

**CITY OF ENGLEWOOD**

**IN**

**MONTGOMERY COUNTY, OHIO**

**RESOLUTION NO: 38-20**

**PASSED: September 22, 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. 801(d), and any applicable regulations before receiving said funds; and

**WHEREAS**, on June 23, 2020 this Council adopted Resolution 20-20 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 Englewood 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 ENGLEWOOD, OHIO AS FOLLOWS:**

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

- Fire Department
  - Firefighters;
  - Captains;
  - Battalion Chiefs;
  - Assistant Chiefs;
  - Fire Chief;

Police Department  
Patrol Officers;  
Sergeants;  
Lieutenants;  
Captains;  
Chief of Police;

Public Safety Dispatch  
Public Safety Dispatchers.

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

**SECTION II**

It is hereby found and determined that all formal actions of this Council concerning and relating to the Passage of this Resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

**SECTION III**

That this Resolution shall be in full force and effect at the earliest date allowed by law.

**PASSED this 22nd day of September, 2020.**

  
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**Thomas Franz, Mayor**

**ATTEST:**

  
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Kerry Norman, Clerk of Council

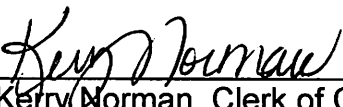
## CERTIFICATE

I, Kerry Norman, Clerk of Council of the City of Englewood, Montgomery County, Ohio, do hereby certify the foregoing is a true and correct copy from the *Record of Proceedings* of said City. **WITNESS** my signature this 22nd day of September, 2020.

  
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Kerry Norman, Clerk of Council

## CERTIFICATE OF POSTING

I, Kerry Norman, Clerk of Council of the City of Englewood, Montgomery County, Ohio, do hereby certify publication of the foregoing **RESOLUTION** was made as designated by Sections 224.01 and 24.02 of the Englewood Code.

  
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Kerry Norman, Clerk of Council