

ORDINANCE NO. 33-21

**AN ORDINANCE AUTHORIZING THE CREATION OF
THE AMERICAN RESCUE PLAN ACT FUND NO. 287
AND DECLARING AN EMERGENCY**

WHEREAS, The American Rescue Plan (ARP) Act of 2021, a \$1.9 trillion economic COVID-19 stimulus package was signed into law by the President of the United States on March 11, 2021; and

WHEREAS, the ARP will provide additional relief to address the continued impact of COVID-19 on the economy, public health, state and local governments, individuals and businesses; and

WHEREAS, as part of the ARP, \$350 billion in additional funding is being provided to state and local governments; and

WHEREAS, pursuant to guidance issued by the Auditor of State in a bulletin dated April 7, 2021, the Federal Funding Accountability and Transparency Act (FFATA) requires separate accountability for direct recipients (and subrecipients) of federal awards greater than \$25,000; and

WHEREAS, Ohio Revised Code 5705.09 requires subdivisions to establish separate funds for each class of revenue derived from a source other than the general property tax; and

WHEREAS, Ohio Revised Code 5705.12 further requires the taxing authority of a subdivision to establish, with the approval of the Auditor of State, a separate fund for money derived from specified sources other than the general property tax; and

WHEREAS, The Auditor of State approves taxing authorities to establish the separate funds required for separate accountability of federal programs upon adoption of a local ordinance or resolution, further, local governments do not need to seek Auditor of State approval for establishing new COVID-19 federal programs; and

WHEREAS, Council finds the recommendation of the Administration to establish The American Rescue Plan Act Fund No. 287 to be in the best interests of the health, safety and welfare of all residents and businesses in the City of Avon.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE
CITY OF AVON, LORAIN COUNTY, OHIO:**

Section 1 – That the Finance Director is hereby authorized to establish the American Rescue Plan Act Fund No. 287 to separately account for any funds received through the American Rescue Plan (ARP) Act of 2021 so as to be in compliance with the Federal Funding Accountability and Transparency Act (FFATA).

Section 2 – That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting

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of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3 – That this Ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to authorize the creation of the American Rescue Plan Act Fund No. 287 to separately account for federal funding coming to the City through the American Rescue Plan (ARP) Act of 2021; therefore, this Ordinance shall be in full force and effect immediately upon its passage by this Council and approval by the Mayor.

PASSED: _____ DATE: _____

SIGNED BY: _____
Brian Fischer, President of Council

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director
City of Avon, Ohio

ATTEST:

Barbara Brooks
Clerk of Council

POSTED: _____
In Five Places as
Provided by Council

Prepared by:
John A. Gasior, Esq.
Law Director