

1 **BY AUTHORITY**

2 ORDINANCE NO.
3 SERIES OF 2024

COUNCIL BILL NO. CB24-0802
COMMITTEE OF REFERENCE:
Finance & Governance

5 **A BILL**

6 **For an ordinance amending Ordinance No. 591, Series of 2021, as amended**
7 **by Ordinance No. 706, Series of 2021, as amended by Ordinance No. 1145,**
8 **Series of 2021, as amended by Ordinance No. 1192, Series of 2021, as**
9 **amended by Ordinance No. 374, Series of 2022, as amended by Ordinance No.**
10 **969, Series of 2022, as amended by Ordinance No. 1450, Series of 2022, as**
11 **amended by Ordinance No. 0548, Series of 2023, as amended by Ordinance**
12 **No. 1326, Series of 2023 as amended by Ordinance No. 1683, Series of 2023 to**
13 **adjust allocations in the Administration and Recovery categories and to**
14 **allocate interest earnings in the Recovery category to support the City’s “All**
15 **In Mile High” Program.**
16

17 **WHEREAS,** Ordinance No. 591, Series of 2021, established the American Rescue Plan Act
18 (ARPA) Grant Fund, Fund No. 11011 and accepted the Coronavirus Local Fiscal Recovery Fund
19 award agreement with the US Department of Treasury; and

20 **WHEREAS,** Ordinance No. 591 accepted the full \$308,048,870 identified in the award
21 agreement and included provisions requiring that City Council approve any spending in the fund
22 through amendments to said Ordinance; and

23 **WHEREAS,** Ordinance No. 706, Series of 2021, amended Ordinance No. 591, Series of
24 2021, by adding a section to authorize an initial amount of spending in the Fund, specific to the
25 “Revenue Loss” category, identified as an allowable expense in the ARPA guidance; and

26 **WHEREAS,** the Budget and Management Office leveraged the 2022 budget process to
27 determine which investments included in the “Revenue Loss” spending allocation in ARPA in 2021
28 could be supported by General Fund growth in 2022, as a fiscally prudent way to ensure the City
29 could continue to support ongoing restorations of City services; and

30 **WHEREAS,** Ordinance No. 1145, Series of 2021, amended Ordinance No. 591, Series of
31 2021, by adding an allocation for Premium Pay to provide this benefit to eligible employees; and

32 **WHEREAS,** Ordinance No. 1192, Series of 2021, increased the “Revenue Loss” allocation
33 to authorize the 2022 portion of the 2021 “Revenue Loss” investments previously authorized
34 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**, Ordinance No. 1326, Series of 2023, allocated amounts in the “Recovery”
23 category to make an allocation based on previously unallocated interest earnings to support the
24 City’s 2023 goal to shelter 1,000 individuals; and

25 **WHEREAS**, Ordinance No. 1683, Series of 2023, allocated amounts in the “Recovery”
26 category to make an allocation based on previously unallocated interest earnings to support the
27 Denver Basic Income Project and the City’s 2023 goal to shelter 1,000 individuals, and to adjust
28 allocations in the Revenue Loss and Recovery categories to align planned program uses with
29 ARPA federal guidelines; and

30 **WHEREAS**, the City wishes to amend Ordinance No. 591, Series of 2021, as amended by
31 the subsequent ordinances, to adjust allocations in the Administration and Recovery categories

1 and to allocate interest earnings in the Recovery category to support the City’s “All In Mile High”
2 Program;

3

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

6

7 **Section 1.** Section 6 of Ordinance No. 591, Series of 2021, as amended by Ordinance 706,
8 Series of 2021, as amended by Ordinance No. 1145, Series of 2021, as amended by Ordinance No.
9 1192, Series of 2021, and as amended by Ordinance No. 374, Series of 2022, as amended by
10 Ordinance No. 969, Series of 2022, as amended by Ordinance No. 1450, Series of 2022, as
11 amended by Ordinance No. 548, Series of 2023, as amended by Ordinance No. 1326, Series of
12 2023, as amended by Ordinance No. 1683, series of 2023, is amended to read as follows:

13

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

17

<u>Accounting Number</u>	<u>Appropriation Account</u>	<u>Amount</u>
11011	American Rescue Plan Act- Revenue Loss	\$77,707,270
11011	American Rescue Plan Act – Premium Pay	\$8,230,500
11011	American Rescue Plan Act – Recovery	\$216,817,021
11011	American Rescue Plan Act Capital Projects– Recovery	\$13,870,000
11011	American Rescue Plan Act – Administration	\$2,457,300
11011	American Rescue Plan Act – Unallocated	\$0.00
	Total Allocations	<u>\$317,082,091</u>

18

19 The foregoing reflects \$308,048,870 from the original award plus \$11,033,221 in interest
20 earnings. The foregoing authorizes a new allocation in the “Recovery” spending category from
21 previously unallocated dollars in the original award to support the City’s All in Mile High Initiative.
22 The foregoing adjusts allocations in the “Administration” and “Recovery” categories to repurpose
23 the ARPA dollars initially planned for the evaluation of the AIMH Initiative, which will be funded

1 from the Department of Housing Stability's Special Revenue Fund (the Homelessness
2 Resolution SRF), to fund immediate All in Mile High program needs.

3
4 **Section 2.** 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.

7 COMMITTEE APPROVAL DATE: June 18, 2024

8 MAYOR-COUNCIL DATE: June 25, 2024

9 PASSED BY THE COUNCIL: _____

10 _____ - PRESIDENT

11 APPROVED: _____ - MAYOR _____

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

15 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

16 PREPARED BY: Nikki McCabe, Budget and Management Office DATE: June 25, 2024

17 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the Office of the
18 City Attorney. We find no irregularity as to form and have no legal objection to the proposed
19 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to §
20 3.2.6 of the Charter.

21 Kerry Tipper, Denver City Attorney

22 BY: Anshul Bagga, Assistant City Attorney DATE: Jun 27, 2024