

ORDINANCE NO. 2009- 129

AN ORDINANCE APPROPRIATING FROM THE VARIOUS FUNDS OF THE CITY OF KENT TO INDIVIDUAL ACCOUNTS FOR THE CURRENT EXPENSES OF THE CITY FOR UP TO THE FIRST THREE MONTHS OF THE FISCAL YEAR ENDING DECEMBER 31, 2010.

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

WHEREAS, the City Council wishes to review year-end income and expenses for 2009 prior to passing the complete 2010 budget; and

WHEREAS, the Ohio Revised Code and the Charter of the City of Kent provide for an ordinance authorizing a budget for the first three months of 2010 and the method of enacting the same.

NOW, THEREFORE, BE IT RESOLVED 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 up to the first three months of the fiscal year ending December 31, 2010, the appropriations set forth in Exhibit "A" attached hereto and incorporated herein, are hereby authorized. Council hereby declares that this ordinance is currently enacted as a temporary measure. It is intended that this legislation will be amended on or before March 31, 2010 and thereafter becomes the permanent appropriations for the City.

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 officer 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 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 hereinabove 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 (2d) 22, 55 00 (2d) 12, 268 NE (2d) 581 (1971), and exercised by virtue of Article I, Section 3 of 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 intent of Council that this authorization be retroactive to January 1, 1994. The City Manager shall provide a list of all City owned lease property to Council with the budget on an annual basis. Included on the list shall be the address of the property, the lessee's name, and the monthly rent being paid for each property. 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 including Chapter 107 of the Codified Ordinances of the City of Kent.

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

PASSED: 12/2/ 2009
DATE

MAYOR AND PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

I hereby certify that Ordinance No. 2009- 129 was duly enacted on this 2nd day of December 2009 by the Council of the City of Kent, Ohio.

Clerk of Council

2010 TEMPORARY APPROPRIATIONS

<u>Fund</u>	<u>Department/Division</u>	<u>Personnel & Benefits</u>	<u>Other than Personnel & Benefits</u>	<u>Capital</u>	<u>Debt Service</u>	<u>Contingency</u>	<u>Department Total</u>
<u>General Fund (001)</u>							
	City Council	\$40,425	\$4,775				\$45,200
	Mayor	\$1,983	\$500				\$2,483
	Community Support		\$22,075				\$22,075
	City Manager	\$60,053	\$13,725				\$73,778
	Urban Renewal		\$32,500				\$32,500
	Human Resources	\$12,700	\$4,438				\$17,138
	Civil Service	\$19,212	\$6,025				\$25,237
	Law	\$77,350	\$29,175				\$106,525
	Budget & Finance	\$43,757	\$29,450				\$73,207
	Community Development	\$115,164	\$48,125				\$163,289
	Economic Development	\$25,202	\$2,900				\$28,102
	Health	\$61,836	\$31,300				\$93,136
	Permit Parking		\$3,650				\$3,650
	Public Planting		\$11,875				\$11,875
	Main Street Program	\$21,000	\$750				\$21,750
	Service Administration	\$12,888	\$108,575				\$121,463
	Shade Tree		\$20,490				\$20,490
	Rental Units		\$11,900				\$11,900
	Building	\$55,210	\$10,000				\$65,210
	Land banking		\$24,100				\$24,100
	Engineering	\$44,395	\$31,200				\$75,595
	Safety Director	\$31,560	\$7,438				\$38,998
	Police	\$642,076	\$141,900				\$783,976
	Fire	\$301,191					\$301,191
	Miscellaneous & Sundry		\$72,375				\$72,375
	Contingency					\$25,000	\$25,000
	Fund Total	\$1,566,002	\$669,241	\$0	\$0	\$25,000	\$2,260,243
<u>West Side Fire (101)</u>							
	Fire	\$61,650	\$7,200				\$68,850
	Fund Total	\$61,650	\$7,200	\$0	\$0	\$0	\$68,850
<u>Street Construction Maintenance & Repair (102)</u>							
	Service	\$235,338	\$170,800				\$406,138
	Contingency					\$6,250	\$6,250
	Fund Total	\$235,338	\$170,800	\$0	\$0	\$6,250	\$412,388
<u>State Highway (103)</u>							
	Service	\$0	\$15,000	\$0	\$0	\$0	\$15,000
	Fund Total	\$0	\$15,000	\$0	\$0	\$0	\$15,000
<u>Recreation (106)</u>							
	Parks & Recreation	\$235,987	\$129,950	\$685,500			\$1,051,437
	Fund Total	\$235,987	\$129,950	\$685,500	\$0	\$0	\$1,051,437
<u>Food Service (107)</u>							
	Health	\$13,926	\$1,575				\$15,501
	Fund Total	\$13,926	\$1,575	\$0	\$0	\$0	\$15,501

