

CITY OF OAKWOOD
COUNCIL AGENDA
OCTOBER 5, 2020

7:30 P.M.

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. MINUTES OF SEPTEMBER 21 REGULAR SESSION AND WORK SESSION
- V. STATUS REPORTS
 - Halloween
- VI. VISITORS
- VII. LEGISLATION
 - A Resolution recognizing the establishment of the Oakwood Inclusion Coalition, Mayor Duncan
 - An Ordinance to address the placement of debris on public rights-of-way, Mr. Stephens
 - An Ordinance to address tree and bush trimming on private property, Mr. Stephens
 - An Ordinance to amend 2020 appropriations to repair the storm sewer system, Vice Mayor Byington
 - A Resolution per H.B. 614 to extend reporting and payment deadlines for CARES Act reimbursement funds, Vice Mayor Byington
- VIII. STAFF REPORT – PUBLIC WORKS DEPARTMENT
- IX. CITY MANAGER’S REPORT
- X. COUNCIL COMMENTS
- XI. ADJOURN

NEXT REGULAR SESSION SCHEDULED FOR NOVEMBER 2, 2020

A RESOLUTION

BY: _____

NO. _____

RECOGNIZING THE ESTABLISHMENT OF THE OAKWOOD INCLUSION COALITION.

WHEREAS, the city of Oakwood treasures diversity in every form and fashion, and strives to be a welcoming community for everyone who lives, works, visits, or passes through the city; and

WHEREAS, the city of Oakwood, Wright Library and Oakwood City Schools are concerned about the current climate in Oakwood and throughout America with regard to matters of diversity, and various forces in place that cause widespread tension and conflict throughout our cities, states and country; and

WHEREAS, the city of Oakwood recognizes the enormous value in having a diverse community in terms of religion, race, ethnicity, physical ability, sexual orientation, socio-economic status, age and more; and

WHEREAS, the city of Oakwood is cognizant of the interest in the community to engage in dialogue on myriad topics involving racial matters, and appreciates the educational programs conducted over the past two years through Wright Memorial Public Library; and

WHEREAS, the city of Oakwood acknowledges the work that has taken place in our community over the past eight months in considering actions to take locally to make a strong statement in support of diversity, inclusivity and equity; and

WHEREAS, the city of Oakwood has received a document establishing the Oakwood Inclusion Coalition (OIC), a citizen-driven organization with the stated mission and purpose as follows:

MISSION

The mission of the OIC is to study, promote, and celebrate an inclusive, equitable, diverse and welcoming environment and community for everyone who lives, works, visits, or passes through Oakwood.

PURPOSE

The purpose of the OIC is to foster an inclusive community through education, development of programs and projects, communication initiatives, and regular attention to matters of intra- and intercommunity relations. The OIC is an organization of government, school, and library officials, private citizens, faith, ethnic and cultural leaders, and representatives from the business and media communities in the Oakwood area and beyond. Volunteer officers manage the organization and receive no compensation.

While the OIC will deliver a report annually to the Oakwood City Council, the Oakwood School Board and the Board of the Wright Memorial Public Library, no substantial part of the OIC's activities or reporting shall involve the purpose of influencing, modifying, or suspending city, school or library legislation or policies. The organization shall not participate in, or otherwise intervene in any political campaign on behalf of any candidate for public office or any issue put to vote before the public.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAKWOOD, MONTGOMERY COUNTY, OHIO:

SECTION I.

The city of Oakwood hereby recognizes the creation of the Oakwood Inclusion Coalition as detailed in the attached establishing document. This recognition shall not be construed to make the OIC a public office or agency, or a public/private joint venture under the city's control.

SECTION II.

The city of Oakwood expressed strong support of the mission and purpose of the Oakwood Inclusion Coalition, and welcomes the annual report planned for presentation to City Council each January by the OIC Leadership Team, said report to include a summary of the work, programming, events and accomplishments of the OIC.

SECTION III.

The city of Oakwood will regularly follow the work of the OIC and will support the organization with representative participation in the OIC meetings, programs and events.

