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Vice President of Council

VICTORIA ANN SAVAGE, CMC
Clerk of Council

City of Willoughby Hills

Council
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RESOLUTION NO. 2013 – 1

A RESOLUTION TO APPROVE A THEN AND NOW CERTIFICATE AND TO AUTHORIZE THE FINANCE DIRECTOR TO DRAW A WARRANT FOR THE ORDERS OR CONTRACTS ASSOCIATED WITH SUCH CERTIFICATE AND DECLARING AN EMERGENCY.

WHEREAS, the requirements of ORC Section 5705.41(D) state that no orders or contracts involving the expenditure of money are to be made unless there is a certificate of the fiscal officer 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; and

WHEREAS, ORC Section 5705.41(D) provides an exception that, if the fiscal officer can certify that both at the time that the contract or order was made and at the time that he is completing his 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 certificates to approve payment by resolution or ordinance; and

WHEREAS, in the Finance Director's Interoffice Memo to the Members of Council, dated January 17, 2013, attached hereto as Exhibit "A", consisting of one (1) page, and incorporated herein by reference, the Finance Director has made a request for Council to authorize a "Then and Now" certificate for Purchase Order BL110659 – Melzer's Fuel Service in the amount of \$9,930.17; and

WHEREAS, as stated in the Finance Director's Interoffice Memo, marked as Exhibit "A", the ordering and the purchase of the goods and services preceded the issuance of a purchase order and the cost of the items and services purchased are \$3,000 or higher; and

WHEREAS, the purchase has been made and the goods and services are critical to the day-to-day operation of the City, the Finance Director is requesting that City Council approve the "Then and Now" certificate so that the Finance Department can proceed with issuing the Purchase Order and process payment to the said vendor.

NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:

SECTION 1. The Then and Now Certificate submitted to City Council for Purchase Order No. BL110659, vendor Melzer's Fuel Service in the amount of \$9,930.17, in accordance with Exhibit "B", consisting of two pages, attached hereto and incorporated herein by reference shall be approved and that the Finance Director is hereby authorized to draw a warrant for the orders or contracts associated with such certificate.

SECTION 2. The actions of this Council concerning and relating to the passage of legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

SECTION 3. This Resolution constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, safety and welfare of the inhabitants of the City of Willoughby Hills, insofar as it provides for the usual daily operation of the Finance Department; to wit: to immediately expedite payment of Purchase Order BL110659, for vendor Melzer's Fuel Service in the amount of \$9,930.17 for the purchase has been made and the goods and services are critical to the day-to-day operation of the City; wherefore this Resolution shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: January 24, 2013

Submitted to the Mayor for his approval
on this 24 day of January, 2013

ATTEST:
Victoria Ann Savage
Victoria Ann Savage, CMC
Clerk of Council

David A. Reichelt
David A. Reichelt
President of Council

Approved by the Mayor
January 24, 2013

Robert M. Weger
Robert M. Weger
Mayor