

City of Niles, Ohio

SPONSORED BY: PUBLIC GROUNDS COMMITTEE
AUTHORIZED BY: KEARNEY

DRAFT NO. 36-19

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE CITY OF NILES TO PARTICIPATE IN THE U.S. COMMUNITIES GOVERNMENT PURCHASING ALLIANCE PROGRAM; AND, DECLARING AN EMERGENCY

WHEREAS, Ohio's Cooperative Purchasing Act provides the opportunity for counties, townships, municipal corporations, regional transit authorities, regional airport authorities or port authorities and school districts, conservancy districts, township park districts and park districts and other authorities to participate in contracts distributed by the U.S. Communities Government Purchasing Alliance for the purchase of supplies, services, equipment and certain materials.

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

SECTION 1: That the Service Director hereby requests authority in the name of the City of Niles to participate in state contracts which the U.S. Communities Government Purchasing Alliance has entered into and has distributed for the purchase of supplies, services, equipment and certain other materials pursuant to Revised Code Section 125.04.

SECTION 2: That the Service Director is hereby authorized to agree in the name of the City of Niles to be bound by all contract terms and conditions as the U.S. Communities Government Purchasing Alliance prescribes. Such terms and conditions may include a reasonable annual membership fee to cover the administrative costs which the U.S. Communities Government Purchasing Alliance incurs as a result of the City of Niles participation in the contract. Further, that the Service Director does hereby agree to be bound by all such terms and conditions and to not cause or assist in any way the misuse of such contracts or make contract disclosures to non-members of the Co-op for the purpose of avoiding the requirements of ORC 125.04.

SECTION 3: That the Service Director is hereby authorized to agree in the name of the City of Niles to directly pay the vendor under each state contract in which it participates for items it receives pursuant to the contract, and the Service Director does hereby agree to directly pay the vendor.

SECTION 4: All purchases to be made by the Service Director under this program in excess of the dollar amount established by the City's Purchasing Policy must first be approved by City Council.

SECTION 5. : That this Ordinance is hereby declared to be an emergency measure in the interest of the public health, safety and welfare for the reason that the City will realize immediate cost savings in its acquisition of materials, equipment, etc., needed for City operations. As such an emergency measure, this Ordinance shall take effect upon passage by Council and approval by the Mayor. If not so passed as an emergency measure, it shall become effective at the earliest date allowed by law.

PASSED:

ATTEST:

PRESIDENT OF COUNCIL

CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the ____ day of _____, 2019 and signed by me as such Mayor on the ____ day of _____, 2019.

MAYOR



State of Ohio Statutes
Ohio Revised Rule
General Provisions
Chapter 9: Miscellaneous

§ 9.48 Joint purchasing programs..

(A) As used in this section, "political subdivision" has the same meaning as in section 2744.01 of the Revised Code and includes a county hospital as defined in section 339.01 of the Revised Code.

(B) A political subdivision may do any of the following:

(1) Permit one or more other political subdivisions to participate in contracts into which it has entered for the acquisition of equipment, materials, supplies, or services, and may charge such participating political subdivisions a reasonable fee to cover any additional costs incurred as a result of their participation;

(2) Participate in a joint purchasing program operated by or through a national or state association of political subdivisions in which the purchasing political subdivision is eligible for membership.

(3) Participate in contract offerings from the federal government that are available to a political subdivision including, but not limited to, contract offerings from the general services administration.

(C) Acquisition by a political subdivision of equipment, material, supplies, or services, through participation in a contract of another political subdivision or participation in an association program under division (B)(1) or (2) of this section, is exempt from any competitive selection requirements otherwise required by law, if the contract in which it is participating was awarded pursuant

to a publicly solicited request for a proposal or a competitive selection procedure of another political subdivision within this state or in another state. Acquisition by a political subdivision of equipment, materials, supplies, or services pursuant to division (B)(3) of this section is exempt from any competitive selection requirements otherwise required by law. No political subdivision shall acquire equipment, materials, supplies, or services by participating in a contract under this section if it has received bids for such acquisition, unless its participation enables it to make the acquisition upon the same terms, conditions, and specifications at a lower price.

