the following vehicles and equipment, with payment to originate from the fund indicated:

CAPITAL IMPROVEMENTS FUND:

Police Division:

- Purchase three Ford Interceptor SUVs.

Public Properties Maintenance Division:

- Purchase a new dump truck for general maintenance uses (roads, leaf collection, snow, and ice removal)

With respect to such purchase(s), the Director of Administration will advertise according to law and enter into a purchase contract with the lowest and best bidder, except that if the item is available through a state-sponsored cooperative purchasing program, or can be accomplished through a vendor upon equivalent terms, conditions and specifications, but at a price which is equal to or lower than that which is available from the state sponsored program, s/he may make such purchase therefrom if s/he determines that the price and availability is more advantageous to the City.

SECTION 2. The cost of such purchase(s) will not exceed the amount(s) budgeted.

SECTION 3. This Council finds and declares that all formal actions concerning and relating to the adoption of this Resolution occurred in an open meeting of this Council or its committees, in compliance with the law.

SECTION 4. This Resolution shall take effect and be in force from and after the earliest period allowed by law.

Introduced: _____ Passed: _____ Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2018
Mayor

Introduced by: Jennifer Warden

Request for Agenda Item
Authorization for Bid or Purchase of Capital Item

Division

Project Name

Requested Meeting Date

Approved for Agenda

Full Amount is Budgeted

If not, how is purchase to be funded?

Description of Purchase

Purchase of three Ford Interceptor SUV's to replace two Chevrolet Caprice's and one Ford Explorer SUV.

Estimated Cost for the Vehicles including installed equipment and decals is 44,500

Justifications / Benefits

As part of regular cruiser replacement, replace two Chevrolet Caprice's and a Ford Interceptor SUV.

How will this project effect the City's operating budget?

Budgeted Capital

What alternatives exist, and what are the implications of the alternatives?

Sole Source Bid or Non-Bid Situation?

If Yes, explain the circumstances

Vehicles are being purchased below state bid through a local dealer.

Requesting suspension of the rules?

If Yes, explain reasons.

Division Manager

Date

Request for Agenda Item
Authorization for Bid or Purchase of Capital Item

Division Project Name Requested Meeting Date

- Approved for Agenda
 Full Amount is Budgeted

If not, how is purchase to be funded?

Description of Purchase

Justifications / Benefits

How will this project effect the City's operating budget?

What alternatives exist, and what are the implications of the alternatives?

- Sole Source Bid or Non-Bid Situation?

If Yes, explain the circumstances

- Requesting suspension of the rules?

If Yes, explain reasons.

Division Manager Date

**Request for Agenda Item
Non-Capital**

Division **Meeting Date Requested**

Project Name **Approved for Agenda**

Description (be as descriptive as possible, given space limitations)

To authorize entering into a contract with lowest and best bidder for purchase and delivery of lime, soda ash and sodium hypochlorite.

These chemicals are necessary to maintain water quality and ensure the safety of drinking water. Lime and soda ash are used in the softening process and sodium hypochlorite is a disinfectant that prevents bacterial growth in the event of distribution system depressurization or line break.

The cost shall not exceed the budgeted amount.

Expenditures from the 2016-2017 contracts were as follows;

Lime- \$123,134.42

Soda Ash- \$48,129.06

Sodium Hypochlorite- \$24,412.13

Is there a need for rules suspension or time limitation when this must be passed?

No. Chemicals will not be bid until March

Manager Requesting

Date

Approved for Agenda

**Request for Agenda Item
Non-Capital**

Division **Meeting Date Requested**

Project Name **Approved for Agenda**

Description (be as descriptive as possible, given space limitations)

The Wooster Division of Fire is requesting Council approval for the renewal of our emergency medical services- third party billing service agreement.

During mid-contract (2015), MBI Solutions merged with Medicount EMS Billing and an extension agreement was signed with the new vendor. At that time, the fee for service was 6% of the gross amount collected by Medicount.

As EMS billing service agreement extension was set to expire in 2017, the Fire Division updated the contract to maintain the original 6% fee and capped the services fees to not exceed \$49,900 per annum.

This contract update provided the City with fiscal protection to unforeseen service fee increases, as EMS call for service / transport has been trending upward at a rate of 4-8% annually.

As the contract length is (4) years and the total amount over the contract terms governs approval, the fire division requests the approval of the attached service agreement.

Is there a need for rules suspension or time limitation when this must be passed?

Yes, As EMS calls occur daily and to ensure that our vendor is paid in a timely manner. The rules suspension is requested to allow a purchase order to be created and payment for services authorized.

Manager Requesting

Date

Approved for Agenda

ORDINANCE NO. 2018-001

AN ORDINANCE AMENDING SECTION 1701.03 OF THE
CODIFIED ORDINANCES OF WOOSTER TO CORRESPOND
WITH
CHAPTER 718 OF THE OHIO REVISED CODE, REPEALING
CERTAIN ORDINANCES, AND DECLARING AN EMERGENCY.

WHEREAS, House Bill 49, effective on September 29, 2017, changed certain requirements in Chapter 718 of the Revised Code, and the Council finds and determines that amending the tax code for Wooster to be consistent with the Ohio Revised Code is in the best interests of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF WOOSTER,
WAYNE COUNTY, STATE OF OHIO:

SECTION 1. That existing Section 1701.03, Definitions, of the Codified Ordinances is hereby amended as follows:

1701.03 DEFINITIONS.

(A) Any term used in this chapter that is not otherwise defined in this chapter has the same meaning as when used in a comparable context in laws of the United States relating to federal income taxation or in Title LVII of the Ohio Revised Code, unless a different meaning is clearly required. If a term used in this chapter that is not otherwise defined in this chapter is used in a comparable context in both the laws of the United States relating to federal income tax and in Title LVII of the Ohio Revised Code and the use is not consistent, then the use of the term in the laws of the United States relating to federal income tax shall control over the use of the term in Title LVII of the Ohio Revised Code.

