

# Ordinance No. 843-2021

AS AMENDED

## AN EMERGENCY ORDINANCE

Authorizing the appropriation of funds from The American Rescue Plan Act of 2021, and authorizing various contracts to be executed no later than December 31, 2024 and funds to be expended by December 31, 2026.

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WHEREAS, to respond to the COVID-19 public health crisis, The American Rescue Plan Act of 2021 (ARPA) is providing fast and direct economic assistance for American workers, families, small businesses, and industries. 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. As a result of this economic crisis, the U.S. Department of the Treasury (“Treasury Department”) is providing needed 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 Treasury Department’s Interim Final Rule and its Coronavirus State and Local Fiscal Recovery Funds Frequently Asked Questions identify eligible uses of ARPA funds; and

WHEREAS, the City desires to appropriate ARPA funds; and to authorize various directors to enter contracts for goods, materials, and services that are eligible uses of ARPA funds; 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 ARPA funds; now, therefore,

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

Section 1. That \$121,900,315 of ARPA funds are appropriated as described

below:

	<u>RLA RL</u>	<u>Amount</u>
Department of Public Safety	RQS <del>1501</del> <u>0117</u> , RL 2021-78	\$26,384,315
Departments of Community and Economic Development - Programs	RQS <del>1501</del> <u>0117</u> , RL 2021-79	\$80,325,000
Department of Building and Housing - Demolitions	RQS <del>1501</del> <u>0117</u> , RL 2021-80	\$15,000,000
Department of Law - Professional Services Consultant Fees	RQS <del>1501</del> <u>0117</u> , RL 2021-81	\$ 191,000

In accordance with the provisions of this ordinance, the above funds shall be used for the following: (1) vehicles, equipment, personnel, apparatuses and information technology equipment to support the operations of the various divisions of the Department of Public Safety; (2) new or expanded efforts related to economic or housing development and redevelopment projects; (3) existing and new small business development programs; (4) new or expanded lending pool programs to support residential or commercial activities; (5) new or expanded home repair assistance programs; (6) development and maintenance of affordable housing units; (7) emergency rental or food assistance programs; (8) investment in Lead Safe Housing Fund; (9) strategic property demolitions; (10) workforce development programs targeting minority and female-owned businesses; (11) legal services necessary related to the appropriation and expenditure of ARPA funds pursuant to Section 125.04 of the Cleveland Codified Ordinances of Cleveland, Ohio, 1976; and (12) any related eligible items deemed necessary by the Director of Finance.

Section 2. That the Directors of Public Safety, Community Development, Economic Development, Building and Housing, Law and other appropriate directors, as applicable to the duties of their departments or offices, ("Appropriate Director") are authorized to employ by contract or contracts one or more consultants or other professionals or one or more firms of consultants or other professionals necessary for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to implement eligible ARPA improvements, projects, and programs from the ARPA Funding appropriated under Section 1 of this ordinance. The selection of the professional

consultants shall be made by the Board of Control on the nomination of the appropriate director.

Section 3. That the Appropriate Director is authorized to make one or more written standard contracts and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, the period of requirements to be determined by the Appropriate Director, for the purchase or rental of the necessary items of labor, materials, equipment, supplies, and services that are eligible under ARPA, to be purchased or procured by the Commissioner of Purchases and Supplies on a unit basis for the appropriate department. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. The costs of any requirement contract shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase or procurement, which purchase or procurement, together with all later purchases or procurements, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

In accordance with Section 108(b) of the Charter, the Appropriate Director is also authorized to enter into agreements and sign all documents necessary to purchase these items through cooperative purchase arrangements with other government agencies.

Section 4. That the Appropriate Director is authorized to enter into one or more agreements with the federal government, the State of Ohio, Cuyahoga County, and any other public or private entity as needed for any eligible use under ARPA.

Section 5. That the Appropriate Director is authorized to enter into loan, forgivable loan, or grant agreements with various agencies, corporations, individuals, or other entities to implement any eligible ARPA use and is authorized to accept monies in repayment and to utilize repayments for making additional expenditures to implement the purposes eligible under ARPA. That the Appropriate Director is further authorized to accept promissory notes, naming the City of Cleveland as payee, mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to evidence and secure repayment of loans and to enter into forbearance agreements with

any recipient of a validly existing loan administered by the City, and to charge and accept fees to cover costs incurred in the preparation of loan documents, closing, and services costs, any revenues generated as a result of charging fees, and any other program income are appropriated for additional program and operating expenses for eligible activities.

Section 6. 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 7. That the cost of any expenditure incurred under this ordinance, including all contracts, shall be paid from the ARPA funding appropriated under this ordinance, from the fund or funds to which are credited the proceeds of any existing or future bond issue that includes these purposes, and from any other funds that are appropriated for this purpose as determined by the Director of Finance.

"Section 7a. That, except for purchases made under Sections 2 and 3 of this ordinance by the the Department of Public Safety, any expenditure over \$50,000 under this ordinance shall require additional legislative authority."

Section 8. That the agreements authorized shall be fully executed no later than December 31, 2024 and that all funds under the agreements must be expended by December 31, 2026.

Section 9. 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  
9-27-21

FOR: Interim Director Gentile

THERE IS NO LEGAL OBJECTION TO THIS LEGISLATION IF AMENDED AS FOLLOWS:

1. In Section 1, line 3, strike "RLA" and insert "RL"; and in lines 4, 6, 8, and 9, strike "1501" in all four places and insert "0117".

2. Insert a new Section 7a. to read as follows:

"Section 7a. That, except for purchases made under Sections 2 and 3 of this ordinance by the Department of Public Safety, any expenditure over \$50,000 under this ordinance shall require additional legislative authority."

Date: \_\_\_\_\_ (Signed): \_\_\_\_\_

Kevin Roberts  
Assistant Director of Law

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