



**Background Paper for Proposed
Resolution**

COUNCIL MEETING DATE: April 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: A RESOLUTION AUTHORIZING PAYMENT OF FUNDS IN THE AMOUNT OF SEVENTEEN THOUSAND DOLLARS (\$17,000) TO THE FIRE DEPARTMENT OF THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION, FOR THE FIRE FIT KIDS PROJECT, TO BE PAID FROM PROJECT NO. CI-2113 - AMERICAN RESCUE PLAN ACT, AS AUTHORIZED BY SECTION 603 (a) OF THE AMERICAN RESCUE PLAN ACT AND U.S. TREASURY FINAL RULE 31 CFR 35.6

SUMMARY:

This Resolution authorizes the payment of \$17,000 in American Rescue Plan Act ("ARPA") funds to the Fire Fit Kids Project of the City's Fire Department.:

PREVIOUS COUNCIL ACTION:

By Ordinance No. 9931, approved on May 17, 2021, the City Council established Project No. CI-2113 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:

Under the U.S. Treasury's Final Rule pertaining to ARPA, recipients of may use Coronavirus Local Fiscal Recovery Funds ("CLFRF") to respond to the COVID-19 public health emergency, including expenses related to childhood health and welfare, including physical fitness and wellness.

FINANCIAL IMPLICATIONS:

\$17,000 in ARPA funds are being authorized for payment.

BOARD/COMMISSION RECOMMENDATION:

Not applicable to this Resolution.

STAKEHOLDER PROCESS:

Not applicable to this Resolution.

ALTERNATIVES:

City Council could decide not to support or fund the Fire Fit Kids project.

RECOMMENDATION:

Approval of the Resolution

Attachments:

Proposed Resolution

RESOLUTION NO. 14869

A RESOLUTION AUTHORIZING PAYMENT OF FUNDS IN THE AMOUNT OF SEVENTEEN THOUSAND DOLLARS (\$17,000) TO THE FIRE DEPARTMENT OF THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION, FOR THE FIRE FIT KIDS PROJECT, TO BE PAID FROM PROJECT NO. CI-2113 - AMERICAN RESCUE PLAN ACT, AS AUTHORIZED BY SECTION 603 (a) OF THE AMERICAN RESCUE PLAN ACT AND U.S. TREASURY FINAL RULE 31 CFR 35.6

RECITALS

The following recitals are incorporated in and made a part of this Resolution:

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, by Ordinance No. 9931, approved on May 17, 2021, the City Council established Project No. CI-2113 and budgeted and appropriated up to \$36.7 million in funds which were expected to be distributed to the City from 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); 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 the U.S. Treasury's Final Rule pertaining to ARPA, recipients of may use CLFRF funds to support childhood health and welfare, including physical fitness and wellness; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF PUEBLO that:

SECTION 1.

(a) Funds in the amount of Seventeen Thousand Dollars (\$17,000) are hereby authorized for payment from Project No. CI-2113 – American Rescue Plan Act, to City of Pueblo's Fire Department (hereinafter "Subrecipient") for purposes of purchasing equipment, apparatuses and other items of personal property to be used by children participating in the Fire Fit Kids Project of the City's Fire Department.

(b) Subrecipient shall file with the City's Director of Finance written requests for payment, including invoices, identifying the specific equipment, apparatus and other item of personal property for which payment is sought.

(c) The term of the Project shall be from May 1, 2022 to December 31, 2022.

SECTION 2.

(a) The City will pay to Subrecipient an amount up to that specified in this Resolution as full compensation for all services and work to be performed or undertaken by Subrecipient under this Resolution. Payment of funds to Subrecipient is subject to all of the following requirements, which shall be conditions precedent to payment: (i) that Subrecipient has or will expend funds for eligible approved expenditures, (ii) that Subrecipient is not in default of any material provision of this Resolution nor applicable law or regulation, (iii) that Subrecipient has timely submitted requests for payment or reimbursement detailing the eligible payment or reimbursement items in a format approved by City and that all expenditures for which reimbursement is sought were made for and in furtherance of the approved Project and are an eligible use of federal assistance under ARPA and federal regulations.

