



**City of Powell, Ohio**

**RESOLUTION 2007-10**

Adopted July 10, 2007

**A RESOLUTION TO ESTABLISH RETAINAGE PROVISIONS FOR MUNICIPAL CONTRACTS OF THE CITY OF POWELL.**

**WHEREAS,** consistent with applicable provisions of City contract documents regarding pay estimates, contractors are required to provide a full, accurate, and detailed estimate of each kind of labor and material and the amount due in the aggregate, which estimate shall be based upon actual measurement of such labor and materials, and shall give the amounts of the preceding estimate, and the amount of labor performed and materials furnished since the last estimate; and

**WHEREAS,** the City in turn provides the contractor with the percentage of all funds to be retained on said contract and the necessary intervals of completion to request withdrawals from said retainage, and the City thereupon maintains said retainage for each contract by a purchase order where no interest is paid; and

**WHEREAS,** as the bulk of such public improvement contracts are of short-term duration, Council is desirous of exercising its Charter authority to supersede state law such that no escrow account will need to be established pursuant to Sections 153.13, 153.14 and 153.63 of the Ohio Revised Code nor shall any interest be paid on any retainage;

**NOW THEREFORE BE IT RESOLVED BY THE CITY OF POWELL, DELAWARE COUNTY, OHIO AS FOLLOWS:**

**Section 1:** That Council hereby finds and declares that, as a "home rule" Charter City, Powell shall not be obligated to follow statutory procedures regarding retainage, including but not limited to Ohio Revised Code Sections 153.12 - 153.14 and 153.63 and any other applicable sections with O.R.C. Chapter 153.

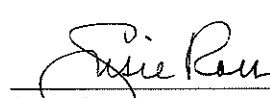
**Section 2:** That the retainage provisions of contracts for public improvements and any other applicable municipal contract shall not require that retain funds and/or any other funds be placed in an escrow account pursuant to Section 153.63 of the Ohio revised Code, nor shall such contracts require interest to be paid on retained funds.

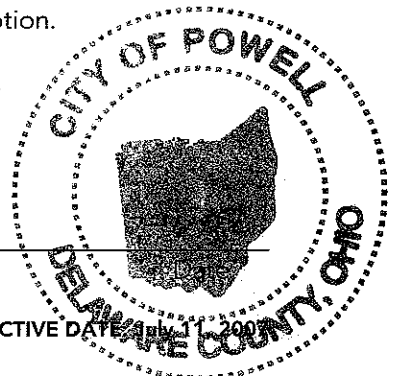
**Section 3:** That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of the Council and that all deliberations of the Council and any of the decision making bodies of the City of Powell which resulted in such formal actions were in meetings so open to the public in compliance with all legal requirements of the City of Powell, Delaware County, Ohio.

**Section 4:** This Resolution shall take effect immediately upon its adoption.

**By unanimous consent, Resolution 2007-10 was adopted.**

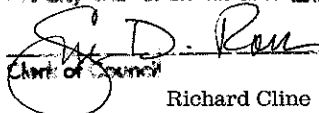
  
Don Grubbs  
Date 7-16-07

  
Susie Ross  
City Clerk



EFFECTIVE DATE July 11, 2007

Mayor is posted in accordance with the City Charter on this date 7-17-07

  
Richard Cline  
Clerk of Council

Tom Counts

Elmer Meider

**City Council**

Don Grubbs, Mayor

Bill Morton

Art Schultz

Dan Wiencek