

RESOLUTION NO. 18-2015

Offered by All of Council

A RESOLUTION TO AUTHORIZE WARRANTS FOR PAYMENT BASED ON THEN AND NOW CERTIFICATES FOR PURCHASES, 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 items 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 a warrant in payment of the following amounts due is hereby authorized:

<u>Vendor</u>	<u>Description</u>	<u>Amount</u>	<u>Fund Account Number</u>
Summit Cnty Fiscal Officer	Refund overpayment of motor vehicle tax ACH deposit made by County	\$6,995.74	B01-B00-124.00
Windstream	Phone service for January 2015	\$5,001.78	various 232.01
Walter Haverfield	Legal services for December 2014	\$6,187.14	various 234.01

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

3/11/2015 11:00 p.m.

Resolution 18-2015

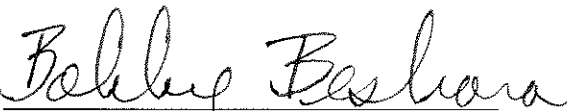
immediate preservation of the public health, safety and welfare, and for the further reason for the need to authorize the above payments; wherefore, provided this receives the affirmative vote of two-thirds of the members of Council elected or appointed, it shall take effect immediately upon its passage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

Passed: 3-17-15


President of Council

ATTEST:


Clerk of Council


Mayor

Date: 3/17/15

**TO: Village Council
Mayor Bobbie Beshara**

**CC: Carolyn Sullivan
Bill Hanna**

FROM: Sandy Turk, Finance Director

RE: Resolution No. 18-2015 to authorize payments based on "Then and Now Certificates"

Date: March 11, 2015

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

The Finance Department requests that the attached Resolution No. 18-2015 authorizing warrants for payment based on then and now certificates for purchases and declaring an emergency. If possible, I respectfully ask that the second and third readings be suspended and approval of the resolution be granted at the March 17th meeting since these certifications are for bills that have been or will be paid in March.

There are three vendor payments: Summit County notified the Village that we would receive an ACH direct deposit of \$4,414.27 on February 27, for the motor vehicle tax revenue. The County accidentally deposited \$11,410.01 and hence requested a refund of \$6,995.74; Windstream for January's phone service of \$5,001.78; and Walter Haverfield for \$6,187.14 for December 2014 legal services.

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 Briefingmemo3-11-15.doc