

May 14, 2025

To: Mayor and Members of City Council

202500980

From: Sheryl M. M. Long, City Manager

Subject: **Emergency Ordinance – Stormwater Management Utility (SMU): Then and Now Payment to Rack & Ballauer Excavating Company, Inc.**

Attached is an Emergency Ordinance captioned:

AUTHORIZING the payment of \$150,013.26 from Stormwater Management Fund Stormwater Management Utility non-personnel operating budget account no. 107x311x4000x7264 to Rack & Ballauer Excavating Company, Inc. for outstanding charges related to stormwater infrastructure repair services for the period of May 10, 2024 to April 9, 2025, pursuant to the attached then and now certificate from the Director of Finance.

Approval of this Emergency Ordinance would authorize the payment of \$150,013.26 from Stormwater Management Fund Stormwater Management Utility non-personnel operating budget account no. 107x311x4000x7264 to Rack & Ballauer Excavating Company, Inc. for outstanding charges related to stormwater infrastructure repair services for the period of May 10, 2024 to April 9, 2025, pursuant to the attached then and now certificate from the Director of Finance.

On October 1, 2022, the City entered into Contract 221W046032 with Rack & Ballauer Excavating Company, Inc. for stormwater infrastructure repair services. On May 10, 2024, the Stormwater Management Utility authorized work under the existing contract, but funds were not properly certified to the contract when this work was performed. In April 2025, the Contractor invoiced the City \$150,013.26 for stormwater infrastructure repair services.

Pursuant to Ohio Revised Code (ORC) 5705.41(D)(1), the Director of Finance has issued a certificate, attached to this ordinance, verifying that a sufficient sum was appropriated and in the City Treasury for the purpose of paying such charges under the contract both at the time the services were authorized and at the time the attached certificate was issued.

The reason for the emergency is the immediate need to make payment to Rack & Ballauer Excavating Company, Inc. for the outstanding charges in a timely manner.

The Administration recommends passage of this Emergency Ordinance.

cc: Andrew Dudas, Budget Director
Steve Webb, Finance Director

Attachment