

RESOLUTION NO. 2020- 14**A RESOLUTION FINDING THAT PUBLIC SAFETY PERSONNEL ARE SUBSTANTIALLY DEDICATED TO MITIGATING OR RESPONDING TO THE COVID-19 PUBLIC HEALTH EMERGENCY 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, 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, the Village of Centerburg is requesting it share of and affirmed that all funds received from the Knox County Coronavirus Relief Distribution Fund pursuant to HB 481 be expended only to cover costs of the Village of Centerburg 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 "payroll 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 Village of Centerburg

Section 1: In reliance on the Treasury Guidance and OBM Guidance and having examined the circumstances of the Village of Centerburg, this Council finds and determines that the Treasury presumption that Village of Centerburg 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 Village of Centerburg public safety positions are substantially dedicated to mitigating or responding to the COVID-19 public health emergency:

Sheriff Department

Deputies

THEREFORE, current and future distributions of CARES Act funds to the Village of Centerburg may be expended to cover the payroll and benefits reimbursed to the Knox County Sheriff's office per the Village Law Enforcement Contract and Ordinance 2018-06 of the public safety positions listed above.

WHEREFORE, This Resolution is hereby declared to be an emergency and shall take effect and be in full force immediately from and after its passage and approval by the Mayor.

ATTEST

Signature on file

Signature on file

PRESIDENT OF COUNCIL

DATE PASSED

11/2/2020

Signature on file

MAYOR

DATE APPROVED _____

APPROVED AS TO FORM:

Signature on file

LEGAL COUNSEL

I hereby certify that the Resolution or a summary of the Resolution was published once a week for two consecutive weeks on Nov. 7, 2020 and Nov. 14, 2020 in the Mount Vernon News in conformance with the Ohio Revised Code.

Signature on file

FISCAL OFFICER