

BY AUTHORITY

ORDINANCE NO.
SERIES OF 2021

COUNCIL BILL NO. CB21-1192
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, to allocate spending in the American Rescue Plan Act Grant Fund for Recovery, Revenue Loss, and Administration.

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, this Ordinance increases 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, as a result of hiring challenges in a significantly competitive market in 2021, the \$46,208,643 initially allocated for “Revenue Loss” via Ordinance No. 706, Series of 2021 is unlikely to be fully spent and savings from vacancies through September of 2021 provide sufficient capacity to reallocate \$1.3 million from the “Revenue Loss” category to the “Administration” category; and

WHEREAS, the “Administration” allocation authorized in this Ordinance will support a contract with Ernst and Young that will assist the City in its efforts to deliver the financial and

1 performance reporting required under the ARPA program to the U.S. Treasury; aid efforts around
 2 compliance with federal grant regulations; assist with questions on the eligibility of proposed uses
 3 of funds; and help the City to maximize its strategic use of these one-time ARPA funds in
 4 conjunction with under federal and state programs made available by the ARPA legislation and
 5 other potential stimulus programs; and

6 **WHEREAS**, the Department of Finance engaged in an extensive community review process
 7 to identify \$73.53 million in “Recovery” investments to support businesses, the community, housing
 8 and people experiencing homelessness, and infrastructure; and

9 **WHEREAS**, Ordinance No. 1145, Series of 2021, amended Ordinance No. 591, Series of
 10 2021, by adding an allocation for Premium Pay to provide this benefit to eligible employees;

11
 12 **NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY**
 13 **OF DENVER:**

14
 15 **Section 1.** Section 6 of Ordinance No. 591, Series of 2021, as amended by Ordinance 706,
 16 Series of 2021, and as amended by Ordinance No. 1145, Series of 2021, is amended to read as
 17 follows:

18
 19 “That it be and is hereby found and determined that the allocations for the Revenue Loss,
 20 Premium Pay, Recovery, and Administration categories, as defined in ARPA guidance, are as
 21 follows:

<u>Accounting Number</u>	<u>Appropriation Account</u>	<u>Amount</u>
11011	American Rescue Plan Act- Revenue Loss	\$70,203,696
11011	American Rescue Plan Act – Premium Pay	\$8,800,000
11011	American Rescue Plan Act – Recovery	\$73,530,000
11011	American Rescue Plan Act – Administration	\$1,300,000
11011	American Rescue Plan Act – Unallocated	\$154,215,174

1 The foregoing Revenue Loss allocation supports the cost of furlough restoration for all City
2 employees, the cost of restoring some services that were reduced in 2021 to balance the budget
3 as a result of revenue loss from COVID-19, and the cost of addressing certain operational
4 backlogs that arose as resources were reduced or diverted due to the pandemic. The foregoing
5 Premium Pay allocation supports payments to City employees whose regular, required duties
6 from March to December of 2020 put them at risk of COVID-19 exposure. The foregoing
7 Recovery allocation supports Recovery investments identified through an extensive community
8 review process to support businesses, the community, housing and people experiencing
9 homelessness, and infrastructure. The foregoing Administration allocation supports a contract
10 to assist in the City's administration of ARPA funds."
11

12 **Section 2.** The Chief Financial Officer of the City and County of Denver is hereby authorized
13 and directed to make such book and record entries and to do such other things as may be necessary
14 to accomplish the purposes of this Ordinance.
15

16 COMMITTEE APPROVAL DATE: October 12, 2021

17 MAYOR-COUNCIL DATE: October 19, 2021

18 PASSED BY THE COUNCIL: _____ November 8, 2021

19 _____ *Staci Filmon* - PRESIDENT

20 APPROVED: _____ - MAYOR *M. B.* Nov 9, 2021

21 ATTEST: _____ - CLERK AND RECORDER,
22 EX-OFFICIO CLERK OF THE
23 CITY AND COUNTY OF DENVER

24 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____ ; _____

25 PREPARED BY: Rachel Bardin, Budget and Management Office DATE: October 28, 2021

26 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the Office of the
27 City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
28 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
29 3.2.6 of the Charter.

30 Kristin M. Bronson, Denver City Attorney

31 BY: *Jonathan Griffin* _____, Assistant City Attorney DATE: Oct 28, 2021