

RESOLUTION NO. 058-20

**A RESOLUTION AUTHORIZING THE UTILIZATION OF CARES ACT
FUNDING FOR THE PURPOSE OF REIMBURSEMENT TO COVER
PERSONNEL COSTS OF THE CITY OF NAPOLEON, OHIO CONSISTENT
WITH THE REQUIREMENTS OF SECTION 5001 OF THE CARES ACT AS
DESCRIBED IN 42 U.S.C. 801 (FORMERLY 42 U.S.C. 601(D)), AND ANY
APPLICABLE REGULATIONS AS IS NECESSARY PURSUANT TO H.B. 481;
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, the Ohio General Assembly established a process for distributing funds provided by the “Coronavirus Aid, Relief, and Economic Security Act” in Senate Bill 310, now H.B. 481 of the 133rd General Assembly (S.B. 310); and,

WHEREAS, the City of Napoleon, Ohio, did pass a resolution pursuant to S.B. 310, now H.B. 481, which required subdivisions receiving funds under Section 1 of the act, specifically Resolution No. 026-20, passed on June 15, 2020, affirming that funds from the County Coronavirus Relief Distribution Fund may be expended only to cover costs of the subdivision consistent with the requirements of section 5001 of the CARES Act as described in 42 U.S.C. 801 (formerly 42 U.S. C. 601(d)), and any applicable regulations before receiving said funds; and,

WHEREAS, 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 allowable, as updated on October 1, 2020; and,

WHEREAS, payroll expenses which were previously accounted for in the City budget most recently approved as of March 27, 2020 for personnel subsequently diverted to a substantially different use due entirely to the COVID-19 health emergency and are supporting the response to COVID-19 are allowable; and,

WHEREAS, City staff has affirmed that payroll, time, and human resource records will be maintained that support payroll costs charged to the allowable CARES Act funds; and,

WHEREAS, the City of Napoleon, Ohio now desires to utilize funds from the County Coronavirus Relief Distribution Fund for the reimbursement of personnel costs, consistent with the requirements of Section 5001 of the Cares Act and subsequent federal regulation; **Now Therefore**,

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NAPOLEON,
OHIO:**

Section 1. That the City of Napoleon, Ohio hereby declares that it shall utilize funds from the County Coronavirus Relief Distribution Fund for the reimbursement of personnel costs, consistent with the requirements of Section 5001 of the Cares Act and subsequent federal regulation. City staff shall ensure that payroll, time, and human

resource records will be maintained that support payroll costs charged to the allowable CARES Act funds.

Section 2. That, the City of Napoleon affirms that all funds received from the County Coronavirus Relief Distribution Fund pursuant to S.B. 310, now H.B. 481, be expended only to cover costs of the subdivision consistent with the requirements of section 5001 of the CARES Act as described in 42 U.S.C. 801 (formerly 42 U.S. C. 601(d)), and any applicable regulations and guidance only to cover expenses that:

1. Are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19); and,
 - a. (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 shall be specifically added as a covered expense.)
2. Were not accounted for in the City's most recently approved budget as of March 27, 2020; and,
 - a. (Unless they are payroll expenses which were previously accounted for in the City budget most recently approved as of March 27, 2020 for personnel subsequently diverted to a substantially different use due entirely to the COVID-19 health emergency and are supporting the response to COVID-19.)
3. Were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020.

Section 3. That, in compliance with S.B. 310, now H.B. 481, the City Council of the City of Napoleon shall take all necessary action to:

1. On or before December 28, 2020, pay the balance of any money in the City's local coronavirus relief fund to the state treasury in the manner prescribed by the Director of the Ohio Office of Budget and Management; and,
2. Provide any information related to any payments received under S.B. 310, now H.B. 481, to the Director of the Ohio Office of Budget and Management as requested.

Section 4. That, the Clerk of Council is directed to file a certified copy of this Resolution with the Ohio Office of Budget and Management's (OBM) and the Henry County Auditor.

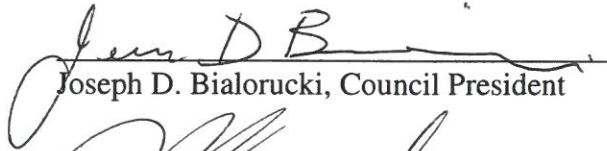
Section 5. That, it is found and determined that all formal actions of this City Council concerning and relating to the adoption of this Resolution were adopted in open meetings of this City Council, and that all deliberations of this City Council and any of its committees that resulted in such formal actions were in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code and the Codified Ordinances of Napoleon Ohio.

Section 6. That, if any other prior Ordinance or Resolution is found to be in conflict with this Resolution, then the provisions of this Resolution shall prevail. Further,

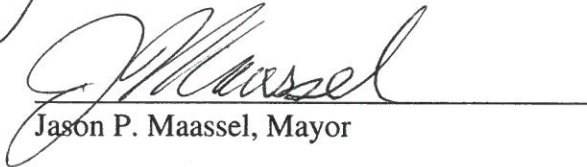
if any portion of this Resolution is found to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof.

Section 7. That, this Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and its inhabitants, and for the further reason that this legislation must be in effect at the earliest possible time pursuant to O.R.C. 731.30 because the immediate passage of the Resolution is necessary so that the City of Napoleon, Ohio can begin receiving COVID-19 reimbursements as soon as possible, and this Resolution shall be in full force and effect upon its adoption; therefore, provided it receives the required number of votes for passage as emergency legislation, it shall be in full force and effect immediately upon its passage; otherwise, it shall be in full force and effect at the earliest time permitted by law. Further, the Emergency Clause is necessary to begin the application process in a timely manner, and for further reasons as stated in the Preamble hereof.

Passed: November 6, 2020


Joseph D. Bialorucki, Council President

Approved: November 6, 2020

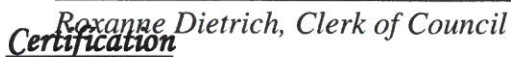

Jason P. Maassel, Mayor

VOTE ON PASSAGE 7 Yea 0 Nay 0 Abstain


Attest:


Roxanne Dietrich, Clerk of Council

I, Roxanne Dietrich, interim Clerk of Council for the City of Napoleon, do hereby certify that the foregoing Resolution No. 058-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the ___ day of _____, 2020; & I further certify the compliance with rules established in Chapter 103 of the Codified Ordinances of Napoleon Ohio and the laws of the State of Ohio pertaining to Public Meetings.


Certification Roxanne Dietrich, Clerk of Council

I, Roxanne Dietrich, Clerk of Council for the City of Napoleon, Ohio, do hereby certify that this document is a true and correct copy of Resolution No. 058-20 passed November 6, 2020.


Roxanne Dietrich
Clerk of Council

11-13-2020
Date