



1 Benjamin Franklin Way
Franklin, Ohio 45005
(937) 746-9921 Office
(937) 746-1136 Fax
info@franklinohio.org

FRANKLINOHIO.ORG

CITY OF FRANKLIN, OHIO
EMERGENCY DECLARATION 2020-02
MARCH 25, 2020

WHEREAS, COVID-19 is a respiratory disease that can result in serious illness or death, is caused by the SARS-CoV-2 virus, which is a new strain of coronavirus that had not been previously identified in humans and can easily spread from person to person. The virus is spread between individuals who are in close contact with each other (within about six feet) through respiratory droplets produced when an infected person coughs or sneezes. It may also be possible that individuals can get COVID-19 by touching a surface or object that has the virus on it and then touching their open mouth, nose, or eyes; and

WHEREAS, the Emergency Management Provisions of the Stafford Act provide the ability of local government authorities to call upon and access all federal funds available generally and **directly through the federal government**, any federal agency designated by the President, including, but not limited to, both the Federal Emergency Management Agency and the Department of Defense, to mitigate a state of emergency and/or major disaster, pursuant to Title IV of Public Law 93-288 as amended; and

WHEREAS, on January 3, 2020, the United States Congress passed H.R. 6074, the Coronavirus Preparedness and Response Supplemental Appropriations Act (CPRSA), which was executed by President Donald Trump, and provides funding to the federal, state, and local governments through multiple federal agencies, programs, and regulations to mitigate the economic impact and effect of COVID-19; and

WHEREAS, pursuant to the CPRSA, local government municipalities that have declared a State of Emergency as in the City of Franklin, can immediately draw federal funds directly from multiple federal agencies, including, but not limited to, the Food and Drug Administration, Small Business Administration, the Centers for Disease Control and Prevention, the National Institutes of Health, and the Public Health and Social Services Emergency Fund; and

WHEREAS, on January 23, 2020, the Ohio Department of Health issued a Director's Journal Entry making COVID-19 a Class-A reportable disease in Ohio; and

WHEREAS, on January 30, 2020, the International Health Regulations Emergency Committee of the World Health Organization declared the outbreak of COVID-19 a public health emergency of international concern;

WHEREAS, on January 31, 2020, Health and Human Services Secretary, Alex M. Azar, declared a public health emergency for the United States to aid the nation's healthcare community in responding to COVID-19; and

WHEREAS, on March 9, 2020, testing by the Department of Health confirmed that three (3) patients were positive for COVID-19 in the State of Ohio, creating a potentially dangerous condition which may affect the health, safety, and welfare of the citizens of Ohio; and

WHEREAS, on March 9, 2020, the Ohio Emergency Management Agency activated the Emergency Operations Center; and

WHEREAS, on March 9, 2020, Ohio Governor Mike DeWine declared a state of emergency in the State of Ohio to blunt the spread of COVID-19; and

WHEREAS, on March 11, 2020, President Donald Trump issued a Memorandum due to the shortage of available respirators to the States, which directed the Secretary of Health and Human Services to take all necessary and appropriate steps to ensure that respirators and other health care products, equipment, and devices needed to combat COVID-19 were provided to “healthcare personnel, healthcare facilities, and elsewhere,” pursuant to 42 U.S.C. § 247d-6d and 21 U.S.C. § 360bbb-3; and

WHEREAS, on March 12, 2020, the Ohio Department of Health issued a Director’s Order to prohibit mass gatherings in the State of Ohio; and

WHEREAS, on March 13, 2020, President Donald Trump issued a Proclamation and declared a national emergency related to and regarding the outbreak of the novel coronavirus disease (COVID-19) (hereafter referred to as “U.S. National Emergency Proclamation”); and

