



**Background Paper for Proposed Ordinance**

**COUNCIL MEETING DATE:** July 25, 2022

**TO:** President Heather Graham and Members of City Council

**VIA:** Marisa Stoller, City Clerk

**CC:** Mayor Nicholas A. Gradisar

**FROM:** Daniel C. Kogovsek, City Attorney

**SUBJECT:** AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO SIGN A SUBRECIPIENT AGREEMENT BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION AND THE PUEBLO SYMPHONY ASSOCIATION, INC., A COLORADO NONPROFIT CORPORATION, AS AUTHORIZED BY SECTION 603 OF THE AMERICAN RESCUE PLAN ACT AND U.S. TREASURY FINAL RULE 31 CFR 35.6 AND AUTHORIZING THE PAYMENT OF SEVENTY-FIVE THOUSAND DOLLARS (\$75,000) FROM PROJECT NO. CI2113 - AMERICAN RESCUE PLAN ACT, FOR PURPOSES THEREOF

**SUMMARY:**

This Ordinance approves and authorizes the Mayor to sign a Subrecipient Agreement with the Pueblo Symphony Association, Inc., a Colorado nonprofit corporation ("PSA") to provide music education events and programs to Pueblo students ("Project") as authorized by Section 603 of the American Rescue Plan Act and U.S. Treasury Final Rule 31 CFR 35.6. Funds for the project, in the amount of \$75,000 will be paid out of Project No. CI2113, the American Rescue Plan Act.

**PREVIOUS COUNCIL ACTION:**

By Ordinance No. 9931, approved on May 17, 2021, the City Council established Project No. CI2113 and budgeted and appropriated up to \$36.7 million in funds which were expected to be distributed to the City from the American Recovery Plan Act ("ARPA") for covered costs and eligible expenses to be incurred during the period which began on March 3, 2021 until December 31, 2024 (to be expended by December 31, 2026).

**BACKGROUND:**

The Agreement approved by the attached Ordinance requires PSA to provide the following programs and services:

1. FREE Symphony for Kids (SFK) Concerts: all fourth-grade students in Pueblo County (12 D-70 schools and 22 D-60 schools and 2 magnet schools) shall participate in this project for a total of 2,400 fourth grade students. This project shall be accessible to all Title I schools in both districts. Four (4) back-to-back concerts shall be presented in one day. Students

shall be bused to and from Hoag Recital Hall.

2. Music Literacy Project: This project shall be open to all fourth-grade students, particularly those attending Title 1 schools. Students shall write in 1 of 3 categories and their essays shall be judged by a panel of community leaders. The top three places in each category shall receive cash awards and they shall be presented their awards at the SFK concert in May. Then in the following November, the students, their parents and their school music teacher shall attend the concert at no cost when their winning essays are presented to the public.

3. Adopt a Music Student: This project shall be provided for Middle school students to attend each season concert for FREE with their parents and school music teacher.

4. Workshop, Master Classes, and Mini Concert: This program shall be provided for high school and college students for FREE. The guest artists shall present workshops, master classes or mini concerts in schools and students shall have the opportunity to receive guidance from the guest artists.

5. Free Curtain Call tickets: Subject to space availability, any student presenting a current student ID issued by D-60, D-70, CSU-P or PCC, shall be provided a FREE ticket for any season concert. Parents, guardians or custodians accompanying a minor child, may purchase a ticket for \$5.

6. Apprentice Players: Area students shall be given the opportunity to audition to be apprentice players in the Pueblo Symphony Orchestra ("PSO"). Apprentice players who are selected shall be paid an honorarium.

7. Student Performers as Guest Artists with the PSO: Musicians and choir members from local schools shall be given an opportunity to audition to perform with the PSO. If selected, they shall be given the opportunity to work with a professional symphony and a professional conductor.

8. Pueblo Youth Symphony: The Subrecipient shall sponsor the PYSO which shall be instructed by the PSO's Conductor and a String Specialist.

9. Exceptional Students Program: Subrecipient shall use best efforts to bring students with disabilities to the SFK concerts.

10. Internships for Students: Students shall be given the opportunity to work for the PSA. Student interns shall be given the opportunity to work in PSA's music library, office and with the Pueblo Youth Symphony.

