

RESOLUTION NO. 82-20
CITY OF CENTERVILLE, OHIO

SPONSORED BY COUNCILMEMBER Mark Engert ON
THE 16th DAY OF November, 2020.

A RESOLUTION FINDING THAT THE CITY'S DIVISION OF POLICE AS DESIGNATED 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, Ohio's 133rd General Assembly has adopted three bills referenced collectively as the "State CARES Act Legislation," namely, House Bill 481 ("H.B. 481"), Senate Bill 310 (S.B. 310"), and House Bill 614 ("H.B. 614"), to establish a process for distributing CARES Act funds to local municipalities; and

WHEREAS, the State CARES Act Legislation requires municipalities receiving funds under Section 1 of the CARES Act to pass a resolution affirming that CARES Act funds may be expended only to cover costs of the municipality 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 8, 2020, this Council adopted Resolution No. 36-20, affirming that all funds received from the Montgomery County Coronavirus Relief Distribution Fund pursuant to the State CARES Act Legislation including H.B. 481 be expended only to cover costs of the City of Centerville 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 ("FAQ"), subsequently updated August 28, 2020 and October 1, 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 expense 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 the 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 employee 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 and those who directly support such employees such as dispatchers and supervisory personnel.

NOW THEREFORE, THE MUNICIPALITY OF CENTERVILLE HEREBY RESOLVES:

Section 1. That in reliance on the Treasury Guidance and OBM Guidance, specifically including but not limited to such portions as are quoted in this Resolution herein, and having examined the circumstances of the City of Centerville, City Council finds and determines that the Treasury presumption applies, namely, that the City of Centerville Division of Police, as designated as public safety personnel, meet the “substantially dedicated” test and there are no specific circumstances to rebut the presumption.

Section 2. That City Council further finds and determines that the following City of Centerville Division of Police positions are substantially dedicated to mitigating or responding to the COVID-19 public health emergency:


Patrol Officers;
Sergeants;
Lieutenants; and
Chief of Police.

Section 3. That current and future distribution of CARES Act Funds to the City of Centerville may be expended to cover the payroll and benefits of the Division of Police listed in Section 2 above for the period that begins on March 1, 2020, and ends on December 30, 2020.

Section 4. That the financial accounting system used by the City of Centerville does not utilize purchase orders for the encumbrance of payroll and benefit expenses in that such expenses are not “purchases” in a traditional sense. However, language in the CARES Act, as well as applicable regulations and guidance, appears to require reimbursable expenses to be encumbered and made in the same manner as all other purchases. Thus, to comply with such requirement, City Council hereby authorized and directs the Director of Finance to create one or more purchase orders, as necessary, within the city’s financial accounting system to ensure the city’s maximum eligibility for CARES Act reimbursements contemplated by this Resolution.


Section 5. That this Resolution shall take effect at the earliest date allowed by law.

PASSED THIS 16th day of November, 2020.



Mayor of the City of
Centerville, Ohio

ATTEST:



Clerk of Council
City of Centerville, Ohio

CERTIFICATE

The undersigned, Clerk of Council of the City of Centerville, Ohio, hereby certifies the foregoing to be a true and correct copy of Resolution No. 82-20, passed by the Council of the City of Centerville, Ohio on the 16th day of November, 2020.


Clerk of the Council

Approved as to form, consistency
with existing ordinances, the
charter & constitutional provisions
Department of Law
Scott A. Liberman
Municipal Attorney