



Ohio Township Association Legislative Alert April 24, 2020

Legislative Action This Week

COVID-19 Updates

Treasury Guidance for Use of CARES Act Revenue

Under the CARES Act, Ohio has been allocated \$4.5 billion for COVID-19 related relief. Of that amount, up to 45% (or \$2 billion) may be allocated directly by the U.S. Treasury to local governments over 500,000 in population. In Ohio, this includes City of Columbus, and five counties: Franklin, Cuyahoga, Summit, Hamilton, and Montgomery. Based on estimates from the latest census data and the formula in the CARES Act, it is estimated that \$800 million will be directly allocated to these 6 jurisdictions if they all applied for the funding. The remaining portion of that local 45% (which is \$1.2 billion) would go through the General Assembly for disbursement. This revenue may be allocated to other local governments through the state.

On Wednesday evening, the U.S. Treasury released guidance regarding how the funds may be used. A few key points include:

- The Fund covers necessary expenditures incurred due to the COVID-19 public health emergency;
- The expenditures covered are those not accounted for in the budget approved as of March 27, 2020;
- The expenditures covered are those incurred from March 1, 2020 to December 30, 2020;
- While the guidance (under the FAQs) states that state governments are able to transfer funds to other local governments, it does not specifically direct states to do so;
- It also does not appear that local governments who receive direct payments can transfer the funding to other local governments;
- Some unbudgeted payroll expenses are allowed under the fund;
- However, it appears only for employees who are dedicated to mitigating or responding to the COVID-19 emergency. It does not appear that emergency sick or FMLA leave would qualify for reimbursement under the Fund unless it was provided to an employee dedicated to the COVID-19 response.
- Any unspent funds must be returned to the Department of Treasury.

It is very important to note that funds may not be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute.

For more information, please review Treasury's [FAQ](#) and [local government guidance](#). You may also find additional information on Treasury's [website](#).

BWC Dividend Payments

This week, the Ohio Bureau of Worker' Compensation (BWC) began sending up to \$1.6 billion in dividends to Ohio employers to ease the impact of COVID-19 on Ohio's business community and economy. The dividend equals approximately 100% of the premiums employers paid in policy year 2018. Approximately \$1.4 billion will go to private employers and nearly \$200 million will go to local government taxing districts.

Dividends for specific public employers are public record and can be found at

[this link](#). You can find a county breakdown of the dividend [here](#). You may also read this [FAQ document](#) with more information.

NATaT Advisory on Payroll Taxes

The OTA continues to work with the National Association of Towns and Townships (NATaT) on enabling public employers to use the payroll tax credits provided to private employers under the federal Families First Coronavirus Relief Act (FFCRA) to offset the cost of the law's emergency paid leave programs.

In the meantime, the Joint Committee on Taxation (JCT) released [guidance](#) that explicitly states that neither public nor private employers are required to pay the employer share of payroll taxes on any emergency paid leave under the FFCRA. Specifically, the JCT states:

Under the provision, any wages or compensation required to be paid to employees by reason of the Emergency Family and Medical Leave Expansion Act and the Emergency Paid Sick Leave Act are not considered wages of the employer for purposes of FICA tax or compensation for purposes of RRTA tax. As a result, no federal employment taxes will be collected on such amounts from employers or employees to be contributed to the OASDI or railroad retirement programs.

This does not apply to the employee share of payroll taxes.

Available Grants

Finance Fund is pleased to announce that our grant cycle will open on Monday, June 1st, 2020 and remain open for approximately 45 days. There are two types of grants available:

- **Predevelopment Grants** - Maximum award of \$30,000 and generally to support predevelopment activities related to affordable housing projects.
- **Economic Development Grants** - Maximum award of \$100,000 to support economic development projects, including mixed use projects, with vast majority of financing committed.

Applications and eligibility guidelines are available on Finance Fund's [website](#). Applications have been slightly modified this year. Please be sure to use the new format. Applicants must meet all eligibility requirements; please call us if you are unsure about your eligibility.

If you have any questions, please do not hesitate to contact Julie Nichols, Quality Assurance Analyst. Julie can be reached at jnichols@financefund.org or 614-568-5048.

Federal Assistance for Local Governments

HUD Distressed Cities Technical Assistance

The Department of Housing and Urban Development announced the [FY 2020 Distressed Cities Technical Assistance \(DCTA\) program](#). The purpose of this program is to provide small local governments facing long-term economic challenges that were recently impacted by a natural disaster with accessible and comprehensive technical assistance (TA) that will help improve financial management practices.

Eligible applicants are units of general local government (UGLGs) and tribal governments that meet one of the following definitions of distressed:

- Average unemployment rate of 9 percent or more over the past three years, using American Community Survey (ACS) five-year estimates;
- Poverty rate of 20 percent or more among individuals not enrolled in higher education, as of the most recent ACS five-year estimates;

- Population decline of 5 percent or more between the 2010 decennial census and the most recent ACS five-year estimates.

Rather than providing monetary awards, this program provides technical assistance to award recipients. In general, project periods will last from six to ten months. There is no match requirement and applications are accepted on a rolling basis. For more information, click [here](#).

