

IN THE COURT OF COMMON PLEAS, SCIOTO COUNTY, OHIO

IN THE MATTER OF :

* CASE NO. 0501H271

APPLICATION OF THE
CITY OF PORTSMOUTH, OHIO,
TO TRANSFER UNENCUMBERED
CIP FUNDS INTO GENERAL FUND

* JUDGE

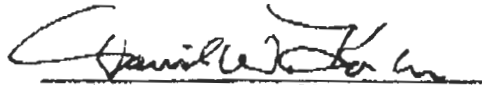
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CLERK OF COURT

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Now comes the City of Portsmouth, Ohio, a municipal corporation,
and says:

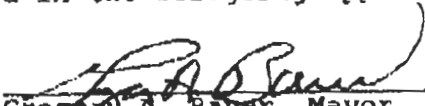
1. There is an unencumbered, unexpended balance of funds in the Capital Improvement Project (CIP) Fund No. 301, and said funds are not required to meet the obligations payable from such funds.
2. All indebtedness, interest and other obligations, for the payment of which, such fund exists, have been, or will be paid.
3. The City Council of the City of Portsmouth, Ohio, has determined that it is necessary to transfer said funds into the General Fund No. 101 in order to avoid a deficit in the General Fund for 2003. A certified copy of the City Council Resolution No. 15, adopted on October 27, 2003, authorizing this application, is attached hereto.
4. The City of Portsmouth, Ohio, a municipal corporation, by and through, Gregory A. Bauer, it's Mayor, and M. Trent Williams, it's Auditor/Treasurer, hereby applies to the Court for an order approving the transfer of the 2003 year-end unencumbered, unexpended balance of funds in the Capital Improvement Project (CIP) Fund No. 301 into the General Fund No. 101.
5. The authority for this action is Section 5705.14(B), Ohio Revised Code.
6. None of the funds sought to be transferred herein are included in the exceptions recited in Section 5705.15, ORC.



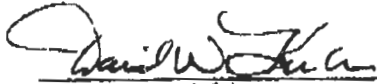
David W. Kuhn, (0001392)
City Solicitor, Portsmouth, Ohio
728 Second St. Room 22
Portsmouth, Ohio 45662
(740) 353-5229

STATE OF OHIO, SCIOTO COUNTY, SS:

Now comes Gregory A. Bauer, Mayor of the City of Portsmouth, Ohio, and says that the facts stated in the foregoing Application are true.



Gregory A. Bauer, Mayor

Sworn to before me and subscribed in my presence this 10TH day of November, 2003.

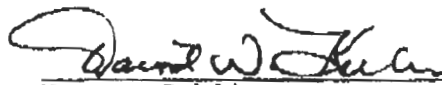

Notary Public
DAVID W. KUHN
Notary Public of State of Ohio
My Commission has no expiration date
Section 147.03 R.C.

STATE OF OHIO, SCIOTO COUNTY, SS:

Now comes M. Trent Williams, Auditor/Treasurer of the City of Portsmouth, Ohio, and says that the facts stated in the foregoing Application are true.


M. Trent Williams
Auditor/Treasurer

Sworn to before me and subscribed in my presence this 10TH day of November, 2003.


Notary Public
DAVID W. KUHN
Notary Public of State of Ohio
My Commission has no expiration date
Section 147.03 R.C.

CERTIFICATE TO COPY

Original on File

State of Ohio, Scioto County

I, Jo Ann Aeh, City Clerk of the City of Portsmouth, Ohio, in said County, and in whose custody the files and records of said Council are required by the laws of the State of Ohio to be kept, do hereby certify that the foregoing is a true and correct copy of Resolution Number 15, now on file, duly passed by the City Council on the 27th day of October 2003

Witness my HAND and SEAL this 28th day of October, 2003

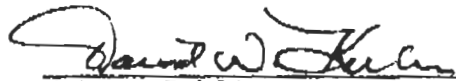
(Seal)



City Clerk

Auditor/Treasurer

Sworn to before me and subscribed in my presence this 10th day of November, 2003.