**FINANCIAL IMPLICATIONS:**

PSA will receive \$75,000 in ARPA funds from Project No.CI2113.

**BOARD/COMMISSION RECOMMENDATION:**

Not applicable to this Ordinance.

**STAKEHOLDER PROCESS:**

Not applicable to this Ordinance.

**ALTERNATIVES:**

City Council could decide not to support the Pueblo Symphony's efforts to provide music education events and programs to Pueblo students.

**RECOMMENDATION:**

Approval of the Ordinance.

**Attachments:**

Proposed Ordinance

Proposed Subrecipient Agreement.

ORDINANCE NO. 10237

AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO SIGN A SUBRECIPIENT AGREEMENT BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION AND THE PUEBLO SYMPHONY ASSOCIATION, INC., A COLORADO NONPROFIT CORPORATION, AS AUTHORIZED BY SECTION 603 OF THE AMERICAN RESCUE PLAN ACT AND U.S. TREASURY FINAL RULE 31 CFR 35.6 AND AUTHORIZING THE PAYMENT OF SEVENTY-FIVE THOUSAND DOLLARS (\$75,000) FROM PROJECT NO. CI2113 - AMERICAN RESCUE PLAN ACT, FOR PURPOSES THEREOF

RECITALS

The following recitals are incorporated in and made a part of this Ordinance.

WHEREAS, on March 11, 2021, President Biden signed the U.S. Senate-amended H.R. 1319 (P.L. 117-2) known as the American Rescue Plan Act (hereinafter "ARPA"); and

WHEREAS, on May 10, 2021, the U.S. Treasury issued the Interim Final Rule to implement ARPA in Title 31, Part 35 of the Code of Federal Regulations ("CFR"); and

WHEREAS, on January 6, 2022, the U.S. Treasury issued, with an effective date of April 1, 2022, the Final Rule to implement ARPA in Title 31, Part 35 of the Code of Federal Regulations ("CFR"); and

WHEREAS, under the Final Rule, recipients may use Coronavirus Local Fiscal Recovery Funds ("CLFRF") to respond to the COVID-19 public health emergency and the negative economic consequences resulting therefrom; and

WHEREAS, under ARPA Section 603 (c)(1)(A) and (3) and the Final Rule 31 CFR 35.6(b)(7) recipients may use CLFR Funds to award grants to nonprofit organizations that are responding to the negative economic impacts of the COVID-19 public health emergency; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF PUEBLO that:

SECTION 1.

The Subrecipient Agreement (“Agreement”) dated August 8, 2022, between and the City of Pueblo, a Colorado municipal corporation and the Pueblo Symphony Association, Inc., a Colorado nonprofit corporation, a copy of which is attached hereto, having been approved as to form by the City Attorney, is hereby approved:

SECTION 2.

The Mayor is hereby authorized to execute said Agreement for and on behalf of the City and the City Clerk is authorized to affix the seal of the City thereto and attest same.

SECTION 3.

Funds in the amount of \$75,000 are hereby authorized to be paid from Project No. CI2113 – American Rescue Plan Act, for purposes of providing financial support to the Pueblo Symphony’s efforts to provide music education events and programs to Pueblo students, as described in the attached Agreement.

SECTION 4.

The officers and staff of the City are authorized to perform any and all acts consistent with this Ordinance and the attached Agreement to implement the policies and procedures described herein.

SECTION 5.

This Ordinance shall become effective on the date of final action by the Mayor and City Council.

**Action by City Council:**

Introduced and initial adoption of Ordinance by City Council on July 25, 2022.

Final adoption of Ordinance by City Council on August 8, 2022.

  
\_\_\_\_\_  
President of City Council

**Action by the Mayor:**

Approved on August 9, 2022.

Disapproved on \_\_\_\_\_ based on the following objections:

---

---

---

---

*Nilda Leal*  
Mayor

**Action by City Council After Disapproval by the Mayor:**

Council did not act to override the Mayor's veto.

Ordinance re-adopted on a vote of \_\_\_\_\_, on \_\_\_\_\_

Council action on \_\_\_\_\_ failed to override the Mayor's veto.

\_\_\_\_\_  
President of City Council

ATTEST

*W. S. ...*  
City Clerk