

RESOLUTION NO. 33-87

CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMAN Jeffrey Siler ON THE
23rd DAY OF November, 1987.

A RESOLUTION APPROVING AN ALTERNATIVE METHOD OF APPORTIONING THE UNDIVIDED LOCAL GOVERNMENT FUNDS OF MONTGOMERY COUNTY, REPEALING PRIOR APPROVALS OF OTHER ALTERNATIVE METHODS OF APPORTIONING THE UNDIVIDED LOCAL GOVERNMENT FUNDS OF MONTGOMERY COUNTY, REQUESTING THE MONTGOMERY COUNTY BUDGET COMMISSION TO PROVIDE FOR THE APPROVED ALTERNATIVE METHOD OF APPORTIONING THE UNDIVIDED LOCAL GOVERNMENT FUNDS OF MONTGOMERY COUNTY.

WHEREAS, Section 5747.53 of the Revised Code authorizes the Montgomery County Budget Commission to provide for an alternative method of apportioning the undivided local government fund of Montgomery County upon approval of an alternative method of allocation by the Board of County Commissioners of Montgomery County, the Commission of the City of Dayton (as the legislative authority of the City located wholly or partly in Montgomery County with the largest population), and a majority of the boards of townships trustees and legislative authorities of municipal corporations, located wholly or partly in Montgomery County, excluding the Commission of the City of Dayton;

WHEREAS, Section 5747.53 of the Revised Code provides any alternative method of allocation adopted and approved pursuant to Section 5747.53 of the Revised Code may only be repealed in the same manner as it was adopted and approved;

WHEREAS, there is a question of whether the alternative method of allocation used to apportion the 1982 through 1987 undivided local government funds of Montgomery County is applicable and should allocate future undivided local government funds of Montgomery County;

WHEREAS, the Council of the City of Centerville desires to repeal any existing alternative method of apportionment that may be applicable to the apportionment of the 1988 and future undivided local government funds of Montgomery County;

WHEREAS, the Council of the City of Centerville desires to repeal any prior approvals by it of any alternative method of apportionment of any undivided local government funds of Montgomery County;

WHEREAS, the Council of the City of Centerville desires the 1988 and future undivided local government funds of Montgomery County to be apportioned pursuant to the alternative method of apportionment set forth in Section 4 below;

NOW, THEREFORE, THE MUNICIPALITY OF CENTERVILLE, MONTGOMERY COUNTY, OHIO, HEREBY RESOLVES, THAT:

SECTION 1. The Council of the City of Centerville finds and determines it is necessary, proper and in the best interest of the City to approve the alternative method of apportioning the undivided local government funds of Montgomery County set forth in Section 4 below, and the Council of the City of Centerville finds and determines that alternative method of apportionment is a proper and fair apportionment of the undivided local government funds of Montgomery County.

SECTION 2. The Council of the City of Centerville pursuant to and in accordance with Section 5747.53 of the Revised Code, hereby approves the repeal of any alternative method or formula of apportionment of the undivided local government funds of Montgomery County, if any, now in effect, including, without limitation, the alternative method of apportionment used to apportion the 1982 through 1987 undivided local government funds of Montgomery County; provided that such approval does not affect any prior apportionment of any undivided local government fund of Montgomery County by the Montgomery County Budget Commission.

SECTION 3. The Council of the City of Centerville hereby repeals any prior approvals by the Council of the City of Centerville of any alternative method or formula of apportionment of any undivided local government fund of Montgomery County; provided that such repeal does not affect any prior apportionment of any undivided local government fund of Montgomery County by the Montgomery County Budget Commission.

SECTION 4. The Council of the City of Centerville pursuant to and in accordance with Section 5747.53 of the Revised Code, hereby approves the following alternative method of apportionment of the 1988 and future undivided local government funds of Montgomery County:

A) As used in this Section 4:

1) "Area" means with respect to a city or village, that portion of the city or village located within Montgomery County, with respect to a township, means the unincorporated portion of the township, and with respect to Montgomery County, the jurisdictional limits of Montgomery County.

2) "City Subdivision Class" means all the Participating cities located wholly or partly within Montgomery County, excluding the City of Dayton.

3) "City Weight" means the sum of the WPV Units for the members of the City Subdivision Class.

