

RESOLUTION NO. 2016-2

A RESOLUTION DECLARING A FISCAL EMERGENCY AND THE NECESSITY FOR THE TRANSFER OF RESTRICTED MONIES TO THE VILLAGE'S GENERAL OPERATING FUND PURSUANT TO OHIO REVISED CODE SECTIONS 5706.14, 5706.15, and 5706.16.

WHEREAS, monies received as a bonus on a paid-up oil and gas lease were deposited in the Village's General Operating Fund and subsequently appropriated to the Village's Street Maintenance Fund by the previous Fiscal Officer of the Village of Belmont, Ohio, on October 9, 2014.

WHEREAS, said appropriation was never discussed in an open meeting of Council, evidenced by the record of proceedings from the regular meeting of the Council of the Village of Belmont, Ohio, dated October 7, 2014.

WHEREAS, no legislation was approved by the Council of the Village of Belmont, Ohio, authorizing said appropriation.

WHEREAS, said appropriation was contrary to law.

WHEREAS, a fiscal emergency has arisen and need for the monies appropriated contrary to law are needed elsewhere.

WHEREAS, a court order issued by the Belmont County, Ohio, Court of Common Pleas is necessary to make the necessary adjustment to return to the Village's General Operating Fund a portion of the monies wrongly appropriated, by the previous Fiscal Officer, to the Street Maintenance Fund.

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Village of Belmont, Belmont County, Ohio:

SECTION 1. Pursuant to the provisions of Ohio Revised Code Sections 5706.14, 5706.15, and 5706.16, it is necessary that the Village of Belmont, Ohio, obtain a court order from the Belmont County, Ohio, Court of Common Pleas to transfer funds wrongly appropriated by the Village's previous administration's Fiscal Officer.

SECTION 2. A petition, a copy of which is attached to this Resolution and labeled EXHIBIT A, addressed to the Belmont County, Ohio, Court of Common Pleas shall be submitted to the Ohio Tax Commissioner for approval, as prescribed in Ohio Revised Code Section 5706.16.

SECTION 3. Once the petition is approved by the Ohio Tax Commissioner, said petition shall be filed with the Belmont County, Ohio, Court of Common Pleas for further proceedings, as prescribed by Ohio Revised Code Section 5705.16.

SECTION 4. Once the petition is filed with the Belmont County, Ohio, Court of Common Pleas for further proceedings, the residents of the Village of Belmont, Belmont County, Ohio, shall be notified of the filing of the petition, the object of the petition, and the prayer of the petition, and of the date and time of the hearing upon the petition, by publication in a newspaper of general circulation, as prescribed by Ohio Revised Code Section 5705.16.

SECTION 5. All formal actions of the Council of the Village of Belmont, Ohio, concerning and relating to the adoption of this Resolution were adopted in a regular meeting that was open to the public, and that all deliberations of the Council of the Village of Belmont, Ohio, and 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, and the rules of the Council of the Village of Belmont, Ohio, adopted in accordance therewith.

STANLEY A. SOBEL,
Mayor

CLERK'S CERTIFICATE

The undersigned Clerk of Council hereby certifies that the foregoing Ordinance was adopted unanimously by Belmont Village Council at a regular meeting on the 7th day of July, 2016.

RICKY BURKHEAD,
Fiscal Officer and Clerk of Council