

Ordinance No. 904-2022 AS AMENDED

By Council Member Griffin and
Mayor Bibb

AN EMERGENCY ORDINANCE

Directing a portion of the City's Coronavirus Local Fiscal Recovery Fund payment to the City's COVID-19 response by authorizing the Director of Public Safety to enter into one or more agreements with Cleveland Rape Crisis to assist with services to victims of sexual violence and to provide assistance to mitigate financial hardship and offset administrative costs from COVID-19, to be encumbered beginning March 3, 2021, and ending December 31, 2024.

WHEREAS, the COVID-19 pandemic has led to a dramatic increase in the demand for services from the Cleveland Rape Crisis Center, with the traumatic nature of the past two years compounding the trauma of sexual violence; and

WHEREAS, the number of children seeking counseling from the Cleveland Rape Crisis Center in 2021 increased 70% over the previous year; and

WHEREAS, the Cleveland Rape Crisis Center reports having experienced \$3 million dollar reduction from the federal Victim Act and having had to cancel its fundraising events in light of COVID-19; and

WHEREAS, a recent study by the Begun Center for the Prevention of Violence at Case Western Reserve University demonstrated the rate of sexual assaults in the City of Cleveland was nearly ten-times higher than the national average; and

WHEREAS, Title IX, Subtitle M, Section 9901 of the American Rescue Plan Act, Pub. L. 117-2 [H.R. 1319], signed into law March 11, 2021 ("ARPA"), appropriated Coronavirus Local Fiscal Recovery Fund ("Fund") payments from the U.S. Treasury Secretary to metropolitan cities, nonentitlement units of local government, and counties; and

WHEREAS, the ARPA continues many of the programs started by the CARES Act (2020) and Consolidated Appropriations Act (2021) by adding new phases, new allocations, and new guidance to address issues related to the continuation of the COVID-19 pandemic; and

WHEREAS, pursuant to the ARPA's Fund methodology, the City has been allocated the amount of \$511,721,590.00 ("Fund Payment") to "mitigate the fiscal effects stemming from the public health emergency with respect to the Coronavirus Disease (COVID-19)"; and

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WHEREAS, in response to this economic crisis, the Department of the Treasury (“Treasury Department”) is providing such relief to state, local, and Tribal governments to enable them to continue to support the public health response and lay the foundation for a strong and equitable economic recovery; and

WHEREAS, the ARPA and its supporting guidance issued by the Treasury Department provide that the Fund Payment may only be used by the City to finance costs that (a) respond to the COVID-19 public health emergency or its negative economic impacts; (b) respond to workers performing essential work; (c) provide government services to the extent of reduction in revenue; and (d) make necessary investments in water, sewer, or broadband infrastructure (collectively, “Criteria”); and

WHEREAS, so long as the City duly directs its Fund Payment to finance those costs in compliance with the Criteria, the City may use the Fund Payment to offset the City’s various fiscal effects from COVID-19 during the period beginning March 3, 2021, and ending December 31, 2024 (“Covered Period”); and

WHEREAS, the City received some or all of the Fund Payment directly from the Treasury Department under the authority of Ordinance No. 303-2021, passed by this Council on May 10, 2021, and which affirms said Fund Payment is to cover only those expenditures consistent with ARPA, including the Criteria, and applicable regulations, and such Fund Payment has been or will be deposited into an appropriate special revenue fund created and maintained by the City; and

WHEREAS, the Treasury Department has published an Interim Final Rule and a Final Rule with an effective date of April 1, 2022 (collectively, 31 CFR 35.1 et seq.), its regularly updated Coronavirus State and Local Fiscal Recovery Funds’ Frequently Asked Questions, and its and its Coronavirus State and Local Fiscal Recovery Funds: Overview of the Final Rule (collectively, “Guidance”), further explaining the Criteria and the proper use of the Fund Payment during the Covered Period; and

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WHEREAS, the Criteria and Guidance describe such eligible uses of the Fund Payment to include responding to the public health emergency and its negative economic impacts, including providing assistance to households, small businesses, and nonprofit organizations; and for services to disproportionately impacted communities; and

WHEREAS, this Council intends to take action and use the Fund Payment as described herein in a manner consistent with the Final Rule released by the Treasury Department on January 6, 2022, as authorized under said Department's Statement Regarding Compliance with the Coronavirus State and Local Fiscal Recovery Funds Interim Final Rule and Final Rule; and

WHEREAS, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department and constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety in the timely authorization and the signing of the necessary agreements and documents to expend the Fund Payment; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That this Council hereby declares that its COVID-19 Response, defined herein, duly authorizes the Director of Public Safety to enter into one or more agreements with Cleveland Rape Crisis Center to expand and enhance its sexual violence services; and, to offset recent federal funding cuts during the pandemic and sustained increases in rates of sexual violence during the past two years resulting from COVID-19 ("the Project"). This Council's decision that such expenditures are appropriate by virtue of charging to the City's Fund Payment is based on the consideration that the Project is an eligible use to the extent that a portion of the City's Fund Payment is directed to Cleveland Rape Crisis Center, a nonprofit organization operating in a Qualified Census Tract, to mitigate economic hardships resulting from COVID-19 (collectively "COVID-19 Response").

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Section 2. That all agreements authorized by this ordinance shall be approved by the Director of Law and contain such terms and conditions as necessary to protect the public interest consistent with the purposes of this ordinance.

Section 3. That the cost of all agreements authorized by this ordinance shall not exceed \$2,500,000 and shall be paid from the Fund Payment, Fund No. 01-001-9997, Fund No. 15 SF 190, and from any other funds approved by the Director of Finance. (RQS 6002, RLA 2022-64)

Section 4. That the agreements authorized shall be fully executed, with funds to be encumbered during the period beginning March 3, 2021, and ending December 31, 2024. Any such funds to be paid from the Fund Payment encumbered on or before December 31, 2024, shall be fully expended no later than December 31, 2026.

~~Section 5. That any contract or grant over \$50,000 to be entered into under this ordinance shall require additional legislative authority.~~

Section 5. That the Director of Public Safety shall provide all members of Council a quarterly report from Cleveland Rape Crisis Center concerning the effectiveness of this program, by ward if available.

Section 6. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

SM:nl
9-12-2022
FOR: Mayor Bibb

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REPORT
after second Reading

By Council Member Griffin and Mayor Bibb

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READ FIRST TIME on SEPTEMBER 12, 2022
and referred to DIRECTORS of Finance, Law;
COMMITTEE on Finance Diversity Equity and Inclusion

REPORTS

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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Published in the City Record _____

PASSAGE RECOMMENDED BY
COMMITTEE ON
**FINANCE, DIVERSITY, EQUITY
and INCLUSION**

FILED WITH COMMITTEE
