



Memorandum

To: Members of City Council

cc: Mayor David E. Weiss
Chief Administrative Officer Jeri E. Chaikin

From: Director of Finance John J. Potts

Date: November 28, 2022

Re: Then and Now Approval

Section 5705.41 (D) (1) requires in part that the fiscal officer certify that amounts required to meet obligations have been lawfully appropriated and are available for expenditure prior to the obligations being incurred. If this is not done the fiscal officer may make such certification, after the fact (commonly referred to as “Then and Now”), however if the amount of the obligation is \$3,000 or more City Council must approve payment within 30 days of such certification.

This item was presented and approved by the Finance Committee on November 21, 2022. City Council is requested that the Then and Now Certificate presented be authorized on first reading and as an emergency for the transaction(s) listed on Exhibit A and the payments be approved.

EXHIBIT A
Then and Now Certification Summary
March 1, 2022 - November 28, 2022

Dep't	PO #	Invoice Date	PO Date	Warrant	Amount	Vendor	Reason
Police	20222177	10/03/22	10/13/22	102822	\$4,670.00	CALEA	Recurring annual expense for Police Department. A good portion of PD's purchase orders are set up early in the year (in addition to Blanket P.O.'s) for recurring annual expenses however this one was inadvertently left off the list.
Finance	20222238	10/18/22	10/26/22	ACH	166,508.75	Huntington Nat'l Bank	During the bond offering process earlier this year, Finance did not set up a PO for the interest payment at the end of 2022. Full amortization (principal and interest) begins in 2023 but the 2022 interest payment was missed.

ORDINANCE NO.

BY:

Authorizing the execution of Then and Now Certificates by the Director of Finance and the payment of amounts due for various purchase orders, and declaring an emergency.

WHEREAS, pursuant to Ohio Revised Code Section 5705.41(D)(1), the City may not enter into any contract or give any order involving the expenditure of money unless there is attached thereto a certificate of the City's Director of Finance that the amount required to meet the obligation 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; and

WHEREAS, Ohio Revised Code Section 5705.41(D)(1) further provides that in such circumstances when no certificate is furnished as required and the expenditure is for \$3,000 or more, the City's Council, as the City's taxing authority, may authorize the drawing of a warrant in payment of amounts due upon such contract or order upon certification by the Director of Finance 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; and

WHEREAS, such certificate of the Director of Finance is known as a "Then and Now Certificate," meaning that the funds were available when the contract was made and when the amount due under the contract is paid; and

WHEREAS, the City is issuing Then and Now Certificates in connection with payments due and owing, as shown on Exhibit A attached hereto; and

WHEREAS, this Council's approval is necessary for the execution by the Director of Finance of Then and Now Certificates and to authorize the payment of amounts due under the contracts or orders, requiring the expenditure of \$3,000 or more, subject to the Council-approved Then and Now Certificates.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Shaker Heights, State of Ohio:

Section 1. The Council of the City of Shaker Heights, pursuant to Section 5705.41(D)(1) of the Ohio Revised Code, hereby approves the execution of Then and Now Certificates by the Director of Finance and authorizes payments due and owing, in accordance with the schedule attached hereto as Exhibit A and incorporated herein.

Section 2. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reason that it is necessary in the current operation of the City in order to meet the requirements of state law and, therefore, this ordinance shall take effect immediately upon its enactment and approval by the Mayor.

Enacted

Approved this ___ day of _____, 2022.

DAVID E. WEISS, Mayor

Attest:

JERI E. CHAIKIN
Clerk of Council

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