

**CITY OF HILLSBORO, OHIO  
RESOLUTION NO. 23-41**

**A RESOLUTION APPROVING A 'THEN AND NOW' CERTIFICATION BY THE CITY AUDITOR, PURSUANT TO R.C. 5705.41(D)(1), FOR THE PAYMENT OF PHASE III STORM SEWER PROJECT, AND DECLARING AN EMERGENCY**

**WHEREAS**, the legislative authority of the City of Hillsboro, Ohio, pursuant to Ohio Revised Code Section 5705.41(D)(1), finds that sufficient sums existed then, and do so now exist, for the payment of the expense in the amount of \$357,473.76 from fund 120.120.525400 as requested by the issuance of a "then and now" certificate from the City Auditor; and

**WHEREAS**, R.C. 5705.41(D)(1) 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"; and

**WHEREAS**, the legislative authority of the City of Hillsboro, Ohio, now desires to approve the "then and now" certificate.

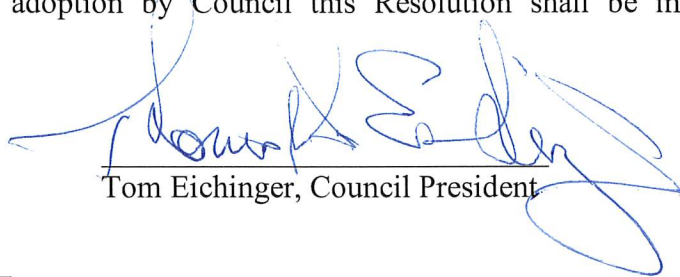
**NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF HILLSBORO, STATE OF OHIO, WITH 2/3 OF ALL COUNCIL MEMBERS CONCURRING THAT:**

**SECTION 1:** Pursuant to R.C. 5705.41(D)(1), Council for the City of Hillsboro hereby approves the "then and now" certificate, issued by the City Auditor, to pay Distel Construction for expenses associated Project #2018193.


**SECTION 2:** Council hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of the Council, and that all deliberations of the Council and its Committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

**SECTION 3:** This Resolution is hereby declared to be an emergency measure necessary for health, welfare, and safety of the citizens of the City of Hillsboro, and more particularly for the financial needs of the City and R.C. 5705.41(D)(1) requires that this Resolution be passed within thirty (30) days of its presentation to Council; wherefore, upon adoption by Council this Resolution shall be in effect immediately upon signature by the Mayor.


Passed this 12<sup>th</sup> day of October, 2023.

  
Tom Eichinger, Council President

Attest:   
Whitney Aliff, Clerk of Council

Approved:   
Justin Harsha, Mayor

Date: 10/12/2023

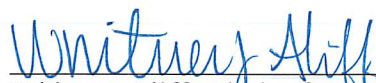
Approved:   
Dawson J. Barreras, Auditor

Date: 10/12/2023

Prepared by the City Auditor.

**CERTIFICATION**

The undersigned City of Hillsboro Clerk of Council certifies that the foregoing resolution is a true and accurate copy of the original kept by me as custodian of records. Certified this 12<sup>th</sup> day of October, 2023.

  
Whitney Aliff, Clerk of Council