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ORDINANCE NO. 2020-49

AN ORDINANCE ACKNOWLEDGING THE ROLE OF THE CITY OF WILLOUGHBY HILLS EMPLOYEES DURING THE COVID-19 PUBLIC HEALTH EMERGENCY AND AUTHORIZING AND DIRECTING THE MAYOR TO PROVIDE FOR HAZARD PAY BENEFITS AND DECLARING AN EMERGENCY.

WHEREAS, Funds were awarded to the State of Ohio as Federal Financial Assistance from the U.S. Department of Treasury under the Social Security Act, as amended by Section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) as the Coronavirus Relief Fund (“CRF”); and

WHEREAS, The City of Willoughby Hills (“the City”) has received seven hundred ninety-eight thousand four hundred and eighty-two dollars and twenty-six cents (\$798,482.26) of these funds from the U.S. Treasury through the State of Ohio and the Lake County Auditor; and

WHEREAS, the Office of Budget and Management (“OBM”) established an eighteen-page “CRF Local Government Assistance Program” document to provide guidance to local governments receiving funding (**EXHIBIT 1**); and

WHEREAS, The City has statutory authority to disburse these funds under this Agreement as provided by City Ordinance 2020-44 adopted by Council on July 23, 2020 and the City confirms that this expenditure has not been included in the current budget; and

WHEREAS, page fourteen (14) of the OBM document confirms “Hazard Pay” as an allowable CRF expenditure; and

WHEREAS, the Mayor, as the City’s Chief Executive Officer, has determined that “City” positions in the Police, Fire, Service and Administration sector meet the criteria for “Hazard Pay” with employees who “are performing hazardous duty work directly responding to COVID-19” and has executed a Proclamation dated September 4, 2020 to document his determination; and

WHEREAS, the role of the City Police and Fire Departments, having to respond to emergency calls on a 24-hour a day basis, has the inherent risk to have direct contact with COVID-19 patients. These City employees are substantially dedicated to mitigating and responding to the COVID-19 public health emergency and certainly qualify for the “Hazard Pay” benefit, with the Mayor’s recommendation of a minimum of a two percent (2%), up to a maximum of three (3%) payout to these employees, at the Mayor’s discretion, based upon their annual salary, not to exceed a total of one hundred and fifty thousand dollars (\$150,000) total; and

WHEREAS, the role of a Service Department worker during the COVID-19 public health emergency has challenged the employee’s ability to maintain social distancing with the nature of the jobs they perform and being approached by the public while in the field. Additionally, each employee’s exposure to hazards associated with their sewer work, particularly their contact with bodily fluids, has added to the risk of contracting COVID-19. These employees are substantially dedicated to mitigating and responding to the COVID-19 public health emergency and certainly qualify for the “Hazard Pay” benefit, with the Mayor’s

recommendation of a minimum of a two percent (2%), up to a maximum of three percent (3%), payout to these employees based upon their annual salary; and

WHEREAS, the various roles of the Administration, Building and Service Department and Community Center also have proven to demonstrate functions which qualify for “Hazard Pay” benefits in that the members are expected to assist individuals who come to the City Hall complex to conduct business with the City’s Mayor’s Court, to include paying tickets, presenting for bi-monthly Court dates and other miscellaneous concerns of the defendants. The City has continued to keep the City Hall doors open to the public at all times during the pandemic. Administration has addressed concerns regarding trash collection, Health Department violations, road repairs, grant assistance for small businesses and apartment owners, referral for Police matters, and many other general questions related to their livelihood. Employees were available for mail, package and COVID-19 supply deliveries during the pandemic. The ordering of supplies needed for safety forces was also the responsibility of these individuals. In addition, the City has maintained notary public assistance to the community, when most banks ceased this service because of the inherent risk to their employees.

The staff has allowed access into the building for meetings with the Mayor and other City officials, access for contractors into the facility, the cleaning staff, and contractors and other individuals requesting permits, contracts and zoning direction.

With Police, Fire and Service employees intermingling with Administration and Building/Service Departments, an Administrative employee has an additional COVID-19 exposure with daily interaction on a variety of matters, including, but not limited: 1) Human Resources, 2) Workers’ Compensation, 3) Assistance with health care claims, 4) Mayor’s Court, 5) Bank deposits, 6) Purchase orders and invoices, 7) Mail and package pick up, 8) Employee Grievances, 9) Union Negotiations, 10) Conferences regarding resident concerns, 11) Zoning matters, 12) Staff meetings, 13) Council or Committee meetings, and 14) Miscellaneous administrative matters.

The Community Center personnel, assigned to repurposed positions after a brief layoff, are now faced with the hazard of allowing visitors into the building for library access, as well as individual and group meetings.

The Mayor has determined that the nature of the work of these individuals warrants qualification for the “Hazard Pay” benefit, and has recommended a minimum of a two percent (2%), up to a maximum of three percent (3%), payout to these employees based upon their annual salary.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:

SECTION 1. The City has received seven hundred ninety-eight thousand four hundred and eighty-two dollars and twenty-six cents (\$798,482.26) as Coronavirus Relief Funding and has been provided guidelines as to how these funds may be expended.

SECTION 2. The Mayor, as Chief Executive Officer, has determined that positions in the Fire Department, Police Department, Service Department and Administration meet the eligibility criteria for “Hazard Pay” as outlined in the CRF Local Government Assistance Program document and desires to provide the employees who have continued to provide City services during the COVID-19 public health emergency.

SECTION 3. The actions of this Council concerning and relating to the passage of legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

SECTION 4. This Ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the City of Willoughby Hills, insofar as it provides for the usual daily operation of the municipality and further reason that it will serve to provide Hazard Pay for City employees who have continued to provide City Services during the COVID-19 public health emergency.

PASSED: Sept. 24, 2020

Submitted to the Mayor for his approval
on this 25th day of September, 2020

ATTEST:

Joanne Monaco
Clerk of Council

Christopher Hallum
Christopher Hallum
President of Council

Approved by the Mayor

Sept 25, 2020
G. Andrew Gardner
G. Andrew Gardner
Mayor