

BY AUTHORITY

ORDINANCE NO.
SERIES OF 2023

COUNCIL BILL NO. CB23-1326
COMMITTEE OF REFERENCE:
Safety, Housing, Education & Homelessness

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 to allocate interest earnings in the American Rescue Plan Act Grant Fund support the City’s House 1000 Initiative.

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**, the City wishes to amend Ordinance No. 591, Series of 2021, as amended by
23 the subsequent ordinances, to make an additional allocation in the Recovery category based on
24 previously unallocated interest earnings to support the City’s 2023 goal to shelter 1,000 individuals;
25

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

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29 **Section 1.** Section 6 of Ordinance No. 591, Series of 2021, as amended by Ordinance 706,
30 Series of 2021, as amended by Ordinance No. 1145, Series of 2021, as amended by Ordinance No.
31 1192, Series of 2021, and as amended by Ordinance No. 374, Series of 2022, as amended by

1 Ordinance No. 969, Series of 2022, as amended by Ordinance No. 1450, Series of 2022, as
2 amended by Ordinance No. 10548, Series of 2023, is amended to read as follows:

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

<u>Accounting Number</u>	<u>Appropriation Account</u>	<u>Amount</u>
11011	American Rescue Plan Act- Revenue Loss	\$78,912,270
11011	American Rescue Plan Act – Premium Pay	\$8,230,500
11011	American Rescue Plan Act – Recovery	\$209,630,236
38395	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	\$1,305,864
	Total Allocations	\$315,906,170

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The foregoing reflects \$308,048,870 from the original award plus \$7,857,300 in interest earnings. The foregoing Recovery allocation authorizes a new allocation in the “Recovery” spending category for investments that support the City’s 2023 goal to shelter 1,000 individuals. These funds will be used to support expenses for the House 1000 initiative including hotel leasing and operations, purchases and operations for micro communities, and services.

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.

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COMMITTEE APPROVAL DATE: September 27, 2023

MAYOR-COUNCIL DATE: N/A

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: September 28, 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: Anahul Bagga, Assistant City Attorney

DATE: Sep 28, 2023