

RESOLUTION NO. 2023-53

A RESOLUTION AUTHORIZING THE CITY OF WILLOWICK TO USE THE STANDARD ALLOWANCE TO DETERMINE REVENUE LOSS FOR THE LOCAL FISCAL RECOVERY FUNDS, AS AUTHORIZED BY THE AMERICAN RESCUE PLAN ACT OF 2021, AND THE UNITED STATES DEPARTMENT OF TREASURY, 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, Department of Treasury Final Rule, published on January 6, 2022, and effective April 1, 2022, provides in part that the 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 simplify 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

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Willowick, County of Lake, and State of Ohio:

Section 1. The City elects to use the standard allowance 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 Projects authorized and shall be paid for from the ARPA Funds.

Section 3. The Projects described serve 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. The Board shall ensure that no obligations paid under the authority of this Resolution were incurred prior to March 3, 2021.

Section 5. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were conducted in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were conducted in meetings open to the public in compliance with all legal requirements including Chapter 123 of the Codified Ordinances of the City of Willowick.

Section 6. This Resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety by the City and for the further reason that it is necessary to provide for the needs of the City to purchase necessary services or equipment for municipal departments to support revenue loss sustained by the COVID-19 pandemic; wherefore this Resolution shall be in full force and effect immediately upon its passage by Council and approval by the Mayor.

PASSED: _____, 2023

Monica Koudela, President of Council

SUBMITTED to the Mayor for his approval
on _____, 2023

APPROVED by the Mayor on
_____, 2023

ATTEST:

Christine Morgan, Clerk of Council

Michael J. Vanni, Mayor