

**RESOLUTION NO. R02-21 CMS**

**A RESOLUTION OPPOSING HOUSE BILL 258, WHICH WOULD PROHIBIT LOCAL RESIDENCY REQUIREMENTS AND UNDERMINE THE CONCEPT OF MUNICIPAL HOME RULE, AND DECLARING AN EMERGENCY**

**WHEREAS, House Bill 258 would prohibit local residency requirements for all municipal Police, Fire and EMT employees in the State of Ohio; and**

**WHEREAS, the negative implications of House Bill 258 extend far beyond the immediate residency issue and pose a threat to the concept of Municipal Home Rule in the State of Ohio; and**

**WHEREAS, residency requirements and other provisions lawfully adopted by municipal elected officials are a reflection of the standards and will of each Home Rule municipality; and**

**WHEREAS, House Bill 258 opens a door that would risk putting the Ohio General Assembly in a position of overruling a municipality's charter, ordinances, civil service rules and collective bargaining agreements; and**

**WHEREAS, House Bill 258 was recently approved by the Ohio House of Representatives and has been sent to the Ohio State Senate for consideration.**

**NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:**

**SECTION 1. That the Oberlin City Council hereby respectfully requests its Representatives in the Ohio State House and Senate to use all means at their disposal to oppose the passage of House Bill 258, and to encourage their colleagues to do likewise.**

**SECTION 2. That copies of this Resolution shall be forwarded to the Governor, State Representative and State Senator as evidence of Oberlin's strong opposition to House Bill 258, and any other legislation that would similarly erode the lawful rights of Home Rule communities.**

**SECTION 3. That it is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this resolution were adopted in an open meeting of this 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.

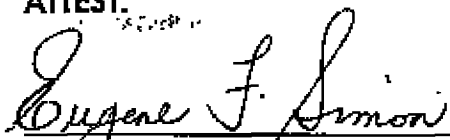
SECTION 4. That this resolution is hereby declared to be an emergency measure necessary for the preservation of the public peace, health and safety of the citizens of the City of Oberlin, Ohio to wit:

"to voice opposition to proposed State Legislative action in a timely fashion",

and shall take effect immediately upon passage.

PASSED: 1<sup>st</sup> Reading - December 2, 2002 (E)  
2<sup>nd</sup> Reading --  
3<sup>rd</sup> Reading -

ATTEST:

  
\_\_\_\_\_  
CLERK OF COUNCIL

  
\_\_\_\_\_  
CHAIR OF COUNCIL

POSTED: 12/03/02

EFFECTIVE DATE: 12/03/02

City of  
*Oberlin*

85 South Main Street, Oberlin, Ohio 44074  
(440) 775-1531

November 25, 2002

To: City Council

From: Robert DiSpirito, City Manager *R6D*

Re: Resolution No. R02-21, Opposing House Bill 258

Please find attached some information pertaining to House Bill 258. Council might have previously received some of this material recently from the Ohio Municipal League. While this bill would prohibit municipalities from establishing a residency requirement for their emergency response employees, HB 258, if adopted, could set a dangerous precedent by opening to control by the State General Assembly all local standards and decisions that to date have been the prerogative of Home Rule communities like Oberlin. This is very dangerous legislation.

The purpose of proposed Council Resolution R02-21 is to encourage our State Representative, State Senator and the Governor to oppose the approval of House Bill 258. Representative Koziura, in fact, has already voted against HB 258. Nevertheless, it was unfortunately approved by a majority of the House and this bill is now pending before the State Senate. As a former mayor, I would hope that Senator Armbruster would be sensitive to the Home Rule issue. The Ohio Municipal League is actively calling on all of its members to adopt legislation vigorously opposing HB 258.

