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*President of Council*

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*Clerk of Council*

# City of Willoughby Hills

*Council*  
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NANCY E. FELLOWS  
DAVID M. FIEBIG  
FRANK A. GERMANO  
RAYMOND C. SOMICH

## ORDINANCE NO. 2011-57

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**AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE NO. 2011-10 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 24, 2011, the Council of the City of Willoughby Hills adopted Ordinance No. 2011-10 providing for permanent appropriations necessary to maintain City services for the fiscal period beginning January 1, 2011 through December 31, 2011; and

**WHEREAS**, on April 28, 2011, the Council of the City of Willoughby Hills adopted Ordinance No. 2011-28 amending Section 1 of Ordinance No. 2011-10 providing for permanent appropriations necessary to maintain City services for the fiscal period beginning January 1, 2011 through December 31, 2011; and

**WHEREAS**, on May 26, 2011, the Council of the City of Willoughby Hills adopted Ordinance No. 2011-33 amending Section 1 of Ordinance No. 2011-10 providing for permanent appropriations necessary to maintain City services for the fiscal period beginning January 1, 2011 through December 31, 2011; and

**WHEREAS**, on June 27, 2011, the Council of the City of Willoughby Hills adopted Ordinance No. 2011-39 amending Section 1 of Ordinance No. 2011-10 providing for permanent appropriations necessary to maintain City services for the fiscal period beginning January 1, 2011 through December 31, 2011; and

**WHEREAS**, on July 28, 2011, the Council of the City of Willoughby Hills adopted Ordinance No. 2011-54 amending Section 1 of Ordinance No. 2011-10 providing for permanent appropriations necessary to maintain City services for the fiscal period beginning January 1, 2011 through December 31, 2011; and

**WHEREAS**, pursuant to the Interoffice Memo from Finance Director Brichacek dated October 24, 2011, consisting of one (2) pages, attached hereto as **Exhibit "A"** and referenced herein stating that the Mayor had advised him that the City had completed negotiations for the purchase of 35245 Chardon Road for \$80,000; and

**WHEREAS**, In order to finance this acquisition, the Finance Director has requested that the 2011 General Fund appropriation be increased by \$90,000 to provide \$80,000 for the purchase of said property with \$10,000 for the estimated costs that the City will incur at the closing of the purchase; and

**WHEREAS**, for 2011, the General Fund currently has an estimated operating surplus of \$224,500 and an available carryover fund balance of \$483,141; the Finance Director has proposed that this appropriation increase be financed from the 2011 operating surplus; and

**WHEREAS**, the City was awarded a \$50,000 Community Development Block Grant to assist qualifying residents with the cost of tying into the sewer system; residents will be awarded grants based upon their income level.

**WHEREAS**, the Grant Program will be administered by the Mayor's Office; and

**WHEREAS**, In order to distribute the funds, the Finance Director is requesting that the appropriation and the estimated revenue of the Sewer Enterprise Fund Number 620 be increased by the amount of the CDBG award, \$50,000.00.

***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. 2011-10 as amended by Ordinance No. 2011-28; as amended by Ordinance No. 2011-33; as amended by Ordinance No. 2011-39; and as amended by Ordinance 2011-54 is hereby amended as follows:

(a) by the appropriation of \$90,000 to provide \$80,000 for the purchase of the property and \$10,000 for the estimated costs that the City will incur at the closing of the purchase.

(b) the appropriation and the estimated revenue of the Sewer Enterprise Fund Number 610 be increased by the amount of the CDBG award, \$50,000.

**SECTION 2.** The abovementioned sums as reflected in the **Schedule of 2011 Appropriations – Revision No. 5**, marked as **Exhibit “B”**, attached hereto, consisting of five (5) pages and incorporated herein by reference, be and hereby are set aside and appropriated hereafter.

**SECTION 3.** All monies in the Trust & Agency Funds Accounts are hereby deemed appropriated for their intended purposes.

**SECTION 4.** All expenditures within the fiscal year ending December 31, 2011 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 5.** 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 6.** 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 7.** 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 8.** 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 a Municipal Department and further reason being that it will immediately provide for the acquisition of real property located at 35245 Chardon Road, Willoughby Hills, Ohio and to immediately assist qualifying residents with the cost of tying into the sewer system; wherefore this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: \_\_\_\_\_, 2011

Submitted to the Mayor for his approval  
on this \_\_\_\_\_ day of \_\_\_\_\_, 2011

ATTEST:

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

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**Kevin D. Malecek**  
*President of Council*

Approved by the Mayor

\_\_\_\_\_, 2011

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**Robert M. Weger**  
*Mayor*