SECTION IV.

That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION V.

This Resolution shall take effect as of the day of its passage.

PASSED BY COUNCIL OF THE CITY OF OAKWOOD, this ____ day of _____, 2020.

Mayor William D. Duncan

ATTEST:

Clerk of Council

TO THE CLERK:

No publication is required.

City Attorney Robert F. Jacques

OAKWOOD INCLUSION COALITION

October 5, 2020

This document establishes the Oakwood Inclusion Coalition, setting forth the mission and purpose of the Coalition, and the manner in which it shall function.

I. NAME

The name of this organization shall be the Oakwood Inclusion Coalition (OIC).

II. MISSION

The mission of the OIC is to study, promote, and celebrate an inclusive, equitable, diverse and welcoming environment and community for everyone who lives, works, visits, or passes through Oakwood.

III. PURPOSE

The purpose of the OIC is to foster an inclusive community through education, development of programs and projects, communication initiatives, and regular attention to matters of intra- and intercommunity relations. The OIC is an organization of government, school, and library officials, private citizens, faith, ethnic and cultural leaders, and representatives from the business and media communities in the Oakwood area and beyond. Volunteer officers manage the organization and receive no compensation.

While the OIC will deliver a report annually to the Oakwood City Council, the Oakwood School Board and the Board of the Wright Memorial Public Library, no substantial part of the OIC's activities or reporting shall involve the purpose of influencing, modifying, or suspending city, school or library legislation or policies. The organization shall not participate in, or otherwise intervene in any political campaign on behalf of any candidate for public office or any issue put to vote before the public.

IV. ORGANIZATION

The OIC is organized for educational and community building purposes, and to examine matters of diversity, equity and inclusion. It is established as a 501(c)(3) organization under the Federal Internal Revenue Code. The organization may engage in fundraising efforts to support programming. To this end, a Treasurer will be appointed to oversee all financial activity. No part of the net earnings of the organization shall inure to the benefit of, or be distributable to its members, officers, or other private persons, except that the organization shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in the purpose clause hereof.

Notwithstanding any other provision of this document, the OIC shall not carry on other activities not permitted to be carried on by (1) an organization exempt from federal

income tax under section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or (2) an organization, contributions to which are deductible under section 170(c)(2) of the Internal Revenue Code, or corresponding section of any future federal tax code.

In the event of dissolution of the OIC, its assets shall be distributed for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or corresponding section of any future federal tax code, or shall be distributed to the federal government, or to a state or local government, for a public purpose. Any such assets not disposed of shall be disposed of by the Court of Common Pleas of the county in which the principal office of the organization is then located, exclusively for such purposes or to such organization or organizations, as said Court shall determine that are organized and operated exclusively for such purposes.

V. COALITION MEMBERSHIP

General membership, including eligibility to vote on OIC matters, is open to all individuals who reside in Oakwood, and to representatives of businesses, organizations and religious institutions located in Oakwood. Affiliate membership is open to any other persons interested in furthering the mission and purpose of the OIC. Affiliate members are not eligible to vote on OIC matters.

The Membership Committee shall work to identify and retain OIC members from the following groups:

- a. City of Oakwood (City Manager or designee, Public Safety Director or designee, and one elected official).
- b. Oakwood City Schools (Superintendent or designee, and one elected official).
- c. Wright Memorial Public Library (Director or designee, and one Board member).
- d. Oakwood Historical Society.
- e. Oakwood Sister City Association.
- f. Religious organizations located in Oakwood.
- g. MOMs of Oakwood.
- h. Oakwood Rotary Club.
- i. At least one representative each from business organizations, and minority-owned businesses in Oakwood.
- j. At least one representative from the media.
- k. Members who shall serve to diversify the OIC membership in various capacities, including, but not limited to, religion, race, ethnicity, physical ability, sexual orientation, socio-economic status and age.
- l. Student representatives appointed by their respective school.

The Membership Committee shall identify additional members as it deems important for promoting and enhancing the work of the OIC.

