

# City of Willoughby Hills

## ORDINANCE NO. 2016-8

**AN ORDINANCE AMENDING PART ONE – ADMINISTRATIVE CODE, TITLE FIVE – ADMINISTRATIVE, CHAPTER 135 – DEPARTMENT OF FINANCE OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS BY THE AMENDMENT OF SECTION 135.17 – FIRE DEPARTMENT CAPITAL CONSTRUCTION FUND; SECTION 135.26 – FIRE DEPARTMENT CAPITAL EQUIPMENT FUND AND CHAPTER 141 – FIRE DEPARTMENT, SECTION 141.05 – EMERGENCY CALL FEES, SUB-SECTION (g); REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.**

**WHEREAS**, the City currently has two capital improvement funds dedicated to acquiring, constructing and/or maintaining the fire station and equipment used by the firefighters; and

**WHEREAS**, in December 2016, the City will make its last payment on the bonds issued in 2001 to finance the construction/renovation of the fire station; and

**WHEREAS**, in his Interoffice Memorandum, dated February 16, 2016 directed to the Mayor/Safety Director, attached hereto as the “**Exhibit A**”, consisting of seven (7) pages and incorporated herein by reference, Finance Director Brichacek recommended that the two Fire Department capital funds be consolidated into a single capital project fund and the funding sources currently dedicated to those two funds be dedicated to the new Fire Department Capital fund and that the resulting surplus of revenue be used to finance the 2016 debt service requirement of the 2012 Fire Truck and 2015 ambulance acquisitions; and

**WHEREAS**, the Finance Director further stated if the changes proposed are approved, the General Fund’s projected 2016 budget deficit of \$54,900 will become a budget surplus of \$27,100; and

**WHEREAS**, Administration has requested that these changes be considered at the Council meeting scheduled for February 25, 2016 and that the 3 Reading Rule be waived and the ordinance enacted with an emergency clause so that it is effective immediately upon adoption and approval by the Mayor.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:**

**SECTION 1.** Existing **Section 135.17 – Fire Department Capital Construction Fund** is hereby amended to read and provide in its entirety as follows:

**“135.17 FIRE DEPARTMENT CAPITAL FUND.**

(a) There is hereby created a fund known as the fire Department Capital Construction Fund. All funds received by the city as a result of EMS and fire Services to the Village of Waite Hill, by the provisions of EMS services to the nonresidents of the City of Willoughby Hills and through investment earnings shall be utilized for the renovation of the Fire Station.

(b) Expenditures shall be made from the Fire Department Capital Construction Fund for engineering, design, construction management, letting of construction contracts and debt service on any debt instrument issued to acquire the necessary funds to construct or renovate the Fire Department facilities.

(c) Upon the retirement of the Fire Station Improvement Bond issued December 1, 2001 to finance the construction/renovation of the fire station, the Fire Department Capital Construction Fund No. 441 shall be deemed to be closed and, after any remaining liabilities related to the renovation of the fire station, the issuance of debt financing the project or the cost of collecting ambulance fees from nonresidents have been paid, any remaining fund equity shall be and is hereby authorized for transfer to the Fire Department Property, Plant and Equipment Capital Fund No. 444.”

**SECTION 2.** Existing **Section 135.26 – Fire Department Capital Equipment Fund** is hereby amended to read and provide in its entirety as follows:

**"135.26 FIRE DEPARTMENT PROPERTY, PLANT AND EQUIPMENT CAPITAL FUND.**

(a) The Director of Finance is hereby authorized and directed to deposit fees and charges for services generated by the Fire Department, grants, donations, investment revenue and other revenue directed by Council including, but not limited to, fees from EMS and Fire Services to the Village of Waite Hill and fees from EMS services from non-residents of the City of Willoughby Hills into the Fire Department Property, Plant and Equipment Capital Fund.

(b) Expenditures shall be made from the Fire Department Property, Plant and Equipment Capital fund for the cost of engineering, design and construction or renovation of Fire Department facilities, and the purchase of major pieces of capital equipment including but not limited to fire ambulances, fire trucks, safety vehicles, or the cost of issuing debt to finance said purchases and the annual debt service on any debt issued for this purpose."

**SECTION 3.** Existing **Section 141.05 – Emergency Call Fees, Sub-Section (g)** is hereby amended to read and provide in its entirety as follows:

**"141.05 EMERGENCY CALL FEES.**

(g) The funds collected pursuant to this Section shall be disbursed as follows:

- (1) Such part thereof necessary to defray all expenses of collection shall be paid.
- (2) The balance remaining after such payment shall be deposited in the Fire Department Capital Improvement fund in the following manner:
  - A. Non-resident ambulance fees shall be deposited into the Fire Department Capital Improvement Fund No. 441 and shall be pledged to retire the bonds issued in November of 2001 to renovate the Fire Station. Any revenue from non-resident ambulance fees in excess of the amount needed to fully finance the 2001 Fire Station Improvement Bond debt service shall be credited to the Fire Department Property, Plant and Equipment Capital Fund No. 444.
  - B. Resident ambulance fees for residents of the City of Willoughby Hills and the Village of Waite Hill shall be deposited into the Fire Levy Fund No. 240.
  - C. Proceeds from the billing of motor vehicle accidents shall be deposited into Fund No. 444, and shall be used to assist in the retirement of the bond issued in January of 2005 for the purchase of a new Aerial Platform."

**SECTION 4.** The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

**SECTION 5.** This Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Willoughby Hills insofar as it provides for the usual daily operation of the Finance Department, and further reason to allow the City to immediately provide for two Fire Department capital funds to be consolidated into a single capital project fund and the funding sources currently dedicated to those two funds be dedicated to the new Fire Department Capital fund and that the resulting surplus of revenue be used to finance the 2016 debt service requirement of the 2012 Fire Truck and 2015 ambulance acquisitions; wherefore this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: February 25, 2016

Submitted to the Mayor for his approval  
on this 25 day of February, 2016

ATTEST:

Victoria Ann Savage, CMC  
Victoria Ann Savage, CMC  
Clerk of Council

Nancy E. Fellows  
Nancy E. Fellows  
President of Council

Approved by the Mayor  
February 25, 2016

Robert M. Weger  
Robert M. Weger  
Mayor