

**ORDINANCE NO. 196-20****AN ORDINANCE AUTHORIZING THE USE OF CARES ACT FUNDS TO COVER CERTAIN PAYROLL COSTS, UNEMPLOYMENT COMPENSATION, AND LEGAL EXPENSES RELATED THERETO; AND DECLARING AN EMERGENCY**

- WHEREAS:** COVID-19 is a respiratory disease that can result in serious illness or death and is easily spread between individuals who are in close contact with each other through respiratory droplets and various other means;
- WHEREAS:** On March 9, 2020, Governor Mike DeWine declared a State of Emergency in Executive Order 2020-01D in order to protect the welfare of citizens of Ohio from the dangerous effects of COVID-19;
- WHEREAS:** On March 27, 2020, the President of the United States signed into law the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) which, in part, established the coronavirus relief fund under 42 U.S.C. §801 and appropriated 150 billion dollars of direct payments to states, tribal governments, and units of local government;
- WHEREAS:** On June 19, 2020, Governor Mike DeWine signed into law House Bill 481 which authorizes distribution of federal coronavirus relief fund money to eligible counties, townships, and municipal corporations in Ohio;
- WHEREAS:** The City of Medina (“Medina”) is the recipient of federal coronavirus relief fund money;
- WHEREAS:** The CARES Act and H.B. 481 require that recipients of federal coronavirus relief funds must use the relief funds to cover only those costs that are necessary expenditures incurred due to the public health emergency with respect to COVID-19, were not accounted for in the budget most recently approved as of March 27, 2020 for the unit of government, and were incurred during the period between March 1, 2020 and December 30, 2020;
- WHEREAS:** Personnel from Medina’s Police and Fire departments (“Police and Fire Personnel”) provide police and fire services to Medina’s residents;
- WHEREAS:** Since March 1, 2020, Police and Fire Personnel have responded to calls from residents in connection with the spread and transmission of COVID-19 within the community;
- WHEREAS:** Police and Fire Personnel have spent additional time during their course and scope of their employment to enforce COVID-19 related public health orders, and to sanitize, disinfect, and clean shared spaces, vehicle interiors and other high-touch areas in order to curb the transmission of COVID-19;

**WHEREAS:** This Council determines that Police and Fire Personnel are employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency;

**WHEREAS:** This Council further determines that covering \$290,990.00 in payroll costs paid to Police and Fire Personnel since March 1, 2020 with CARES Act funds is a necessary expenditure due to the public health emergency with respect to COVID-19 because Police and Fire Personnel are employees whose services are substantially dedicated to mitigating or responding to COVID-19;

**WHEREAS:** Medina employees other than Police and Fire Personnel have had to perform functions during the course and scope of their employment in order to respond to or mitigate the public health emergency with respect to COVID-19;

**WHEREAS:** The functions performed by Medina employees other than Police and Fire Personnel include, but are not limited to, cleaning, sanitizing, and disinfecting Medina property, communicating COVID-19-related messages to residents, and performing additional tasks necessary to comply with COVID-19 public health orders;

**WHEREAS:** This Council further determines that covering \$260,194.94 in payroll costs paid to Medina employees other than Police and Fire Personnel since March 1, 2020 with CARES Act funds is a necessary expenditure due to the public health emergency with respect to COVID-19 because those Medina employees other than Police and Fire Personnel have performed several functions in order to curb the spread and transmission of COVID-19 in the workplace and in the larger community;

**WHEREAS:** Medina has incurred up to \$6,500.00 in legal expenses associated with its administration and response to COVID-19 and its widespread impact on the community;

**WHEREAS:** This Council further determines that the cost incurred in connection with Medina's receipt of legal counsel is a necessary expenditure due to the public health emergency with respect to COVID-19 in order to ensure Medina's compliance with COVID-19-related legislation and orders;

**WHEREAS:** Due to the public health emergency with respect to COVID-19, Medina had to terminate the employment of certain employees who later received unemployment compensation in an aggregate amount of \$10,670.75;

**WHEREAS:** This Council further determines that covering the aggregate amount of \$10,670.75 in unemployment compensation paid to former Medina employees is a necessary expenditure due to the public health emergency with respect to COVID-19 because of the economic harm caused by the spread of COVID-19, which subsequently necessitated the termination of certain employees;

**WHEREAS:** This Council further determines that all expenditures authorized in this Resolution to be made with CARES Act funds were not accounted for in the budget most recently approved as of March 27, 2020, and the costs will be incurred between March 1, 2020 and December 30, 2020.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEDINA, OHIO:**

**SEC. 1:** That the Finance Director is authorized to cause the transfer from Medina’s local coronavirus relief fund to Medina’s police and fire fund an amount not to exceed \$290,990.00.

**SEC. 2:** That the Finance Director is authorized to cause the transfer from Medina’s local coronavirus relief fund to Medina’s general fund an amount not to exceed \$260,194.94.

**SEC. 3:** That up to \$6,500.00 is authorized to be made available from Medina’s local coronavirus relief fund to cover special legal expenses incurred in response to the COVID-19 public health emergency.

**SEC. 4:** That the Finance Director is authorized to cause the transfer from Medina’s local coronavirus relief fund to Medina’s general fund to cover unemployment compensation expenses caused by the COVID-19 pandemic and state of emergency in an amount not to exceed \$10,670.75.

**SEC. 5:** That it is 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 the law.

**SEC. 6:** That this Ordinance shall be considered an emergency measure necessary for the immediate preservation of the public peace, health and safety, and for the further reason that House Bill 614 passed by the General Assembly and signed into law by Governor Mike DeWine requires that Medina return the unencumbered balance of CARES Act funds within the City’s local coronavirus relief fund on or before November 20, 2020; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and signature by the Mayor.

**PASSED:** November 9, 2020

**SIGNED:** John M. Coyne, III  
President of Council

**ATTEST:** Kathy Patton  
Clerk of Council

**APPROVED:** November 10, 2020

**SIGNED:** Dennis Hanwell  
Mayor