WHEREAS, in the U.S. National Emergency Proclamation, President Donald Trump directed that federal funding and acquisition of health care supplies, EMS supplies, and personal protective equipment for assist local municipalities, counties, and states has now been streamlined, accelerated, and can be acquired **directly through** the United States Treasury, United States Department of Health and Human Services, and the Department of Defense, by and through reference to prior United States President Declarations, Memorandums, Executive Orders, and in pursuance to 42 U.S.C. § 247d-6d, 50 U.S.C. § 1601, et seq., and 42 U.S.C. § 1320b-5; and

WHEREAS, on March 13, 2020, the Ohio Department of Health issued an amended Director’s Order to limit access to Ohio’s nursing homes and similar facilities; and

WHEREAS, on March 14, 2020, the Ohio Department of Health issued an amended Director’s Order to require health screening for admission to state operated psychiatric hospitals and Ohio Department of Youth Facilities; and

WHEREAS, on March 14, 2020, the Ohio Department of Health issued a Director’s Order to close all K-12 schools in the State of Ohio; and

WHEREAS, on March 17, 2020, the Mayor and City Manager of the City of Franklin, Ohio issued an Emergency Declaration (hereby amended to be called Emergency Declaration 2020-01) and declared a State of Emergency in the City of Franklin, Ohio; and

WHEREAS, on March 18, 2020, the United States Congress passed H.R. 6201, the Families First Coronavirus Response Act (FFCRA), which was executed by President Donald Trump, and provides funding to the federal, state, and local governments, as well as small for profit businesses, non-profit businesses, and individuals through multiple federal agencies, programs, and regulations to mitigate the economic impact and effect of COVID-19; and

WHEREAS, on March 18, 2020, President Donald Trump issued an Executive Order to prioritize and allocate health and medical resources to respond to the spread of COVID-19, which the White House deemed a “pandemic,” and specifically designated that all personal protective equipment (PPE), ventilators, and any other supplies and materials designated by the Secretary of Health and Human Services can now be diverted straight to the federal government, pursuant to 50 U.S.C. § 4511(b); and

WHEREAS, on March 20, 2020, President Donald Trump issued a Memorandum delegating the functions of and authorities of the President to the Secretary of the Treasury “for use of the Exchange Stabilization Fund in an aggregate amount of up to \$50 billion,” pursuant to 31 U.S.C. § 5302; and

WHEREAS, on March 22, 2020, the State of Ohio, through the Ohio Department of Health and Public Health Director Amy Acton issued a Director’s Order (SAHO) requiring all Ohio citizens remain in their homes beginning at 11:59 p.m. on March 23, 2020 through April 1, 2020, “unless the Director of the Ohio Department of Health rescinds or modifies this Order at a sooner time and date.” (Ohio Dept. Health – Director’s Stay at Home Order, ¶ 22 (Mar. 22, 2020)); and

WHEREAS, on March 22, 2020, President Donald Trump, on behalf of the States of California, New York, and Washington, issued a Memorandum directing the Federal Emergency Management Agency (FEMA) and the Department of Homeland Security (DHS) to fund one hundred percent (100%) of “the emergency assistance activities associated with preventing, mitigating, and responding to the threat to public health and safety posed by the virus that these States undertake using their National Guard forces,” pursuant to 42 U.S.C. § 5170b and 42 U.S.C. § 5193; and

WHEREAS, reference and incorporation by reference is hereby made and declared for and by any and all federal, state, and municipal statutes, laws (whether at common law or otherwise), ordinances, regulations, Executive Orders, Director’s Orders, governmental and/or administrative guidance, and/or any and all legal rights, claims, and entitlements available to and by the City of Franklin, Ohio and its citizens, including any and all of those related to the current and ongoing States of Emergency as declared by the United States, the State of Ohio, and the City of Franklin, Ohio, promulgated now or in the future; and

WHEREAS, pursuant to the FFCRA, local government municipalities that have declared a State of Emergency as did the City of Franklin, Ohio, can immediately draw federal funds directly from multiple federal agencies, including, but not limited to, the Department of Agriculture: Food and Nutrition Service, the Department of Defense: Defense Health Program; and the Department of the Treasury: Internal Revenue Service; the Department of Health and Human Services: Indian Health Service; The Department of Health and Human Services:

