City of Ashtabula

Ashtabula City Council
Finance & Personnel Committee Meeting
Friday, September 16, 2022 at 8:30 AM
Council Chambers
4717 Main Avenue

Agenda

1. **Opening of Committee Meeting**
   a. Call to Order
   b. Roll Call
   c. Sunshine Law Certification
2. **Welcome and Acknowledgement of Visitors**
3. **Special Guest Presentation**
4. **Finance Director's Report**
   a. Statement of Cash Postion
   b. Trial Balance Detail
   c. Revenue & Expense Detail
   d. Property Tax / Bed Tax / Income Tax Revenue History
   e. 2022 Assessment Amounts
5. **City Manager's Report**
6. **New Business**
   a. Income Tax Collection
7. **Next Meeting**
   a. The next meeting will be held on Friday October 21, 2022.
8. **Adjournment**

City of Ashtabula
Statement of Cash Position with MTD Totals

From: 1/1/2022 to 8/31/2022 | Include Inactive Accounts: Yes
Funds: 101 to 871 | Page Break on Fund: No

Fund	Description	Beginning Balance	Net Revenue MTD	Net Revenue YTD	Net Expenses MTD	Net Expenses YTD	Unexpended Balance	Encumbrance YTD	Ending Balance
101	GENERAL FUND	$2,353,254.32	$1,282,349.28	$7,845,322.41	$805,388.43	$6,805,363.18	$3,393,213.55	$481,898.75	$2,911,314.80
150	TRAILER PARKS	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
151	TRAILER CAMPS	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
166	UNCLAIMED MONIES	$40,240.99	$800.00	$800.00	$0.00	$12,528.07	$28,512.92	$0.00	$28,512.92
192	PARKING DECK	$685.49	$0.00	$2,500.00	$206.94	$1,427.13	$1,758.36	$1,072.87	$685.49
201	POLICE LEVY	$82,444.29	$200,584.22	$569,727.81	$61,756.96	$430,357.70	$221,814.40	$2,302.90	$219,511.50
202	STREET LIGHT ASSESSMENTS	$56,447.21	$113,841.43	$372,959.18	$45,709.37	$303,972.60	$125,433.79	$15,721.13	$109,712.66
204	FOOD SERVICE FUND	$11,997.84	$401.00	$67,152.64	$5,428.89	$54,366.15	$24,784.33	$597.72	$24,186.61
205	S.C.M.R.- PUBLIC WORKS	$281,903.38	$79,339.66	$609,727.14	$72,648.64	$686,409.12	$205,221.40	$84,747.93	$120,473.47
206	STATE HIGHWAY	$123,692.55	$6,432.95	$49,255.59	$0.00	$23,655.16	$149,292.98	$42,517.75	$106,775.23
208	PUBLIC HEALTH/NURSING	$215,096.62	$9,167.54	$495,928.66	$46,298.64	$412,472.92	$298,552.36	$38,993.64	$259,558.72
209	AUTO REG/PERM TAX	$258,567.27	$13,280.00	$109,295.37	$0.00	$75,507.05	$292,355.59	$93,333.72	$199,021.87
210	IND ALCOHOL TREATMENT	$95,708.10	$516.00	$8,473.34	$20,553.96	$21,102.28	$83,079.16	$3,897.72	$79,181.44
212	PAVING LEVY	$540,474.41	$310,509.54	$799,745.86	$6,402.11	$363,048.57	$977,171.70	$447,832.38	$529,339.32
214	AMC PROBATION	$13,792.78	$2,153.00	$26,850.56	$3,498.21	$29,165.21	$11,478.13	$1,019.27	$10,458.86
215	AMC COMPUTER	$8,570.29	$2,078.00	$41,261.52	$4,960.49	$34,753.16	$15,078.65	$9,246.84	$5,831.81
216	AMC SECURITY	$17,574.82	$2,082.00	$16,333.00	$2,300.30	$23,135.52	$10,772.30	$1,674.11	$9,098.19
217	LAW ENFORCEMENT TRUST	$22,196.49	$641.00	$35,276.07	$1,500.00	$30,757.33	$26,715.23	$1,765.00	$24,950.23
218	IDIAM	$28,247.27	$422.03	$2,969.20	$5,687.50	$8,997.50	$22,218.97	$1,002.50	$21,216.47
219	MOTOR VEHICLE LICENSE	$107,334.73	$3,320.00	$27,315.00	$23.33	$41,579.29	$93,070.44	$4,421.95	$88,648.49
220	COURT SPECIAL PROJECTS	$202,650.49	$5,747.25	$52,089.00	$7,561.81	$91,763.54	$162,975.95	$77,440.75	$85,535.20
222	LOCAL OPIOD SETTLEMENT FUND	$0.00	$8,046.54	$8,046.54	$0.00	$0.00	$8,046.54	$0.00	$8,046.54
225	SANITATION	$227,895.79	$264,302.70	$1,600,939.03	$186,321.13	$1,241,683.57	$587,151.25	$228,032.06	$359,119.19
231	FIRE PENSION	$32,015.00	$106,081.23	$343,972.61	$36,839.98	$284,484.75	$91,502.86	$0.00	$91,502.86
232	POLICE PENSION	$27,591.80	$106,081.23	$363,972.61	$40,821.13	$322,439.42	$69,124.99	$0.00	$69,124.99
233	PARKS & RECREATION	$292,992.15	$123,190.55	$320,746.66	$48,912.47	$172,066.98	$441,671.83	$29,308.08	$412,363.75
240	MARINA FUND	$6,430.00	$725.00	$13,650.00	$0.00	$0.00	$20,080.00	$0.00	$20,080.00
260	LOCAL CORONAVIRUS RELIEF FUND	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
261	LOCAL FISCAL RECOVERY FUND	$888,066.54	$0.00	$951,184.44	$0.00	$283,659.11	$1,555,591.87	$109,056.86	$1,446,535.01
262	RECYCLING GRANT	$60,935.00	$0.00	$0.00	$0.00	$0.00	$60,935.00	$0.00	$60,935.00

Statement of Cash Position with MTD Totals
From: 1/1/2022 to 8/31/2022

Fund	Description	Beginning Balance	Net Revenue MTD	Net Revenue YTD	Net Expenses MTD	Net Expenses YTD	Unexpended Balance	Encumbrance YTD	Ending Balance
263	POLICE GRANTS	$97,650.47	$1,864.93	$34,876.12	$0.00	$0.00	$132,526.59	$0.00	$132,526.59
264	FIRE GRANTS	$1,549.16	$0.00	$0.00	$0.00	$0.00	$1,549.16	$0.00	$1,549.16
289	MISC GRANTS	$12.94	$0.00	$0.00	$0.00	$0.00	$12.94	$0.00	$12.94
290	CDBG	$251,694.84	$0.00	$12,161.00	$1,344.76	$3,247.39	$260,608.45	$3,000.00	$257,608.45
291	HOUSING CODE ENFRCMT	$61,275.53	$25,161.47	$256,171.14	$27,161.40	$230,501.43	$86,945.24	$1,484.78	$85,460.46
301	ERIP	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
374	MAIN AVE DEBT SERVICE	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
387	MAREDDY ESTATES	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
388	VOTED BOND/DEBT RET	$65,104.34	$0.00	$0.00	$0.00	$0.00	$65,104.34	$0.00	$65,104.34
389	BOND/DEBT RET	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
412	PERM IMPROVEMENT	$1,429,521.70	$242,496.72	$1,701,104.66	$45,671.12	$1,522,847.20	$1,607,779.16	$542,148.08	$1,065,631.08
495	JUSTICE CENTER CONSTR	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
503	WPC/WASTEWATER	$1,815,471.26	$369,060.27	$2,795,134.34	$211,125.75	$2,214,702.30	$2,395,903.30	$895,948.67	$1,499,954.63
504	WPC CAPITAL	$1,536,489.24	$85,434.05	$782,628.70	$1,997.72	$1,232,636.54	$1,086,481.40	$343,721.49	$742,759.91
602	SELF INSURANCE	$673,497.35	$246,333.28	$1,884,396.40	$250,205.93	$1,885,580.81	$672,312.94	$668,535.06	$3,777.88
622	WORKERS' COMPENSATION	$513,722.58	$9,288.60	$86,212.66	$1,335.61	$57,705.53	$542,229.71	$68,115.11	$474,114.60
801	JEDD-1 - SAYBROOK TWP DEPOT RD	$40,875.53	$1,813.00	$11,747.62	$0.00	$37,061.61	$15,561.54	$11,247.19	$4,314.35
802	JEDD-2 ASHTABULA TWP	$50,374.24	$1,928.40	$18,196.97	$0.00	$48,023.56	$20,547.65	$6,108.17	$14,439.48
803	JEDD 1 - SAYBROOK TWP RTE 20	$5,496.72	$1,029.35	$8,978.53	$0.00	$6,432.14	$8,043.11	$3,565.56	$4,477.55
834	LAW LIBRARY	$4,297.47	$2,024.00	$15,519.92	$0.00	$13,644.20	$6,173.19	$2,225.25	$3,947.94
844	STREET DEPOSITS FUND	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
871	FIRE ESCROW FUND	$101,781.36	$18,000.00	$76,569.11	$0.00	$43,677.90	$134,672.57	$18,064.61	$116,607.96
Grand Total:		$12,645,620.35	$3,646,526.22	$22,419,191.41	$1,941,662.58	$19,050,755.92	$16,014,055.84	$4,240,047.90	$11,774,007.94

City of Ashtabula
Trial Balance Detailed

Funds: 261 to 261 | Include Inactive Accounts: No
As Of: 1/1/2022 to 9/30/2022 | Include Pre-Encumbrances: Yes

Number	Description	Budgeted Amount	MTD Amount	YTD Amount	% YTD	Outstanding Encumbrance	UnEncumbered Balance	% Variance
261	LOCAL FISCAL RECOVERY FUND							
Cash								
261.000.1001	LOCAL CORONAVIRUS RELIEF F	$888,066.54		$888,066.54			$888,066.54	
Total Cash		$888,066.54		$888,066.54			$888,066.54	
Revenue								
INTERGOVERNMENTAL								
261.060.4950	FEDERAL GRANTS	$943,649.92	$0.00	$951,184.44	100.80%			
INTERGOVERNMENTAL Totals:		$943,649.92	$0.00	$951,184.44	100.80%			
Total Revenue		$943,649.92	$0.00	$951,184.44	100.80%			
Total Cash and Revenue		$1,831,716.46	$0.00	$1,839,250.98	100.41%		$1,839,250.98	100.41%
Expenses								
DEPT: 135								
261.135.5101	SALARIES & WAGES	$0.00	$0.00	$0.00	0.00%	$0.00	$0.00	0.00%
261.135.5109	OVERTIME	$0.00	$0.00	$0.00	0.00%	$0.00	$0.00	0.00%
261.135.5130	PENSION	$0.00	$0.00	$0.00	0.00%	$0.00	$0.00	0.00%
261.135.5131	PENSION PICK UP	$0.00	$0.00	$0.00	0.00%	$0.00	$0.00	0.00%
261.135.5135	MANDATORY MEDICARE	$0.00	$0.00	$0.00	0.00%	$0.00	$0.00	0.00%
261.135.5149	OTHER BENEFITS	$0.00	$0.00	$0.00	0.00%	$0.00	$0.00	0.00%
261.135.5320	PROFESSIONAL SERVICES	$0.00	$0.00	$0.00	0.00%	$0.00	$0.00	0.00%
261.135.5420	OPERATING EXPENSES	$0.00	$0.00	$0.00	0.00%	$0.00	$0.00	0.00%
261.135.5500	CAPITAL OUTLAY	$432,292.97	$51,652.50	$335,311.61	77.57%	$96,981.36	$0.00	100.00%
DEPT: 135 Totals:		$432,292.97	$51,652.50	$335,311.61	77.57%	$96,981.36	$0.00	100.00%
TRANSFERS								
261.700.5002	TRANSFER OUT - SELF INSURAN	$0.00	$0.00	$0.00	0.00%	$0.00	$0.00	0.00%
TRANSFERS Totals:		$0.00	$0.00	$0.00	0.00%	$0.00	$0.00	0.00%
Total Expenses		$432,292.97	$51,652.50	$335,311.61	77.57%	$96,981.36	$0.00	100.00%
Fund: 261 Total		$1,399,423.49	($51,652.50)	$1,503,939.37	107.47%	$96,981.36	$1,406,958.01	100.54%

