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Issued 3/18/20

## **PUBLIC NOTICE EMERGENCY MEETING OF LAKEWOOD CITY COUNCIL**

Lakewood City Council will meet Thursday March 19, 2020, at 5:00 PM in the Auditorium of Lakewood City Hall, 12650 Detroit Avenue, Lakewood, Ohio for an emergency meeting.

This meeting will be video recorded and live streamed at <http://www.onelakewood.com/councilvideos/>. Due to the current COVID-19 pandemic, members of the public will not be allowed in-person access to this meeting.

The agenda is as follows:

**ORDINANCE 08-2020** - AN ORDINANCE to take effect immediately provided it received the vote of at least two-thirds of the members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the Mayor to use flexibility to pay employees, continue to pay for benefits, and to provide paid leave to make decisions of an emergency nature if significant numbers of the Council Members cannot be present during the current COVID-19 crisis.

ORDINANCE NO. 08-2020

BY:

AN ORDINANCE to take effect immediately provided it received the vote of at least two-thirds of the members of Council, or otherwise to take effect at the earliest period allowed by law, authorizing the Mayor to use flexibility to pay employees, continue to pay for benefits, and to provide paid leave to make decisions of an emergency nature if significant numbers of the Council Members cannot be present during the current COVID-19 crisis

WHEREAS, the current threat of the COVID-19 pandemic has caused the Governor of the State of Ohio to declare a state of emergency and the Director of the Ohio Department of Health to issue an order limiting gatherings in an effort to prevent the spread of COVID-19; and

WHEREAS, during the state of emergency related to the COVID-19 pandemic, the City has been forced to close certain buildings and cancel certain operations, and may be forced to keep employees and officials away from their usual places of occupation, which may necessarily prevent them from performing their usual tasks on behalf of the City; and

WHEREAS, during the state of emergency related to the COVID-19 pandemic, the City has been and may be forced to compel the cancellation of public events and mass gatherings, including public meetings, or the restructuring of meetings in order to prevent the spread of the COVID-19 virus; and

WHEREAS, during the state of emergency related to the COVID-19 pandemic, the Ohio Revised Code's provisions should be read *in pari materia* with one another and in harmony with federal and state executive orders in order to give harmony to each; and

WHEREAS, the City is governed by various employment provisions within federal, state and local code, collective bargaining agreements, and employee handbook provisions, all of which may be impacted by the state of emergency related to the COVID-19 pandemic; and

WHEREAS, giving Council and the Mayor's administration the ability to be flexible with respect to certain of these meeting- and employment-related provisions in the midst of the state of emergency related to the COVID-19 pandemic is necessary and proper; and

WHEREAS, this Council determines that this ordinance is an emergency measure and that it shall take effect immediately and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments in that it coincides with federal, state and county states of emergency related to the COVID-19 pandemic; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. In order to provide maximum flexibility to the Mayor's administration amid the state of emergency related to the COVID-19 pandemic, notwithstanding any other provision

of law, policy or collective bargaining agreement, the Mayor is hereby authorized to the maximum extent permitted by law to:

(a) on a case-by-case basis, taking into account all available considerations, authorize full or partial payment to any employee of the City notwithstanding the fact that the employee may be placed temporarily on leave or be restricted from working or unable to work, in such full or partial amounts as the employee would have been paid or in such average full or partial amounts reflecting what the employee had made within a reasonable period of time prior to being restricted from working;

(b) on a case-by-case basis, taking into account all available considerations, authorize the continued provision of fringe benefits to any employee of the City notwithstanding the fact that the employee may be placed temporarily on leave or be restricted from working or unable to work;

(c) on a case-by-case basis, taking into account all available considerations, authorize the use of paid leaves, including but not limited to sick leaves, by any employee of the City notwithstanding the fact that the employee may not be qualified to use such leaves while the employee may be placed temporarily on leave or be restricted from working or unable to work;

all in order to adhere to a requirement or recommendation to remain away from city employment because of coronavirus; to permit the employee to care for an at-risk family member who is adhering to a requirement or recommendation; to permit the employee to quarantine due to exposure to or symptoms of coronavirus; and to permit the employee to care for a child of an employee if the child's school or place of care has been closed, or the child-care provider is unavailable, due to a coronavirus.

Section 2. Unless this ordinance is extended by Council, this ordinance shall no longer be in force and effect 14 days after the date upon which both the Ohio Governor has rescinded the state of emergency he has declared with respect to COVID-19 and the Director of the Ohio Department of Health has rescinded her order limiting gatherings in an effort to prevent the spread of COVID-19.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of this council, and that all such deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 4. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this resolution, and provided it receives the affirmative vote of at least two-thirds of the members of Council this ordinance shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: \_\_\_\_\_

\_\_\_\_\_  
President

\_\_\_\_\_  
Clerk

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor