

RESOLUTION NO.	<u>2022- 90</u>	FIRST READING	<u>November 14, 2022</u>
		SECOND READING	<u>WAIVED</u>
INTRODUCED BY:	<u>MARK PORTER</u>	THIRD READING	<u>WAIVED</u>

**A RESOLUTION DECLARING THE NECESSITY FOR AND AUTHORIZING THE TRANSFER OF FUNDS BY THE VILLAGE OF SOUTH RUSSELL FROM THE HEADWATER RESTORATION PROJECT FUND TO THE INCOME TAX (GENERAL) FUND, DIRECTING THE FISCAL OFFICER TO PREPARE AND FORWARD A PETITION FOR SAID TRANSFER TO THE OHIO TAX COMMISSIONER, PURSUANT TO OHIO REVISED CODE SECTIONS 5705.15 AND 5705.16, AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Headwater Restoration Project fund was established by this Council on April 29, 2019, from a transfer of a portion of monies in the Income Tax (General) Fund to create a special fund to pay for the Village Headwater Restoration Project which payments would be reimbursed, in part, pursuant to a grant awarded to the Village from the Ohio Environmental Protection Agency ("OEPA") and the grant required the establishment of such special fund;

**WHEREAS**, the amount transferred from the Income Tax (General) Fund to the Headwater Restoration Project fund is \$115,411.31;

**WHEREAS**, the Auditor of State has determined that such transfer of monies from the Income Tax (General) Fund to the special Headwater Restoration Project fund should have been by way of an advance as opposed to a transfer;

**WHEREAS**, the transfer of the monies from the Headwater Restoration Project fund to the Income Tax (General) fund will neither adversely affect the financial stability of the Village nor have any other negative impact;

**WHEREAS**, pursuant to Sections 5705.15 and 5705.16 of the Ohio Revised Code, this Council, as the taxing authority of the Village of South Russell, may adopt by a majority vote, a resolution declaring the necessity of transferring the monies in the Headwater Restoration Project fund to the Income Tax (General) Fund;

**WHEREAS**, pursuant to Sections 5705.15 and 5705.16 of the Ohio Revised Code, upon the adoption of this Resolution, the Village must petition the Ohio Tax Commissioner for review and approval of such transfer from the Headwater Restoration Project fund to the Income Tax (General) Fund; and

**WHEREAS**, this Council finds it to be in the best interests of the health, safety, and welfare of the Village of South Russell to declare the necessity of transferring the total sum of \$115,411.31 of the Headwater Restoration Project fund to the Income Tax (General) Fund and to petition the Ohio Tax Commissioner for approval of said transfer.

**NOW THEREFORE BE IT RESOLVED**, by the Council of the Village of South Russell, Geauga County, and State of Ohio, that:

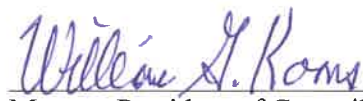
**SECTION 1.** This Council finds, determines, and declares that it is necessary to transfer the total sum of \$115,411.31 of the Headwater Restoration Project fund to the Income Tax (General) Fund and further finds that such necessity exists due to the fact that such initial transfer from the Income Tax (General) Fund to the Headwater Restoration Project fund should have been by way of an advance, that such transfer back from the Headwater Restoration Project fund to the Income Tax (General) Fund will not result in any injury, and that the Income Tax (General) Fund is the proper fund into which the \$115,411.31 in the Headwater Restoration Project fund should be transferred.

**SECTION 2.** The Fiscal Officer is hereby authorized and directed to submit a petition by way of a Funds Transfer Request Form, as provided in Attachment 1, as required by Section 5705.16 of the Ohio Revised Code, to the Ohio Tax Commissioner requesting review and approval of the transfer of the total sum of \$115,411.31 from the Headwater Restoration Project fund to the Income Tax (General) Fund, together with a certified copy of this Resolution and a full statement of the proceedings of the Village of South Russell Council related to the passage of this Resolution.

**SECTION 3.** Upon approval of said transfer by the Ohio Tax Commissioner, the Fiscal Officer is hereby authorized to transfer the total sum of \$115,411.31 from the Headwater Restoration Project fund to the Income Tax (General) Fund, and is further authorized and directed to take any and all actions as may be necessary to carry out the purposes of this Resolution to effectuate the transfer of funds.

