

ORDINANCE NO. 2023-55

AN ORDINANCE AUTHORIZING AN EXPENDITURE IN THE AMOUNT OF \$355,916.00 FROM AMERICAN RESCUE PLAN ACT (“ARPA”) FUNDS FOR THE PURCHASE OF A BRAUN CHIEF XL AMBULANCE THROUGH THE OHIO DEPARTMENT OF ADMINISTRATIVE SERVICES (“ODAS”), AND DECLARING AN EMERGENCY.

WHEREAS, the City has received a distribution of monies (the “ARPA Funds”) from the American Rescue Plan Act of 2021 (“ARPA” or the “Act”); and

WHEREAS, Congress passed the Act effective March 11, 2021; and

WHEREAS, Section 603 created the Coronavirus Local Fiscal Recovery Fund which, among other things, appropriated money to cities, nonentitlement units of local government, and counties to mitigate the fiscal effects stemming from the public health emergency with respect to the Coronavirus Disease (Covid-19); and

WHEREAS, Section 603(c) generally provides that:

(1) USE OF FUNDS. Subject to paragraph (2), and except as provided in paragraphs (3) and (4), a metropolitan city, nonentitlement unit of local government, or county shall only use the funds provided under a payment made under this section to cover costs incurred by the metropolitan city, nonentitlement unit of local government, or county, by December 31, 2024 -

(A) to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID–19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;

(B) to respond to workers performing essential work during the COVID–19 public health emergency by providing premium pay to eligible workers of the metropolitan city, nonentitlement unit of local government, or county that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;

(C) for the provision of government services to the extent of the reduction in revenue of such metropolitan city, nonentitlement unit of local government, or county due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year of the metropolitan city, nonentitlement unit of local government, or county prior to the emergency; or

(D) to make necessary investments in water, sewer, or broadband infrastructure.

WHEREAS, the Department of Treasury Final Rule, published on January 6, 2022, and effective April 1, 2022, provides in part that: Treasury presumes that up to \$10 million in revenue has been lost due to the public health emergency and recipients are permitted to use that amount (not to exceed the award amount) to fund “government services.” [The “standard allowance”].

WHEREAS, the Rule further observes that: The standard allowance provides an estimate of revenue loss that is based on an extensive analysis of average revenue loss across states and localities, and offers a simple, convenient way to determine revenue loss particularly for Coronavirus State and Local

Fiscal Recovery Fund’s smallest recipients. This change is intended to promote administrative efficiency and simply revenue loss calculation for smaller recipients.

WHEREAS, the Rule further clarifies that recipients can use: SLFRF funds on government services up to the revenue loss amount, whether that be the standard allowance amount or the amount calculated using the [Final Rule four-step process]. Government services generally include any service traditionally provided by a government, unless treasury has stated otherwise.

WHEREAS, some common examples of “government services” expressly recognized by Treasury are as follows:

- Road building and maintenance, and other infrastructure
- Health services
- General government administration, staff, and administrative facilities
- Environmental remediation
- Provision of police, fire, and other public safety services (including purchase of fire trucks and police vehicles)
- Maintenance or pay-go funded building infrastructure
- Modernization of cybersecurity, including hardware, software, and protection of critical infrastructure

WHEREAS, “Government services is [deemed by Treasury] the most flexible eligible use category under the SLFRF program, and funds are subject to streamlined reporting and compliance requirements;” and

WHEREAS, funds utilized pursuant to the standard revenue loss allowance continue to have certain restrictions, including:

- Deposit into pension funds
- Satisfaction of settlements or judgments
- Contributions to financial reserves or “rainy day” funds

WHEREAS, the City has identified a project which, in the judgment of the Council qualifies as a permitted use of the ARPA Funds, in direct support of governmental services, which consists of the following: purchase of a Braun Chief XL Ambulance through the Ohio Department of Administrative Services for use by the Willowick Fire Department safety forces (the “Project”).

NOW THEREFORE, it is hereby Ordained by the Council of the City of Willowick, Lake County, State of Ohio, that:

Section 1. The City elected to use the standard allowance by way of Res. 2023-53 and its presumption of revenue loss due to the public health emergency and to use the amount authorized herein to fund government services.

Section 2. The Project is hereby authorized and shall be paid for from the ARPA Funds in the amount of/an amount not to exceed Three Hundred Fifty-Five Thousand, Nine Hundred Sixteen Dollars (\$355,916.00).

Section 3. The Project described herein serves the objectives of the Act by providing services traditionally provided by a government, namely:

- Police protection

- **Fire and emergency medical services**
- Road repair, maintenance and other transportation and safety services
- Public infrastructure support
- General government administration and administrative facilities
- Land use regulations and enforcement
- Parks and recreational facilities and programs
- Other _____

Section 4. Accordingly, the Project is in the best interests of the City and is deemed a priority for the community.

Section 5. This Project will be categorized as Expenditure Category EC 6.1 – Provision of Government Services.

Section 6. No obligations paid under the authority of this Resolution were incurred prior to March 3, 2021.

Section 7. All formal actions of this Council concerning the passage of this Ordinance were adopted in an open meeting, and that all deliberations of this Council, or any of its Committees, which resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Chapter 107 of the Codified Ordinances and Section 121.22 of the Ohio Revised Code.

Section 8. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, welfare of the residents of the City of Willowick, and that it will ensure the orderly and uninterrupted efficient operation of the Fire Department and Finance Department to secure the purchase of an ambulance at a predetermined rate.

WHEREFORE, this Ordinance shall be in full force and effect immediately upon its passage by Council and approval by the Mayor.

Adopted by Council: _____, 2023

Monica Koudela, Council President

Submitted to the Mayor: _____, 2023

Michael Vanni, Mayor

Approved by the Mayor: _____, 2023

ATTEST: _____
Christine Morgan, Clerk of Council