VI. LEADERSHIP TEAM

The Leadership Team of the OIC shall include a Chair, Vice Chair, Treasurer, Secretary, Committee Chairs, two Members-At-Large and one liaison each from the City of

Oakwood, the Oakwood City Schools and the Wright Memorial Public Library. These individuals shall each serve a two-year term. The Vice Chair shall serve as Chair Elect. The Immediate Past Chair shall serve on the Leadership Team with ex-officio status, without vote.

The Chair shall preside over all meetings of the OIC and the Leadership Team. The Vice Chair shall serve in the absence of the Chair. The Treasurer shall be responsible for managing the finances of the OIC. The Secretary shall keep records of all OIC and Leadership Team meetings. The Leadership Team shall meet quarterly, or at the call of the Chair. The Leadership Team shall oversee all activities of the OIC, and shall prepare the slate of the Leadership Team for election at the Annual Coalition Meeting.

VII. COMMITTEES

The OIC will have the following three standing committees:

- a. Membership Development Committee: This Committee shall consist of a Committee Chair and four persons appointed by the Leadership Team. The Committee shall be responsible for retaining existing OIC members and for continually identifying new members. The Committee shall ensure ongoing representation from the collaborative entities listed under Section V. COALITION MEMBERSHIP. The Committee shall also be responsible for the orientation of new members.
- b. Programs and Events Committee: This Committee shall consist of a Committee Chair and four persons appointed by the Leadership Team. The Committee shall be responsible for continually identifying, planning and conducting programs and events that further the mission and purpose of the OIC.
- c. Current Issues Committee: This Committee shall consist of the Committee Chair and four persons appointed by the Leadership Team. The Committee shall be responsible for continually identifying and discussing current issues relating to the mission and purpose of the OIC, and to report on these issues at the Coalition meetings.

The OIC may form other committees as deemed beneficial in fulfilling the mission and purpose of the organization. The name, purpose and membership of the OIC's subsidiary committees shall be developed by the Leadership Team and confirmed by a majority vote of the OIC membership.

VIII. ELECTION OF THE LEADERSHIP TEAM

The Leadership Team shall be elected at the Annual Meeting by a majority vote of the members present. Notice of the date of the Annual Meeting and the Leadership Team slate to be acted upon at the Annual Meeting shall be provided to the members of the OIC at least two weeks in advance of such meeting.

IX. NOTICES

Any notices required under these by-laws shall be in writing, but may be sent via mail, email, or any other method reasonably determined to reach the intended recipients.

X. COALITION MEETINGS

The OIC shall conduct an Annual Coalition Meeting in January of each calendar year. Subsequent OIC meetings shall take place in April, July and October of each year, unless cancelled by a vote of the Leadership Team. Additional Coalition meetings shall take place upon the call of the Leadership Team. Notice of meetings shall be provided to all OIC members at least two weeks in advance of the meeting date. One-third of the OIC membership shall constitute a quorum.

XI. ANNUAL REPORT

During the first quarter of each calendar year, the OIC shall publish an Annual Report. The report shall include a summary of the organization's programs and events, and discussions and actions taken by the OIC in the preceding year. Following the publication of the Annual Report, the OIC Leadership Team shall make a public presentation about the work, programming, events and accomplishments of the OIC to the Oakwood City Council, Oakwood City School Board and the Board of the Wright Memorial Public Library.

XII. AMENDMENTS

This document may be amended only by a two thirds majority vote of the Leadership Team of the OIC. That vote may be cast in person or by electronic vote at any OIC or Leadership Team meeting, provided that the proposed amendment(s) shall be set forth in the notice of said meeting.

ADOPTED:

AN ORDINANCE

BY: _____

NO. _____

AMENDING SECTION 521.12, *PLACING SNOW ON PUBLIC STREETS OR DEBRIS ON PAVED STREETS*, OF THE OAKWOOD GENERAL OFFENSES CODE, TO EXPAND THE PROHIBITION THEREOF TO APPLY TO SIDEWALKS AND OTHER PUBLIC RIGHTS-OF-WAY.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAKWOOD, STATE OF OHIO:

SECTION I.

