

Date: _____

RESOLUTION NO. *10219*
Submitted by
Councilpersons Stanton & Williams
for consideration on
Wednesday, OCTOBER 9, 2019

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY PENNSYLVANIA **REPEALING RESOLUTION NO. 10198**, PASSED ON AUGUST 14, 2019 TITLED: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSTOWN, PENNSYLVANIA, AUTHORIZING THE CITY MANAGER TO INITIATE THE TRANSFER OF FUNDS TO ELIMINATE THE RESPECTIVE 2018 CITY OF JOHNSTOWN OPERATING BUDGET DEFICIT BALANCES, AND MORE SPECIFICALLY BUDGET EXHIBIT (A) AS ATTACHED, DUE TO NON-COMPLIANCE WITH HOME RULE CHARTER ARTICLE X FINANCIAL PROCEDURES; §11.10.1009 LAPSE OF APPROPRIATIONS, AND §11.10.1010 ADMINISTRATION OF THE BUDGET. (d) TRANSFER OF APPROPRIATIONS, and further in non-compliance of the April 18, 2018 Ordered Stipulation of Settlement and Release and Joint Motion (Dkt 2017-4061) and further confirmed by the September 4, 2019 April 18, 2018 Ordered Stipulation of Settlement and Release and Joint Motion (Dkt 2017-4061)

WHEREAS, On March 13, 2019 with Council meeting in Regular Session the following Resolution was under consideration

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING THE CITY MANAGER TO INITIATE THE TRANSFER OF FUNDS TO ELIMINATE THE RESPECTIVE 2018 CITY OF JOHNSTOWN OPERATION BUDGET DEFICIT BALANCES AND MORE SPECIFICALLY, BUDGET EXHIBIT (A) AS ATTACHED HEREIN,

Was tabled due to pending court proceedings regarding Budget issues, and

WHEREAS, on August 14, 2019 with Council meeting in Regular Session the following Resolution as was tabled on March 13, 2019 passed Resolution No. 10198

A RESOLUTION OF CITY COUNCIL OF THE CITY OF JOHNSTOWN, CAMBRIA COUNTY, PENNSYLVANIA, AUTHORIZING THE CITY MANAGER TO INITIATE THE TRANSFER OF FUNDS TO ELIMINATE THE RESPECTIVE 2018 CITY OF JOHNSTOWN OPERATION BUDGET DEFICIT BALANCES AND MORE SPECIFICALLY, BUDGET EXHIBIT (A) AS ATTACHED HEREIN; and

WHEREAS, The City of Johnstown Home Rule Charter, Article X Financial Procedures states in § 11.10-1009. Lapse of Appropriations.

Every appropriation, except an appropriation for a capital expenditure, shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered. An appropriation for each capital expenditure shall continue in force until the purpose for which it was made has been accomplished, or the proposal has been discontinued by the Council; and

WHEREAS, The City of Johnstown Home Rule Charter, Article X Financial Procedures states in § 11.10-1010. Administration of the Budget.

(d) Transfer of Appropriations. At any time during the fiscal year the Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency and, upon written request by the Manager, the Council may by resolution transfer part or all of the unencumbered appropriation balance from one department, office, or agency to another. Any transfer made by the Manager shall be reported to the City Council at the next Council meeting; and

WHEREAS, pursuant to City of Johnstown Home Rule Charter, Article X Financial Procedures, the 2018 Transfer of Funds executed by Resolution No. 10198 on August 14, 2019, and any other 2018 Transfer of Funds executed by the City Manager under provisions of (d) Transfer of Appropriations, whereby "*At any time during the fiscal year the Manager may transfer part or all of any unencumbered appropriation balance among programs within a department, office or agency*", are invalid and non-complaint with Home Rule Charter, Article X Financial Procedures states in § 11.10-1010. Administration of the Budget, and

NOW THEREFORE BE IT RESOLVED, that Resolution No. 10198, passed on August 14, 2019 is hereby REPEALED, and the City Manager and the Director of Finance are directed take all required corrective accounting actions to reverse any and all 2018 Transfer of Funds authorized by Resolution No. 10198, and any and all 2018 Transfer of Funds executed by the City Manager from January 1, 2019 to date, as unencumbered appropriation balance among programs within a department, office or agency, and not subject to authorization by Resolution of City Council.