(D) A political subdivision that is eligible to participate in a joint purchasing program operated by or through a national or state association of political subdivisions in which the purchasing political subdivision is eligible for membership may purchase supplies or services from another party, including another political subdivision, instead of through participation in contracts authorized by division (B)(2) of this section if the political subdivision can purchase those supplies or services from the other party upon equivalent terms, conditions, and specifications but at a lower price than it can through those contracts. Purchases that a political subdivision makes under this division are exempt from any competitive selection procedures otherwise required by law. A political subdivision that makes any purchase under this division shall maintain sufficient information regarding the purchase to verify that it satisfied the conditions for making a purchase under this division. Nothing in this division restricts any action taken by a political subdivision as authorized by division (B)(1) of this section.

(E) The authorization granted to a municipal corporation under this section shall be in addition to, and not in derogation of, the powers and authority granted by state law, the Ohio Constitution, and the provisions of a municipal charter, ordinance, or resolution.

U.S. Communities

The Leading National Government Purchasing Cooperative

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U.S. Communities is the leading national government cooperative purchasing program, providing procurement resources and solutions to local and state government agencies including:

- Cities
- Counties
- Towns
- States
- Special Districts
- Boroughs
- Villages
- Schools, Universities and Colleges

With U.S. Communities, agencies can utilize competitively solicited contracts to help save time and resources while still meeting state, local and federal purchasing requirements. All cooperative purchasing contracts from U.S. Communities have been competitively solicited by a lead public agency and meet our rigorous cooperative standards and supplier commitments. Each supplier commits to delivering their best overall government pricing so you can buy with confidence.

The program delivers savings in time and dollars:

- **No Cost to Participate:** there is no cost or fee to register, no commitments and no minimum orders.
- **Best Overall Supplier Government Pricing:** by combining the cooperative purchasing power of 90,000 public agencies, suppliers commit to provide their best overall government pricing.
- **Quality brands:** thousands of the best brands in a wide variety of categories, services and solutions.
- **Integrity and Experience:** U.S. Communities government purchasing cooperative is founded by 5 national sponsors and more than 70 state, city and regional organizations.
- **Oversight by Public Purchasing Professionals:** third party audits ensure program pricing commitments are met and our Advisory Board provides ongoing program leadership and direction.

View our full list of suppliers to start saving and then register to participate — its quick, easy and completely free.

How to Get Startec

1. **Register with U.S. Communities**
2. **Request Contact from suppliers you would like to purchase from.** They will contact you to set up an account or connect your existing account to your U.S. Communities registration.
3. **Shop Online or Contact Supplier to begin purchasing.**

Save On

- Janitorial and Cleaning Supplies
- Office and Education Furniture
- Copiers, Printers and Office Machines
- Equipment Rental
- Temporary Staffing
- Maintenance, Hardware and Paint Supplies
- Technology Solutions, Software and Equipment
- Electrical and Lighting
- Safety and Emergency Preparedness
- Roofing
- Telecommunications
- Uniforms or Branded Clothing
- Park, Playground and P.E. Equipment
- Auto Parts
- Science and Lab Supplies

By clicking accept you indicate that you have read and understand our terms of usage.

Accept

<https://www.uscommunities.org/government-purchasing/>

2/14/2019

City of Niles, Ohio

SPONSORED BY: COM. DEV. NEIGHBORHOOD
STABILIZATION COMMITTEE
AUTHORIZED BY: PROFATO

DRAFT NO. 37-19

ORDINANCE NO. _____

AN ORDINANCE CREATING AN INCOME TAX INCENTIVE PROGRAM FOR
DOWNTOWN BUSINESS DISTRICT ORDINANCE, ORDINANCE NUMBER 191.22

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: There is hereby created a new chapter within the Codified Ordinances of Niles to regulate the income tax incentive program for downtown business district.

