

RECORD OF ORDINANCES

Ordinance No. 2020-24Passed March 25, 2020

SPONSOR: MAYOR RICK

AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO HIRE EMPLOYEES OF AN EMERGENCY NATURE, CLARIFYING COUNCIL RULES IF SIGNIFICANT NUMBERS OF COUNCIL MEMBERS CANNOT BE PRESENT DURING THE CURRENT COVID-19 CRISIS, GRANTING THE MAYOR EXTRAORDINARY AUTHORITY TO EXPEND FUNDS OF THE VILLAGE FOR CERTAIN PURCHASES OF GOODS AND SERVICES DURING THE PRESENT CRISIS, AND DECLARING AN EMERGENCY.

WHEREAS, the Ohio Department of Health has declared that there is community spread of the coronavirus, called COVID-19, which is a respiratory disease marked by fever, cough and difficulty breathing; and,

WHEREAS, on March 9, 2020, Governor DeWine declared an emergency in the State of Ohio due to the spread of the virus in Ohio, followed on March 11, 2020, by a declaration by the World Health Organization (WHO) that the COVID-19 crisis is now a worldwide pandemic; and,

WHEREAS, pursuant to Article XVIII, Sections 3 and 7, of the Ohio Constitution, the Village has the authority to adopt, and has adopted, a Charter and Ordinances governing the organization and operations of the Village and its Council; and,

WHEREAS, the Village's Charter, at Article IV, Section 4.04(c), provides the Mayor the authority to hire employees with the concurrence of Council; and,

WHEREAS, the Village's Charter, at Article XIV, Section 14.03, provides that the Mayor and Clerk-Treasurer may contract and otherwise authorize and make expenditures without public bidding in dollar amounts at half or less of the limit set by the Ohio Revised Code "except as may otherwise be provided by Council," a declaration by Council that "an emergency exists that affects the public health, safety or welfare;" and,

WHEREAS, this Council hereby determines that a public emergency exists and it is in the best interests of the Village and its citizens to ensure the efficient and continuous operation of the Village government during the present COVID-19 crisis, and that to meet this objective Council should adopt this ordinance granting the Mayor authority to hire new employees and expend funds in order to reduce the need for Council meetings, and the duration of such meetings, during the present crisis, by authorizing the expenditure of money without bidding over \$25,000 and up to \$50,000 for the protection of public property or public safety.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Mogadore, Counties of Portage and Summit, Ohio, as follows:

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Section 1. This Council declares an urgent emergency affecting the public health, safety and welfare exists in the Village due to the presence of COVID-19 in Northeast Ohio, and based upon social distancing and other recommendations of public health officials of the Summit County Board of Health, the Health Department of the State of Ohio and the federal Centers for Disease Control (CDC), and that such emergency declaration shall continue for a period of up to ninety (90) days, which period may be extended or shortened by a majority vote of Council.

Section 2. That during the period of emergency, the Mayor shall have the power to create new positions as needed and appoint, promote, and/or transfer any officer or employee of the Municipality, except elected officials, without the further act of Council, which hereby extends and grants its prospective concurrence of all such decisions by the Mayor.

Section 3. That during the period of this emergency, the Mayor is hereby granted the authority to expend funds of the Village up to the amount of \$50,000 without formal, public bidding for the protection of public property or public safety. The limit of one-half (½) of the present statutory amount is suspended during this period of public emergency. The Mayor shall advise Council of any purchase made pursuant to this extraordinary authority, and do so in advance, if possible, and otherwise immediately thereafter.

Section 4. During the period of this emergency, Council meetings shall be held at Council Chambers at least two times per month if a sufficient number of Council Members are available to attend to constitute a quorum (of at least four members), and if no recommendations or orders of the Summit County Board of Health (SCBH), State of Ohio, or federal Centers for Disease Control (CDC) make the holding of any such meeting inadvisable.

