

CITY OF FRANKLIN, OHIO
ORDINANCE 2021-13

AUTHORIZING THE ESTABLISHMENT OF THE "WATER SECURITY DEPOSIT FUND" AND THE "SEWER SECURITY DEPOSIT FUND" THROUGH AMENDMENT AND RESTATEMENT OF TITLE FIVE – ADMINISTRATIVE CODE, CHAPTER 162, WATER AND SEWER DIVISION FOR THE PURPOSE OF HOLDING WATER AND SEWER SECURITY DEPOSITS PAID BY CUSTOMERS IN COMPLIANCE WITH THE CODIFIED ORDINANCES OF THE CITY OF FRANKLIN, OHIO

WHEREAS, Chapter 141 Finance Division, Section 141.03(b)(6)(B) of the City's Codified Ordinances states:

(6) Other Special Funds -

- (A) The Finance Director is hereby authorized to create other special funds which are established or required by law, either specifically or in general.
- (B) Council may establish, with the approval of and in the manner prescribed by the Ohio State Auditor, other such special funds that are not established by law, either specifically or in general, as may be needed or desirable. Special funds which are needed for a period of less than five (5) years may be established by resolution, and special funds which are needed for a period of five (5) years or more shall be established by ordinance. Any ordinance or resolution establishing a special fund may provide that money derived from specified sources other than the general property tax shall be paid directly into such special fund;

and

WHEREAS, the City of Franklin must comply with local, state and federal law and administrative orders and guidelines directing and requiring the establishment of certain funds to maintain financial integrity of the public monies it receives and spends; and

WHEREAS, the creation of separate funds to hold Water Security Deposits and Sewer Security Deposits is necessary to segregate these funds which shall only be used to offset any unpaid utility bills; and

WHEREAS, These types of funds, proprietary funds, are authorized under Ohio Revised Code Section 5705.12; and

WHEREAS, amendment to Title Five – Administrative Code, Chapter 162, Water and Sewer Division for the purpose of holding water and sewer security deposits paid by customers in compliance with law is required.

THE CITY OF FRANKLIN HEREBY ORDAINS, at least four (4) members of the Council elected thereto concurring, that:

Section 1. Certain Sections of Title Five – Administrative Code, Chapter 162, Water and Sewer Division, for the purpose of holding water and sewer security deposits paid by customers in compliance with law, are amended and restated, and shall be codified in the City of Franklin Ordinances, as reflected in Exhibit A, attached.

Section 2. In accordance with Chapter 141 Finance Division, Section 141.03(b)(6)(B), Title Five – Administrative Code, Chapter 162, Water and Sewer Division, and Ohio Revised Code Section 5705.12 the Finance Director is authorized to establish a fund called "Water Security Deposit Fund" and "Sewer Security Deposit Fund."

Section 3. The purpose of these funds shall be to serve as a holding fund for security deposits of newly established water sewer accounts respectively.

Section 4. No Interest earned shall be credited to this fund.

Section 5. The Finance Director shall forward a copy of this Ordinance to the Auditor of State and shall perform all required action and execute any required applications to the Ohio Auditor of State in order to obtain all necessary approval for the creation of the Water Security Deposit Fund and Sewer Security Deposit Fund.

Section 6. It is found 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 that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code, and the Rules of Council.

Section 7. All ordinances in conflict with this Ordinance are hereby repealed.

Section 8. This Ordinance shall become effective on July 21, 2021.

INTRODUCED: June 7, 2021

ADOPTED: June 21, 2021

ATTEST: Khristi Dunn
Khristi Dunn, Clerk of Council

APPROVED: Brent Centers
Brent Centers, Mayor

Approved as to form:

Lynette Dinkler
Lynette Dinkler, Law Director

EXHIBIT A

CHAPTER 162 Water & Sewer Division

- 162.01 Establishment.
- 162.02 Water & Sewer Superintendent.
- 162.03 Functions.
- 162.04 Water Fund.
- 162.05 Water System Improvement Fund.
- 162.06** ***Water Security Deposit Fund.***
- 162.067** ***Sewer Fund.***
- 162.078** ***Sewer System Improvement Fund.***
- 162.09** ***Sewer Security Deposit Fund.***

162.01 ESTABLISHMENT.

In accordance with Section 6.01 of the City's Charter, a Division of Water & Sewer is hereby created within the Public Works Department, which shall have such officers, deputies, clerks, and other employees as may from time-to-time be determined by the Council. All such employees shall be appointed by the City Manager and shall be under the supervision and control of the Public Works Director.

(Ord. 2016-16. Passed 11-21-16.)

162.02 WATER & SEWER SUPERINTENDENT.

(a) Appointment: The Water & Sewer Superintendent shall be appointed by the City Manager, with the consent of the Public Works Director.

(b) Powers and Duties: The Water & Sewer Superintendent shall perform such duties and have such obligations and responsibilities as are set forth in the City's Streets, Utilities and Public Services Code and all other ordinances and resolutions passed by the Council, or applicable statutes of this State relative to the provision and establishment of municipal water and sewer services.

(c) Reports to Public Works Director: The Water & Sewer Superintendent shall be under the supervision and control of the Public Works Director.

(d) Unclassified Service: In accordance with Section 8.02 of the City's Charter, the position of Water & Sewer Superintendent shall be in the unclassified service.

(Ord. 2016-16. Passed 11-21-16.)

162.03 FUNCTIONS.

(a) Powers and Duties: The Water & Sewer Division, under the supervision and direction of the Water & Sewer Superintendent, shall perform the following functions:

- (1) Manage and control the operation of the City's water and sewer systems;
- (2) Administer and carry out the provisions of all agreements, contracts, and other legal obligations pertaining to the City's water and sewer systems;
- (3) Control and maintain all property and equipment of the City's water and sewer systems;
- (4) Perform and comply with any necessary EPA tests or requirements;
- (5) Control and maintain all property and equipment associated with the City's well fields; and
- (6) Manage or supervise all extensions, repairs, improvements, or construction related to the City's water and sewer systems.

