



**ORDINANCE 2020-27**  
Adopted November 4, 2020

**AN ORDINANCE TO ACCEPT CORONAVIRUS RELIEF PAYMENTS FOR DEPOSIT INTO SAID CITY OF POWELL CORONAVIRUS RELIEF FUND; TO ESTABLISH THE CITY OF POWELL SMALL BUSINESS GRANT PROGRAM; AND TO APPROPRIATE MONIES FROM THE CITY OF POWELL CORONAVIRUS RELIEF FUND; AND DECLARING AN EMERGENCY.**

**WHEREAS**, Title V, Section 5001 of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. 116-136 [H.R. 748], signed into law March 27, 2020 (the "CARES Act"), appropriated Coronavirus Relief Fund (the "Fund") payments from the U.S. Treasury Secretary to states, tribal governments, and units of local government; and,

**WHEREAS**, the CARES Act's funding methodology allocated \$4.532 billion to the State of Ohio to "provide ready funding to address unforeseen financial needs and risks created by the COVID-19 public health emergency;" and

**WHEREAS**, the CARES Act and associated guidance from the U.S. Treasury Department provide that CARES Act funds may only be used by state and local government recipients to finance costs that (a) are necessary due to the COVID-19 public health emergency; (b) were not accounted for in the state or local government's budget most recently approved prior to March 27, 2020; and (c) were incurred during the period beginning March 1, 2020, and ending December 30, 2020 (collectively, "the Criteria"); and

**WHEREAS**, pursuant to Amended Substitute House Bill 481, passed by the 133<sup>rd</sup> Ohio General Assembly in June 2020, and subsequent State Controlling Board actions in August 2020, portions of the State of Ohio's CARES Act allocation of payments have been appropriated to the Ohio Office of Budget and Management ("OBM") for distribution to local political subdivisions; and

**WHEREAS**, the 133<sup>rd</sup> Ohio General Assembly, on October 1, 2020, adopted Substitute House Bill 614, providing further for distribution of CARES Act funds, for a total of approximately \$805,295.94 for the City of Powell, and providing until December 30, 2020, for the return of any unexpended CARES Act funds from local political subdivisions' coronavirus relief funds to their respective county treasurers; and

**WHEREAS**, pursuant to Am. Sub. H.B. 481, the City Council of the City of Powell on July 7, 2020, adopted Resolution 2020-14 to affirm that CARES Act funds received may be expended only to cover costs consistent with the requirements of Section 5001 of the CARES Act; and

**WHEREAS**, it is necessary for the City to create a separate fund for CARES Act funds allocated to the City pursuant to Am. Sub. H.B. 481 and Sub. H.B. 614, which the City has already established; and

City Council  
Frank Bertone, Mayor

Jon C. Bennehoof

Tom Counts

Heather Karr

Brian Lorenz

Melissa Riggins

Daniel Swartwout

**WHEREAS**, small businesses within the City of Powell have continued to face challenges as a result of the COVID-19 pandemic; and

**WHEREAS**, the City of Powell and the Powell Community Improvement Corporation, which is the City's designated agency for economic development purposes under Chapter 1724 of the Ohio Revised Code, desire to create a Small Business Grant Program, which complies with the Criteria for expenditure of CARES Act funds, for the benefit of small businesses within the City of Powell; and

**WHEREAS**, the City Council of the City of Powell finds that the establishment of the Small Business Grant Program and use of CARES Act funds for such program was not budgeted in the City's last budget adopted prior to March 27, 2020, and represents action necessary to respond to the COVID-19 pandemic and to preserve the health, safety, and welfare of the City of Powell;

**NOW THEREFORE BE IT ORDAINED BY THE CITY OF POWELL, DELAWARE COUNTY, OHIO AS FOLLOWS:**

**Section 1:** That the City Council hereby authorizes and directs the City Manager, the Finance Director, and other appropriate City officials to take the necessary actions to obtain the City of Powell's share of CARES Act funds allocated through the State of Ohio.

**Section 2:** That the City of Powell Coronavirus Relief Fund has been previously created, and the Finance Director is hereby authorized and directed to take such action and execute such documents as are necessary to maintain said Fund.

**Section 3:** That the City of Powell Small Business Grant Program is hereby created, with the terms and conditions set forth more fully in Exhibit A of this Ordinance, which is attached and incorporated as if fully rewritten herein.

**Section 4:** That the Powell Community Improvement Corporation (PCIC) is hereby designated as the administrator of the Small Business Grant Program created in Section 3 of this Ordinance and agent of the City for purposes thereof.

**Section 5:** That there is hereby appropriated an amount not to exceed \_\_\_\_\_ from the City of Powell Coronavirus Relief Fund to the PCIC for distribution subject to the terms and conditions of the Small Business Grant Program created in Section 3 of this Ordinance.

**Section 6:** That Council hereby finds and determines that expenditure of such funds was not included within the City's last budget adopted prior to March 27, 2020; that any such expenditure shall occur between March 1, 2020, and December 30, 2020; and that such expenditure is necessary due to the ongoing COVID-19 pandemic emergency.

**Section 7:** It is hereby found and determined that all formal actions of this Council concerning and relating to passage of this Ordinance were adopted in an open meeting of the Council and that all deliberations of this Council and any of its committees which resulted in such formal actions were in meetings so open to the public in compliance with all legal requirements of the City of Powell, Delaware County, Ohio.

**Section 8:** That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, or general welfare,

City Council

Frank Bertone, Mayor

Jon C. Bennehoof

Tom Counts

Heather Karr

Brian Lorenz

Melissa Riggins

Daniel Swartwout