City of Ashtabula
Audit Trail by Account

Accounts: 261.060.4950 to 261.135.5500 — Account Types: All except Cash and Control

From: 1/1/2021 to 9/30/2022 — Journal Definitions: Multiple

Date	Line Description	Source Document	Debit Amount	Credit Amount
261.060.4950	**FEDERAL GRANTS**			
07/30/2021	LOCAL FISCAL RECOVERY From FINANCE	MR 2021-000006514-01 From-FINANCE For-2021 07 21	$0.00	$943,649.92
03/21/2022	LOCAL FISCAL RECOVERY From FINANCE	MR 2022-000007554-01 From-FINANCE For-2022 03 04	$0.00	$3,767.25
07/15/2022	2022 07 12 From FINANCE	MR 2022-000008157-01 From-FINANCE For-2022 07 12	$0.00	$947,417.19
261.060.4950 Total:			$0.00	$1,894,834.36
261.135.5500	**CAPITAL OUTLAY**			
09/17/2021	WPC CAPITAL IMPROVEMENT PLAN CONSULTING S	CK0000064605-01 PO2021000572 GPD GROUP	$15,170.13	$0.00
10/15/2021	WPC CAPITAL IMPROVEMENT PLAN CONSULTING S	CK0000064723-01 PO2021000572 GPD GROUP	$2,028.62	$0.00
11/26/2021	WPC CAPITAL IMPROVEMENT PLAN CONSULTING S	CK0000064876-01 PO2021000572 GPD GROUP	$15,644.63	$0.00
12/23/2021	WPC CAPITAL IMPROVEMENT PLAN CONSULTING S	CK0000064978-01 PO2021000572 GPD GROUP	$22,740.00	$0.00
02/04/2022	WPC CAPITAL IMPROVEMENT PLAN CONSULTING S	CK0000065131-01 PO2021000572 GPD GROUP	$11,513.87	$0.00
03/04/2022	WPC CAPITAL IMPROVEMENT PLAN CONSULTING S	CK0000065261-01 PO2021000572 GPD GROUP	$11,512.35	$0.00
04/01/2022	WPC CAPITAL IMPROVEMENT PLAN CONSULTING S	CK0000065403-01 PO2021000572 GPD GROUP	$8,581.03	$0.00
04/15/2022	WPC CAPITAL IMPROVEMENT PLAN CONSULTING S	CK0000065458-01 PO2021000572 GPD GROUP	$19,513.75	$0.00
05/27/2022	WPC CAPITAL IMPROVEMENT PLAN CONSULTING S	CK0000065700-01 PO2021000572 GPD GROUP	$15,445.63	$0.00
06/24/2022	ODOT PID NO. 94081 (ROUTE 20 & ROUTE 84) fro	CK0000065834-02 PO2022000514 TREASURER, STATE OF OHIO	$198,299.35	$0.00
06/24/2022	WPC CAPITAL IMPROVEMENT PLAN CONSULTING S	CK0000065804-01 PO2021000572 GPD GROUP	$12,286.88	$0.00
07/22/2022	WPC CAPITAL IMPROVEMENT PLAN CONSULTING S	CK0000065931-01 PO2021000572 GPD GROUP	$6,506.25	$0.00
09/02/2022	WPC CAPITAL IMPROVEMENT PLAN CONSULTING S	CK0000066095-01 PO2021000572 GPD GROUP	$12,075.50	$0.00
09/13/2022	ODOT PID NO. 94081 (ROUTE 20 & ROUTE 84) fro	CK0000066135-01 PO2022000621 TREASURER, STATE OF OHIO	$39,577.00	$0.00
261.135.5500 Total:			$390,894.99	$0.00
Grand Total:			$390,894.99	$1,894,834.36

City of Ashtabula
PROPERTY TAX HISTORY

Accounting Years: 2022 to 2016

Account Type: Revenue

		2022	2021	2020	2019	2018
Fund: 101	**GENERAL FUND**					
LOCAL TAXES						
101.010.4110	GENERAL PROPERTY TAXES					
Period #01		$0.00	$0.00	$200,000.00	$0.00	$0.00
Period #03		$517,135.52	$510,414.40	$258,734.78	$473,766.17	$489,902.26
Period #07		$0.00	$0.00	$0.00	$342,432.18	$337,131.92
Period #08		$359,109.39	$384,382.81	$362,210.56	$0.00	$0.00
GENERAL PROPERTY TAXES Total:		$876,244.91	$894,797.21	$820,945.34	$816,198.35	$827,034.18
101.010.4114	HOUSE TRAILER TAX					
Period #03		$0.00	$1,121.72	$834.12	$983.54	$787.44
Period #04		$924.32	$0.00	$0.00	$0.00	$0.00
Period #08		$750.81	$678.54	$922.53	$572.73	$641.52
Period #09		$0.00	$0.00	$0.00	$0.00	$0.00
HOUSE TRAILER TAX Total:		$1,675.13	$1,800.26	$1,756.65	$1,556.27	$1,428.96
101.010.4118	SENIOR LEVY					
Period #03		$31,896.06	$31,390.49	$29,836.92	$30,882.93	$31,853.05
Period #04		$3,046.77	$3,040.20	$0.00	$0.00	$0.00
Period #05		$0.00	$0.00	$3,171.79	$0.00	$0.00
Period #06		$0.00	$0.00	$0.00	$0.00	$0.00
Period #07		$0.00	$0.00	$0.00	$22,260.76	$21,878.94
Period #08		$22,294.31	$23,749.45	$26,013.84	$49.72	$40.05
Period #09		$0.00	$3,077.40	$26.14	$12.29	$0.00
SENIOR LEVY Total:		$57,237.14	$61,257.54	$59,048.69	$53,205.70	$53,772.04
GENERAL FUND LOCAL TAXES Total:		$935,157.18	$957,855.01	$881,750.68	$870,960.32	$882,235.18

		2022	2021	2020	2019	2018
Fund: 201	**POLICE LEVY**					
LOCAL TAXES						
201.010.4116	POLICE LEVY					
Period #03		$287,828.69	$283,596.00	$269,890.20	$279,567.21	$288,139.46
Period #04		$515.11	$0.00	$0.00	$0.00	$0.00
Period #07		$0.00	$0.00	$0.00	$201,775.27	$198,083.21
Period #08		$200,584.22	$213,614.51	$205,160.95	$345.36	$385.53
Period #09		$0.00	$0.00	$0.00	$0.00	$0.00
POLICE LEVY Total:		$488,928.02	$497,210.51	$475,051.15	$481,687.84	$486,608.20
POLICE LEVY LOCAL TAXES Total:		$488,928.02	$497,210.51	$475,051.15	$481,687.84	$486,608.20

City of Ashtabula
PROPERTY TAX HISTORY

Accounting Years: 2022 to 2016
Account Type: Revenue

	2022	2021	2020	2019	2018
Fund: 212 PAVING LEVY					
LOCAL TAXES					
212.010.4116 PAVING LEVY					
Period #03	$445,009.59	$438,196.26	$416,842.48	$0.00	$0.00
Period #04	$782.74	$0.00	$0.00	$0.00	$0.00
Period #08	$310,509.54	$330,678.67	$317,725.08	$0.00	$0.00
PAVING LEVY Total:	$756,301.87	$768,874.93	$734,567.56	$0.00	$0.00
PAVING LEVY LOCAL TAXES Total:	$756,301.87	$768,874.93	$734,567.56	$0.00	$0.00
Fund: 231 FIRE PENSION					
LOCAL TAXES					
231.010.4110 GENERAL PROPERTY TAX					
Period #03	$152,443.57	$150,462.28	$135,227.93	$139,658.95	$144,415.64
Period #07	$0.00	$0.00	$0.00	$100,943.70	$99,381.28
Period #08	$105,859.90	$113,310.14	$102,988.69	$0.00	$0.00
GENERAL PROPERTY TAX Total:	$258,303.47	$263,772.42	$238,216.62	$240,602.65	$243,796.92
231.010.4114 HOUSE TRAILER TAX					
Period #03	$0.00	$330.65	$245.89	$289.94	$232.12
Period #04	$272.47	$0.00	$0.00	$0.00	$0.00
Period #08	$221.33	$200.03	$271.94	$168.82	$189.11
Period #09	$0.00	$0.00	$0.00	$0.00	$0.00
HOUSE TRAILER TAX Total:	$493.80	$530.68	$517.83	$458.76	$421.23
FIRE PENSION LOCAL TAXES Total:	$258,797.27	$264,303.10	$238,734.45	$241,061.41	$244,218.15

City of Ashtabula

PROPERTY TAX HISTORY cont.

Accounting Years: 2022 to 2016

Account Type: Revenue

	2022	2021	2020	2019	2018
Fund: 232 POLICE PENSION					
LOCAL TAXES					
232.010.4110 GENERAL PROPERTY TAX					
Period #03	$152,443.57	$150,462.28	$135,227.93	$139,658.95	$144,415.64
Period #07	$0.00	$0.00	$0.00	$100,943.70	$99,381.28
Period #08	$105,859.90	$113,310.14	$102,988.69	$0.00	$0.00
GENERAL PROPERTY TAX Total:	$258,303.47	$263,772.42	$238,216.62	$240,602.65	$243,796.92
232.010.4114 HOUSE TRAILER TAX					
Period #03	$0.00	$330.65	$245.89	$289.94	$232.12
Period #04	$272.47	$0.00	$0.00	$0.00	$0.00
Period #08	$221.33	$200.03	$271.94	$168.82	$189.11
Period #09	$0.00	$0.00	$0.00	$0.00	$0.00
HOUSE TRAILER TAX Total:	$493.80	$530.68	$517.83	$458.76	$421.23
POLICE PENSION LOCAL TAXES Total:	$258,797.27	$264,303.10	$238,734.45	$241,061.41	$244,218.15
Fund: 233 PARKS & RECREATION					
LOCAL TAXES					
233.010.4117 PARK LEVY					
Period #03	$172,697.22	$170,157.61	$161,934.10	$167,740.32	$172,883.65
Period #04	$309.06	$0.00	$0.00	$0.00	$0.00
Period #07	$0.00	$0.00	$0.00	$121,065.17	$118,849.92
Period #08	$120,350.55	$128,168.74	$123,096.57	$207.22	$231.32
Period #09	$0.00	$0.00	$0.00	$0.00	$0.00
PARK LEVY Total:	$293,356.83	$298,326.35	$285,030.67	$289,012.71	$291,964.89
PARKS & REC LOCAL TAXES Total:	$293,356.83	$298,326.35	$285,030.67	$289,012.71	$291,964.89

City of Ashtabula

PROPERTY TAX HISTORY cont.

