GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 30043

Ordinance No. ORDINANCE CM-23-64

Passed _____

, 20_

AN ORDINANCE TO APPROPRIATE FUNDS NECESSARY FOR THE VARIOUS DEPARTMENTS AND OFFICES OF THE MUNCIPALITY OF WEST MILTON, OHIO FOR THE YEAR 2024

NOW THEREFORE, BE it ordained by the Council of the Municipality of West Milton, Ohio that:

SECTION I:

To provide for the current expenses and other expenditures of the Municipality of West Milton during the fiscal year beginning January 1, 2024 and ending December 31, 2024 the following sums are hereby set aside and appropriated as follows:

Fund	#	2024 Appropriations
101	General Fund	Appropriations
	Personal Services for:	
	General Government 293,175	
	Transportation 27,100	
	Security of Persons and Property Total Personal Services 1,191,200	1,511,475
	Advances To: Water Capt'l Improvement	150,000
	Transfers To: Fire Truck Capt'l Improvement	75,000
	Total Other Expenditures	1,202,500
	Total General Fund	2,938,975
	Special Revenue Funds	
201	Street Levy	300,000
203	Street Construction & Maintenance	
	Total Personal Services Total Other Expenditures	187,750
	Total Street Construction & Maintenance	<u>371,900</u> 559,650
204	State Highway	11,500
213	Enforcement & Education	3,500
214	Drug Law Enforcement	2,000
	Total Special Revenue Funds	876,650.00
	Debt Service Funds	
325	OPWC	6,520.58
	Total Debt Service Funds	6,520.58
		0,020.00
	Capital Improvement Funds	
445	Fire Capital Improvement	46,000
	Total Capital Improvement Funds	46,000
	Enterprise Funds	
401	Water Capital Improvement	3,313,125
		5,5.5,120
420	Sewer Capital Improvement Total Other Expenditures	164,000
	<u>Transfers To:</u>	
	OPWC Debt Service Total Sewer Capital Improvement	6,521 170,521
	rotat dewer Capital Improvement	170,021

RNMENT FORMS & SUPPLIES 844	-224-3338 FORM NO. 30043	
Ordinance No. ORD	INANCE CM-23-64 Passed	Page 2 , 20
501	Refuse Fund	
	Total Personal Services	218,150
	Total Other Expenditures	334,150
	Total Refuse Fund	552,300
601	Water Fund	
	Total Personal Services	511,500
	Total Other Expenditures	707,250
	Total Water Fund	1,218,750
620	Sewer Fund	400.000
	Total Personal Services	493,600
	Total Other Expenditures	274,650
	Total Sewer Fund	768,250
	Total Enterprise Funds	6,022,946
	Total Appropriations of All Funds	9,891,091.58
	Summary:	
,	Total Personal Services	2,922,475.00
	Total Other Expenditures	6,737,095.58
	Total Advances	150,000.00
	Total Transfers	81,521.00
	Grand Total	9,891,091.58

SECTION II:

The Director of Finance is hereby authorized to draw warrants on the Village treasury for payments from any of the foregoing appropriations upon receiving proper certificates and vouchers therefore approved by the board or officers authorized by law to approve the same, or an ordinance or resolution of Council to make the expenditure, provided that no warrant shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinance.

SECTION III:

This Ordinance shall take effect from and after the earliest date

permitted by law.

Passed this 12th day of December 2023

cott Hurst, Mayor

ATTEST:

APPROVED TO AS FORM:

Lenee' Brosh, Law Director

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 30043

ORDINANCE CM-23-65

Ordinance No.,

AN ORDINANCE AMENDING CHAPTER 96 MUNICIPAL INCOME TAX OF THE CODE OF ORDINANCES FOR THE MUNICIPALITY OF WEST MILTON, OHIO AND DECLARING AN EMERGENCY

WHEREAS, the Municipality of West Milton periodically reviews the laws relating to municipal income taxes; and

WHEREAS, the State of Ohio recently adopted HB 33, the Operating Appropriations for Fiscal Years 2024-2025, which made several changes to the Ohio Revised Code municipal taxation portions; and

WHEREAS, the City of Cleveland, Division of Taxation (CCA) has recommended certain changes to West Milton's Code of Ordinances relating to municipal income taxes to be consistent with the changes in the Ohio Revised Code; and

WHEREAS, it is recommended to amend Chapter 96 of the West Milton Code of Ordinances Code to incorporate these changes.

