

ORDINANCE NO. 2010- 18

AN ORDINANCE AMENDING ORDINANCE NO. 2009-129 (2010 TEMPORARY APPROPRIATIONS), PASSED DECEMBER 2, 2009, SO AS TO APPROPRIATE 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, 2010.

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 provides for an ordinance authorizing a budget for the first three months of 2010 and the method of enacting the same.

WHEREAS, the Kent City Council passed Ordinance 2009-129, (2010 Temporary Appropriations), while they reviewed year-end income and expenses for 2009; and

WHEREAS, the Kent City Council must pass the 2010 Appropriations ordinance on or before March 31, 2010.

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 the fiscal year ending December 31, 2010, 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 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: 2/17/10
DATE

MAYOR AND PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

I hereby certify that Ordinance No. 2010- 18 was duly enacted on this 17 day of February 2010 by the Council of the City of Kent, Ohio.

Clerk of Council

EXHIBIT "A"

2010 ORIGINAL APPROPRIATIONS							
			Other than				
Fund	Department/Division	Personnel & Benefits	Personnel & Benefits	Capital	Debt Service	Contingency	Department Total
General Fund (001)							
	City Council	\$158,941	\$18,200				\$177,141
	Mayor	\$7,716	\$2,000				\$9,716
	Community Support		\$55,000				\$55,000
	City Manager	\$238,310	\$54,900				\$293,210
	Urban Renewal		\$100,550				\$100,550
	Human Resources	\$50,526	\$17,018				\$67,544
	Civil Service	\$76,530	\$30,700				\$107,230
	Law	\$307,941	\$114,800				\$422,741
	Budget & Finance	\$173,945	\$116,100				\$290,045
	Community Development	\$458,257	\$188,400				\$646,657
	Economic Development	\$100,340	\$11,716				\$112,056
	Health	\$246,473	\$115,775				\$362,248
	Permit Parking		\$16,150				\$16,150
	Public Planting		\$47,500				\$47,500
	Main Street Program	\$83,665	\$3,300				\$86,965
	Service Administration	\$51,504	\$513,600	\$6,000			\$571,104
	Shade Tree		\$80,700	\$15,000			\$95,700
	Rental Units		\$48,750				\$48,750
	EPA Brownfield Assessment		\$9,151				\$9,151
	Building	\$219,407	\$33,600				\$253,007
	Land banking		\$100,000				\$100,000
	Engineering	\$161,730	\$115,450				\$277,180
	Safety Director	\$125,666	\$28,400				\$154,066
	Police	\$2,558,360	\$564,250				\$3,122,610
	Fire	\$1,202,297	\$0				\$1,202,297
	Miscellaneous & Sundry		\$303,300				\$303,300
	Contingency					\$100,000	\$100,000
	Fund Total	\$6,221,608	\$2,689,310	\$21,000	\$0	\$100,000	\$9,031,918
West Side Fire (101)							
	Fire	\$246,600	\$28,300				\$274,900
	Fund Total	\$246,600	\$28,300	\$0	\$0	\$0	\$274,900
Street Construction Maintenance & Repair (102)							
	Service	\$854,609	\$694,575				\$1,549,184
	Contingency					\$25,000	\$25,000
	Fund Total	\$854,609	\$694,575	\$0	\$0	\$25,000	\$1,574,184