Accounting Years: 2022 to 2016
Account Type: Revenue

		2022	2021	2020	2019	2018
Fund: 412	PERM IMPROVEMENT					
LOCAL TAXES						
412.010.4110	GENERAL PROPERTY TAX					
Period #03		$234,528.58	$231,480.45	$208,042.98	$214,859.94	$222,177.89
Period #07		$0.00	$0.00	$0.00	$155,298.03	$152,894.31
Period #08		$162,861.42	$174,323.25	$158,444.13	$0.00	$0.00
GENERAL PROPERTY TAX Total:		$397,390.00	$405,803.70	$366,487.11	$370,157.97	$375,072.20
PERMANENT IMPRMNT LOCAL TAXES		$397,390.00	$405,803.70	$366,487.11	$370,157.97	$375,072.20
PROPERTY TAX REVENUE TOTAL		$3,388,728.44	$3,456,676.70	$3,220,356.07	$2,486,288.76	$2,524,316.77

NET PROP TAX COLLECTION DIFF **($67,948.26)**

City of Ashtabula
BED TAX HISTORY

Accounting Years: 2022 to 2016
Account Type: Revenue

		2022	2021	2020	2019	2018
101.010.4160	BED TAX					
Period #01		$1,797.87	$196.55	$0.00	$0.00	$342.45
Period #03		$0.00	$200.46	$693.74	$0.00	$28.19
Period #04		$822.72	$177.93	$0.00	$0.00	$0.00
Period #05		$38.00	$0.00	$0.00	$0.00	$0.00
Period #06		$0.00	$147.51	$358.50	$1,493.40	$0.00
Period #07		$0.00	$1,420.00	$0.00	$0.00	$0.00
Period #08		$3,350.64	$0.00	$0.00	$0.00	$0.00
Period #09		$0.00	$0.00	$440.55	$0.00	$0.00
	BED TAX Total:	$6,009.23	$2,142.45	$1,492.79	$1,493.40	$370.64

NET BED TAX COLLECTION DIFF **$3,866.78**

City of Ashtabula

INCOME TAX HISTORY

Accounting Years: 2022 to 2016

Account Type: Revenue

		2022	2021	2020	2019	2018
Fund: 101	GENERAL FUND					
MUNICIPAL INCOME TAX						
101.020.4140	CITY INCOME TAX					
Period #01		$710,447.35	$618,426.01	$517,261.00	$516,916.41	$420,122.13
Period #02		$513,685.18	$430,232.52	$473,904.36	$499,366.12	$508,227.62
Period #03		$643,407.83	$751,864.45	$372,531.57	$523,434.82	$523,492.64
Period #04		$987,402.95	$752,598.82	$711,625.24	$445,685.88	$305,538.25
Period #05		$605,880.39	$762,770.66	$620,936.87	$552,582.63	$1,007,776.91
Period #06		$526,571.99	$484,759.86	$507,501.35	$1,008,006.30	$564,027.00
Period #07		$471,468.17	$508,862.79	$504,817.13	$443,158.27	$510,910.97
Period #08		$713,653.33	$517,028.40	$639,472.35	$426,785.05	$488,409.61
	CITY INCOME TAX Total:	$5,172,517.19	$4,826,543.51	$4,348,049.87	$4,415,935.48	$4,328,505.13
101.020.4145	TAX PENALTY					
Period #01		$7,270.50	$4,127.04	$804.84	$2,009.83	$441.78
Period #02		$6,164.58	$1,126.43	$3,501.33	$3,842.36	$1,138.79
Period #03		$13,272.95	$3,298.28	$4,201.26	$5,355.21	$6,093.20
Period #04		$14,708.70	$3,347.70	$1,804.38	$7,495.44	$7,968.72
Period #05		$5,635.32	$11,345.00	$1,593.72	$8,938.89	$6,195.44
Period #06		$6,353.99	$5,721.50	$2,234.44	$4,591.99	$4,204.84
Period #07		$6,012.86	$4,354.25	$9,932.85	$3,328.82	$2,605.72
Period #08		$7,752.17	$5,408.01	$5,062.53	$2,350.72	$2,542.30
	TAX PENALTY Total:	$67,171.07	$38,728.21	$29,135.35	$37,913.26	$31,190.79
GENERAL FUND INCOME TAXES Total:		$5,239,688.26	$4,865,271.72	$4,377,185.22	$4,453,848.74	$4,359,695.92
Fund: 412	PERM IMPROVEMENT					
MUNICIPAL INCOME TAX						
412.020.4140	CITY INCOME TAX					
Period #01		$78,938.54	$68,713.94	$57,473.44	$57,435.12	$46,680.23
Period #02		$57,076.09	$47,803.60	$52,656.07	$55,485.08	$56,469.71
Period #03		$71,489.74	$83,540.50	$41,392.36	$58,159.41	$58,165.83
Period #04		$109,712.00	$83,622.03	$79,069.43	$49,520.65	$33,948.66
Period #05		$67,320.02	$84,678.32	$68,992.93	$61,398.02	$111,975.16
Period #06		$58,507.95	$53,862.19	$56,389.03	$112,000.67	$62,669.64
Period #07		$52,385.38	$56,540.25	$56,090.80	$49,239.78	$56,767.88
Period #08		$79,294.80	$57,447.56	$71,052.50	$47,420.56	$54,267.74
	CITY INCOME TAX Total:	$574,724.52	$536,208.39	$483,116.56	$490,659.29	$480,944.85
PERM IMPRVMT INCOME TAXES Total Total:		$574,724.52	$536,208.39	$483,116.56	$490,659.29	$480,944.85
INCOME TAX REVENUE TOTAL		$5,814,412.78	$5,401,480.11	$4,860,301.78	$4,944,508.03	$4,840,640.77

NET INCOME TAX COLLECTION DIFF **$412,932.67**

2022 Assessment Totals

Delinquent Services assessed to the 2022 property taxes:

1537	Parcels	City Sewer	325,093.80
1332	Parcels	Sewer Capital Imprvmnt	57,389.87
1529	Parcels	Sewer Capital Debt	53,975.24
609	Parcels	City Trash	202,368.52
36	Parcels	Occupancy Permits	6,570.00
1	Parcels	Board Ups	150.00
12	Parcels	Grass & Weeds	5,450.00
Total Assessed			$ 650,997.43

Delinquent Services ***not assessed*** and written off due to sale or foreclosure:

Sale	15,892.26
Foreclosure	4,549.03
Total write off's due to property transfer	$ 20,441.29

- The reason it takes so long to run reports in MITS is because we have accounts with balances going back to 1990. There is a write-off process in MITS for uncollectable accounts.

- With revised Codified Ordinance and application we can send delinquent tax accounts to the Ohio Attorney General for collection. The OAG's office can intercept Ohio and Federal tax refunds. Charges may be compromised for a reduced payment based on age and amount owed. Payments are sent to us with a spreadsheet for manual entry into MITS. There is an application process to OAG and a specific spreadsheet format that will have to be set up in MITS.

- We have 13,363 active accounts. We are not using the step process for delinquent accounts. Our delinquent account collection procedures are lacking. For example: account entered and audited; bill sent out; notice sent for delinquent balance; certify to OAG's office. Three notices are normal.

- 5310 accounts that filed previously did not file in 2020.

- Revise Codified Ordinances to go to forced estimated returns. For those who filed previously and don't file again. Send a letter that they owe $X ($1,000 or pick your number), plus penalty and interest and if they don't respond, send to the OAG's office.

- We need to advertise the e-filing option.

- $1,030,995.57 from 1403 accounts is currently owed.

ORDINANCE NO. 2015-89

AN ORDINANCE REPEALING EXISTING SECTION 189.02 OF THE CODIFIED ORDINANCES OF THE CITY OF ASHTABULA, OHIO, AND ENACTING NEW SECTION 189.02, SUBJECT TO THE APPROVAL OF THE ELECTORS THEREOF, FOR THE PURPOSE OF COMPLYING WITH CHAPTER 718 OF THE REVISED CODE OF OHIO IN ORDER TO CONTINUE TO IMPOSE THE EXISTING TAX UPON MUNICIPAL INCOME, AT THE EXISTING RATE OF ONE AND EIGHT-TENTHS PER CENT (1.8%), EFFECTIVE JANUARY 1, 2016, AND AUTHORIZING THE SUBMISSION OF THE QUESTION OF APPROVAL OF SAID ORDINANCE TO THE ELECTORATE OF THE CITY AT AN ELECTION TO BE HELD ON NOVEMBER 3, 2015

WHEREAS, the electors of the City of Ashtabula, Ohio, did on May 7, 2013, approve the renewal of the 1.8% City Income Tax as provided in Chapter 189 of the Codified Ordinances of said City of Ashtabula and,

WHEREAS, the aforesaid City Income Tax is due to expire on December 31, 2016, unless the continuation of same is approved by the electors of the City of Ashtabula, Ohio; and,

WHEREAS, the Legislature of the State of Ohio has enacted amendments to Chapters 715 and 718 of the Revised Code of Ohio which provide that after January 1, 2016, no municipal corporation shall levy a tax on income at a rate in excess of one per cent without having obtained the approval of the excess by a majority of the electors of the municipality voting on the question at a general, primary, or special election; and,

WHEREAS, the Ashtabula City Council has determined and does hereby declare that it is necessary to continue to levy an income tax at the rate of one and eight-tenths per cent (1.8%) for the purpose of paying the cost of providing police and fire protection, public improvements and other current operations of the City of Ashtabula, Ohio;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Ashtabula, Ohio:

SECTION 1. That existing Section 189.~~18~~ .02 (LEH 2/24/16) of the Codified Ordinances of the City of Ashtabula, Ohio, a copy of which is attached hereto, shall be and is hereby repealed in its entirety, effective December 31, 2015; provided, however, that said repeal shall only be effective upon the approval of the continued imposition of the Ashtabula City municipal income tax at the current rate of 1.8% by a majority of the voters of said City by ballots cast at a general election or special election called for that purpose.

SECTION 2. That the following new Section 189.02 of the Codified Ordinances of the City of Ashtabula, Ohio, shall be, and the same is hereby enacted; provided, that said measure shall only be effective upon the approval of same by a majority of the voters of said City by ballots cast at a general election or special election called for that purpose in accordance with Section 718.04 of the Revised Code of Ohio:

> **189.02 PURPOSE; IMPOSITION OF TAX.**
>
> For the purpose of paying the cost of providing police and fire protection, public improvements and other current operations of the City of Ashtabula, Ohio, a tax at the rate of one and eight-tenths per cent (1.8%) is hereby imposed upon all Municipal Taxable Income in said City of Ashtabula, as defined in Section 718.01(A)(1) of the Revised Code of Ohio, or successor provisions. Said tax shall be effective January 1, 2016, and shall replace any prior or existing municipal income tax levy.

SECTION 2. That the foregoing Ordinance shall be effective upon the approval of a majority of the electorate of the City of Ashtabula, Ohio, casting ballots upon such question at an election to be held on November 3, 2015.

SECTION 3. It is hereby found and determined that all formal actions of this Council concerning and related to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its Committees that resulted in such formal action were in meetings open to the public in compliance with the requirements of Section 10 of the Municipal Charter of the City of Ashtabula, Ohio, and of R. C. Section 121.22.

SECTION 4. For the reasons stated in the preamble, this ordinance, if approved by the votes of five (5) or more members of Council, shall take effect immediately, otherwise 30 days thereafter.

PASSED: July 20, 2015

J.P. Ducro IV
President of Council

Vote:

	Yea	Nay
Ducro:	✓	
McClure:	✓	
Balog:	✓	
Pugliese:	✓	
Cook:	✓	
Misener:	✓	
Hamrick:	✓	

ATTEST:
LaVette E. Hennigan
Clerk of Council

APPROVED:
James M. Timonere
City Manager

Approved as to form and correctness this 20 *day of* July*, 2015.*

Michael Franklin, City Solicitor

(legislation reqs-drafts-finals/2015/2015-89 repeal co 189.02 purpose and imposition of tax)

Finance Director Review

The Amount required to meet this obligation in the fiscal year in which the expense/contract is made has been lawfully appropriated for such purpose and is free from any previous encumbrances.

Additionally, due diligence has been exercised in evaluating the City's ability to meet the financial constraints of the expense/contract in subsequent years.

Dana Pinkert — Date: 7-16-15
Finance Director

COPY

189.18 EFFECTIVE PERIOD.

This Chapter shall continue insofar as the levy of taxes is concerned from January 1, 2014 until December 31, 2016; provided, however, that annual returns for the year ending December 31, 2016, shall be filed on or before April 15, 2017, and any actions or proceedings for collecting any tax so levied or enforcing any provisions of said Chapter shall continue and be effective until all of said taxes levied in the aforesaid period are fully paid and any and all suits and prosecutions for the collection of said taxes or for the punishment of violations of this Chapter shall have been fully terminated. (Ord. 2012-188. Passed 12-3-12.)

LaVette E. Hennigan
Clerk of Council
2/24/2016

COPY

189.02 PURPOSE: IMPOSITION OF TAX.

To provide funds for the purpose of general municipal operations, maintenance of equipment, new equipment, extension, enlargement and improvement of municipal services and facilities and capital improvements of the City, there hereby is levied a tax upon the earnings at the rate of one and eight-tenths percent upon the following:

(a) On all income, qualifying wages, commissions and other compensation earned or received by resident individuals of the City.

(b) On all income, qualifying wages, commissions and other compensation earned or received by non-resident individuals of the City, for work done or services performed or rendered in the City.

(c) On the net profits attributable to the City, of all resident unincorporated businesses, professions and other activities derived from work done or services rendered or performed and business or other activities conducted in the City.

