

County Council of Cuyahoga County, Ohio

Resolution No. R2019-0267

Sponsored by: County Executive Budish/Department of Public Works	A Resolution declaring the necessity to transfer \$998,131.00 in unexpended funds in the District Water Line Fund to the District Sanitary Fund and District Storm Water Fund, all to the credit of County Sewer District 1A located in the City of Parma; authorizing the County Executive to submit a petition to the Ohio Tax Commissioner to approve such transfer; and declaring the necessity that this Resolution become immediately effective.
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WHEREAS, on or about May 1, 2008, the County and the City of Parma entered into a Memorandum of Agreement for the Maintenance of Sanitary and Storm Sewerage and Water Systems within the City of Parma, County Sewer District 1A (the “Agreement”); and

WHEREAS, pursuant to the Agreement, the County is responsible for collecting storm, sanitary sewer and water charges for County Sewer District 1A and placing such monies into distinct funds, i.e., the District Storm Water Fund, the District Sanitary Fund, and the District Water Line Fund, respectively; and

WHEREAS, pursuant to Ordinance No. 140-18, adopted on October 1, 2018, the City of Parma entered into a Water Service Agreement with the City of Cleveland whereby the City of Parma has transferred its water distribution system and all water assets to the City of Cleveland Division of Water; and

WHEREAS, the City of Parma no longer maintains the water distribution system within its corporate limits and thus funds in the District Water Line Fund for County Sewer District 1A are no longer necessary for the maintenance of the water mains in the City of Parma; and

WHEREAS, the City of Parma has paid all its outstanding obligations for the maintenance, repair, replacement and construction of the water distribution system in the City of Parma; and

WHEREAS, the current balance of the District Water Line Fund for County Sewer District 1A is \$998,131.00; and

WHEREAS, the City of Parma has adopted Ordinance No.222-19 on November 4, 2019 declaring the necessity to transfer the unexpended balance in the District Water Line Fund to the District Storm Water Fund and the District Sanitary Fund, all to the credit of County Sewer District 1A, and requesting the County to transfer such 70% of said monies to the District Sanitary Fund, and 30% of said monies to the District Storm Water Fund; and

WHEREAS, pursuant to Section 5705.15 of the Ohio Revised Code, “the taxing authority of any political subdivision may, in the manner provided in this section and section 5705.16 of the Revised Code, transfer from one fund to another any public funds under its supervision”; and

WHEREAS, Section 5705.16 of the Ohio Revised Code requires a political subdivision to adopt legislation “declaring the necessity for the transfer of funds authorized by section 5705.15 of the Revised Code, and ... [to] submit to the tax commissioner a petition that includes the name and amount of the fund, the fund to which it is desired to be transferred, a copy of the such resolution with a full statement of the proceedings pertaining to its passage, and the reason or necessity for the transfer;” and

WHEREAS, County Executive Budish/Department of Public Works is recommending that County Council declare the necessity to transfer \$998,131.00 in unexpended funds in the District Water Line Fund to the District Sanitary Fund and District Storm Water Fund, all to the credit of County Sewer District 1A located in the City of Parma, Ohio, and to authorize the County Executive to submit a petition to the Ohio Tax Commissioner to approve such transfer; and

WHEREAS, it is necessary that this Resolution become immediately effective in order that critical services provided by Cuyahoga County can continue and to provide for the usual, daily operation of a County entity.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. The Cuyahoga County Council hereby declares it necessary to transfer \$998,131.00 in unexpended funds in the District Water Line Fund to the District Sanitary Fund and District Storm Water Fund, all to the credit of County Sewer District 1A located in the City of Parma, Ohio, and authorizes the County Executive to submit a petition to the Ohio Tax Commissioner to approve such transfer.

SECTION 2. The unexpended balance in the District Water Line Fund for County Sewer District 1A will be distributed in the following manner: 70% of said monies to the District Sanitary Fund, and 30% of said monies to the District Storm Water Fund, all to the credit of County Sewer District 1A.

SECTION 3. It is necessary that this Resolution become immediately effective for the usual daily operation of the County; the preservation of public peace, health, or safety in the County; and any additional reasons set forth in the preamble. Provided that this Resolution receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 4. It is found and determined that all formal actions of this Council relating to the adoption of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by Mr. Tuma, seconded by Mr. Miller, the foregoing Resolution was duly adopted.

Yeas: Stephens, Simon, Baker, Miller, Tuma, Gallagher, Schron, Conwell, Jones, Brown and Brady

Nays: None

County Council President

Date

County Executive

Date

Clerk of Council

Date

First Reading/Referred to Committee: November 26, 2019

Committee(s) Assigned: Public Works, Procurement & Contracting

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December 10, 2019