

RESOLUTION OF THE COUNCIL OF THE CITY OF MARION, OHIO
EXPRESSING ITS FINDINGS AND DETERMINATIONS IN REGARD
TO THE CITY AUDITOR'S USE OF UNAPPROPRIATED CASH
RESERVES AND HIS STATEMENT IN REGARD TO THE CITY'S
FINANCIAL CONDITION CREATED SIGNIFICANT RISKS TO THE
FINANCIAL WELL BEING OF THE CITY AND REQUESTING THE
AUDITOR OF THE STATE OF OHIO INVESTIGATE AND TAKE ALL
APPROPRIATE STEPS AS PROVIDED BY OHIO LAW AND
DECLARING AN EMERGENCY

WHEREAS, the Council created the Select Exploratory/Investigative Committee which defined its scope as: 1.) Whether the 1.28 million dollar IRS payment made by the city Auditor from unappropriated cash reserves, without Council approval, in February 2021 for obligations incurred in 2020 was contrary to authorities existing within the State of Ohio, and 2.) Whether the statement of the City Auditor "*the City's books were off over \$100 million*" was not based in fact, and

WHEREAS, the Select Exploratory/Investigative Committee has completed its investigation, heard responses to its inquiries, completed its deliberations and forwarded its findings and determinations to Council, and

Whereas, the Council being empowered to investigate matters relating to municipal affairs, including actions which may be determined to not be supported by law or which may have been without necessary legal authorities.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Marion, Marion County, Ohio,

Section 1. The Council has heard the Findings and Determinations from the Select Exploratory/Investigative Committee as to its investigation and determinations: 1.) The 1.28 million dollar IRS payment made by the city Auditor from unappropriated cash reserves, without Council approval, in February 2021 for obligations incurred in 2020 was contrary to authorities existing within the State of Ohio: and 2.) The statement of the City Auditor "*the City's books were off over \$100 million*" was not based in fact. The Council having deliberated finds: 1.) The 1.28 million dollar IRS payment made by the city Auditor from unappropriated cash reserves, without Council approval, in February 2021 for obligations incurred in 2020 was contrary to authorities existing within the State of Ohio: and 2.) The statement of the City Auditor "*the City's books were off over \$100 million*" was not based in fact and was a material misstatement. These acts being determined to be either purposely, knowingly, or recklessly committed and did create significant risk to the financial well-being of the City of Marion, Ohio. The Council finds this Resolution is necessary to ensure the fiscal well-being of the City of Marion, Ohio is preserved and maintained.

Section 2. Given the findings and determinations above in Section 1., the Council for the City of Marion directs the Clerk forward this adopted Resolution and any other materials relevant hereto to the State of Ohio Auditor and request that he investigate and take any and all actions he deems necessary to assist the Council in protecting the financial well-being of the City.

Section 3. This Resolution is hereby declared to be an emergency measure necessary for the welfare of the City of Marion and its' inhabitants thereof: Due to the real and present need to act without delay to preserve the financial well-being of the City of Marion, Ohio; and as such shall take effect and be in force immediately upon its' passage and approval by the Mayor, provided it receives the affirmative vote of two-thirds of all members elected to Council, otherwise it shall become effective from and after the earliest period allowed by law.

Todd Schneider
President of Council

APPROVED:

Mayor Scott Schertzer

ATTEST:

Tarina R. Rose
Clerk of Council