NOW, THEREFORE, the Municipality of West Milton, Ohio hereby ordains as follows, that:

SECTION I:

Section 96.03(C)(11)(o) Definitions – "Exempt Income" of the West Milton Code of Ordinances is hereby amended to read as follows:

- (o) (i) For tax years through 2023, to the extent authorized under a resolution or ordinance adopted by the Municipality of West Milton, Ohio before January 1, 2016, All all of the municipal taxable income earned by individuals under 16 years of age and the earnings of newsboys as such under 18 years of age.
 - (ii) For tax years 2024 and after, the income of individuals under 18 years of age.

SECTION II:

Section 96.062(D)(1) Net Profit; Income Subject to Net Profit Tax; Alternative Apportionment of the West Milton Code of Ordinances is hereby amended to read as follows:

- (D) For the purposes of division (A)(3) of this section, **and except as provided in division** (I) of this section, receipts from sales and rentals made and services performed shall be sitused to a municipal corporation as follows:
 - (1) Gross receipts from the sale of tangible personal property shall be sitused to the municipal corporation in which the sale originated. For the purposes of this division, a sale of property originates in a municipal corporation if, regardless of where title passes, the property meets any of the following criteria:
 - (a) The property is shipped to or delivered within the municipal corporation from a stock of goods located within the municipal corporation.
 - (b) The property is delivered within the municipal corporation from a location outside the municipal corporation, provided the taxpayer is regularly engaged through its own employees in the solicitation or promotion of sales within such municipal corporation and the sales result from such solicitation or promotion.

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(c) The property is shipped from a place within the municipal corporation to purchasers outside the municipal corporation, provided that the taxpayer is not, through its own employees, regularly engaged in the solicitation or promotion of sales at the place where delivery is made.

SECTION III:

Section 96.062(I) Net Profit; Income Subject to Net Profit Tax; Alternative Apportionment of the West Milton Code of Ordinances is hereby added to read as follows:

- (I)(1) As used in this division:
 - (a) "Qualifying remote employee or owner" means an individual who is an employee of a taxpayer or who is a partner or member holding an ownership interest in a taxpayer that is treated as a partnership for federal income tax purposes, provided that the individual meets both of the following criteria:
 - (i) The taxpayer has assigned the individual to a qualifying reporting location.
 - (ii) The individual is permitted or required to perform services for the taxpayer at a qualifying remote work location.
 - (b) "Qualifying remote work location" means a permanent or temporary location at which an employee or owner chooses or is required to perform services for the taxpayer, other than a reporting location of the taxpayer or any other location owned or controlled by a customer or client of the taxpayer. "Qualifying remote work location" may include the residence of an employee or owner and may be located outside of a municipal corporation that imposes an income tax in accordance with this chapter. An employee or owner may have more than one qualifying remote work location during a taxable year.
 - (c) "Reporting location" means either of the following:
 - (i) A permanent or temporary place of doing business, such as an office, warehouse, storefront, construction site, or similar location, that is owned or controlled directly or indirectly by the taxpayer;
 - (ii) Any location in this state owned or controlled by a customer or client of the taxpayer, provided that the taxpayer is required to withhold taxes under Subsection (A)(2) of this Section 96.062, on qualifying wages paid to an employee for the performance of personal services at that location.
 - (d) "Qualifying reporting location" means one of the following:
 - (i) The reporting location in this state at which an employee or owner performs services for the taxpayer on a regular or periodic basis during the taxable year;

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(ii) If no reporting location exists in this state for an employee or owner under division (l)(1)(d)(i) of this section, the reporting location in this state at which the employee's or owner's supervisor regularly or periodically reports during the taxable year;

(iii) If no reporting location exists in this state for an employee or owner under division (l)(1)(d)(i) or (ii) of this section, the location that the taxpayer otherwise assigns as the employee's or owner's qualifying reporting location, provided the assignment is made in good faith and is recorded and maintained in the taxpayer's business records. A taxpayer may change the qualifying reporting location designated for an employee or owner under this division at any time.

