



City of Powell, Ohio

ORDINANCE 2019-14

Adopted March 19, 2019

AN ORDINANCE AUTHORIZING THE FINANCE DIRECTOR TO MAKE PAYMENT ON AN INVOICE FROM FROST BROWN TODD, LLC FOR LEGAL SERVICES, AND DECLARING AN EMERGENCY.

WHEREAS, Council hereby determines that it is necessary to modify appropriations for the calendar year 2019 in accordance with the information attached hereto as Exhibit "A" and incorporated herein by reference;

WHEREAS, Frost Brown Todd, LLC provided legal services to the City of Powell during 2019; and,

WHEREAS, after these services were rendered, the City received an invoice for an additional \$10,576.82 for which a purchase order, with a prior certification of availability of funds by the City Finance Director, had not been obtained; and

WHEREAS, Section 5705.41 (D)(1) of the Ohio Revised Code provides that in certain circumstances a subdivision may authorize payment on a contract executed without prior certification by the subdivision's Finance Director; and

WHEREAS, the City Council now has before it a certificate from the Finance Director certifying there was at the time that the invoices were due and at the time of the execution of such certificate a sufficient sum appropriated for the purpose of such invoice and in the treasury or in process of collection to the credit of an appropriate fund free from any encumbrances (a "then and now certificate"); and

WHEREAS, less than thirty days have passed since City Council's receipt of the certificate from the Finance Director; and

WHEREAS, the City Council desires to satisfy the obligation of that invoice;

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

Section 1: That Council hereby modifies its appropriations for the calendar year 2019 by increasing certain accounts due to adjustments that need to be made to the funds. Council hereby determines to make the following adjustments:

<u>Appropriate:</u>	
General Fund, Legal, Operating Expenditures	\$10,576.82

Section 2: That City Council hereby acknowledges receipt of a "then and now certificate" from the Finance Director, and authorizes and directs the Finance Director to draw a warrant in the amount of \$10,576.82 payable to Frost Brown Todd, LLC.

Section 3: That this ordinance is hereby declared to be an emergency measure, necessary for the preservation of the public health, safety and welfare, such emergency arising from the need to comply with statutory timelines concerning "then and now certificates"; wherefore, this ordinance shall take effect and be in force from and after its passage.

Section 4: It is hereby found and determined that all formal actions of this Council concerning and relating to passage of this Ordinance were adopted in an open meeting of the Council and that all deliberations

of this Council and any of its committees 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 5: That this Ordinance shall take effect on the earliest possible date permitted by law.

VOTE ON SUSPENSION OF RULES: Y 7 N 0

VOTE ON ORDINANCE 2019-14: Y 7 N 0

Jon C. Bennehoof 4/2/2019 Karen J. Mitchell 4/3/2019
Jon C. Bennehoof Date Karen J. Mitchell Date
Mayor City Clerk

EFFECTIVE DATE: March 19, 2019

This legislation has been posted in accordance with the City Charter on this date 4/3/2019.
Karen J. Mitchell City Clerk

