



**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 REGIONAL BUILDING DEPARTMENT, A GOVERNMENTAL ENTITY, FOR PREMIUM PAY FOR ELIGIBLE WORKERS PERFORMING ESSENTIAL WORK, AS AUTHORIZED BY SECTION 603 (c)(1)(B) OF THE AMERICAN RESCUE PLAN ACT AND U.S. TREASURY FINAL RULE 31 CFR 35.6 AND AUTHORIZING THE PAYMENT OF TWENTY-THREE THOUSAND FOUR HUNDRED FIFTY AND 74/100 DOLLARS (\$23,450.74) 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 Regional Building Department ("Department") for premium pay for eligible workers performing essential work, as authorized by Section 603(c)(1)(B) of the American Rescue Plan Act and U.S. Treasury Final Rule 31 CFR 35.6. Funds for the premium pay, in the amount of \$23,450.74 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 attached Ordinance awards ARPA funds for premium pay for eligible workers performing essential work at the Pueblo Regional Building Department. The Department shall provide premium pay to its 26 employees who have performed inspections and had face-to-face interactions with homeowners and building contractors during the COVID-19 pandemic. These staff members have been on the front-line of governmental services since the beginning of the pandemic in March, 2020.

**FINANCIAL IMPLICATIONS:**

Under the Subrecipient Agreement approved by the attached Ordinance, the City and Pueblo County will pay the premium pay on a 50/50 basis. The City will match Pueblo County's contribution in ARPA funds of \$23,450.74.

**BOARD/COMMISSION RECOMMENDATION:**

Not applicable to this Ordinance.

**STAKEHOLDER PROCESS:**

Not applicable to this Ordinance.

**ALTERNATIVES:**

City Council could decide not to support premium pay for employees of the Regional Building Department.

**RECOMMENDATION:**

Approval of the Ordinance

**Attachments:**

Proposed Ordinance

Proposed Subrecipient Agreement

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE APPROVING AND AUTHORIZING THE MAYOR TO SIGN A SUBRECIPIENT AGREEMENT BETWEEN THE CITY OF PUEBLO, A COLORADO MUNICIPAL CORPORATION AND THE PUEBLO REGIONAL BUILDING DEPARTMENT, A GOVERNMENTAL ENTITY, FOR PREMIUM PAY FOR ELIGIBLE WORKERS PERFORMING ESSENTIAL WORK, AS AUTHORIZED BY SECTION 603 (c)(1)(B) OF THE AMERICAN RESCUE PLAN ACT AND U.S. TREASURY FINAL RULE 31 CFR 35.6 AND AUTHORIZING THE PAYMENT OF TWENTY-THREE THOUSAND FOUR HUNDRED FIFTY AND 74/100 DOLLARS (\$23,450.74) 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 ARPA Section 603 (c)(1)(B) and the Final Rule 31 CFR 35.6, the City of Pueblo, as a recipient of ARPA Funds, may award premium pay for eligible workers performing essential work; 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 Regional Building Department, a governmental entity, 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 \$23,450.74 are hereby authorized to be paid from Project No. CI2113 – American Rescue Plan Act, for premium pay for eligible workers performing essential work at the Pueblo Regional Building Department.

**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 \_\_\_\_\_.

Final adoption of Ordinance by City Council on \_\_\_\_\_.

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

**Action by the Mayor:**

- Approved on \_\_\_\_\_.
- Disapproved on \_\_\_\_\_ based on the following objections:

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\_\_\_\_\_  
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

\_\_\_\_\_  
City Clerk