(2) For tax years ending on or after December 31, 2023, a taxpayer may elect to apply the provisions of this division to the apportionment of its net profit from a business or profession. For taxpayers that make this election, the provisions of Section 96.062 apply to such apportionment except as otherwise provided in this division.

A taxpayer shall make the election allowed under this division in writing on or with the taxpayer's net profit return or, if applicable, a timely filed amended net profit return or a timely filed appeal of an assessment. The election applies to the taxable year for which that return or appeal is filed and for all subsequent taxable years, until the taxpayer revokes the election.

The taxpayer shall make the initial election with the tax administrator of each municipal corporation with which, after applying the apportionment provisions authorized in this division, the taxpayer is required to file a net profit tax return for that taxable year. A taxpayer shall not be required to notify the tax administrator of a municipal corporation in which a qualifying remote employee's or owner's qualifying remote work location is located, unless the taxpayer is otherwise required to file a net profit return with that municipal corporation due to business operations that are unrelated to the employee's or owner's activity at the qualifying remote work location.

After the taxpayer makes the initial election, the election applies to every municipal corporation in which the taxpayer conducts business. The taxpayer shall not be required to file a net profit return with a municipal corporation solely because a qualifying remote employee's or owner's qualifying remote work location is located in such municipal corporation.

Nothing in this division prohibits a taxpayer from making a new election under this division after properly revoking a prior election.

- (3) For the purpose of calculating the ratios described in division (A) of this section, all of the following apply to a taxpayer that has made the election described in division (I)(2):
 - (a) For the purpose of division (A)(1) of this section, the average original cost of any tangible personal property used by a qualifying remote employee or owner at that individual's qualifying remote work location shall be sitused to that individual's qualifying reporting location.
 - (b) For the purpose of division (A)(2) of this section, any wages, salaries, and other compensation paid during the taxable period to a

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 30043

ORDINANCE CM-23-65

qualifying remote employee or owner for services performed at that individual's qualifying remote work location shall be sitused to that individual's qualifying reporting location.

Passed

- (c) For the purpose of division (A)(3) of this section, and notwithstanding division D of this section, any gross receipts of the business or profession from services performed during the taxable period by a qualifying remote employee or owner for services performed at that individual's qualifying remote work location shall be sitused to that individual's qualifying reporting location.
- (4) Nothing in this division prevents a taxpayer from requesting, or a tax administrator from requiring, that the taxpayer use, with respect to all or a portion of the income of the taxpayer, an alternative apportionment method as described in division B of this section. However, a tax administrator shall not require an alternative apportionment method in such a manner that it would require a taxpayer to file a net profit return with a municipal corporation solely because a qualifying remote employee's or owner's qualifying remote work location is located in that municipal corporation.
- (5) Except as otherwise provided in this division, nothing in this division is intended to affect the withholding of taxes on qualifying wages pursuant to (A)(2) of this Section 96.062.

SECTION IV:

Ordinance No.

Section 96.091(A)(3) Return and Payment of Tax of the West Milton Code of Ordinances is hereby amended to read as follows:

(3) All resident individual taxpayers, 16 years of age and older, shall file an annual municipal income tax return with the Municipality, regardless of income or liability, with the exception of individuals who are permanently retired and who have no income subject to taxation by the municipality must file a return for the year following the year in which they become permanently retired. Subsequent filings will then not be required of those retirees receiving no income subject to taxation. However, such retirees may, when deemed necessary by the Tax Administrator, be required to verify their federal tax status.

SECTION V:

Section 96.094(A) Extension of Time to File of the West Milton Code of Ordinances is hereby amended to read as follows:

(A) Any taxpayer that has duly requested an automatic six-month extension for filing the taxpayer's federal income tax return shall automatically receive an extension for the filing of a municipal income tax return. The extended due date of the municipal income tax return shall be the fifteenth day of the tenth month after the last day of the taxable year to which the return relates. For tax years ending on or after January 1, 2023, the extended due date of Municipality's income tax return for a taxpayer that is not an individual shall be the 15th day of the eleventh month after the last day of the taxable year to which the return relates.

