

**CITY OF CHEVIOT  
STATE OF OHIO**

**RESOLUTION NO. 20-\_\_**

**TO FIND THAT CERTAIN 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, (“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 CARES Act in Senate Bill 310, now H.B. 481 of the 133<sup>rd</sup> General Assembly; and

**WHEREAS**, H.B. 481 required political subdivisions receiving funds under the CARES Act to pass a resolution affirming that funds from the County Coronavirus Relief Distribution Fund would be expended only to cover costs of the subdivision consistent with the requirements of the CARES Act, and any applicable regulations before receiving said funds; and

**WHEREAS**, this Council passed Resolution 20-09 containing such affirmations pursuant to H.B. 481 on June 16, 2020; and

**WHEREAS**, the Ohio Office of Budget and Management (“OBM”), in its Guidance and Frequently Asked Questions (updated September 2, 2020) stated that eligible expenses include, but are not limited to, “[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;” and

**WHEREAS**, the United States Department of Treasury (“Treasury”) in its Coronavirus Relief Fund Frequently Asked Questions Related to Reporting and Recordkeeping (revised September 22, 2020) state that “payroll costs for public health and public safety employees are payments for services substantially dedicated to mitigating or responding to the COVID-19 public health emergency” are eligible expenses that may be reimbursed; and

**WHEREAS**, the Treasury further states that “Treasury’s FAQs add that entire payroll cost of an employee whose time is substantially dedicated to mitigating or responding to the COVID-19 public health emergency is eligible, provided that such payroll costs are incurred by December 30, 2020;” and

**WHEREAS**, the Treasury Guidance (updated September 2, 2020) states that “public safety employees would 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,” and that there is a presumption “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.”

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CHEVIOT STATE OF OHIO, THAT:**

Section 1. In reliance on the Treasury Guidance and FAQs, as well as the OBM Guidance, and having examined the circumstances of the City of Cheviot, this Council finds and determines that the Treasury’s presumption that City of Cheviot public safety employees meet the “substantially dedicated” test applies and no specific circumstances rebut that presumption.

Section 2. This Council further finds and determines that the following City of Cheviot public safety positions are substantially dedicated to mitigating or responding to the COVID-19 public health emergency:

Fire Department

Firefighters;  
Captains;  
Fire Chief

Police Department

Officers;  
Sergeants;  
Detectives;  
Chief of Police

Section 3. Therefore, current and future distribution of CARES Act funds to the City of Cheviot may be expended to cover the payroll and benefits of the public safety positions listed above.

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Mark G. Waters  
President of Council

\_\_\_\_\_  
Date passed

\_\_\_\_\_  
Samuel D. Keller  
Mayor

\_\_\_\_\_  
Date approved

Attest:

Approved as to form:

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Jenny M. Eilermann  
Clerk of Council

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Kimberlee Erdman Rohr  
Law Director

CERTIFICATE OF PUBLICATION

I, Jenny M. Eilermann, Clerk of the Council of the City of Cheviot, Ohio, hereby certify that the foregoing ordinance, or a succinct summary, was published in the *Western Hills Press*, a

newspaper of general circulation in the City of Cheviot, Ohio, in accordance with Section 731.21 of the Ohio Revised Code, on the following dates:

- 1) \_\_\_\_\_, 2020, and
- 2) \_\_\_\_\_, 2020.

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Jenny M. Eilermann  
Clerk of Council