4) "Commission" means the Montgomery County Budget Commission.

5) "County Factor" means the quotient obtained when the Property Valuation for Montgomery County is divided by the Population of Montgomery County.

6) "Fund" means an undivided local government fund of Montgomery County.

7) "Fund Estimate" means the estimate of the Fund for the ensuing calendar year made annually by the Tax Commissioner of the State of Ohio pursuant to Section 5747.51 (A) of the Revised Code.

8) "Participating" means a Subdivision entitled to an allocation from the Fund for the ensuing calendar year.

9) "Per Capita" means with respect to the allocation of a sum among members of a particular Subdivision Class, to allocate in proportion to the number of PV Units computed for each member Subdivision.

10) "Permanent Sales Tax Increase" means any additional sales tax above the rate in effect in Montgomery County in November, 1987 which is adopted either by resolution of the Board of Montgomery County Commissioners or by vote of the electors of Montgomery County, provided that such resolution or ballot issue does not specify an expiration date of the additional sales tax within twenty-four months of the effective date of the additional sales tax.

11) "Political Subdivision" means a City, a village, or a township.

12) "Population" means the number of residents in an Area and "Population Estimate" means the most recent county estimates available from the Ohio Data Users' Center of the Ohio Department of Development which state a Population for each Subdivision; provided, however if the Commission determines the cost of such estimate to be unreasonably expensive or determines such estimate to be unavailable or otherwise unfit for its official use, then Population Estimate means the most recent estimates of the Miami Valley Regional Planning Commission as of July 15th preceding the allocation.

13) "Property Valuation" means the most recent tax duplicate valuation of property (real, tangible personal and utility, both real and tangible personal) in Montgomery County as prepared by the Auditor of Montgomery County.

14) "Population Index" means with respect to a Political Subdivision, the quotient obtained when its Subdivision Factor is divided by the County Factor.

15) "PV Factor" of a Political Subdivision is 1.0 if its Population Index is less than 3.0, .85 if its Population Index is at least 3.0 but less than 3.5, .65 if its Population Index is at least 3.5 but less than 4.0, .45 if its Population Index is at least 4.0 but less than 4.5, .25 if its Population Index is at least 4.5 but less than 5.0, and .05 if its Population Index is 5.0 or greater.

16) "PV Unit" means the product obtained when the Population of a Political Subdivision is multiplied by its PV Factor.

17) "Residual Fund" means the amount of the Fund Estimate remaining after subtracting the allocations made hereunder to the County of Montgomery, the City of Dayton, and Participating park districts. For purposes of this definition of Residual Fund, the allocation to the County of Montgomery shall be the amount called for under paragraph D, undiminished by paragraph L, even if paragraph L is then operative.

18) "Subdivision" has the same meaning as in Section 5747.01 (Q) (1) of the Revised Code.

19) "Subdivision Factor" means the quotient obtained when the Property Valuation for a Political Subdivision is divided by its Population.

20) "Total Weight" means the sum of the City Weight, the Township Weight, and the Village Weight.

21) "Township Weight" means the sum of the WPV Units for the members of the Township Subdivision Class.

22) "Village Weight" means the sum of the WPV Units for the members of the Village Subdivision Class.

23) "WPV Unit" in the case of a city means the product of 1.0 and its number of PV Units, in the case of a village means the product of 1.2312 and its number of PV Units, and in the case of a township means the product of .5684 and its number of PV Units.

B) The Commission shall allocate the following percentages of the 1988 Fund to the indicated Subdivisions:

<u>Percent of Total</u>	<u>Subdivision</u>
42.9973%	Montgomery County
34.7498%	City of Dayton
1.5063%	Montgomery County Park District
0.0400%	Centerville-Washington Township Park District
0.5015%	Butler Township
0.2022%	Clay Township
0.1694%	German Township
0.7701%	Harrison Township
0.1414%	Jackson Township
0.5025%	Jefferson Township
0.5492%	Madison Township
0.6829%	Mad River Township
0.9909%	Miami Township
0.1974%	Perry Township
0.5989%	Randolph Township
0.6411%	Washington Township
0.3532%	Village of Brookville
0.0282%	Village of Carlisle
0.0733%	Village of Clayton
0.0866%	Village of Farmersville
0.3620%	Village of New Lebanon
0.1093%	Village of Phillipsburg
0.0596%	Village of Riverside
0.0070%	Village of Verona
0.6365%	City of Centerville
0.6522%	City of Englewood
0.3303%	City of Germantown

