



CITY OF PATASKALA

RESOLUTION 2016-020

Passed February 16, 2016

A RESOLUTION TO APPROVE A 'THEN & NOW' CERTIFICATION BY THE CITY FINANCE DIRECTOR PURSUANT TO ORC §5705.41 (D)(2) FOR THE PAYMENT OF OPERATING EXPENDITURES.

WHEREAS, approximately sixty thousand dollars (\$60,000) of expenses was incurred in December 2015 related to legal counsel from Frost Brown Todd, LLC for representation in the Southwest Licking Water and Sewer District arbitration case; and

WHEREAS, Ohio Revised Code (ORC) §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 ELECTED THERETO CONCURRING THAT:

Section 1: Pursuant to ORC §5705.41 (D)(1), City Council hereby approves the fiscal officer's certificate, issued by the City Finance Director for the payment of expenses related to the Southwest Licking Community Water & Sewer District arbitration process, a copy of which is attached as **Exhibit A** and incorporated into this Resolution as if fully rewritten herein.

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 provided by the laws of the State of Ohio and the Charter of the City of Pataskala.

Attest:


Kathy M. Hoskinson, Clerk of Council


Michael W. Compton, Mayor

Approved as to Form:


Brian M. Zets, Law Director

THEN & NOW CERTIFICATION

Vendor: Frost Brown Todd LLC
Date of Service: 10/2015 – 01/2016
Purchase Order Amount: \$60,000.00
Account Number: 601-202-53210 (\$30,000) and 651-851-53210 (\$30,000)

As the Director of Finance for the City of Pataskala, I hereby certify that both at the time the contract or order was made and at the time of certification, sufficient funds were available, or in the process of collection, which were properly appropriated and free from any previous encumbrance.

James M. Nicholson
Finance Director

Date