Section 521.12, *Placing Snow on Public Streets or Debris on Paved Streets*, of the Oakwood General Offenses Code, is hereby amended to read as follows, with new text in **bold** font and deleted text in ~~strike~~through font:

521.12 **PLACING SNOW OR DEBRIS ON PUBLIC STREETS OR DEBRIS ON PAVED STREETS AND PUBLIC RIGHTS-OF-WAY.**

- A. No person shall transfer snow from private property to any public street or **right-of-way**.
- B. No person shall place grass clippings, **limbs, tree trimmings**, or any other form of debris on ~~the paved portion of a street or alley~~ **any public street or right-of-way**, except as may be allowed by City regulations or directive as to pick up of such materials by the City.
- C. Whoever violates this section is guilty of a minor misdemeanor.

SECTION II.

It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION III.

This ordinance shall take effect as of the earliest date permitted by law.

PASSED BY COUNCIL OF THE CITY OF OAKWOOD, this _____ day of _____, 2020.

Mayor William D. Duncan

ATTEST:

Clerk of Council

TO THE CLERK:

Please publish the foregoing by incorporating the same into the Codified Ordinances of the city.

City Attorney Robert F. Jacques

AN ORDINANCE

BY: _____

NO. _____

TO ENACT NEW CHAPTER 907, *VISIBILITY HAZARDS*, OF THE OAKWOOD STREETS AND PUBLIC SERVICES CODE.

WHEREAS, the city of Oakwood is vitally concerned with the health, safety, and welfare of its residents and of all who use public rights-of-way in the City, whether by motor vehicle, other mode of vehicular transit, or as a pedestrian; and

WHEREAS, the City is likewise concerned with the protection of private property rights for its residents, while acknowledging that such rights do not permit private property owners to create or maintain a nuisance condition that poses a safety hazard along or adjacent to a public right-of-way; and

WHEREAS, the City has a compelling governmental interest in ensuring that sightlines along public rights-of-way are preserved and maintained free from obstruction, so as to promote the safe and orderly flow of vehicular and pedestrian traffic; to reduce the likelihood of accidents and injuries; and to otherwise promote the public health, safety, and welfare; and

WHEREAS, Council has authority under the Laws and Constitution of the State of Ohio, including but not limited to Article 18, Sections 3, 4, and 7, to regulate public and private entities which use or impact the use of public rights-of-way within the City; and

WHEREAS, Council finds that it will benefit the public health, safety and welfare of the citizens of Oakwood to establish a clear procedure to preserve and maintain critical sightlines along public rights-of-way, with reference to appropriate traffic engineering standards, while affording due process to property owners when sightlines are impeded by vegetation growing on their private property;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAKWOOD, STATE OF OHIO, THAT:

SECTION I.

New Chapter 907, *Visibility Hazards*, of the Oakwood Streets and Public Services Code, which is set forth on the attached Exhibit A and incorporated herein by reference, is hereby adopted and made a part of the Codified Ordinances of the city of Oakwood, Ohio.

SECTION II.

This ordinance shall be and remain in force from and after the earliest date permitted by law.

PASSED BY COUNCIL OF THE CITY OF OAKWOOD, this ____ day of _____, 2020.

Mayor William D. Duncan

ATTEST:

Clerk of Council

TO THE CLERK:

Please publish the foregoing by incorporating the same into the Codified Ordinances of the city.

