

VILLAGE OF OBETZ
RECORD OF ORDINANCES

ORDINANCE: 14 – 20

PASSED: April 13, 2020

AN ORDINANCE DECLARING A STATE OF EMERGENCY IN THE VILLAGE OF OBETZ AND DECLARING AN EMERGENCY

WHEREAS, a Declaration of a State of Emergency is a tool that governments use to temporarily reduce, or ignore, some of their laws and procedures; or, to add new, temporary powers needed to respond to the threat that caused the Declaration; and,

WHEREAS, in Article 18, Section 3 of the Ohio Constitution, Ohioans decided that all Ohio cities and Villages would have two broad categories of powers 1) Local Self-Government—which is not limited except by the Ohio Constitution; and, 2) Police, Sanitary, and similar powers—which must not conflict with the laws of the State of Ohio. Those two kinds of powers are together called “Home Rule” powers; and,

WHEREAS, the citizens of Obetz have maximized the breadth and depth of those constitutional Home Rule powers by adopting the Obetz Charter, which is an expression of how Obetz citizens require their municipality to operate; and,

WHEREAS, the elected representatives of the Village of Obetz are legally and morally bound to act in the interests of the people who they represent; and,

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death. It is caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person. The current belief is that the virus is spread between individuals who are in close contact with each other (within about six feet) through respiratory droplets produced when an infected person sneezes or coughs. It is possible that individuals can get COVID-19 by touching a surface or an object that has the virus on it and then touching their own mouth, nose, or eyes; and,

WHEREAS, this situation is rapidly evolving, and the threat of this virus is imminent to the citizens and visitors of the Village of Obetz. It is necessary that Obetz be proactive and be fully prepared to deal with its effects; and,

WHEREAS, on January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared the outbreak of COVID-19 a public health emergency of international concern; and,

WHEREAS, on January 31, 2020, Alex M. Azar II, Secretary of Health and Human Services, determined and declared that a public health emergency exists in the United States in relation to COVID-19; and,

WHEREAS, on February 1, 2020, the Ohio Department of Health issued a statewide Health Alert Network to provide local health departments with updated guidance for COVID-19; and,

WHEREAS, on March 4, 2020, Mayor Angela Kirk instituted Coronavirus training for the Obetz staff including social distancing and hygiene; and, ordered the implementation of a Coronavirus response plan; and,

WHEREAS, on March 9, 2020, testing by the Department of Health confirmed that three patients were positive for COVID-19 in the northeast part of the State of Ohio, creating a potentially dangerous condition which may affect the health, safety, and welfare of citizens of Ohio; and,

WHEREAS, on March 9, 2020, Governor Mike DeWine, signed an Executive Order declaring a State of Emergency for the entire State of Ohio in relation to COVID-19 pursuant to the Governor's authority vested in him by the Constitution, the laws of the State of Ohio and in accordance with Revised Code section 5502.22; and,

WHEREAS, the Governor's Executive Order declaring a State of Emergency for the entire State of Ohio urged all citizens to heed to the advice of the Department of Health and other emergency officials regarding COVID-19 in order to protect their health and safety; and,

WHEREAS, on March 12, 2020, Governor DeWine announced the closing of all kindergarten through 12th grade schools through April 3, 2020 and the Ohio Department of Health Director Amy Acton signed an order prohibiting mass gatherings in the state of Ohio; and,

WHEREAS, on March 13, 2020, Obetz Mayor Kirk closed non-essential Village operations and commanded that staff work in accordance with Obetz' plan of action including minimum staffing, alternating schedules for essential staff, and work from home training for non-essential staff; and,

WHEREAS, on March 13, 2020, the Columbus Board of Health declared a Public Health Emergency due to this imminent threat of an acutely hazardous disease, posing a high probability of widespread exposure to an infectious agent that poses a significant risk of substantial harm to a large number of people, a large number of serious or long-term disabilities, or a large number of death; and,

WHEREAS, on March 13, 2020, the Franklin County Emergency Operations Center (FCEOC) activated to support the coordination and response to COVID-19 within Franklin County pursuant to Revised Code Chapter 5502; and,

WHEREAS, on March 13, 2020, President Donald J. Trump declared a National Emergency, invoking the Stafford Act and allowing the Federal Emergency Management Agency to coordinate disaster response and aid state and local governments in addressing the COVID-19 pandemic; and,

WHEREAS, on March 13, 2020, the Ohio Department of Health issued an amended Director's Order to Limit Access to Ohio Nursing Homes and Similar Facilities; and,

WHEREAS, on March 14, 2020, the Ohio Department of Health issued an amended Director's Order to require health screening for admission to the state operated psychiatric hospitals and Ohio Department of Youth Services facilities and issued a Director's Order closing all K-12 schools in the state of Ohio; and,

WHEREAS, on March 15, 2020, the Ohio Department of Health issued a Director's Order to restrict the sales of alcohol, food, and all other beverages to carry-out sales and delivery only and issued interim guidance limiting mass gatherings to no more than 50 people; and

WHEREAS, on March 16, 2020, Obetz Mayor Kirk ordered maximum restricted staffing; and,