(d) On the portion of the distributive share of the net profit of an individual, partner or owner of a resident unincorporated business entity or association attributable to Ashtabula, but only if the tax was not paid by such unincorporated business entity or association on behalf of the individual, partner, or owner. (For S corporations, see paragraph (h) below.)

(e) On the net profits attributable to Ashtabula of all non-resident unincorporated businesses, professions or other activities, derived from work done or services performed or rendered and business or other activities conducted in the City.

(f) On the portion of the distributive share of net profits of a resident individual, partner or owner of a non-resident unincorporated business entity not attributable to Ashtabula and not levied against such unincorporated business entity. (For S corporations, see paragraph (h) below.)

(g) On the net profits of all corporations derived from work done or services performed or rendered and business or other activities conducted in the City.

(h) Effective for tax years 2004 and later, the distributive share of income paid to an S corporation shareholder shall be taxable in the following manner:

(1) If no portion of the net profits of the S corporation is allocated or apportioned to the State of Ohio, the distributive share is taxable only to the extent that it represents wages or net earnings from self-employment.

(2) If any portion of the net profits of the S corporation is allocated or apportioned to the State of Ohio, the full amount of the distributive share is taxable.

(i) Business Allocation Percentage Formula.

(1) Net profit from a business or profession conducted both within and without the boundaries of the City shall be considered as having a taxable situs in the City for purposes of income taxation in the same proportion as the average ratio of:

A. The average original cost of the real and tangible personal property owned or used by the taxpayer in the business or profession in the City during the taxable period to the average original cost of all the real and tangible personal property owned or used by the taxpayer in the business or profession during the same period, wherever situated. As used in this paragraph, real property shall include property rented or leased by the taxpayer and the value of such property shall be determined by multiplying the annual rental thereon by eight.

B. Wages, salaries, and other compensation paid during the taxable period to persons employed in the business or profession for services performed in the City to wages, salaries, and other compensation paid during the same period to persons employed in the business or profession, wherever their services are performed. Wages, salaries, and other compensation shall be included to the extent that they represent qualifying wages.

C. Gross receipts of the business or profession from sales made and services performed during the taxable period in the City to gross receipts of the business or profession during the same period from sales and services, wherever made or performed.

In the event that the foregoing apportionment formula does not produce an equitable result, another basis may, under uniform regulations be substituted so as to produce such result.

(2) As used in Division A. of this Subsection, "Sales made in the City" means:

A. All sales of tangible personal property which is delivered within the City regardless of where title passes if shipped or delivered from a stock of goods within such City;

B. All sales of tangible personal property which is delivered within the City regardless of where title passes even though transported from a point outside such City if the taxpayer is regularly engaged through its own employees in the solicitation or promotion of sales within the City and the sales result from such solicitation or promotion;

C. All sales of tangible personal property which is shipped from a place within the City to purchasers outside such City regardless of where title passes if the taxpayer is not, through its own employees, regularly engaged in the solicitation or promotion of sales at the place where delivery is made.

(3) Consolidated Returns:

A. Any affiliated group which files a consolidated return for federal income tax purposes pursuant to Section 1501 of the Internal Revenue Code may file a consolidated return with the City. However, once the affiliated group has elected to file a consolidated return or a separate return with the City, the affiliated group may not change their method of filing in any subsequent tax year without written approval from the City.

B. In the case of a corporation that carries on transactions with its stockholders or with other corporations related by stock ownership, interlocking directorates, or some other method, or in case any person operates a division, branch, factory, office, laboratory or activity within this Municipality constituting a portion only of its total business, the Administrator or other duly authorized employee shall require such additional information as he may deem necessary to ascertain whether net profits are properly allocated to this Municipality. If the Administrator or other duly authorized employee finds net profits are not properly allocated to this Municipality by reason of transactions with stockholders or with other corporations related to stock ownership, interlocking directorates, or transactions with such division, branch, factory, office, laboratory or activity or by some other method, he shall make such allocation as he deems appropriate to produce a fair and proper allocation of net profits to this City.

(4) Any net operating loss sustained by a Taxpayer in any Taxable Year may not be carried forward or back to any other Taxable Year, regardless of whether such net operating loss or any portion thereof is allocable to the City. (Ord. 2004-26. Approved by voters 5-25-04.)

CHAPTER 189

Income Tax Ordinance

CROSS REFERENCES

Municipal income taxes - see Ohio R.C. Ch. 718
Elector approval of income tax - see CHTR. 91.1

189.01 DEFINITIONS.

As used in this chapter, the following words shall have the meaning ascribed to them in this section, except as and if the context clearly indicates or requires a different meaning:

"Adjusted Federal Taxable Income" - A "C" corporation's federal taxable income before net operating losses and special deductions as determined under the Internal Revenue Code, but including subsequent adjustments from required additions and deductions. Pass-through entities must compute "Adjusted Federal Taxable Income" as if the pass-through entity was a "C" corporation. This definition does not apply to any taxpayer required to file a return under Ohio Revised Code (ORC) section 5745.03 or to the net profit from a sole proprietorship. This definition is effective for tax years beginning on or after January 1, 2004.

"Administrator" - The individual designated by this chapter, whether appointed or elected, to administer and enforce the provisions of this chapter.

"Association" - A partnership, limited partnership, limited liability company, Chapter S Corporations as defined in the federal tax code, 26 U.S.C. 1361, or any other form of unincorporated enterprise.

"Board of Review" - The Board created by and constituted as provided in Section 189.15 .

"Business" - An enterprise, activity, profession or undertaking of any nature conducted for profit or ordinarily conducted for profit, whether by an individual, partnership, limited partnership, corporation, association or any other entity.

"City" - The City of Ashtabula.

"Corporation" - A corporation or joint stock association organized under the laws of the United States, the State of Ohio, or any other state, territory, foreign country or dependency.

“Domicile” - The permanent legal residence of a taxpayer. A taxpayer may have more than one residence but not more than one domicile.

"Employee" -An individual who works for income, wages, salary, commission or other type of compensation in the service and under the control of an employer.

"Employer" - An individual, partnership, limited partnership, association, corporation, governmental body, unit or agency, or any other entity who or that employs one or more persons on a salary, wage, commission or other compensation basis or other income basis.

"Fiscal year" - an accounting period of twelve months ending on any day other than December 31.

"Generic Form" - an electronic or paper form designed for reporting estimated municipal income taxes, and/or annual municipal income tax liability, and/or separate requests for refunds that contain all the information required on the City's regular tax return and estimated payment forms, and are in a similar format that will allow processing of the generic forms without altering the City's procedures for processing forms.

"Gross Receipts" - The total revenue derived from sales, work done, or service rendered, before any deductions, exceptions, or credits are claimed.

"Income" - Shall include all monies derived from any source whatsoever, including but not limited to:

(1) All salaries, wages, commissions, other compensation and other income from whatever source received by residents of the City.

(2) All salaries, wages, commissions, other compensation and other income from whatsoever source received by nonresidents for work done or services performed or rendered or activities conducted in the City.

(3) The portion attributable to the City of the net profits of all unincorporated businesses, associations, professions, corporations, or other entities, from sales made, work done, services performed or rendered, and business or other activities

conducted in the City.

"Net Profits" - For tax years prior to 2004, the net gain from the operation of a business, profession or enterprise after provision for all cost and expense incurred in the conduct thereof, including reasonable allowance for depreciation, depletion, amortization and reasonable additions to reserve for bad debts, either paid or accrued in accordance with recognized principles of accounting applicable to the method of accounting regularly employed and without deduction of Federal Taxes based on income, and without deducting taxes imposed by this chapter. (For 2004 and later years, see "adjusted federal taxable income").

"Non-Resident" - An individual domiciled outside the City.

"Nonresident Unincorporated Business Entity" - An unincorporated business entity not having any of fice or place of business within the City.

"Other Entity" - The term "other entity" means any person or unincorporated body not previously named or defined and includes fiduciaries located within the City.

"Pass Through Entity" - A partnership, S corporation, limited liability company (i.e., a limited liability company formed under Chapter 1705 of the Ohio Revised Code or under the laws of another state), or any other class of entity the income or profits from which are given pass-through treatment under the Internal Revenue Code.

"Person" - Every natural person, partnership, limited partnership, corporation, fiduciary or association. Whenever used in any clause prescribing and imposing a penalty, the term "person" as applied to any association, shall mean the partners or members thereof, and as applied to corporation, the officers thereof.

"Qualifying Wage" - Wages as defined in Section 3121(a) of the Internal Revenue Code, without regard to any wage limitations, but including subsequent adjustments from required additions and deductions. "Qualifying wage" represents employees' income from which municipal tax shall be deducted by the employer, and any wages not considered a part of "qualifying wage" shall not be taxed by the City. This definition is effective January 1, 2004.

"Resident" - An individual domiciled in the City.

"Resident Unincorporated Business Entity" - An unincorporated business entity having an office or place of business within the City.

"Taxable Year" - The calendar year, or the fiscal year under the basis of which net profits are to be computed under this chapter and, in the case of a return for a fractional part of a year, the period for which such return is required to be made.

"Taxpayer" - A person, whether an individual, partnership, limited partnership, corporation, association or other entity, required hereunder to file a return or to pay a tax hereunder.

The singular shall include the plural and the masculine shall include the feminine and the neuter. (Ord. 2004-26. Approved by voters 5-25-04.)

189.02 PURPOSE: IMPOSITION OF TAX.

For the purpose of paying the cost of providing police and fire protection, public improvements and other current operations of the City of Ashtabula, Ohio, a tax at the rate of one and eight-tenths percent (1.8%) is hereby imposed upon all Municipal Taxable Income in said City of Ashtabula, as defined in Section 718.01(A)(l) of the Revised Code of Ohio, or successor provisions. Said tax shall be effective January 1, 2016, and shall replace any prior or existing municipal income tax levy.
(Ord. 2015-89. Passed 7-20-15.)

189.03 EXEMPTIONS.

The provisions of this chapter shall not be construed as levying a tax upon the following:

(a) The military pay or allowances of members of the armed forces of the United States and of members of their reserve components, including the Ohio National Guard;

(b) The income of religious, fraternal, charitable, scientific, literary, or educational institutions to the extent that such income is derived from tax exempt tangible or intangible property, or tax-exempt activities;

(c) Intangible income;

(d) Compensation paid under Sections 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 ($1,000) annually. Such compensation in excess of one thousand dollars ($1,000.00) shall be subject to taxation under this chapter.

(e) Compensation paid to an employee of a transit authority, regional transit authority, or regional transit commission created under Chapter 306 of the Ohio Revised Code for operating a transit bus or other motor vehicle for the authority or commission in or through the municipal corporation, unless the bus or vehicle is operated on a regularly scheduled route, the operator is subject to such a tax by reason of residence or domicile in the City, or the headquarters of the authority or commission is located within the City.

(f) The income of a public utility when that public utility is subject to the tax levied under Sections 5727.24 or 5727.30 or the Ohio Revised Code, except starting January 1, 2002, the income of an electric company or combined company, as defined in Section 5727.01 of the Ohio Revised Code, may be taxed by a municipal corporation, subject to Chapter 5745 of the Ohio Revised Code.

(g) Effective January 1, 2003, items excluded from federal gross income pursuant to Section 107 of the Internal Revenue Code.

(h) Compensation paid to an individual for personal services performed within the City, if the individual does not reside in the City, performs such personal services in the City on twelve (12) or fewer days in the calendar year and, if the individual is an employee, the principal place of business of the individual's employer is located outside of the City. This exemption does not apply to professional entertainers or professional athletes or to promoters of professional entertainment or sports events and their employees.

(i) Loss of income assistance, such as welfare benefits, including permanent disability benefits received from local, state or federal governments, or charitable, religious or educational organizations.

(j) Pensions, disability benefits, annuities or gratuities from whatever source derived.

(k) Dues, contributions and similar payments received by charitable, religious or education organizations, or labor unions, trade associations or lodges.

(l) Receipts by bona fide charitable, religious and educational organizations and associations, when those receipts are from casual sales and seasonal or casual entertainment, amusements and sport events (such as gambling and lottery winnings) and health and welfare activities conducted by bona fide charitable, religious or educational organizations.