(B) The singular shall include the plural, and the masculine shall include the feminine and the gender-neutral.

(C) As used in this Chapter:

~~For purposes of this Section, the singular shall include the plural, and the masculine shall include the feminine and the gender-neutral.~~

As used in this chapter:

(1) **"ADJUSTED FEDERAL TAXABLE INCOME,"** for a person required to file as a C corporation, or for a person that has elected to be taxed as a C corporation under division 23(D) of this section, means a C corporation's federal taxable income before net operating losses and special deductions as determined under the Internal Revenue Code, adjusted as follows:

(A) Deduct intangible income to the extent included in federal taxable income. The deduction shall be allowed regardless of whether the intangible income relates to assets used in a trade or business or assets held for the production of income.

(B) Add an amount equal to five per cent of intangible income deducted under division (1)(A) of this section, but excluding that portion of intangible income directly related to the sale, exchange, or other disposition of property described in section 1221 of the Internal Revenue Code;

- (C) Add any losses allowed as a deduction in the computation of federal taxable income if the losses directly relate to the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code;
- (D) (i) Except as provided in division (1)(D)(ii) of this section, deduct income and gain included in federal taxable income to the extent the income and gain directly relate to the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code;
- (ii) Division (1)(D)(i) of this section does not apply to the extent the income or gain is income or gain described in section 1245 or 1250 of the Internal Revenue Code.
- (E) Add taxes on or measured by net income allowed as a deduction in the computation of federal taxable income;
- (F) In the case of a real estate investment trust or regulated investment company, add all amounts with respect to dividends to, distributions to, or amounts set aside for or credited to the benefit of investors and allowed as a deduction in the computation of federal taxable income;
- (G) Deduct, to the extent not otherwise deducted or excluded in computing federal taxable income, any income derived from a transfer agreement or from the enterprise transferred under that agreement under section 4313.02 of the Ohio Revised Code;
- (H) (i) ~~Except as limited by divisions (1)(H)(ii), (iii) and (iv) of this section, deduct any net operating loss incurred by the person in a taxable year beginning on or after January 1, 2017.~~
 The amount of such net operating loss shall be deducted from net profit that is reduced by exempt income to the extent necessary to reduce municipal taxable income to zero, with any remaining unused portion of the net operating loss carried forward to not more than five consecutive taxable years following the taxable year in which the loss was incurred, but in no case for more years than necessary for the deduction to be fully utilized.
- (ii) ~~No person shall use the deduction allowed by division (1)(H) of this section to offset qualifying wages.~~
- (iii) (a) ~~For taxable years beginning in 2018, 2019, 2020, 2021, or 2022, a person may not deduct, for purposes of an income tax levied by a municipal corporation that levies an income tax before January 1, 2016, more than fifty per cent of the amount of the deduction otherwise allowed by division (1)(H)(i) of this section.~~
- (b) ~~For taxable years beginning in 2023 or thereafter, a person may deduct, for purposes of an income tax levied by a municipal corporation that levies an income tax before January 1, 2016, the full amount allowed by division (1)(H)(i) of this section.~~
- (iv) ~~Any pre-2017 net operating loss carryforward deduction that is available must be utilized before a taxpayer may deduct any amount pursuant to division (1)(H) of this section.~~
- (v) ~~Nothing in division (1)(H)(iii)(a) of this section precludes a person from carrying forward, for use with respect to any return filed for a taxable year beginning after 2018, any amount of net operating loss that was not fully utilized by operation of division (1)(H)(iii)(a) of this section. To the extent that an amount of net operating loss that was not fully utilized in one or more taxable years by operation of division (1)(H)(iii)(a) of this section is carried~~

~~forward for use with respect to a return filed for a taxable year beginning in 2019, 2020, 2021, or 2022, the limitation described in division (1)(H)(iii)(a) of this section shall apply to the amount carried forward.~~

(H) Deduct any net profit of a pass-through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated group of corporations includes that net profit in the group's federal taxable income in accordance with division (E)(3)(b) of Section 1701.063 of this Chapter.

(I) Add any loss incurred by a pass-through entity owned directly or indirectly by the taxpayer and included in the taxpayer's federal taxable income unless an affiliated group of corporations includes that loss in the group's federal taxable income in accordance with division (E)(3)(b) of Section 1701.063 of this Chapter.

If the taxpayer is not a C corporation, is not a disregarded entity that has made the election described in division (47)(B) of this section, is not a publicly traded partnership that has made the election described in division (23)(D) of this section, and is not an individual, the taxpayer shall compute adjusted federal taxable income under this section as if the taxpayer were a C corporation, except guaranteed payments and other similar amounts paid or accrued to a partner, former partner, shareholder, former shareholder, member, or former member shall not be allowed as a deductible expense unless such payments are in consideration for the use of capital and treated as payment of interest under section 469 of the Internal Revenue Code or United States treasury regulations. Amounts paid or accrued to a qualified self-employed retirement plan with respect to a partner, former partner, shareholder, former shareholder, member, or former member of the taxpayer, amounts paid or accrued to or for health insurance for a partner, former partner, shareholder, former shareholder, member, or former member, and amounts paid or accrued to or for life insurance for a partner, former partner, shareholder, former shareholder, member, or former member shall not be allowed as a deduction.

Nothing in division (1) of this section shall be construed as allowing the taxpayer to add or deduct any amount more than once or shall be construed as allowing any taxpayer to deduct any amount paid to or accrued for purposes of federal self-employment tax.