2010 TEMPORARY APPROPRIATIONS

<u>Fund</u>	<u>Department/Division</u>	<u>Personnel & Benefits</u>	<u>Other than Personnel & Benefits</u>	<u>Capital</u>	<u>Debt Service</u>	<u>Contingency</u>	<u>Department Total</u>
<u>Income Tax (116)</u>							
	Budget & Finance	\$60,478	\$73,275				\$133,753
	Managed Reserve						\$0
	Fund Total	\$60,478	\$73,275	\$0	\$0	\$0	\$133,753
<u>Revolving Housing (120)</u>							
	Health	\$18,736	\$3,125				\$21,861
	Fund Total	\$18,736	\$3,125	\$0	\$0	\$0	\$21,861
<u>State & Local Forfeits (121)</u>							
	Police		\$3,750				\$3,750
	Fund Total	\$0	\$3,750	\$0	\$0	\$0	\$3,750
<u>Drug Law Enforcement (122)</u>							
	Police		\$5,000				\$5,000
	Fund Total	\$0	\$5,000	\$0	\$0	\$0	\$5,000
<u>Enforcement & Education (123)</u>							
	Police		\$3,000				\$3,000
	Fund Total	\$0	\$3,000	\$0	\$0	\$0	\$3,000
<u>Income Tax Safety (124)</u>							
	Police	\$701,402	\$760				\$702,162
	Fund Total	\$701,402	\$760	\$0	\$0	\$0	\$702,162
<u>Law Enforcement Trust (125)</u>							
	Police		\$4,500				\$4,500
	Fund Total	\$0	\$4,500	\$0	\$0	\$0	\$4,500
<u>Community Development Block Grant (126)</u>							
	Community Development	\$7,700	\$20,000				\$27,700
	Fund Total	\$7,700	\$20,000	\$0	\$0	\$0	\$27,700
<u>Neighborhood Stabilization (127)</u>							
	Community Development	\$0	\$0				\$0
	Fund Total	\$0	\$0	\$0	\$0	\$0	\$0
<u>Fire & E.M.S. (128)</u>							
	Fire	\$553,436	\$89,300	\$94,000			\$736,736
	Fund Total	\$553,436	\$89,300	\$94,000	\$0	\$0	\$736,736
<u>Wireless 911 (129)</u>							
	Safety		\$15,625				\$15,625
	Fund Total	\$0	\$15,625	\$0	\$0	\$0	\$15,625
<u>Swimming Pool Inspections (130)</u>							
	Health	\$908	\$425				\$1,333
	Fund Total	\$908	\$425	\$0	\$0	\$0	\$1,333

2010 TEMPORARY APPROPRIATIONS

<u>Fund</u>	<u>Department/Division</u>	<u>Personnel & Benefits</u>	<u>Other than Personnel & Benefits</u>	<u>Capital</u>	<u>Debt Service</u>	<u>Contingency</u>	<u>Department Total</u>
<u>Water (201)</u>							
	Service	\$332,031	\$207,945	\$330,000			\$869,976
	Service (Capital Facilities)			\$770,428			\$770,428
	Administrative Support	\$117,510	\$4,275				\$121,785
	Budget & Finance (Debt)				\$50,960		\$50,960
	Contingency					\$12,500	\$12,500
	Fund Total	\$449,541	\$212,220	\$1,100,428	\$50,960	\$12,500	\$1,825,649
<u>Sewer (202)</u>							
	Service	\$321,762	\$203,654	\$172,000			\$697,416
	Service (Capital Facilities)			\$485,296			\$485,296
	Health	\$82,403	\$14,575	\$21,000			\$117,978
	Administrative Support	\$117,510	\$3,625				\$121,135
	Budget & Finance (Debt)				\$1,181,052		\$1,181,052
	Contingency					\$12,500	\$12,500
	Fund Total	\$521,675	\$221,854	\$678,296	\$1,181,052	\$12,500	\$2,615,377
<u>Utility Billing (204)</u>							
	Budget & Finance		\$17,975				\$17,975
	Fund Total	\$0	\$17,975	\$0	\$0	\$0	\$17,975
<u>Solid Waste (205)</u>							
	Service	\$12,888	\$113,200				\$126,088
	Fund Total	\$12,888	\$113,200	\$0	\$0	\$0	\$126,088
<u>Storm Water Utility (208)</u>							
	Service	\$82,039	\$5,000				\$87,039
	Service (Capital Facilities)			\$1,420,000			\$1,420,000
	Budget & Finance (Debt)				\$4,968		\$4,968
	Fund Total	\$82,039	\$5,000	\$1,420,000	\$4,968	\$0	\$1,512,007
<u>Guaranteed Deposits (230)</u>							
	Budget & Finance		\$200				\$200
	Fund Total	\$0	\$200	\$0	\$0	\$0	\$200
<u>Capital Projects (301)</u>							
	Safety			\$134,000			\$134,000
	Service			\$399,276			\$399,276
	Service (Capital Facilities)			\$5,915,000			\$5,915,000
	Budget & Finance			\$50,000	\$3,019,475		\$3,069,475
	Contingency					\$6,250	\$6,250
	Fund Total	\$0	\$0	\$6,498,276	\$3,019,475	\$6,250	\$9,524,001
<u>Debt Service (402)</u>							
	Budget & Finance (Debt)				\$322,420		\$322,420
	Fund Total	\$0	\$0	\$0	\$322,420	\$0	\$322,420
<u>Police Pension (802)</u>							
	Police	\$32,110					\$32,110
	Fund Total	\$32,110	\$0	\$0	\$0	\$0	\$32,110
<u>Fire Pension (803)</u>							
	Fire	\$32,110					\$32,110
	Fund Total	\$32,110	\$0	\$0	\$0	\$0	\$32,110
<u>UDAG (820)</u>							
	City Manager						\$0
	Fund Total	\$0	\$0	\$0	\$0	\$0	\$0
	Grand Total	\$4,585,926	\$1,767,975	\$10,476,500	\$4,578,875	\$62,500	\$21,471,776

Original Appropriations
Amendment #1

2010 TEMPORARY APPROPRIATIONS

<u>Fund</u>	<u>Department/Division</u>	<u>Personnel & Benefits</u>	<u>Other than Personnel & Benefits</u>	<u>Capital</u>	<u>Debt Service</u>	<u>Contingency</u>	<u>Department Total</u>
	Amendment #2						
	Amendment #3						
	Amendment #4						
	Amendment #5						
	Amendment #6						
	Amendment #7						
	Amendment #8						