City Attorney Robert F. Jacques

CHAPTER 907
Visibility Hazards

907.01 Declarations of findings and purpose

907.02 Definitions

907.03 Sight Triangle to be Maintained Clear of Obstructions

907.01 FINDINGS AND PURPOSE.

- A. The City of Oakwood, Ohio (the "City") is vitally concerned with the health, safety, and welfare of its residents and of all who use public rights-of-way in the City, whether by motor vehicle, other mode of vehicular transit, or as a pedestrian.
- B. The City is likewise concerned with the protection of private property rights for its residents, while acknowledging that such rights do not permit private property owners to create or maintain a nuisance condition that poses a safety hazard along or adjacent to a public right-of-way.
- C. The City has a compelling governmental interest in ensuring that sightlines along public rights-of-way are maintained free from obstruction, so as to promote the safe and orderly flow of vehicular and pedestrian traffic; to reduce the likelihood of accidents and injuries; and to otherwise promote the public health, safety, and welfare.
- D. The City has authority under the Laws and Constitution of the State of Ohio, including but not limited to Article 18, Sections 3, 4, and 7, to regulate public and private entities which use or impact the use of public rights-of-way within the City.

907.02 DEFINITIONS.

For the purposes of Chapter 907, the terms "*Decision Point*," "*Intersection Sight Distance*," and "*Sight Triangle*" shall have the same meanings as are set forth in the Ohio Department of Transportation (ODOT) Location & Design Manual, Volume 1, Section 201.3.1 "Sight Triangles," Reference Section 201-4, July 2020 edition, as the same may be amended or updated from time to time.

When not inconsistent with the context, words in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The words "shall" and "will" are mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meaning. References hereafter to "Sections" are, unless otherwise specified, references to Sections in this Chapter. Defined terms remain defined terms whether or not capitalized.

907.03 SIGHT TRIANGLE TO BE MAINTAINED CLEAR OF OBSTRUCTIONS.

- A. To ensure that the driver or operator of a vehicle approaching an intersection will have an unobstructed view of the entire intersection and sufficient lengths along the intersecting street to permit the driver to anticipate and avoid potential collisions, appropriate Intersection Sight Distance shall be provided at all intersections within the city of Oakwood. This shall be provided in the form of unobstructed areas along all intersection approach legs and across their included corners, which shall be clear of obstructions that might block a driver's or operator's view of potentially conflicting vehicles or pedestrians. Obstructions within the defined Sight Triangle area that do not allow for appropriate Intersection Sight Distance are hereby determined and declared to constitute a public nuisance, unless such Intersection Sight Distance cannot be attained in a particular location as provided in subsection C below.
- B. This requirement shall apply regardless of whether the intersection involves public streets, public alleys, private streets, or any combination thereof, except that it shall not apply to any intersection consisting solely of private streets.
- C. If appropriate Intersection Sight Distance cannot be attained in a particular location due to topography or other conditions that cannot be feasibly altered via pruning, trimming, removal of landscaping, trees, or plant material, or similar actions, the City Engineer may authorize instead the use of other safety measures, as appropriate and warranted by the exercise of sound engineering judgment, including but not limited to advance warning signs or flashers.

907.04 PROCEDURES WHEN SIGHT TRIANGLE IS ON PRIVATE PROPERTY.

To the extent that maintenance of appropriate Intersection Sight Distance requires the trimming or removal of landscaping, trees, or plant material located outside the public right-of-way, upon private property, the following protocol shall be followed:

- A. The Director of Public Works or his/her designee shall provide written notice to the property owner of the need for Sight Triangle clearance. The notice shall inform the property owner of the following:
 - 1. The dimensions and location of the Sight Triangle at issue, and the extent of Sight Triangle clearance needed;
 - 2. That the property owner shall have at least ten (10) calendar days to:
 - a. Perform the clearance;
 - b. Make alternative arrangements with the Department of Public Works satisfactory to the Director; or
 - c. Appeal the Director's notice to the General Appeals Board established under Chapter 169 of the ordinances of this City.