If you have any questions, please let me know.

cc Department Heads  
Council Appointees

---

*"Ohio's Best College Town"*

—OHIO Magazine



No. 20

November 15, 2002

**PLEASE CIRCULATE THIS BULLETIN TO YOUR COUNCIL, DEPARTMENT HEADS & STAFF**

## **Home Rule, No Rule**

By a 71-24 vote the Ohio House passed and sent to the Senate HB 258 (Flowers) As it came to the floor, the bill would prohibit local residency requirements for all police, fire and EMT employees As amended on the floor, it would prohibit such requirements, but allow them in the case of an adjoining county residency requirement If passed, the bill would be the first time since the establishment of Home Rule (1912), that the General Assembly would choose to overturn the will of the voters in Akron, Dayton, Toledo, Cleveland and many other Ohio communities In those cities, residency requirements were put into place by the voters through their charter Should the General Assembly be successful in this effort to render the votes of millions of Ohioans meaningless, the question has to be "What next?"

What is at stake in this bill is the very core of Home Rule. Whether a municipality has imposed residency requirements on some or all of its employees through charter, ordinance, civil service rules, or collective bargaining, this bill says that the General Assembly, not council or the people, has ultimate sway over any decision the General Assembly wishes to second guess. There is no such thing as Home Rule under this concept of lawmaking.

Don't like the City Manager form of government? No problem. Introduce a bill to ban it. Don't like at-large municipal council races? No problem. Introduce a bill to require ward races. Don't like a piece of the municipal income tax being set-aside by charter for capital improvements. No problem. Introduce a bill to stop people from ruining their community through such silly voter decisions. Think your local council members make too much money. No problem. Introduce the Uniform Council Salary Bill to cut down on council pay statewide

Underlying the specifics of HB 258 is a concept of state control that endangers the decision-making powers of every municipal voter and every city and village organization in the state. Whether you like residency requirements for municipal employees or not, this bill says that no matter what your council or voters say, it doesn't matter. If this bill is successful, every special interest group which could not have its way at the municipal level will now have an open door to come to the General Assembly and overturn your decisions. Home Rule decisions, even if they are made by the voters, will be meaningless.

If you'd like to check how your member of the Ohio House voted on this anti-Home Rule bill go to our website ([www.omunileague.org](http://www.omunileague.org)).

The effort on this bill now goes to the Senate. Please, contact your State Senator today and ask them to vote for Home Rule by opposing HB 258. Residency requirements are very important to those communities which have them. However, this fight goes way beyond that issue. This fight is about the rights of municipal voters and municipal councils to make decisions and the role the state may play and not play in those decisions.

### **BWC Problem Solved.**

HB 515, which makes a number of changes in township law passed out of the House Townships and Local Government Committee this week. Though the League did not have concerns with most of the bill, there was one problem. As introduced HB 515 would have put the 15 urban townships of the state in the same Workers' Comp pool as the cities of Ohio. While this would have been fine with the townships, saving them about \$1.5 million a year in workers' comp premiums, the same could not be said for cities. According to a Bureau of Workers' Comp (BWC) study, this change would increase BWC premiums for the cities (e.g. a \$170,000 increase for the city of Columbus).

After listening to the League's concerns on this matter, the sponsor of the bill, Representative Jean Schmidt, offered an amendment to delete this provision from the bill. That amendment was accepted. We appreciate Rep. Schmidt's cooperation and understanding on this matter.

### **Municipal Income Tax Deemed "Cumbersome and Complicated."**

After complying with the municipal income tax for 55 years, the business community, primarily through the Ohio Chamber of Commerce still finds the simple municipal income tax too complicated.

And after the League worked for over two years, in good faith with the Ohio Society of CPA's and the Ohio Chamber, on the development and passage of HB's 477 and 483, to bring more simplicity and uniformity to the municipal income tax, the tax still seems to be driving Ohio business to its grave, at least according to testimony given before the State Committee on State and Local Taxes.

The tax is "cumbersome and complicated," according to Bruce Johnson, Director of the Ohio Department of Development. "The burden on Ohio businesses to comply with multi-jurisdictional municipal tax is significant," according to a speaker on behalf of the Ohio Society of CPA's. A spokesman for the Ohio Chamber all but threw out the need to be revenue neutral (a charge to the committee) when it comes to changing the Ohio municipal income tax.

