

ORDINANCE NO. O-2009-25

AN ORDINANCE RECLASSIFYING FUNDS RECEIVED FROM THE WINDHAM EXEMPTED VILLAGE SCHOOL DISTRICT FOR A SCHOOL RESOURCE OFFICER IN CONFORMITY WITH AN AMENDED CONTRACT AND IN RELIANCE UPON DIRECTION FROM THE STATE AUDITOR'S REPRESENTATIVE AND DECLARING AN EMERGENCY

WHEREAS, at the time the Village of Windham initially contemplated providing a school resource officer to the Windham Exempted Village School District, it was anticipated that compensation for the school resource officer would be received from a state grant; and

WHEREAS, the Village of Windham represented to the Auditor of the State of Ohio assigned to the Village of Windham, Edward Rance, Jr., that the funds to be used to pay for the school resource officer would be paid as a result of Windham receiving a grant for that purpose; and

WHEREAS, in reliance upon the information provided by the Village of Windham, the Auditor of Ohio, through Mr. Rance, advised the Fiscal Officer of the Village of Windham to establish a special fund, to be called the SRO Fund; and

WHEREAS, in compliance with the direction received from Mr. Rance, the Fiscal Officer of the Village of Windham requested the Council of the Village of Windham to establish a school resource fund, which fund was established in conformity with law and with the assistance of the State Auditor's office. This fund is now designated on the books of the Village of Windham as SRO Fund 2124; and

WHEREAS, the initial annual payment received by the Village of Windham from the Windham Exempted Village School District in the amount of Twenty Five Thousand Dollars (\$25,000.00) has been allocated to the SRO Fund 2124; and

WHEREAS, in a subsequent conversation held between Mr. Rance, of the State of Ohio Auditor's Office, John Volio, also of the State of Ohio Auditor's Office and Windham Village Solicitor, Thomas Reitz, advice was received from both auditors that if the agreement between the Village of Windham and the Windham Exempted Village School District contains a provision such that in the event the Village is able to perform the services set forth in the agreement at a cost less than the amount paid, and the agreement provides that the use of the balance of the funds not applied toward the performance under the agreement may be used for any permissible public purpose, then the special fund established under Ohio Revised Code 5705.09(F) and identified as the SRO Fund 2124 on the Village of Windham books is not necessary; and

WHEREAS, at the request of the Windham Exempted Village School District, the Village of Windham has rescinded the prior agreement with the Windham Exempted Village School District and has entered into a new agreement with the Village of

Windham Exempted Village School District, which agreement is referred to herein as the SRO Agreement. The SRO Agreement expressly provides that the Village of Windham is not entitled to any additional payment in the event the costs of performance to the Village of Windham under the SRO Agreement exceed the amounts paid by the Windham Exempted Village School District, and also expressly provides that in the event the Village of Windham is able to perform the contracted services at a cost to the Village less than the amount paid, that the Village may use the balance of the funds not applied toward performance for any permissible public purpose; and

WHEREAS, the specific language contained in the SRO Agreement between the Village of Windham and the Windham Exempted Village School District is consistent with the direction to the Village received from Auditors Edward Rance, Jr., and John Volio in their conversation with Solicitor Thomas Reitz; and

WHEREAS, in light of the above proceedings the Council of the Village of Windham desires to reclassify the status of the payment to the Village of Windham under the SRO Agreement from SRO Fund 2124 to the Village of Windham General Fund 1000.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Windham, Portage County, Ohio two thirds of the members thereto concurring that:

SECTION 1: The Fiscal Officer is hereby directed to revise the classification of the deposit of the Twenty Five Thousand Dollar (\$25,000.00) payment to the Village of Windham from the Windham Exempted Village School District under the SRO Agreement, and to reclassify the payment from the SRO Fund 2124 to the General Fund 1000 of the Village of Windham forthwith.

SECTION 2: This Ordinance is declared to be an emergency measure effective immediately upon its passage by Council and approval by the Mayor, to protect the health, safety and welfare of the municipality and for the further reason that it is essential to accurately and completely reflect on the books of the Village of Windham the amounts paid to the Village of Windham for performance under the SRO Agreement and to designate the deposits in conformity with the fund accounting requirements of the laws of the State of Ohio.

SECTION 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were accepted in an open meeting of this Council, and that deliberations of this Council and any of its committees that resulted in such formal actions were in meeting open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

PASSED IN COUNCIL as an emergency this 28th day of July 2009.

Ayes: Mr. Garrett, Mr. Snyder, Mrs. Barrett, Mrs. Meszaros, Mr. Slusher

Nays: Mrs. Rininger

ATTEST:

APPROVED:

Lloyd Billman, Fiscal Officer

Robert Donham, II, Mayor

I hereby certify that the above Ordinance was duly published by public posting at predesignated posting places.

Lloyd Billman, Fiscal Officer

APPROVED AS TO FORM:

Thomas Reitz, Solicitor