

1 RESOLUTION NO. 2016-049

**First Reading Passage Requested**  
**(J. Dodson)**

2 SPONSOR Mr. Pry

3 DATE February 8, 2016

COMMITTEE Finance

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6  
7 **A Resolution declaring the necessity of the transfer of the unexpended balance in the Water**  
8 **Debt Service Fund, Fund No. 55101, in the amount of \$513,835.29, to the General Fund and**  
9 **transferring said funds to the General Fund pursuant to Sections 5705.09 and 5705.14 of**  
10 **the Ohio Revised Code, for the Executive's Department of Finance and Budget, and**  
11 **declaring an emergency.**

12  
13 WHEREAS, in 1970, the County of Summit Commissioners formed the Summit County  
14 Metropolitan Sewer District ("District"), consolidating many local sewer districts into one, in  
15 accordance with Chapter 6117 of the Ohio Revised Code; and

16  
17 WHEREAS, under the provisions of Chapter 6117 of the Ohio Revised Code, the District  
18 owned and operated water lines, and served customers with water in various locations in its  
19 territory; and

20  
21 WHEREAS, pursuant to Section 6103.02, the County established the Water Debt Service  
22 Fund, Fund No. 55101 ("Water Debt Service Fund"), to provide for the payment of debt service  
23 on bonds and other obligations;

24  
25 WHEREAS, the County deposited all moneys collected as rates, charges, or penalties  
26 fixed or established in accordance with Section 6103.02(F) for water supply purposes; and

27  
28 WHEREAS, during the 1990's, the District sold or traded its water lines to various local  
29 governments or utilities, and divested itself of all water customers; and

30  
31 WHEREAS, the County no longer operates a water supply system and no longer provides  
32 water service to customers; and

33  
34 WHEREAS, there is currently an unexpended balance of \$513,835.29 in the Water Debt  
35 Service Fund that constitutes a surplus given that the County no longer operates any water lines  
36 nor has any outstanding obligations related to its water operations; and

37  
38 WHEREAS, this Council is authorized to transfer the unexpended balance in the Water  
39 Debt Service Fund to the General Fund pursuant to Sections 5705.09 and 5705.14 of the Ohio  
40 Revised Code, which allow transfer of monies in a special fund where all obligations incurred  
41 and payable from that fund have been paid; and

42  
43 WHEREAS, this Council finds and determines, after reviewing all pertinent information,  
44 that it is necessary and in the best interest of the County of Summit to declare the necessity for  
45 the transfer the unexpended balance in the Water Debt Service Fund, Fund No. 55101, in the  
46 amount of \$513,835.29, to the General Fund and to then transfer said funds to the General Fund  
47 pursuant to Sections 5705.09 and 5705.14 of the Ohio Revised Code for the aforementioned  
48 reasons;

49  
50 NOW, THEREFORE, BE IT RESOLVED, by the Council of the County of Summit,  
51 State of Ohio, that:

1 RESOLUTION NO. 2016-049

2 PAGE TWO

3  
4 SECTION 1

5  
6 The Council of the County of Summit, Ohio hereby declares that it is necessary to  
7 transfer the unexpended balance in the Water Debt Service Fund, Fund No. 55101 (“Water Debt  
8 Service Fund”), in the amount of \$513,835.29, to the General Fund, pursuant to Sections 5705.09  
9 and 5705.14 of the Ohio Revised Code.

10  
11 SECTION 2

12 Funds are hereby appropriated as follows:

13  
14

<u>Account No.</u>	<u>Description</u>	<u>Amount</u>
15 55101-8510-84999	16 Transfers Out	\$513,835.29
17 10003-0001-19999	18 Transfer In	\$513,835.29

19

20 SECTION 3

21  
22 The County Fiscal Officer is hereby authorized and directed to effect the within  
23 appropriations.

24  
25 SECTION 4

26  
27 This Resolution is hereby declared an emergency in the interest of the health, safety and  
28 welfare of the citizens of the County of Summit and for the further purpose of immediately  
29 declaring the necessity for the transfer of all funds in the Water Debt Service Fund, in the  
30 amount of \$513,835.29, to the General Fund and transferring said funds.

31  
32 SECTION 5

33  
34 Provided this Resolution receives the affirmative vote of eight members, it shall take  
35 effect immediately upon its adoption and approval by the Executive; otherwise, it shall take  
36 effect and be in force at the earliest possible time provided by law.

37  
38 SECTION 6

39  
40 It is found and determined that all formal actions of this Council concerning and relating  
41 to the adoption of this Resolution were adopted in an open meeting of this Council, and that all  
42 deliberations of this Council and of any of its committees that resulted in such formal action,  
43 were in meetings open to the public, in compliance with all legal requirements, including Section  
44 121.22 of the Ohio Revised Code.

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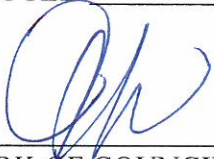
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PAGE THREE

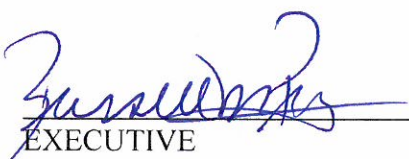
INTRODUCED February 8, 2016

ADOPTED February 8, 2016

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

  
\_\_\_\_\_  
PRESIDENT OF COUNCIL

APPROVED February 9, 2016

  
\_\_\_\_\_  
EXECUTIVE

ENACTED EFFECTIVE February 9, 2016

Voice Vote: YES: 8-0 YES: Crawford, Donofrio, Feeman, Kostandaras  
Rodgers, Schmidt, Shapiro, Walters  
ABSENT: Lee, Prentice