Municipalities, with their investment in infrastructure and other services, are key to Ohio's economic future. It is no accident that 2/3 of Ohio's jobs exist in Ohio's cities and villages. They are the spots where most businesses can do business. But, business, many living quite well thanks to tax abatements and tax increment plans, just can't seem to any longer manage the paying of the municipal income tax. It's the simplest income tax in Ohio, much simpler than either the state or federal income tax. It asks for less than either the state or federal, but somehow it is a huge problem. It is a tax that, more than any other, directly creates the day-to-day services needed by business in Ohio. And it directly relates to providing the services needed to gather a workforce in one place so business can have the necessary employees.

We continue to be willing to work with the groups interested in changes in the municipal income tax, but not at the cost of creating a municipal income tax that will no longer support our communities or Ohio's economy.

The Tax Study Committee will meet again this week (see schedule) and hear from municipal officials on this matter.

### **SB 106 Clears Committee.**

SB 106 (Hottinger) made its way out the House Local Government and Townships Committee this week. It may be on the floor of the House this coming week. SB 106 would create some needed immunities for premises and street and road liability for local governments, including municipal governments.

We urge you to call or write your State Representative and ask for their support for SB 106.

ALEX MACHASKEE  
President and Publisher

DOUGLAS C. CLIFTON  
Editor

ROBERT M. LONG  
Executive Vice President

BRENT W. LARKIN  
Editorial Page Director

# Home rule? Not now

*Rush to overturn cities' residency rules for safety workers shows legislators prefer making laws to living by them.*

An effort under way in the Ohio legislature would put an end to residency rules, under which some cities prohibit their safety workers from living elsewhere.

This assault on residency rules is not new — nor, in fact, does it appear to be legal. But that bit of inconvenience didn't even slow the Ohio House down last Wednesday, as it voted overwhelmingly to dump residency as a condition of municipal employment.

Critics of residency laws, which are in place in Cleveland and nearly 100 other Ohio cities, contend that cities should not have the right to dictate where public employees live. The ability to choose one's place of residence is a fundamental right, they argue.

They're wrong. The Ohio Constitution is clear on the issue of home rule: The power of local self-government belongs to cities, villages and townships, not to the Ohio General Assembly. The courts have also consistently upheld the notion that residency requirements fall under the provision of home rule, which grants cities the ability to determine conditions of employment.

There is, of course, abundant irony in the push by the GOP-controlled Ohio House to strip cities of the ability to impose residency requirements. The 124th General Assembly is dominated by Republicans who have long decried state control of just about anything, while vigorously championing local control of just about everything.

But in this case, many of Ohio's leading Republicans — including Ohio House Speaker Larry Householder — are championing safety workers who want to bolt for greener pastures. On the heels of safety workers unions' recent election support for GOP candidates, this whole affair smells more of payback than principle.

Ohio Senate President Richard Finnan, of Cincinnati, has long opposed efforts to overturn residency requirements. His hometown of Cincinnati has one and he recognizes the right of cities to adopt them. As one of his final acts, before term limits compel his departure from office next month, perhaps Finnan will stand for principle and derail this illegal and unmeritorious measure.

More than being blatantly unconstitutional, House Bill 258 is an insult to more than 2 million Ohio voters. It tells them that their preferences don't matter. That makes this measure bad law, any way you slice it.

## Counting the votes

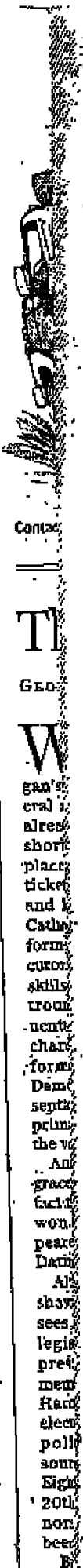
Last week, the Ohio House approved a bill that would prohibit Cleveland and other cities from enforcing local laws requiring that members of city safety forces reside in the municipality that employs them. The legislation is short-sighted, punitive and probably illegal.

