



Introduced: 5/15/23

RESOLUTION NO. 2023-046

**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 undertook the South Main Street Improvements project to make infrastructure and aesthetic improvements along SR 310 from Mill Street to the railroad tracks; and

WHEREAS, as part of the project, Council for the City of Pataskala approved Resolution 2015-066 to enter into an Agreement with American Electric Power (AEP) to remove power poles and install underground electric as part of the improvement; and

WHEREAS, the City did not encumber the funds at the time of the authorization; and

WHEREAS, Council recently approved Supplemental Ordinance 2023-4445 to appropriate the funds; and

WHEREAS, the City recently received an invoice from AEP requesting that the city remit payment on the outstanding balance related to the burial of electric lines along Main Street; 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 burial of electric lines along Main Street in the Old Town Center, 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

