



Introduced: 05/06/2019  
Revised: 06/03/2019  
Adopted:  
Effective:

**RESOLUTION NO. 2019-032**

**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 2017-049, adopted on December 4, 2017, City Council authorized the City Administrator to enter into a contract with Robertson Construction for the construction of a new Police station building (“the project”) in an amount not to exceed the sum of four million five hundred seventy-four thousand nine hundred ten dollars (\$4,574,910); and

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

**WHEREAS**, purchase order 2018-00405 was issued in 2018 for the project in the amount of four million three hundred eighty-two thousand fifty dollars and seventy-five cents (\$4,382,050.75) which reflected the contract amount plus approved change orders at that time; and

**WHEREAS**, as of December 31, 2018, the aforementioned purchase order had a balance payable to Robertson Construction of six hundred eighty-six thousand eight hundred thirteen dollars and seventy-six cents (\$686,813.76) which left the remaining final contract amount of eighty-seven thousand seven hundred seventy-eight dollars and seventy-two cents (\$87,778.72) unappropriated and unencumbered at year-end 2018; and

**WHEREAS**, a supplemental appropriation has been requested in Ordinance 2019-4339 to cover the aforementioned outstanding contract liabilities; 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, pay expenses associated with the construction of the new Police station, 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:

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Kathy M. Hoskinson, Clerk

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Michael W. Compton, Mayor

APPROVED AS TO FORM:

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Brian M. Zets, Law Director

