

ORDINANCE O-2020-26

AN ORDINANCE TO AUTHORIZE THE USE OF CARES ACT FUNDING TO INSTALL A WATER LINE TO THE VILLAGE MAINTENANCE GARAGE TO CLEAN AND DISINFECT POLICE CRUISERS AND POLICE EQUIPMENT TO INHIBIT THE SPREAD OF GERMS AND TO ALLOW EMPLOYEES TO FOLLOW CENTER FOR DISEASE CONTROL AND OHIO DEPARTMENT OF HEALTH GUIDELINES DESIGNED TO STOP OR MINIMIZE THE SPREAD OF THE CORONAVIRUS AND DECLARING AN EMERGENCY.

WHEREAS, on April 28, 2020 the Council of the Village of Windham adopted Resolution R-2020-5 recognizing the effect of the Coronavirus Disease 2019 (hereinafter COVID-19) strain of the Coronavirus on the Village of Hiram and as a result declared a state of emergency within the Village; and

WHEREAS, among other actions, Resolution R-2020-5 expressly indicated that by its terms the Resolution was to be broadly interpreted to make the Village, its employees and administrators, eligible for all grant and other funding of any nature related to COVID-19; and

WHEREAS, this ordinance is intended to demonstrate that the Council of the Village of Windham has considered the requirements for the use of Cares Act Funding and thoughtfully and intelligently determined that the use of the funds set forth in this Ordinance is consistent with the express legislation and the intent of Congress as established by law and in conformity with the interpretation of the Cares Act Funding set forth by applicable publications of the United States Department of the Treasury.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Windham, Portage County, Ohio, with at least two-thirds of the members thereto concurring that:

SECTION 1: The advice of the Village Solicitor contained in the attached memorandum dated October 8, 2020, and marked for identification as Exhibit A, is hereby acknowledged, accepted and approved.

SECTION 2: The Council hereby finds the following:

- a. That the expenditure of CARES Act funds to install a water line from the water treatment building to the police garage for the use of cleaning and disinfecting police cruisers and other police equipment all as is set forth with particularity in the attached Exhibit B, are an expenditure of funds incurred due to the public health emergency caused by the COVID-19, and but for the COVID-19 the expenditure would not have been needed or made. Having water available at the location where police cruisers and other police equipment is stored and maintained for cleaning and disinfecting purposes will decrease the spread of germs, which the Center for Disease Control and the Ohio Department of Health have advised is a major source of the spread of the COVID-19.
- b. The expenditure set forth in the attached Exhibit B is not accounted for in the budget adopted by this Council and in effect as of March 27, 2020.
- c. The expenditure set forth in the attached Exhibit B and authorized by this Ordinance will be incurred and are hereby authorized to be incurred before December 30, 2020.

SECTION 3: SECTION 3: The Council finds that in compliance with the requirements set forth in Ohio Revised Code 731.14 competitive bidding is not required because the total cost of the approved work is less than \$50,000.00.

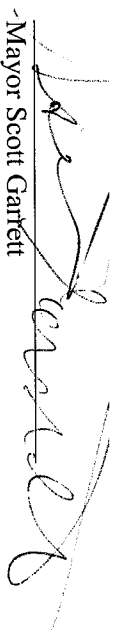
SECTION 4: The proposal and Estimate set forth in the attached Exhibit B are determined to be fair and appropriate and a contract in substantial conformity with the terms set forth in Exhibit B is hereby awarded to Silver Creek Plumbing Company, Garrettsville, Ohio. The Mayor and the Fiscal Officer are authorized to execute the Estimate set forth in Exhibit B.

SECTION 5: This Ordinance is declared an emergency measure becoming effective immediately upon its passage by Council and approval by the Mayor in order to have Cares Act Funding allocated and paid to and for appropriate actions in advance of or before the December 30, 2020 Federal CARES Act deadline.

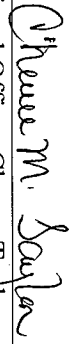
SECTION 6: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of the Council and any committees that resulted in such formal action were in meetings open to the public in compliances with all legal requirements including §121.22 of the Revised Code of the State of Ohio.

PASSED IN SPECIAL COUNCIL as an emergency on October 13, 2020.

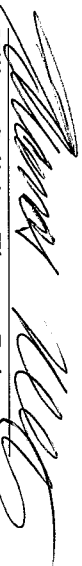
Vote of Council: Ayes: 6
 Nays: 0


-Mayor Scott Gantt

ATTEST:


Fiscal Officer Cheree Taylor

Approved as to Form:


Village Solicitor Thomas Reitz

To: Council Members Terrie Altieri, Cheryl Taylor. Lawrence Cunningham, Cindy Cale, Cheryl Belknap, Sherri Pennington
CC: Mayor Scott Garrett, Cheree Taylor, Fiscal Officer, Eric Breiding Police Chief, Deborah Blewitt, Village Administrator
From: Tom Reitz, Village Solicitor
Re: Use of Cares Act Funds
Date: October 8, 2020

I have been asked to offer guidance on use of Cares Act Funds (Funds) for various purposes within the Village of Windham. This memorandum is offered to provide guidance on permissible use of provided funds.

The Funds have been made available by an act of the United States Congress under section 601(a) of the Social Security Act, by adding a section 5001 to the Act, which provides that Cares Act funds may only be used to cover costs that:

1. Are necessary expenditures incurred due to the public health emergency with response to the Coronavirus Disease 2019 (COVID-19):
2. Were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
3. Were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

Because the administration of the Fund distribution is overseen and managed by the Department of the Treasury (Treasury), guidance from the Treasury has been issued and can be found here <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>.

To determine if a proposed use of the CARES Act funds is appropriate, I recommend that the Council make an express finding of compliance with each of the statutory criteria set forth above. In this fashion a good record of compliance is established.



330-527-4819
Ohio License #18483

Estimate

Estimate # 000006753

Date 9/30/2020

Estimate For:

Village of Windham Administration
9083 North Main Street
Windham OH 44288

Project Location:

Village of Windham Administration
9083 North Main Street
Windham OH 44288

Admin 330-326-2622

Phone 2

Estimate By: Russell Hammel E-Mail Russ@SCPlumb.com

Quantity Scope of Project

Police Garage—Install underground water line across grass area from water treatment building to police garage. Line would connect to 3/4" copper drop in water treatment building with isolation valve. Line underground would be 1" poly line extending up through floor in garage with termination valve. Ditch would be backfilled, but landscaping and seeding is not included.

Gas line was discussed. We discussed that it was to be on separate monthly billing from gas company. So this would be a new service line and you would need to contact the gas supplier (Dominion) and follow their procedure to get line and meter set up. We could run gas from new meter inside building, but would need much more information to quote that.

Not quoted in prevailing wage

Terms: Payment due 15 days from date of invoice.
Past Due Accounts will be charged 2% per month,
minimum of \$15.00 per month fee.

Estimate for work described above is:

\$4,285.00

This estimate is valid for 15 days.

Acceptance of Proposal- the above specifications and conditions are satisfactory and are accepted. You are authorized to do work specified.
Payment will be made as outlined above.

Signature _____

Date _____