

ORDINANCE # O-9-2020

**AN ORDINANCE TO AMEND THE VILLAGE OF BOLIVAR'S
MUNICIPAL INCOME TAX CODE**

WHEREAS, the 133rd Ohio General Assembly has passed H.B. 166, and,

WHEREAS, H.B. 166 has an effective date of January 1, 2020 regarding certain defined terms as listed pursuant to Ohio Revised Code 718.01; and,

WHEREAS, the Village wishes to adopt the amended definitions, to comply with the requirements of H.B. 166.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Bolivar, Ohio, as follows:

SECTION 1: The Village Council hereby removes the following language:

(30) "PENSION" means any amount paid to an employee or former employee that is reported to the recipient on an IRS form 1099-R, or successor form. Pension does not include deferred compensation, or amounts attributable to nonqualified deferred compensation plans, reported as FICA/Medicare wages on an IRS form W-2 and Tax Statement, or successor form.

And replaces the above language with the following:

(30A) "Pension" means a retirement benefit plan, regardless of whether the plan satisfies the qualifications described under section 401(a) of the Internal Revenue Code, including amounts that are taxable under the "Federal Insurance Contributions Act." Chapter 21 of the Internal Revenue Code, excluding employee contributions and elective deferrals, and regardless of whether such amounts are paid in the same taxable year in which the amounts are included in the employee's wages, as defined by section 3121(a) of the Internal Revenue Code.

(30B) "Retirement Benefit Plan" means an arrangement whereby an entity provides benefits to individuals either on

or after their termination of service because of retirement or disability. "Retirement Benefit Plan" does not include wage continuation payments, severance payments, or payments made for accrued personal or vacation time.

SECTION 2: All prior Ordinances inconsistent herewith are hereby repealed.

FIRST READING: December 2, 2019

SECOND READING: January 6, 2020

THIRD READING & PASSED: February 3, 2020

REBECCA HUBBLE, MAYOR

Attest:

Maria App, Fiscal Officer

Approved as to form:

Attorney Tara Wright-Timberlake
Legal Counsel, Village of Bolivar