2.9948%	City of Huber Heights
4.3980%	City of Kettering
1.1388%	City of Miamisburg
0.0229%	City of Moraine
0.7642%	City of Oakwood
0.5822%	City of Trotwood
0.3153%	City of Union
1.0024%	City of Vandalia
0.8423%	City of West Carrollton

C) The Commission shall allocate the amount of the 1989 and future Funds to each Participating Subdivision for current operating expenses in accordance with paragraphs D through N below.

D) The Commission shall allocate to the County of Montgomery an amount equal to the sum of \$179,000.00 plus 42.02048% of the Fund Estimate plus the actual cost to the County of Montgomery to obtain the Population Estimate.

E) The Commission shall allocate to the City of Dayton an amount equal to 34.74794% of the Fund Estimate.

F) The Commission shall allocate to Participating park districts located wholly or partially within Montgomery County an amount equal to 1.54627% of the Fund Estimate, which shall be divided into parts of 1.50637% and .0399% for the Montgomery County Park District and the Centerville-Washington Township Park District, respectively, as long as the Participating Subdivisions include only those two park districts. If more park districts are included as Participating Subdivisions, the aggregate percentage allocation of the Fund Estimate to Participating park districts shall not change, and that 1.54627% of the Fund Estimate shall be divided among them by the Commission in proportion to their relative need for funding to meet current operating expenses in the ensuing calendar year as determined in the Commission's reasonable discretion, but neither the Centerville-Washington Township Park District nor any new park district shall receive an allocation of more than .0399% of the Fund Estimate.

G) The Commission shall allocate an aggregate amount equal to 28.72280% of the Residual Fund to the Township Subdivision Class which amount shall be allocated among its members Per Capita.

H) The Commission shall allocate an aggregate amount equal to 5.21134% of the Residual Fund to the Village Subdivision Class which amount shall be allocated among its members Per Capita.

I) The Commission shall allocate an aggregate amount equal to 66.06586% of the Residual Fund to the City Subdivision Class which amount shall be allocated among its members Per Capita.

J) The allocations described in paragraphs D through I are subject to the following limitations:

1) The allocation of the County of Montgomery shall not exceed the maximum percentage limitation set forth in Section 5747.51 (H) of the Revised Code and any amount computed under paragraph D above which exceeds that statutory maximum shall be added to the Residual Fund;

2) No allocation to a Political Subdivision under Paragraph G, H, or I shall exceed 250% of its allocation from the Fund Estimate for the preceding year unless all Participating Subdivisions within its Subdivision Class receive allocations exceeding 250% of their allocations from the Fund Estimate for the preceding year;

3) No allocation to a Political Subdivision under paragraph G, H, or I shall be less than 90% of its allocation from the Fund Estimate for the preceding year unless all Participating Subdivisions within its Subdivision Class receive allocations of less than 90% of their allocations from the Fund Estimate for the preceding year;

4) Any adjustment in the allocation of a Political Subdivision necessary to satisfy the maximum or minimum allocation provided by J(2) or J(3) above shall be made pro rata among the Subdivisions not subject to either the minimum or maximum provided by J(2) or J(3) above within the same Subdivision Class.

K) Once the Commission has made its allocation of the Estimated Fund, the allocation of each Participating Subdivision shall be divided by the amount of the Estimated Fund to determine the percentage share of the Fund for the ensuing calendar year to which each is entitled, and the Commission shall cause the Auditor of Montgomery County to certify to the Tax Commissioner the percentage share of the County of Montgomery. No payment shall be made from the Fund except in accordance with the percentage shares computed in accordance with this paragraph.