(2) (A) **"ASSESSMENT"** means any of the following:

- (i) A written finding by the Tax Administrator that a person has underpaid municipal income tax, or owes penalty and interest, or any combination of tax, penalty, or interest, to the municipal corporation;
- (ii) A full or partial denial of a refund request issued under Section 1701.096 (B)(2) of this Chapter;
- (iii) A Tax Administrator's denial of a taxpayer's request for use of an alternative apportionment method, issued under Section 1701.062(B)(2) of this Chapter; or
- (iv) A Tax Administrator's requirement for a taxpayer to use an alternative apportionment method, issued under Section 1701.062(B)(3) of this Chapter.
- (v) For purposes of division (2)(A)(i), (ii), (iii) and (iv) of this Section, an assessment shall commence the person's time limitation for making an appeal to the Local Board of Tax Review pursuant to Section 1701.18 of this Chapter, and shall have "ASSESSMENT" written in all capital letters at the top of such finding.

(B) **"ASSESSMENT"** does not include notice(s) denying a request for refund issued under Section 1701.096 (B)(3) of this Chapter, a billing statement notifying a taxpayer of current or past-due balances owed to the municipal corporation, a Tax

Administrator's request for additional information, a notification to the taxpayer of mathematical errors, or a Tax Administrator's other written correspondence to a person or taxpayer that does not meet the criteria prescribed by division (2)(A) of this section.

(3) **"AUDIT"** means the examination of a person or the inspection of the books, records, memoranda, or accounts of a person, ordered to appear before the Tax Administrator, for the purpose of determining liability for a municipal income tax

(4) **"BOARD OF REVIEW"** has same meaning as "Local Board of Tax Review".

(5) **"CALENDAR QUARTER"** means the three-month period ending on the last day of March, June, September, or December.

(6) **"CASINO OPERATOR"** and **"CASINO FACILITY"** have the same meanings as in section 3772.01 of the Ohio Revised Code.

(7) **"CERTIFIED MAIL," "EXPRESS MAIL," "UNITED STATES MAIL," "POSTAL SERVICE,"** and similar terms include any delivery service authorized pursuant to section 5703.056 of the Ohio Revised Code.

(8) **"COMPENSATION"** means any form of remuneration paid to an employee for personal services.

(9) **"DISREGARDED ENTITY"** means a single member limited liability company, a qualifying subchapter S subsidiary, or another entity if the company, subsidiary, or entity is a disregarded entity for federal income tax purposes.

(10) **"DOMICILE"** means the true, fixed and permanent home of the taxpayer to which, whenever absent, the taxpayer intends to return.

(11) "EMPLOYEE" means an individual who is an employee for federal income tax purposes.

(12) "EMPLOYER" means a person that is an employer for federal income tax purposes.

(13) ~~(11)~~ **"EXEMPT INCOME"** means all of the following:

(A) The military pay or allowances of members of the armed forces of the United States or members of their reserve components, including the national guard of any state;

(B) (i) Except as provided in division (13)~~(11)~~(B)(ii) of this section, intangible income;

(ii) A municipal corporation that taxed any type of intangible income on March 29, 1988, pursuant to Section 3 of S.B. 238 of the 116th general assembly, may continue to tax that type of income if a majority of the electors of the municipal corporation voting on the question of whether to permit the taxation of that type of intangible income after 1988 voted in favor thereof at an election held on November 8, 1988.

(C) Social security benefits, railroad retirement benefits, unemployment compensation, pensions, retirement benefit payments, payments from annuities, and similar payments made to an employee or to the beneficiary of an employee under a retirement program or plan, disability payments received from private industry or local, state, or federal governments or from charitable, religious or educational organizations, and the proceeds of sickness, accident, or liability insurance policies. As used in division (11)(C) of this section, "unemployment compensation" does not include supplemental unemployment compensation described in section 3402(o)(2) of the Internal Revenue Code.

- (D) The income of religious, fraternal, charitable, scientific, literary, or educational institutions to the extent such income is derived from tax-exempt real estate, tax-exempt tangible or intangible property, or tax-exempt activities.
- (E) Compensation paid under section 3501.28 or 3501.36 of the Ohio Revised Code to a person serving as a precinct election official to the extent that such compensation does not exceed one thousand dollars for the taxable year. Such compensation in excess of one thousand dollars for the taxable year may be subject to taxation by a municipal corporation. A municipal corporation shall not require the payer of such compensation to withhold any tax from that compensation.
- (F) Dues, contributions, and similar payments received by charitable, religious, educational, or literary organizations or labor unions, lodges, and similar organizations;
- (G) Alimony and child support received;
- (H) Awards for personal injuries or for damages to property from insurance proceeds or otherwise, excluding compensation paid for lost salaries or wages or awards for punitive damages;
- (I) Income of a public utility when that public utility is subject to the tax levied under section 5727.24 or 5727.30 of the Ohio Revised Code. Division (1~~34~~)³⁴(I) of this section does not apply for purposes of Chapter 5745 of the Ohio Revised Code.
- (J) Gains from involuntary conversions, interest on federal obligations, items of income subject to a tax levied by the state and that a municipal corporation is specifically prohibited by law from taxing, and income of a decedent's estate during the period of administration except such income from the operation of a trade or business;
- (K) Compensation or allowances excluded from federal gross income under section 107 of the Internal Revenue Code;
- (L) Employee compensation that is not qualifying wages as defined in division (3~~74~~)⁷⁴ of this section;
- (M) Compensation paid to a person employed within the boundaries of a United States air force base under the jurisdiction of the United States air force that is used for the housing of members of the United States air force and is a center for air force operations, unless the person is subject to taxation because of residence or domicile. If the compensation is subject to taxation because of residence or domicile, tax on such income shall be payable only to the municipal corporation of residence or domicile.
- (N) Intentionally left blank.
- (O) All of the municipal taxable income earned by individuals under eighteen years of age.
- (P) (i) Except as provided in divisions (1~~34~~)³⁴(P)(ii), (iii), and (iv) of this section, qualifying wages described in division (B)(1) or (E) of Section 1701.052 of this Chapter to the extent the qualifying wages are not subject to withholding for the Municipality under either of those divisions.
- (ii) The exemption provided in division (1~~34~~)³⁴(P)(i) of this section does not apply with respect to the municipal corporation in which the employee resided at the time the employee earned the qualifying wages.
- (iii) The exemption provided in division (1~~34~~)³⁴(P)(i) of this section does not apply to qualifying wages that an employer elects to withhold under division (D)(2) of Section 1701.052 of this Chapter

