

Village of Mantua, Ohio
ORDINANCE 2020-52

AN ORDINANCE AFFIRMING THE UNITED STATES TREASURY PRESUMPTION THAT PUBLIC SAFETY EMPLOYEES ARE SUBSTANTIALLY DEDICATED TO MITIGATING OR RESPONDING TO THE COVID-19 PUBLIC HEALTH EMERGENCY, AND AUTHORIZING AN EXPENDITURE OF UP TO \$60,000.00 FROM THE LOCAL CORONAVIRUS RELIEF FUND #2902 TO COVER PAYROLL AND BENEFITS EXPENSES OF VILLAGE OF MANTUA POLICE OFFICERS AND DISPATCHERS, 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 CARES Act in House Bill 481 of the 133rd General Assembly (H.B. 481); and

WHEREAS, the Village of Mantua has received total distributions of \$133,184.65 from the Portage County Coronavirus Relief Distribution Fund in order to pay expenditures incurred between March 1 and December 31, 2020 as a direct consequence of the COVID-19 public health emergency; and

WHEREAS, The CARES Act provides that payments from the Fund may only be used to cover costs that:

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020. [See Section 601(d) of the Social Security Act, as added by section 5001 of the CARES Act.]

WHEREAS, the United States Treasury Department's “Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments Updated September 2, 2020” (“Treasury Guidance”) states the following:

Treasury considers the requirement that payments from the Fund be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020, to be met if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget or (b) the cost is for a *substantially different use* from any expected use of funds in such a line item, allotment, or allocation.

WHEREAS, the Treasury Guidance further states that local governments may utilize CARES Act Coronavirus Relief Funds for the full amount of “payroll and benefits 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 health emergency”; and

WHEREAS, the Treasury Guidance further states:

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In recognition of the particular importance of public health and public safety workers to State, local, and tribal government responses to the public health emergency, Treasury has provided, as an administrative accommodation, that a State, local, or tribal government 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.

In response to questions regarding which employees are within the scope of this accommodation, Treasury is supplementing this guidance to clarify that public safety employees would 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.

WHEREAS, the Ohio Office of Management and Budget (OBM) “Coronavirus Relief Fund (CRF) Local Government Assistance Program Guidance & Frequently Asked Questions”, updated October 1, 2020, contains guidance consistent with that of the Treasury Department, stating:

Public safety and public health personnel are “presumed” for administrative convenience to be substantially dedicated unless the chief executive determines that specific circumstances indicate otherwise. Treasury has provided an administrative accommodation for “presumed” public safety and public health employees indicating these employees which meet the substantially dedicated test are considered substantially different use, thus allowing for previously budgeted personnel to be eligible to be charged to the CRF.

WHEREAS, the Council of the Village of Mantua now desires to affirm and apply the United States Treasury presumption that the public safety employees in the Mantua Police Department are substantially dedicated to mitigating or responding to the COVID-19 health emergency, such that CARES Act Coronavirus Relief Funds may be used for payroll and benefits expenses for their services.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Mantua, Ohio, two-thirds or more of the members elected thereto concurring, that:

SECTION 1: In reliance on the United States Department of Treasury Guidance and OBM Guidance, and having examined the operational circumstances of the Village of Mantua, this Council hereby acknowledges, affirms and applies the presumption authorized by the United States Treasury, particularly, that Village of Mantua public safety employees satisfy the test of

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being substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

SECTION 2: This Council further affirms and applies the Treasury Guidance that “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.”

SECTION 3: The Clerk-Treasurer is hereby authorized and directed to expend up to sixty-thousand dollars (\$60,000,00) from the Coronavirus Relief Fund #2902 for payroll and benefits expenses of public safety employees of the Village of Mantua, to wit: police officers and dispatchers, from the date of passage of this Ordinance through December 30, 2020.

SECTION 4: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage 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: This Ordinance is hereby declared to be an emergency measure, in order to affirm the presumption that Village of Mantua public safety employees are substantially dedicated to the mitigation or response to the COVID-19 pandemic and further to authorize the use of Coronavirus Relief Funds to cover expenses related to their payroll and benefits at the earliest time, and for that reason this Ordinance shall take effect immediately upon proper passage by Council.

PASSED AS EMERGENCY this 17th day of November, 2020.

ATTEST:

Mayor Linda Clark

Jenny August, Clerk-Treasurer

I hereby certify that this Ordinance was duly published by public posting at pre-designated posting places on the _____ day of November, 2020.

Jenny August, Clerk-Treasurer

Approved as to legal form:

Michele Stuck, Solicitor