(m) Personal earnings of all individuals under eighteen (18) years of age.

(n) Income, qualifying wages, commissions and other compensation and net profits, the taxation of which is prohibited by the Constitution of the State of Ohio or any act of the Ohio General Assembly limiting the power of the City to impose net income taxes.

(o) Salaries, wages, commissions and other compensation and net profits the taxation of which is prohibited by the United States Constitution or any act of Congress limiting the power of the states or their political subdivision to impose net income taxes of income derived from interstate commerce.

(Ord. 2004-26. Approved by voters 5-25-04.)

189.04 EFFECTIVE DATE.

Said tax shall be levied, collected and paid with respect to salaries, wages, commissions and other compensation earned on and after January 1, 2008, and with respect to the net profit of businesses, professions and other activities earned on and after January 1, 2008. Provided, however, that where the fiscal year of the business, profession or other activity differs from the calendar year, the tax shall be applied to that part of the net profit for the fiscal year as shall be earned on and after January 1, 2008, to the close of the taxpayer's fiscal year; thereafter the taxpayer shall report on its fiscal year basis.

(Ord. 2007-26. Approved by voters 5-8-07.)

189.05 RETURN AND PAYMENT OF TAX.

(a) Each resident of the City, eighteen (18) years of age or older, whether or not a tax be due thereon, each Ashtabula resident who conducts a business operation within the City or outside the City, whether or not a tax be due thereon, each non-resident who has business operations within the City and any non-resident who has been employed within the City and receives some type of earnings where no City income tax is withheld, is required to make and file an annual tax return on or before April 15 of the year following the effective date of this chapter, and on or before April 15 of each year thereafter, with the City Income Tax Department on a form obtainable from the Administrator, or a generic form, setting forth the aggregate amount (if any) of income, wages, or other compensation and net profits earned or received by him or her during the preceding year or period and subject to said tax, together with other pertinent information as the Administrator may require. Provided for other period different from the calendar year, the return shall be made within one hundred five (105) days from the end of said fiscal year or other period.

(b) The return shall also show the amount of the tax imposed on such earnings and profits. The taxpayer making the same return shall at the time of filing thereof, pay to the City Treasurer the amount of taxes as due thereon. Provided, however, that where any portion of said tax shall have been paid by such taxpayer pursuant to the provisions of Section 189.06 and/or Section 189.07 credit for the amount so paid shall be deducted from the amount shown to be due and only the balance, if any, shall be due and payable at the time of filing said final return.

(c) Tax assessments or refunds in an amount of one dollar ($1.00) or less will not be collected or refunded.

(d) Each individual earning or receiving income, qualifying wages, commissions and other compensation shall file with his/her tax return a copy of all Form W-2's, federal schedules or other such similar documentations as is required by instructions to the return, and such other pertinent statements, information returns or other information as the Administrator may require, to verify earnings and any City income tax withheld.

(e) An individual may not claim federal Form 2106 deductions for City income tax purposes unless that individual has claimed the same deduction for federal income tax purposes and attaches to his/her annual return a copy of the federal Form 2106 with the Internal Revenue Service.

(f) Each individual earning or receiving income from Business or from rental property shall file with his/her tax return a copy of Schedule C, Schedule E, or other similar form that was filed with his/her federal income tax return for the applicable tax year regardless of whether such form shows a profit or loss.

(g) Where necessary, an amended return shall be filed in order to report additional income and pay any additional tax due, or claim a return of tax overpaid, subject to the requirements and/or limitations contained in Sections 189.08, 189.12, and 189.13. Such amended return shall be on a form obtainable on request from the Administrator, or on an acceptable generic form. A taxpayer may not change the method of accounting (i.e., cash or accrual) or apportionment of net profits after the due date for filing the annual return.

(h) Losses from the operation of a business or a profession are not deductible from employee earnings. Rental and business losses may not be used to offset wage income.

(i) Any business, profession, association or corporation reporting a net loss is subject to the filing requirements of this chapter.

(Ord. 2004-26. Approved by voters 5-25-04.)

189.06 COLLECTION AT SOURCE.

(a) In accordance with this chapter and the Rules and Regulations prescribed by the Administrator, each employer within or doing business within the City, shall deduct, at the time of the payment of such income, qualifying wages, commissions or other compensation, the tax at the current rate of Ashtabula City Income Tax of the gross income, qualifying wages, commissions or other compensation due by the said employer to said employee, and shall, on or before the last day of each month, make a return and pay to the Administrator the amount of taxes so deducted during the previous month: provided, however, that if the amount of the tax so deducted by any employer in the previous tax year averaged less than $100 per month, the employer may defer the filing of a return and payment of the amount deducted until the last day of the month following the end of the calendar quarter for which such taxes have been withheld. The Administrator shall have the authority to deny quarterly payments if the employer is not in full compliance with all City income tax laws.

(b) Said return shall be on a form prescribed by or acceptable to the Administrator. Such employer, in collecting said tax, shall be deemed to hold the same as trustee for the benefit of the City until payment is made by such employer to the City, and any such tax collected by such employer from his employees shall, until same is paid to the City, be deemed a trust fund in the hands of such employer.

(c) On or before February 28 of each Calendar Year, an employer must file with the City an information return on a form prescribed by the Administrator showing the name, address and social security number of each employee from whom City income tax was withheld, the total amount of income, qualifying wages, commissions and other compensation paid to the employee during the prior calendar year and the amount of City income tax withheld from each employee. In addition, each employer, on or before February 28 of each calendar year, shall provide each employee a Form W-2 showing the name, address and social security number of the employee, the total amount of income, qualifying wages, commissions and other compensation paid to the employee during the prior calendar year and the amount of City income tax withheld from such employee. An alternative method of reporting in lieu of submitting Form W-2 must be approved by the Administrator. The Administrator may provide by uniform rule or regulation for the use of electronic media by employers for reporting annual wage and tax data.

(d) All individuals, businesses, employers, brokers or others doing business within the City who are required under the Internal Revenue Code to furnish forms 1099 to IRS for individuals or businesses to whom or which they have non-employee compensation, shall furnish copies of the said form 1099's to the Administrator or in lieu thereof, a list containing the same information as required by IRS on the 1099's on or before the due date for such forms 1099's as established by IRS.

(e) All employers that provide any contractual service within the Municipality, and who employ subcontractors in conjunction with that service, shall provide the Municipality the names and addresses of the subcontractors. The subcontractors shall be responsible for all income tax withholding requirements under this chapter.

(Ord. 2004-26. Approved by voters 5-25-04.)

189.07 DECLARATIONS.

(a) Every person who anticipates earning or receiving any income or net profits for a taxable year that is not subject to City Income tax withholding pursuant to this chapter or who engages in any Business or other activity subject to the tax imposed by this chapter may file a declaration setting forth such estimated income or net profit from such business or other activity together with the estimated income thereon.

(b) Such declaration may be filed by each taxpayer using the calendar year on or before April 15 of each year during the life of this chapter, or by the 15th day of the fourth month after the taxpayer first becomes subject to the tax imposed by this chapter and by each taxpayer using a fiscal year on or before the 15th day of the fourth month after the beginning of each fiscal year or the 15th day of the fourth month after the taxpayer first becomes subject to the tax imposed by this chapter.

(c) Filing of declarations.

(1) Each declaration of estimated tax shall be filed on a form furnished by or obtainable from the Administrator, or on an acceptable generic form. Credit may be taken for income tax paid or to be withheld and remitted to other taxing municipalities for the applicable tax year in accordance with this chapter.

(2) A declaration of estimated tax may be amended at any time, provided, however, that the unpaid balance due must be paid in equal installments on or before the remaining payment dates for the applicable tax year.

(d) Payment of estimated tax shown on a declaration shall be made according to the following schedule:

(1) At least twenty-two and one-half percent (22-1/2 %) of the taxpayer's estimated tax for the applicable tax year must be paid on or before the l 5th day of the fourth month after the beginning of the applicable tax year.

(2) At least forty-five percent (45%) of the taxpayer's estimated tax for the applicable tax year must be paid on or before the last day of the seventh month after the beginning of the applicable tax year in the case of individuals or the 15th day of the sixth month after the beginning of the applicable tax year in the case of taxpayers other than individuals.

(3) Sixty-seven and one-half percent(67-1/2 %) of the taxpayer's estimated tax for the applicable tax year must be paid on or before the last day of the tenth month after the beginning of the applicable tax year in the case of individuals or the 15th day of the ninth month after the beginning of the applicable tax year in the case of taxpayers other than individuals.

(4) Ninety percent (90%) of the taxpayer's estimated tax for the applicable tax year must be paid on or before the last day of the thirteenth month after the beginning of the applicable tax year in the case of individuals or the 15th day of the 12th month after the beginning of the applicable tax year in the case of taxpayers other than individuals.

(e) No penalty, interest, interest penalty or other similar assessment shall be charged against a taxpayer for the late payment or nonpayment of estimated tax liability for an applicable tax year if:

(1) The taxpayer is an individual who is a resident of the City but was not domiciled in the City on the first day of January of the applicable tax year; or

(2) The taxpayer has remitted an amount at least equal to one hundred percent (100%) of the taxpayer's tax liability to the City for the preceding applicable tax year, provided that the return for the preceding applicable tax year reflected a twelve (12) month period and the taxpayer filed a return for the preceding applicable tax year.

(Ord. 2004-26. Approved by voters 5-25-04.)

189.08 CREDIT FOR TAX PAID TO OTHER MUNICIPALITIES.

(a) An individual taxpayer residing in the City who receives net profits, income, qualifying wages, commissions or other personal service compensation for work done or services performed outside of the City of Ashtabula and is required to pay a municipal income tax on such net profits, income, qualifying wages, commissions, or other compensation to another municipality shall be entitled to receive a credit against the tax imposed by this chapter of the amount of said tax so paid by him or in his behalf to such other municipality; provided, however, that the credit authorized by this section shall not exceed fifty per cent (50%) of the amount of the tax assessed by this chapter on such net profits, income, qualifying wages, commission or compensation earned in such other municipality. (Ord. 2011-197. Passed by electorate 3-6-12.)

(b) Section 189.08 is hereby declared and found to have an effective date of 12:00 a.m. on April 1, 2012. (Ord. 2012-72. Passed 5-7-12.)

189.09 ADMINISTRATION, DUTIES OF THE CITY AUDITOR AND THE CITY TREASURER.

(a) It shall be the duty of the City Treasurer to receive the tax imposed by this chapter in the manner prescribed herein from the taxpayers; to keep an accurate record thereof; and to report all monies so received. All cashiers handling tax monies shall be subject directly to the City Treasurer and shall give daily accountings to the City Treasurer.

(b) It shall be the duty of the City Auditor or duly authorized agent or employee to enforce payment of all taxes owing the City, to keep accurate records for a minimum of six (6) years showing the amount due from each taxpayer required to file a declaration and/or make any return, including taxes withheld, and to show the dates and amounts of payments thereof.

(c) Said City Auditor, or duly authorized agent or employee is hereby charged with the enforcement of the provisions of this chapter and to enforce the rules and regulations of Council of the City of Ashtabula, Ohio, relating to any matter or thing pertaining to the collection of City income taxes and the administration and enforcement of the provisions of this chapter, including provisions for the examination and correction of returns and payments. Taxpayers are hereby required to comply with said rules and regulations.

(d) In any case where a taxpayer has failed to file a return or has filed a return which does not show the proper amount of tax due, the City Auditor or duly authorized agent or employee may determine the amount of tax appearing to be due the City from the taxpayer and shall send to such taxpayer a written statement showing the amount of tax so determined, together with interest and penalties thereon, if any. The final decision in any such matter must be signed by the City Auditor, and is appealable to the Board of Review.

(e) Subject to the consent of the Board of Review or pursuant to regulations approved by said board, the City Auditor shall have the power to compromise any interest or penalty, or both, imposed by this chapter.

(f) A Department of Taxation is hereby created within the office of the City Auditor of the City of Ashtabula. Such Department of Taxation shall have such deputies, clerks and other employees as may be from time to time determined by the Council of the City of Ashtabula, and shall receive such salary as may be determined by the City Council.

