

# THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 22-72

INTRODUCED BY: Marnecheck, Wos, Barath

AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR, PURSUANT TO OHIO REVISED CODE SECTION 5705.14, TO EFFECT A TRANSFER OF CERTAIN FUNDS IN THE IMPROVEMENT HOLDING FUND #763 AND THE BUILDING CONSTRUCTION BOND FUND # 766 TO THE GENERAL FUND AS UNCLAIMED, HAVING BEEN CERTIFIED AS SUCH BY THE BUILDING COMMISSIONER PURSUANT TO A PROCESS INTENDED TO FIND THE LAWFUL OWNERS, AND DECLARING AN EMERGENCY

WHEREAS: Property owners and/or their agents and/or contractors seeking permits are required in certain instances to deposit money with the Building Commissioner to serve as “bond funds” to secure the performance called for in the code; and

WHEREAS: Certain of those deposits in the Improvement Holding Fund #763 and the Building Construction Bond Fund #766 have been left unclaimed by the depositors and have remained so for many years; and

WHEREAS: The Building Commissioner has developed a process to seek out the rightful owners of those funds in order to return to them the bond funds as no longer necessary to be held; and

WHEREAS: While some of those deposits have been restored to their rightful owners, there are other such deposits that remain unclaimed and, despite having made reasonable efforts to discover and locate the owners, no such owners have been found; and

WHEREAS: There is no reasonable expectation that the owners will ever be located and there is no reason to retain those funds and some useful purpose may be able to be made of those funds if they were to be transferred to the General Fund; and

WHEREAS: The Ohio Revised Code Section 5705.14 allows for these funds to be transferred upon the concurrence of two-thirds of Council; and

WHEREAS: Council desires to allow for this transfer and to grant the Finance Director the authority to make such transfers in the future whenever the Building Commissioner certifies such funds are unclaimed and are likely to remain so.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. The Finance Director is hereby authorized to transfer from the Improvement Holding Fund #763 and the Building Construction Bond Fund #766 to the General Fund #101 any and all unclaimed funds that remain in said funds upon certification from the Building Commissioner that such funds are unclaimed and, despite reasonable efforts to locate the rightful owner, are likely to remain so. This grant of authority shall remain in effect until revoked.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 3. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that it is immediately necessary to authorize the Finance Director to transfer unclaimed funds to the General Fund in order to allow for some reasonable use to be made of said funds.

THEREFORE, this Ordinance, by statute, must receive the affirmative vote of two-thirds of all members elected to Council for adoption and, if adopted, it shall take effect and be in force immediately upon its passage and approval by the Mayor.

/s/ Paul F. Marnecheck  
PRESIDENT OF COUNCIL

APPROVED: /s/ Larry Antoskiewicz  
MAYOR

DATE PASSED: April 19, 2022

DATE APPROVED: April 21, 2022

ATTEST: /s/ Dana A. Schroeder  
DIRECTOR OF LEGISLATIVE SERVICES

First reading suspended  
Second reading suspended  
Third reading April 19, 2022

YEAS: Marnecheck, Nickell, Barath, Krejci,  
Carbone-McDonald, Wos

NAYS: none

ABSENT: Dietrich