

RESOLUTION NO. 070-20

A RESOLUTION URGING GOVERNOR DEWINE AND THE OHIO LEGISLATURE TO EXTEND THE DEADLINE FOR OPERATING PUBLIC MEETINGS ELECTRONICALLY; AND DECLARING AN EMERGENCY

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death, is caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person. The virus is spread between individuals who are in close contact with each other (within about six feet) through respiratory droplets produced when an infected person coughs or sneezes. It may be possible that individuals can get COVID-19 by touching a surface or object that has the virus on it and then touching their own mouth, nose, or eyes; and

WHEREAS, on January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared the outbreak of COVID-19 a public health emergency of international concern; and,

WHEREAS, on January 31, 2020, Alex M. Azar II, Secretary of Health and Human Services, determined and declared that a public health emergency exists in the United States in relation to COVID-19; and,

WHEREAS, on February 1, 2020, the Ohio Department of Health issued a statewide Health Alert Network to provide local health departments with updated guidance for COVID-19; and,

WHEREAS, on March 9, 2020, Governor Mike DeWine, signed an Executive Order declaring a State of Emergency for the entire State of Ohio in relation to COVID-19 pursuant to the Governor's authority vested in him by the Constitution, the laws of the State of Ohio and in accordance with Revised Code section 5502.22; and,

WHEREAS, the Governor's Executive Order declaring a State of Emergency for the entire State of Ohio urged all citizens to heed to the advice of the Department of Health and other emergency officials regarding COVID-19 in order to protect their health and safety; and,

WHEREAS, on March 12, 2020, Governor DeWine announced the closing of all kindergarten through 12th grade schools through April 3, 2020 and the Ohio Department of Health Director Amy Acton signed an order prohibiting mass gatherings in the state of Ohio; and,

WHEREAS, the State of Ohio is currently experiencing "community spread" of the virus that causes COVID-19, and,

WHEREAS, the CDC has advised those that have possible or confirmed COVID-19 to stay home from work, school, and away from other public places; and,

WHEREAS, in the City of Napoleon, this threat has already impacted the daily lives of the citizens of the City of Napoleon and, the need for citizens and City of Napoleon employees to stay home from work and other public places should they be exposed to the virus substantially impairs the functioning of city government and its ability to protect the lives and property of the citizens of the City of Napoleon, and,

WHEREAS, on March 27, 2020, the Ohio Legislature passed House Bill 197, which includes a provision to, "allow state boards and commissions, local and county governments, and higher education boards to operate meetings electronically during the

declared emergency but not beyond December 1, 2020, so long as the public is aware and can participate electronically;" and,

WHEREAS, Ohio has experienced a large spike of positive COVID-19 cases recently; and,

WHEREAS, on October 20, 2020, Ohio Governor Mike DeWine called the virus a "red tide going all the way across Ohio," with approximately 29 counties in Ohio currently at Level 3 – Very High Risk of Exposure; and,

WHEREAS, with the increase of the COVID-19 cases and the deadline of December 1, 2020 quickly approaching, there is an immediate need to address the preservation of the public peace, health, and safety of the City of Napoleon and its inhabitants; and,

WHEREAS, it has been announced that Senator Fedor has introduced Senate Bill 365 to extend this deadline, to preserve the health, safety and general welfare of all Ohioans. **Now Therefore**,


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

Section 1. That, the City of Napoleon hereby urges Governor Mike DeWine and the Ohio Legislature to approve an extension of the operation of public meetings to take place in an electronic setting, in accordance with House Bill 197, until the emergency conditions are lifted.

Section 2. 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 3. 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 16, 2020


Joseph D. Bialorucki, Council President

Approved: November 16, 2020


Jason P. Maassel, Mayor

VOTE ON PASSAGE 7 Yea 0 Nay 0 Abstain

Attest:

Roxanne Dietrich
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. 070-20 was duly published in the Northwest Signal, a newspaper of general circulation in said City, on the 19th day of November, 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.

Roxanne Dietrich
Roxanne Dietrich, Clerk of Council

VOTE ON PASSAGE 7 Yea 0 Nay 0 Abstain
Attest:

Roxanne Dietrich
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. 070-20 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.

Roxanne Dietrich, Clerk of Council

Certification

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. 070-20 passed November 16, 2020.

Roxanne Dietrich
Roxanne Dietrich
Clerk of Council

November 17, 2020
Date

STATE OF OHIO
COUNTY OF HENRY

Sally Heaston, being first duly sworn, states that she is the General Manager of The Bryan Publishing Company, owner of The Northwest Signal, a daily newspaper, published and of general circulation in the county of Henry aforesaid, and that the annexed notice was published in one issue in said paper, on the 19th day of November, 2020.



Sally Heaston

Subscribed and sworn to before me this
19th day of November, 2020



Beverly Griteman
Notary Public,
State of Ohio
My Commission
Expires February 13, 2021

Printer's Fee: \$212.50

Notary Fee: \$3.00

Summary of Ordinance No.053-20 and Resolution No.(s)
052-20, 070-20, 071-20

(PURSUANT TO ARTICLE II, SECTION 2.15 OF THE CITY CHARTER, CHAPTER 121 OF THE CODE OF ORDINANCES AND COUNCIL RULE 6.2.4.1, AS WELL AS APPLICABLE PROVISIONS OF ORC CHAPTER 731)

NOTICE

A copy of the complete text of the above named Ordinance(s) and Resolution(s) are on file in the office of the City Finance Director and may be viewed or obtained during business hours of 7:30 AM to 4:00 PM, Monday through Friday, at the office of the Finance Director, the location being 255 West Riverview Avenue, Napoleon, Ohio. A copy of all or part of the above named Ordinances and Resolutions, or any item mentioned in this notice, may be obtained from the City Finance Director upon the payment of a reasonable fee therefore.

Ordinance No. 053-20

AN ORDINANCE TO AMEND CHAPTER 194, SPECIFICALLY SECTION 194.081 "CREDIT FOR TAX PAID - CITY OF NAPOLEON," OF THE CODIFIED ORDINANCES OF THE CITY OF NAPOLEON REGARDING MUNICIPAL INCOME TAX, AMENDING ORDINANCE NO. 053-15, AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon amended Section 194.081 of the City Codified Ordinances regarding Municipal Income tax, also amending Ordinance No. 053-15.

Resolution No. 052-20

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN ANNEXATION AGREEMENT WITH WILLIAM R. MEYERS FOR THE ANNEXATION OF 3.038 ACRES OF LAND MORE OR LESS

In this legislation, the City of Napoleon authorized the City Manager to enter into an annexation agreement with William R. Meyers.

Resolution No. 070-20

A RESOLUTION URGING GOVERNOR DEWINE AND THE OHIO LEGISLATURE TO EXTEND THE DEADLINE FOR OPERATING PUBLIC MEETINGS ELECTRONICALLY; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon urged Governor DeWine to extend the deadline for operating public meetings electronically.

Resolution No. 071-20

A RESOLUTION STRONGLY OPPOSING OHIO SENATE BILL 352 AND THE STATE OF OHIO HOUSE BILL 754, REGARDING MUNICIPALITY INCOME TAX WITHHOLDING PRACTICES DURING THE STATE OF EMERGENCY RELATED TO THE COVID-19 PANDEMIC; AND DECLARING AN EMERGENCY

In this legislation, the City of Napoleon strongly opposed Ohio Senate Bill 352 and House Bill 754, regarding City municipal income tax withholding during the State of Emergency.

The above summaries are approved as to form and correctness by Billy D. Harmon, City Law Director