- (iv) The exemption provided in division (1~~34~~)(P)(i) of this section does not apply to qualifying wages if both of the following conditions apply:
 - (a) For qualifying wages described in division (B)(1) of Section 1701.052 of this Chapter, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employee's principal place of work is situated, or, for qualifying wages described in division (E) of Section 1701.052 of this Chapter, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employer's fixed location is located;
 - (b) The employee receives a refund of the tax described in division (11)(P)(iv)(a) of this section on the basis of the employee not performing services in that municipal corporation.
- (Q)
 - (i) Except as provided in division (1~~34~~)(Q)(ii) or (iii) of this section, compensation that is not qualifying wages paid to a nonresident individual for personal services performed in the Municipality on not more than twenty days in a taxable year.
 - (ii) The exemption provided in division (1~~34~~)(Q)(i) of this section does not apply under either of the following circumstances:
 - (a) The individual's base of operation is located in the Municipality.
 - (b) The individual is a professional athlete, professional entertainer, or public figure, and the compensation is paid for the performance of services in the individual's capacity as a professional athlete, professional entertainer, or public figure. For purposes of division (1~~34~~)(Q)(ii)(b) of this section, "professional athlete," "professional entertainer," and "public figure" have the same meanings as in Section 1701.052 of this Chapter.
 - (iii) Compensation to which division (1~~34~~)(Q) of this section applies shall be treated as earned or received at the individual's base of operation. If the individual does not have a base of operation, the compensation shall be treated as earned or received where the individual is domiciled.
 - (iv) For purposes of division (1~~34~~)(Q) of this section, "base of operation" means the location where an individual owns or rents an office, storefront, or similar facility to which the individual regularly reports and at which the individual regularly performs personal services for compensation.
- (R) Compensation paid to a person for personal services performed for a political subdivision on property owned by the political subdivision, regardless of whether the compensation is received by an employee of the subdivision or another person performing services for the subdivision under a contract with the subdivision, if the property on which services are performed is annexed to a municipal corporation pursuant to section 709.023 of the Ohio Revised Code on or after March 27, 2013, unless the person is subject to such taxation because of residence. If the compensation is subject to taxation because of residence, municipal income tax shall be payable only to the municipal corporation of residence.
- (S) Income the taxation of which is prohibited by the constitution or laws of the United States.

Any item of income that is exempt income of a pass-through entity under division ((134) of this section is exempt income of each owner of the pass-through entity to the extent of that owner's distributive or proportionate share of that item of the entity's income.

(14) ~~(12)~~ "FORM 2106" means internal revenue service form 2106 filed by a taxpayer pursuant to the Internal Revenue Code.

(15) ~~(13)~~ "GENERIC FORM" means an electronic or paper form that is not prescribed by a particular municipal corporation and that is designed for reporting taxes withheld by an employer, agent of an employer, or other payer, estimated municipal income taxes, or annual municipal income tax liability, including a request for refund.

(16) "GROSS RECEIPTS" means the total revenue derived from sales, work done, or service rendered.

(17) ~~(14)~~ "INCOME" means the following:

- (A)
 - (i) For residents, all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the resident, including the resident's distributive share of the net profit of pass-through entities owned directly or indirectly by the resident and any net profit of the resident, except as provided in division (23)(D) of this section.
 - (ii) For the purposes of division **(1744)**(A)(i) of this section:
 - (a) Any net operating loss of the resident incurred in the taxable year and the resident's distributive share of any net operating loss generated in the same taxable year and attributable to the resident's ownership interest in a pass-through entity shall be allowed as a deduction, for that taxable year and the following five taxable years, against any other net profit of the resident or the resident's distributive share of any net profit attributable to the resident's ownership interest in a pass-through entity until fully utilized, subject to division **(1744)**(A)(iv) of this section;
 - (b) The resident's distributive share of the net profit of each pass-through entity owned directly or indirectly by the resident shall be calculated without regard to any net operating loss that is carried forward by that entity from a prior taxable year and applied to reduce the entity's net profit for the current taxable year.
 - (iii) Division **(1744)**(A)(ii) of this section does not apply with respect to any net profit or net operating loss attributable to an ownership interest in an S corporation unless shareholders' distributive shares of net profits from S corporations are subject to tax in the municipal corporation as provided in division **1744**(E) of this Section.
 - (iv) Any amount of a net operating loss used to reduce a taxpayer's net profit for a taxable year shall reduce the amount of net operating loss that may be carried forward to any subsequent year for use by that taxpayer. In no event shall the cumulative deductions for all taxable years with respect to a taxpayer's net operating loss exceed the original amount of that net operating loss available to that taxpayer.
- (B) In the case of nonresidents, all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the nonresident for work done, services performed or rendered, or activities conducted in the Municipality, including any net profit of the nonresident, but

excluding the nonresident's distributive share of the net profit or loss of only pass-through entities owned directly or indirectly by the nonresident.

(C) For taxpayers that are not individuals, net profit of the taxpayer;

(D) Lottery, sweepstakes, gambling and sports winnings, winnings from games of chance, and prizes and awards. If the taxpayer is a professional gambler for federal income tax purposes, the taxpayer may deduct related wagering losses and expenses to the extent authorized under the Internal Revenue Code and claimed against such winnings. Credit for tax withheld or paid to another municipal corporation on such winnings paid to the municipal corporation where winnings occur is limited to the credit as specified in Section 1701.081 of this Chapter.