Notary DAVID W. KUHN
Notary Public of State of Ohio
My Commission has no expiration date
Section 147.03 R.C.

RESOLUTIONYear - 2003 Number -15-

A Resolution to authorize David W. Kuhn, City Solicitor, to file a petition in the Scioto County Common Pleas Court seeking authority for the City to transfer the unexpended 2003 CIP funds into the General Fund.

Whereas, the Capital Improvement Projects Fund No. 361 accounts for a percentage of the net collections of the City's income tax, designated for the purchase or construction of capital assets as determined by City Council; and

Whereas, City Council determined in early 2003 in its budget process and subsequent approved operating and capital budget and appropriations ordinances that the full amount received into the CIP budget would not be needed for the City's capital projects and determined that the remaining unencumbered balance would be better allocated to aid in any potential shortfall of revenues within the City's general operating fund; and

Whereas, the full amount of the CIP Fund will not be used for capital projects and will accumulate an unencumbered year-end available balance of at least \$800,000 that would be more beneficial to General Fund No. 101 to help avoid any potential general fund deficit. Now, therefore,

BE IT RESOLVED by City Council of the City of Portsmouth, Ohio:

SECTION I. That David W. Kuhn, City Solicitor, is hereby authorized to file a petition in the Scioto County Common Pleas Court seeking authority for the City to transfer the unexpended 2003 CIP funds into the General Fund.

SECTION II. This Resolution directing administrative action as provided for in Section 22 of the Charter of the City of Portsmouth, Ohio, shall be in force and effect from and after its adoption.

Adopted this 27th day of October, 2003.

Attest:

[Signature]
City Clerk

[Signature]
President of Council

IN THE COURT OF COMMON PLEAS, SCIOTO COUNTY, OHIO

IN THE MATTER OF :

APPLICATION OF THE
CITY OF PORTSMOUTH, OHIO,
TO TRANSFER UNENCUMBERED
CIP FUNDS INTO GENERAL FUND

* CASE NO. 03-01H-271-3-16
* JUDGE HARCHA
* CLERK OF COURTS

JUDGMENT ENTRY


This matter came on for hearing before the Court on the Application of the City of Portsmouth, Ohio, a municipal corporation, for authority to transfer the 2003 year-end unencumbered, unexpended balance of funds in the Capital Improvement Project (CIP) Fund No. 301 into the General Fund No. 101.

The Court finds that the City of Portsmouth, Ohio, has accumulated funds in its Capital Improvement Project (CIP) Fund No. 301, and that a portion of said funds are not required to meet the obligations payable from such funds. The Court further finds that all indebtedness, interest and other obligations, for the payment of which such fund exists, have been, or will be, paid. The Court further finds that it is necessary to transfer the unencumbered, unexpended balance of funds in the CIP Fund No. 301 into the General Fund No. 101 in order to avoid a deficit in the General Fund for 2003, that the Court may authorize said transfer of funds pursuant to Section 5705.14(B), Ohio Revised Code, and that the Application filed herein was authorized by

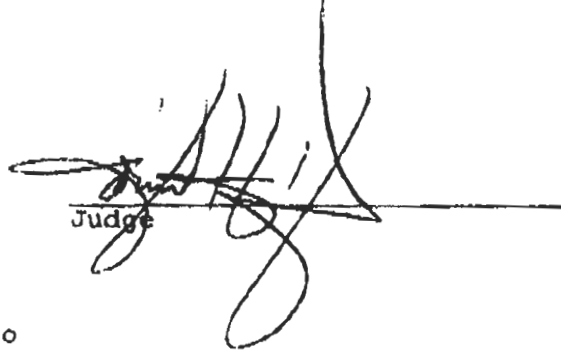
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resolution of the City Council of the City of Portsmouth, Ohio,
enacted on October 27, 2003.

It is therefore ORDERED that the City of Portsmouth, Ohio,
be, and it is hereby, authorized to transfer the 2003 year-end
unencumbered, unexpended balance of funds in the Capital
Improvement Project (CIP) Fund No. 301 into the General Fund No.
101.



David W. Kuhn, (000-392)
City Solicitor, Portsmouth, Ohio



Judge