WHEREAS, on March 16, 2020, the Ohio Department of Health issued a Director's Order closing all polling locations on March 17, 2020 in the state of Ohio; and,

WHEREAS, on March 17, 2020, Obetz Mayor Kirk issued off-site work schedules and training requirements for non-essential employees; and, the Director on Duty Operations Plan; and,

WHEREAS, on March 17, 2020, Governor DeWine issued Executive Order 2020-03D expanding unemployment protection, eliminating obstacles to filing a claim, waiving certain penalties, and funding claims; and,

WHEREAS, on March 17, 2020, Governor DeWine issued Executive Order 2020-04D addressing Temporary Pandemic Child Care; and,

WHEREAS, on March 17, 2020, the Ohio Department of Health issued a Director's Order to Limit and/or Prohibit Mass Gatherings in the State of Ohio and to close certain types of facilities; and,

WHEREAS, on March 17, 2020, the Ohio Department of Health issued a Director's Order banning non-essential surgery; and,

WHEREAS, on March 17, 2020, the Ohio Departments of Health and Veterans' Affairs jointly issued an order to Limit Access to Ohio's Nursing Homes and Similar Facilities (Amended); and

WHEREAS, on March 17, 2020 Obetz Mayor Kirk transitioned the Village workforce to essential services only staffing while maintaining essential Village services such as utilities, police, Senior transportation, Senior home lunches, and food pantry services; and,

WHEREAS, on March 19, 2020, Governor DeWine issued Executive Order 2020-05D effectively relaxing certain Telehealth regulations; and,

WHEREAS, on March 20, 2020, the Ohio Department of Health issued a Director’s Order requiring the cessation of Business Operation at Hair Salons, Day Spas, Nail Salons, and others; and,

WHEREAS, on March 21, 2020, the Ohio Department of Health issued a Director’s Order to close Certain Entertainment Venues like ice rinks, bowling alleys, and others; and,

WHEREAS, on March 21, 2020, the Ohio Department of Health issued a Director’s Order to Close Facilities Providing Older Adult Day Care Services and Senior Centers; and,

WHEREAS, on March 21, 2020, the Ohio Department of Health issued a Director’s Order to Prohibit Adult Day Support or Vocational Habilitation Services in a Congregate Setting; and,

WHEREAS, on March 22, 2020, the Ohio Department of Health issued a Director’s Order for all Ohioans to Stay at Home unless participating in Essential Activities, Essential Governmental Activities, or Essential Business and Operations as are defined in the Order; and,

WHEREAS, on March 24, 2020, Mayor Kirk issued a Declaration of Emergency for the Village of Obetz in order to protect the lives and well-being of the citizens of Obetz as well as those who work, attend school, or otherwise visit the Village; and,

WHEREAS, on April 2, 2020, the Ohio Department of Health modified the Director’s March 22nd Order for all Ohioans to Stay at Home unless participating in Essential Activities, Essential Governmental Activities, or Essential Business and Operations as are defined in the Order; and,

WHEREAS, as of April 13, 2020, the Centers for Disease Control and Prevention (CDC) lists over 525,000 cases in the United States with 20,486 deaths and over 1,850,000 worldwide cases of COVID-19 with over 114,200 deaths; and,

WHEREAS, as of April 13, 2020, the State of Ohio has 6,604 confirmed cases with 253 deaths; and,

WHEREAS, as of April 13, 2020, Franklin County Ohio, where Obetz is located, has 894 confirmed cases with 4 deaths and is currently experiencing “community spread” of the virus that causes COVID-19; and,

WHEREAS, the CDC has advised those that have possible or confirmed COVID-19 to stay home from work, school, and away from other public places; and,

WHEREAS, in the Village of Obetz and across Franklin County there is a current threat of an acutely hazardous disease, illness, or health condition; specifically, COVID-19, that is believed to be caused by the appearance of a novel infectious agent; and,

WHEREAS, in the Village of Obetz, this threat has already affected the daily lives of the citizens of Obetz and, the need for citizens and Obetz employees to stay home from work and other public places should they be exposed to the virus substantially impairs the functioning of Obetz' government and its ability to protect the lives and property of the citizens of Obetz; and,

WHEREAS, Council desires to create temporary measures to address the pandemic and support the efforts of Mayor Kirk;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF OBETZ, OHIO, THAT:

Section 1. Declaration of Emergency. Under the powers granted to the Obetz Council by the Citizens of Obetz in Obetz Charter Sections 3.01(2), (3), and (11), the Obetz Council hereby declares and confirms that a State of Emergency exists for the entire Village of Obetz to protect the lives and well-being of the citizens of Obetz as well as those who work, attend school, or otherwise visit the Village, from the dangerous effects of COVID-19.

Section 2. Eligibility for Relief. This Declaration shall be broadly interpreted to make the Village, its employees, citizens, and businesses eligible for all grants, funding, loans, discounts, or any other type of benefit related to the COVID-19 pandemic from any federal, state, or local governments; or from any private company, organization, or citizen offering such benefits.

