

ORDINANCE NO. 2008- 220

AN ORDINANCE APPROPRIATING FROM THE VARIOUS FUNDS OF THE CITY OF KENT TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES OF THE CITY FOR THE FISCAL YEAR ENDING DECEMBER 31, 2009.

WHEREAS, it is provided by law that an annual appropriation ordinance shall be passed by Council; and

WHEREAS, the Ohio Revised Code and the Charter of the City of Kent provide for such ordinance and the method of enacting the same.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kent, Portage County, Ohio, at least a majority (5) of all members elected thereto concurring:

SECTION 1. That to provide for the current expenses and other expenditures of the City of Kent for the fiscal year ending December 31, 2009, the appropriations set forth in Exhibit "A" attached hereto and incorporated herein, are hereby authorized.

SECTION 2. That this Council finds that the budget approved by Council and the appropriation of funds to implement the budget represent the judgment of Council concerning the personnel and other objects of expenditure needed to administer programs approved for the fiscal year, but that conditions may change during the fiscal year and may call for staff reduction or increases, depending upon the facts in each instance, and that, in recognition of this fact, the City Manager shall review requests for additional positions and for filling vacant positions within the limitations of the budget and, consistent with the payroll ordinance, after making a study of each request, the City Manager shall have the authority to approve, disallow, or postpone such requests for additional personnel.

SECTION 3. That every contract for goods and/or services for which funds are herein appropriated is hereby authorized and approved without need for further legislation and the departmental director, commissioner, or officer having supervision or management control over the line item account or accounts from which such funds shall be drawn is hereby authorized to sign such contracts with or without prior competitive biddings as such director, commissioner, or office shall decide, upon such terms or specifications as such director, commissioner, or officer shall desire, on behalf of the City of Kent, it being the intention of this Council that the authorizations hereby given satisfy fully the requirements of Ohio Revised Code Sections 731.14, 733.02, 735.05 and 737.03 and Article VII, Section 35 of the Charter of the City of Kent, Ohio and supersede completely the requirements of Revised Code Section 723.52 and 723.53 and constitute and exercise of the powers given to this Council by Section 3, Article XVIII of the Ohio Constitution, as determined by the Supreme Court of Ohio in the case of State ex rel, Cronin v. Wald, 26 OS (2nd) 22, 55 00 (2nd) 12,268 NE (2nd) 581 (1971), and exercised by virtue of Article I, Section 3 of the Charter of the City of Kent, Ohio; provided, however, that nothing contained herein shall be construed so as to reduce the powers given the Board of Control pursuant to Article XIII, Section 61(c) of the City's Charter.

SECTION 4. That the Director of Budget and Finance (hereinafter, "The Director") be and is hereby authorized and directed to draw his or her warrants against the appropriations hereinafter set forth on Exhibit "A", which is attached hereto and made a part hereof upon presentation of proper certificates and vouchers therefor.

SECTION 5. That the Director is authorized to make the transfer and reimbursements which have been herein above appropriated and which are described on Exhibit "A", which is attached hereto and made a part hereof.

SECTION 6. That any single expenditure not exceeding \$10,000 may be made against the contingency line in any particular fund for a purpose consistent with said fund use by written instructions

from the City Manager to the Director, which instruction shall include a description of the expenditure which is to be made, the amount to be expended, and the contingency fund against which the expenditure shall be made. Said instructions may consist of a standard purchase order form which is countersigned by the City Manager and bears the added instructions "Charge to contingency fund per Appropriations Ordinance" or some other similar language. In the case of single expenditures which exceed \$10,000, charges against the contingency funds shall be made in an identical manner and shall also require prior Board of Control approval, in which instance the instructions to the Director shall bear the language "Charge to Contingency Fund per Board of Control authorization" or other similar words. Regardless of whether a contingency fund expenditure exceeds \$10,000, the same is hereby authorized without need for further legislation and the City Manager is hereby authorized to sign any and all such contracts which may relate hereto, with or without prior competitive biddings, as the City Manager shall decide, upon such terms or specifications as he or she shall desire, on behalf of the City of Kent, it being the intention of this Council that the authorizations hereby given satisfy fully the requirements of Ohio Revised Code Sections 731.14, 733.02, 735.05 and 737.03 and Article VII, Section 35 of the Charter of the City of Kent, Ohio and supersede completely the requirements of Revised Code Sections 723.52 and 723.53 and constitute an exercise of the powers given to this Council by Section 3, Article XVIII of the Ohio Constitution, as determined by the Supreme Court of Ohio in the case of State ex rel. Cronin v. Wald, 26 OS the Charter of the City of Kent, Ohio.

