

Date May 22, 2023

OBLIGATING FUNDS AS PROVIDED IN ARPA LEGISLATION AND RULE AND GRANTING AUTHORITY TO THE CITY MANAGER TO EXECUTE CONTRACTS RELATED TO ARPA FUNDS

WHEREAS, in March of 2021, the United States Government adopted the American Rescue Plan Act (ARPA) in response to the continuing intertwined public health and economic crisis created by COVID-19 and ARPA established the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) to provide state, local, and tribal governments with the resources needed to respond to the pandemic and its economic effects and to build a stronger, more equitable economy during the recovery; and,

WHEREAS, the City of Des Moines was allocated and has received funds in the amount of \$94,824,614 from SLFRF (the “ARPA funds”); and,

WHEREAS, pursuant to the Final Rule of the United States Department of Treasury, allocations and expenditure of the funds must meet specific purposes and occur within specific time limitations as explained in the Council Communication; and,

WHEREAS, it is in the best interests of the City and its residents to provide the City Manager and Finance Department with an approved and revised policy providing for the expenditure of the SLFRF funding consistent with the the Final Rule, revising the obligations in Roll Call No. 22-1150, adopted on July 18, 2022 and in Roll Call 22-1817, adopted on November 21, 2022; and,

WHEREAS, ARPA and the Treasury Department Final Rule, 31 CFR Part 35, effective April 1, 2022 (the “ARPA Final Rule”) provides that the City may use the ARPA Funds for provisions of government services to the extent of the reduction in the city’s general revenue due to the public health emergency as provided in, but not limited to, section 35.5(d) of the ARPA Final Rule; and,

WHEREAS, the Mayor and City Council wish to utilize ARPA funds for such purposes; and,

WHEREAS, additional funds are available to be obligated for other purposes and the City Manager is recommending that he be given the authority to enter into contracts to incur such obligations for ARPA funds and the Mayor and City Council wish to delegate such authority, subject to approval as to form by the Legal Department, to ensure that ARPA funds are timely obligated.

★ Roll Call Number

23-0748

Agenda Item Number

40

Date May 22, 2023

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

That the Finance Director is hereby directed to obligate to the City of Des Moines the ARPA Funds for the provision of government services to the extent of the reduction in the City's general revenue due to the public health emergency as determined by the Finance Director and approved by the City Manager; and,

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF DES MOINES, IOWA:

That the City Manager is hereby authorized to execute any and all contracts to further obligate remaining ARPA Funds for appropriate purposes as authorized by law and such contracts shall be fully binding and enforceable upon execution.

Moved by Gatto to adopt.

Second by Boesen.

Form Approved:

Thomas G. Fisher Jr.

Deputy City Attorney

| COUNCIL ACTION | YEAS | NAYS | PASS | ABSENT |
|----------------|------|------|------|--------|
| COWNIE | 1 | | | |
| BOESEN | 1 | | | |
| VOSS | 1 | | | |
| GATTO | 1 | | | |
| SHEUMAKER | | | | 1 |
| MANDELBAUM | 1 | | | |
| WESTERGAARD | 1 | | | |
| TOTAL | 6 | | | 1 |

CERTIFICATE

I, Laura Baumgartner, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

MOTION CARRIED

APPROVED

T. M. Franklin Cownie
Mayor

Laura Baumgartner

City Clerk