

FILE OF THE CITY CLERK

ADMINISTRATIVE ORDINANCE NO. 13 - 2023

ADMINISTRATION BILL NO. 13 - 2023

INTRODUCED – DECEMBER 12, 2023

ADOPTED BY COUNCIL – DECEMBER 19, 2023

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, LANCASTER COUNTY, PENNSYLVANIA ESTABLISHING APPROPRIATIONS FOR \$6,000,000 OF AMERICAN RESCUE PLAN ACT PROCEEDS RECEIVED IN 2022; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR THE SEVERABILITY OF THE ORDINANCE; AND PROVIDING THAT THE ORDINANCE SHALL TAKE EFFECT AS PROVIDED BY PENNSYLVANIA LAW.

WHEREAS, Section 804 of the Third Class City Code, codified at 11Pa.C.S. Sections 101-14702, as amended, provides, inter alia, that, “Money may not be paid out of the city treasury except by an appropriation made in accordance with law and on a document authorizing payment drawn by the proper officer” (11 Pa. C.S. Section 11804(b)); and

WHEREAS, Section 804 of the Third Class City Code as set forth above further provides, inter alia, that, “Council may, by ordinance, make supplemental appropriations for any lawful purpose from any money in the city treasury or estimated to be deposited in the city treasury within the fiscal year and not appropriated for any other purpose, including the proceeds of any borrowing authorized by law” (11 Pa. C.S. Section 11804(e)); and

WHEREAS, On March 11, 2021, the American Rescue Plan Act (ARPA) was signed into law by President Biden; and

WHEREAS, The Fiscal Recovery Funds are intended to provide support to state, local and tribal governments in responding to the impact of COVID-19 and in their efforts to contain the effects of COVID-19 on their communities, residents, and businesses; and

WHEREAS, in accordance with ARPA, the City of Lancaster is defined as a “metropolitan city” and has received unbudgeted funds from the United States Department of the Treasury for appropriations to be made in accordance with the provisions of ARPA and rules and regulations issued thereunder by the Department of the Treasury for which appropriations have not yet been made by City Council; and

WHEREAS, Section 603(c)(1)(C) of ARPA authorized the use of ARPA funds “for the provision of government services to the extent of reduction in revenue of such metropolitan city, nonentitlement unit, or county due to the COVID-19 public health emergency relative to revenues collected in the most recent full year of the metropolitan city, non-entitlement unit of local government, or county prior to the emergency”; and

WHEREAS, in accordance with the Act and Secretary of the Treasury’s Final Rule codified at 31 CFR Part 35, the City administration engaged the accounting firm of Maher Duessel to perform the calculation of reduction in revenue by comparing the City’s audited financials for calendar years 2021 and 2022; and

WHEREAS, Maher Duessel has determined that the City's revenue loss in 2022 compared to 2021 was \$7,401,980; and

WHEREAS, the Administration and the City Council of the City of Lancaster deem it necessary to allocate \$6,000,000 from the ARPA allocations received from the US Treasury for the provision of government services, specifically for the provision of police and fire services, incurred after January 1, 2023 through December 31, 2023.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED by the City Council of the City of Lancaster, Lancaster County, Pennsylvania, as follows:

SECTION 1. The provisions of the background clauses set forth above be and hereby are incorporated herein.

SECTION 2. The City Council of the City of Lancaster hereby appropriates \$4,500,000 of the ARPA funds received from the US Treasury Department for the following purposes:

1. Funding the 2023 Police and Fire Bureau operations of the City of Lancaster incurred after January 1, 2023 through December 31, 2023.

SECTION 3. The appropriate officers of the City of Lancaster be and hereby are authorized and directed to utilize \$6,000,000 of the ARPA funds received from the US Treasury for the purposes set forth in SECTION 2 above.

SECTION 4. All ordinances or resolutions or parts of ordinances or resolutions insofar as they are inconsistent herewith are hereby repealed and rescinded.

SECTION 5. In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any of the remaining provisions, sections, sentences, clauses or parts of this Ordinance; it being the intent of the City of Lancaster that the remainder of the Ordinance shall be and shall remain in full force and effect.

SECTION 6. This Ordinance shall become effective as provided by the laws of the Commonwealth of Pennsylvania.

DULY ORDAINED AND ENACTED this 19th day of December, 2023, by the Council of the City of Lancaster, Lancaster County, Pennsylvania, in lawful session duly assembled.

ATTEST:

CITY OF LANCASTER



Bernard W. Harris, Jr. City Clerk

By: 

Danene Sorace, Mayor