

BY AUTHORITY

ORDINANCE NO.
SERIES OF 2021

COUNCIL BILL NO. CB21-0591
COMMITTEE OF REFERENCE:
Finance & Governance

A BILL

For an ordinance establishing a new fund in the General Government Special Revenue Fund Series for the “American Rescue Plan Act” program and approving and providing for the execution of a proposed Grant Agreement between the City and County of Denver and the United States of America Department of Treasury for the “Coronavirus Local Fiscal Recovery” program and the funding therefor.

WHEREAS, the President signed the American Rescue Plan Act of 2021 (ARPA) on March 11, 2021; and

WHEREAS, allowable uses of the ARPA’s aid to local governments include providing government services to the extent of lost revenue, supporting immediate economic stabilization for households and businesses, supporting urgent COVID-19 response efforts, and addressing systemic public health and economic challenges that have contributed to the inequal impact of the pandemic; and

WHEREAS, the City and County of Denver received a grant agreement from the Treasury Department on May 10th, 2021 concerning the use of the ARPA dollars, thereby rendering these funds “grants in aid,” per Section 20-52 of the Denver Revised Municipal Code (DRMC); and

WHEREAS, per Section 20-52 of the DRMC, custodial funds do not require appropriation; however, because the ARPA custodial funds are dedicated in part to restoration of what would otherwise have been appropriated services, City Council shall approve the spending distributions for ARPA-authorized categories in the ARPA Fund; and

WHEREAS, the Department of Finance wishes to establish a new Special Revenue Fund to receive, administer, and report spending of the ARPA dollars; and

WHEREAS, the United States Treasury Department will disburse the first 50 percent of the full \$308,048,870 allocation, or \$154,024,435, upon submission of the signed grant agreement and committed to distributing the remaining 50 percent one year from that date; and

WHEREAS, pending community input and further review of City agency and department requests by the Administration and City Council, spending approvals by City Council will be authorized through amendments to this Ordinance;

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

Section 1. A new fund is hereby established in the General Government Special Revenue Fund Series, the “American Rescue Plan Act” Fund, Accounting No. 11011, for the purpose of accounting for the receipt and expenditure of Coronavirus Local Fiscal Recovery Fund grant program dollars.

Section 2. Program expenditures are hereby authorized for the “American Rescue Plan Act” Fund, Accounting No. 11011, in the amount not to exceed the total of deposits described in Section 1 of this ordinance. Allowable expenditures include services and supplies, personnel services, capital equipment, transfers to capital project funds, or other program costs that the Department of Treasury deems allowable under the American Rescue Plan Act of 2021. All spending shall be authorized by City Council through approved allocations in the “American Rescue Plan Act” Fund. The expending authorities in the Fund are the agencies or departments administering the approved program dollars. This Fund is sponsor-based and non-lapsing.

Section 3. The proposed Grant Agreement, under CFDA 21.019, between the City and County of Denver and the United States Department of Treasury for the “Coronavirus Local Fiscal Recovery Fund” program, which is identified as OMB Number 1505-0271, a copy of which is duly filed with the City Clerk, Filing No. 202158783, be and hereby is approved in all respects.

Section 4. The payments made by the United States Department of Treasury to the City pursuant to and under the Grant Agreement shall be deposited into the Treasury of the City and credited to Special Revenue Fund No. 11000, which is set forth and described in Section 20-18 of the Revised Municipal Code of the City and County of Denver.

Section 5. That it be and is hereby found and determined that the budget summary of said program is as follows:

<u>Accounting Number</u>	<u>Appropriation Account</u>	<u>Amount</u>
11011	American Rescue Plan Act	\$308,048,870

The foregoing budget summary reflects the total Coronavirus Local Fiscal Recovery Fund grant agreement. City Council shall authorize spending for ARPA-approved categories through

1 amendments to this Ordinance. Expenditures of said funds are authorized from March 3, 2021 to
2 December 31, 2026.

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4 **Section 6.** The Chief Financial Officer of the City and County of Denver is hereby authorized
5 and directed to make such book and record entries and to do such other things as may be necessary
6 to accomplish the purposes of this Ordinance.

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8 COMMITTEE APPROVAL DATE: May 25, 2021

9 MAYOR-COUNCIL DATE: June 1, 2021 by Consent

10 PASSED BY THE COUNCIL: _____

11 _____ - PRESIDENT

12 APPROVED: _____ - MAYOR _____

13 ATTEST: _____ - CLERK AND RECORDER,
14 EX-OFFICIO CLERK OF THE
15 CITY AND COUNTY OF DENVER

16 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

17 PREPARED BY: Rachel Bardin, Budget and Management Office DATE: June 3, 2021

18 Pursuant to section 13-12, D.R.M.C., this proposed ordinance has been reviewed by the Office of
19 the City Attorney. We find no irregularity as to form, and have no legal objection to the proposed
20 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
21 3.2.6 of the Charter.

22 Kristin M. Bronson, Denver City Attorney

23 BY: *Kristin J. Crawford*, Assistant City Attorney DATE: Jun 3, 2021