

(For introduction June 19, 2014 and passage at the next regular meeting of the Board pursuant to the requirements of Article XVII of the Regulations of the Board of Trustees)

CLEVELAND PUBLIC LIBRARY

Finance Committee

June 17, 2014

RESOLUTION TO AMEND THE REGULATIONS OF THE BOARD OF LIBRARY TRUSTEES REGARDING POLICY ON ELECTRONIC FUND TRANSFERS

WHEREAS, The Board of Library Trustees of the Cleveland Public Library adopted Regulations governing the procedures of the Board of Trustees, which were revised on November 19, 1947, September 19, 1962, October 26, 1966, February 19, 1970, December 16, 1971, January 20, 1972, September 21, 1972, November 15, 1973, December 19, 1974, December 18, 1980 and March 13, 2012; and

WHEREAS, Article XI of the Regulations states that "no disbursement of money shall be made unless an appropriation therefor has been previously authorized by resolution of this Board, and none shall be made except upon a voucher approved by the President and by the Clerk-Treasurer". This is consistent with Ohio Revised Code Section 3375.35 which states that "no moneys credited to a free public library shall be paid out except on a check signed by the fiscal officer of the board having jurisdiction over said moneys and the president, vice-president, or secretary of said board"; and

WHEREAS Ohio Revised Code Section 9.37, on the other hand, authorizes the direct deposit of funds by electronic transfer for payments that public officials are required by law to make by issuing a check or warrant. Based upon this statute and an opinion issued by the Ohio Attorney General, the Library's Chief Legal Officer has concluded that the Cleveland Public Library is legally authorized to pay its vendors by electronic fund transfer, provided that the payee provides written authorization, and that an order authorizing the electronic fund transfer is signed by the Fiscal Officer and Board President; and

WHEREAS, The Board of Trustees desires to amend its Regulations in order to authorize payments through electronic fund transfers in accordance with the requirements of ORC §9.37; now therefore be it

RESOLVED, That the Cleveland Public Library Board of Trustees hereby amends Article XII of the Regulations by replacing it with the following:

No disbursement of money shall be made unless an appropriation therefore has been previously authorized by resolution of this Board. Disbursements shall be made upon a check signed by the Board President and the Fiscal Officer, or by direct deposit of funds by electronic transfer if the payee provides a written authorization designating a financial institution and an account number to which the payments are to be credited, and provided the Board President and the Fiscal Officer sign the order authorizing the electronic fund transfer; be it further

RESOLVED, That this Resolution be placed on the Board agenda at the next regular meeting of the Board at which time the Board of Trustees may vote on its passage, as required by Article XVII of Regulations, which stated that no amendment of these regulations shall be finally acted upon until the next regular meeting after the same shall have been proposed.