Section 3. Coronavirus Funds Appropriated. Under the powers granted to the Obetz Council by the Citizens of Obetz in Obetz Charter Sections 3.01(2), (3), and (11), the Council of the Village of Obetz hereby appropriates to the General Fund, account 1000-230-400, the amount of \$50,000. The money appropriated shall be used for any reasonable need of the Village to respond to the pandemic or its effects on the Village, its residents, and businesses.

Section 4. Financial Adjustments. Under the powers granted to the Obetz Council by the Citizens of Obetz in Obetz Charter Section 3.01(10), the Council of the Village of Obetz hereby orders the Village Administrator to revise this year's financial projections and propose budget alterations taking into account the pandemic's effect on Obetz finances by the first Council meeting in May. Further, the Administrator shall work to ensure that Obetz' resources are preserved so that the Village may withstand a protracted pandemic event. While this Declaration of Emergency is in effect, Council may, by Ordinance or on recommendation of the Mayor, or the Mayor, may transfer any unencumbered balance of an appropriation from a project under one organization

unit to a project under the jurisdiction of another organization unit. Transfer shall not be made from appropriations for debt service or other fixed budget items.

Section 5. Mayor’s Emergency Powers. Under the powers granted to the Obetz Council by the Citizens of Obetz in Obetz Charter Sections 3.01(1), (3), and (11), the Council of the Village of Obetz hereby grants the Obetz Mayor, during the time this Ordinance is in effect, the authority to carry out any lawful act aimed at protecting the interests of the Village of Obetz, its citizens, businesses, or visitors from the pandemic. If the Mayor finds it necessary to take a lawful action that is traditionally a power reserved to the Obetz Council, the Mayor shall inform the Council of such act as soon as practical and shall present an Ordinance at the next Council meeting for Council to ratify or otherwise endorse such actions of the Mayor.

Section 6. Utility Orders. Under the powers granted to the Obetz Council by the Citizens of Obetz in Obetz Charter Section 3.01(7), the Council of the Village of Obetz hereby confirms the Mayor’s order that Village owned utilities shall not terminate service based on non-payment during the effective period of this Declaration; and

Section 7. Essential Employees and Work Hours. Under the powers granted to the Obetz Council by the Citizens of Obetz in Obetz Charter Section 3.01(4), the Council of the Village of Obetz hereby confirms and endorses the Mayor’s Essential Employee scheduled work hours and delegates to the Village Administrator the authority to make such modifications to those scheduled hours, or employee classifications, as the Administrator deems are necessary to protect the interests of the Village of Obetz, its employees, residents, businesses, and visitors.

Section 8. Temporary Lease Arrangements. Under the powers granted to the Obetz Council by the Citizens of Obetz in Obetz Charter Section 3.01(8), the Council of the Village of Obetz authorizes the Village Administrator to—without public bidding—enter into lease arrangements, either as lessee or lessor, for money or not, with any other person or entity that are calculated to aid the Village, its residents, or businesses in their efforts to battle the pandemic or its effects. No such lease or use shall exceed the expiration of this Ordinance by more than 30 days without the approval of this Council.

Section 9. Mutual Aid. Under the powers granted to the Obetz Council by the Citizens of Obetz in Obetz Charter Sections 3.01(2), (3), (4), and (11); and the Ohio Constitution Article VIII, Section 13, the Council of the Village of Obetz hereby authorizes the Village Administrator to loan Village owned equipment or machinery to any Obetz citizen, business, or other public entity, for combating the pandemic or its effects. Further, the Administrator may temporarily assign Village employees to serve full or part-time in other entities, organizations, or task forces for jointly combating the pandemic or its effects.

Section 10. Tax Filing Deadline. Under the powers granted to the Obetz Council by the Citizens of Obetz in Obetz Charter Sections 3.01(1), (3), and (11), the Council of the Village of Obetz hereby

extends the tax filing deadline for the 2019 tax filing year to July 15, 2020 in concert with the federal government and Ohio Tax Commissioner filing extension(s) for 2019.

Section 11. This Ordinance is hereby declared to be an emergency measure, necessary for the preservation of the public health, safety and welfare, such emergency arising from the national pandemic and the need to protect the lives of Obetz' citizens; WHEREFORE, this Ordinance will be in full effect immediately following its passage.

Section 12. This Ordinance shall expire on June 1, 2020 unless extended by this Council.

Passed this 13 day of April, 2020.

ATTESTS:

Stacey Boumis
Stacey Boumis, Clerk of Council

Angela M. Kirk
Angela M. Kirk, Mayor

Michael R. Flaherty
Michael Flaherty, Council President Pro Tem

APPROVED AS TO FORM

Stephen J. Smith, Esq., Law Director

CERTIFICATION OF PUBLICATION

Pursuant to the Village Charter, I, Stacey E. Boumis, Clerk of Council of the Village of Obetz, Ohio, do hereby certify that Ordinance 14-20 was duly posted at 2:30 PM (time) on the 9 day of June, 2020, at the Obetz Government Center, ~~Obetz Community Center,~~ and Obetz Athletic Club, as well as on the Obetz website.

building closed to public SB

Stacey Boumis
Stacey Boumis, Clerk

6/9/20
Date