

BY AUTHORITY

ORDINANCE NO. _____
SERIES OF 2023

COUNCIL BILL NO. CB23-0548
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, to allocate spending in the American Rescue Plan Act Grant Fund; to update allocations in spending categories; to transfer cash from the ARPA Operating Grant Fund (11011) to the ARPA Capital Grant Fund (38395); and to authorize the purchase of capital equipment items.

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**, the City wishes to establish new amounts in the “Recovery,” “Revenue Loss,”
18 “Premium Pay,” and “Administration” categories in Fund 11011, to support rental assistance
19 programs and The My Spark program, and to administratively correct allocations to support the
20 intent of Ordinance 1450, series of 2022; transfer cash from the ARPA Operating Fund to the
21 ARPA Capital Fund; and seek approval to purchase capital equipment items over the \$50,000
22 threshold;

23
24 **NOW, THEREFORE, BE IT ENACTED BY THE COUNCIL OF THE CITY AND COUNTY**
25 **OF DENVER:**
26

27 **Section 1.** Section 6 of Ordinance No. 591, Series of 2021, as amended by Ordinance 706,
28 Series of 2021, as amended by Ordinance No. 1145, Series of 2021, as amended by Ordinance No.
29 1192, Series of 2021, and as amended by Ordinance No. 374, Series of 2022, as amended by
30 Ordinance No. 969, Series of 2022, as amended by Ordinance No. 1450, Series of 2022 is amended
31 to read as follows:
32

“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	\$204,930,236
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		\$311,206,170

The foregoing reflects \$308,048,870 from the original award plus \$3,157,300 in interest earnings. The “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 updating the Premium Pay allocation to reflect the actual expenditures now that the program has concluded and all adjusting entries have been accounted for. 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, assistance for businesses, workers, and non-profits, and support for the My Spark pilot program. The foregoing Recovery Capital Projects

allocation reflects support for investments and improvements at City-owned shelters and recreation centers. The foregoing Administration allocation will be used for program support, including formal program evaluations of select American Rescue Plan Act projects.”

Section 2. There is hereby authorized the transfer of cash from the American Rescue Plan Act Grant Fund to the American Rescue Plan Capital Project Fund in the amounts indicated in the following tabulation:

<u>Item No.</u>	<u>Fund Number</u>	<u>Fund Name</u>	<u>Amount Transferred Out</u>	<u>Amount Transferred In</u>
1	11011	American Rescue Plan Act Grant Fund	2,900,000	
2	38395	American Rescue Plan Capital Project Fund		2,900,000

The foregoing authorizes a cash transfer from the American Rescue Plan Act Grant Fund (11011) to the new American Rescue Plan Capital Project Fund (38395) to support the Shelter Resiliency program, previously approved through ARPA Round One, “Recovery.” This budget was originally allocated in the ARPA Operating Fund. Through a Facility Conditions Assessment, the City has determined that this amount will be used for renovations at two City-owned buildings. The exact amount of the cash transfer may be adjusted as the cost estimates for these two facilities are finalized.

Section 3. From the American Rescue Plan Act Grant Fund, Fund No. 11011, the Executive Director, or duly authorized representatives, of the departments and agencies indicated in the 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	Department of Parks and Recreation	Utility Vehicle	New	1
2	Department of Parks and Recreation	Skid Steer Mass	Replacement	1
3	Police Department	Spectrometer	Replacement	1
4	Police Department	Microscope	Replacement	1

Section 4. 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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

COMMITTEE APPROVAL DATE: May 9, 2023

MAYOR-COUNCIL DATE: May 16, 2023

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: May 18, 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: _____