



Introduced: 06/21/2021
Revised:
Adopted:
Effective:

RESOLUTION NO. 2021-029

**A RESOLUTION APPROVING A ‘THEN & NOW’ CERTIFICATION BY
THE CITY FINANCE DIRECTOR, PURSUANT TO R.C. 5705.41(D)(2),
FOR THE PAYMENT OF OPERATING EXPENDITURES**

WHEREAS, with Resolution 2018-011, adopted on February 5, 2018, Council for the City of Pataskala authorized the City Administrator to enter into a contract with the Ohio Department of Transportation (ODOT) for the construction of roadway improvements as a part of the Mink Street Phase II project in the amount of six hundred eighty-eight thousand sixty-five dollars and sixty-eight cents (\$688,065.68); and

WHEREAS, funding for this contract was approved as a part of the 2018 budget; and

WHEREAS, the terms of the agreement with ODOT called for the city to be responsible to pay for any and all costs incurred by the project which would be in excess of the combined local contribution and federal funds amount; and

WHEREAS, the City issued a purchase order in 2019 to encumber approximately fifteen thousand dollars (\$15,000) in funds for potential cost overruns that the city wasn't aware of at that time; and

WHEREAS, the City recently received an invoice from ODOT seeking an additional twenty five thousand eight hundred two dollars and eight cents (\$25,802.08). These additional funds were to compensate ODOT for all costs incurred by the project that exceeded; and

WHEREAS, the balance due to ODOT represents a shortfall of ten thousand eight hundred thirty eight dollars and twenty seven cents (\$10,838.27) from the 2019 purchase order; and

WHEREAS, R.C. 5705.41(D)(1) provides, in part, that no subdivision or taxing unit shall “make any contract or give any order involving the expenditure of money unless there is attached thereto a certificate of the fiscal officer of the subdivision that the amount required to meet the obligation or, in the case of a continuing contract to be performed in whole or in part in an ensuing fiscal year, the amount required to meet the obligation in the fiscal year in which the contract is made, has been lawfully appropriated for such purpose and is in the treasury or in process of collection to the credit of an appropriate fund free from any previous encumbrances. This certificate need be signed only by the subdivision’s fiscal officer. Every such contract made without such a certificate shall be void, and no warrant shall be issued in payment of any amount due thereon. If no certificate is furnished as required, upon receipt by the taxing authority of the subdivision or taxing unit of a certificate of the fiscal officer stating that there was at the time of the making of such contract or order and at the time of the execution of such certificate a sufficient sum appropriated for the purpose of such contract and in the treasury or in process of collection to the credit of an

appropriate fund free from any previous encumbrances, such taxing authority may authorize the drawing of a warrant in payment of amounts due upon such contract, but such resolution or ordinance shall be passed within thirty days after the taxing authority receives such certificate; provided that, if the amount involved is less than one hundred dollars in the case of counties or three thousand dollars in the case of all other subdivisions or taxing units, the fiscal officer may authorize it to be paid without such affirmation of the taxing authority of the subdivision or taxing unit, if such expenditure is otherwise valid.”

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PATASKALA, COUNTY OF LICKING, STATE OF OHIO, A MAJORITY OF THE MEMBERS PRESENT CONCURRING THAT:

Section 1: Pursuant to R.C. 5705.41(D)(1), Council for the City of Pataskala hereby approves the fiscal officer’s certificate, issued by the City Finance Director, to pay expenses associated with the construction of improvements related to the Mink Street Phase II project, a copy of which is attached as Exhibit A and incorporated herein by reference.

Section 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of the Council, and that all deliberations of this Council and any decision making bodies of the City of Pataskala which resulted in such formal actions were in meetings open to the public and in compliance with all legal requirements of the City of Pataskala, Licking County, Ohio.

Section 3: This Resolution shall take effect at the earliest time allowed by the Charter of the City of Pataskala.

ATTEST:

Kathy M. Hoskinson, Clerk

Michael W. Compton, Mayor

APPROVED AS TO FORM:

Brian M. Zets, Law Director

