

City of Willoughby Hills

ORDINANCE NO. 2010-41

AN ORDINANCE AMENDING PART ONE – ADMINISTRATIVE CODE, TITLE FIVE – ADMINISTRATIVE, CHAPTER 135 – DEPARTMENT OF FINANCE BY THE ADDITION OF A NEW SECTION 135.35 – SAFETY FORCES SPECIAL REVENUE FUND OF THE CODIFIED ORDINANCES OF THE CITY OF WILLOUGHBY HILLS AND DECLARING AN EMERGENCY.

WHEREAS, on November 2, 2010, a majority of the electors voted to approve an amendment to Section 7.4 of the City Charter as set forth by Ordinance No. 2010-27; and

WHEREAS, said amendment stipulates that any and all income above one and one-half percent (1.5%) up to two percent (2.0%) of income tax paid on income earned by city residents or by wages earned within the City by non-residents or on the net profits of businesses located in the City shall be exclusively used to support the City's Safety Forces only; and

WHEREAS, Ohio Revised Code Section 5705.09 requires the City to establish a separate Special Revenue Fund to account for the use of revenues which the law requires to be used for a particular purpose; and

WHEREAS, the establishment of a new **Section 135-35 – Safety Forces Special Revenue Fund** will provide for the creation of a Special Revenue Fund to account for the use of the portion of income tax proceeds specified in Section 185.0101 of the Codified Ordinances of the City of Willoughby Hills along with all other revenue legally related to the activities of the City's Safety Forces.

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

SECTION 1. The existing Chapter 135 – Department of Finance, of the Codified Ordinances of the City of Willoughby Hills be, and the same hereby is, amended by the addition of a new **Section 135.35 – Safety Forces Special Revenue Fund** which shall read and provided in its entirety, as follows:

“135.35 SAFETY FORCES SPECIAL REVENUE FUND.

(a) There is hereby created a Fund to be known as the Safety Forces Special Revenue Fund. The portion of income tax revenue specified in Section 185.0101 of the Codified Ordinances of the City of Willoughby Hills together with all other sources of revenue attributable to the Safety Forces including legally approved transfers of moneys from other City Funds approved by City Council shall be credited to this Fund.

(b) Revenue credited to the Safety Special Revenue Fund shall be expended to finance the activities of the City's Safety Forces limited to salaries and wages, benefits, supplies, services, capital equipment, debt service, and any other expenditures(s) deemed necessary for the operation of the Safety Forces. For purposes of this Section, the Safety Forces of the City shall be defined as any activity under the supervision of the Director Public Safety including the Police Department, Police Dispatching, Fire Department and Emergency Medical Services, excluding the Building Department.

(c) This Fund is established in accordance with Ohio Revised Code Section 5705.09 Establishment of Funds, Subsection (F) which requires a political subdivision to establish a Special Fund for each class of revenues derived from a source other than the general property tax which the law requires to be used for a particular purpose. As Section 7.4 of the City's Charter requires that the additional income tax revenues received as a result of increasing the City's income tax rate from 1.5% to 2.0% shall be used exclusively for the support of the City's Safety Forces, the approval of the establishment of this Fund by the Office of the Auditor of State is not required.

(d) Monthly reports of revenue as received from Regional Income Tax Agency (RITA) and expenses including salaries and wages, benefits, supplies, services, capital equipment, debt service, and any other expenditure(s) deemed necessary for the operation of the Safety Forces will be provided to Council.”

SECTION 2. 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 3. 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 that creation of said fund will provide for the establishment of proper accounting of accumulated resources for future Safety Forces Operations; wherefore, this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: December 9, 2010

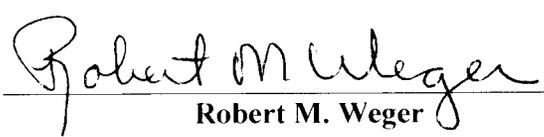
Submitted to the Mayor for his approval on this 9 day of December, 2010

ATTEST:


Victoria Ann Savage, CMC
Clerk of Council


Kevin D. Malecek
President of Council

Approved by the Mayor
December 9, 2010


Robert M. Weger
Mayor