SECTION 191.22 INCOME TAX INCENTIVE PROGRAM FOR DOWNTOWN BUSINESS DISTRICT.

(a) Beginning with and for the taxable year 2019 or a fiscal year beginning in 2019, and for each taxable year or fiscal year thereafter, there shall be, and is, a Niles City Income Tax Incentive Program for the Downtown Business District (i.e. the “ITI Program”) as set forth within this section. The purpose of this program is to encourage and promote economic growth within the Downtown Business District by encouraging and promoting business expansion efforts and the establishment of new businesses within the Downtown Business District.

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

(1) “Downtown Business District” and “DBD” each mean the area located within the City of Niles, County of Trumbull, and State of Ohio, and further bounded and described as follows: Any property with frontage on North Main Street or South Main Street from the Mahoning River heading north to the intersection of North Main Street and Federal Street; any property with frontage on East State Street or West State Street from the intersection of West State Street and South Chestnut Avenue to the intersection of East State Street and Robbins Avenue; any property with frontage on West Park Avenue or East Park Avenue from the intersection of West Park Avenue and Chestnut Avenue to the intersection of East Park Avenue and East State Street; any property with frontage on Church Street from the intersection of West Church Street and Chestnut Avenue to the intersection of East Church Street and East State Street; any property with frontage on Maple Avenue from the intersection of Maple Avenue and Arlington Avenue to the intersection of Maple Avenue and North Main Street; any property with frontage on Robbins Avenue from North Main Street to the intersection of Robbins Avenue and Cedar Street; any property with frontage on Vienna Avenue beginning at Robbins Avenue to the intersection of Vienna Avenue and Federal Street; and any property with frontage on Federal Street from Vienna Avenue to the intersection of Federal Street and North Main Avenue.

(2) “New employee” means an employee hired by a qualifying enterprise to perform work or render services within the DBD and who has not been employed by the qualifying enterprise or a related enterprise within six (6) months prior to the date of such hire.

(3) “Related enterprise” means an enterprise that shares a relationship with a qualifying enterprise in that twenty-five percent (25%) or more of ownership interests in both of said enterprises are the same.

(4) “Qualifying enterprise” means a sole proprietorship, partnership, corporation, limited liability company, enterprise, business, employer, or other like entity that starts or expands a place of business within the DBD and hires at least one new employee for that place of business.

(5) “Qualifying investment” means an investment in real or personal property within the DBD, for business purposes, having a useful life of at least (5) years, or inventory available for resale within the DBD.

(c) The payments, terms and provisions hereafter discussed within this division (c) shall be, and are, collectively deemed to be the “Property Investment Compensation Program” of the City.

The City shall provide a yearly rebate payment to a qualifying enterprise equal to the percentage, as determined by the "Niles Downtown Business District Employment and Investment Formula" set forth at the end of this division (c) [which begins with a base of twenty (20) percentage points and adds percentage points thereafter] of the net income tax withholding of the new employees paid to the City for the taxable year or fiscal year in which the qualifying enterprise becomes eligible for the payments provided for within this division (c). The term of the payments shall be ten (10) calendar years, with full payment for the first five (5) calendar years and payments reduced by twenty percent (20%) per calendar year for the remaining five (5) calendar years. The first rebate payment per this division (c) shall be made on or before April 1st of the first calendar year following the taxable year or fiscal year in which the qualifying enterprise becomes eligible for the payments provided for within this division (c), with each yearly rebate payment thereafter per this division (c) shall be made on or before April 1st of the calendar year.

To be eligible for the tax benefits provided for within this division (c), a qualifying enterprise must: make a qualifying investment of at least twenty-five thousand dollars (\$25,000.00); and apply for said benefits and execute an agreement therefor in accordance with division (e) of this section.

