

1 **BY AUTHORITY**

2 ORDINANCE NO.
3 SERIES OF 2024

COUNCIL BILL NO. CB24-1561
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**
13 **as amended by Ordinance No. 0802, Series of 2024, to adjust allocations in**
14 **the Administration and Recovery categories to better align with spending and**
15 **to allocate interest earnings in the Revenue Loss category to support Denver**
16 **Department of Public Health (DDPHE) and FEMA Public Assistance**
17 **Arbitration related to the City’s COVID claim.**
18

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

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

25 **WHEREAS**, Ordinance No. 706, Series of 2021, amended Ordinance No. 591, Series of
26 2021, by adding a section to authorize an initial amount of spending in the Fund, specific to the
27 “Revenue Loss” category, identified as an allowable expense in the ARPA guidance; and

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

32 **WHEREAS**, Ordinance No. 1145, Series of 2021, amended Ordinance No. 591, Series of
33 2021, by adding an allocation for Premium Pay to provide this benefit to eligible employees; and

34 **WHEREAS**, Ordinance No. 1192, Series of 2021, increased the “Revenue Loss” allocation
35 to authorize the 2022 portion of the 2021 “Revenue Loss” investments previously authorized
36 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**, Ordinance No. 802, Series of 2024, adjusted allocations in the Administration
31 and Recovery categories and allocated interest earnings in the Recovery category to support the
32 City’s “All In Mile High” Program; and

1 **WHEREAS**, the City wishes to amend Ordinance No. 591, Series of 2021, as amended by
 2 the subsequent ordinances, to adjust allocations in the “Administration” and “Recovery” categories
 3 to add \$499,737 to support the Temporary Rental and Utility Assistance (TRUA) program ,
 4 administered by the Department of Housing Stability , and adds \$191,222 to support a contact with
 5 Denver Health, administered by Denver Department of Public Health (DDPHE), and allocates
 6 interest earnings in the “Revenue Loss” category to support the Denver Department of Public
 7 Health (DDPHE) and FEMA Public Assistance Arbitration related to the City’s COVID claim;

8
 9

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

12
 13 **Section 1.** Section 6 of Ordinance No. 591, Series of 2021, as amended by Ordinance 706,
 14 Series of 2021, as amended by Ordinance No. 1145, Series of 2021, as amended by Ordinance No.
 15 1192, Series of 2021, and as amended by Ordinance No. 374, Series of 2022, as amended by
 16 Ordinance No. 969, Series of 2022, as amended by Ordinance No. 1450, Series of 2022, as
 17 amended by Ordinance No. 548, Series of 2023, as amended by Ordinance No. 1326, Series of
 18 2023, as amended by Ordinance No. 1683, series of 2023, as amended by Ordinance No. 802,
 19 series of 2024, is amended to read as follows:

20
 21 “That it be and is hereby found and determined that the allocations for the Revenue Loss,
 22 Premium Pay, Recovery, and Administration categories, as defined in ARPA guidance, are as
 23 follows:
 24

<u>Accounting Number</u>	<u>Appropriation Account</u>	<u>Amount</u>
11011	American Rescue Plan Act- Revenue Loss	\$78,315,230
11011	American Rescue Plan Act – Premium Pay	\$8,230,500
11011	American Rescue Plan Act – Recovery	\$217,507,980
38395	American Rescue Plan Act Capital Projects– Recovery	\$13,870,000
11011	American Rescue Plan Act – Administration	\$1,766,341
11011	American Rescue Plan Act – Unallocated	\$0.00
	Total Allocations	\$319,690,051

1
2 The foregoing reflects \$308,048,870 from the original award plus \$11,641,181 in interest
3 earnings. The foregoing authorizes a new allocation in the "Revenue Loss" category to support
4 the DDPHE and FEMA Public Assistance Arbitration related to the City's COVID claim. The
5 foregoing adjusts allocations in the "Administration" and "Recovery" categories to better align
6 with spending to support the Temporary Rental and Utility Assistance (TRUA) program and to
7 support a contact with Denver Health.
8

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

12 COMMITTEE APPROVAL DATE: November 5 2024, by Consent

13 MAYOR-COUNCIL DATE: November 12, 2024

14 PASSED BY THE COUNCIL: _____

15 _____ - PRESIDENT

16 APPROVED: _____ - MAYOR _____

17 ATTEST: _____ - CLERK AND RECORDER,
18 EX-OFFICIO CLERK OF THE
19 CITY AND COUNTY OF DENVER

20 NOTICE PUBLISHED IN THE DAILY JOURNAL: _____; _____

21 PREPARED BY: Nikki McCabe, Budget and Management Office DATE: November 14, 2024

22 Pursuant to section 13-9, D.R.M.C., this proposed ordinance has been reviewed by the office of the
23 City Attorney. We find no irregularity as to form and have no legal objection to the proposed
24 ordinance. The proposed ordinance is not submitted to the City Council for approval pursuant to
25 §3.2.6 of the Charter.

26 Kerry Tipper, Denver City Attorney

27 BY: Anshul Bagga, Assistant City Attorney

DATE: Nov 14, 2024