DHS Firefighter Grants

The Department of Homeland Security released the [FY 2020 Assistance to Firefighters Grant Program - COVID-19 Supplemental](#) through FEMA. All activities under this solicitation are limited to the purchase of Personal Protective Equipment (PPE) and supplies to prevent, prepare for, and respond to the COVID-19 public health emergency.

Eligible applicants are fire departments, non-affiliated emergency medical service (EMS) organizations, and state fire training academies. Some information on the grants includes:

- \$100 million is available to support 1,000 awards of up to \$1 million through this program;
- FEMA may waive this aggregate cap of \$1 million in individual cases where FEMA determines that a recipient has an extraordinary need for a grant that exceeds the cap;
- The period of performance begins May 30, 2020 and is for a 12-month period;
- Funding allocations will vary by applicant type.

In general, eligible applicants must agree to make available non-federal funds to carry out an AFG-S award in an amount equal to 15 percent of the grant awarded. Exceptions to this general requirement apply to entities serving smaller communities.

FEMA will begin accepting applications on April 28, 2020 and applications are due May 15, 2020. The online AFG-S Grant Program application is available through the Assistance to Firefighters Grant Program's FEMA GO (FEMA Grants Outcomes) application portal at <https://go.fema.gov>. For more information on the program, click [here](#).

Checklist for Parks

The Ohio Department of Health has issued a checklist for visiting parks. You may view it [here](#).

Ethics Commission Opinion

No. [2020-02](#). SYLLABUS:

(1) R.C. 102.03(B) prohibits any present or former public official or employee from disclosing or using, without appropriate authorization, any information acquired by the public official or employee in the course of the public official's or employee's official duties that is confidential because of statutory provisions, or that has been clearly designated to the public official or employee as confidential when that confidential designation is warranted because of the status of the proceedings or the circumstances under which the information was received and preserving its confidentiality is necessary to the proper conduct of government business.

(2) The use of executive session does not by itself create confidentiality; however, if it is clearly demonstrated that a public body has met all of the legal requirements necessary to appropriately discuss a specific matter in executive session, and the information discussed is confidential by statute; or has been clearly designated as confidential when such designation is warranted and necessary, the information discussed may be considered confidential under R.C. 102.03(B) because: the majority of a quorum of the public body voted that the executive session is necessary; the Open Meetings Act affords a privacy status to executive session discussions; and the Open Meetings Act strictly limits the types of approved government business permitted to be discussed in executive session.

However, R.C. 102.03(B) does not prohibit a public body from adopting a resolution, rule, or formal action in an open meeting that results from a discussion in executive session in compliance with the Open Meetings Act.

Also, the privacy afforded to executive session discussions does not automatically make confidential all documents that a public body may discuss in executive session. If a document is a "public record" and is not otherwise exempt under one of the exemptions to the Public Records Act, then the document may still be subject to public disclosure even if the public body appropriately discussed it in executive session.

Federal Update



Congressional Action

The White House and congressional leaders reached an agreement on an interim coronavirus relief package (H.R. 266), which includes funding to replenish the Paycheck Protection Program (PPP), a popular small-business lending program enacted in the CARES Act that issues forgivable loans to companies that meet certain requirements, including keeping workers on the payroll. The PPP ran out of the initial \$350 billion in CARES Act funding on April 16th. The "phase 3.5" interim COVID-19 package totaled around \$484 billion for the PPP and other items.

Unfortunately, funding for state and local governments was not included in this package. However, numerous congressional leaders, as well as President Trump, have indicated that additional funding could be included in the next relief package. **We strongly encourage townships to continue reaching out to your Congressional members to share the importance of direct funding for local governments.**

NATaT has created a [Coronavirus Guidance webpage](#) to store NATaT letters, memos and briefs on the outbreak, as well as critical information and guidance released by Congress and the Administration.

2020 Census



All Your Information for the Upcoming 2020 Census

The U.S. Census Bureau continues to carefully monitor the coronavirus (COVID-19) situation and follow the guidance of federal, state and local health authorities. We are adjusting some operations as outlined below with two key principles in mind: protecting the health and safety of our staff and the public and fulfilling our statutory requirement to deliver the 2020 Census counts to the President on schedule.

As of today, over 5 million have responded online to the 2020 Census. Currently, the planned completion date for data collection for the 2020 Census is July 31, 2020, but that date can and will be adjusted if necessary as the situation dictates in order to achieve a complete and accurate count.

It has never been easier to respond on your own, whether online, over the phone or by mail - all without having to meet a census taker.

Learn more about these updates and ways to be counted [here](#).

[US Census Website](#)
[Ohio Census Website](#)

The 2020 Census is headed your way! And it's so important that your township gets an accurate count. This section will help you get information out to your friends and neighbors to ensure residents in your area are counted. Check here for weekly information and links to important documents and resources.

Ohio Township Association

6500 Taylor Road, Suite A, Blacklick, OH 43004
614-863-0045 | OhioTownships.org

myers@ohiotownships.org

