

ORDINANCE NO. 2022 - 138

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, 2023, AND DECLARING AN EMERGENCY.

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:

SECTION 1. That to provide for the current expenses and other expenditures of the City of Kent for the fiscal year ending December 31, 2023, 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 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 Section 735.05 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); however, that nothing contained herein shall be construed so as to reduce the powers given the Board of Control pursuant to Article VIII, Section 8.03 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 Section 735.05 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 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. 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 is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents of this City, for which reason and other reasons manifest to this Council this Ordinance is hereby declared to be an emergency measure and shall take effect and be in force immediately after passage.

PASSED: December 21, 2022
Date



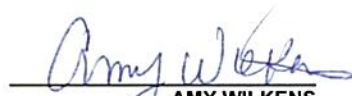
Jack Amrhein
President Pro Tem

EFFECTIVE: December 21, 2022
Date

ATTEST: Amy Wilkens
Amy Wilkens
Clerk of Council

I, AMY WILKENS, CLERK OF COUNCIL FOR THE CITY OF KENT, COUNTY OF PORTAGE, AND STATE OF OHIO, AND IN WHOSE CUSTODY THE ORIGINAL FILES AND RECORDS OF SAID COUNCIL ARE REQUIRED TO BE KEPT BY THE LAWS OF THE STATE OF OHIO, HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF ORDINANCE No. 2022-138, ADOPTED BY THE COUNCIL OF THE CITY OF KENT ON December 21, 2022.

(SEAL)



AMY WILKENS
CLERK OF COUNCIL

Exhibit A

2023 ORIGINAL APPROPRIATIONS

<u>Fund - Department/Division</u>	<u>Personnel & Benefits</u>	<u>Other than Personnel & Benefits</u>	<u>Capital</u>	<u>Reserve/ Debt Service</u>	<u>Contingency</u>	<u>Fund & Department Total</u>
General Fund (001)						
City Council	\$ 179,905	\$ 39,505	\$ -	\$ -	\$ -	\$ 219,410
Mayor	13,487	3,110				16,597
Community Support		106,000				106,000
City Manager	356,164	53,965				410,129
Community Engagement	51,325	5,100				56,425
Information Technology	103,987	436,150				540,137
Urban Renewal		37,700				37,700
Human Resources	111,798	16,787				128,585
Civil Service	41,730	31,476				73,206
Law	347,093	77,010				424,103
Budget & Finance	474,010	134,952				608,962
Community Development	735,990	181,554				917,544
Economic Development	147,197	33,850				181,047
Health	586,080	278,718				864,798
Public Parking		85,600				85,600
Main Street Program		70,000				70,000
Service Administration	259,665	370,790				630,455
Shade Tree		120,875	20,000			140,875
Sustainability		45,000				45,000
Building	381,605	56,120				437,725
Land banking		8,000				8,000
Engineering	218,488	86,189				304,677
Miscellaneous & Sundry		422,150				422,150
Contingency					100,000	100,000
Fund Total	<u>4,008,524</u>	<u>2,700,601</u>	<u>20,000</u>	<u>-</u>	<u>100,000</u>	<u>6,829,125</u>
West Side Fire (101)						
Fire	309,191	15,100				324,291
Fund Total	<u>309,191</u>	<u>15,100</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>324,291</u>
Street Construction Maintenance & Repair (102)						
Service	1,295,803	1,144,720				2,440,523
Contingency					25,000	25,000
Fund Total	<u>1,295,803</u>	<u>1,144,720</u>	<u>-</u>	<u>-</u>	<u>25,000</u>	<u>2,465,523</u>
State Highway (103)						
Service		67,200				67,200
Fund Total	<u>-</u>	<u>67,200</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>67,200</u>
Recreation (106)						
Parks & Recreation	1,438,973	639,567	249,000			2,327,540
Fund Total	<u>1,438,973</u>	<u>639,567</u>	<u>249,000</u>	<u>-</u>	<u>-</u>	<u>2,327,540</u>
Food Service (107)						
Health	116,231	24,340				140,571
Fund Total	<u>116,231</u>	<u>24,340</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>140,571</u>
Income Tax (116)						
Budget/Finance/IncTaxAdmin	136,370	505,890				642,260
Managed Reserve				25,540		25,540
Fund Total	<u>136,370</u>	<u>505,890</u>	<u>-</u>	<u>25,540</u>	<u>-</u>	<u>667,800</u>

