

ORDINANCE NO. 120-20

A ORDINANCE PROCLAIMING THAT THE ENTIRETY OF PAYROLL COSTS FOR PUBLIC SAFETY FORCES OF THE CITY OF AVON FOR THE PERIOD OF MARCH 1, 2020 THROUGH DECEMBER 31, 2020 ARE ELIGIBLE FOR REIMBURSEMENT FROM CARES ACT FUNDS AND ARE CONSISTENT WITH THE REQUIREMENTS OF SECTION 5001 OF THE CARES ACT AS DESCRIBED IN 42 U.S.C. 601(d) AND DECLARING AN EMERGENCY

WHEREAS, the Coronavirus Aid, Relief, and Economic Security Act, 116 Public Law 136, (the CARES Act) was signed into law by the President of the United States on March 27, 2020; and

WHEREAS, the Ohio General Assembly established a process for distributing funds provided by the "Coronavirus Aid, Relief, and Economic Security Act" in Senate Bill 310 of the 133rd General Assembly (S.B. 310); and

WHEREAS, according to the U.S. Treasury's Coronavirus Relief Fund Guidance for State, Territorial, Local and Tribal Governments, as well as the Ohio Office of Budget and Management, CARES Act funds may be utilized to meet payroll expenses for public safety employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency and substantially different from any expected use of funds as set forth in the most recently approved budget for the City; and

WHEREAS, according to the Ohio Office of Management and Budget, payroll costs for public health and public safety employees are presumed to be payments for services substantially dedicated to mitigating or responding to the COVID-19 public health emergency; and

WHEREAS, according to the Ohio Office of Management and Budget, as a matter of administrative convenience, the entire payroll cost of an employee whose time is substantially dedicated to mitigating or responding to the COVID-19 public health emergency is eligible for reimbursement, provided that such payroll costs are incurred by December 31, 2020 because payroll amounts that were budgeted have since been repurposed.

WHEREAS, the Administration recommends that a portion of the CARES Act funds received by the City be utilized to reimburse the General Fund for expenditures made over the last nine (9) months of 2020 to defray the additional costs incurred by its safety forces to deal with the complications brought about by the COVID-19 pandemic; and

WHEREAS, Council adopts the recommendation of the Administration and finds that the use of CARES Act funds to off-set expenditures by the safety forces of the City of Avon to be in the best interests of the health, safety and welfare of the citizens of the community.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, COUNTY OF LORAIN AND STATE OF OHIO:

Section 1 – That the City of Avon hereby proclaims that all full-time public safety employees of the City of Avon, including all full-time employees of Avon Police Department, dispatchers, full-time employees of the Avon Fire Department and the Mayor/Safety Director,

during the period of March 1, 2020 through December 31, 2020, have been substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

Section 2 – That the entire payroll cost of the aforementioned public safety employees for the period of March 1, 2020 through December 31, 2020 substantially differs from the expected use of the funds and is eligible for reimbursement, because the payroll amounts that were budgeted have since been repurposed.

Section 3 – That the City of Avon is therefore entitled to utilize CARES Act funds for reimbursement of the entirety of public safety payroll expenses for the period of March 1, 2020 through December 31, 2020, consistent with the requirements of Section 5001 of the CARES Act as described at 42 U.S.C. 601(d).

Section 4 – That it is hereby 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 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 5 – That this Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity of affirming that payroll expenses for public safety employees of the City of Avon during the period of March 1, 2020 through December 31, 2020 have been substantially dedicated to mitigating or responding to the COVID-19 public health emergency and are substantially different from any expected use of funds as set forth in the most recently approved budget for the City; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Brian Fischer, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

Ordinance No. 120-20 (Con't)

APPROVED AS TO FORM:

John A. Gasior, Law Director

ATTEST:

Gail A. Hayden
Assistant Clerk of Council

Posted: _____
In Five Places as
Provided by Council

Prepared By:
John A. Gasior, Esq.
Law Director