

ORDINANCE NO. 248 (22-23)

An Ordinance to authorize and direct the Director of Public Safety and Service for the City of Marietta, Ohio, to enter into a contract with Perram Electric, Inc. of Wadsworth, Ohio, for the Street Garage Fiber Installation Project, in an amount not to exceed \$20,563.00, using American Rescue Plan Act Funds; and further repealing Ordinance No. 218 (22-23), passed on February 16, 2023; and declaring an EMERGENCY.

WHEREAS, a need exists for the installation of approximately 2,800 feet of fiber optics from the intersection of Acme and Greene Street, to the Street Garage located at 208 Alderman Street in the City of Marietta, Ohio, so as to continue with the updating and installation of fiber optics for Marietta's traffic lights and traffic detection cameras, which is necessary to provide safe traffic control for motorists and pedestrians; and

WHEREAS, following an analysis of the City's continuing needs in this respect, and the alternatives available for the provision of those needs, the Director of Public Safety and Service recommends that the City enter into a contract with Perram Electric, Inc. of 6882 Ridge Road, Wadsworth, Ohio 44281, for the Street Garage Fiber Installation Project, at a total cost not to exceed \$20,563.00; and

WHEREAS, by the passing of Ordinance No. 218 (22-23) on February 16, 2023, the Director of Public Safety and Service recommended that the City enter into a contract with Perram Electric, Inc. of Wadsworth, Ohio, for the entire Marietta Fiber Optics Project – Phase 2, project in an amount not to exceed \$166,000.00, using ARPA Funds; and

WHEREAS, the Director of Public Safety and Service now requests that **Ordinance No. 218 (22-23) be repealed** in its entirety; and

WHEREAS, the Director of Public Safety and Service, at the present time, is now recommending that the City enter into a contract with Perram Electric, Inc. of Wadsworth, Ohio, ONLY for the Street Garage Fiber Installation Project, at a cost not to exceed \$20,563.00 and

WHEREAS, it should be noted that there will be additional costs involved with the Street Garage Fiber Installation Project, namely monies that will need to be paid to AT&T and AEP for utility coordination work needed for the Project. AT&T and AEP will be paid from the \$166,000.00 in ARPA monies that was set aside by Ordinance No. 251 (22-23), for various Fiber Optics Projects; 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

ORDINANCE NO. 248 (22-23)
PAGE TWO

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 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.

ORDINANCE NO. 248 (22-23)
PAGE THREE

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.

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

ORDINANCE NO. 248 (22-23)
PAGE FOUR

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 continuing to add traffic signal improvements to the City of Marietta qualifies as a permitted use of the ARPA Funds, in direct support of Road building and maintenance, and other infrastructure.

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

- Section 1: That Ordinance 218 (22-23), passed on February 16, 2023, is hereby repealed in its entirety.
- Section 2: That the Director of Public Safety and Service for the City of Marietta, Ohio, is hereby authorized and directed to enter into a contact with Perram Electric, Inc. of 6882 Ridge Road, Wadsworth, Ohio 44381, for an amount not to exceed \$20,563.00, according to the terms and conditions of the proposal attached hereto as Exhibit “A”, which proposal is hereby adopted and approved, using American Rescue Plan Act Funds, and declaring an EMERGENCY.
- Section 3: 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 4: The services being contracted herein, serve the objectives of the Act by allowing the City of Marietta, Ohio, to provide services traditionally provided by a government, namely, the provision for public safety services, including the updating and installing of fiber optics for Marietta’s traffic lights/traffic detection cameras, in order to provide traffic control and safety to motorist and pedestrians; and
- Section 5: Accordingly, updating and installing fiber optics for Marietta’s traffic lights/traffic detection cameras, in order to provide traffic control and safety to motorist and pedestrians, is in the best interests of the City of Marietta, Ohio and is deemed a priority for the community.

ORDINANCE NO. 248 (22-23)
PAGE FIVE

- 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 because the work needs to commence by May, 2023 in order to keep the project on schedule.

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

Introduced by the Streets & Transportation Committee, Harley Noland, Chairman.

William Farnsworth *John Schell*
Chairman

Passed this 6th day of April, 2023.

Susan J. Kissels
President of Council

ATTEST:

Michelle Newbark
Clerk of Council

Approved this 6th day of April, 2023.

ORDINANCE NO. 248 (22-23)
PAGE SIX



Mayor

First Reading April 6, 2023

Second Reading Suspended

Third Reading Suspended