2023 ORIGINAL APPROPRIATIONS

<u>Fund - Department/Division</u>	<u>Personnel & Benefits</u>	<u>Other than Personnel & Benefits</u>	<u>Capital</u>	<u>Reserve/ Debt Service</u>	<u>Contingency</u>	<u>Fund & Department Total</u>
<u>Revolving Housing (120)</u>						
Health	162,111	21,270				183,381
Fund Total	162,111	21,270	-	-	-	183,381
<u>State & Local Forfeits (121)</u>						
Police						-
Fund Total	-	-	-	-	-	-
<u>Drug Law Enforcement (122)</u>						
Police		15,000				15,000
Fund Total	-	15,000	-	-	-	15,000
<u>Enforcement & Education (123)</u>						
Police		11,000				11,000
Fund Total	-	11,000	-	-	-	11,000
<u>Income Tax Safety (124)</u>						
Police	7,689,902	770,425				8,460,327
Fund Total	7,689,902	770,425	-	-	-	8,460,327
<u>Law Enforcement Trust (125)</u>						
Police						-
Fund Total	-	-	-	-	-	-
<u>Community Development Block Grant (126)</u>						
Community Development	4,100	202,900	175,200			382,200
Fund Total	4,100	202,900	175,200	-	-	382,200
<u>Fire & E.M.S. (128)</u>						
Fire	5,721,980	852,035	504,400			7,078,415
Fund Total	5,721,980	852,035	504,400	-	-	7,078,415
<u>Wireless 911 (129)</u>						
Safety						-
Fund Total	-	-	-	-	-	-
<u>Swimming Pool Inspections (130)</u>						
Health	9,545					9,545
Fund Total	9,545	-	-	-	-	9,545
<u>Police Pension (132)</u>						
Police	140,000					140,000
Fund Total	140,000	-	-	-	-	140,000
<u>Fire Pension (133)</u>						
Fire	140,000					140,000
Fund Total	140,000	-	-	-	-	140,000
<u>UDAG / EDA-RLF (134)</u>						
City Manager/C.D.		75,000				75,000
Fund Total	-	75,000	-	-	-	75,000
<u>CHIP Grant (136)</u>						
City Manager/C.D.		200,000				200,000
Fund Total	-	200,000	-	-	-	200,000

2023 ORIGINAL APPROPRIATIONS

<u>Fund - Department/Division</u>	<u>Personnel & Benefits</u>	<u>Other than Personnel & Benefits</u>	<u>Capital</u>	<u>Reserve/ Debt Service</u>	<u>Contingency</u>	<u>Fund & Department Total</u>
<u>Local American Rescue Plan Act (138)</u>						
ARPA	406,450		4,470,400			4,876,850
Fund Total	406,450	-	4,470,400	-	-	4,876,850
<u>Water (201)</u>						
Service	1,924,171	1,016,316	1,154,700			4,095,187
Service (Capital Facilities)			50,000			50,000
Admin. Support	471,558	125,240	20,000			616,798
Budget & Finance (Debt)				100,921		100,921
Contingency					50,000	50,000
Fund Total	2,395,729	1,141,556	1,224,700	100,921	50,000	4,912,906
<u>Sewer (202)</u>						
Service	1,785,622	877,439	2,772,100			5,435,161
Service (Capital Facilities)			1,075,000			1,075,000
Admin. Support	410,314	122,440	18,000			550,754
Budget & Finance (Debt)				363,940		363,940
Contingency					50,000	50,000
Fund Total	2,195,936	999,879	3,865,100	363,940	50,000	7,474,855
<u>Utility Billing (204)</u>						
Budget & Finance		95,405				95,405
Fund Total	-	95,405	-	-	-	95,405
<u>Solid Waste (205)</u>						
Admin Support	241,108	243,025	6,000			490,133
Service	372,184	38,300	70,200			480,684
Fund Total	613,292	281,325	76,200	-	-	970,817
<u>Storm Water Utility (208)</u>						
Service	372,184	60,250	84,200			516,634
Service (Capital Facilities)			217,100			217,100
Admin. Support	131,056	50,150	6,000			187,206
Budget & Finance (Debt)				13,350		13,350
Fund Total	503,240	110,400	307,300	13,350	-	934,290
<u>Guaranteed Deposits (230)</u>						
Budget & Finance		1,000				1,000
Fund Total	-	1,000	-	-	-	1,000

