



## Legislation Text

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**File #:** R-345-22, **Version:** 1

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Councilwoman Moline

### **Compelling an internal review of the slow-payment issue in the City of Toledo by the City Auditor; and declaring an emergency.**

WHEREAS, the City has engaged in numerous third-party contracts for summertime youth programming and for grass-cutting services on City property throughout the spring, summer and fall season; and

WHEREAS, Toledo City Council approved the appropriation and expenditure of funds to third-parties for summer youth programming in Ordinance 138-22 on March 29, 2022 and grass cutting through the commodities ordinance 232-19 on May 28, 2019; and

WHEREAS, third-party vendors should expect to be paid timely for the services they have performed or agreed to perform per contractual agreements with the City of Toledo; and

WHEREAS, it has been brought to the attention of Toledo City Council that vendors for such programs and services have not been paid timely; and

WHEREAS, prompt payment of services is a basic function of a functioning government and the bare minimum owed to taxpayers; and

WHEREAS, Toledo City Council is committed to oversight of the Administration to demand that proper processes exist so timely action can occur with outside partners; and

WHEREAS, the City of Toledo has not had a permanent Director of Finance for over two years; and

WHEREAS, Section 30 of the Charter of the City of Toledo prohibits Council's interference in the Administration; however, Section 58 of the Charter does allow Council to "investigate the financial transactions of any office or department of the City government, and the official acts and conduct of any City official"; and

WHEREAS, in Section 125 of the Charter of the City of Toledo, Council appoints a City Auditor who "shall be responsible for financial and operational audits of all departments, divisions, boards, commissions, and other agencies of the City"; and

WHEREAS, Toledo City Council directs the City Auditor to review the operational processes of payments to outside vendors, to identify any issues causing the delays in payments to outside vendors, to make recommendation to the various departments involved to improve and correct this process and to report to Council his findings in 30 days from approval of this resolution; NOW, THEREFORE,

Be it resolved by the Council of the City of Toledo:

SECTION 1. Pursuant to Toledo City Charter Section 125, the City Auditor is directed by City Council to take any and all actions to review and investigate the causes of late payments to third-party vendors and make recommendations to the Administration to improve this process, including review the operational processes of payments to outside vendors, to identify any issues causing the delays in payments to outside vendors, to make recommendation to the various departments involved to improve and correct this process, and to report to Council his findings in 30 days from approval of this resolution.

SECTION 2. That all formal actions concerning and relating to the passage of this Resolution were passed in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 3. That this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and property of the City, and for the further reason that this Resolution is required to be immediately effective in order to expedite the review of appropriation and expenditure of APRA funds; wherefore, this Resolution shall be in full force and effect immediately after its passage or at the earliest time allowed by law.

Vote on emergency clause: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Adopted: \_\_\_\_\_, as an emergency measure: yeas \_\_\_\_\_, nays \_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council

\_\_\_\_\_  
President of Council

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor

I hereby certify that the above is a true and correct copy of a Resolution adopted by Council

\_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council