SECTION VI:

Section 96.094(F) and (G) Extension of Time to File of the West Milton Code of Ordinances is hereby added to read as follows:

(F) If a taxpayer receives an extension for the filing of a municipal income tax return under this section, the tax administrator shall not make any inquiry or send any notice to the taxpayer with regard to the return on or before the date the taxpayer files the return or on or before the extended due date to file the return, whichever occurs first.

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If a tax administrator violates division (F) of this section, the municipal corporation shall reimburse the taxpayer for any reasonable costs incurred to respond to such inquiry or notice, up to \$150. Division (F) of this section does not apply to an extension received under divisions (A) or (C) of this section if the tax administrator has actual knowledge that the taxpayer failed to file for a federal extension as required to receive the extension under divisions (A) or (C) of this section or failed to file for an extension under division (A) or (C) of this section.
(G) With respect to taxpayers to whom Section 96.092 of this Chapter applies, to the extent that any provision in this division conflicts with any provision in Section 96.092 of this Chapter, the provision in Section 96.092 of this Chapter prevails.
Section 96.10(C)(4) Penalty, Interest, Fees, and Charges of the West Milton Code of Ordinances is hereby amended to read as follows:
(C)(4) (a) For tax years ending on or before December 31, 2022, With with respect to returns other than estimated income tax returns, the Municipality shall impose a monthly penalty of \$25 for each failure to timely file each return, regardless of the liability shown thereon for each month, or any fraction thereof, during which the return remains unfiled regardless of the liability shown thereon. The penalty shall not exceed a total of \$150 in assessed penalty for each failure to timely file a return.
(b) For tax years ending on or after January 1, 2023, with respect to returns other than estimated income tax returns, the Municipality may impose a penalty not exceeding \$25 for each failure to timely file each return, regardless of the liability shown thereon, except that the Municipality shall abate or refund the penalty assessed on a taxpayer's first failure to timely file a return after the taxpayer files that return.
Section 96.6610(A))(1) Additional Penalties of the West Milton Code of Ordinances is hereby amended to read as follows:
(A)(1) If a taxpayer required to file a tax return under §§ 96.66 through 96.6616 of this chapter fails to make and file the return within the time prescribed, including any extensions of time granted by the Tax Commissioner, the Commissioner may impose a penalty as set forth in Section 96.10(C)(4). not exceeding \$25 per month or fraction of a month, for each month or fraction of a month elapsing between the due date, including extensions of the due date, and the date on which the return is filed. The aggregate penalty, per instance, under this division shall not exceed \$150.
This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and general welfare, such emergency arising from the need for the Village of West Milton to preserve its taxing authority and shall be effective upon passage.
Passed this 12th day of December 2023.

RECORD OF ORDINANCES				
	GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 30043	TI THE TAX AND THE		
	ORDINANCE CM-23-65 Ordinance No	Passed, 20		
		Scott Hurst, Mayor		
	ATTEST:			
	Laura Julyit Laura J. Wright Clerk of Council			
	APPROVED TO AS FORM:			
	Leneé M. Brosh Director of Law			
		,		

Government Forms and Supplies (844) 224-3338 FORM NO. 30045

RESOLUTION CM-23-66

Passed_

A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO ACCEPT CONTRACT CHANGE ORDERS FROM OUTDOOR ENTERPRISE, LLC FOR THE MIAMI STREET WATER MAIN REBID PROJECT

WHEREAS, on October 10, 2023, Council passed Resolution CM-23-61 authorizing the Municipal Manager to enter into a contract with Outdoor Enterprise, LLC for the Miami Street Water Main Rebid Project in the amount of \$1,849,355.00; and

WHEREAS, on December 6, 2023, a contract change order was received from Outdoor Enterprise, LLC to reflect the addition of a valve in order to keep E. Tipp Pike Booster Station from being shut down and having to depressurization of the system East of the station and the use of an 8 inch water main to tie into an existing 8 inch water main that was thought to be a 6 inch diameter water main; and

WHEREAS, the contract change order increases the total contract amount by \$17,525.00; and

WHEREAS, Council believes that these were necessary changes in order to continue with progress on the Miami Street Water Main Rebid Project.