(E) For residents, an S corporation shareholder's distributive share of net profits of the S corporation to the extent the distributive share would be allocated or apportioned to this state under divisions (B)(1) and (2) of section 5733.05 of the Ohio Revised Code if the S corporation were a corporation subject to taxes imposed under Chapter 5733 of the Ohio Revised Code, and the tax shall apply to the distributive share of a shareholder of an S corporation in the hands of the shareholder of the S corporation.

(18) ~~(15)~~ **"INTANGIBLE INCOME"** means income of any of the following types: income yield, interest, capital gains, dividends, or other income arising from the ownership, sale, exchange, or other disposition of intangible property including, but not limited to, investments, deposits, money, or credits as those terms are defined in Chapter 5701 of the Ohio Revised Code, and patents, copyrights, trademarks, trade names, investments in real estate investment trusts, investments in regulated investment companies, and appreciation on deferred compensation. "Intangible income" does not include prizes, awards, or other income associated with any lottery winnings, gambling winnings, or other similar games of chance.

(19) ~~(16)~~ **"INTERNAL REVENUE CODE"** means the "Internal Revenue Code of 1986," 100 Sta. 2085, 26 U.S.C.A. 1, as amended.

(20) ~~(17)~~ **"LIMITED LIABILITY COMPANY"** means a limited liability company formed under Chapter 1705 of the Ohio Revised Code or under the laws of another state.

(21) ~~(18)~~ **"LOCAL BOARD OF TAX REVIEW"** and **"BOARD OF TAX REVIEW"** means the entity created under Section 1701.18 of this Chapter.

(22) ~~(19)~~ **"MUNICIPAL CORPORATION"** means, in general terms, a status conferred upon a local government unit, by state law giving the unit certain autonomous operating authority such as the power of taxation, power of eminent domain, police power and regulatory power, and includes a joint economic development district or joint economic development zone that levies an income tax under section 715.691, 715.70, 715.71, or 715.74 of the Ohio Revised Code.

(23) ~~(20)~~ (A) **"MUNICIPAL TAXABLE INCOME"** means the following:

- (i) For a person other than an individual, ~~income reduced by exempt income to the extent otherwise included in income and then, as applicable,~~ apportioned or sitused to the Municipality under Section 1701.062 of this Chapter, and further reduced by any pre-2017 net operating loss carryforward available to the person for the Municipality.
- (ii) (a) For an individual who is a resident of a Municipality other than a qualified municipal corporation, income reduced by exempt income to the extent otherwise included in income, then reduced as provided in division ~~(23)~~**(23)**(B) of this section, and further reduced by any pre-

2017 net operating loss carryforward available to the individual for the Municipality.

(b) For an individual who is a resident of a qualified municipal corporation, Ohio adjusted gross income reduced by income exempted, and increased by deductions excluded, by the qualified municipal corporation from the qualified municipal corporation's tax on or before December 31, 2013. If a qualified municipal corporation, on or before December 31, 2013, exempts income earned by individuals who are not residents of the qualified municipal corporation and net profit of persons that are not wholly located within the qualified municipal corporation, such individual or person shall have no municipal taxable income for the purposes of the tax levied by the qualified municipal corporation and may be exempted by the qualified municipal corporation from the requirements of section 718.03 of the Ohio Revised Code.

(iii) For an individual who is a nonresident of the Municipality, income reduced by exempt income to the extent otherwise included in income and then, as applicable, apportioned or situated to the Municipality under Section 1701.062 of this Chapter, then reduced as provided in division (20)(B) of this section, and further reduced by any pre-2017 net operating loss carryforward available to the individual for the Municipality.

(B) In computing the municipal taxable income of a taxpayer who is an individual, the taxpayer may subtract, as provided in division (23)(A)(ii)(a) or (iii) of this section, the amount of the individual's employee business expenses reported on the individual's form 2106 that the individual deducted for federal income tax purposes for the taxable year, subject to the limitation imposed by section 67 of the Internal Revenue Code. For the municipal corporation in which the taxpayer is a resident, the taxpayer may deduct all such expenses allowed for federal income tax purposes. For a municipal corporation in which the taxpayer is not a resident, the taxpayer may deduct such expenses only to the extent the expenses are related to the taxpayer's performance of personal services in that nonresident municipal corporation.

(24) ~~(21)~~ “MUNICIPALITY” means the City of Wooster, Ohio.

(25) ~~(22)~~ “NET OPERATING LOSS” means a loss incurred by a person in the operation of a trade or business. “Net operating loss” does not include unutilized losses resulting from basis limitations, at-risk limitations, or passive activity loss limitations.

(26) ~~(23)~~ (A) ~~“NET PROFIT” for a person other than an individual means adjusted federal taxable income.~~

(A) “NET PROFIT” for a person who is an individual means the individual's net profit required to be reported on schedule C, schedule E, or schedule F reduced by any net operating loss carried forward. For the purposes of this division, the net operating loss carried forward shall be calculated and deducted in the same manner as provided in division (1)(~~C~~H) of this section.

(B) “Net profit” for a person other than an individual means adjusted federal taxable income reduced by any net operating loss incurred by the person in a taxable year beginning on or after January 1, 2017, subject to the limitations of division (26)(c) of this section.