Niles Downtown Business District
Employment and Investment Formula

1) # of New Employees	2) Annual Payroll for New Employees
1 - 3	\$10,000.00 25,000.00 3
4 - 10	25,001.00 100,000.00 6
11 - 20	100,001.00 400,000.00 9
21 - 30	400,001.00 800,000.00 12
31 - 50	800,001.00 1,400,000.00 15
Over 50	Over \$1,400,000.00 18

3) Qualifying Investment In Real Property 4) Qualifying Investment In Real Property

Improvements	Purchase
5,000.00 10,000.00 2	50,000.00 75,000.00 1
10,001.00 50,000.00 4	75,001.00 150,000.00 2
50,001.00 150,000.00 6	150,001.00 300,000.00 3
150,001.00 300,000.00 8	300,001.00 600,000.00 4
300,001.00 600,000.00 10	\$600,001.00 & Over 5
\$600,001.00 & Over 12	

If building/space has been vacant over 6 months - double percentage points If building has been vacant for 6 months - double percentage points

5) Qualifying Investment In New

Equipment & Inventory	6) Public Sector Financing/Assistance
10,000.00 50,000.00 2	No Public Sector Financing 7
50,001.00 100,000.00 4	Public Sector Less Than 25% 4
100,001.00 200,000.00 6	Public Sector 50% or Less 1
200,001.00 400,000.00 8	Public Sector Over 50% 0
400,001.00 700,000.00 10	
\$700,001.00 & Over 12	

POINTS = %

BASE = 20%

MAXIMUM = 97%

(d) The credits, terms and provisions hereafter discussed within this division (d) shall be, and are, collectively deemed to be the "Net Profit Credit Program" of the City.

In addition to any benefits provided for within division (c) of this section, the City shall provide a yearly credit to a qualifying enterprise equal to the percentage, as determined by the "Niles Downtown Business District Employment and Investment Formula" set forth at the end of division (c) of this section, of the net profit tax liability due to the City for the taxable year or fiscal year in which the qualifying enterprise becomes eligible for the credit provided for within this division (d). For purposes of the preceding sentence, however, "the net profit tax liability" shall mean, and does mean, only that portion of the net profit tax liability that is the direct result of the qualifying investment. The term of this credit shall be ten (10) calendar or fiscal years, with full credit for the first five (5) calendar or fiscal years and reduced by twenty percent (20%)

per calendar or fiscal year for the remaining five (5) calendar or fiscal years. A credit per this division (d) shall require the paying of the net profits tax generated by the qualifying enterprise, net of refunds.

To be eligible for the tax credit(s) provided for within this division (d), a qualifying enterprise must: make a qualifying investment of at least one hundred and fifty thousand dollars (\$150,000.00); and apply for said credit and execute an agreement therefor in accordance with division (e) of this section.

(e) In order for a qualifying enterprise to be eligible for any benefits or credits provided for within divisions (c) and/or (d) of this section for the taxable year 2019 or for a fiscal year beginning in 2019, the qualifying enterprise shall apply for same on or before March 1, 2019 by completing an application therefor to be prepared by the Treasurer. In order for a qualifying enterprise to be eligible for any benefits or credits provided for within division (c) and/or (d) of this section for taxable years after 2019 or for fiscal years beginning after 2019, the qualifying enterprise shall apply for same (within sixty days after starting or expanding a place of business within the DBD and having at least one new employee for that place of business begin work or service) by completing an application therefor to be prepared by the Treasurer. Any application provided for within this division (e) shall, among any other things, call for the estimated and proposed number of new employees, the estimated and proposed amount of compensation to be paid to new employees, and the estimated and proposed amount of qualifying investment(s).

Any application provided for within this division (e) shall be reviewed by, and approved or disapproved by, a committee known as “the ITI Program Oversight Committee”. Said committee is hereby established and shall, and does, consist of the following: The City Treasurer; the City Law Director; the City Auditor; the City Mayor; and an appointee of the Mayor who shall not be an official, officer or employee of the City.

