

County Council of Cuyahoga County, Ohio

Resolution No. R2015-0076

<p>Sponsored by: Councilmembers Brady, Jones, Simon, Gallagher, Conwell, Greenspan and Germana and County Executive Budish</p> <p>Co-sponsored by: Councilmembers Schron and Hairston</p>	<p>A Resolution determining to submit to the electors the question of renewing the excise tax on the sale of cigarettes for the purpose of funding arts and cultural facilities and programs in the County, and declaring the necessity that this Resolution become immediately effective.</p>
---	---

WHEREAS, under authority of Resolution No. 052402, adopted by the Board of County Commissioners on June 16, 2005, and Revised Code Section 3381.04, the Cuyahoga County Arts and Cultural District, now known as Cuyahoga Arts and Culture, was formed for the following purposes: (i) to make grants to support the operating or capital expenses of arts or cultural organizations located in the County so as to provide a secure source of county public sector funding in support of the operations, programs and services of the County's arts and culture sector; (ii) to defray the costs of acquiring, constructing, equipping, furnishing, repairing, remodeling, renovating, enlarging, improving or administering artistic or cultural facilities; (iii) to meet the operating expenses of Cuyahoga Arts and Culture; and (iv) consistent with the foregoing, to provide grant programs in accordance with Cuyahoga County Public Sector Arts and Culture Investment Models provided in Resolution No. 040801, adopted by the Board of County Commissioners on February 24, 2004, to improve the quality of life, economy, workforce and educational opportunities in the County.

WHEREAS, Revised Code Section 5743.021 authorizes Cuyahoga County, subject to the approval of a majority of the electors in the County voting on the question, to levy a tax for a period of up to 10 years on the sale of cigarettes at wholesale in the County at a rate of up to 15 mills per cigarette (amounting to 1-½ cents, or \$0.015, per cigarette).

WHEREAS, at an election on November 7, 2006, the electors of Cuyahoga County voted to approve the levy of a tax at the rate of 15-mill per cigarette (1 ½ cents, or \$0.015, per cigarette) tax for a period of 10 years, beginning February 1, 2007, for the purpose of supporting Cuyahoga Arts and Culture, which tax is scheduled to expire on January 31, 2017.

WHEREAS, on April 13, 2015, the Board of Trustees of Cuyahoga Arts and Culture passed a Resolution declaring it necessary to continue collection of the existing 15-mill per cigarette (1 ½ cents, or \$0.015, per cigarette) tax for an additional ten (10) years, and requesting the County Council to submit the question of the

continuation of that tax to the electors at the election to be held on November 3, 2015, pursuant to section 5743.021 of the Revised Code.

WHEREAS, the County Council has determined to submit to the electors at the general election to be held in the County on November 3, 2015 the question of levying the tax permitted by Revised Code Section 5743.021, as more particularly described in Section 1 of this Resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. That the County Council hereby determines to submit to the electors of the County at the general election on November 3, 2015 the question of the renewal of the tax on the sale of cigarettes at wholesale in the County at the rate of 15 mills per cigarette (amounting to 1 ½ cents, or \$0.015, per cigarette), computed on each cigarette sold, for a period of 10 years, beginning February 1, 2017 (but not sooner than the first day of the month that is at least 60 days after certification of the election results by the Cuyahoga County Board of Elections), for the following purposes: to make grants to support the operating or capital expenses of arts or cultural organizations located in Cuyahoga County, to defray the costs of acquiring, constructing, equipping, furnishing, improving, enlarging, renovating, remodeling, or maintaining any artistic or cultural facility and to meet the operating expenses of Cuyahoga Arts and Culture.

SECTION 2. Pursuant to the Ohio Revised Code Section 5743.021, there shall be submitted to the electors of Cuyahoga County at the General Election on November 3, 2015, the following question in the format set forth herein:

**PROPOSED EXTENSION OF EXCISE TAX ON CIGARETTES FOR
CUYAHOGA ARTS AND CULTURE
County of Cuyahoga**

A majority affirmative vote is necessary for passage

For the purposes of making grants to support operating or capital expenses of arts or cultural organizations in Cuyahoga County, to defray the costs of acquiring, constructing, equipping, furnishing, improving, enlarging, renovating, remodeling or maintaining an artistic or cultural facility, and to meet the operating expenses of the District, shall the existing excise tax continue to be levied throughout Cuyahoga County for the benefit of Cuyahoga Arts and Culture on the sale of cigarettes at wholesale at the rate of 15 mills per cigarette which amounts to 1.5 cents per cigarette, for 10 years?

	For the Tax Levy
	Against the Tax Levy

SECTION 3. If the ballot measure in Section 2 receives a majority affirmative vote, as necessary for its passage, the levied tax shall go into effect beginning February 1, 2017, for the duration and at the rates provide for in Section 2 and approved by the voters.

SECTION 4. The Clerk of the County Council is directed to deliver a certified copy of this Resolution to the Cuyahoga County Board of Elections not later than August 5, 2015 and also to deliver a certified copy of this Resolution immediately to the Tax Commissioner of the State of Ohio. This Council requests the Cuyahoga County Board of Elections to prepare the ballot and to make other necessary arrangements for the submission of the question of levying the tax to the electors of Cuyahoga County. This Council further requests the Cuyahoga County Board of Elections to give notice of the result of the election, as soon as it has been determined, to the Tax Commissioner of the State of Ohio and, in any event, to give notice of the result of the election to the Tax Commissioner of the State of Ohio not later than 60 days prior to the date the renewal of the tax is to become effective.

SECTION 5. It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 6. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by Mr. Schron, seconded by Ms. Simon, the foregoing Resolution was duly adopted.

Yeas: Brown, Hairston, Simon, Greenspan, Miller, Germana, Gallagher, Schron, Conwell and Brady

Nays: None

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: April 28, 2015

Committee(s) Assigned: Committee of the Whole

Additional Sponsorship Requested: May 7, 2015

Committee Report/Second Reading: June 9, 2015

Additional Sponsorship Requested on the Floor: June 23, 2015

Journal CC018

June 23, 2015