

ORDINANCE NO. 06 A-2024

**AN ORDINANCE APPROPRIATING FUNDS AND
AUTHORIZING THE DRAWING OF A WARRANT FOR THE
PAYMENT OF AN INVOICE FOR WORK DONE ON BEHALF OF
THE VILLAGE OF BELLAIRE AS AMENDED ON THE FLOOR.**

Southpointe Industries, LLC was retained by the Village to perform emergency services described on the invoices attached as Exhibit A.

The services performed by Southpointe Industries, LLC were necessary and would otherwise constitute a valid expense for the Village. Due to the emergency nature of the work, a purchase order was not submitted prior to the work being completed. Southpointe Industries, LLC has retained an attorney in order to collect the unpaid debt.

The Village desires to settle this matter and pay Southpointe Industries, LLC the amount outstanding in order to resolve this claim and avoid any additional interest, attorney fees or other charges for which the Village may be liable.

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BELLAIRE, COUNTY OF BELMONT, STATE OF OHIO:

SECTION 1: That Southpointe Industries, LLC performed services for the Village, that the services were necessary and appropriate and that the outstanding bill for the services is \$37,875.03.

SECTION 2: That at the time of entering into the contract and currently, funds were and are available and unencumbered in the General Fund that can be appropriated to the Sewer fund in order to pay this invoice.

SECTION 3: That Council hereby appropriates \$37,875.03 from the General Fund to the Sewer Fund effective as of February 24, 2022.

SECTION 4: That Ohio Revised Code 5705.41(D)(1) provides that where contracts have not been previously certified for sufficient funds being available, Village Council may authorize the drawing of warrants to pay such contracts upon receipt of a certificate from 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 the process of collection to the credit of an appropriate fund free from any previous encumbrances.

SECTION 5: That Council for the Village of Bellaire, pursuant to Section 5705.41(D) of the Ohio Revised Code, hereby authorizes the execution of a Then and Now Certificate by the Village Fiscal Officer and authorizing payment due and owing of \$37,875.03 to Southpointe Industries, LLC.

SECTION 6: That the Fiscal Officer is relieved of any liability for the payment of the outstanding invoice, and should any finding for recovery be made, it shall be assessed against the current Mayor, as the Village officer who approved the work and the invoice.

SECTION 7: Council members voting in favor of the ordinance agree to equally indemnify the Fiscal Officer and any Council members voting against the ordinance should any finding for recovery be made against said individuals.

SECTION 8: By roll call vote, Council additionally approves paying the accrued interest on the unpaid invoices of \$2,370.83.

SECTION 9: That all other Ordinances or Resolutions, or portions thereof, which are in conflict with this Ordinance are hereby repealed.

SECTION 10: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including section 121.22 of the Ohio Revised Code.

SECTION 11: That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Adopted at a regular meeting of the Council of the Village of Bellaire held this 16 day of May, 2024 by the 4-2 yea votes of its eligible members.

[SIGNATURES ON THE FOLLOWING PAGE]

ATTESTED:

Marla Krupnik
Marla Krupnik, Fiscal Officer

Edward L. Marling
Edward L. Marling, Mayor

Date: _____

Date: 5-24-24

CERTIFICATE OF POSTING

I, Mary Hagdon, Clerk of Council, do hereby certify that the foregoing Resolution was published by posting the same in five (5) public places within the Village of Bellaire, Ohio as provided by Ordinance No 1229, for a period of not less than fifteen (15) days, said Ordinance having been first posted on 05/29/24.



EXHIBIT A