SECTION 7. That the City Manager is hereby authorized to sign any and all lease agreements, as the City Manager shall decide, upon such terms or specifications as he or she shall desire, on behalf of the City of Kent, it being the intention of this Council that the authorizations hereby given satisfy fully the requirements of Ohio Revised Code Section 721.03 and Article VII, Section 35 of the Charter of the City of Kent, Ohio and supersede completely the requirements of Ohio Revised Code Section 721.03 and constitute an exercise of the powers given to this Council by Section 3, Article XVIII of the Ohio Constitution. It is further the intent of Council that this authorization be retroactive to January 1, 1994. The lease authorization granted herein to the City Manager applies to properties rented at market value as determined by the Real Estate Broker retained by the City of Kent to manage said properties; that if there are special circumstances for a specific property, or if a property is to be rented at a rate below market value, the City Manager shall seek approval from City Council for the lease of said property.

SECTION 8. 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 of Section 121.22 of the Ohio Revised Code.

SECTION 9. That this ordinance shall take effect and be in force from and after the earliest date allowed by law.

PASSED: _____
DATE

MAYOR AND PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

I hereby certify that Ordinance No. 2008- 220 was duly enacted on this 3rd day of December, 2008 by the Council of the City of Kent, Ohio.

Linda M. Copley, Clerk of Council

[CLICK HERE TO SEE THE EXHIBIT](#)

2009 ORIGINAL APPROPRIATIONS

<u>FUND</u>	<u>DEPARTMENT/Division</u>	<u>Personnel & Benefits</u>	<u>All Other</u>	<u>AMOUNT</u>
GENERAL (001)	City Council	\$157,371	\$19,100	\$176,471
	Mayor	7,721	2,000	9,721
	Community Support	0	55,000	55,000
	City Manager	233,782	54,900	288,682
	Urban Renewal	0	100,000	100,000
	Human Resources	49,442	17,750	67,192
	Civil Service	74,790	24,100	98,890
	Law	301,117	116,700	417,817
	Budget & Finance	170,343	117,800	288,143
	Community Development	448,326	192,500	640,826
	Economic Development	98,111	11,600	109,711
	Health	240,725	128,300	369,025
	Permit Parking	0	13,000	13,000
	Public Planting	0	47,500	47,500
	Main Street Program	81,753	3,000	84,753
	Service Administration	62,714	444,300	507,014
	Shade Tree	0	96,960	96,960
	Rental Units	0	47,600	47,600
	Building	214,930	32,750	247,680
	Land banking	0	96,400	96,400
	Engineering	229,971	128,800	358,771
	Safety Director	122,858	29,750	152,608
	Police	2,499,564	597,600	3,097,164
	Fire	1,172,518	0	1,172,518
	Miscellaneous & Sundry	0	395,500	395,500
		TOTAL	\$6,166,036	\$2,772,910
WEST SIDE FIRE (101)	Fire	\$240,000	\$28,300	\$268,300
	TOTAL	\$240,000	\$28,300	\$268,300
STREET CONSTRUCTION MAINT. & REPAIR (102)	Service	\$999,792	\$874,200	\$1,873,992
	TOTAL	\$999,792	\$874,200	\$1,873,992
STATE HIGHWAY (103)	Service	\$0	\$60,000	\$60,000
	TOTAL	\$0	\$60,000	\$60,000
RECREATION (106)	Parks & Recreation	\$918,683	\$809,050	\$1,727,733
	TOTAL	\$918,683	\$809,050	\$1,727,733
FOOD SERVICE (107)	Health	\$54,213	\$6,300	\$60,513
	TOTAL	\$54,213	\$6,300	\$60,513
INCOME TAX (116)	Budget & Finance	\$235,438	\$448,100	\$683,538
	Managed Reserve	0	60,000	60,000
	TOTAL	\$235,438	\$508,100	\$743,538