Once an application is approved by the ITI Program Oversight Committee, a written agreement therefor shall be made and entered into by and between the City and the qualifying enterprise.

Any such agreement shall, among any other things, set forth, and be conditioned upon: the estimated and proposed number of new employees; the estimated and proposed amount of qualifying investment(s); the estimated and proposed amount of compensation to be paid to new employees; the estimated and proposed amount of Property Investment Compensation Program rebate payments and/or the estimated and proposed amount of Net Profit Credit Program credits. Any such agreement shall first be approved by the ITI Program Oversight Committee, and shall be referred to as an “Income Tax Incentive Program Agreement”.

In order for a qualifying enterprise to continue, and to remain, in the ITI program, it shall cooperate with the ITI Program Oversight Committee and the Treasurer, and shall supply to the ITI Program Oversight Committee and the Treasurer the following upon request:

- (1) an annual progress report documenting the new employees and payroll within the DBD; and
 - (2) a copy of the qualifying enterprise’s latest Federal and State income tax returns; and
 - (3) any other relevant information and documentation as requested by the ITI Program Oversight Committee and the Treasurer.
- (f) In addition to any duties and responsibilities set forth within division (e) of this section, the ITI Program Oversight Committee shall also:
- (1) review annual progress reports relative to the ITI Program; and
 - (2) recommend continuation or non-continuation in the ITI Program; and
 - (3) adopt rules and regulations for the administration of the ITI Program not inconsistent with the terms and provisions of this section; and
 - (4) present an annual progress report to City Council relative to the ITI Program.
- (g) All requests for any benefits or credits provided for within this section shall be subject to verification by, and the audit of, the City Treasurer. The City Treasurer may order an independent audit of a qualifying enterprise’s employment, payroll and tax records (at the expense of the qualifying enterprise) for purposes of administering or enforcing this section.

SECTION 2: This Ordinance shall take effect at the earliest time allowed by law.

PRESIDENT OF COUNCIL

PASSED: _____

ATTEST: _____
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the _____ day of _____, 2019 and signed by me as such Mayor on the _____ day of _____, 2019.

MAYOR

City of Niles, Ohio

SPONSORED BY: COM. DEV. NEIGHBORHOOD
STABILIZATION COMMITTEE

DRAFT NO. 38-19

AUTHORIZED BY: PROFATO

ORDINANCE NO. _____

AN ORDINANCE CREATING AN INCOME TAX INCENTIVE PROGRAM FOR THAT PORTION OF THE CITY OF NILES NOT LOCATED WITHIN THE DOWNTOWN BUSINESS DISTRICT ORDINANCE, ORDINANCE NUMBER 191.23

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NILES, STATE OF OHIO:

SECTION 1: There is hereby created a new chapter within the Codified Ordinances of Niles to regulate the income tax incentive program that portion of the City of Niles not located within the downtown business district.

SECTION 191.23 INCOME TAX INCENTIVE PROGRAM FOR THAT PORTION OF THE CITY OF NILES NOT LOCATED WITHIN THE DOWNTOWN BUSINESS DISTRICT.

(a) Beginning with and for the taxable year 2019 or a fiscal year beginning in 2019, and for each taxable year or fiscal year thereafter, there shall be, and is, a Niles City Income Tax Incentive Program for that portion of the City of Niles not located within the Downtown Business District (i.e. the "ITI Program") as set forth within this section. The purpose of this program is to encourage and promote economic growth within that portion of the City of Niles not located within the Downtown Business District by encouraging and promoting business expansion efforts and the establishment of new businesses within that portion of the City of Niles not located within the Downtown Business District.

