



CITY OF PATASKALA

RESOLUTION 2023-030

Passed March 20, 2023

**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, the City of Pataskala retained the services of Prime Engineering to provide construction administration and inspection (“CA/CI”) services for the Tractor Supply development during calendar year 2021; and

WHEREAS, funding for the estimated cost of these services was provided by the developer and deposited into the city’s Builder’s Escrow (501) fund; and

WHEREAS, a purchase order (PO 2021-00764) was issued in calendar year 2021 to encumber the amount of the deposited funds; and

WHEREAS, Prime Engineering failed to send the city an invoice on a timely basis for CA/CI services related to the Tractor Supply development; and

WHEREAS, the City recently received an invoice from Prime Engineering in the amount of seven thousand ninety-five dollars (\$7,095.00) which is five thousand eight hundred seventy dollars (\$5,870.00) greater than the current balance on the 2021 purchase order; and

WHEREAS, the City estimates that the total amount of CA/CI work required for the project to be eleven thousand one hundred-fifty dollars (\$11,150.00) which includes the invoiced amount; and

WHEREAS, the City has requested and received the additional funding amount of eleven thousand one hundred thirty-eight dollars and ninety-four cents (\$11,138.94) from the developer and deposited those funds into the Builder’s Escrow (501) fund; 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 construction administration and inspection of the Tractor Supply development, 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