(b) Payment hereunder is also subject to and may only be disbursed in accordance with applicable Federal regulations including but not limited to those at 31 CFR Part 35, as presently promulgated and as same may be revised from time to time in the future. All payments received by Subrecipient hereunder are subject to repayment by Subrecipient as provided in 31 CFR Part 35.

(c) Upon expiration of the term of the Project approved by this Resolution or upon any prior termination, Subrecipient shall transfer to City any funds provided hereunder which are on hand at the time of expiration or termination.

SECTION 3.

(a) For Cause: This Project may be terminated by City for cause, including any nonperformance by the Subrecipient, upon ten (10) days written notice to Subrecipient including a statement of the reasons therefore, and after an opportunity for a hearing has been afforded. If a hearing is requested, it shall be held before the City's Mayor whose decision shall be final. The determination of the City as to the cause of termination and the appropriateness thereof shall be final and binding upon both City and Subrecipient.

(b) Post Expiration and Termination Procedures: Upon expiration or in the event of a prior termination, all remaining and unspent grant funds, shall immediately become the sole and separate property of the City and the Subrecipient shall perform all acts and execute all instruments necessary to transfer and assign such funds to the City.

SECTION 4.

This Project shall not be assigned or transferred by the Subrecipient without the prior written consent of the City. Any assignment or attempted assignment made in violation of this provision shall, at City's election, be deemed void and of no effect whatsoever.

SECTION 5.

The Subrecipient certifies and warrants that neither it nor any of its officers or employees has or will derive any personal or financial interest or benefit from the activity or activities assisted pursuant to this Project, nor has an interest in any contract, subcontract with respect thereunto, nor the proceeds thereunder, either for themselves or for those with whom they have family or business ties, during their tenure and for one year thereafter. Subrecipient shall avoid all conflicts of interest which are prohibited by applicable federal regulations including but not limited to those set forth in 31 CFR Part 35 as presently promulgated and as same may be revised from time to time in the future.

SECTION 6.

Subrecipient shall maintain records as to all services provided, reimbursable expenses incurred and complete accounting records. Accounting records shall be kept on a generally recognized accounting basis and as requested by the City's auditor. The City, Comptroller General of the United States, the Inspector General of the U.S. Treasury and any of their authorized representatives, shall have the right to inspect and copy, during reasonable business hours, all books, documents, papers and records of the Subrecipient which relate to this Project, for making an audit or examination. Upon completion of the work and end of the term of this Project, the City may require copies of all Subrecipient's financial records relating to a Project to be turned over to City.

SECTION 7.

The City shall have the right to monitor and evaluate the progress and performance of the Subrecipient to assure that the terms of a Project are being satisfactorily fulfilled in accordance with City's and other applicable monitoring and evaluation criteria and standards. The Subrecipient shall furnish to the City quarterly program and financial reports of its activities in such form and manner as may be requested by the City. Subrecipients shall fully cooperate with City in relation to such monitoring and evaluation.

SECTION 8.

The Subrecipient shall maintain files containing information which shall clearly document all activities performed in conjunction with this Project, including, but not limited to, financial transactions, conformance with assurances and activity reports. These records shall be retained by the Subrecipient for a period of three years after the completion of a Project. Financial and activity reports shall be submitted quarterly no later than the ninth day of the month following the end of the quarter for which the report is submitted.

SECTION 9.

Upon expiration of the term of a Project, or upon any prior termination, Subrecipient shall transfer to City any funds provided hereunder which are on hand at the time of expiration or termination.

SECTION 10.

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

SECTION 11.

This Resolution shall become effective immediately upon final passage.

INTRODUCED: April 25, 2022

BY: Dennis E. Flores
MEMBER OF CITY COUNCIL

APPROVED: 
PRESIDENT OF CITY COUNCIL

ATTESTED BY: 
CITY CLERK