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

(1) "Downtown Business District" and "DBD" each mean the area located within the City of Niles, County of Trumbull, and State of Ohio, and further bounded and described as follows: Any property with frontage on North Main Street or South Main Street from the Mahoning River heading north to the intersection of North Main Street and Federal Street; any property with frontage on East State Street or West State Street from the intersection of West State Street and South Chestnut Avenue to the intersection of East State Street and Robbins Avenue; any property with frontage on West Park Avenue or East Park Avenue from the intersection of West Park Avenue and Chestnut Avenue to the intersection of East Park Avenue and East State Street; any property with frontage on Church Street from the intersection of West Church Street and Chestnut Avenue to the intersection of East Church Street and East State Street; any property with frontage on Maple Avenue from the intersection of Maple Avenue and Arlington Avenue to the intersection of Maple Avenue and North Main Street; any property with frontage on Robbins Avenue from North Main Street to the intersection of Robbins Avenue and Cedar Street; any property with frontage on Vienna Avenue beginning at Robbins Avenue to the intersection of Vienna Avenue and Federal Street; and any property with frontage on Federal Street from Vienna Avenue to the intersection of Federal Street and North Main Avenue.

(2) "New employee" means an employee hired or employed by a qualifying enterprise to perform work or render services within the City of Niles and/or transferred by the qualifying enterprise from another location into the City of Niles.

(3) "Related enterprise" means an enterprise that shares a relationship with a qualifying enterprise in that twenty-five percent (25%) or more of ownership interests in both of said enterprises are the same.

(4) "Qualifying enterprise" means a sole proprietorship, partnership, corporation, limited liability company, enterprise, business, employer, or other like entity that starts or expands a place of business within the City of Niles but outside the DBD and hires at least one new employee for that place of business.

(5) "Qualifying investment" means an investment in real or personal property within the City of Niles but outside the DBD, for business purposes, having a useful life of at least five (5) years, or inventory available for resale within the City of Niles but outside the DBD.

(c) The payments, terms and provisions hereafter discussed within this division (c) shall be, and are, collectively deemed to be the "General Property Investment Compensation Program" of the City.

The City shall provide a yearly rebate payment to a qualifying enterprise equal to the percentage, as determined by the "Employment and Investment Formula" set forth at the end of this division (c) [which begins with a base of twenty (20) percentage points and adds percentage points thereafter] of the net income tax withholding of the new employees paid to the City for the taxable year or fiscal year in which the qualifying enterprise becomes eligible for the payments provided for within this division (c). The term of the payments shall be ten (10) calendar years, with full payment for the first five (5) calendar years and payments reduced by twenty percent (20%) per calendar year for the remaining five (5) calendar years. The first rebate payment per this division (c) shall be made on or before April 1st of the first calendar year following the taxable year or fiscal year in which the qualifying enterprise becomes eligible for the payments provided for within this division (c); each yearly rebate payment thereafter per this division (c) shall be made on or before April 1st of the calendar year.

To be eligible for the tax benefits provided for within this division (c), a qualifying enterprise must: make a qualifying investment of at least twenty-five thousand dollars (\$25,000.00); and apply for said benefits and execute an agreement therefor in accordance with division (e) of this section.

Employment and Investment Formula

(1) # of New Employees (2) Annual Payroll for New Employees

1-3	1	\$10,000.00-25,000.00	3
4-10	2	25,001.00-100,000.00	6
11-20	3	100,001.00-400,000.00	9
21-30	4	400,001.00-800,000.00	12
31-50	5	800,001.00-1,400,000.00	15
Over 50	6	Over \$1,400,000.00	18

(3) Qualifying Investment in Real Property Improvements (4) Qualifying Investment in Real Property Purchase

5,000.00-10,000.00	2	50,000.00-75,000.00	1
10,001.00-50,000.00	4	75,001.00-150,000.00	2
50,001.00-150,000.00	6	150,001.00-300,000.00	3
150,001.00-300,000.00	8	300,001.00-600,000.00	4
300,001.00-600,000.00	10	\$600,001.00 & Over	5
\$600,001.00 & Over	12		

If building/space has been vacant over 6 months - double percentage points If building has been vacant for 6 months - double percentage points

(5) Qualifying Investment in New Equipment & Inventory (6) Public Sector Financing/Assistance