NOW THEREFORE, Be it resolved by the Council of the Municipality of West Milton, Ohio that:

SECTION I:

The Municipal Manager is hereby authorized and directed to

accept the contract change order from Outdoor Enterprise, LLC, from December 6, 2023, in the amount of \$17,525.00.

SECTION II:

This Resolution shall take effect and be in full force from and

after its passage.

Passed this 12th day of December

Scott Hurst, Mayor

ATTEST:

aura Wright

Clerk of Council

APPROVED AS TO FORM:

Lenee' M. Brosh

GOVERNMENT FORMS & SUPPLIES 844-224-3338 FORM NO. 30043

Ordinanca No	ORDINANCE	CM-23-67

Passed	20
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AN ORDINANCE TO AMEND THE 2023 APPROPRIATIONS AND DECLARING AN EMERGENCY

Whereas, Council by Ordinance CM-22-53 adopted 2023 appropriations for the various funds utilitized by the Municipality; and

Whereas, it is necessary to adjust the appropriations to reflect unanticipated expenditures,

NOW, THEREFORE Be It Ordained by the Council of the Municipality of West Milton, that:

SECTION I: The following amendments to the 2023 appropropriations of the Municipality of West Milton, Ohio are hereby made.

Fund	#	Current Appropriation	Amend By	Amended Appropriation
101	General Fund		2000000	<u> </u>
	Personal Services for:			
	Security of Persons and Property	1,106,100	24,000	1,130,100
	Total Personal Services	1,428,625	24,000	1,452,625
	Transfers To:			
	Water Capital Improvement		100,000	100,000
	Total Transfers	75,000	100,000	175,000
	Total Other Expenditures	1,016,400	158,000	1,174,400
	Total General Fund	2,520,025	282,000	2,802,025
	Special Revenue Funds			
201	Street Levy	220 700	(4.40.000)	00
201	Gueet Levy	230,700	(140,000)	90,700
203	Street Construction & Maintenance			
	Total Other Expenditures	199,650	17,000	216,650
	Total Street Constr. & Maint.	339,900	17,000	356,900
216	American Rescue Plan	-	507,757.13	507,757.13
	Total Special Revenue Funds	594,485.17	384,757.13	979,242.30
	Enterprise Funds			
401	Water Capital Improvement	1,859,700	(614,700)	1,245,000
420	Sewer Capital Improvement			
	Total Other Expenditures	153,700	350,000	503,700
	Total Sewer Capital Improvement		350,000	510,221
601	Water Fund			
	Total Other Expenditures	821,800	76,500	898,300
	Total Water Fund	1,348,400	76,500	1,424,900
620	Sewer Fund			
	Total Other Expenditures	330,500	78,000	408,500
	Total Sewer Fund	840,150	78,000	918,150
	Total Enterprise Funds	4,690,221.00	(110,200.00)	4,580,021.00
	Total Appropriations of All Funds	7,858,251.75	<u>556,557.13</u>	8,414,808.88

NOMENT FORMS & SUPPLIES 844-224-S		Passed	Page, 20
SECTION II:		warrants on these funds ir ons are hereby authorized.	n excess of the original and
SECTION III:	the immediate preser		rgency measure necessary health, safety, and general
Passed t	his 12th day o	December	2023.
		Scott H	lurst, Mayor
ATTEST: Laura Wright Clerk of Council	f Whighe		
APPROVED TO A Lenee' Brosh Law Director	ns FORM:		

Government Forms and Supplies (844) 224-3338 FORM NO. 30045

Resolution No. RESOLUTION CM-23-68

Passed_

A RESOLUTION TO PURCHASE FUELS THAT WILL BE UTILIZED BY **ALL MUNICIPAL DIVISIONS IN 2024 THROUGH 2026.**

WHEREAS, Fuel is needed for all municipal operations including Police Department, Fire Department, Utilities Department, and Service Department functions; and

WHEREAS, Formal bidding took place in accordance to West Milton Municipal Ordinance 33.18 Section 3; and

WHEREAS, the project will be funded out of the 2024 Operating Budget.