- (C) (i) The amount of such operating loss shall be deducted from net profit to the extent necessary to reduce municipal taxable income to zero, with any remaining unused portion of the net operating loss carried forward to not more than five (5) consecutive taxable years following the taxable year in which the loss was incurred, but in no case for more years than necessary for the deduction to be fully utilized.**
- (ii) No person shall use the deduction allowed by division (26)(c) of this section to offset qualifying wages.**
- (iii)(a) For taxable years beginning in 2018, 2019, 2020, 2021, or 2022, a person may not deduct more than fifty percent (50%) of the amount of the deduction otherwise allowed by division (26)(c) of this section.**
- (b) For taxable years beginning in 2023 or thereafter, a person may deduct the full amount allowed by 26(c) of this section without regard to the limitation of division (26)(c)(iii)(a) of this section.**
- (iv) Any pre-2017 net operating loss carryforward deduction that is available may be utilized before a taxpayer may deduct any amount pursuant to (26)(c) of this section.**
- (v) Nothing in division (26)(c)(iii)(a) of this section precludes a person from carrying forward, for use with respect to any return filed for a taxable year beginning after 2018, any amount of net operating loss that was not fully utilized by operation of division (26)(c)(iii)(a) of this section. To the extent that an amount of net operating loss that was not fully utilized in one or more taxable years by operation of division (1)(h)(iii)(a) of this section is carried forward for use with respect to a return filed for a taxable year beginning in 2019, 2020, 2021, or 2022, the limitation described in division (26)(c)(iii)(a) of this section shall apply to the amount carried forward.**
- (D)** For the purposes of this chapter, and notwithstanding division (26)(A) of this section, net profit of a disregarded entity shall not be taxable as against that disregarded entity, but shall instead be included in the net profit of the owner of the disregarded entity.
- (E)** (i) For purposes of this chapter, “publicly traded partnership” means any partnership, an interest in which is regularly traded on an established securities market. A “publicly traded partnership” may have any number of partners.
- (ii) For the purposes of this chapter, and notwithstanding any other provision of this chapter, the net profit of a publicly traded partnership that makes the election described in division (23)(D) of this section shall be taxed as if the partnership were a C corporation, and shall not be treated as the net profit or income of any owner of the partnership.
- (iii) A publicly traded partnership that is treated as a partnership for federal income tax purposes and that is subject to tax on its net profits in one or more municipal corporations in this state may elect to be treated as a C corporation for municipal income tax purposes. **the City, and shall not be treated as the net profit or income of any owner of the partnership.** The publicly traded partnership shall make the election in every municipal corporation in which the partnership is subject to taxation on its net profits. The election shall be made on the annual tax return filed in each such municipal corporation. Once

the election is made, the election is binding for a five-year period beginning with the first taxable year of the initial election. The election continues to be binding for each subsequent five-year period unless the taxpayer elects to discontinue filing municipal income tax returns as a C corporation for municipal purposes under division (D)(iv) of this section.

(iv) An election to discontinue filing as a C corporation must be made in the first year following the last year of a five-year election period in effect under division (D)(iii) of this section. The election to discontinue filing as a C corporation is binding for a five-year period beginning with the first taxable year of the election and continues to be binding for each subsequent five-year period unless the taxpayer elects to discontinue filing municipal income tax returns as a partnership for municipal purposes. An election to discontinue filing as a partnership must be made in the first year following the last year of a five-year election period.

(v) The publicly traded partnership shall not be required to file the election with any municipal corporation in which the partnership is not subject to taxation on its net profits, but division (D) of this section applies to all municipal corporations in which an individual owner of the partnership resides.

(vi) The individual owners of the partnership not filing as a C Corporation shall be required to file with their municipal corporation of residence, and report partnership distribution of net profit.

(27) ~~(24)~~ **"NONRESIDENT"** means an individual that is not a resident of the Municipality.

(28) ~~(25)~~ **"OHIO BUSINESS GATEWAY"** means the online computer network system, created under section 125.30 of the Ohio Revised Code, that allows persons to electronically file business reply forms with state agencies and includes any successor electronic filing and payment system.

(29) ~~(26)~~ **"OTHER PAYER"** means any person, other than an individual's employer or the employer's agent, that pays an individual any amount included in the federal gross income of the individual. "Other payer" includes casino operators and video lottery terminal sales agents.

(30) ~~(27)~~ **"PASS-THROUGH ENTITY"** means a partnership not treated as an association taxable as a C corporation for federal income tax purposes, a limited liability company not treated as an association taxable as a C corporation for federal income tax purposes, an S corporation, or any other class of entity from which the income or profits of the entity are given pass-through treatment for federal income tax purposes. "Pass-through entity" does not include a trust, estate, grantor of a grantor trust, or disregarded entity.

(31) ~~(28)~~ **"PENSION"** means any amount paid to an employee or former employee that is reported to the recipient on an IRS form 1099-R, or successor form. Pension does not include deferred compensation, or amounts attributable to nonqualified deferred compensation plans, reported as FICA/Medicare wages on an IRS form W-2, Wage and Tax Statement, or successor form.

(32) ~~(29)~~ **"PERSON"** includes individuals, firms, companies, joint stock companies, business trusts, estates, trusts, partnerships, limited liability partnerships, limited liability companies, associations, C corporations, S corporations, governmental entities, and any other entity.

(33) ~~(30)~~ **"POSTAL SERVICE"** means the United States postal service, or private delivery service delivering documents and packages within an agreed upon delivery schedule, or any other carrier service delivering the item.

(34) ~~(31)~~ **"POSTMARK DATE," "DATE OF POSTMARK,"** and similar terms include the date recorded and marked by a delivery service and recorded electronically to a database kept in the regular course of its business and marked on the cover in which the payment or document is enclosed, the date on which the payment or document was given to the delivery service for delivery

(35) ~~(32)~~ (A) **"PRE-2017 NET OPERATING LOSS CARRYFORWARD"** means any net operating loss incurred in a taxable year beginning before January 1, 2017, to the extent such loss was permitted, by a resolution or ordinance of the Municipality that was adopted by the Municipality before January 1, 2016, to be carried forward and utilized to offset income or net profit generated in such Municipality in future taxable years.

(B) For the purpose of calculating municipal taxable income, any pre-2017 net operating loss carryforward may be carried forward to any taxable year, including taxable years beginning in 2017 or thereafter, for the number of taxable years provided in the resolution or ordinance or until fully utilized, whichever is earlier.