3. That if the clearance is not performed, or alternative arrangements are not made, or no appeal is filed within that timeframe, the City intends to enter the premises and perform the clearance; and
 4. That if the City performs the clearance, the costs thereof may be billed to the property owner and, if unpaid, collected by civil action.
- B. Notice may be provided via mail, posting at the property, hand-delivery, or other method reasonably calculated to reach the property owner.
- C. In the event of a dispute as to the need for, or scope of, Sight Triangle clearance, or as to the calculation of the Sight Triangle area or appropriate Intersection Sight Distance, a party may appeal the Director's notice to the General Appeals Board established under Chapter 169 of the ordinances of this City. Standing to file such an appeal shall be limited to the owners and/or occupants of the subject property.
1. Any appeal shall be made by delivering written notice of the appeal to the office of the City Manager within 10 days after issuance of the Director's notice. The notice of appeal shall satisfy the following requirements:
 - a. It must specify the name and address of the appellant, the notice from which an appeal is taken, and the location of the subject property; and
 - b. It must cite specific error by the Director and any other grounds relied upon in support of the appeal.
 2. Any such appeal shall be made and processed in accordance with appeal procedures set forth in Section 1007 of the ordinances of this City with regard to appeals to the Board of Zoning Appeals. The Director's notice may be overturned, in whole or in part, only upon a showing of error by a preponderance of the evidence.
 3. Upon receipt of a timely notice of appeal, the City Manager or his/her designee shall promptly schedule a date for a public hearing thereon before the General Appeals Board. The City Manager or designee shall give written notice of the appeal and of public hearing on that appeal to the applicant. Notice of the public hearing shall be sent by ordinary US mail to the appellant's address set forth on the notice of appeal, and shall be set forth in the public meeting listing maintained by the Clerk of Council pursuant to Section 111.13 of the ordinances of this City.

AN ORDINANCE

BY: _____ NO. _____

TO AMEND SECTION I, 2020 ORIGINAL APPROPRIATION ORDINANCE NO. 4897 AND SUPPLEMENTAL APPROPRIATION ORDINANCES NO. 4912, 4917, AND 4920 TO PROVIDE FOR THE APPROPRIATION OF:

1. AN ADDITIONAL AMOUNT OF \$60,000 TO BE EXPENDED FROM THE WATER IMPROVEMENT/EQUIPMENT REPLACEMENT FUND FOR THE REPAIR OF A STORM SEWER NECESSARY FOR OPERATION OF THE CITY’S WATER UTILITY; AND
2. AN AMOUNT OF \$60,000 TO BE TRANSFERRED FROM THE WATER OPERATING FUND TO THE WATER IMPROVEMENT/EQUIPMENT REPLACEMENT FUND;

FOR THE CITY OF OAKWOOD, STATE OF OHIO, DURING THE FISCAL YEAR ENDING DECEMBER 31, 2020.

WHEREAS, the city currently operates a water treatment plant at the Foell Public Works Center, located at 210 Shafor Boulevard; and

WHEREAS, part of the water treatment process requires plant water to discharge through an existing storm sewer across the parking lot of the Foell Public Works Center to the city municipal storm sewer in Shafor Boulevard; and

WHEREAS, the existing storm sewer in the parking lot of the Foell Public Works Center has recently become plugged with scale and prevents proper conveyance of the plant discharge; and

WHEREAS, the condition of the storm sewer in the parking lot of the Foell Public Works Center was unknown prior to the current year and the expenditure necessary to replace the storm sewer was originally unbudgeted; and

WHEREAS, city staff has designed a replacement storm sewer project and has advertised and bid the project as required by law; and

WHEREAS, this supplemental appropriation will make available the additional funds necessary for this project, as well as the transfer of \$60,000 from the city’s Water Operating Fund to the Water Improvement/Equipment Replacement Fund, from which these expenditures will be made;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OAKWOOD, STATE OF OHIO, THAT:

SECTION I.

To provide for the current expenses and other expenditures of the said city of Oakwood during the period commencing January 1, 2020 and ending December 31, 2020, the following revised sums shall be and they are hereby set aside and appropriated as follows, with added material in **bold** type, deleted material in ~~strike through~~ type, and dicta/commentary in *italic* type:

Fund	Appropriation
602 Water Operating Fund	\$1,141,688 \$1,201,688
603 Water Improvement/Equipment Replacement Fund	\$30,000 \$90,000

SECTION II.