L) If at any time at or after July 15, 1991 there is being levied, as of July 15th of a given year, a Permanent Sales Tax

Increase then: (1) if the additional tax rate equals .5 percent or more, the allocation to the County of Montgomery under paragraph D above shall, for the allocation of the Fund Estimate for the ensuing calendar year, be \$179,000.00 plus 41.60048% of the Fund Estimate plus the actual cost to the County of Montgomery to obtain the Population Estimate and .42% of the Fund Estimate shall be added to the amount to be allocated among the members of the Township Subdivision Class under paragraph G; or (2) if alternatively the additional tax rate equals .25 percent or more, but less than .5 percent, the allocation to the County of Montgomery under paragraph D above shall, for the allocation of the Fund Estimate for the ensuing calendar year, be \$179,000.00 plus 41.81048% of the Fund Estimate plus the actual cost to the County of Montgomery to obtain the Population Estimate and .21% of the Fund Estimate shall be added to the amount to be allocated among the members of the Township Subdivision Class under paragraph G.

M) The percentage allocations of the Residual Fund specified in paragraphs G, H, and I shall be effective only until receipt of the first Population Estimate. The Board of Montgomery County Commissioners shall obtain an updated Population Estimate in each even-numbered year commencing in 1988, which shall be provided to the Commission for its use in making calculations hereunder. Upon receipt of a Population Estimate, the Commission shall first recalculate the PV Units and WPV Units for each Political Subdivision, except the City of Dayton, and shall then compute revised percentage allocations as follows: the percentage allocation to the Township Subdivision Class under paragraph G shall be revised to equal one hundred times the quotient obtained when Township Weight is divided by Total Weight; the percentage allocation to the Village Subdivision Class under paragraph H shall be revised to equal one hundred times the quotient obtained when the Village Weight is divided by Total Weight; and the percentage allocation to the City Subdivision Class under paragraph I shall be revised to equal one hundred times the quotient obtained when the City Weight is divided by Total Weight. All such revised percentage allocations shall remain in effect and shall govern the Fund Estimates for the two calendar years following receipt of the Population Estimate upon which the revised percentage allocations are based.

N) If by incorporation or otherwise the Subdivision Class to which a Political Subdivision belongs changes, it shall continue to share in the Fund as if the change in Subdivision Class had not occurred until the first allocation following receipt of the Population Estimate next following the change in Subdivision Class, at which time the changed Political Subdivision shall be treated as any member of its new Subdivision Class.

O) The alternative method of apportionment set forth above in this Section 4 may be amended, revised, or repealed only by resolutions of the Board of County Commissioners of Montgomery County, the Commission of the City of Dayton, and a majority of the legislative authorities of all other Political Subdivisions then located wholly or partially within Montgomery County.

SECTION 5. The Council of the City of Centerville hereby requests upon the approval of the alternative method of apportionment of the undivided local government funds of Montgomery County set forth in Section 4 above by the Board of County Commissioners of Montgomery County, the Commission of the City of Dayton and a majority of the boards of township trustees and legislative authorities of municipal corporations, located wholly or partly within Montgomery County, excluding the Commission of the City of Dayton, that the Montgomery County Budget Commission provide for the alternative method of apportionment of the undivided local government funds of Montgomery County set forth in Section 4 above.

SECTION 6. The Clerk of this Council of the City of Centerville is hereby directed to immediately forward a certified copy of this resolution to J. Donald Mottley, Chief Deputy Auditor of Montgomery County, 451 West Third Street, Dayton, Ohio 45422.

SECTION 7. The Council of the City of Centerville finds and determines that all formal actions of this Council concerning and relating to the adoption of this resolution were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

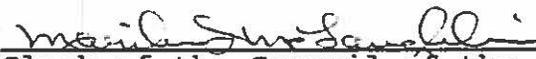
SECTION 8. This resolution shall become effective immediately upon passage.

PASSED this 23rd day of November, 1987.



Mayor of the City of Centerville, Ohio

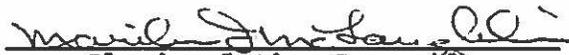
ATTEST:



Clerk of the Council of the
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of the Council of the City of Centerville, Ohio, hereby certifies that the foregoing is a correct and true copy of Resolution Number 33-87, passed by the Council of the City of Centerville, Ohio, on the 23rd day of November, 1987.



Clerk of the Council

Approved as to form, consistency
with existing ordinances, the charter
and constitutional provisions.

Department of Law
Robert N. Farquhar
Municipal Attorney