

VILLAGE OF ELMORE

ORDINANCE NO. 18-21

AN ORDINANCE TO REPEAL ORDINANCE 035-98  
AND THEREBY ELIMINATE THE MEMORIAL TREE FUND.

WHEREAS, Ordinance 035-98 created a memorial tree fund; and

WHEREAS, said fund has not been used in years and the balance in said fund is now \$0.00; and

WHEREAS, said fund is no longer needed;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF ELMORE, OTTAWA COUNTY, OHIO THAT:

**Section 1.** Ordinance 035-98 which created a memorial tree fund is hereby repealed. Said fund is hereby eliminated.

**Section 2.** That 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 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.

PASSED:

To pass

Yeas 6 Nays 0

Date: 26 APR 2021

  
PRESIDENT OF COUNCIL

Approved:   
MAYOR

  
FISCAL OFFICER

FISCAL OFFICER'S CERTIFICATE AS TO PUBLICATION

This is to certify that publication of the foregoing ordinance was duly made as provided in Ordinance 14-09, adopted June 8, 2009, by the following method.

By posting certified copies thereof in the five (5) public places specified in the Codified Ordinance No. 14-09 said posting having been accomplished on the following date:

04/26/2011



FISCAL OFFICER

FISCAL OFFICER'S CERTIFICATE AS TO AUTHENTICITY

I hereby certify that the foregoing Ordinance is a true copy of the aforesaid Ordinance No. \_\_\_\_\_ together with a true and accurate record of adoption by the Village of Elmore, Ohio.

\_\_\_\_\_  
FISCAL OFFICER

*Prepared by Mark E. Mulligan, Solicitor for the Village of Elmore, Ohio*

**MEMORANDUM**

**TO:** David Hower, Village Administrator  
Gretchen Densic, Fiscal Officer

**DATE:** March 18, 2021

**SUBJECT:** Transfer of the Memorial Tree Fund

**FROM:** Mark E. Mulligan, Village Solicitor

Ordinance 035-98 (copy attached) created a memorial tree fund. Evidently this fund has outlived its original purpose, and there has been no activity in this fund for a number of years. The State Auditor's Office was asked about terminating the fund with an appropriate transfer of the remaining balance in the fund.

While not providing a solution, the Auditor's office referred attention to Section 5705.14, O.R.C., and requested that the issue be submitted to the Village Solicitor for response to the issue.

Ordinance 035-98 does not indicate the source of the funding for the memorial tree fund. Further inquiry has disclosed the only likely source of the balance in the memorial tree fund is the General Fund or fees charged for plaques and tree planting.

Under these circumstances, Division (D) of Section 5705.14 O.R.C. and Division (F) of section 5705.09 O.R.C. apply. Since there are no outstanding obligations of this fund, no sinking fund or bond retirement fund, and none of the other exceptions apply; the balance in the fund should be transferred to the General Fund.

**CONCLUSION**

In order to close the memorial tree fund, the remaining balance should be transferred to the Village's General Fund.



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**Mark E. Mulligan, Village Solicitor**

1st Reading 1/23/98  
2nd " " 1/29/99  
3rd " " 1/29/99

RECORD OF ORDINANCES

Ordinance No. 035-98

Passed JANUARY 23, 1999

AN ORDINANCE CREATING A MEMORIAL TREE FUND FOR THE VILLAGE OF ELMORE.

WHEREAS, it is necessary to create a Memorial Tree Fund in the Village;

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF ELMORE, OTTAWA COUNTY, OHIO:

SECTION 1. A Memorial Tree Fund is hereby established for the Village of Elmore for use in planting and marking by brass plaques in Walter Ory Park and other parks as designated by Council. The initial fee for the brass placque, letters up to thirty, and planting of a tree shall be Two Hundred Fifty Dollars (\$250.00). The fee may be changed by a majority vote of Council.

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 of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements of the Village of Elmore and the State of Ohio.

SECTION 3. This Ordinance shall be in full force and effect from and immediately after its passage.

PASSED: 1/25/99

Vote on Emergency Measure Yeas n/a Nays n/a

Vote to Suspend the Rules TO PASS Yeas n/a Nays n/a  
YEAS 6 NAYS 0

ATTEST: [Signature]  
Clerk-Treasurer

[Signature]  
President of Council

[Signature]  
Mayor

P. MARTIN AUBRY  
VILLAGE SOLICITOR

CLERK TREASURE'S CERTIFICATE AS TO PUBLICATION

This is to certify that publication of the foregoing Ordinance was duly made as provided in Ordinance No. 17-95, adopted July 24, 1995, by the following method:

By posting certified copies thereof in the five (5) public places specified in Codified Ordinance No. 17-95, said posting having been accomplished on the following date:  
1-28-99

[Signature]  
Clerk-Treasurer