

**RESOLUTION NO. 8 , 2012**

**A RESOLUTION AUTHORIZING THE ADOPTION  
OF AN ALTERNATIVE METHOD OF APPORTIONING  
LOCAL GOVERNMENT FUNDS**

**WHEREAS**, Ohio Revised Code Section 5747.53 provides that in lieu of apportioning the undivided Local Government Fund (“Fund”) by the method prescribed by Revised Code Sections 5747.51 and 5747.52, a alternative method of apportioning said Fund may be approved by the Board of County Commissioners, the legislative authority of the city, located wholly or partially in the county which has the greatest population, and a majority of the boards of township trustees and legislative authorities of municipal corporations, located wholly or partially within the county, excluding the legislative authority of the city with the greatest population; and

**WHEREAS**, up until calendar year 1989, the Hamilton County Budget Commission operated under the statutory formula provided by Revised Code Sections 5747.51 and 5747.52; and

**WHEREAS**, the statutory method of apportioning the Fund resulted in repeated and continued litigation between and among the parties entitled to participate in the distribution of the Fund; and

**WHEREAS**, the statutory method of apportioning the Fund has resulted in continued uncertainties about the financial distribution of the Fund; and

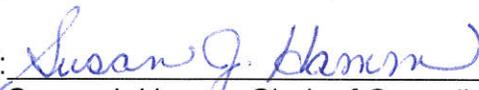
**WHEREAS**, the alternative method of apportioning the Fund first adopted in 1988 and renewed in 1995 and in 2004 has brought stability to the process by limiting the risk of litigation and providing for a more efficient and effective method of financial planning.

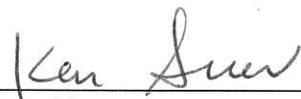
**NOW THEREFORE, BE IT RESOLVED** by the Council of the City of Montgomery, Ohio, that:

**SECTION 1.** The Council of the City of Montgomery, upon recommendation of the Administration, supports the renewal of the alternative method of apportioning the Local Government Fund, authorized by statute and adopted in 1988, as renewed in 1995 and 2004.

**SECTION 2.** This Resolution shall be in full force and effect from and after its passage.

PASSED: May 2, 2012

ATTEST:   
Susan J. Hamm, Clerk of Council

  
Ken Suer, Mayor

APPROVED AS TO FORM:  
  
Terrence M. Donnellon, Law Director

EXHIBIT "A"  
AGREED METHOD FOR APPORTIONING THE  
UNDIVIDED LOCAL GOVERNMENT FUND

Pursuant to the provisions of the Ohio Revised Code Section 5747.53 providing for an alternative method of apportioning the undivided local government fund, upon receipt of certified resolutions of the Board of County Commissioners, the legislative authority of the city, located wholly or partially in the county, with the greatest population; and a majority of the boards of township trustees and legislative authorities of municipal corporations, located wholly or partially within the county, excluding the legislative authority of the city with the greatest population, the Hamilton County Budget Commission may adopt the following method of apportioning the undivided local government fund:

- A. The Hamilton County Park District shall receive a total of \$300,000 or 1% of the entire amount of the fund to be allocated, whichever amount is less;
- B. Of the remaining amount to be allocated after the allocation in paragraph (A) above, Hamilton County will receive 40.75% of said remaining amount;
- C. Of the remaining amount to be allocated after the allocation in paragraph (A) above, the City of Cincinnati will receive 40.75% of said remaining amount;
- D. The remaining amount to be allocated after the allocation in paragraph (A) above and after the allocations made in paragraphs (B) and (C) above shall be made to the remaining villages, townships, and cities (exclusive of the City of Cincinnati) as follows.
  1. 100,000 shall be set aside as an emergency fund to be used at the discretion of the Budget Commission for fiscal emergencies that may occur in these political subdivisions. Any remaining funds at the end of the funding year shall be added to the next year's distribution.
  2. After the emergency fund is set aside, a base amount for each political subdivision shall be established. The base amount for each political subdivision shall be 75% of the average of the undivided local government fund allocations made to the subdivision in 2009, 2010, and 2011.
  3. After the total base amounts have been subtracted from the total amount available, the remainder shall be allocated as follows:
    - a. 1/3 on the basis of the percentage of each political subdivision's population to the total population of each political subdivision (population figures used will be the most current available from U.S. Census Bureau at the time of allocation; in the case of a township, only the population of the unincorporated area of that township will be considered);
    - b. 1/3 on the basis of the percentage of each political subdivision's assessed real estate tax valuation to the total assessed real estate tax valuations of each political subdivision; excepting therefrom in each case the public utility personal property values. Assessed real estate tax valuation figures used will be the most current available at the time of allocation;

- c. 1/3 on the basis of the percentage of each political subdivisions lane miles of dedicated streets fully maintained by the political subdivision to the total lane miles (lane miles will be determined by the political subdivisions consulting engineer and certified to the Hamilton County Budget Commission at the time of allocation).
4. Notwithstanding items 2, 3 a.b. and c. above, if after allocations have been determined, any political subdivision that has been allocated less than 90% of its 2011 or 2012 allocation, whichever is greater, (hereinafter "floor"), or its statutory minimum, that subdivision's allocation will be increased to bring it up to that amount which is the "floor" and all other political subdivisions allocations will be decreased proportionately.

It is hereby agreed that the above method of apportionment of the undivided local government fund shall be in effect for said fund available and, intended to be distributed in 2013, 2014, 2015, 2016, 2017, 2018, 2019, and 2020.

This agreed method of apportionment shall remain in effect for the above referenced years and shall not be revoked by any party or combination of parties before such time as it expires by its terms.

This alternative formula shall apply for the duration of this agreement as an alternative to the distribution of the county undivided local government fund under Sections 5747.51 and 5747.52 O.R.C.

Notwithstanding any provision of this agreement to the contrary, in the event that the statutory percentage share allocable to Hamilton County under provisions of 5747.53(C) should be reduced to thirty percent (this will occur in the event the percentage of population that resides within municipal corporations in the county is 81% or more, as reported in the reports on population in Ohio by the Department of Development as of the twentieth day of July of the year in which the tax budget is filed with the Budget Commission – the County's share of the distribution in that year shall not exceed 30% of the total estimate of the undivided local government for that year) then this agreement shall be null and void for that year and all ensuing years to which it otherwise would have applied, and the distribution of the local government fund by the Budget Commission shall be governed by the provisions of 5747.51 and 5747.52 O.R.C.