

**BY AUTHORITY**

ORDINANCE NO. \_\_\_\_\_  
SERIES OF 2023

COUNCIL BILL NO. CB23-1683  
COMMITTEE OF REFERENCE:  
Finance & Governance

**A BILL**

**For an ordinance amending Ordinance No. 591, Series of 2021, as amended by Ordinance No. 706, Series of 2021, as amended by Ordinance No. 1145, Series of 2021, as amended by Ordinance No. 1192, Series of 2021, as amended by Ordinance No. 374, Series of 2022, as amended by Ordinance No. 969, Series of 2022, as amended by Ordinance No. 1450, Series of 2022, as amended by Ordinance No. 0548, Series of 2023, as amended by Ordinance No. 1326, Series of 2023 to make allocations in the Recovery category from previously unallocated dollars in the original American Rescue Plan Act Grant award, to make allocations in the Recovery category from interest earnings, and to adjust allocations in the Revenue Loss and Recovery.**

**WHEREAS**, Ordinance No. 591, Series of 2021, established the American Rescue Plan Act (ARPA) Grant Fund, Fund No. 11011 and accepted the Coronavirus Local Fiscal Recovery Fund award agreement with the US Department of Treasury; and

**WHEREAS**, Ordinance No. 591 accepted the full \$308,048,870 identified in the award agreement and included provisions requiring that City Council approve any spending in the fund through amendments to said Ordinance; and

**WHEREAS**, Ordinance No. 706, Series of 2021, amended Ordinance No. 591, Series of 2021, by adding a section to authorize an initial amount of spending in the Fund, specific to the “Revenue Loss” category, identified as an allowable expense in the ARPA guidance; and

**WHEREAS**, the Budget and Management Office leveraged the 2022 budget process to determine which investments included in the “Revenue Loss” spending allocation in ARPA in 2021 could be supported by General Fund growth in 2022, as a fiscally prudent way to ensure the City could continue to support ongoing restorations of City services; and

**WHEREAS**, Ordinance No. 1145, Series of 2021, amended Ordinance No. 591, Series of 2021, by adding an allocation for Premium Pay to provide this benefit to eligible employees; and

**WHEREAS**, Ordinance No. 1192, Series of 2021, increased the “Revenue Loss” allocation to authorize the 2022 portion of the 2021 “Revenue Loss” investments previously authorized through Ordinance No. 706, Series of 2021; and

1           **WHEREAS**, Ordinance No. 374, Series of 2022, increased “Administration” allocation due to  
2 interest earnings generated by ARPA monies previously authorized through Ordinance No. 1192,  
3 Series of 2021; and

4           **WHEREAS**, Ordinance No. 373, Series of 2022, established the American Rescue Plan Act  
5 Capital Project Fund (38395) in the Grant and Other Money Projects Fund Series, and authorized  
6 a cash transfer from the ARPA Operating Grant Fund to the new ARPA Capital Project Fund to  
7 support capital investments and improvements at shelters and recreation centers; and

8           **WHEREAS**, Ordinance No. 969, Series of 2022, increased the “Recovery” spending  
9 allocation to support individuals and families who have experienced food insecurity due to an  
10 economic impact by COVID-19 and the effects of inflationary pressures by providing gift cards and  
11 vouchers and by expanding culturally relevant food box distribution; and

12           **WHEREAS**, Ordinance No. 1450, Series of 2022, allocated a second cash disbursement of  
13 \$154 million from Treasury for allocations and programs that were determined through a  
14 deliberative process based on input from the community and the Stimulus Investment Advisory  
15 Committee (SIAC), allocated cash in the Administration category for program evaluation, and  
16 reallocated from premium pay based on expenditures, and authorized capital equipment; and

17           **WHEREAS**, Ordinance No. 0548, Series of 2023, allocated amounts in the “Recovery,”  
18 “Revenue Loss,” “Premium Pay,” and “Administration” categories in Fund 11011, to support rental  
19 assistance programs and The My Spark program; corrected allocations to support the intent of  
20 Ordinance 1450, series of 2022; and transferred cash from the ARPA Operating Fund to the ARPA  
21 Capital Fund and provided approval to purchase capital equipment; and