(g) The City Auditor shall make all appointments of personnel and purchase all equipment, supplies and material for the Department of Taxation. The Department of Taxation shall be charged with the administration and operation of this chapter, under the direction of the City Auditor. The City Auditor or duly authorized agent or employee shall prescribe the form and method of accounts and reports for said department, as well as the forms for taxpayers' returns and declarations, and shall be charged with the internal examination and audit all such accounts, and shall exhibit accurate records showing the amount received from each taxpayer, and the date of said receipt. The City Auditor shall also make written report to Council annually of all monies collected hereunder during the preceding year.

(Ord. 2004-26. Approved by voters 5-25-04.)

189.10 INVESTIGATIVE POWERS OF THE CITY AUDITOR.

(a) The City Auditor or duly authorized agent or employee, is hereby authorized to examine the books, papers and records of any employer, or of any taxpayer or person subject to the tax, for the purpose of verifying the accuracy of any return made, or, if no return was made, to ascertain the tax due. Every such employer, supposed employer, taxpayer or supposed taxpayer, is hereby directed and required to furnish to the City Auditor or duly authorized agent or employee, the means, facilities and opportunity for making such examination and investigations as are hereby authorized.

(b) The City Auditor, or duly authorized agent or employee, is hereby authorized to examine any person, employer or employee under oath, concerning any income which was or should have been resumed for taxation, and for this purpose may compel the production of books, papers and records and the attendance of all persons, whether as parties or witnesses, wherever it is believed such persons have knowledge of such income.

(c) The refusal to produce such books, papers, records or Federal Income Tax returns or State of Ohio income tax returns, or the refusal to submit to such examination by an employer, employee or person subject or presumed to be subject to the tax shall be deemed a violation of this chapter.

(d) Tax returns and all audit papers and information connected therewith are confidential and shall be carefully preserved so that they shall not be available for inspection by anyone other than the proper agents of the City for official purposes.

(e) Any information gained as the result of the filing of any tax returns, investigations, hearings or verifications required or authorized by this chapter shall be confidential, except for official tax purposes and except in accordance with proper judicial order. Any person divulging such information shall upon conviction thereof be deemed guilty of a misdemeanor and shall be subject to a fine or penalty of not more than five hundred dollars ($500.00) or imprisoned for not more than six (6) months, or both. Each disclosure shall constitute a separate offense. In addition to the above penalties, any employee of the City who violates the provisions of this section relative to disclosures of confidential information shall be immediately dismissed from the service of the City.

(f) In any case where a taxpayer has failed to file a return or has filed a return which does not show the proper amount of tax due, the City Auditor may determine the amount of the tax appearing to be due this Municipality from the taxpayer and shall send to such taxpayer a written statement showing the amount of the tax so determined, together with interest and penalties thereon, if any. Such assessment shall be collected in accordance with the Rules and Regulations.

(g) Every taxpayer shall retain all records necessary to compute his tax liability for a period of six (6) years from the date his return is filed, or the withholding taxes are paid.

(Ord. 2004-26. Approved by voters 5-25-04.)

189.11 PENALTIES AND INTEREST.

(a) All taxes imposed and all monies withheld or required to be withheld by employers under the provisions of this Chapter and remaining unpaid after they become due shall bear interest at the rate of one percent a month (12% a year).

(b) Penalties on Unpaid Tax; Penalties on Failure to File Return. In addition to interest as provided in Section 189.11(a) penalties are hereby imposed and shall be assessed as follow:

(1) For failure to pay taxes due: ten percent (10%) of unpaid tax, but not less than fifty dollars ($50.00).

(2) For failure to make and file any return as required by Sections 189.05 and/or 189.06 fifty dollars ($50.00).

(c) Exceptions. A penalty shall not be assessed on an additional tax assessment made by the Administrator when a return has been filed in good faith and the tax paid thereon within the time prescribed by the Administrator. In the absence of fraud, neither penalty nor interest shall be assessed on any additional tax assessment resulting from a federal audit, providing an amended return is filed and the additional tax is paid within 3 months after final determination of the federal tax liability.

(d) On the recommendation of the City Auditor, the Board of Review may abate penalty or interest or both, or on an appeal from the refusal of the City Auditor to recommend abatement of penalty and interest, the Board may nevertheless abate penalty or interest or both.

(e) Any person required to withhold the tax who knowingly fails to withhold the tax or pay over the tax, or knowingly attempts in any manner to evade or defeat the tax or the payment thereof, shall, in addition to other penalties provided by law, be liable to a penalty equal to the total amount of the tax evaded, not withheld, or not paid over. No other penalty under this section shall be applied to any offense to which this penalty is applied.

(Ord. 2004-26. Approved by voters 5-25-04.)

189.12 COLLECTION OF UNPAID TAXES.

(a) All taxes imposed and administered by this chapter shall be collectible, together with any interest and penalties thereon, by suit, as other debts of like amount are recoverable.

(b) When a final return is filed as prescribed in Section 189.05 hereof and a deficiency is determined to be due to the City, civil action to collect the same shall not be commenced after three (3) years from the due date of said return, and when a taxpayer fails to file a return, or files a false or fraudulent return, action to collect tax due to the City shall not be commenced after six (6) years from the due date of said return or the date the false or fraudulent return was filed.

(c) Those officers or employees having control or supervision of, or charged with, the responsibility of filing the return and making payments for a corporation or association shall be personally liable for failure to file the return or pay the taxes and penalties and interest due as required. The dissolution, bankruptcy, or reorganization of any employer does not discharge the officers' or employees' liability for a prior failure of such business to file a return or pay the taxes due. (Ord. 2004-26. Approved by voters 5-25-04.)

(d) All unpaid tax accounts referred by the City Auditor or Income Tax Administrator to an attorney, law firm, or collection agency shall be assessed a collection fee on the entire balance due equal to the contingency collection percentage charged by such attorney, law firm or collection agency as set forth in a collection contract or written commitment letter with the City of Ashtabula. The "entire balance due" prior the assessment of such collection fee shall be deemed to be the sum of the principal balance due plus all penalties, interest and permissible charges or fees assessed at or prior to the date of referral. The collection fee shall be assessed as to all payments made by the taxpayer whether or not the account is paid in full with a single payment or over time with more than one payment. The assessment of the collection fee shall be made by the attorney, law firm or collection agency after the referral of the unpaid account. Additionally, court costs shall be added to the balance due as they are incurred but shall not be assessed a collection fee. (Ord. 2010-152. Passed 10-18-10.)

189.13 REFUNDS AND EXTENSION REQUESTS.

(a) Taxes erroneously paid shall not be refunded unless a claim for a refund is made. Claims for refund of municipal income taxes must be brought within three (3) years after the tax was due or the return was filed, whichever is later. However, the following shall apply regarding refunds of tax withheld from non-qualified deferred compensation plans (NDCP):

(1) A taxpayer may be eligible for a refund if the taxpayer has suffered a loss from a NDCP. The loss will be considered sustained only in the taxable year in which the taxpayer receives the final distribution of money and property pursuant to the NDCP. Full loss is sustained if no distribution of money and property will be made by the NDCP.

(2) A taxpayer who receives income as a result of payments from a NDCP, and that income is less than the amount of income deferred to the NDCP and upon which municipal tax was withheld, then a refund will be issued on the amount representing the difference between the deferred income that was taxed and the income received from the NDCP. If different tax rates applied to the tax years in which there were deferrals, a weighted average of the different tax rates will be used to compute the refund amount.

(3) Refunds shall be allowed only if the loss is attributable to the bankruptcy of the employer who had established the NDCP, or the employee's failure or inability to satisfy all of the employer's terms and conditions necessary to receive the nonqualified compensation.

(b) Should it appear that any taxpayer has paid more than the amount of the tax to which the City is entitled under the provisions of this chapter or should it be found that the tax paid or withheld was done so in error, a refund of the amount so over paid shall be made, provided that a timely claim for refund has been filed by the taxpayer.

(c) For tax years prior to 2004, the Administrator or an authorized agent may extend the time for filing of the annual return of the taxpayer for a period equivalent to any extension granted by the Internal Revenue Service for the filing of the federal income tax return for the applicable tax year provided such request for extension is filed not later than the annual return date for the applicable tax year. For taxable year 2004 the extended due date shall be the last day of the month following the month to which the due date of the federal income tax return has been extended. For taxable years subsequent to 2004 the extended due date shall be the last day of the month to which the due date of the federal income tax return has been extended. The Administrator may deny the extension if the taxpayer's income tax account with the City is delinquent in any way.

(d) A copy of the Federal extension request must be filed with the City by the original due date of the City income tax return. The Administrator may require a tentative return, accompanied by payment of the amount of tax shown to be due thereon by the date the return is normally due. No penalty shall be assessed in those cases in which the return is filed and the final tax paid within the period as extended.

(e) Income tax that has been deposited with the City, but should have been deposited with another municipality, is allowable by the City as a refund but is subject to the three-year limitation on refunds. Income tax that should have been deposited with the City, but was deposited with another municipality, shall be subject to recovery by the City. The City will allow a non- refundable credit for any amount owed the City that is in excess of the amount to be refunded by the other municipality, as long as the tax rate of the other municipality is the same or higher than the City's tax rate. If the City's tax rate is higher, the tax representing the net difference of the rates is also subject to collection by the City.

(Ord. 2004-26. Approved by voters 5-25-04.)

189.14 VIOLATIONS; PENALTIES.

(a) The following shall be considered violations of this chapter:

(1) Failing, neglecting or refusing to make any return or declaration required by this chapter; or

(2) Making any incomplete, false or fraudulent return; or

(3) Failing, neglecting or refusing to pay the tax, penalties or interest imposed by this chapter; or

(4) Failing, neglecting or refusing to withhold the tax from employees or to remit such withholding to the City Treasurer; or

(5) Refusing to permit the City Auditor or any duly authorized agent or employee to examine books, records and papers relating to the income or net profits of a taxpayer; or

(6) Failing to appear before the City Auditor or duly authorized agent or employee and to produce books, records and papers relating to the income or net profits of a taxpayer under order or subpoena of the City Auditor; or

(7) Refusing to disclose to the City Auditor or duly authorized agent or employee any information with respect to the income or net profits of a taxpayer; or

(8) Failing to comply with the provisions of this chapter or any order or subpoena of the City Auditor authorized hereby; or

(9) Attempting to do anything whatever to avoid the payment of the whole or any part of the tax, penalties or interest imposed by this chapter.

(b) Any person who violates any of the provisions of Section 189.14(a) above shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars ($500.00) or imprisoned not more than six (6) months, or both, for each offense.

(c) All prosecutions under this section must be commenced within three (3) years from the time of the offense complained of, except in the case of failure to file a return or in the case of filing a false or fraudulent return, in which cases the limitation of time within which prosecution must be commenced shall be six (6) years from the date the return was due or the date the false or fraudulent return was filed.

(d) The failure of any employer or taxpayer or person to receive or procure a return, declaration or other required form shall not excuse him from making any infonnation return or declaration, from filing such form, or from paying the tax.

(Ord. 2004-26. Approved by voters 5-25-04.)

189.15 BOARD OF REVIEW.

(a) A Board of Review, consisting of three (3) electors of the City, one to be appointed by the City Manager, one to be appointed by the City Treasurer, and the third to be selected by the two so appointed, is hereby created. No member shall be appointed to the Board of Review who holds other public office or appointment. The members of the Board of Review shall serve without pay.

(b) Whenever the Administrator issues a decision regarding a City income tax obligation that is subject to appeal, the Administrator shall notify the taxpayer at the same time of the taxpayer's right to appeal the decision and the manner of such appeal. The appeal shall be made within fifteen (15) days to the City Auditor.

(c) Any person dissatisfied with any determination or ruling of the City Auditor made under the authority conferred by this chapter, and who has filed the required returns or other documents pertaining to the municipal income tax obligation at issue in the decision, may appeal to the Board in writing within thirty (30) days from the announcement of such ruling or decision stating why the decision should be deemed incorrect or unlawful.

(d) The Board shall schedule a hearing within forty-five (45) days after receiving an appeal pursuant to Section 189.15, unless the person appealing waives a hearing. The Board may affirm, reverse, or modify any determination or ruling appealed and shall issue a decision on the appeal within ninety (90) days after the final hearing on the appeal, and send notice of its decision by ordinary mail to the taxpayer within fifteen (15) days after the date of its decision.