Administration for Community Living; the Department of Health and Human Services: Office of the Secretary; the Department of Veterans Affairs: Veterans Health Administration; the Richard B. Russell National School Lunch Act; the Child Nutrition Response Act; SNAP Waivers; the Emergency Family and Medical Leave Act; the Emergency Unemployment Insurance Stabilization and Access Act; the Emergency Paid Sick Leave Act; and the Centers for Medicaid and Medicare; and

WHEREAS, multiple areas of the United States are experiencing “community spread” of the virus that causes COVID-19. Community spread, defined as the transmission of an illness for which the source is unknown, means that isolation of known areas of infection is no longer enough to control spread; and

WHEREAS, previously studied human coronaviruses (including SARS, which is closely related to COVID-19) can survive on paper, wood, glass, plastic for up to 4-5 days. (*Persistence of coronaviruses on inanimate surfaces and their inactivation with biocidal agents*, The Journal of Hospital Infection, March 2020, Volume 104, Issue 3, Pages 246–251); and

WHEREAS, Michael Osterholm, PhD, MPH, director of the Center for Infectious Disease Research and Policy at the University of Minnesota, said that research findings confirm that COVID-19 is spread simply through breathing, even without coughing. <<http://www.cidrap.umn.edu/news-perspective/2020/03/study-highlights-ease-spread-covid-19-viruses>>; and

WHEREAS, the CDC reports that people are most contagious when they are most symptomatic (the sickest); some spread might be possible before people show symptoms, although that is not the main way the virus spreads; and

WHEREAS, Ohio Governor Mike DeWine has ordered restrictions on certain activities affecting commerce in this state to prevent the spread of COVID-19, such as restrictions on mass gatherings, bars, restaurants, cosmetics salons, and nail salons; and

WHEREAS, on March 16, 2020, Ohio Governor Mike DeWine issued Executive Order 2020-03D, which, during an emergency, lifted many restrictions on the ability of Ohioans to obtain unemployment; and

WHEREAS, Executive Order 2020-03D states that Ohio Governor Mike DeWine will likely to continue ordering further restrictions on certain activities affecting commerce, to prevent the spread of COVID-19; and

WHEREAS, Executive Order 2020-03D states that many Ohio workers have and will continue to lose wages and employment due to the spread of COVID-19; and

WHEREAS, Ohio workers that have and will continue to lose wages and employment due to the spread of COVID-19 have and will apply for unemployment compensation benefits through the Ohio Department of Job and Family Services; and

WHEREAS, it is essential that all necessary functions and offices of the City of Franklin remain intact during the ongoing state of emergency within the City of Franklin, the State of Ohio, and the United States Government due to COVID-19; and

WHEREAS, the SAHO places enforceability on both the State of Ohio and local municipalities to enforce all provisions contained within it. (Ohio Dept. Health – Director’s Stay at Home Order, ¶ 17 (Mar. 22, 2020)); and

WHEREAS, the intent of the SAHO is to ensure the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue, and to slow the spread of COVID-19 to the greatest extent possible; and

WHEREAS, the City of Franklin, Ohio hereby adopts and incorporates the Warren County Department of Public Health Emergency Response Plan (Emergency Response Plan), as adopted February 12, 2020, and all related sub-policies and sub-plans of the Warren County Health District referenced within the Emergency Response Plan, for the purposes of implementing and executing such Emergency Response Plan to manage, mitigate, and provide all necessary functions during the current State of Emergency; and

WHEREAS, the City of Franklin, Ohio hereby adopts and incorporates the City of Franklin Emergency Response Plan (hereafter “Emergency Response Plan”), as adopted March 25, 2020, and all related sub-policies and sub-plans that may be adopted and/or implemented as a sub-policy and/or sub-plan in the future, for the purposes of implementing and executing such Emergency Response Plan to manage, mitigate, and provide all necessary functions during the current State of Emergency; and

