

Resolution No. 2021-0622-15

Resolution requesting the Town of Apex’s reclassification as a non-entitlement unit of local government in the distribution of the Coronavirus Local Fiscal Recovery Fund in the American Rescue Plan Act of 2021

June 2021

WHEREAS, residents of the Town of Apex suffered illness, hospitalizations, deaths, and disruption to daily life from the SARS-CoV-2 virus that causes COVID-19; and

WHEREAS, at substantial cost the Town of Apex government responded to the COVID-19 pandemic by activating emergency management personnel, providing loans to local businesses, and postponing utility cutoffs due to non-payment; and

WHEREAS, the Coronavirus Local Fiscal Recovery Fund in the American Rescue Plan Act of 2021 is intended to “mitigate the fiscal effects stemming from the public health emergency with respect to the Coronavirus Disease (COVID–19)” for local governments like the Town of Apex; and

WHEREAS, the American Rescue Plan Act of 2021 separately allocated the Coronavirus Local Fiscal Recovery Fund to metropolitan cities, non-entitlement units of local government, and counties; and

WHEREAS, the Town of Apex is not currently included in North Carolina’s list of 24 entitlement municipalities according to the U.S. Department of Housing and Urban Development; and

WHEREAS, the Apex Town Council believes that this established list of entitlement municipalities according to the U.S. Department of Housing and Urban Development was intended by members of Congress to represent metropolitan cities in the American Rescue Plan Act of 2021; and

WHEREAS, the American Rescue Plan Act of 2021 contemplates treating any city which relinquishes or defers their status as a metropolitan city for purposes of receiving allocations under Section 106 for fiscal year 2021 as a metropolitan city; and

WHEREAS, the Town of Apex has not voluntarily relinquished or deferred our status as a metropolitan city nor has received funding under Section 106 for fiscal year 2021; and

WHEREAS, in the Interim Final Rule to implement the Coronavirus Local Fiscal Recovery Fund, the Department of the Treasury posted an Allocation for Metropolitan Cities document which included the Town of Apex; and

WHEREAS, the Apex Town Council believes that the Town of Apex is incorrectly classified as a metropolitan city in the Interim Final Rule and should instead be considered a non-entitlement unit of local government; and

WHEREAS, the Apex Town Council believes that it is appropriate and necessary for the Department of the Treasury to reclassify the Town of Apex as a non-entitlement unit of local government in the Final Rule to implement the Coronavirus Local Fiscal Recovery Fund.

THEREFORE, let it be resolved that the Apex Town Council requests that the Department of the Treasury reclassify the Town of Apex as a non-entitlement unit of local government in the Final Rule to implement the Coronavirus Local Fiscal Recovery Fund and encourages Representative Deborah Ross, Senator Thom Tillis, and Senator Richard Burr to support this reclassification.

Jacques K. Gilbert, Mayor