(e) A majority of the members of the Board will constitute a quorum. The Board may adopt its own procedural rules and shall keep a record of its transactions.

(f) All hearings by the Board may be conducted privately and the provisions of Section 189.10(e) with reference to the confidential character of information required to be disclosed by this chapter shall apply to all such matters as may be heard by the Board on appeal.

(g) Any person dissatisfied with any ruling or decision of the Board of Review may appeal therefrom to a court of competent jurisdiction within thirty (30) days from the announcement of such ruling or decision. For matters relating to tax years beginning on or after January 1, 2004, any ruling or decision of the Board of Appeal may be appealed to a court of competent jurisdiction or to the State Board of Tax Appeals.

(Ord. 2004-26. Approved by voters 5-25-04.)

189.16 ALLOCATION OF FUNDS.

(a) Ninety percent (90%) of the funds collected under the provisions of this chapter shall be deposited in the General Fund of the City and said funds shall be disbursed for the effective period.

(b) The balance, being ten percent (10%) of the funds collected under the provisions of this chapter, shall be deposited in the Permanent Improvement Fund of the City and said funds shall be disbursed for the effective period.

(Ord. 2004-26. Approved by voters 5-25-04.)

189.17 SAVINGS CLAUSE.

This chapter shall not apply to any person, firm, corporation, or to any property as to whom or which it is beyond the power of the City Council of the City of Ashtabula to impose the tax herein provided for.

If any sentence, clause, section or part of this Chapter, or any tax against any individual or any of the several groups specified herein, is found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall affect only such sentence, clause, section or part of this Chapter and shall not affect or impair any of the remaining provisions, sentences, clauses, sections or other parts of this Chapter. It is hereby declared to be the intention of the Council of the City of Ashtabula that this Chapter would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part hereof not been included herein. (Ord. 2004-26. Approved by voters 5-25-04.)

189.18 EFFECTIVE PERIOD.

This Chapter shall continue insofar as the levy of taxes is concerned from January 1, 2014 until December 31, 2016; provided, however, that annual returns for the year ending December 31, 2016, shall be filed on or before April 15, 2017, and any actions or proceedings for collecting any tax so levied or enforcing any provisions of said Chapter shall continue and be effective until all of said taxes levied in the aforesaid period are fully paid and any and all suits and prosecutions for the collection of said taxes or for the punishment of violations of this Chapter shall have been fully terminated. (Ord. 2012-188. Passed 12-3-12.)

189.19 AUTHORITY OF COUNCIL.

During the effective period of this Chapter, should the State of Ohio and/or the federal government enact amendments to their respective codes affecting municipal income tax laws, and should those laws require changes to local municipal income tax code, the City Council shall have the authority to amend this Chapter to the extent necessary to bring it in to compliance with those changes made by the State of Ohio and/or the federal government.

(Ord. 2004-26. Approved by voters 5-25-04.)

Collection Enforcement
Office 614-466-8360
Fax 614-752-9070

Local Government Debt Collection Business Rules

- Account Certification
    - Made by automated FTP (File Transfer Protocol) or Manual Excel template by the client.
    - The client will need to have internet access to certify accounts to the AGO (Attorney General's Office) and to access the ClientView and Compass software to monitor their payments and accounts.
    - All debt must be final with a minimum principal amount of $100.00.
    - The AGO reserves the right to decline accounts based on volume, monetary amount or debt type
- Examples of Categories of Debt to be certified:
    - Statutory fees as assessed by a Political Subdivision
    - Civil and domestic court costs
    - Criminal court costs so long as the defendant is not incarcerated on the date the debt is certified
    - Municipal taxes, EMS debts, property damage, parking tickets
    - Debt must be declared final with no chance of appeal or not future changes to the amount of the debt sent to the Attorney General's for collection purposes
    - Debt from a school system must be as a result of a contractual agreement
- Examples of Categories of Debt NOT to be certified:
    - Debt that is against a juvenile
    - Debt against a presently incarcerated individual
    - Debt that is involved in a bankruptcy, rental, or foreclosure action
    - Debt from any type of utility
    - Debt resulting from code enforcement violations
    - Debt resulting from a red-light camera violation/citation

- Life of a Debt
  - Debt will be worked by the AGO in-house local debt collectors up to 180 days or longer if a payment plan has been setup with the debtor and debtor remains in compliance. The AGO will confirm debtor contact information, send out a series of automated collection letters and make a series of collections calls to the debtor. Pursuant to O.R.C. §131.02, the AGO will assess a 11% fee to each account (AG collection fee) and the cost will be passed to the debtor. The 11% fee will be taken from each payment made on an account by the debtor.
  - Accounts will then be assigned to an external vendor (Third Party Vendor) for additional collection efforts lasting up to 365 days subsequent to the AGO collection efforts. The 365 days may be extended if the debtor is on a payment plan and in compliance. In addition to the AGO collection fee, an additional fee would be added to the account for this service and the cost will be passed to the debtor.
  - External private attorneys (Special Counsel) will then be assigned to the debt for up to two years. In addition to the AGO collection fee, an additional fee would be added to the account for this service and the cost passed to the debtor.
  - On any accounts where the debtor's drivers license is being held by a court or there is an active warrant, the AGO will only accept sure funds (money order, certified check, etc.) for payment for the debt. The AGO will then notify the client of the payment in full by the debtor.
  - If social security number of the debtor are provided, the debt may also be subject to a possible state income tax refund capture and/or lottery offset for up to the full amount owed, including interest, subject to O.R.C. §5747.12 and 3770.073. If the debtor owes money to the Ohio Department of Taxation or any state entity, any Ohio tax refund capture or Ohio lottery capture will be paid to those debts first.
  - Local debt will not be combined with any state debt owed for collection purposes.
  - The AGO collections process is drive by the AGO account number assigned to that debt. AGO collection letters and collection phone calls are made relative to that specific account number. If a debtor owes debt to multiple local jurisdictions, payment will be accepted according to the account number he/she is responding to as the result an AGO letter or an AGO phone call.
  - Clients may request, and the Attorney General may consider, on a case by case basis, alternative collection strategies (i.e. timeframes) on how the client's debt portfolio is collected.
  - The AGO will not file liens or judgments or release any previously filed liens or judgments on any debt certified for collections.
- Archive or Write-off of Debt:

  - Client may choose to write-off debt by their indication on their Service Level Agreement which must be 10 years or less.
  - Accounts can also be closed and returned to client upon request.
- Payment Processing and Accounting Issues:
  - Collections payments to the client will be remitted weekly, via ACH.
  - Clients can view the payment reports that correlate with their weekly ACH payment on the AGO's Compass website.
  - Collections paid with certified funds (i.e. cashier's check, money order) will be paid to the client the following week. Collections paid with a personal check are held eight business days and paid the week following the release of the eight-day hold.
- Direct Payments:
  - Please make sure that you are referring any debtor wanting to make a payment on an account for which we are collecting to us. The debtors can be instructed to call us at the 888-871-8838 or pay by internet at www.OhioAttorneyGeneral.gov/business/pay. Payment can also be mailed to: Ohio Attorney General P.O. Box 89471, Cleveland, Ohio 44101-6471. They will need to include their Attorney General account number to ensure the payment is being posted to their account.
  - If on the rare occasion you inadvertently accept payment on an account we are collecting on, please send the payment the check or money order received from the debtor directly to our accounting section with the account number on it to: Ohio Attorney General P.O. Box 89471, Cleveland, Ohio 44101.
  - Referring any debtor to us to make a payment helps us keep our records clean and auditable. It will also prevent us from intercepting someone's state income tax refund erroneously, such as when a payment taken by your offices has not been noted on our system. If your staff does take a payment from a debtor, kindly let us know immediately and forward the payment to us for processing. If we intercept their state tax refund and issue payment to you causing an overpayment on the account, we will contact you and request that you refund the amount back to the debtor.
- Reversals:
  - Occasionally, there maybe payments made to you by our office that need to be reversed. This happens because, after the payment was issued to you, it came to our attention that the debtor's check had non-sufficient funds, there was a posting error or an alleged fraudulent payment. We do hold personal checks for eight days before posting them to an account to allow for this but, occasionally, we are not informed by the bank until after the eight days have passed and you have been sent payment.
  - When a payment made to you needs to be reversed, our system subtracts the amount of the payment to be reversed from the next payment to be made to you.

Because our system is automated there is no way to let you know that one of the payments made to you needs to be reversed.

  - However, you are able to identify the accounts that have a reversal by viewing your ClientView payment report. For example, a payment for an internet personal check will be indicated with the code IPC. A payment for an internet personal check that was reversed will be indicated with the code EIPC. (See Report Section below)

- Reporting
  - Compass software provides access to electronic reports, documents and scanned images related to your accounts both in PDF or TXT format.
  - Full debt inventory is available in Compass in reports generated monthly.
  - All clients will have access to ClientView software to view their account data and notes placed by collectors.

Please contact Jennifer Zap
Jennifer.Zap@ohioattorneygeneral.gov
Direct Dial: 330-884-7519

DAVE YOST
OHIO ATTORNEY GENERAL

Collections Enforcement
Office 614-466-8360
Fax 614-752-9070

30 E Broad St, 14th Floor
Columbus, OH 43215
www.OhioAttorneyGeneral.gov

DELINQUENT DEBT COLLECTION AGREEMENT BETWEEN THE OHIO ATTORNEY GENERAL AND

I. PARTIES

1.1. THIS DELINQUENT DEBT COLLECTION AGREEMENT (this "Agreement") is between the Ohio Attorney General (hereinafter "Attorney General") and

("Political Subdivision"), collectively referenced herein as the "Parties."

II. PURPOSE

2.1. The Political Subdivision has requested that the Attorney General undertake, and the Attorney General agrees to undertake, the collection of delinquent debt owed to the Political Subdivision, pursuant to Ohio Revised Code ("O.R.C.") § 131.02. This Agreement sets forth the rights, duties and obligations of the Parties and the amounts to be charged, collected and allocated between the Political Subdivision and Attorney General. This Agreement will become effective in ten business days once fully executed ("Effective Date").

III. CERTIFICATION OF DEBT

3.1. The Parties agree that this Agreement shall apply to amounts owed to Political Subdivision that meet the criteria specified on the attached Exhibit "A" (hereinafter the "Debt"). The Parties may, from time to time, change the categories of debt to be certified to the Attorney General by amending Exhibit "A" pursuant to the discretion of the Section Chief of the Collections Enforcement Section of the Attorney General and of the Political Subdivision. Such changes to the categories of debt identified on Exhibit "A" shall not be construed as an amendment or termination of this Agreement.

3.2. Political Subdivision hereby warrants that all Debts certified to the Attorney General for collection pursuant to this Agreement are or will be legally due and owing to Political Subdivision at the time of certification.

3.3. Political Subdivision hereby warrants that it has complied or will comply with all conditions precedent to the legality of certifying the Debt for collection prior to certifying the Debt to Attorney General pursuant to this Agreement.

3.4. Political Subdivision hereby warrants that it has obtained the approval of any person or entity whose approval is required as a condition to entering into this Agreement. True and correct copies of any such approvals shall be attached hereto as Exhibit "B."

3.5. Political Subdivision shall identify and itemize the amounts owed in any bills or mailings issued to the debtors prior to certifying the Debt pursuant to this Agreement. Such itemization shall separately identify penalties, fees, costs and interest, if any, added to the principal balance of the amounts owed. For all Debt certified under this Agreement, Political Subdivision shall maintain account records documenting the principal balance of the amounts owed, as well as any penalties, fees, costs and interest, from the date such debt becomes due and owing to Political Subdivision until the debt is paid in full, resolved or written off as specified herein.

3.6. Political Subdivision shall make all account records related to the Debt fully available to specified Attorney General personnel in order for the Attorney General to actively identify and pursue collection activities. Political Subdivision shall retain account records related to the Debt so long as the Debt remains outstanding, or until the Debt is resolved or written off as specified herein.

3.7. Political Subdivision agrees and shall forward all payments received on certified Debt to the Attorney General. In the event that Political Subdivision accepts a debtor's payment on Debt certified to the Attorney General, Political Subdivision agrees to promptly notify the Attorney General of the details of the payment, including date, amount, remitter, check or instrument number and forward the payment to the Attorney General.