WHEREAS, the City of Franklin, Ohio hereby adopts and incorporates by reference hereto, all statutes, common law, Executive Orders, Director’s Orders, Administrative Guidance, Emergency Response Plans, Pandemic Plans, rules, regulations, directives, and all other legal rights and remedies available to the City of Franklin by, through and under the United States of America and all of its Administrative Agencies, Departments, and Divisions thereof, as well as all related sub-policies and sub-plans that may be adopted and/or implemented as a sub-policy and/or sub-plan in the future, for the purposes of implementing and executing Emergency Response Plan to manage, mitigate, and provide all necessary functions during the current State of Emergency and Public Health Emergency; and

WHEREAS, all reference to the United States and/or the U.S. included in this Declaration 2020-02, the previous Declaration (as amended to be titled Declaration 2020-01), and all future Declarations, means and is defined as, and shall continue to mean and be continued to be defined as, the United States of America; and

WHEREAS, it is essential that all necessary functions and offices of the City of Franklin be increased in size, function, budget, reserves, and all other necessities needed to maintain such functions and offices throughout the duration of the state of emergency in the City of Franklin, the State of Ohio, and the United States Government due to COVID-19; and

NOW, THEREFORE, the Mayor and the City Manager of the City of Franklin, Ohio, pursuant to the Emergency Declaration 2020-01 of March 17, 2020 and all other applicable laws and regulations previously referenced in this Declaration, hereby invokes and declares that the City of Franklin is also under a Public Health Emergency and further invokes and declares all portions and provisions of the Stafford Act; the Coronavirus Preparedness and Response Supplemental Appropriations Act; the Families First Coronavirus Response Act; all applicable Ohio statutes, laws, regulations, administrative guidance, Executive Orders, Director's Orders; and all related, relevant, and applicable laws, regulations, Executive Orders, Declarations, Statements, Proclamations, and Agency plans, procedures, guidance, and/or requirements of the City of Franklin, the State of Ohio, and the United States Government, by through and under which the City of Franklin, Ohio can obtain, secure, and/or otherwise be provided with direct and immediate funds, equipment, and necessities – as time is of the essence – needed by the City of Franklin, Ohio to manage and mitigate the effects of COVID-19 to prepare, mitigate, and manage the current local, state, and national emergencies and major disaster of COVID-19.

The Mayor and City Manager further designate, delegate, authorize, and direct, the City of Franklin's City Manager to make application for, accept proposals for, advertise for bids, and/or to enter contracts as deemed reasonably necessary for and to acquire equipment, personnel, and all necessary materials, items, grants, and funding needed to mitigate and manage the spread of COVID-19 and enforce the SAHO, as approved by the City Manager and/or Council as required by law for each of their respective divisions, as follows:

Section A. Increases in any of the Essential Operations Funding and equipment will occur on a sliding scale, as needed and/or deemed necessary by the Public Safety Director, the Chief of Police, and the Chief of Fire and EMS if either: (1) the length of Ohio's SAHO is increased or modified and requires additional enforcement; (2) the United States Government or any other government entity implements and/or extends the time period requiring citizens to remain in their homes; or (3) for any reasonable and/or necessary expenses, to be deemed required by the City Manager, provided such expenses are related to the management and mitigation of COVID-19 and the current state of emergency.

Such increases will occur on a sliding scale and occur in percentage increases as follows:

1. An immediate increase in the budgets for both:
 - a. The City of Franklin for Administration and Operations by up to twenty percent (20%) of its current annual budget for the Fiscal Year 2020;
 - b. The City of Franklin Department of Public Works by up to twenty percent (20%) of its current annual budget for the Fiscal Year 2020.
 - c. The City of Franklin Department of Public Safety by up to twenty percent (20%) of its current annual budget for the Fiscal Year 2020.
 - d. The City of Franklin Police Department by up to twenty percent (20%) of its current annual budget for the Fiscal Year 2020; and
 - e. The City of Franklin Fire and EMS by up to twenty percent (20%) of its current annual budget for the Fiscal Year 2020.