(36) ~~(33)~~ **"QUALIFIED MUNICIPAL CORPORATION"** means a municipal corporation that, by resolution or ordinance adopted on or before December 31, 2011, adopted Ohio adjusted gross income, as defined by section 5747.01 of the Ohio Revised Code, as the income subject to tax for the purposes of imposing a municipal income tax.

(37) ~~(34)~~ **"QUALIFYING WAGES"** means wages, as defined in section 3121(a) of the Internal Revenue Code, without regard to any wage limitations, adjusted as follows:

(A) Deduct the following amounts:

- (i) Any amount included in wages if the amount constitutes compensation attributable to a plan or program described in section 125 of the Internal Revenue Code.
- (ii) Any amount included in wages if the amount constitutes payment on account of a disability related to sickness or an accident paid by a party unrelated to the employer, agent of an employer, or other payer.
- (iii) Intentionally left blank.
- (iv) Intentionally left blank.
- (v) Any amount included in wages that is exempt income.

(B) Add the following amounts:

- (i) Any amount not included in wages solely because the employee was employed by the employer before April 1, 1986.
- (ii) Any amount not included in wages because the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option. Division ~~(37)~~(34)(B)(ii) of this section applies only to those amounts constituting ordinary income.
- (iii) Any amount not included in wages if the amount is an amount described in section 401(k), 403(b), or 457 of the Internal Revenue Code. Division ~~(34)~~(34)(B)(iii) of this section applies only to employee contributions and employee deferrals.

- (iv) Any amount that is supplemental unemployment compensation benefits described in section 3402(o)(2) of the Internal Revenue Code and not included in wages.
- (v) Any amount received that is treated as self-employment income for federal tax purposes in accordance with section 1402(a)(8) of the Internal Revenue Code.
- (vi) Any amount not included in wages if all of the following apply:
 - (a) For the taxable year the amount is employee compensation that is earned outside of the United States and that either is included in the taxpayer's gross income for federal income tax purposes or would have been included in the taxpayer's gross income for such purposes if the taxpayer did not elect to exclude the income under section 911 of the Internal Revenue Code;
 - (b) For no preceding taxable year did the amount constitute wages as defined in section 3121(a) of the Internal Revenue Code;
 - (c) For no succeeding taxable year will the amount constitute wages; and
 - (d) For any taxable year the amount has not otherwise been added to wages pursuant to either division (374)(B) of this section or section 718.03 of the Ohio Revised Code, as that section existed before the effective date of H.B. 5 of the 130th general assembly, March 23, 2015.

(38) ~~(35)~~ **"RELATED ENTITY"** means any of the following:

- (A) An individual stockholder, or a member of the stockholder's family enumerated in section 318 of the Internal Revenue Code, if the stockholder and the members of the stockholder's family own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty per cent of the value of the taxpayer's outstanding stock;
- (B) A stockholder, or a stockholder's partnership, estate, trust, or corporation, if the stockholder and the stockholder's partnerships, estates, trusts, or corporations own directly, indirectly, beneficially, or constructively, in the aggregate, at least fifty per cent of the value of the taxpayer's outstanding stock;
- (C) A corporation, or a party related to the corporation in a manner that would require an attribution of stock from the corporation to the party or from the party to the corporation under division (385)(D) of this section, provided the taxpayer owns directly, indirectly, beneficially, or constructively, at least fifty per cent of the value of the corporation's outstanding stock;
- (D) The attribution rules described in section 318 of the Internal Revenue Code apply for the purpose of determining whether the ownership requirements in divisions (385)(A) to (C) of this section have been met.

(39) ~~(36)~~ **"RELATED MEMBER"** means a person that, with respect to the taxpayer during all or any portion of the taxable year, is either a related entity, a component member as defined in section 1563(b) of the Internal Revenue Code, or a person to or from whom there is attribution of stock ownership in accordance with section 1563(e) of the Internal Revenue Code except, for purposes of determining whether a person is a related member under this division, "twenty per cent" shall be substituted for "5 percent" wherever "5 percent" appears in section 1563(e) of the Internal Revenue Code.

- (40)** ~~(37)~~ **"RESIDENT"** means an individual who is domiciled in the Municipality as determined under Section 1701.042 of this Chapter.
- (41)** ~~(38)~~ **"S CORPORATION"** means a person that has made an election under subchapter S of Chapter 1 of Subtitle A of the Internal Revenue Code for its taxable year.
- (42)** ~~(39)~~ **"SCHEDULE C"** means internal revenue service schedule C (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.
- (43)** ~~(40)~~ **"SCHEDULE E"** means internal revenue service schedule E (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.
- (44)** ~~(41)~~ **"SCHEDULE F"** means internal revenue service schedule F (form 1040) filed by a taxpayer pursuant to the Internal Revenue Code.
- (45)** ~~(42)~~ **"SINGLE MEMBER LIMITED LIABILITY COMPANY"** means a limited liability company that has one direct member.
- (46)** ~~(43)~~ **"SMALL EMPLOYER"** means any employer that had total revenue of less than five hundred thousand dollars during the preceding taxable year. For purposes of this division, "total revenue" means receipts of any type or kind, including, but not limited to, sales receipts; payments; rents; profits; gains, dividends, and other investment income; commissions; premiums; money; property; grants; contributions; donations; gifts; program service revenue; patient service revenue; premiums; fees, including premium fees and service fees; tuition payments; unrelated business revenue; reimbursements; any type of payment from a governmental unit, including grants and other allocations; and any other similar receipts reported for federal income tax purposes or under generally accepted accounting principles. "Small employer" does not include the federal government; any state government, including any state agency or instrumentality; any political subdivision; or any entity treated as a government for financial accounting and reporting purposes.
- (47)** ~~(44)~~ **(A) "TAX ADMINISTRATOR"** means the individual charged with direct responsibility for administration of an income tax levied by a municipal corporation in accordance with this chapter, and also includes the following:
- (i) A municipal corporation acting as the agent of another municipal corporation;
 - (ii) A person retained by a municipal corporation to administer a tax levied by the municipal corporation, but only if the municipal corporation does not compensate the person in whole or in part on a contingency basis;
 - (iii) The Central Collection Agency (CCA) or the Regional Income Tax Agency (RITA) or their successors in interest, or another entity organized to perform functions similar to those performed by the Central Collection Agency and the Regional Income Tax Agency.
- Tax Administrator does not include the state tax commissioner.**
- (B) "Tax commissioner" means the tax commissioner appointed under section 121.03 of the Revised Code.**
- (48)** ~~(45)~~ **"TAX RETURN PREPARER"** means any individual described in section 7701(a)(36) of the Internal Revenue CODE AND 26 C.F.R. 301.7701-15 .
- (49)** ~~(46)~~ **"TAXABLE YEAR"** means the corresponding tax reporting period as prescribed for the taxpayer under the Internal Revenue Code.
- (50)** ~~(47)~~ **(A) "TAXPAYER"** means a person subject to a tax levied on income by a municipal corporation in accordance with this chapter. "Taxpayer" does not include a grantor trust or, except as provided in division **(50)** ~~(47)~~ **(B)(i)** of this section, a disregarded entity.
- (B) (i) A single member limited liability company that is a disregarded entity for federal tax purposes may be a separate taxpayer from its single member in