3.8. In the event that any debtor owing Debt certified to the Attorney General files bankruptcy or other insolvency proceeding, Political Subdivision shall immediately notify the Attorney General of such filing. The Attorney General shall cease all collection efforts with regard to such Debt. Political Subdivision remains exclusively and solely responsible for protecting its interest in bankruptcy & other insolvency proceedings. Upon notice that Debt certified to the Attorney General is subject to bankruptcy or other insolvency proceeding, the Attorney General shall close the affected accounts and such accounts shall no longer be considered to be certified to the Attorney General. Other insolvency proceeding may include but is not limited to receivership or foreclosure.

IV. ALLOCATION OF FEES AND COLLECTION COSTS

4.1 The client may choose for each account certified to the Attorney General to bear interest (hereinafter "AGI") at the annual rate established by the Tax Commissioner under O.R.C. § 5703.47. Upon recovery AGI is paid to Political Subdivision, not to Attorney General. AGI may be waived, either by Political Subdivision or the Attorney General. Political Subdivision also has discretion to request that AGI not be assessed as an additional obligation of debtors. If this request is indicated, the cost of AGI will not be added to the Debt. Political Subdivision may execute the Service Level Agreement attached hereto as Exhibit "C" to designate the preference of Political Subdivision as to AGI. If no preference is indicated, Attorney General may waive AGI at its discretion, and the addition of AGI to the Debt will increase the debtors' obligation. The AGI is in place of any separate accruing interest of the Political Subdivision on the Debt once certified to the Attorney General.

4.2 Pursuant to O.R.C. § 131.02, the Attorney General is authorized to deduct the Attorney General's collection cost from all amounts collected, calculated upon all certified amounts recovered, plus interest and fees accruing from the date of certification to Attorney General. Attorney General collection costs may be waived, either by the Attorney General or jointly by the Political Subdivision and the Attorney General. The Parties agree that the Attorney General will pass all Attorney General collection costs on to the debtor as an additional obligation of debtor. The Attorney General collection cost is 11% pursuant to O.R.C. § 109.08.

4.3 The Attorney General may also hire third party vendors to collect claims for Political Subdivision and to pay such third party vendors for their services ("TPV Fees") from funds collected by them. The Attorney General will assign Debt to TPVs in accordance with an established assignment strategy. TPV fees shall be paid at rates set by the Attorney General. The Parties agree that the Attorney General will pass all TPV Fees on to debtors as an additional obligation of the debtors.

4.4 The Attorney General may appoint special counsel to collect claims for Political Subdivision and to pay such special counsel for their services ("Special Counsel Fees") from funds collected by them. The Attorney General will assign Debt to Special Counsel in accordance with an established assignment strategy. Special Counsel Fees shall be paid at rates set by the Attorney General. The Parties agree that the Attorney General will pass all Special Counsel Fees on to debtors as an additional obligation of the debtors.

4.5 Political Subdivision may execute a different Service Level Agreement for each category of debt certified pursuant to this Agreement, and each Service Level Agreement shall be attached as additional pages of Exhibit "C."

4.6 Political Subdivision may change or terminate the Service Level Agreement(s) attached hereto as Exhibit "C" upon appropriate written notice as specified therein, and any change or termination of the Service Level Agreement(s) shall not be construed as an amendment or termination of this Agreement.

V. DISBURSEMENT PROCESS/PAYMENT OF COLLECTION COSTS

5.1 On a weekly basis the Attorney General shall disburse to the Political Subdivision the full amounts collected on the Debt minus any applicable collection costs or fees as outlined herein. The Political Subdivision and Attorney General shall have the authority to settle or compromise any account in the Debt which is agreed upon by the Political Subdivision and Attorney General as payment in full based on the best interests of the Parties. At the time of the Attorney General's disbursement to the Political Subdivision, the Political Subdivision will receive the amount collected minus the Attorney General's collection costs and any applicable TPV Fees or Special Counsel Fees pursuant to this Agreement.

5.2 The Parties agree that court cases and judgment liens shall not be dismissed or deemed satisfied without the Political Subdivision's consent that all the fees have been paid by the debtor liable for costs under the court case and/or judgment lien.

5.3 Disbursements to the Political Subdivision of amounts due hereunder may be made via state check or by Automated Clearing House ("ACH") deposit, at the Attorney General's discretion. Political Subdivision acknowledges that the Attorney General prefers to remit all payments by ACH deposit, and Political Subdivision agrees to execute an ACH payment authorization in accordance with the form attached hereto as Exhibit "D" within thirty (30) days after the Effective Date of this Agreement.

VI. CERTIFICATION AND CANCELLATION OF DEBT

6.1. Political Subdivision will certify only Debt to the Attorney General which is past due and final, in accordance with O.R.C. § 131.02(A). O.R.C. § 131.02 provides that the Attorney General and Political Subdivision may determine an appropriate time beyond the regular 45-day requirement to certify delinquent debt. Such exceptions may be made as the Attorney General and the Political Subdivision mutually agree are appropriate.

6.2. The Parties acknowledge and agree that O.R.C. §131.02 empowers the Attorney General to, with the consent of the chief officer of an entity reporting a debt, cancel the debt or cause the same to be canceled. O.R.C. § 131.02(F)(2) provides a general statute of limitations of forty (40) years from the date of certification to collect claims. O.R.C. § 131.02(F)(1) allows the Attorney General to cancel uncollectible claims earlier, with the approval of the Political Subdivision. Political Subdivision may execute the Service Level Agreement attached hereto as Exhibit "C" to designate the preference of Political Subdivision. If no preference is indicated, the write off period will be ten (10) years after the date of certification. Exceptions revising the write off period for specified claims or categories of debt may be agreed to by the Attorney General and the Political Subdivision as amendments to the Service Level Agreement, and such amendments shall not be construed as an amendment or termination of this Agreement.

VII. CONFIDENTIALITY

7.1. Any confidential debtor information made available to Attorney General in the course of performance of this Agreement shall be used only for the purpose of carrying out the provisions of this Agreement pursuant to the Attorney General's statutory obligations. Additionally, the Attorney General shall not sell any debtor information to any third parties.

VIII. LIABILITY

8.1. Each Party shall be responsible for its own acts and omissions and those of its officers, employees and agents.

IX. CHOICE OF LAW

9.1. This Agreement is made and entered into in the State of Ohio and shall be governed and construed in accordance with the laws of Ohio. Any legal action or proceeding related to this Agreement shall be brought in Franklin County, Ohio, and the Parties irrevocably consent to jurisdiction and venue in Franklin County, Ohio.

X. COMPLIANCE WITH LAW

10.1. The Parties, in the execution of their respective duties and obligations under this Agreement, agree to comply with all applicable federal, Ohio and local laws, rules, regulations and ordinances.

XI. RELATIONSHIP OF THE PARTIES

11.1. I t is fully understood and agreed that a Party's personnel shall not at any time, or for any purpose, be considered as agents, servants, or employees of the other Party.

11.2. Except as expressly provided herein, neither Party shall have the right to bind or obligate the other Party in any manner without the other Party's prior written consent.

XII. MODIFICATION

12.1. This Agreement constitutes the entire agreement between the Parties, and any changes or modifications to this Agreement shall be made and agreed to by the Parties in writing.

XIII. TERMINATION/EXPIRATION

13.1. Either party may terminate this Agreement for any reason by giving written notice, at least forty-five (45) days in advance of the date of termination, to the other Party via e-mail, facsimile transmission, mail, certified mail or personal delivery to the other Party's signatory to this Agreement.

13.2. If there is pending litigation in connection with any Debt, termination shall not be effective until the Attorney General terminates the legal representation in the litigation matter. The Attorney General shall be compensated for Debt collected and received prior to termination. The Parties agree to cooperate so as to effectuate a speedy and efficient transfer of the work to Political Subdivision.

XIV. SIGNATURES

14.1. The Parties may submit their signatures to the Agreement in counterparts, which taken together will constitute a valid enforceable Agreement. Facsimile or copied signatures shall be considered valid and enforceable.

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be executed, as of the day and year last written below.

ACCEPTED AND APPROVED:

______________________________ ______________________________,
Date

OHIO ATTORNEY GENERAL
DAVE YOST

By: ______________________________ ______________________________,
Lucas Ward
Section Chief
Date

DELINQUENT DEBT COLLECTION AGREEMENT
BETWEEN THE
OHIO ATTORNEY GENERAL
AND

EXHIBIT "A"

The Parties agree that the following categories of debt may be certified to the Attorney General. All debt must be final with a minimum principal amount of $100.00.

Examples of Categories of Debt to be certified:

(a) Statutory fees as assessed by a Political Subdivision;

(b) Civil court costs; and

(c) Criminal court costs so long as the defendant is not incarcerated on the date the debt is certified.

(d) Debt must be declared final with no chance of appeal or no future changes to the amount of the debt sent to the Attorney General for collection purposes.

(e) Debt from a school system must be as a result of a contractual agreement.

Examples of Categories of Debt NOT to be certified:

(a) Debt that is against a juvenile.

(b) Debt against a presently incarcerated individual.

(c) Debt that is involved in a bankruptcy, rental or foreclosure action.

(d) Debt from any type of utility.

(e) Debt resulting from code enforcement violations.

(f) Debt that results from a red light camera violation/citation.

PLEASE NOTE: THE ATTORNEY GENERAL'S OFFICE RESERVES THE RIGHT TO DECLINE ACCEPTANCE OF ACCOUNTS BASED ON QUANTITY, VALUE, OR DEBT TYPE

PLEASE LIST THE TYPE OF DEBTS YOU WILL BE CERTIFYING TO THE ATTORNEY GENERAL'S OFFICE:

DELINQUENT DEBT COLLECTION AGREEMENT
BETWEEN THE
OHIO ATTORNEY GENERAL
AND

<u>EXHIBIT "B"</u>

The Delinquent Debt Collection Agreement Between the Ohio Attorney General and

, executed by ,

, on ___________________, is hereby ratified and approved.

POLITICAL SUBDIVISION AUTHORITY (I.E. COUNTY COMMISSIONERS, COUNCIL)

________________________________ ________________________________,
Date

________________________________ ________________________________,
Date

________________________________ ________________________________,
Date

POLITICAL SUBDIVISION LEGAL AUTHORITY (I.E. PROSECUTOR, LAW DIRECTOR)

________________________________ ________________________________,
Date

**DELINQUENT DEBT COLLECTION AGREEMENT
BETWEEN THE
OHIO ATTORNEY GENERAL
AND**

**<u>EXHIBIT "C"</u>
<u>SERVICE LEVEL AGREEMENT</u>**

The following Service Level Agreement is made between the Attorney General of Ohio, Collections Enforcement Section ("AGO") and ("CLIENT"), collectively referenced herein as the "Parties". CLIENT authorizes and the Parties to this Service Level Agreement agree to the following **(if no line is checked, the Parties' agreement is indicated by asterisk, which is the default agreement):**

Attorney General Interest (AGI)	_____ AGO is granted the authority to add AGI to the amount owed by the debtor to be paid to the client (see section IV (4.1) of the Debt Collection Agreement.
AGI	____ AGO is NOT granted the authority to add AGI to the amount owed by the debtor to be paid to the client.
If AGI is to be added	_____ AGO is granted the authority to waive AGI* _____ CLIENT and AGO jointly waive AG Interest
Write Off Period:	_____ *Selection must be 10 years or less _____ Years (insert number of years)

Either Party may terminate this Service Level Agreement for any reason by giving written notice, at least forty-five (45) days in advance of the date of termination to the other Party, via e-mail, facsimile transmission, regular U.S. mail, certified mail or personal delivery to the other Party's signatory to this Agreement. Regardless of the termination of this agreement, CLIENT is still legally obligated to certify its outstanding Debt pursuant to the Delinquent Debt Collection Agreement between the Parties, until that Agreement is separately terminated. This Service Level Agreement shall remain and continue in full force and effect unless modified or terminated in writing.

IN WITNESS WHEREOF, the Parties hereto have caused this Service Level Agreement to be executed, as of the day and year last written below.

ACCEPTED AND APPROVED:

______________________________ ______________________________,

Date

OHIO ATTORNEY GENERAL
DAVE YOST

By: ______________________________ ______________________________,
Lucas Ward Date
Section Chief