State Highway (103)							
	Service	\$0	\$60,000				\$60,000
	Fund Total	\$0	\$60,000	\$0	\$0	\$0	\$60,000
Recreation (106)							
	Parks & Recreation	\$944,609	\$524,100	\$862,943			\$2,331,652
	Fund Total	\$944,609	\$524,100	\$862,943	\$0	\$0	\$2,331,652
Food Service (107)							
	Health	\$55,370	\$1,900				\$57,270
	Fund Total	\$55,370	\$1,900	\$0	\$0	\$0	\$57,270
Income Tax (116)							
	Budget/Finance/IncTaxAdmin	\$240,430	\$344,750				\$585,180
	Managed Reserve					\$26,215	\$26,215
	Fund Total	\$240,430	\$344,750	\$0	\$0	\$26,215	\$611,395
Revolving Housing (120)							
	Health	\$74,604	\$12,500				\$87,104
	Fund Total	\$74,604	\$12,500	\$0	\$0	\$0	\$87,104
State & Local Forfeits (121)							
	Police		\$14,000				\$14,000
	Fund Total	\$0	\$14,000	\$0	\$0	\$0	\$14,000
Drug Law Enforcement (122)							
	Police		\$17,000				\$17,000
	Fund Total	\$0	\$17,000	\$0	\$0	\$0	\$17,000
Enforcement & Education (123)							
	Police		\$20,000				\$20,000
	Fund Total	\$0	\$20,000	\$0	\$0	\$0	\$20,000
Income Tax Safety (124)							
	Police	\$2,799,822	\$2,500				\$2,802,322
	Fund Total	\$2,799,822	\$2,500	\$0	\$0	\$0	\$2,802,322
Law Enforcement Trust (125)							
	Police		\$0	\$16,500			\$16,500
	Fund Total	\$0	\$0	\$16,500	\$0	\$0	\$16,500
Community Development Block Grant (126)							
	Community Development	\$63,093	\$196,638	\$243,609			\$503,340
	Fund Total	\$63,093	\$196,638	\$243,609	\$0	\$0	\$503,340
Neighborhood Stabilization (127)							
	Community Development	\$12,000	\$70,000				\$82,000
	Fund Total	\$12,000	\$70,000	\$0	\$0	\$0	\$82,000

Fire & E.M.S. (128)							
	Fire	\$2,211,115	\$403,550	\$102,760			\$2,717,425
	Fund Total	\$2,211,115	\$403,550	\$102,760	\$0	\$0	\$2,717,425
Wireless 911 (129)							
	Safety		\$72,500	\$35,000			\$107,500
	Fund Total	\$0	\$72,500	\$35,000	\$0	\$0	\$107,500
Swimming Pool Inspections (130)							
	Health	\$3,615	\$400				\$4,015
	Fund Total	\$3,615	\$400	\$0	\$0	\$0	\$4,015
Justice Assistance Grant (131)							
		\$53,545	\$31,592				\$85,137
	Police (JAG)	\$53,545	\$31,592	\$0	\$0	\$0	\$85,137
Water (201)							
	Service	\$1,356,906	\$880,975	\$417,843			\$2,655,724
	Service (Capital Facilities)			\$1,081,428			\$1,081,428
	Administrative Support	\$473,614	\$16,900				\$490,514
	Budget & Finance (Debt)				\$50,960		\$50,960
	Contingency					\$50,000	\$50,000
	Fund Total	\$1,830,520	\$897,875	\$1,499,271	\$50,960	\$50,000	\$4,328,626
Sewer (202)							
	Service	\$1,323,369	\$863,000	\$399,486			\$2,585,855
	Service (Capital Facilities)			\$247,000			\$247,000
	Health	\$327,940	\$59,725	\$19,000			\$406,665
	Administrative Support	\$473,614	\$14,300				\$487,914
	Budget & Finance (Debt)				\$1,181,052		\$1,181,052
	Contingency					\$50,000	\$50,000
	Fund Total	\$2,124,923	\$937,025	\$665,486	\$1,181,052	\$50,000	\$4,958,486
Utility Billing (204)							
	Budget & Finance		\$75,075				\$75,075
	Fund Total	\$0	\$75,075	\$0	\$0	\$0	\$75,075
Solid Waste (205)							
	Service	\$71,023	\$438,350				\$509,373
	Fund Total	\$71,023	\$438,350	\$0	\$0	\$0	\$509,373
Storm Water Utility (208)							
	Service	\$404,285	\$38,000				\$442,285
	Service (Capital Facilities)			\$3,065,000			\$3,065,000
	Budget & Finance (Debt)				\$4,968		\$4,968
	Fund Total	\$404,285	\$38,000	\$3,065,000	\$4,968	\$0	\$3,512,253

