

ORDINANCE NO. 229 (22-23)

An Ordinance to authorize and direct the Director of Public Safety and Service for the City of Marietta, Ohio, to enter into contracts with four (4) different companies for the Marietta City Police Department Upgrade Project, in a total amount not to exceed \$199,670.49; using American Rescue Plan Act Funds, and declaring an EMERGENCY.

WHEREAS, the Marietta City Police Department needs to make certain upgrades within the Police Department. Specifically, the Police Department needs to upgrade its police radio system to that of an "encrypted" system, which is a private radio transmission system, that is needed to ensure the safety of Marietta's police officers and the public. This will also improve radio communication between officers and between officers and dispatch; and

WHEREAS, the Marietta City Police Department has received a quote for upgrading its police radio system from Miller Communications, of One Wireless Way, Suite 100, Parkersburg, West Virginia, 26101; and

WHEREAS, the City of Marietta, Ohio wishes to enter into a contract with Miller Communications, of One Wireless Way, Suite 100, Parkersburg, West Virginia, 26101, for the upgrading of the Marietta City Police Department's police radio system and the licensing fee to maintain said radio system, in an amount not to exceed \$152,163.82, per Exhibit "A" attached hereto and incorporated herein; and

WHEREAS, the Marietta City Police Department needs to make further upgrades within the Police Department. Specifically, the Police Department needs to upgrade its computer software to allow for storage of body cam footage so that footage can be preserved and used as evidence in Court proceedings; and

WHEREAS, the Marietta City Police Department has received a quote for upgrading its computer software for digital body cam storage from AlphaLink Digital Storage, of 1496 W. Main Street, Newark, Ohio, 43055; and

WHEREAS, the City of Marietta, Ohio wishes to enter into a contract with AlphaLink Digital Storage, of 1496 W. Main Street, Newark, Ohio, 43055 for upgrading the Marietta City Police Department's computer software for the digital storage of body cam footage in an amount not to exceed \$5,000.00; and

WHEREAS, the Marietta City Police Department needs to make additional upgrades within the Police Department. Specifically, the Police Department needs to upgrade its computer software and licensing agreements to allow the Police Department to continue to extract and analyze the contents of cellular telephones in an effort to assist the

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Police Department and other law enforcement agencies with human trafficking matters; sexual abuse matters; and drug trafficking matters; and

WHEREAS, the Marietta City Police Department has received a quote for upgrading and licensing its computer software system to allow for extracting and analyzing cellular telephones from Cellebrite/Carahsoft, of 11493 Sunset Hills Road, Suite 100, Reston, Virginia, 20190; and

WHEREAS, the City of Marietta, Ohio wishes to enter into a contract with Cellebrite/Carahsoft, of 11493 Sunset Hills Road, Suite 100, Reston, Virginia, 20190. for upgrading the Police Department's computer software system pertaining to the extraction and analyzation of cellular telephones in an amount not to exceed \$17,162.50, per Exhibit "B" attached hereto and incorporated herein; and

WHEREAS, the Marietta City Police Department needs to make additional upgrades within the Police Department. Specifically, the Police Department needs to purchase a Side-By-Side, All-Terrain, Off-Road Vehicle to assist with patrolling the bike path and city parks and to aid the Police Department in accessing land that police cruisers can't traverse; and

WHEREAS, the Marietta City Police Department has received a quote for purchasing a Side-By-Side, All-Terrain, Off-Road Vehicle from Big Hometown Motorsports of 1301 Pike Street, Marietta, Ohio, 45750; and

WHEREAS, the City of Marietta, Ohio wishes to enter into a contract with Big Hometown Motorsports of 1301 Pike Street, Marietta, Ohio, 45750 for the purchase of a Side-By-Side, All-Terrain, Off-Road Vehicle in an amount not to exceed \$25,344.17, per Exhibit "C" attached hereto and incorporated herein; and

WHEREAS, the City of Marietta, Ohio has received a distribution of monies (the "ARPA Funds") from the American Rescue Plan Act of 2021 ("ARPA" or the "Act"); and

WHEREAS, Congress passed the Act effective March 11, 2021; and

WHEREAS, Section 603 created the Coronavirus Local Fiscal Recovery Fund which, among other things, appropriated money to cities, nonentitlement units of local government, and counties to mitigate the fiscal effects stemming from the public health emergency with respect to the Coronavirus Disease (COVID-19); and

WHEREAS, Section 603(c) generally provides that:

- (1) USE OF FUNDS. Subject to paragraph (2), and except as provided in paragraphs (3) and (4), a metropolitan city, nonentitlement unit of



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local government, or county shall only use the funds provided under a payment made under this section to cover costs incurred by the metropolitan city, nonentitlement unit of local government, or county, by December 31, 2024 -

(A) to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;

(B) to respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers of the metropolitan city, nonentitlement unit of local government, or county that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;

(C) for the provision of government services to the extent of the reduction in revenue of such metropolitan city, nonentitlement unit of local government, or county due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year of the metropolitan city, nonentitlement unit of local government, or county prior to the emergency; or

(D) to make necessary investments in water, sewer, or broadband infrastructure.