10,000.00-50,000.00	2	No Public Sector Financing	7
50,001.00-100,000.00	4	Public Sector Less Than 25%	4
100,001.00-200,000.00	6	Public Sector 50% or Less	1
200,001.00-400,000.00	8	Public Sector Over 50%	0
400,001.00-700,000.00	10		
\$700,001.00 & Over	12		

POINTS = % BASE = 20%
MAXIMUM = 97%

(d) The credits, terms and provisions hereafter discussed within this division (d) shall be, and are, collectively deemed to be the “General Net Profit Credit Program” of the City.

In addition to any benefits provided for within division (c) of this section, the City shall provide a yearly credit to a qualifying enterprise equal to the percentage, as determined by the “Employment and Investment Formula” set forth at the end of division (c) of this section, of the net profit tax liability due to the City for the taxable year or fiscal year in which the qualifying enterprise becomes eligible for the credit provided for within this division (d). For purposes of the preceding sentence, however, “the net profit tax liability” shall mean, and does mean, only that portion of the net profit tax liability that is the direct result of the qualifying investment. The term of this credit shall be ten (10) calendar or fiscal years, with full credit for the first five (5) calendar or fiscal years and reduced by twenty percent (20%) per calendar or fiscal year for the remaining five (5) calendar or fiscal years. A credit per this division (d) shall require the paying of the net profits tax generated by the qualifying enterprise, net of refunds.

To be eligible for the tax credit(s) provided for within this division (d), a qualifying enterprise must: make a qualifying investment of at least one hundred and fifty thousand dollars (\$150,000.00); and apply for said credit and execute an agreement therefor in accordance with division (e) of this section.

(e) In order for a qualifying enterprise to be eligible for any benefits or credits provided for within divisions (c) and/or (d) of this section for the taxable year 2019 or for a fiscal year beginning in 2019, the qualifying enterprise shall apply for same on or before March 1, 2019 by completing an application therefor to be prepared by the Treasurer. In order for a qualifying enterprise to be eligible for any benefits or credits provided for within division (c) and/or (d) of this section for taxable years after 2019 or for fiscal years beginning after 2019, the qualifying enterprise shall apply for same (within sixty days after starting or expanding a place of business within that portion of the City of Niles not located within the DBD and having at least one new employee for that place of business begin work or service) by completing an application therefor to be prepared by the Treasurer. Any application provided for within this division (e) shall, among any other things, call for the estimated and proposed number of new employees, the estimated and proposed amount of compensation to be paid to new employees, and the estimated and proposed amount of qualifying investment(s).

Any application provided for within this division (e) shall be reviewed by, and approved or disapproved by, the committee known as “the ITI Program Oversight Committee”. Said “ITI Program Oversight Committee” is the same committee established and provided for by Section 191.22 of the Codified Ordinances of the City of Niles.

Once an application is approved by the ITI Program Oversight Committee, a written agreement therefor shall be made and entered into by and between the City and the qualifying enterprise. Any such agreement shall, among any other things, set forth, and be conditioned upon: the estimated and proposed number of new employees; the estimated and proposed amount of qualifying investment(s); the estimated and proposed amount of compensation to be paid to new employees; the estimated and proposed amount of General Property Investment Compensation Program rebate payments and/or the estimated and proposed amount of General Net Profit Credit Program credits. Any such agreement shall first be approved by the ITI Program Oversight Committee, and shall be referred to as an “Income Tax Incentive Program Agreement”.

In order for a qualifying enterprise to continue, and to remain, in the ITI program, it shall cooperate with the ITI Program Oversight Committee and the Treasurer, and shall supply to the ITI Program Oversight Committee and the Treasurer the following upon request:

- (1) An annual progress report documenting the new employees and payroll within the City of Niles but outside the DBD; and
- (2) A copy of the qualifying enterprise’s latest Federal and State income tax returns; and
- (3) Any other relevant information and documentation as requested by the ITI Program Oversight Committee and the Treasurer.

