

VILLAGE COUNCIL OF WAKEMAN, OHIO  
RESOLUTION NO.: 2023-R-10

THEN & NOW  
RC 5705.41(D)(1)

A RESOLUTION AUTHORIZING THE DRAWING OF A WARRANT IN PAYMENT OF AN AMOUNT DUE IN EXCESS OF THREE THOUSAND DOLLARS AND APPROVING A "THEN & NOW" CERTIFICATION BY THE FISCAL OFFICER PURSUANT TO SECTION §5705.41(D)(1) OF THE OHIO REVISED CODE

WHEREAS, the Fiscal Officer has received an invoice and/or receipt before the funds were encumbered and/or prior to the issuance date of an approved purchase order; and

WHEREAS, Section 5705.41(D)(1) of the Ohio Revised Code provides, in part, that no subdivision or taxing unit shall:

*"...make any contract or give any order involving the expenditure of money unless there is attached thereto a certificate of the fiscal officer of the subdivision that the amount required to meet the obligation or, in the case of a continuing contract to be performed in whole or in part in an ensuing fiscal year, the amount required to meet the obligation in the fiscal year in which the contract is made, has been lawfully appropriated for such purpose and is in the treasury or in process of collection to the credit of an appropriate fund free from any previous encumbrances. This certificate need be signed only by the subdivision's fiscal officer. Every such contract made without such a certificate shall be void, and no warrant shall be issued in payment of any amount due thereon. If no certificate is furnished as required, upon receipt by the taxing authority of the subdivision or taxing unit of a certificate of the fiscal officer stating 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, such taxing authority may authorize the drawing of a warrant in payment of amounts due upon such contract, but such resolution or ordinance shall be passed within thirty days after the taxing authority receives such certificate; provided that, if the amount involved is less than one hundred dollars in the case of counties or three thousand dollars in the case of all other subdivisions or taxing units, the fiscal officer may authorize it to be paid without such affirmation of the taxing authority of the subdivision or taxing unit, if such expenditure is otherwise valid."*

WHEREAS, the amount involved exceeds three thousand dollars (\$3,000.00) requiring authorization from the taxing authority by resolution or ordinance; and

WHEREAS, the Fiscal Officer has certified that there were appropriations available and resources in the treasury or in the process of collection at the time of the contract was made (THEN) and there are still sufficient appropriations and resources in the treasury or in the process of collection at the time the certificate is being issued (NOW).

[See Ohio Village Officer's Handbook, Ohio Auditor of State, March 2019, Chapter Five: Uniform System of Accounting, Section VII(3) Purchase Orders, Then and Now, Page 5-50]

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE VILLAGE OF WAKEMAN, STATE OF OHIO: (RC 731.18)

SECTION 1. That Village Council (Taxing Authority) hereby authorizes the drawing of

a warrant in payment (Then & Now) of amounts due upon the following:

***Purchase Order No.: to Kleinfelder in the amount of \$11,160.00***

***Purchase Order No.: to Kleinfelder in the amount of \$5,319.38***

SECTION 2. DISPENSE WITH THREE READINGS. R.C. 731.17(A)(2) That the legislative authority, upon a vote of at least three-fourths of its members, hereby dispenses with the rule requiring each ordinance or resolution shall be read on three different days.

SECTION 3: IMMEDIATE EFFECT. [RC 731.30] That measures providing for the appropriations for the current expenses of the municipal corporation shall go into immediate effect.

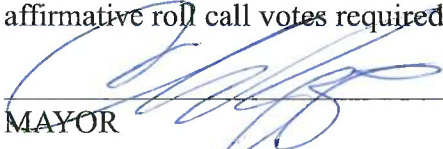
SECTION 4. PUBLIC MEETING. It is found and determined that all formal action of this public body concerning or relating to the passage of this Resolution/Ordinance were adopted in a public meeting open to the public at all times, and that all deliberations of the public body and any of its committees that resulted in such formal action, were in public meetings open to the public, in compliance with all legal requirements including all lawful ordinances and any applicable provisions of section 121.22 of the Ohio Revised Code.

PASSED AND ADOPTED on this 13 day of March, 2023.

ATTESTATION

(RC 731.20)

We hereby attest and affirm that the foregoing Ordinance/Resolution received the necessary affirmative roll call votes required for passage by R.C. 731.17.

  
MAYOR

  
FISCAL OFFICER

Vote on the passage was taken by yeas and nays and entered upon the journal as follows R.C. 731.17(A)(3):

YEAS: 5 NAYS: 0 ABSTAIN: 0

First Reading: March 14, 2023  
Second Reading: dispensed (may be dispensed by a vote of at least three-fourths of members. R.C. 731.17(A)(2))  
Third Reading: dispensed (may be dispensed by a vote of at least three-fourths of members. R.C. 731.17(A)(2))

APPROVED AS TO FORM [See also RC 731.21(B)]:

  
VILLAGE SOLICITOR, Steve Palmer

CERTIFICATE OF POSTING  
(RC 731.25)

I hereby certify that pursuant to R.C. 731.25, a succinct summary of the above legislation was posted in not less than five of the most public places in the municipal corporation as determined by the legislative authority [see Wakeman Code 123.01] for a period of not less than fifteen days prior to the effective date at the following locations:

- 1) Wakeman Public Library, 18 East Abbott Street; and
- 2) Electronically online at official Village website; and
- 3) Wakeman Post Office, 17 West Main Street; and
- 4) Village of Wakeman Municipal Building, 59 Hyde Street; and
- 5) Mickey Mart, 42 West Main Street.

*M. A. Baker*

FISCAL OFFICER