Section 5. Council recognizes that during this period of this emergency, the laws surrounding public meetings may change. In such an event and to the extent permitted or mandated by law or order, Council members may attend regularly scheduled or special council meetings, either in person, by video or phone conference and shall count in determining a quorum, which remains at least four (4) members. Further, during this period and to the extent permitted by law or order, those members participating in person, by video or phone conference may vote. Unless otherwise impermissible by order, under the Village Charter, a meeting must be convened with at least one person being present at Village Hall and be held open to the public. A meeting is considered to be held open to the public so long as the discussions and deliberations of Council and Village officials are (1) held in an open room where in person attendance by the public is permitted, or, (2) broadcast live over the internet on the Village's website or on a social media platform, such as Facebook Live.

Section 6. That the aforesaid recitals are rendered to be the findings of this Council and are hereby incorporated into this Ordinance.

Section 7. That this Council hereby finds and determines that all formal actions relative to the adoption of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council which resulted in formal action were taken in meetings open to the public, in full compliance with the applicable legal requirements including Section 121.22 of the Ohio Revised Code.

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Section 8. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reason that it is necessary to ensure the efficient and continuous operation of the Village government during the present COVID-19 crisis, and to allow for the possibility that significant numbers of Council Members cannot be present during the crisis, and to reduce the need for Council meetings, and the duration of such meetings, during the present crisis, and, therefore, this ordinance shall take effect immediately upon its enactment and approval by the Mayor.

Michael Raddial 3-25-20

President of Council

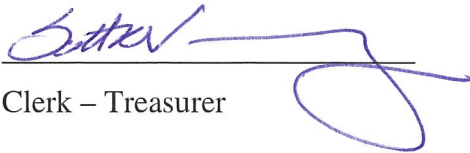
Date

Richie 3-26-20

Mayor

Date

Attest:



Clerk - Treasurer

RECORD OF ORDINANCES

Resolution
Ordinance No. 2020-25Passed March 25, 2020

SPONSOR: FINANCE COMMITTEE

A RESOLUTION AMENDING RETROACTIVELY RESOLUTION NO. 2020-4 EXHIBIT "A" TO CREATE PAID ADMINISTRATIVE LEAVE PARAMETERS DURING A STATE AND LOCALLY DECLARED STATE OF EMERGENCY, PROVIDING PAY SCALE AND BENEFITS FOR FULL TIME EMPLOYEES OF THE VILLAGE OF MOGADORE OTHER THAN POLICE OFFICERS AND DECLARING AN EMERGENCY

WHEREAS, it is the recommendation of the Mayor that, during a state of emergency that has been declared both at the state and municipal level, his office be given the authority to place on paid administrative leave full time employees, including those that are paid on an hourly basis, when necessary to protect either the employee(s) or the individuals and/or property within that employee(s)' care.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Mogadore, Counties of Summit and Portage, State of Ohio, that:

SECTION 1: That Exhibit "A" to Resolution 2020-4 be replaced with Exhibit "A" hereto. The terms and conditions of said wage and benefit package for the Village's full time employees are set forth in their entirety in Exhibit "A" attached hereto and incorporated herein by reference.

SECTION 2: That this Resolution shall be effective retroactively as of March 23, 2020.

SECTION 3: All other ordinances, resolutions, or parts of other ordinances and resolutions which may be in conflict with the provisions of this ordinance are hereby declared null and void and are of no further force and effect.

SECTION 4: The Village of Mogadore finds and determines that all formal actions of this Council concerning and relating to the adoption of this resolution were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in this formal action were in meetings open to the public, in compliance with all legal requirements

SECTION 5: This Resolution is hereby declared to be an emergency measure necessary to equalize wages and benefits for the full-time employees other than police officer of the Village and for the immediate preservation of the public peace, health, and safety of the employees and residents of the Village of Mogadore given the federal, state and local state of emergency created by the COVID-19 crisis and shall take effect and be in force upon its approval by the Mayor or at the earliest period allowed by law.

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Michael Raddish 3-25-20
President of Council Date

Paula Pi 3-26-20
Mayor Date

Attest:

SARV
Clerk-Treasurer