

**CITY OF HILLSBORO, OHIO  
RESOLUTION NO. 22-28**

**A RESOLUTION APPROVING A 'THEN AND NOW' CERTIFICATION BY THE CITY AUDITOR, PURSUANT TO R.C. 5705.41(D)(1), FOR THE PAYMENT OF STORM SEWER CONSTRUCTION COSTS AND TO DECLARE 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 \$165,861.04 from fund 220.630.525500 as requested by the issuance of a "then and now" certificate from the City Auditor, as attached hereto as "Exhibit A"; 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:**

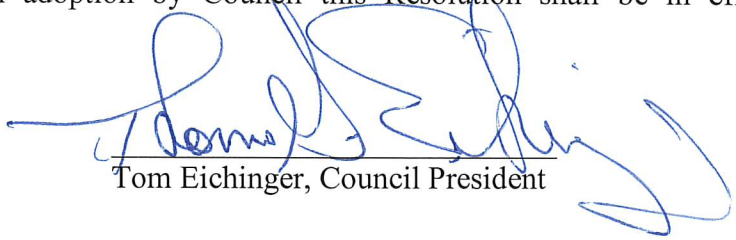
**SECTION 1:** Pursuant to R.C. 5705.41(D)(1), Council for the City of Hillsboro hereby approves the "then and now" certificate, issued by the City Auditor, to pay expenses associated with Storm Sewer Construction, a copy of which is attached as "Exhibit A" and incorporated herein by reference.

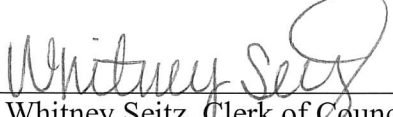
**SECTION 2:** Council hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in an open meeting of the Council, and that all deliberations of the Council and its Committees, if any, which resulted in formal action, were taken in meetings open to the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

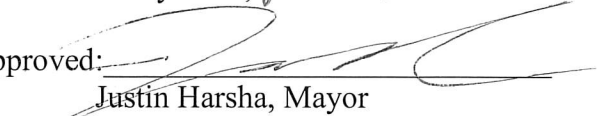
**SECTION 3:** This Resolution is hereby declared to be an emergency measure necessary for health, welfare, and safety of the citizens of the City of Hillsboro, and more particularly for the financial needs

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 14th day of July, 2022.

  
Tom Eichinger, Council President

Attest:   
Whitney Seitz, Clerk of Council

Approved:   
Justin Harsha, Mayor

Date: 7/15/22

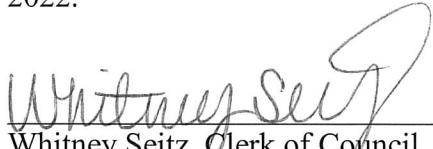
Approved:   
Alex J. Butler, Auditor

Date: July 25, 2022

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 14<sup>th</sup> day of July, 2022.

  
Whitney Seitz, Clerk of Council

**OHIO WATER DEVELOPMENT AUTHORITY  
CONTRACTOR'S ESTIMATE**

TO OWNER:  
**City of Hillsboro**  
130 N. High Street  
Hillsboro, Ohio 45133

APPLICATION NO: 1  
PERIOD TO: 6/30/2022  
OWDA LOAN NO: \_\_\_\_\_

FROM CONTRACTOR:  
**Distel Construction Inc.**  
2227 6th Street  
Portsmouth, Ohio 45662

FOR OWDA OFFICE USE ONLY	
Fund:	_____
Voucher:	_____
OWDA Pay:	_____
Date:	_____

PROJECT:  
**Storm Sewer Improvements Phase III**

1 ORIGINAL CONTRACT PRICE	\$4,383,606.50
2 Net change by CHANGE ORDER	\$0.00
3 CURRENT CONTRACT PRICE (Line 1 + 2)	\$4,383,606.50
4 TOTAL COMPLETED & STORED TO DATE	\$180,283.74
5 RETAINAGE	
a. 8 % of completed work	\$3,555.37
b. 8 % of stored work	\$10,867.33
Total Retainage (Line 5a + 5b)	\$14,422.70
6 TOTAL EARNED LESS RETAINAGE (Line 4 less Line 5 total)	\$165,861.04
7 LESS PREVIOUS PAYMENTS (Line 6 from prior certificate)	_____
8 CURRENT PAYMENT DUE	\$165,861.04

CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Approved Change Orders through Change Order No:		
NET CHANGES by Change Order		\$0.00

**CONTRACTOR'S CERTIFICATE**

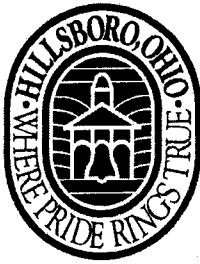
I hereby certify that the above materials and services have been furnished and performed in accordance with the conditions of the contract for the above work, and that payment has not been received and therefore is due and to be paid on said contract

CONTRACTOR: Distel Construction Inc.  
BY: Becky Stevens DATE: 6-24-2022

ENGINEER: DLZ Ohio, Inc. By: [Signature] Date: 6/26/22

OWNER: City of Hillsboro By: \_\_\_\_\_ Date: \_\_\_\_\_

OWDA: \_\_\_\_\_  
Chief Engineer Executive Director



# PURCHASE ORDER

BILL TO:

The City of Hillsboro, OH  
130 North High Street  
Hillsboro, OH 45133  
(937) 393-5791 \* FAX (937) 393-3691

PO Number **RG045417**

PO Date **07/07/2022**

Terms **NET 0**

DELIVER TO: **SERVICE ADMINISTRATION OFFICE**  
130 N HIGH ST

HILLSBORO, OH 45133

SUPPLIER: DLZ OHIO INC  
6121 HUNTLEY RD

COLUMBUS, OH 43229

ACCOUNT NUMBER	AMOUNT
220.630.525500	\$165,861.04

Federal ID 31-6001626  
Material on this order is exempted from the Ohio Sales Tax and Federal Excise Taxes.

QUANTITY	UNIT	DESCRIPTION	PRICE / UNIT	AMOUNT
		<p><b>THEN AND NOW PAY REQUEST 1 PRJT 2018193</b></p> <p>THEN AND NOW CERTIFICATION I hereby certify that the money required for the payment of the above obligation in the sum of \$ <u>165,861.04</u> at the time of making such contract or order, and at the time of the execution of such certificate was lawfully appropriated for such purpose and was in the treasury or in the process of collection to the credit of appropriate fund free from any previous encumbrances. Revised Code Section 5705.41</p> <p><i>Alex J. Buttle</i> _____ City Auditor    <u>7/7/2022</u> Date</p>		165,861.04
<b>TOTAL</b>				<b>\$165,861.04</b>

### Fiscal Officers Certificate

It is hereby certified that the amount required to meet the contract, agreement, obligation, payment or expenditure for the above, has been lawfully appropriated or authorized or directed for such purposes and is in the Treasury or in process of collection to the credit of the required fund, free from any obligation or certification now outstanding.

The above Purchase Order number must appear on all invoices, correspondence and packages.

07/07/2022

Date

*Alex J. Buttle*

City Auditor