WHEREAS, Department of Treasury Final Rule, published on January 6, 2022, and effective April 1, 2022, provides in part that:

Treasury presumes that up to \$10 million in revenue has been lost due to the public health emergency and recipients are permitted to use that amount (not to exceed the award amount) to fund "government services." [The "standard allowance"].

WHEREAS, the Rule further observes that:

The standard allowance provides an estimate of revenue loss that is based on an extensive analysis of average revenue loss across states and localities, and offers a simple, convenient way to determine revenue loss particularly for Coronavirus State and Local Fiscal Recovery Fund's smallest recipients.

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This change is intended to promote administrative efficiency and simplify revenue loss calculation for smaller recipients.

WHEREAS, the Rule further clarifies that recipients can use:

SLFRF funds on government services up to the revenue loss amount, whether that be the standard allowance amount or the amount calculated using the [Final Rule four-step process]. Government services generally include any service traditionally provided by a government, unless treasury has stated otherwise.

WHEREAS, some common examples of “government services” expressly recognized by Treasury are as follows:

- Road building and maintenance, and other infrastructure
- Health services
- General government administration, staff, and administrative facilities
- Environmental remediation
- Provision of police, fire, and other public safety services (including purchase of fire trucks and police vehicles)
- Maintenance or pay-go funded building infrastructure
- Modernization of cybersecurity, including hardware, software, and protection of critical infrastructure

WHEREAS, “Government services is [deemed by Treasury] the most flexible eligible use category under the SLFRF program, and funds are subject to streamlined reporting and compliance requirements;” and

WHEREAS, funds utilized pursuant to the standard revenue loss allowance continue to have certain restrictions, including:

- Deposit into pension funds
- Satisfaction of settlements or judgments
- Contributions to financial reserves or “rainy day” funds

WHEREAS, the City of Marietta, Ohio has determined, in the judgment of the City, that the Marietta City Police Department Upgrade Project qualifies as a permitted use of the ARPA Funds, in direct support of governmental services.



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BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARIETTA, OHIO:

- Section 1: That the Director of Public Safety and Service for the City of Marietta, Ohio, is hereby authorized and directed to enter into four (4) separate contracts with four (4) separate companies, to-wit with Miller Communications, One Wireless Way, Suite 100, Parkersburg, West Virginia, 26101, in an amount not to exceed \$152,163.82; and with AlphaLink Digital Storage, 1496 W. Main Street, Newark, Ohio 43055, in an amount not to exceed \$5,000.00; and with Cellebrite/Carahsoft, 11493 Sunset Hills Road, Suite 100, Reston, Virginia, 20190, in an amount not to exceed \$17,162.50; and with Big Hometown Motorsports, 1301 Pike Street, Marietta, Ohio, 45750, in an amount not to exceed \$25,344.17 for a total expenditure of \$199,670.49 for the Marietta City Police Upgrade Project, using American Rescue Plan Act Funds.
- Section 2: The City of Marietta, Ohio elects to use the standard allowance by way of Ordinance 21(22-23) and its presumption of revenue loss due to the public health emergency and to use the amount authorized herein to fund government services.
- Section 3: The allocation is hereby authorized and shall be paid from the ARPA Fund, in an amount not to exceed: \$199,670.49.
- Section 4: The Project described herein serves the objectives of the Act by providing services traditionally provided by a government, namely, making provisions for police, fire, and other public safety services (including the purchase of fire trucks and police vehicles); and provisions for the modernization of cybersecurity, including hardware and software
- Section 5: Accordingly, the Project is in the best interests of the City of Marietta, Ohio and is deemed a priority for the community.
- Section 6: No obligations paid under the authority of this Ordinance were incurred prior to March 3, 2021.
- Section 7: That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

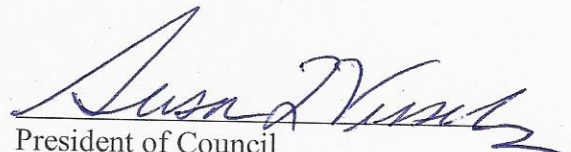
Section 8: That this Ordinance shall be and is hereby declared to be an EMERGENCY measure necessary for the immediate preservation of the public peace, health and safety of the City of Marietta, Ohio, and for the further reason that immediate action is necessary in order to secure the quotes as outlined hereinabove.

WHEREFORE, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

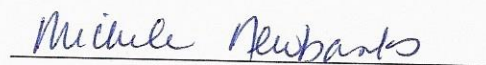
Introduced by the Finance and Taxation Committee, Michael Scales, Chairman.

  
Chairman

Passed this 2<sup>nd</sup> day of March, 2023.

  
President of Council

ATTEST:

  
Clerk of Council

Approved this 2<sup>nd</sup> day of March, 2023.

  
Mayor

First Reading March 2, 2023

Second Reading Suspended

Third Reading Suspended