2009 ORIGINAL APPROPRIATIONS

<u>FUND</u>	<u>DEPARTMENT/Division</u>	<u>Personnel & Benefits</u>	<u>All Other</u>	<u>AMOUNT</u>
REVOLVING HOUSING (120)	Health	\$72,938	\$12,700	\$85,638
	TOTAL	\$72,938	\$12,700	\$85,638
STATE & LOCAL FORFEITS (121)	Police	\$0	\$15,000	\$15,000
	TOTAL	\$0	\$15,000	\$15,000
DRUG LAW ENFORCEMENT (122)	Police	\$0	\$20,000	\$20,000
	TOTAL	\$0	\$20,000	\$20,000
ENFORCEMENT & EDUCATION (123)	Police	\$0	\$12,000	\$12,000
	TOTAL	\$0	\$12,000	\$12,000
INCOME TAX SAFETY (124)	Police	\$2,730,517	\$2,500	\$2,733,017
	TOTAL	\$2,730,517	\$2,500	\$2,733,017
LAW ENFORCEMENT TRUST (125)	Police	\$0	\$18,000	\$18,000
	TOTAL	\$0	\$18,000	\$18,000
COMMUNITY DEVELOPMENT (126)	Community Development	\$30,800	\$347,570	\$378,370
	TOTAL	\$30,800	\$347,570	\$378,370
FIRE & E.M.S. (128)	Fire	\$2,154,496	\$612,200	\$2,766,696
	TOTAL	\$2,154,496	\$612,200	\$2,766,696
WIRELESS 911 (129)	Safety	\$0	\$35,000	\$35,000
	TOTAL	\$0	\$35,000	\$35,000
SWIMMING POOL INSPECTIONS (130)	Health	\$3,535	\$1,700	\$5,235
	TOTAL	\$3,535	\$1,700	\$5,235
WATER (201)	Service	\$1,338,503	\$1,656,300	\$2,994,803
	Budget & Finance	527,142	90,059	\$617,201
	TOTAL	\$1,865,645	\$1,746,359	\$3,612,004
SEWER (202)	Service	\$1,295,722	\$1,408,350	\$2,704,072
	Health	320,791	58,300	\$379,091
	Budget & Finance	527,142	1,306,540	\$1,833,682
	TOTAL	\$2,143,655	\$2,773,190	\$4,916,845
UTILITY BILLING (204)	Budget & Finance	\$0	\$61,900	\$61,900
	TOTAL	\$0	\$61,900	\$61,900

2009 ORIGINAL APPROPRIATIONS

<u>FUND</u>	<u>DEPARTMENT/Division</u>	<u>Personnel & Benefits</u>	<u>All Other</u>	<u>AMOUNT</u>
SOLID WASTE (205)	Service	\$62,714	\$414,300	\$477,014
	TOTAL	\$62,714	\$414,300	\$477,014
STORM WATER UTILITY (208)	Service	\$0	\$270,000	\$270,000
	Budget & Finance	0	5,967	\$5,967
	TOTAL	\$0	\$275,967	\$275,967
GUARANTEED DEPOSITS (230)	Budget & Finance	\$0	\$200	\$200
	TOTAL	\$0	\$200	\$200
CAPITAL PROJECTS (301)	Service	\$0	\$2,607,000	\$2,607,000
	Safety	0	5,000,000	\$5,000,000
	Budget & Finance	0	3,331,988	\$3,331,988
	TOTAL	\$0	\$10,938,988	\$10,938,988
DEBT SERVICE (402)	Budget & Finance	\$0	\$319,482	\$319,482
	TOTAL	\$0	\$319,482	\$319,482
POLICE PENSION (802)	Police	\$125,000	\$0	\$125,000
	TOTAL	\$125,000	\$0	\$125,000
FIRE PENSION (803)	Fire	\$125,000	\$0	\$125,000
	TOTAL	\$125,000	\$0	\$125,000
UDAG (820)	City Manager	\$0	\$3,600	\$3,600
	TOTAL	\$0	\$3,600	\$3,600
		17,928,462	22,669,516	40,597,978

2009 ORIGINAL APPROPRIATIONS

<u>FROM</u>	<u>ORIGINAL</u>	<u>CURRENT REQUEST</u>	<u>TO</u>
Fund 106 - Recreation	\$20,000	20,000	Fund 001 - General
Fund 108 - License Tax	\$245,000	245,000	Fund 102 - St Const Maint & Repair
Fund 116 - Income Tax	\$2,000,000	2,000,000	Fund 001 - General
Fund 116 - Income Tax	550,000	550,000	Fund 102 - St Const Maint & Repair
Fund 116 - Income Tax	0	0	Fund 107 - Food Service
Fund 116 - Income Tax	0	0	Fund 130 - Swimming Pool
Fund 116 - Income Tax	2,603,771	2,603,771	Fund 124 - Income Tax Safety
Fund 116 - Income Tax	2,603,771	2,603,771	Fund 128 - Fire & E.M.S.
Fund 116 - Income Tax	2,500,000	2,500,000	Fund 301 - Capital Projects
Fund 116 - Income Tax	267,627	267,627	Fund 402 - Debt Service
Fund 116 - Income Tax	150,000	150,000	Fund 807 - Health Insurance
Total	\$10,675,169	10,675,169	
Fund 201 - Water	\$30,000	30,000	Fund 204 - Utility Billing
Fund 202 - Sewer	\$30,000	30,000	Fund 204 - Utility Billing
Fund 208 - Storm Water	\$30,000	30,000	Fund 116 - Income Tax
		11,030,169	