22           **WHEREAS**, Ordinance No. 1326, Series of 2023, allocated amounts in the “Recovery”  
23 category to make an allocation based on previously unallocated interest earnings to support the  
24 City’s 2023 goal to shelter 1,000 individuals; and

25           **WHEREAS**, the City wishes to amend Ordinance No. 591, Series of 2021, as amended by  
26 the subsequent ordinances, to make an additional allocation in the Recovery category from  
27 previously unallocated dollars in the original award and from interest earnings to support the  
28 Denver Basic Income Project and the House 1000 initiative, and to adjust allocations in the  
29 Revenue Loss and Recovery categories to align planned program uses with ARPA federal  
30 guidelines;

31

1           **NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY**  
 2 **OF DENVER:**

3  
 4           **Section 1.** Section 6 of Ordinance No. 591, Series of 2021, as amended by Ordinance 706,  
 5 Series of 2021, as amended by Ordinance No. 1145, Series of 2021, as amended by Ordinance No.  
 6 1192, Series of 2021, and as amended by Ordinance No. 374, Series of 2022, as amended by  
 7 Ordinance No. 969, Series of 2022, as amended by Ordinance No. 1450, Series of 2022, as  
 8 amended by Ordinance No. 548, Series of 2023, as amended by Ordinance No. 1326, Series of  
 9 2023, is amended to read as follows:

10  
 11           “That it be and is hereby found and determined that the allocations for the Revenue Loss,  
 12 Premium Pay, Recovery, and Administration categories, as defined in ARPA guidance, are as  
 13 follows:  
 14

<u>Accounting Number</u>	<u>Appropriation Account</u>	<u>Amount</u>
11011	American Rescue Plan Act- Revenue Loss	\$77,707,270
11011	American Rescue Plan Act – Premium Pay	\$8,230,500
11011	American Rescue Plan Act – Recovery	\$213,317,021
11011	American Rescue Plan Act Capital Projects– Recovery	\$13,870,000
11011	American Rescue Plan Act – Administration	\$3,957,300
11011	American Rescue Plan Act – Unallocated	<u>\$0.00</u>
	Total Allocations	\$317,082,091

15  
 16           The foregoing reflects \$308,048,870 from the original award plus \$9,033,221 in interest  
 17 earnings. The foregoing authorizes a new allocation in the “Recovery” spending category from  
 18 previously unallocated dollars in the original award and interest earnings and will be used to  
 19 support the Denver Basic Income Project and House 1000 programs. The foregoing adjusts  
 20 allocations in the Revenue Loss and Recovery categories to support the House 1000 and  
 21 Downtown Denver Activation programs and aligns planned program uses from the Human  
 22 Rights and Community Partnership’s (HRCP) Revolving Loan Fund program with ARPA federal  
 23 guidelines, to maximize the loans as a resource for future programmatic needs.  
 24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**Section 2.** The Chief Financial Officer of the City and County of Denver is hereby authorized and directed to make such book and record entries and to do such other things as may be necessary to accomplish the purposes of this Ordinance.

COMMITTEE APPROVAL DATE: November 7, 2023 by Consent

MAYOR-COUNCIL DATE: November 14, 2023 by Consent

PASSED BY THE COUNCIL: \_\_\_\_\_

\_\_\_\_\_ - PRESIDENT

APPROVED: \_\_\_\_\_ - MAYOR \_\_\_\_\_

ATTEST: \_\_\_\_\_ - CLERK AND RECORDER,  
EX-OFFICIO CLERK OF THE  
CITY AND COUNTY OF DENVER

NOTICE PUBLISHED IN THE DAILY JOURNAL: \_\_\_\_\_; \_\_\_\_\_

PREPARED BY: Nikki McCabe, Budget and Management Office      DATE: November 16, 2023

Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the Office of the City Attorney. We find no irregularity as to form and have no legal objection to the proposed ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to § 3.2.6 of the Charter.

Kerry Tipper, Denver City Attorney

BY: \_\_\_\_\_, Assistant City Attorney      DATE: \_\_\_\_\_