

# RESOLUTION 2022.021

## RESOLUTION REMOVING THE CURLLESS TRUST FUND FROM THE VILLAGE OF BLANCHESTER'S FUND BALANCE

**WHEREAS**, in 1974 Howard Curlless executed an "Amendment to Revocable Trust Agreement" granting the Village of Blanchester a permissible beneficial interest in the Trust; and

**WHEREAS**, Peoples Bank, not the Village of Blanchester, is the named Trustee of the Trust; and

**WHEREAS**, in 2015, the Ohio State Auditor, during the course of its regular audit, improperly determined that the Curlless Trust Fund was the Village of Blanchester's private purpose trust fund; and

**WHEREAS**, the Ohio State Auditor determined a restatement of the Village of Blanchester's Fund Balance was necessary for bringing the entire Curlless Trust Fund Balance onto the Village of Blanchester's financials; and

**WHEREAS**, the Ohio State Auditor's decision is distorting the Village of Blanchester's total funds and has created financial difficulties for the Village of Blanchester; and

**WHEREAS**, upon request from the Ohio State Auditor, the Village of Blanchester has issued a Legal Opinion to the Ohio State Auditor explaining why the Ohio State Auditor's decision in 2015 was incorrect; and

**WHEREAS**, it is in the Village of Blanchester's best interest to remove the total balance in the Curlless Trust Fund from the Village of Blanchester's Fund Balance.

**NOW, THEREFORE, BE IT RESOLVED** by the Village Council of the Village of Blanchester, Clinton County, Ohio that:

**SECTION 1:** The Village of Blanchester will take the following steps to initiate the removal of the entirety of the Curlless Trust Fund from the Village of Blanchester's Fund Balance:

1. Close all purchase orders; and
2. Reverse all receipt and expenditure positing to zero for fiscal year 2022; and
3. Adjust the Curlless Fund Balance to zero; and
4. Deactivate appropriation and revenue accounts; and
5. Remove Fund #4951 (Curlless Trust Permanent Fund) from the United Accounting Network Software during the 2022-year end processing occurring during January, 2023.

**SECTION 2:** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in meetings open to the public, in compliance with all legal requirements including §121.22 of the Ohio Revised Code.

**SECTION 3:** This Resolution is declared to be an emergency measure necessary to preserve the health, safety and welfare of the residents of the Village of Blanchester, Ohio and shall become effective immediately upon its adoption.

**SECTION 4:** That the Village by at least a three-fourths vote hereby dispenses with the requirement that this Resolution be read on three separate days and hereby authorizes the adoption of the Resolution upon its first reading. That this Resolution shall be effective at the earliest date allowed by law.

**BE IT FURTHER RESOLVED** that this Board, upon majority vote, does hereby dispense with the requirement that this Resolution be read on two separate days, and hereby

authorizes the adoption of this Resolution upon its first reading.

Mr. Parks moved the adoption and Mr. Brumbaugh seconded to adopt the Resolution. On the roll call being called the vote resulted as follows:

Mr Brumbaugh	Yes
Mr. Garner	Yes
Mr. Gephart	Absent
Mr. Hopkins	Yes
Mr. McCollister	Yes
Mr. Parks	Yes

Adopted this 14<sup>th</sup> day of July, 2022.

  
John Carman, Mayor

  
Attest: Tamara S. May, Fiscal Officer

Fiscal Officer's Certificate:  
The State of Ohio, County of Clinton, ss:  
I, Tamara S. May, Fiscal Officer of the Village of Blanchester, Clinton County, and in whose custody the Files, Journals, and Records are required by the laws of the State of Ohio to be kept, do hereby certify that the foregoing Resolution is taken and copied from the original Resolution now on file with said Village, that the foregoing Resolution has been compared by me with the said original and that the same is a true and correct copy thereof, and has been posted as required by law. This Resolution has been duly published by posting in the following places: Blanchester Municipal Building, 318 E. Main St.; First National Bank, 121 E. Main St.; Blanchester Post Office, 115 S. Wright St.; Tom's Express Mart, 7529 Fainground Rd.; and at the Blanchester Public Library, 110 N. Broadway St., each for a period of fifteen (15) days commencing on the 18<sup>th</sup> day of July, 2022.

Witness my signature this 18<sup>th</sup> day of July, 2022.

  
Fiscal Officer of the Village of Blanchester, Clinton County, Ohio

VILLAGE OF BLANCHESTER

FISCAL OFFICER  
TAMARA S. MAY

OFFICIAL SEAL