(b) Additional Powers and Duties: The Water & Sewer Division may also perform any other functions consistent with the maintenance and control of the City's water and sewer systems as may be necessary or as the Council, City ordinances, State law or Federal law may designate.

(Ord. 2016-16. Passed 11-21-16.)

162.04 WATER FUND.

(a) Establishment: There is hereby established the Water Fund to account for moneys received from the collection of charges for use of the City's water service, along with such other amounts as are collected for tap-in charges or from any operation of the City's water system.

(b) Use of Fund:

(1) Amounts within the Water Fund shall be used only for the payment of costs and expenses including, but not limited to, administration and personnel expenses, related to the operation, maintenance, construction, enlargement, extension, repair, and management of the City's water works system, and to the extinguishment of any indebtedness created therefor.

(2) After payment of the expenses of conducting and managing the City's water works system, any surplus may be applied to the repairs, enlargement, or extension of the system, the payment of debt charges on bonds issued for construction, enlargement, or extension of the system and/or any parts thereof, or for the creation of a sinking fund for the payment of any indebtedness so incurred.

(Ord. 2016-16. Passed 11-21-16.)

Statutory reference:

Water supply, see ORC 715.08

Disposition of surplus funds, see ORC 743.05

Proceeds from water works to be a separate fund, see ORC 743.06

Establishment of funds, see ORC 5705.09

162.05 WATER SYSTEM IMPROVEMENT FUND.

(a) Establishment: There is hereby established a Water System Improvement Fund to account for moneys transferred from the Water Fund and the General Fund, and to receive Federal or State grant and/or loan moneys for capital improvement projects related to the City's water system.

(b) Use of Fund: Moneys within the Water System Improvement Fund may only be used for the installation, improvement, repair and maintenance of the City's water system including, but not limited to, acquisition of property or materials having a life expectancy of over five (5) years, the purchase of vehicles or equipment used in installing, improving, maintaining or repairing, when such vehicles or equipment have a life expectancy of over five (5) years, services related to planning, engineering, legal or other services required for installation, improvement, repair and maintenance projects. Any moneys within the Water System Improvement Fund that are received from a Federal or State grant and/or loan shall only be used in accordance with the terms of the Federal or State grant and/or loan.

(Ord. 2016-16. Passed 11-21-16.)

Statutory reference:

Reserve balance accounts - special revenue fund - capital projects fund, see ORC 5705.13

162.06 WATER SECURITY DEPOSIT FUND.

(a) Establishment: There is hereby established the Water Security Deposit Fund to account for moneys received from tenants or occupants of any leased or rented premises under Chapter 911.10, Service Application and Deposit Requirements.

(b) Use of Fund:

(1) Amounts within the Water Security Deposit Fund shall be used for no other purpose than to offset any unpaid bills.

(2) All terms and conditions created under 911.10 apply to the administration of the Water Security Deposit Fund.

162.07 SEWER FUND.

(a) Establishment: There is hereby established the Sewer Fund for moneys received from the collection of charges for use of the City's sanitary sewer service, along with such other amounts as are collected for tap-in charges or from any operation of the City's sanitary sewer system.

(b) Use of Fund:

(1) Amounts within the Sewer Fund may only be used for the payment of costs and expenses including, but not limited to, administration and personnel expenses, related to the management, maintenance, operation, and repair of the City's sanitary sewer system and sewage pumping, treatment, and disposal works.

(2) After payment of the expenses of conducting and managing the City's sanitary sewer system, any surplus may be used for the enlargement or replacement of the system and works; for construction and reconstruction of mains and interceptors, for the payment of debt charges on bonds issued for construction, enlargement, or extension of the system and/or any parts thereof, or for the creation of a sinking fund for the payment of any indebtedness so incurred.

(Ord. 2016-16. Passed 11-21-16.)

Statutory reference:

Funds from sewer rentals deposited into sewer fund, see ORC 729.52

Establishment of funds, see ORC 5705.09

162.08 SEWER SYSTEM IMPROVEMENT FUND.

(a) Establishment: There is hereby established a Sewer System Improvement Fund to account for moneys transferred from the Sewer Fund and to receive Federal or State grant and/or loan moneys for capital improvement projects related to the City's sanitary sewer system.

(b) Use of Fund: Moneys within the Sewer System Improvement Fund may only be used for the installation, improvement, repair and maintenance of the City's sanitary sewer system including, but not limited to, acquisition of property or materials having a life expectancy of over five (5) years, the purchase of vehicles or equipment used in installing, improving, maintaining or repairing, when such vehicles or equipment have a life expectancy of over five (5) years, services related to planning, engineering, legal or other services required for installation, improvement, repair and maintenance projects. Any moneys within the Sewer System Improvement Fund that are received from a Federal or State grant and/or loan shall only be used in accordance with the terms of the Federal or State grant and/or loan.

(Ord. 2016-16. Passed 11-21-16.)

Statutory reference:

Reserve balance accounts - special revenue fund - capital projects fund, see ORC 5705.13

162.09 SEWER SECURITY DEPOSIT FUND.

(a) Establishment: There is hereby established the Sewer System Security Deposit Fund to account for moneys received from tenants or occupants of any leased or rented premises under Chapter 919.05, Service Application and Deposit Requirements.

(b) Use of Fund:

(1) Amounts within the Sewer Security Deposit Fund shall be used for no other purpose than to offset any unpaid bills.

(2) All terms and conditions created under 919.05 apply to the administration of the Water Security Deposit Fund.