

RESOLUTION NUMBER 2021-21

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA, AUTHORIZING SUBMITTAL OF AN APPLICATION FOR, AND ACCEPTANCE OF, AMERICAN RESCUE PLAN ACT (“ARPA”) FUNDING; AUTHORIZING THE TOWN MANAGER OR DESIGNEE TO EXECUTE AND SUBMIT DOCUMENTS REQUIRED TO OBTAIN SUCH FUNDING; AND AUTHORIZING EXPENDITURE OF CERTAIN ARPA FUNDS FOR REPLACEMENT OF PUBLIC REVENUE LOSS, STORMWATER INFRASTRUCTURE INVESTMENTS, TECHNOLOGY BACKUP AND CYBER SECURITY EFFORTS, AND PARTNERSHIP WITH TOWN RESORTS TO STUDY AND MITIGATE NEIGHBORHOOD NOISE.

WHEREAS, the federal American Rescue Plan (2021) Act (“ARPA” or the “Act”) was signed into law on March 11, 2021, and continues many programs started by the CARES Act (2020) and the Consolidated Appropriations Act (2021), by adding new phases, allocations and guidance to address issues related to the continuing COVID-19 pandemic and recovery efforts. ARPA provides \$350 billion funding to state, local, territorial and Tribal governments (\$1.2 billion in Arizona); and

WHEREAS, the Town of Paradise Valley (the “Town”) is considered a “Non-entitlement unit” (“NEU”) of local government and receives its allocation from a direct pass-through from the State of Arizona, which must distribute \$227 million to NEUs within 30 days of receipt; and

WHEREAS, the Town’s individual NEU initial allocation is \$4,888,467.26; and

WHEREAS, NEU ARPA funds may only be used for: (i) supporting public health expenditures; (ii) addressing the negative economic impacts caused by the public health emergency; (iii) replacing lost public sector revenue, and providing premium pay for essential workers; and (iv) investing in water, sewer and broadband infrastructure; and

WHEREAS, the Mayor and Council of the Town (the “Town Council”) on September 9, 2021, considered 12 potential projects for ARPA funding, narrowing it down to six projects that (i) most directly address local impacts experienced due to the COVID-19 public health emergency and (ii) further minimize the impacts of any future pandemics; and

WHEREAS, on October 18, 2021, the Town Council directed staff to pursue ARPA funding for the replacement of revenue loss pursuant to sections 602(c)(I)(C) and 603(c)(I)(C) of the Act and spend those funds specifically for: (i) \$1,528,467.26 for storm water drainage improvement projects; (ii) \$245,000 for technology backup protection/business continuity; (iii) \$260,000 for cyber security; and (iv) \$115,000 for Town grants available for sound studies and implementation efforts to mitigate neighborhood noise impacts from more frequent outdoor events due to restrictions on indoor gatherings caused by the COVID-19 public health emergency; and

WHEREAS, the Town Council directed staff to return with more data and information on (i) an integrated IT service model for all Town services, and (ii) the potential procurement of an electric fire engine to meet the Town's contract obligation with the City of Phoenix

WHEREAS, NEU ARPA expenditures must be incurred and obligated from March 3, 2021, to December 31, 2024, with the related performance period ending December 31, 2026; and

WHEREAS, the Town seeks to file the required application for and accept its ARPA allocation before the State's distribution period expires; and

WHEREAS, a pre-requisite to obtaining ARPA funding is for an authorized Town representative to execute, submit and certify a series of documents to the U.S. Department of the Treasury through the State of Arizona's e-civis system; and

WHEREAS, the Town desires to designate the Town's representatives for the purpose of taking the necessary steps to apply for and accept the ARPA funding.

NOW THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Paradise Valley as follows:

Section 1. The Recitals above are incorporated as if fully set forth herein.

Section 2. The Town Manager, or the Town Manager's authorized designee, is hereby authorized as the agent of the Town to (i) execute and submit all documents that may be necessary to obtain ARPA funding, including but not limited to, applications, agreements, amendments, expenditure and procurement documentation, and (ii) take any necessary related actions.

Section 3. Except for the revenue loss replacement, all other specific project expenditures of ARPA funds must be authorized at a project contract level by the Town Council.

Section 4. The Town Council hereby authorizes expenditures of ARPA funds in an amount not to exceed: (i) \$1,528,467.26 for storm water drainage improvement projects; (ii) \$245,000 for technology backup protection/business continuity; (iii) \$260,000 for cyber security; and (iv) \$115,000 for Town grants available for sound studies and implementation efforts to mitigate neighborhood noise impacts due to more frequent outdoor events.

Section 5. The Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose and intent of this Resolution.

[Signatures on following page.]

PASSED AND ADOPTED by the affirmative vote of the Paradise Valley Town Council
this 28th day of October, 2021.

Jerry Bien-Willner, Mayor

ATTEST:

Duncan Miller, Town Clerk

APPROVED AS TO FORM

Andrew J. McGuire, Town Attorney