

# THE TAX ATTACK

## Chapter XVI

Several topics surfaced at the recent Candidates Night that merit comment.

The first involved executive sessions of Council. In industry and nonprofits, regular executive sessions are a best practice, but different rules apply in government. Ohio statutes (the so-called Sunshine Law) require that whenever three or more members of Council meet, there must have been public notice and the meeting must be open. The only statutory exception is for executive session discussions involving one or more of the eight topics permitted to be discussed in private. Among other subjects, these exceptions include certain personnel matters, litigation, purchase or sale of real property and security. The reasoning for the exception is that developing strategy regarding adversarial situations may be conducted in private to avoid signaling the Village's plans. But even in those situations, no action can be taken except in open sessions of Council. Strangely, hardly anyone ever stays around to learn if any action is taken after an executive session. Bottom line, there is nothing inappropriate in holding executive sessions that conform to the statutes.

Another procedural matter often considered as suspicious is the so-called emergency resolution that allows for Councilmatic action without legislation being read at three meetings. To bypass that standard, five members of Council must approve. The vast majority of ordinances and other actions that are voted as emergencies deal with relatively mundane matters such as acceptance of bids for supplies or equipment, which frequently are valid for only a limited time period. When the proposed action involves issues that are complex or may be controversial, Council frequently holds public hearings and allows for time to pass before action so that interested parties have the opportunity to express themselves. Examples of this would be the issues dealing with taxing gas well net revenue and storm water control, which were only voted after three readings.

The question of how much inheritance tax to budget annually was raised. The liberal argument says the average for the last three years of almost \$900,000 is the right number, while the conservative approach of looking at a longer historical pattern supports a significantly smaller estimate. As with most estimates, both are arithmetically correct. The risk for larger estimates is that you may overspend. We are all aware of persons who purchased that third car or a fancy home based on continuation of earnings over many years, only to find they have lost their job and cannot make the payments. Since the Village must operate within its income, overestimating can result in the need to trim essential services on short notice to compensate for reaching too far.

Finally, in response to the comment that legislation is being passed without residents' knowledge, please remember, if you want to know what's happening at Council and can't attend, you will find minutes of all Council meetings along with Village financial statements posted on the Village web site as soon as approved (usually following the next meeting). Go to [www.gatesmillsvillage.com](http://www.gatesmillsvillage.com).

By way of follow-up to *The Tax Attack, Chapter XV*, Village revenues through September 30, 2009 continue below operating budget levels. Similar trends are being experienced by most communities.

Next week we vote to fill four Village Council positions. Whatever your preference for the six candidates, it is important that you vote. If you abdicate that responsibility, you have no influence on the course the Village will take in the next few years. Please vote.

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