

# City of Willoughby Hills

## ORDINANCE NO. 2013-44

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### **AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2013-13 TO COMPLY WITH STATE BUDGETARY LAWS REQUIRING MUNICIPALITIES TO MAINTAIN POSITIVE ACCOUNT BALANCES THROUGHOUT THE YEAR; REPEALING CONFLICTING LEGISLATION AND DECLARING AN EMERGENCY.**

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**WHEREAS**, on March 28, 2013, the Council of the City of Willoughby Hills adopted Ordinance No. 2013-13 providing for permanent appropriations necessary to maintain City services for the fiscal period beginning January 1, 2013 through December 31, 2013; and

**WHEREAS**, on May 9, 2013, the Council of the City of Willoughby Hills adopted Ordinance No. 2013-22 amending Section 1 of Ordinance No. 2013-13 providing for permanent appropriations necessary to maintain City services for the fiscal period beginning January 1, 2013 through December 31, 2013; and

**WHEREAS**, on June 13, 2013, the Council of the City of Willoughby Hills adopted Ordinance No. 2013-28, amending Section 1 of Ordinance No. 2013-13 providing for permanent appropriations necessary to maintain City services for the fiscal period beginning January 1, 2013 through December 31, 2013; and

**WHEREAS**, on June 27, 2013, the Council of the City of Willoughby Hills adopted Ordinance No. 2013-29, amending Section 1 of Ordinance No. 2013-13 providing for permanent appropriations necessary to maintain City services for the fiscal period beginning January 1, 2013 through December 31, 2013; and

**WHEREAS**, on July 25, 2013, the Council of the City of Willoughby Hills adopted Ordinance No. 2013-37, amending Section 1 of Ordinance No. 2013-13 providing for permanent appropriations necessary to maintain city services for the fiscal period beginning January 1, 2013 through December 31, 2013; and

**WHEREAS**, on September 12, the Council of the City of Willoughby Hills adopted Ordinance No. 2013-40, amending Section 1 of Ordinance No. 2013-13 providing for permanent appropriations necessary to maintain city services for the fiscal period beginning January 1, 2013 through December 31, 2013; and

**WHEREAS**, the Interoffice Memo from Finance Director Brichacek dated October 21, 2013, pertaining to the *2013 Operating Budget Revision – Dodd’s Hill Road Emergency Sinkhole Repair Project Funded by the Lake County Stormwater Management Department*, consisting of two (2) pages, attached hereto as the **Exhibit “B”** and referenced herein, details the proposed appropriation revisions to the 2013 Operating Budget of the City and the City’s 2013 Certificate of Estimated Resources.

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

**SECTION 1.** Section 1 of Ordinance No. 2012-13 as amended by Ordinance No. 2013-22, as amended by Ordinance No. 2013-28, as amended by Ordinance No. 2013-29, as amended by Ordinance No. 2013-37, and as amended by Ordinance No. 2013-40, is hereby amended to provide for the following appropriations:

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| (1) | Increasing the appropriation of the Street Maintenance and Repair Special Revenue Fund No. 250 by \$12,100, from \$1,367,800 to \$1,379,900 as detailed in the attached Schedule in order to provide for the emergency repair of the sinkhole underneath Dodd’s Hill Road along with the damaged roadway as detailed in the attached email, dated October 18, 2013 from Street Superintendant Catania to Timothy A. Miller, Director of the Lake County Stormwater Management Department and the email dated October 18, 2013 from Timothy A. Miller, Director of the Lake County Stormwater Management Department to Street Superintendant Catania; attached as part of Exhibit B |
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**SECTION 2.** The abovementioned sums as reflected in the **Schedule of 2013 Appropriations – Revision No. 6**, prepared 10/21/13, marked as the **Exhibit “A”**, attached hereto, consisting of five (5) pages and incorporated herein by reference, be and hereby is set aside and appropriated hereafter.

**SECTION 3.** Based upon the receipt of the award of \$12,100 in funding by the Lake County Stormwater Management Department to finance the cost of the emergency repair of the sinkhole underneath Dodd’s Hill Road along with the damaged roadway as detailed in the Exhibit “B”, the Finance Director will request that the County Budget Commission amend the City’s 2013 Certificate of Estimated Resources as follows:

Street Maintenance and Repair Special Revenue Fund No. 250 – Increase estimated resources by \$12,100, from \$1,405,561 to \$1,462,661 to provide for the funding awarded by the Lake County Stormwater Management Department to fully finance the project detailed in the Exhibit B.

**SECTION 4.** All monies in the Trust & Agency Funds Accounts are hereby deemed appropriated for their intended purposes.

**SECTION 5.** All expenditures within the fiscal year ending December 31, 2013 shall be made in accordance with the code accounts hereinabove set forth and shall be made within the appropriations herein provided. “Appropriation” as used means the total amount appropriated for the individual fund. Notwithstanding the financial detail herein presented, the Mayor or the Finance Director is authorized to transfer budgeted amounts within each fund provided that the total amount appropriated for the fund is not exceeded.

**SECTION 6.** The City Finance Director be and is hereby authorized and directed to draw his warrants against the appropriations set forth upon presentation of proper vouchers.

**SECTION 7.** All Ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance.

**SECTION 8.** 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 9.** 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 being to immediately provide for the revisions enumerated within this Ordinance; wherefore this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: October 24, 2013

David A. Reichelt, PASS.  
**David A. Reichelt**  
*President of Council*

Submitted to the Mayor for his approval on this 24 day of October, 2013

Approved by the Mayor  
October 24, 2013

ATTEST:  
Victoria Ann Savage, CMC  
**Victoria Ann Savage, CMC**  
*Clerk of Council*

Robert M. Weger  
**Robert M. Weger**  
*Mayor*