

RECORD OF ORDINANCES

Ordinance No. 2020-39

Passed November 18

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AN ORDINANCE APPROPRIATING THE VILLAGE'S CORONAVIRUS RELIEF FUND PAYMENTS TO THE VILLAGE'S COVID-19 RESPONSE AND THE DECLARATION OF AN EMERGENCY.

WHEREAS, Title V, Section 5001 of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. 116-136, H.R. 748, signed into law on March 27, 2020 (the "CARES Act"), appropriated Coronavirus Relief Fund (the "Fund") payments from the U.S. Treasury Secretary to states, tribal governments, and units of local government; and,

WHEREAS, under the CARES Act's methodology, the State of Ohio was allocated the amount of \$4.532 billion to "provide ready funding to address unforeseen financial needs and risks created by the COVID-19 public health emergency"; and,

WHEREAS, the CARES Act and its related U.S. Treasury guidance provide that Fund payments may only be used by state and local government recipients to finance costs that (a) are necessary due to the COVID-19 public health emergency; (b) were not accounted for in the state or local government's budget most recently approved prior to the CARES Act's enactment; and (c) were incurred during the period beginning March 1, 2020, and ending December 30, 2020 (collectively, the "Criteria"); and,

WHEREAS, pursuant to Amended Substitute House Bill 481, passed by the 133rd Ohio General Assembly in June 2020, as amended by Ohio House Bill 614, passed by the Ohio General Assembly on September 23, 2020, and State Controlling Board actions in August 2020, portions of the State of Ohio's CARES Act allocation of Fund payments have been appropriated to the Ohio Office of Budget and Management ("OBM") for distribution to local political subdivisions; and,

WHEREAS, the General Assembly further designated OBM with the responsibility of monitoring the financial activities of local political subdivisions receiving Fund payments, pursuant to which OBM published guidance pertaining to the distribution of Fund payments through its Local Government Assistance Program (the "OBM Guidance"), which OBM Guidance restates the Criteria and provides further direction to local political subdivisions as to mitigating or responding to the COVID-19 public health emergency; and,

WHEREAS, the Village was allocated a Fund payment amount under Ohio House Bill 481, for the receipt of which this Council adopted Resolution 2020-16 on June 22, 2020, affirming that said Fund payment would be expended only to cover costs consistent with the Criteria and applicable regulations (the "Village Fund Payment"); and,

WHEREAS, pursuant to Ordinance 2020-38 adopted on November 18, 2020, the Village established a separate special revenue fund entitled the "Coronavirus Relief Fund (2153)" to track the receipt and expenditure of the Village Fund Payment related to the Village's response to the COVID-19 pandemic (the "Village CRF Fund"); and,

WHEREAS, since March 2020 the COVID-19 pandemic has resulted in a public health emergency; and,

WHEREAS, the Village desires to expend \$108,251.38 from its Village Fund Payment to address the COVID-19 public health emergency [See "EXHIBIT A" attached hereto and incorporated herein, for a list of expenditures], all in accordance with the CARES Act and OBM Guidance.

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NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BALTIMORE, FAIRFIELD COUNTY, OHIO, A MAJORITY OF ITS MEMBERS CONCURRING:

SECTION 1: Costs of the Village's COVID-19 Response are Necessary. This Council hereby declares that the list of expenditures, as more fully set forth in EXHIBIT A attached hereto, constitute costs necessary to mitigate or respond to the COVID-19 public health emergency (the "COVID-19 Response"). This Council's determination that the COVID-19 Response constitutes eligible expenditures of the Village Fund Payment, as a result of the COVID-19 pandemic.

SECTION 2: Costs Not Accounted for in Budget Most Recently Approved as of March 27, 2020. This Council hereby declares the Village's COVID-19 Response costs are substantially different from the expected use of funds in the Village's line item, allotment, or allocation of funds in the Village's most recently approved budget prior to March 27, 2020.

SECTION 3: Costs Incurred During Period Beginning March 1, 2020 and Ending December 30, 2020. This Council hereby declares that the COVID-19 Response costs were incurred during the period beginning March 1, 2020 and ending December 30, 2020.

SECTION 4: Appropriation and Local Government Proclamation. This Council hereby appropriates \$108,251.38 from the unencumbered balance of the Village CRF Fund to the COVID-19 Response as described herein and in accordance with the CARES Act and OBM Guidance, and further authorizes and directs the Village Administrator to (i) proclaim that the COVID-19 Response is an allowable use of the Village Fund Payment, (ii) to expend funds as set forth in the attached EXHIBIT A; iii) to take such actions, execute such instruments, and direct such efforts so as to give full effect to this appropriation and the Council's determinations and declaration on this subject; and (iv) to take such action to make the Village Fund Payment amounts appropriated herein available as soon as possible.

SECTION 5: This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law including Section 121.22 of the Revised Code.

SECTION 6: This Ordinance is hereby declared to be an emergency measure necessary to provide for the public peace, safety, health, and welfare of the Village and to provide immediate assistance needed by businesses impacted by the COVID-19.


Brad Nicodemus, Mayor

DATE OF PASSAGE: 11-18-2020

EFFECTIVE DATE: 11-18-2020

ATTEST: 
Brian Bibler, Fiscal Officer

SPONSOR: HANKISON

APPROVED AS TO FORM: 
Jeffrey Feyko, Village Solicitor