

# RECORD OF RESOLUTIONS

Dayton Legal Blank, Inc.

Resolution No. 23-2020 Passed October 13, 2020

*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 133<sup>rd</sup> 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. 601(d), and any applicable regulations before receiving said funds; and*

*WHEREAS, on June 9, 2020 this Council adopted Resolution Number 15-2020 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 West Carrollton consistent with the requirements of Section 5001 of the CARES Act as described in 42 U.S.C 601(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*

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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 August 25, 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 WEST CARROLLTON, MONTGOMERY COUNTY, OHIO:

SECTION 1: that in reliance on the Treasury Guidance and OBM Guidance and having examined the circumstances of the City of West Carrollton, this Council finds and determines that the Treasury presumption that the City of West Carrollton 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 West Carrollton public safety positions are substantially dedicated to mitigating or responding to the COVID-19 public health emergency:

***Fire Department***

Firefighters; Paramedics/EMT's  
Captains;  
Fire Chief;

***Police Department***

Patrol Officers;  
Sergeants;  
Deputy Police Chief;  
Chief of Police;

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

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SECTION 2: that this Resolution shall take effect from and after the earliest period allowed by law.

Passed: October 13, 2020

  
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Mayor

Attest:   
Clerk of Council

Effective Date: October 13, 2020

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