

CITY OF CLAYTON, OHIO

RESOLUTION NO. R – 10 – 20 – 46

A RESOLUTION FINDING THAT PUBLIC SAFETY PERSONNEL ARE SUBSTANTIALLY DEDICATED TO MITIGATING OR RESPONDING TO THE COVID-19 PUBLIC HEALTH 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, in House Bill 481 of the 133rd General Assembly (HB 481), the Ohio General Assembly established a process for distributing funds provided by the CARES Act; and

WHEREAS, HB 481, required political subdivisions receiving funds under Section 1 of the CARES Act, to pass a resolution affirming that funds from the County Coronavirus Relief Distribution Fund may be expended only to cover costs of the political subdivision consistent with the requirements of section 5001 of the CARES Act as described in 42 U.S.C. 801(d), and any applicable regulations before receiving said funds; and

WHEREAS, on June 18, 2020 this Council adopted Resolution No. 06-20-29 and affirmed that all funds received from the Montgomery County Coronavirus Relief Distribution Fund pursuant to HB 481 be expended only to cover costs of the City of Clayton consistent with the requirements of Section 5001 of the CARES Act as described in 42 U.S.C 801(d) and any applicable regulations and guidance; and

WHEREAS, the Ohio Office of Budget and Management (OBM), in its Guidance & Frequently Asked Questions, updated August 28, 2020, (OBM Guidance) directed local jurisdictions to “evaluate all proposed expenditures based on guidance contained within the U.S. Department of Treasury Guidance and Coronavirus Relief Fund Frequently Asked Questions”; and

WHEREAS, the OBM Guidance further advised that “it is presumed for administrative convenience that personnel costs related to [public safety] are substantially dedicated” for purposes of the CARES Act unless the chief executive of the entity receiving the funds determines otherwise; and

WHEREAS, the United States Department of the Treasury (Treasury), in its Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments, dated September 2, 2020, (Treasury Guidance) advised that “[p]ayroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency” are eligible expenditures of CARES Act funds; and

WHEREAS, the Treasury Guidance further advised that local governments may presume that “public health and public safety employees meet the substantially dedicated test, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise. This means that, if this presumption applies, work performed by such employees is considered to be a substantially different use than accounted for in the most recently approved budget as of March 27, 2020. All costs of such employees may be covered using payments from the Fund for services provided during the period that begins on March 1, 2020, and ends on December 30, 2020”; and

WHEREAS, the Treasury Guidance further advised that “public safety employees” include “police officers (including state police officers), sheriffs and deputy sheriffs, firefighters, emergency medical responders, correctional and detention officers, and those who directly support such employees such as dispatchers and supervisory personnel”.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. In reliance on the Treasury Guidance and OBM Guidance and having examined the circumstances of the City of Clayton, this Council finds and determines that the Treasury presumption that City of Clayton public safety employees meet the substantially dedicated test applies and no specific circumstances rebut the presumption. This Council further finds and determines that the following City of Clayton public safety positions are substantially dedicated to mitigating or responding to the COVID-19 public health emergency:

Fire Department

Chief

Battalion Chief

Lieutenant

Firefighter/Paramedic

Firefighter/EMT

Police Department

Chief

Sergeant

Detective

Officer

Therefore, current and future distributions of CARES Act funds to the City of Clayton may be expended to cover the payroll and benefits of the public safety positions listed above.

2. That this Resolution shall take effect from and after the date of its passage.

ADOPTED BY COUNCIL ON OCTOBER 1, 2020.

AUTHENTICATION:

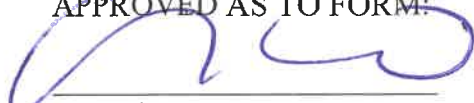


Mayor (Presiding Officer of Council)



Clerk of Council

APPROVED AS TO FORM:



Law Director

CERTIFICATION OF PUBLICATION

This shall certify that that the text of the above referenced enactment or a summary thereof was published once in the following newspaper and a summary posted in three places of public access as designated by Council.

Name of newspaper

Brookville Star

Date of publication

October 7, 2020



CLERK