NOW, THEREFORE, Be it Resolved by the Council of the Municipality of West Milton, Ohio that:

SECTION I:

The Council approves purchasing of fuel from R. D. Holder Oil Company of New Carlisle, Ohio 45344 for a cost of twenty-five cents above wholesale per gallon beginning January 1st of 2024 continuing through

December 31st, 2026.

SECTION II:

The Director of Service is hereby authorized to execute

all the proper documents and contracts required to

complete said program.

SECTION III:

This Resolution shall take effect and be in force from

and after its passage.

Passed this 12th day of December

Scott Hurst, Mayor

ATTEST:

APPROVED AS TO FORM:

Lenee' Brosh

overnment Forms and Supplies (844) 224-3338 FORM NO. 30045

RESOLUTION CM-23-69 Resolution No.

Passed_

A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO EXTEND THE AGREEMENT WITH THE CITY OF TROY AND THE BOARD OF MIAMI COUNTY COMMISSION FOR THE CONTINUED **PURCHASE OF A PUBLIC WATER SUPPLY**

WHEREAS, on December 18, 2003, and pursuant to Resolution 03-37, the Municipality of West Milton entered into a Water Agreement with the City of Troy, Ohio and the Miami County Board of Commissioners, by which the Municipality purchased its public water supply through Miami County as supplied by the City of Troy; and

WHEREAS, said Water Agreement is set to expire at the end of the year 2023; and

WHEREAS, Council has determined that it is in the Municipality's best interest to continue to receive the Municipality's water supply from the Miami County Board of Commissioners, as supplied by the City of Troy.

NOW THEREFORE, Be it resolved by the Council of the Municipality of West Milton, Ohio that:

SECTION I:

The Council hereby authorizes the Municipal Manager to extend the current agreement with the Board of Miami County Commission and the City of Troy to supply a public water supply to the Municipality of

West Milton.

SECTION II:

The Municipal Manager is hereby directed to execute all the proper documents relating to said agreement.

SECTION III:

This Resolution shall take effect and be in full force

from and after its passage.

Passed this 12th day of December 2023

Scott Hurst, Mayor

ATTEST:

Laura Wright, Clerk of

APPROVED AS TO FORM:

Leneé M. Brosh

Government Forms and Supplies (844) 224-3338 FORM NO. 30045

RESOLUTION CM-23-70

Resolution No

 $Passed_{-}$

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A RESOLUTION AUTHORIZING THE MUNICIPAL MANAGER TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND (WPCLF) AGREEMENT ON BEHALF OF THE MUNICIPALITY OF WEST MILTON, OTHER PARTICIPATING MUNICIPALITIES, AND MIAMI COUNTY FOR PLANNING, DESIGN AND/OR CONSTRUCTION OF WASTEWATER COLLECTION AND TREATMENT FACILITIES; AND DESIGNATING A DEDICATED REPAYMENT SOURCE FOR THE LOAN

WHEREAS, the Municipalities of West Milton, Laura, Potsdam, and Union, along with unincorporated areas of Miami County (Union Township) seek to evaluate regional wastewater collections and treatment alternatives; and

WHEREAS, the Municipality of West Milton intends to apply for Water Pollution Control Loan Fund (WPCLF) for the planning, design and or construction of the wastewater collection and treatment facilities; and

WHEREAS, the Ohio Water Pollution Control Loan Fund (WPCLF) requires the government authority to pass legislation for application of a loan and the execution of an agreement as well as designating a dedicated repayment source.

NOW THEREFORE, Be it resolved by the Council of the Municipality of West Milton, Ohio that:

SECTION I:

That Municipal Manager is hereby authorized to apply for a WPCLF loan, sign all documents for and enter into a Water Pollution Control Loan Fund (WPCLF) with the Ohio Environmental Protection Agency and the Ohio Water Development Authority for planning, design and/or construction of wastewater collection and treatment facilities on behalf of the Municipality of West Milton, Ohio.

SECTION II:

That the dedicated source of repayment will be

local funds/utility rates.

SECTION III:

That is resolution shall take effect and be in force

from and after the earliest period allowed by law.

Passed this 12 day of December 2023

Scott Hurst, Mayor

ATTEST:

Laura Wright, Clerk of Council

APPROVED AS TO FORM:

Leneé M. Brosh