2023 ORIGINAL APPROPRIATIONS

<u>Fund - Department/Division</u>	<u>Personnel & Benefits</u>	<u>Other than Personnel & Benefits</u>	<u>Capital</u>	<u>Reserve/ Debt Service</u>	<u>Contingency</u>	<u>Fund & Department Total</u>
Capital Projects (301)						
Safety			501,000			501,000
Service			249,300			249,300
Service (Capital Facilities)			4,715,000			4,715,000
Administrative	339,314		173,000			512,314
Budget & Finance (Debt)				62,290		62,290
New City Hall (Debt)				460,000		460,000
Contingency					25,000	25,000
Fund Total	<u>339,314</u>	<u>0</u>	<u>5,638,300</u>	<u>522,290</u>	<u>25,000</u>	<u>6,524,904</u>
Municipal Public Improvement Tax Increment Equivalent (302)						
Service (Capital Facilities)						-
Budget & Finance (Debt)				436,135		436,135
Fund Total	<u>-</u>	<u>-</u>	<u>-</u>	<u>436,135</u>	<u>-</u>	<u>436,135</u>
Police Facility (303)						
Safety (Capital Facilities)			701,000			701,000
Budget & Finance (Debt)				815,000		815,000
Fund Total	<u>-</u>	<u>-</u>	<u>701,000</u>	<u>815,000</u>	<u>-</u>	<u>1,516,000</u>
Debt Service (402)						
Budget & Finance (Debt)						-
Fund Total	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>
Internal Service (807)						
Health Insurance		4,000,000				4,000,000
Fund Total	<u>-</u>	<u>4,000,000</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>4,000,000</u>
Total Appropriations	<u>\$ 27,626,691</u>	<u>\$ 13,874,613</u>	<u>\$ 17,231,600</u>	<u>\$ 2,277,176</u>	<u>\$ 250,000</u>	<u>\$ 61,260,080</u>
Original Appropriations	\$ 27,626,691	\$ 13,874,613	\$ 17,231,600	\$ 2,277,176	\$ 250,000	\$ 61,260,080
Amendment #1						-
Amendment #2						-
Amendment #3						-
Amendment #4						-
Amendment #5						-
Amendment #6						-
Amendment #7						-
Amendment #8						-
	<u>\$ 27,626,691</u>	<u>\$ 13,874,613</u>	<u>\$ 17,231,600</u>	<u>\$ 2,277,176</u>	<u>\$ 250,000</u>	<u>\$ 61,260,080</u>

2023 ORIGINAL APPROPRIATIONS - SCHEDULE OF OPERATING TRANSFERS AND TEMPORARY ADVANCES

<u>Operating Transfers</u>	<u>Paying Fund</u>	<u>Original</u>	<u>Request</u>	<u>Change</u>	<u>Receiving Fund</u>
Fund 116 - Income Tax		\$ 3,600,000			Fund 001 - General
Fund 116 - Income Tax		400,000			Fund 102 - St Const Maint & Repair
Fund 116 - Income Tax		3,984,364			Fund 124 - Income Tax Safety
Fund 116 - Income Tax		3,984,364			Fund 128 - Fire & E.M.S.
Fund 116 - Income Tax		3,526,164			Fund 301 - Capital Projects
Fund 116 - Income Tax		1,992,182			Fund 303 - Police Facility
Total Fund 116 Income Tax		17,487,074	0	0	
Fund 201 - Water		47,726			Fund 204 - Utility Billing
Fund 202 - Sewer		47,725			Fund 204 - Utility Billing
Fund 001 - General		4,600,000			Fund 124 - Income Tax Safety
Fund 001 - General		3,050,000			Fund 128 - Fire & EMS
Subtotal - Total Operating Transfers		7,745,451	0	0	
Grand Total - All Transfers		\$ 25,232,525	\$ -	\$ -	