



ORDINANCE 2020-33
Adopted December 15, 2020

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

WHEREAS, Council hereby determines that it was necessary to modify appropriations for the calendar year 2020 and was approved on October 7, 2020 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 2020 and;

WHEREAS, after these services were rendered, the City received additional invoices for an additional \$45,265.93 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 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 \$45,265.93 payable to Frost Brown Todd, LLC.

Section 2: 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."

Section 3: That 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 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: That this Ordinance shall take effect immediately upon its adoption.

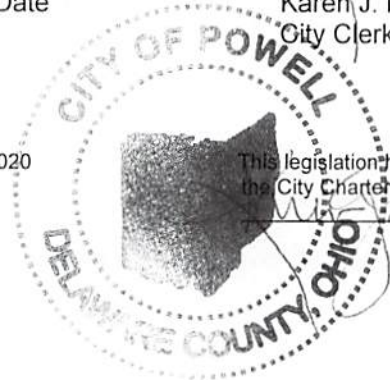
VOTE ON SUSPENSION OF RULES: Y 7 N 0

VOTE ON ORDINANCE 2020-33: Y 7 N 0

Frank Bertone 12/16/2020
Frank Bertone
Mayor

Karen J. Mitchell 12/17/2020
Karen J. Mitchell
City Clerk

EFFECTIVE DATE: December 15, 2020



This legislation has been posted in accordance with the City Charter on this date 12/17/2020
Karen J. Mitchell City Clerk