Voting the wrong way (in favor) on the proposed state law were the following House members from this area: Republicans Ann Womer, Benjamin Jurgis Callender, Charles Calvert, Timothy Grendell, Sally Conway Kilbane, Jeffrey Manning, Jim Trakas and Ron Young; and Democrats Dean DePiero, Dale Miller, Mary Rose Oakar, Erty Sullivan and Claudette Woodard.

Voting the right way (against) were: Democrats Michael DeBose, Ed Jerse, Annie Key, Joe Kozura and Shirley Smith.

Democrat Brian Flannery and Republican Bryant Williams did not vote.

If you're not sure who your legislators are, you can find them by entering your ZIP code on the General Assembly's Web page, [www.legislature.state.oh.us/](http://www.legislature.state.oh.us/)



Contax

TI

GED

W

gan's  
eral  
alres  
short  
place  
ticket  
and  
Cathy  
form  
cutor  
skills  
troun  
nente  
char  
form  
Deme  
septa  
plum  
the w  
An  
grace  
fact  
won  
pear  
Datin  
Al  
shov  
sees  
legie  
pres  
ment  
hard  
elec  
poll  
sour  
Eight  
20th  
non  
bee  
B

Lawmakers blind to needs of Ohio's cities  
A Dayton Daily News Editorial

Breath-taking irresponsibility describes efforts afoot in the General Assembly to divest cities of the power to impose residency requirements on their employees.

And it's all part of a troubling trend in which state government's indifference toward cities is undermining their stability.

A few short months ago, the legislature voted to do nothing to curb predatory lending. Now, certain forces want to override local residency requirements and allow police officers, firefighters and other public safety employees to move out of the cities that pay their salaries.

The measure, House Bill 258, which overwhelmingly passed the House of Representatives, appears to have stalled in the Senate, at least for the current lame-duck session. But only because outgoing Senate President Richard Finan, R-Evendale, opposes the idea. Look for it to re-emerge, though, after Sen. Finan leaves.

Backers of the measure have amazingly short memories. Less than two years ago there were riots in the streets of one of the state's great cities. A

general state of emergency, including curfews, prevailed for days. Parts of Cincinnati were burning.

That community has a long history of aggressive, sometimes abusive, law-enforcement action by a police department considered woefully out of touch with many neighborhoods. That strained relationship between police and blacks helped fuel the riots, which have cost the city millions of dollars and done lasting damage to its image.

No urban center is immune from such criticisms - or from unrest. But some cities have worked to avoid a similar fate by weaving their police departments more closely into the community fabric.

They've achieved this, in part, through residency requirements. Many citizens believe that when police are full-time residents, they are more likely to understand urban culture and have a more direct stake in a city's future.

Meanwhile, Ohio cities continue to struggle against urban flight and sprawl. Home ownership by middle-class municipal workers subject to residency requirements plays an important role in neighborhood stability.

Residency rules are bitterly opposed by many workers, and, in an ideal world, cities wouldn't need them. But there's nothing unfair about the policies: every employee hires on knowing full well that residency is a condition of employment. And home rule - which allows local communities to decide policies like these for themselves - is a principle embodied in Ohio's constitution.

But state lawmakers have betrayed principle and become so disconnected from the problems of cities that they seem utterly indifferent to the consequences of their actions.

A spokesman for Gov. Bob Taft, for example, said he sees no reason why the governor would not sign a bill gutting city residency requirements.

If the governor and his staff are looking for reasons, they might consider how a mass exodus of city police to the suburbs will affect police-community relations in Ohio's urban centers.

They also could think about what police and other municipal employees' departure will do to neighborhood stability in cities and local housing prices.

Or maybe the governor should just reflect on the recent history in his own home town, Cincinnati - and how all Ohio cities are working so hard to prevent its recurrence.

[From the Dayton Daily News: 11.18.2002]

→ Dayton Daily News Editorial  
11-18-2002