(f) In addition to any duties and responsibilities set forth within division (e) of this section, the ITI Program Oversight Committee shall also:

- (1) Review annual progress reports relative to the ITI Program; and
- (2) Recommend continuation or non-continuation in the ITI Program; and
- (3) Adopt rules and regulations for the administration of the ITI Program not inconsistent with the terms and provisions of this section; and
- (4) Present an annual progress report to City Council relative to the ITI Program.

(g) All requests for any benefits or credits provided for within this section shall be subject to verification by, and the audit of, the City Treasurer. The City Treasurer may order an

independent audit of a qualifying enterprise's employment, payroll and tax records (at the expense of the qualifying enterprise) for purposes of administering or enforcing this section.

SECTION 2: This Ordinance shall take effect at the earliest time allowed by law.

PRESIDENT OF COUNCIL

PASSED: _____

ATTEST: _____
CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the ____ day of _____, 2019 and signed by me as such Mayor on the ____ day of _____, 2019.

MAYOR

City of Niles, Ohio

DRAFT NO. 39-19

SPONSORED BY: FINANCE and UTILITIES COMMITTEES
AUTHORIZED BY: SMITH and McNAUGHTON

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR and/or SERVICE DIRECTOR TO NEGOTIATE AND ENTER INTO CONTRACT WITH JULIAN & GRUBE FOR A BILLING AUDIT; AND DECLARING AN EMERGENCY

WHEREAS, the City of Niles Billing Department needs an audit of our billing accounts; and

WHEREAS, the City of Niles has investigated options for the billing audit.

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

SECTION 1: Council hereby authorizes the Mayor and/or Service Director to negotiate with and enter into contract for the Julian & Grube, for a Billing Department Audit.

SECTION 2: This Resolution is hereby declared to be an emergency measure in the interest of the public health, safety and welfare, and to allow the City to engage in an audit of the Billing Department at the earliest possible date. As such an emergency measure, this Resolution shall take effect upon passage by Council and approval by the Mayor.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____

CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the ____ day of _____, 2019 and signed by me as such Mayor on the ____ day of _____, 2019.

MAYOR

City of Niles, Ohio

SPONSORED BY: COM. DEV. NEIGHBORHOOD
STABILIZATION COMMITTEE
AUTHORIZED BY: PROFATO

DRAFT NO. 40-19

ORDINANCE NO. _____

AN ORDINANCE ACCEPTING THE DONATION OF A PARCEL OF LAND LOCATED AT 101 W. THIRD STREET, NILES, OHIO, FROM TRUMBULL COUNTY LAND REUTILIZATION CORPORATION; AND, DECLARING AN EMERGENCY

WHEREAS, Trumbull County Land Reutilization Corporation is the owner of 101 W. 3rd Street, Niles, Ohio 44446 in the City of Niles; and,

WHEREAS, Trumbull County Land Reutilization Corporation has offered to donate said parcel of land to the City of Niles, land which could be placed in the City's Land Bank; and,

WHEREAS, Council desires to take action to accept the donation of this parcel of land from Trumbull County Land Reutilization Corporation.

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

SECTION ONE: Council hereby accepts from Trumbull County Land Reutilization Corporation the donation of a parcel of land known as 101 W. Third Street, in the City of Niles. The Service Director is further authorized to execute an Agreement and any other pertinent documents with Trumbull County Land Reutilization Corporation that will allow the donation to be accomplished.

SECTION TWO: This ordinance is hereby declared to be an emergency measure in the interests of the public health, safety and welfare, and to assure that this donation can be completed at the earliest possible date. As such an emergency measure, this ordinance shall take effect upon passage by Council and approval by the Mayor.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____

CLERK OF COUNCIL

Filed with the Mayor of the City of Niles, Ohio on the ____ day of _____, 2019 and signed by me as such Mayor this ____ day of _____, 2019.

MAYOR