

RESOLUTION NO. 2025-4

A RESOLUTION TO APPROVE A THEN AND NOW CERTIFICATE AND TO AUTHORIZE THE FINANCE DIRECTOR TO DRAW A WARRANT FOR THE INVOICES ASSOCIATED WITH SUCH CERTIFICATE FOR PAYMENT OF FUEL EXPENSES, 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 she is completing her 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, the Finance Director forwarded an Interoffice Memo to Council, dated January 06, 2025, and incorporated herein by reference, that the Finance Department has made a request for Council to authorize a "Then and Now" certificate for **Melzer's Fuel Service dated 10/11/24 in the amount of \$20,502.31 and Melzer's Fuel Service dated 11/8/24 in the amount of \$20,562.39**; and

WHEREAS, as stated in the Finance Director's Interoffice Memo, the fuel expenses preceded the issuance of a purchase order and the cost of the services purchased are \$3,000 or higher; and

WHEREAS, the services have been provided and because the 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, THE COUNTY OF LAKE, AND THE STATE OF OHIO:

SECTION 1. The Then and Now Certificate submitted to City Council for **Melzer's Fuel Service dated 10/11/24 in the amount of \$20,502.31 and Melzer's Fuel Service dated 11/8/24 in the amount of \$20,562.39**, 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. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such actions were conducted in meetings open to the public in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby.

SECTION 3. That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the inhabitants of the community; and for the further reason to immediately expedite payment to Melzers' Fuel Service for the services already provided, which services are critical to day-to-day operations of the City; and provided that it receives the affirmative vote of two-thirds of the members elected to Council, it shall be in full force and take effect immediately upon its adoption by Council and approval by the Mayor; otherwise, it shall be in full force and take effect from and after the earliest period allowed by law.

Adopted: January 7, 2025 _____
John Tomaselli
Vice President of Council

Attest: Alisa Noud
Clerk of Council

Date: 01.08.25 Approved: [Signature]
Mayor

Submitted to the Mayor for his approval on this 8th day of January, 2025.

Alisa Noud
Clerk of Council