

BY AUTHORITY

ORDINANCE NO.
SERIES OF 2022

COUNCIL BILL NO. CB22-1450
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 to allocate spending in the American Rescue Plan Act Grant Fund.

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

WHEREAS, Ordinance No. 374, Series of 2022, increased the “Revenue Loss” Administration spending allocation due to interest earnings generated by ARPA monies previously authorized through Ordinance No. 1192, Series of 2021; and

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

5 **WHEREAS**, the subsequent ordinances amended the original, aforementioned ordinance
6 by authorizing allocations in the “Revenue Loss,” “Recovery,” “Premium Pay,” and “Administration”
7 categories, which collectively made up the first half of the ARPA award and delineated capital
8 improvement expenditures from operating ones through the creation of fund 38395; and

9 **WHEREAS**, the City wishes to establish new amounts in the Recovery, Revenue Loss,
10 Premium Pay, and Administration categories in Fund 11011, which reflect new allocations for the
11 second half of the ARPA award and reallocations of the first half of the award and approval to
12 purchase capital equipment items over the \$500,000 threshold;

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

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17 **Section 1.** Section 6 of Ordinance No. 591, Series of 2021, as amended by Ordinance 706,
18 Series of 2021, as amended by Ordinance No. 1145, Series of 2021, as amended by Ordinance No.
19 1192, Series of 2021, and as amended by Ordinance No. 374, Series of 2022, as amended by
20 Ordinance No. 969, Series of 2022 is amended to read as follows:

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22 “That it be and is hereby found and determined that the allocations for the Revenue Loss,
23 Premium Pay, Recovery, and Administration categories, as defined in ARPA guidance, are as
24 follows:

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<u>Accounting Number</u>	<u>Appropriation Account</u>	<u>Amount</u>
11011	American Rescue Plan Act- Revenue Loss	\$78,802,164.56
11011	American Rescue Plan Act – Premium Pay	\$5,457,300.00
11011	American Rescue Plan Act – Recovery	\$213,034,791.00

<u>Accounting Number</u>	<u>Appropriation Account</u>	<u>Amount</u>
11011	American Rescue Plan Act – Administration	\$8,230,825.44
11011	American Rescue Plan Act – Unallocated	\$4,681,089.00
Total Allocations		\$310,206,170

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The foregoing “Revenue Loss” allocation includes one-time capital equipment items and vehicles, a local contribution for the Build-to-Scale program to be administered by DEDO, and a reallocation from the Premium Pay category to support the continuation of services originally restored in 2021 in the Revenue Loss category. The Revenue Loss category will continue to fund certain service restorations in 2023 originally restored in 2021 by re-purposing unspent Revenue Loss dollars. The foregoing Premium Pay allocation authorizes reducing the allocation in the Premium Pay Category to re-allocate dollars to the Revenue Loss Category. The City estimated that payments to CSA employees for premium pay, as determined by the ARPA guidelines were higher than needed based on eligibility and employees still with the City when payments were made. The foregoing Recovery allocation authorizes a new allocation in the “Recovery” spending category for investments that support housing stability and homelessness resolution, resources for vulnerable populations, community health and safety support investments, and assistance for businesses, workers, and non-profits. The foregoing Administration allocation will be used for program support, including formal program evaluations of select American Rescue Plan Act projects.”

18 **Section 2.** From the American Rescue Plan Act Grant Fund, Fund No. 11011, the Executive
19 Director, or duly authorized representatives, of the departments and agencies indicated in the
20 following table are hereby authorized the purchase of the following capital equipment:

<u>Item No.</u>	<u>Department</u>	<u>Vehicle Description</u>	<u>New/ Replacement</u>	<u>Quantity</u>
1	County Court Department of Housing	SUV	New	2
2	Stability Department of Parks and	SUV	New	1
3	Recreation	Large Mower	New	1
4		Truck	New	6
5		Utility Truck	New	6

<u>Item No.</u>	<u>Department</u>	<u>Vehicle Description</u>	<u>New/Replacement</u>	<u>Quantity</u>
6	Department of Transportation and Infrastructure	Overhead Truck	New	1
7		Truck	New	2
8	Fire Department	Truck	New	1
9		Utility Truck	New	2
10	General Services	Utility Vehicle	New	4

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Section 3. 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 8, 2022

MAYOR-COUNCIL DATE: November 15, 2022

PASSED BY THE COUNCIL: _____ November 28, 2022

- PRESIDENT

APPROVED: _____ - MAYOR Nov 29, 2022

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 17, 2022

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, Interim Denver City Attorney

BY: Anshul Bagga, Assistant City Attorney DATE: Nov 17, 2022