

RESOLUTION NO. 44 -2015

Offered by All of Council

**A RESOLUTION TO AUTHORIZE A WARRANT FOR A PAYMENT BASED ON A THEN AND NOW CERTIFICATE FOR A PURCHASE, AND DECLARING AN EMERGENCY**

**WHEREAS**, Ohio Revised Code Section 5705.41 (d) provides a process for a Village Council, as a political subdivision of the state and a taxing unit, to authorize Then and Now Certificates to cover financial commitments made to vendors or other parties by the Village prior to a Fiscal Officer Certification, through formal purchase order or otherwise; and

**WHEREAS**, this Council has received from the village Finance Director within the prior thirty (30) days a certification, with respect to the item listed in Section 1 of this Resolution, 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; and

**WHEREAS**, Council now desires to authorize the drawing of a warrant in payment of the amounts due upon such contract or order.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the village of Richfield, State of Ohio:

Section 1. That the drawing of warrants in payment of the following amounts due is hereby authorized:

<u>Vendor</u>	<u>Description</u>	<u>Amount</u>	<u>Fund Account Number</u>
Southeastern Equipment Co. Inc.	Rehab the Grade-All	\$5,125.14	B01-06B-243.01

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety and welfare, and for the further reason for the need to authorize the above payments; wherefore, provided this receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect immediately upon its passage and execution by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

6/29/2015 4:15 p.m.

Resolution 44-2015

Passed: 7-7-15

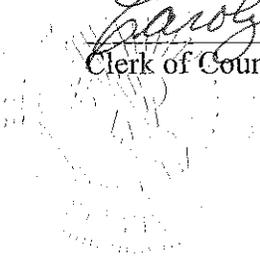
\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
Mayor

Date: 7-7-15



TO: Village Council  
 Mayor Bobbie Beshara

CC: Carolyn Sullivan  
 Bill Hanna, Melanie Baker

FROM: Sandy Turk, Finance Director

RE: Resolution No. 44-2015 to authorize payment based on "Then and Now Certificates"

Date: June 29, 2015

ACTION BEING REQUESTED	TYPE OF REQUEST
Authorization Resolution	Then and Now Certificates

The Finance Department requests that the attached Resolution No. 44-2015 authorizing a warrant for payment based on then and now certificates for a purchase and declaring an emergency be adopted. If possible, I respectfully ask that the second and third readings be suspended and approval of the resolution be granted at the July 7<sup>th</sup> meeting since this certification is for a bill for services that have been rendered.

There is one vendor payment for Southeastern Equipment Co. Inc. for the rehab of the Service Department's Grade-All heavy equipment. The purchase order was initially put in and approved for \$3,500 but the actual repairs amounted to \$8,625.14. Hence, the request for the \$5,125.14 then and now certificate.

ORC 5705.41 (D) states that no taxing unit shall make any contract or give any order involving the expenditure of money unless there is attached a certificate of the fiscal officer stating the amount required to meet the obligation has been lawfully appropriated. The certification must be obtained prior to entering into a contract or order involving the expenditure of funds. The items listed in the resolution were ordered or purchased prior to the certification taking place. If this occurs, instead of utilizing a standard certification through a purchase order, a "then and now certificate" must be utilized. This is a certification that states both at the time the contract or order was made ("then") and at the time the fiscal officer is completing the certification ("now") sufficient funds were available or in the process of collection, to the credit of a proper fund.

Amounts of less than \$3,000 may be paid by the fiscal officer without a resolution upon completion of the "then and now" certificate, provided the expenditure is otherwise lawful. If the amounts are \$3,000 or more a resolution must be obtained.

Attachment

H:/-sturk/Resolution/Briefing Memos/then and now cert Briefingmemo6-29-15.doc