The Director of Finance is hereby authorized to draw warrants for payments from any of the foregoing appropriations upon receiving proper certificates and vouchers therefore, approved by this ordinance of Council to make the expenditures; provided that no warrants shall be drawn or paid for salaries or wages except to persons employed by authority of and in accordance with law or ordinance.

SECTION III.

This ordinance, as an appropriation to meet current expenses of the City, takes effect immediately upon its passage as provided by Section 3.04 of the City Charter.

PASSED BY THE COUNCIL OF THE CITY OF OAKWOOD, this ___ day of _____ 2020.

Mayor William D. Duncan

ATTEST:

CLERK OF COUNCIL

TO THE CLERK:

Please publish the foregoing Ordinance in the following summary form:

LEGAL NOTICE

Ordinance _____ of the Council of the city of Oakwood, Ohio was passed on the ___ day of _____, 2020. Said ordinance was enacted to make a supplemental appropriation for current expenses of the city of Oakwood, Ohio, for the period ending December 31, 2020.

LORI STACEL
CLERK OF COUNCIL

City Attorney Robert F. Jacques

CERTIFICATION OF PUBLICATION

I, Lori Stacel, Clerk of Council of the city of Oakwood, State of Ohio, hereby certify that the foregoing Ordinance was duly published in summary form in The Oakwood Register, a newspaper of general circulation in said city of Oakwood, and that said publication occurred on the following date:

Lori Stacel, Clerk of Council

A RESOLUTION

BY: _____

NO. _____

TO AMEND DEADLINES SET FORTH IN COUNCIL'S PREVIOUS RESOLUTION NO. 1874, AND TO REAFFIRM THAT CORONAVIRUS AID MONEY RECEIVED UNDER THE FEDERAL "CARES ACT" WILL BE USED FOR AUTHORIZED EXPENDITURES ONLY.

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 previously established a process for distributing CARES Act funding in S.B. 310 of the 133rd General Assembly, and that process was implemented by Council through the adoption of Resolution No. 1874; and

WHEREAS, the Ohio General Assembly recently adopted H.B. 614, which makes additional CARES Act funding available to municipalities and extends certain reporting and payment deadlines that had been established by the earlier S.B. 310; and

WHEREAS, the reporting and payment deadlines that were set forth in Resolution No. 1874 were consistent with those required under the earlier S.B. 310, but must be extended now to remain consistent with those set forth in H.B. 614;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OAKWOOD, MONTGOMERY COUNTY, OHIO:

SECTION I.

Council hereby reaffirms the provisions of Resolution No. 1874 addressing how CARES Act funding may be used, to wit: that all funds received from the County Coronavirus Relief Distribution Fund pursuant to S.B. 310 and/or H.B. 614 may only be expended, consistent with the requirements of section 5001 of the CARES Act, as described in 42 U.S.C. 801(d) and any applicable regulations and guidance, to cover expenses that:

- (1) Are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
- (2) Were not accounted for in the City's most recently approved budget as of March 27, 2020; and
- (3) Were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.

SECTION II.

Council hereby extends all deadlines previously established by Resolution No. 1874. Accordingly, the Director of Finance is hereby authorized to take all necessary action to:

- (1) On or before November 20, 2020, pay any unencumbered balance of money in the City's local coronavirus relief fund to the County Treasurer;
- (2) On or before February 1, 2021, 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
- (3) Provide any information related to any payments received under S.B. 310 and/or H.B. 614 to the Director of the Ohio Office of Budget and Management as requested.

SECTION III.

In the event that the reporting and payment deadlines set forth in S.B. 310 and/or H.B. 614 are extended by subsequent action of the Ohio General Assembly, the deadlines set forth in this resolution shall extend automatically to remain consistent therewith, without the need for further action by Council.

SECTION IV.

This resolution shall take effect as of the day of its passage.

PASSED BY THE COUNCIL OF THE CITY OF OAKWOOD, this ____ day of _____,
2020.

Mayor William D. Duncan

ATTEST:

Clerk of Council

TO THE CLERK:
No publication is required.

City Attorney Robert F. Jacques