

**RESOLUTION NO. 068-18**

**A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS OVER TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) FOR THE PURPOSE OF REFUNDING CERTAIN CITY TAX OVERPAYMENTS, WHICH WAS NOT INCLUDED IN THE 2018 APPROPRIATION BUDGET, ALSO AUTHORIZING THE CITY FINANCE DIRECTOR TO EXECUTE ALL DOCUMENTS NECESSARY TO TRANSFER THE NECESSARY FUND BALANCES PER OHIO REVISED CODE (ORC) SECTION 5705.14 AS LISTED IN EXHIBIT A (TRANSFER NO. 4); AND DECLARING AN EMERGENCY**

**WHEREAS**, the City is a charter municipality having those powers of self-government as stated in Article I of its Charter; and

**WHEREAS**, in order to provide Fund Balances for approved expenditures in certain funds on an as needed basis, it is necessary to transfer funds from respective funds to other funds; and,

**WHEREAS**, the City is now required to refund certain City tax overpayments, the amount of said refund totaling over twenty-five thousand dollars (\$25,000.00); and,

**Now Therefore,**

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPOLEON, OHIO:**

Section 1. That, the City of Napoleon authorizes the expenditure of funds in excess of twenty-five thousand dollars (\$25,000.00) for the purpose of refunding certain City tax overpayments.

Section 2. That, pursuant to Section 5705.14 of the Ohio Revised Code (ORC) and this Resolution, the Finance Director is hereby authorized and directed to transfer monies among the various funds in Fiscal Year 2018 as listed in Exhibit "A" attached hereto and made a part of this Resolution.

Section 3. That, the Finance Director is hereby authorized and directed to make the necessary refunds of certain City tax overpayments pursuant to the City of Napoleon Income Tax Code.

Section 4. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

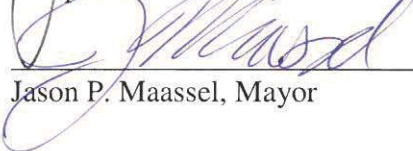
Section 5. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further, if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 6. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time so that the funding can be timely made which affect the public peace, health or safety accessible to our citizens; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to implement the stated funding in a timely manner which affects the public peace, health, and safety accessible to our citizens, and for further reasons as stated in the Preamble hereof.

Passed: December 3, 2018

  
\_\_\_\_\_  
Joseph D. Bialorucki, Council President

Approved: December 3, 2018

  
\_\_\_\_\_  
Jason P. Maassel, Mayor

VOTE ON PASSAGE 7 Yea  Nay  Abstain

Attest:

  
\_\_\_\_\_  
Gregory J. Heath, Clerk/Finance Director

*I, Gregory J. Heath, Clerk/Finance Director of the City of Napoleon, do hereby certify that the foregoing Resolution No. 068-18 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 8th day of December, 2018; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.*

  
\_\_\_\_\_  
Gregory J. Heath, Clerk/Finance Director

Exhibit A attachment to Resolution No. 068-18

2018 Appropriation Budget - Transfer of Funds

Resolution No. 068-18: passed / 2018

Budget Review - 2018 transfer of funds

FUND NAME, FROM-TO, PURPOSE

Transfer Amounts

FROM

TO

Account Numbers From & To

From 400 Capital Improvement Fund <-- 400.9900.59470 Muni. Tax Fund  
To 170 Municipal Income Tax Fund \$591,850  
Purpose Move funds back from 400 CIP to the 170 Municipal Income Tax Fund to pay for Income Tax Refunds <-- 170.0000.49900 Transfers-In



STATE OF OHIO  
COUNTY OF HENRY

Kimberly Imm, being first duly sworn, states that she is the Assistant Publisher of The Bryan Publishing Company, owner of The Northwest Signal, a daily newspaper, published and of general circulation in the county of Henry aforesaid, and that the annexed notice was published in one issue in said paper, on the 8th day of December, 2018.

Kimberly Imm  
Kimberly Imm

Subscribed and sworn to before me this  
11<sup>th</sup> day of December, 2018

Beverly Griteman  
Beverly Griteman  
Notary Public,  
State of Ohio  
My Commission Expires  
February 13, 2021

Printer's Fee: \$153.40

Notary Fee: \$2.00

**Summary of Ordinance No. 062-18  
and Resolution No. 068-18**

(PURSUANT TO ARTICLE II, SECTION 2.15 OF THE CITY CHARTER, CHAPTER 121 OF THE CODE OF ORDINANCES AND COUNCIL RULE 6.2.4.1, AS WELL AS APPLICABLE PROVISIONS OF ORC CHAPTER 731)

**NOTICE**

A copy of the complete text of the above named Ordinance(s) and Resolution(s) are on file in the office of the City Finance Director and may be viewed or obtained during business hours of 7:30 AM to 4:00 PM, Monday through Friday, at the office of the Finance Director, the location being 255 West Riverview Avenue, Napoleon, Ohio. A copy of all or part of the above named Ordinances and Resolutions, or any item mentioned in this notice, may be obtained from the City Finance Director upon the payment of a reasonable fee therefore.

**Ordinance No. 062-18**

**AN ORDINANCE ESTABLISHING A YARD WASTE SITE POLICY AND ENACTING NAPOLEON CODIFIED ORDINANCE 925.24, A PROHIBITION AGAINST UNAUTHORIZED USE OF THE CITY YARD WASTE SITE**

In this legislation, the City of Napoleon established a policy regarding the use of the Yard Waste Site and enacted Codified Ordinance 925.24 which prohibits unauthorized use of the Site.

**Resolution No. 068-18**

**A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS OVER TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) FOR THE PURPOSE OF REFUNDING CERTAIN CITY TAX OVERPAYMENTS, WHICH WAS NOT INCLUDED IN THE 2018 APPROPRIATION BUDGET, ALSO AUTHORIZING THE CITY FINANCE DIRECTOR TO EXECUTE ALL DOCUMENTS NECESSARY TO TRANSFER THE NECESSARY FUND BALANCES PER OHIO REVISED CODE (ORC) SECTION 5705.14 AS LISTED IN EXHIBIT A (TRANSFER NO. 4); AND DECLARING AN EMERGENCY**

In this legislation, the City of Napoleon authorized the expenditure of funds over \$25,000 for the purpose of refunding certain City tax overpayments.

*All of the above summaries are approved as to form and correctness by Billy D. Harmon, City Law Director*