**SECTION 4.** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees on or after December 2, 1975, that resulted in formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION 5.** This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare and for the further reason to immediately authorize the petition to be submitted to the Ohio Tax Commissioner for approval of such transfer of funds; wherefore, wherefore, provided it receives the affirmative vote of at least two-thirds (2/3) of all members elected to Council, this Resolution shall be in full force and effect immediately upon its passage.

  
\_\_\_\_\_  
Mayor - President of Council

ATTEST:

Danuelle Romanowski  
Fiscal Officer

I certify that Resolution No. 2022 - 90 was duly enacted on the 14<sup>th</sup> day of NOVEMBER, 2022, by the Council of the Village of South Russell, and published in accordance with the Codified Ordinances of the Village.

Danuelle Romanowski  
Fiscal Officer



Department of  
Taxation

## Funds Transfer Request Form Ohio Revised Code Section 5705.16

FTR 1  
Rev. 03/22

Taxing Authority of Political Subdivision Requesting: VILLAGE OF SOUTH RUSSELL

Name: DANIELLE ROMANOWSKI

Street address: 5205 CHILLICOTHE ROAD

City: SOUTH RUSSELL County: GEAUGA State: OHIO ZIP code: 44022

Daytime phone number: 440-557-5533

E-mail address: FISCALOFFICER@SOUTHRUSSELL.COM

1. Please state reason and/or necessity for the requested transfer.

BEING NEW TO GRANT FUNDING, WE PUT THE MONEY INTO THE FUND THROUGH A TRANSFER RATHER THAN AN ADVANCE.

2. Identify the transferor fund: HEADWATER RESTORATION PROJECT

3. Amount to be transferred: \$115,411.31

4. Source(s) of revenue in the transferor fund; e.g., tax levies, fees, grants, sales of surplus property.

TRANSFERS IN FROM THE INCOME TAX (GENERAL) FUND, AND GRANT INCOME

5. If the fund includes tax levy proceeds, provide the type of levy; e.g., property, sales or income tax.

5a. Amount of the levy: Please provide Revised Code under which it is authorized:

6. Current unencumbered balance of the transferor fund: \$115,411.31

7. Please provide total expenditures of the transferor fund for the last 3 fiscal years: 2022-\$0, 2021-\$4,462.11, 2020-\$161,345.99, 2019-\$22,018.59

8. Please provide total revenue of the transferor fund for the last 3 fiscal years: 2022-\$0, 2021-\$11,212.00, 2020-\$115,870.00, 2019-\$75,248.00

9. Please provide ending fund balance of the transferor fund for the last 3 fiscal years: YTD 2022 \$115,411.31, YE 2021-\$115,411.31, YE 2020-\$7,753.42, YE 2019-\$ 53,229.41

10. Will the transferor fund be used after the transfer?  Yes  No

11. Are the funds to be transferred the unexpended balance in a bond retirement fund?  Yes  No

12. Does the taxing authority have any sinking fund or outstanding bond obligations?  Yes  No

13. Identify the transferee fund: INCOME TAX - (WHERE FUNDS ORIGINATED FROM)

14. What is the purpose of the transferee fund: GENERAL FUND TO TRANSFER FUNDS INTO OTHER FUNDS AS NECESSARY

15. Has the taxing authority completed a similar fund transfer in the past five years?  Yes  No

15a. Please provide the dates and amounts for similar fund transfers:

16. Is this transfer at the recommendation of the Auditor of State?  Yes  No

16a. Please describe: DURING OUR MOST RECENT AUDIT THE AUDITOR EXPLAINED THESE SHOULD HAVE BEEN ADVANCES, NOT TRANSFERS

17. Is the taxing authority currently, or has ever been, in a state of fiscal caution, watch, or emergency?  Yes  No

**Please attach a copy of the ordinance or resolution authorizing the transfer.**

Send Hardcopy Submissions To:

Ohio Department of Taxation  
Tax Equalization Division  
P.O. Box 530  
Columbus, OH 43216-0530

E-mail Submissions To:

FundTransfers@tax.state.oh.us