CITY OF JOHNSTOWN,
CAMBRIA COUNTY, PENNSYLVANIA
RESOLUTION NO. 10198

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF JOHNSOWN, CAMBRIA COUNTY, PENNSYLVANIA AUTHORIZING THE CITY MANAGER TO INITIATE THE TRANSFER OF FUNDS TO ELIMINATE THE RESPECTIVE 2018 CITY OF JOHNSTOWN OPERATING BUDGET DEFICIT BALANCES, AND MORE SPECIFICALLY, BUDGET EXHIBIT (A) AS ATTACHED HEREIN:

ADOPTED:


August 14, 2019

By the following vote:

Yeas: Mr. Britt, Mayor Janakovic, Mrs. Mock, Mr. Vitovich. (4)

Nays: Rev King. (1)

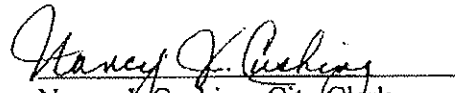
Not present: Mrs. Stanton, Mr. Williams. (2)



Frank J. Janakovic, Mayor
Marie Mock, Deputy Mayor

ATTET:

I do hereby certify that the foregoing is a true and correct copy of Resolution No. 10198 as the same adopted by the City Council of the City of Johnstown, Pennsylvania.



Nancy J. Cushing, City Clerk

12/31/2018 End of Year -- Resolution						Adjusted
Fund	Fund Dept.	Line Item	Transfer to Line Item	Transfer from Line Item	Amount	Budget Balance
General	Non-Dept.	Prof Services	01,405,31,049.00	01,401,19,009.00	31,500	-17,788
General	Non-Dept.	Prof Services	01,405,31,049.00	01,403,43,114.00	17,788	0
General	Emerg Mgt.	Telephone	01,415,32,012.00	01,412,46,066.00	100	13
General	PW - Bldgs/Gr	Electric	01,441,36,080.00	01,400,34,013.00	3,100	6
General	PW - Bldgs/Gr	Other Prop Maintenance	01,441,37,073.00	01,401,14,000.00	4,800	32
General	PW - Bldgs/Gr	Equip Maintenance	01,441,37,109.00	01,401,19,002.00	3,100	23
General	Comm Devel	Salaries & Wages	01,460,14,000.00	01,402,19,417.00	13,000	143
General	Comm Devel	Workers Comp	01,460,19,003.00	01,458,36,080.00	8	0
General	Comm Devel	Dental Insurance	01,460,19,006.00	01,458,36,077.00	400	23
General	Comm Devel	FICA	01,460,19,007.00	01,458,19,003.00	400	6
General	Comm Devel	Prof Services	01,460,31,000.00	01,402,14,000.00	11,500	-22,290
General	Comm Devel	Prof Services	01,460,31,000.00	01,402,19,009.00	11,500	-10,790
General	Comm Devel	Prof Services	01,460,31,000.00	01,402,21,014.00	8,000	-2,790
General	Comm Devel	Prof Services	01,460,31,000.00	01,402,23,000.00	3,000	210
General	Comm Devel	Rep/Maint Services	01,460,37,072.00	01,458,28,016.00	305	1
General	Comm Devel	Equip Lease	01,460,74,029.00	01,458,18,027.00	734	0
General	Transfer To	Pension	01,492,40,000.00	01,489,11,135.00	212,000	512
Sewer	Sanitation	Non-Eligible related Paving	24,431,02,341.01	24,429,31,4174.00	23,598	0

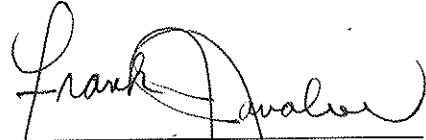
ADOPTED:

October 9, 2019

By the following vote:

Yeas: Rev. King, Mrs. Mock, Mrs. Stanton, Mr. Vitovich, Mr. Williams, Mr. Britt,
Mayor Janakovic. (7)

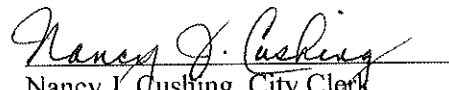
Nays: None (0)



Frank J. Janakovic, Mayor
Marie Mock, Deputy Mayor

ATTEST:

I do hereby certify that the foregoing is a true and correct copy of Resolution No. 10219 as the same adopted by the City Council of the City of Johnstown, Pennsylvania.



Nancy J. Cushing, City Clerk