all Ohio municipal corporations in which it either filed as a separate taxpayer or did not file for its taxable year ending in 2003, if all of the following conditions are met:

- (a) The limited liability company's single member is also a limited liability company.
 - (b) The limited liability company and its single member were formed and doing business in one or more Ohio municipal corporations for at least five years before January 1, 2004.
 - (c) Not later than December 31, 2004, the limited liability company and its single member each made an election to be treated as a separate taxpayer under division (L) of section 718.01 of the Ohio Revised Code as this section existed on December 31, 2004.
 - (d) The limited liability company was not formed for the purpose of evading or reducing Ohio municipal corporation income tax liability of the limited liability company or its single member.
 - (e) The Ohio municipal corporation that was the primary place of business of the sole member of the limited liability company consented to the election.
- (ii) For purposes of division **(50)** ~~(47)~~(B)(i)(e) of this section, a municipal corporation was the primary place of business of a limited liability company if, for the limited liability company's taxable year ending in 2003, its income tax liability was greater in that municipal corporation than in any other municipal corporation in Ohio, and that tax liability to that municipal corporation for its taxable year ending in 2003 was at least four hundred thousand dollars.

(51) ~~(48)~~ **"TAXPAYERS' RIGHTS AND RESPONSIBILITIES"** means the rights provided to taxpayers in sections 718.11 , 718.12 , 718.19, 718.23, 718.36, 718.37, 718.38, 5717.011, and 5717.03 of the Ohio Revised Code and any corresponding ordinances of the Municipality, and the responsibilities of taxpayers to file, report, withhold, remit, and pay municipal income tax and otherwise comply with Chapter 718 of the Ohio Revised Code and resolutions, ordinances, and rules adopted by a municipal corporation for the imposition and administration of a municipal income tax.

(52) ~~(49)~~ **"VIDEO LOTTERY TERMINAL"** has the same meaning as in section 3770.21 of the Ohio Revised Code.

(53) ~~(50)~~ **"VIDEO LOTTERY TERMINAL SALES AGENT"** means a lottery sales agent licensed under Chapter 3770 of the Ohio Revised Code to conduct video lottery terminals on behalf of the state pursuant to section 3770.21 of the Ohio Revised Code.

SECTION 2. That existing Section 1701.03, Definitions, of the Codified Ordinances is repealed.

SECTION 3. That actions of this Council concerning and relating to the passage of this legislation were adopted 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.

SECTION 4. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the fair, stable, and efficient system of taxation in Wooster and

ORDINANCE NO. 2018-002

AN ORDINANCE AUTHORIZING THE DIRECTOR OF ADMINISTRATION TO ENTER INTO AN AGREEMENT WITH REPRESENTATIVES OF THE OHIO PATROLMEN’S BENEVOLENT ASSOCIATION REGARDING WAGES, BENEFITS AND TERMS AND CONDITIONS OF EMPLOYMENT, AND DECLARING AN EMERGENCY

WHEREAS, representatives of the Ohio Patrolmen’s Benevolent Association have met and negotiated with representatives of the City administration regarding wages, benefits and terms and conditions of employment for two bargaining units: the police officers, and the sergeants and lieutenants; and

WHEREAS, these negotiations have produced a mutually acceptable agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WOOSTER, OHIO:

SECTION 1. That the Director of Administration is authorized to enter into an agreement with representatives of the Ohio Patrolmen’s Benevolent Association regarding wages, benefits and terms and conditions of employment for two bargaining units, the police officers, and the sergeants and lieutenants, in accordance with the summary of terms attached. This agreement will set forth all provisions relative to wages, benefits and terms and conditions of employment to which the parties have bargained and agreed for the term specified.

SECTION 2. This Council finds and declares that all formal actions concerning and relating to the adoption of this ordinance occurred in an open meeting of this Council or its committees, in compliance with the law.

SECTION 3. This Ordinance is hereby declared to be an emergency measure necessary to the immediate preservation of the public health, peace, safety and welfare of the City, or providing for the usual daily operation of a municipal department or division; and for the further reason that prompt action is necessary to provide a new agreement to replace the existing agreement which expired on December 31, 2017; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor; provided it receives the affirmative vote of at least three-fourths of the members of the Council; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

1st reading _____ 2nd reading _____ 3rd reading _____

Passed: _____, 2018 Vote: _____

Attest: _____
Clerk of Council President of Council

Approved: _____, 2018
Mayor

Introduced by: Craig Sanders