2. An immediate increase in wages for all employees of the City of Franklin and the Departments identified in Paragraph 1 above, the rate of which shall be determined by Council in consultation with the City Manager.
 - a. This increase is to provide an incentive for all City of Franklin employees employed under the Divisions referenced in Paragraph 1 to continue their employment, duties, and obligations during the current State of Emergencies and Public Health Emergencies related to COVID-19 as declared by the City of Franklin, the State of Ohio, and the United States.
 - b. This increase in wages only applies to employees directly employed by the City of Franklin in the Divisions identified in Paragraph 1 above.
 - c. This increase does not apply to all Essential Government Employees as defined in the SAHO.
3. And immediate increase in the hiring of temporary personnel and/or increased current part-time or full-time personnel by twenty percent (20%).
 - a. Subsequent increases in personnel will be made by twenty percent (20%) and occur on a sliding scale as specified in and in accordance with Section A above.

The following individuals, employees, third-party contractors, independent contractors, and all currently contracted entities of the City of Franklin, Ohio are deemed Essential Government Employees under the SAHO and are needed to perform Essential Government Functions, pursuant to the SAHO (Ohio Dept. Health – Director’s Stay at Home Order, ¶ 10 (Mar. 22, 2020)).:

1. All first responders;
2. All emergency management personnel;
3. All emergency dispatchers;
4. All legislators;
5. All judges;
6. All court personnel;
7. All jurors and grand jurors;
8. All law enforcement and corrections personnel;
9. All hazardous material responders;
10. All child protection and welfare personnel;
11. All housing and shelter personnel;
12. All military;
13. The Law Director, including the law office of the Law Director;
14. All other governmental employees, including, but not limited to, all third-party contractors, working for or to support Essential Government Functions.

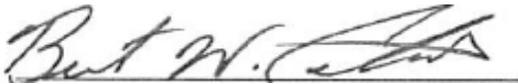
This Proclamation and the list of deemed Essential Government Employees included herein applies to all individuals and/or entities currently holding such titles, offices, positions, or otherwise, and applies to all of their successors, heirs, and assigns.

Essential Government Functions include, but are not limited to, all services provided by the City of Franklin, Ohio that are needed to ensure the continuing operation of the government agencies or to provide for or support the health, safety and welfare of the public, and including those contractors performing Essential Government Functions.

Reference and incorporation by reference is hereby made and declared for and by any and all federal, state, and municipal statutes, laws (whether at common law or otherwise), ordinances, regulations, Executive Orders, Director's Orders, governmental and/or administrative guidance, and/or any and all legal rights, claims, and entitlements available to and by the City of Franklin, Ohio and its citizens, including any and all of those related to the current and ongoing States of Emergency as declared by the United States, the State of Ohio, and the City of Franklin, Ohio, promulgated now or in the future, pursuant to this Proclamation 2020-02.

This Declaration 2020-02 is hereby declared to be an emergency measure made to protect the health, safety, and welfare of the City of Franklin, Ohio, to provide for its continuous uninterrupted services, to comply with and enforce (as required) the SAHO issued by the State of Ohio, and to allow for the access, application, and acceptance of all available funds to mitigate and manage the current State of Emergencies by the City of Franklin, the State of Ohio, and the United States.

We have signed this Emergency Declaration this 25th day of March, 2020, and it shall take effect immediately and shall remain in full force and effect until the emergency no longer exists, at such time to be determined by the City Manager, in consultation with the Mayor.



Brent Centers
Mayor of the City of Franklin, Ohio



Sonny Lewis
City Manager of the City of Franklin, Ohio