

## ORDINANCE NO. 7

Series 2022

February 1, 2022: Introduced as Council Bill 6, Series 2022 by Mayor Pro Tem Katy Brown, seconded by Councilor Al Blum and considered in full text on first reading. Passed by a vote of 6 yes and 0 no.

February 15, 2022: Considered in full text on second reading. Passed by a vote of 5 yes and 0 no.

### **A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE, AMENDING THE 2022 BUDGET AND APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMERICAN RESCUE PLAN ACT FUND FOR ONE-TIME DISCRETIONARY EMPLOYEE BONUSES**

**WHEREAS**, Ordinance 14, Series 2021 and Ordinance 15, Series 2021 approved the 2022 budget and appropriated funds in accordance with such budget; and

**WHEREAS**, Section 9.10, titled *Additional Appropriations*, of the Cherry Hills Village Home Rule Charter authorizes City Council to make additional appropriations by ordinance during the fiscal year for unanticipated expenditures required by the City, but such additional appropriations shall not exceed the amount by which actual and anticipated revenue of the year are exceeding the revenues as estimated in the budget, unless the appropriations are necessary to relieve an emergency endangering the public peace, health or safety; and

**WHEREAS**, in response to the COVID-19 global pandemic, the United States government enacted the American Rescue Plan Act of 2021, H.R. 1319, 177<sup>th</sup> Cong. (2021) ("ARPA"); and

**WHEREAS**, ARPA established and appropriated funds to the Coronavirus Local Fiscal Recovery Fund ("CLFRF Fund") to state, local, territorial, and Tribal governments across the country to support their response to and recovery from the COVID-19 public health emergency; and

**WHEREAS**, as a Non-Entitlement Unit as defined in ARPA, the City of Cherry Hills Village ("City") will receive an amount not to exceed One Million Six Hundred Seventy Thousand Seven Hundred Twenty-One Dollars and Eighty-Two Cents (\$1,670,721.82) from the CLFRF Fund; and

**WHEREAS**, the City may spend CLFRF funds on qualifying expenditures obligated by December 31, 2024 and must expend such funds by December 31, 2026; and

**WHEREAS**, in accordance with the United States Department of the Treasury Coronavirus State and Local Fiscal Recovery Funds Final Rule, published January 6, 2022 and effective April 1, 2022 ("Final Rule"), recipients of ARPA funds may elect a "standard allowance" of \$10 million to spend on government services rather than calculating the lost revenue utilizing the formula that was provided in the Interim Final Rule, which eases the burden for recipients who did not suffer a revenue loss or to recipients who received a relatively small amount of fiscal recovery funds; and

**WHEREAS**, the Final Rule also allows for a broader set of uses of CLFRF Funds to restore and support government employment, including premium pay for employees as provided by that rule; and

**WHEREAS**, City Council desires to use a portion of the City's CLFRF funds to award City employees that were employed prior to December 31, 2021, as determined by the City Manager, one-time discretionary bonuses of Four Thousand Dollars (\$4,000.00) per qualifying employee ("Discretionary Bonuses") to thank those employees for their hard work, flexibility, and continued service throughout the COVID-19 pandemic; and

**WHEREAS**, the total amount expended from the City's American Rescue Plan Act Fund for this purpose, including City-paid taxes and benefits, is Two Hundred One Thousand Nine Hundred Fifty Dollars and Eighty-Four Cents (\$201,950.84), and the City Council desires to amend the 2022 budget and appropriate such funds for the Discretionary Bonuses; and

**WHEREAS**, Discretionary Bonuses shall be implemented by the City Manager in accordance with the Final Rule, shall be subject to all lawfully required deductions, and do not constitute an adjustment to the regular wage of any employee or an agreement upon which employees can rely or base an expectation of future compensation; and

**WHEREAS**, the additional appropriation contemplated by this Ordinance does not exceed the amount by which actual and anticipated revenues of the year are exceeding the revenues as estimated in the 2022 budget.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CHERRY HILLS VILLAGE, COLORADO, ORDAINS:**

**Section 1.** That the 2022 Budget and Appropriations is hereby supplemented by increasing the following funds, to-wit:

American Rescue Plan Act Fund  
As determined on or before December 31, 2022

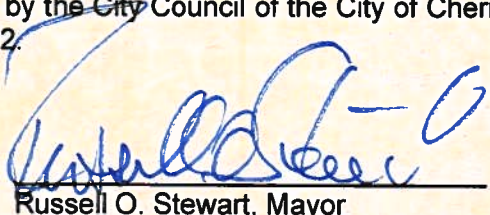
From	To
\$0	\$201,950.84

**Section 2.** The City Council hereby ratifies all expenditures heretofore and hereafter made pursuant to this supplemental appropriation ordinance.

**Section 3.** Severability. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or applications of this Ordinance are not determined by the court to be inoperable. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, despite the fact that any one or more section, subsection, sentence, clause, phrase or portion would be declared invalid.

**Section 4.** Effective Date. This Ordinance shall become effective ten (10) days after publication on second reading in accordance with Section 4.5 of the Charter for the City of Cherry Hills Village.

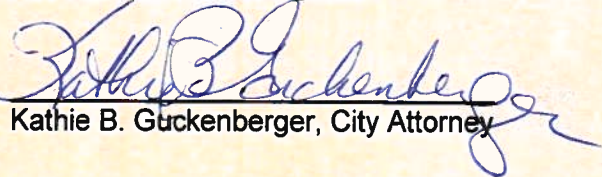
Adopted as Ordinance No. 7, Series 2022, by the City Council of the City of Cherry Hills Village, Colorado, on the 15<sup>th</sup> day of February, 2022.

  
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Russell O. Stewart, Mayor

ATTEST:

  
\_\_\_\_\_  
Laura Gillespie, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kathie B. Guckenberger, City Attorney

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**CITY OF CHERRY HILLS VILLAGE**  
**ADOPTION OF ORDINANCE**  
**ORDINANCE 7, SERIES 2022**

**A BILL FOR AN ORDINANCE OF THE CITY OF CHERRY HILLS VILLAGE AMENDING THE 2022 BUDGET AND APPROVING A SUPPLEMENTAL APPROPRIATION IN THE AMERICAN RESCUE PLAN ACT FUND FOR ONE-TIME DISCRETIONARY EMPLOYEE BONUSES**

Copies of the Ordinances are on file at the office of the City Clerk and may be inspected during regular business hours.

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Published: February 24, 2022  
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