

**VILLAGE OF NEW LEBANON
OF
MONTGOMERY COUNTY, OHIO**

**RESOLUTION NO: 2025-22
BY
VICE-MAYOR ADKINS**

A RESOLUTION APPROVING THE TRANSFER OF FUNDS FROM THE DEBT SERVICE–MUNICIPAL COURT FUND TO THE GENERAL FUND AND AUTHORIZING THE FILING OF A PETITION FOR COURT APPROVAL PURSUANT TO R.C. 5705.14(C)(1).

WHEREAS, the Village of New Lebanon transferred the sum of One Hundred Twenty Thousand Seven Hundred Seventy-Seven Dollars (\$120,777.00) from its Debt Service–Municipal Court Fund to its General Fund, representing the unexpended balance in said Debt Service–Municipal Court Fund after the debt on the municipal court building was retired; and

WHEREAS, Ohio Revised Code § 5705.14(C)(1) provides that the unexpended balance in a bond retirement fund may only be transferred with the approval of the common pleas court; and

WHEREAS, the required common pleas court approval for the 2018 transfer was not obtained at the time of said transfer; and

WHEREAS, the absence of said court approval has resulted in a recurring audit finding in the Village’s annual financial audits since 2018; and

WHEREAS, it is in the best interest of the Village of New Lebanon to obtain the necessary court approval to rectify this oversight and resolve the audit finding; and

WHEREAS, the Village administration, upon consultation with legal counsel, has determined that the appropriate legal mechanism to secure said court approval is the filing of a Petition for Approval of Fund Transfer with the Montgomery County Court of Common Pleas; and

WHEREAS, this Council deems it necessary and appropriate to formally approve the 2018 fund transfer and to authorize the filing of said Petition to obtain the required judicial approval.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF NEW LEBANON, MONTGOMERY COUNTY, OHIO, AS FOLLOWS:

SECTION I The transfer of One Hundred Twenty Thousand Seven Hundred Seventy-Seven Dollars (\$120,777.00) from the Debt Service–Municipal Court Fund to the General Fund, which occurred in 2018, is hereby affirmed, ratified, and approved.

SECTION II

The Village Law Director is hereby authorized and directed to prepare, execute, and file a Petition for Approval of Fund Transfer with the Montgomery County Court of Common Pleas, seeking approval for the fund transfer described herein, and to take any and all other actions necessary or appropriate to secure such court approval.

SECTION III

This Resolution shall take effect and be in full force immediately upon its adoption.

SECTION VI

It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

PASSED this 17th day of June 2025.



Nicole Adkins, Vice-Mayor

Attest:



Shannon Bernis acting
Bill Draugelis
Clerk of Council

Date:

CERTIFICATION

Shannon Bernis acting
I, Bill Draugelis, Clerk of Council for the Municipality of New Lebanon, Ohio do hereby certify the foregoing is a true and correct copy of Resolution 2025-22 as passed by Council and approved by the Mayor and that the same has been published as required by Section 2.18 of the Charter of the Municipality of New Lebanon.



Bill Draugelis, Date:
Village Manager/Clerk of Council
acting