Guaranteed Deposits (230)							
	Budget & Finance		\$300				\$300
	Fund Total	\$0	\$300	\$0	\$0	\$0	\$300
Capital Projects (301)							
	Safety			\$414,956			\$414,956
	Service			\$436,145			\$436,145
	Service (Capital Facilities)			\$6,651,683			\$6,651,683
	Budget & Finance			\$50,000	\$3,019,475		\$3,069,475
	Contingency					\$25,000	\$25,000
	Fund Total	\$0	\$0	\$7,552,784	\$3,019,475	\$25,000	\$10,597,259
Debt Service (402)							
	Budget & Finance (Debt)				\$322,420		\$322,420
	Fund Total	\$0	\$0	\$0	\$322,420	\$0	\$322,420
Police Pension (802)							
	Police	\$115,000					\$115,000
	Fund Total	\$115,000	\$0	\$0	\$0	\$0	\$115,000
Fire Pension (803)							
	Fire	\$115,000					\$115,000
	Fund Total	\$115,000	\$0	\$0	\$0	\$0	\$115,000
UDAG (820)							
	City Manager		\$125,000				\$125,000
	Fund Total	\$0	\$125,000	\$0	\$0	\$0	\$125,000
	Total Appropriations	\$18,441,771	\$7,695,240	\$14,064,353	\$4,578,875	\$276,215	\$45,056,454
	Original Appropriations	\$18,441,771	\$7,695,240	\$14,064,353	\$4,578,875	\$276,215	\$45,056,454
	Amendment #1						
	Amendment #2						
	Amendment #3						
	Amendment #4						
	Amendment #5						
	Amendment #6						
	Amendment #7						
	Amendment #8						
		\$18,441,771	\$7,695,240	\$14,064,353	\$4,578,875	\$276,215	\$45,056,454

2010 ORIGINAL APPROPRIATIONS - SCHEDULE OF OPERATING TRANSFERS AND TEMPORARY ADVANCES

		Current		
Paying Fund	Original	Request	Change	Receiving Fund
Operating Transfers				
Fund 116 - Income Tax	\$2,200,000		\$0	Fund 001 - General
Fund 116 - Income Tax	\$512,495		\$0	Fund 102 - St Const Maint & Repair
Fund 116 - Income Tax	\$2,489,955		\$0	Fund 124 - Income Tax Safety
Fund 116 - Income Tax	\$2,489,955		\$0	Fund 128 - Fire & E.M.S.
Fund 116 - Income Tax	\$2,116,310		\$0	Fund 301 - Capital Projects
Fund 116 - Income Tax	\$270,885		\$0	Fund 402 - Debt Service
Fund 116 - Income Tax	\$150,000		\$0	Fund 807 - Health Insurance
Total Fund 116 Income Tax	\$10,229,600	\$0	\$0	
Fund 201 - Water	\$38,000		\$0	Fund 204 - Utility Billing
Fund 202 - Sewer	\$38,000		\$0	Fund 204 - Utility Billing
Subtotal - Total Operating Transfers	\$10,305,600	\$0	\$0	
Temporary Advances				
Fund 106 - Recreation	* \$20,000		\$0	Fund 001 - General
Fund 208 - Storm Water	* \$30,000		\$0	Fund 116 - Income Tax
Fund 001 - General	\$64,050		\$0	Fund 127 - Neighborhood Stabilization
Fund 127 - Neighborhood Stabilization	* \$89,050		\$0	Fund 001 - General
Subtotal - Total Operating Transfers	\$203,100	\$0	\$0	
Grand Total - All Transfers & Advances	\$10,508,700	\$0	\$0	
* Designates Repayment of Advance				