

by the Supreme Court of Ohio in the case of TheCity of Cincinnati vs. Roettinger, 105 O.S. 145 (1922) to prohibit a transfer of surplus water revenue to the general fund. In this case, however, the Court was treating with an existing municipally owned waterworks. In the instant situation, there is no longer a municipally owned waterworks involved, and it appears that there is no statutory or case law to cover this situation.

It is true that the proposed transfer could be questioned and possibly be upset by reason of the language of Section 743.05. This is a risk which Council must consider. However I do not deem the risk to be a very serious one.

It is my opinion, in the light of the existing circumstances, that a transfer of the Water Fund to the General Fund can properly be made under Section 5705.14 (D) by resolution passed by the affirmative vote of two thirds of the members of the Council, and that for such transfer, there need be no court approval.

Very truly yours,

LACOUTURE, LYNN & WILLIAMS

JTL/jw

The meeting adjourned.

Attest:

L. E. Howe
Clerk-Treas.

Approved:

Omer Jackson
Mayor

Call Meeting

The Council of the Village of Centerville, County of Montgomery and the State of Ohio met in a call session Oct. 16, 1956 with Mayor Jackson presiding. Present: Kenneth Poff, Robert Billett, Frank Arnold, William Dutcher, Gilbert Neubauer, Engineer Chas. Burkhart and contractor Quentin Brenner.

The purpose of the meeting was to correct misunderstandings and procedures with the contractor concerning construction of buildings and streets in the Gorman Plat as to Village Ordinances and street specifications.

Other business pertained to oiling of streets and the accumulation of wrecked autos at filling stations.

The meeting adjourned.

Approved:

Attest:

L. E. Howe
Clerk-Treas.

Omer Jackson
Mayor