

THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 22-169

INTRODUCED BY: Mayor Antoskiewicz

AN ORDINANCE AMENDING ORDINANCE 14-133 TO RATIFY AND AFFIRM THE PAST, PRESENT AND FUTURE USE OF SERVICE CAPITAL FUND #430, AS IDENTIFIED IN THE MOST RECENT ANNUAL AUDIT REPORT AS NON-COMPLIANT WITH ORC 5705.13 FOR THE PURPOSE OF AUTHORIZING THE CONTINUED USE OF SUCH FUND BOTH AS TO MANNER AND PURPOSE AS SET FORTH IN THE ORDINANCE THAT CREATED THE FUND AND TO COMPLY WITH THE GOVERNING STATUTE, AND DECLARING AN EMERGENCY

WHEREAS: The annual audit, recently concluded, noted that certain of the city's capital fund accounts had exceeded the maximum life span set by statute and were otherwise non-compliant with the governing statute; and

WHEREAS: The audit recommends that Council renew its determination for the continued existence and use of those funds for the purposes for which they were created and for the future use of said funds; and

WHEREAS: Council desires to address the audit request, ratify the past and present use of those funds and confirm the continued existence and future use of said funds.

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

Section 1. Council hereby amends Ordinance 14-133 and ratifies the past and present use of the Service Capital Fund #430 and confirms the continued existence and future use of said fund for the original purposes set forth in the ordinance that created said fund and as amended and directs that the funds be employed in compliance with the statute; affirms that the source of the funds shall remain a portion of the Cable Franchise fees in unspecified amounts accumulated continuously and expended within the ten year period fixed by law.

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 conform the identified Service Capital Fund #430 with ORC 5705.13.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

/s/ Paul F. Marnecheck
PRESIDENT OF COUNCIL

APPROVED: /s/ Larry Antoskiewicz
MAYOR

DATE PASSED: October 18, 2022

DATE APPROVED: October 19, 2022

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

First reading suspended
Second reading suspended
Third reading October 18, 2022

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

NAYS: none

ABSENT: Wos