Ordinance No. 894-2022

By Council Member Griffin and Mayor Bibb

AN EMERGENCY ORDINANCE

Authorizing the Director of Public Safety, or appropriate director, to employ one or more professional consultants to develop and implement a strategic plan to expand the Crisis Intervention Team Co-responder Program; authorizing the Director of Public Safety or Public Works to enter into various written standard purchase and requirement contracts needed for a period of three years, with two one-year options to renew, exercisable by the Director of Public Safety, or appropriate director; and to enter into contract with various entities to implement this ordinance.

WHEREAS, the Director of Public Safety desires to expand the City's Specialized Crisis Intervention Team ("CIT") by doubling the number of teams in the City and expanding both reach and availability ("Project"). The Project includes a mental health dispatcher who will assist with intake of mental-health-crisis-specific calls and also includes salary for three years for senior level strategist;

WHEREAS, the Director of Public Safety desires the purchase of additional equipment and vehicles for the Division of Police; and

WHEREAS, the City desires to fund the Project and purchases with the Fund Payment, to the extent eligible under the Guidance, and to pay for any ineligible costs from other City monies which are now because the City paid certain budgeted government expenses and services from the Fund Payment; 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" or "LFRF") 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

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 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

WHEREAS, the Criteria and Guidance describe such eligible uses of the Fund Payment include responding to the public health emergency; 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 the Director of Public Safety, or appropriate director, is authorized to employ by contract or contract one or more consultants or one or more firms of consultants 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 develop and implement a strategic plan to expand the Crisis Intervention Team Co-responder Program.

The selection of the consultant or consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Safety, or appropriate director, from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Safety, or appropriate director, for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Public Safety, or appropriate director, and certified by the Director of Finance.

Section 2. That this Council hereby declares that its COVID-19 Response, defined herein, duly authorizes the Director of Public Safety, or other appropriate

director, to pay for the Project and any other expenses described in this ordinance that ARPA-eligible. 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 they are an eligible use to the extent that a portion of the City's Fund Payment is directed to responding to the public health emergency for the purposes of supporting behavioral health care ("COVID-19 Response).

Section 3. That the Director of Public Safety, or appropriate director, is authorized to make one or more written standard purchase 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 director, for the necessary items of materials, equipment, supplies, and services necessary to implement this ordinance, including labor and materials if necessary, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Police, Department of Public Safety. 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.

Section 4. That the Director of Public Works is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: one unmarked, equipped vehicle to be purchased by the Commissioner of Purchases and Supplies for a gross price or a unit basis, for the Department of Public Works.

Section 5. That the Public Safety is authorized to apply for and accept any gifts or grants to implement this ordinance from any public or private entity; and that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in this ordinance.

Section 6. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Safety or Public Works may sign all

documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 7. That the Director of Public Safety, or appropriate director, is authorized to enter into one or more contracts with various entities to implement this legislation.

Section 8. That the costs of the requirement contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance.

Section 9. That the cost of the professional services and standard contracts authorized shall be paid from Fund Nos. 01-001-9997, 15 SF 190, the Fund Payment and from the fund or funds to which are credited any gifts or grants accepted under this ordinance, and from other funds approved by the Director of Finance. (RQS 6002, RLA 2022-57)

Section 10. That any agreements funded by the Fund Payment 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 11. That any contract or grant over $50,000 to be entered into under this ordinance shall require additional legislative authority.

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

CITY CLERK

READ SECOND TIME

CITY CLERK

READ THIRD TIME

PRESIDENT

CITY CLERK

APPROVED

MAYOR

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Published in the City Record _____

REPORT
after second Reading

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

FILED WITH COMMITTEE