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MEMORANDUM

#08-3

SUBJECT: Proposed New Ordinance – Gaming Local Share Account
TO: Members of Council
FROM: Joseph F. Leeson, Jr., Esq.
Member, City Council
DATE: June 4, 2008

Attached is a proposed Ordinance to escrow all gaming revenues received by the City, and to require prior City Council approval for any expenditure of funds from the account.



JOSEPH F. LEESON, JR.

JFL, JR/dja

Attachment

cc: Honorable John B. Callahan
Dennis W. Reichard

C. Spadoni

CITY OF BETHLEHEM
10 East Church Street
Bethlehem, Pennsylvania 18018

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ORDINANCE NO. 2008-____
(Duly Enacted on _____, 2008)

AN ORDINANCE OF THE CITY OF BETHLEHEM CONCERNING
RESTRICTIONS ON FUND TRANSFERS; CITY COUNCIL APPROVAL REQUIRED

Under the authority of the statutes of the Commonwealth of Pennsylvania and the Ordinances of the City of Bethlehem, City Council of the City of Bethlehem hereby enacts and ordains as follows:

1. Current City of Bethlehem Ordinance Article 121.08 which states:

121.08 RESTRICTIONS ON FUND TRANSFERS; CITY COUNCIL
 APPROVAL REQUIRED

(a) No transfers of unappropriated funds, shall be made from the Water Fund Operating Budget to the General Fund Operating Budget without the prior notice and approval of City Council.

(b) No transfers of unappropriated funds, shall be made from the Sewer Fund Operating Budget to the General Fund Operating Budget without the prior notice and approval of City Council. (Ord. 4143. Passed 9/3/02.)

(c) No transfers of funds from the Treasurer's Escrow Account shall be made to the General Fund Operating Budget or to the Water Fund Operating Budget or to the Sewer Fund Operating Budget without prior notice to and approval of City Council. (Ord. 4425. Passed 5/1/07.)

is amended to read as follows in Section 2.

2. City of Bethlehem Ordinance Article 121.08 is amended to read as follows (underlined material is new):

121.08 RESTRICTIONS ON FUND TRANSFERS; CITY COUNCIL
APPROVAL REQUIRED

(a) Water Fund. No transfers of unappropriated funds, shall be made from the Water Fund Operating Budget to the General Fund Operating Budget without the prior notice and approval of City Council.

(b) Sewer Fund. No transfers of unappropriated funds, shall be made from the Sewer Fund Operating Budget to the General Fund Operating Budget without the prior notice and approval of City Council (Ord. 4143. Passed 9/3/02).

(c) Treasurer's Escrow Account. No transfers of funds from the Treasurer's Escrow Account shall be made to the General Fund Operating Budget or to the Water Fund Operating Budget or to the Sewer Fund Operating Budget without prior notice to and approval of City Council (Ord. 4425. Passed 5/1/07).

(d) Gaming Local Share Account. Any and all monies received under and pursuant to the Pennsylvania Race Horse Development and Gaming Act (Act 2004-71) as amended, 4 Pa.C.S.A. §1401, et seq., shall be deposited in a separate account entitled the "Gaming Local Share Account". No transfers of unappropriated funds shall be made from the Gaming Local Share Account without prior notice to and approval of City Council.

3. Repealer. All ordinances and resolutions and parts of ordinances and resolutions inconsistent herewith be, and the same are hereby repealed.

4. Severability. The provisions of this Ordinance are severable and if any provisions hereof are declared illegal or invalid on constitutional or statutory grounds by any court of competent jurisdiction, then those provisions not specifically declared illegal or invalid shall remain in full force and effect.

4. Effective Date. The effective date of this ordinance shall be twenty (20) days after its final passage by City Council and approval by the Mayor pursuant to the requirements of the Optional Third Class City Charter Law, 53 P.S. §41608(b).

Sponsored by: _____
JOSEPH F. LEESON, JR.

PASSED finally in Council on the _____ day of _____, 2008.

ROBERT J. DONCHEZ
President of Council

ATTEST:

CYNTHIA H. BIEDENKOPF
City Clerk

This Ordinance approved this _____ day of _____, 2008.

JOHN B. CALLAHAN
Mayor