

Sponsor Spangler

ORDINANCE NO. 2023-66

Authorizing payment of invoices with Then and Now certificate and declaring an emergency.

WHEREAS, the City Auditor has pending invoices each exceeding \$3,000 for services that were ordered and rendered prior to obtaining the certification of the City Auditor that funds were available.

WHEREAS, Section 5705.41(D) states "No orders or contracts involving the expenditure of money are to be made unless there is a certificate of the City Auditor that the amount required for the order or contract has been lawfully appropriated and is in the treasury or in the process of collection to the credit of an appropriate fund free from any previous encumbrances. State of Ohio policy is expenditures exceeding \$3,000 require a purchase order encumbering (putting aside) the necessary funds; and

WHEREAS, the statute provides the following exceptions to this requirement:

Then and Now Certificate: This exception provides that, if the City Auditor can certify that both at the time while the contract or order was made and at the time that he/she is completing the certification, sufficient funds were available or in the process of collection, to the credit of a proper fund, properly appropriated and free from any previous encumbrance, the taxing authority can authorize the drawing of a warrant.

The taxing authority has 30 days from the receipt of such certificate payment by *resolution or ordinance*. If approval is not made within 30 days, there is no legal liability on the part of the subdivision or taxing district.

Amounts of less than \$3,000, may be paid by the City Auditor without such affirmation of the taxing authority upon completion of the "then and now" certificate, provided that the expenditure is otherwise lawful. This does not eliminate any otherwise requirement lawful. This does not eliminate any otherwise applicable requirement for approval of expenditures by the taxing authority {Section 5705.41(D)}.

WHEREAS, the City Auditor states that there was sufficient unencumbered cash available in the City's funds for payment of these invoices listed below: service was requested and at the time the balances were certified. Those expenditures are as follows:

08/25/2023	Tribute Contracting New York and Broadway Storm & Sanitary	Sewer	\$1,148,325.76
09/27/2023	DLZ New York and Broadway Storm & Sanitary	Sewer	\$18,178.14
10/19/2023	AK Materials Limestone	Sewer	\$5,413.22

NOW, THEREFORE, THE CITY OF WELLSTON COUNCIL RESOLVES THAT:

Section 1. The City Auditor is hereby to draw warrants on the City Treasury for payment to the above named vendors respectively upon receiving proper "then and now" certificates and vouchers therefore.

Section 2. This ordinance is hereby declared to be an emergency measure for the reasons set forth in the preamble above and shall take effect at the earliest date permitted by law.

Passed and Adopted by the legislative authority of the City of Wellston this 2nd day of November, 2023.



Council President

ATTEST:



Clerk of Council



Approved this 2nd day of November, 2023



Mayor

Published in accordance with the law on _____ and _____ and posted 11/14/23 through 12/14/23 at The Store, Wellston City Hall, Wellston Senior Citizen's Center, the Wellston Public Library, and the Wellston Post Office.



Clerk of Council

