



12650 DETROIT AVENUE 44107 216-529-6055
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Lakewood City Council
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CINDY MARX, WARD 4

Noticed 02/28/24

PUBLIC NOTICE – COMMITTEE OF THE WHOLE

Committee of the Whole will meet Monday March 4, 2024 at 6:30 p.m. in the Auditorium of Lakewood City Hall at 12650 Detroit Avenue. The meeting is open to the public.

Individuals with disabilities who require accommodations for participation in meetings must request accommodations at least 3 business days ahead of the scheduled meeting. Contact Michelle Nocht at (216) 529-5906 michelle.nochta@lakewoodoh.net.

The meeting will be livestreamed on the City's website at the following link:

www.lakewoodoh.gov/councilvideos

PUBLIC COMMENT PROTOCOL (Updated 6/21)

The public is invited to comment on agenda items in person or by submitting a written comment in advance of the meeting using the eComment platform available [HERE](#). New users must create an eComment account.

The agenda is as follows:

Approval of the minutes of the February 4, 2024 Committee of the Whole.

Communication from President Kepple and Mayor George regarding allocation of remaining ARPA funds. (*referred to COW 2/20/24*)

RESOLUTION 2024-10 - A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing the Mayor and/or Director of Finance or Director of Law to allocate all unspent funds from the American Rescue Plan Act ("ARPA") and all ARPA funds not yet encumbered or contracted for expenditure for previously identified projects to the City's sewer and water projects for the modernization and construction

of the City's water and sewer system. *(referred to COW 2/20/24)*

Sarah Kepple, Chair

COMMITTEE OF THE WHOLE



MEGHAN F. GEORGE
MAYOR

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Dear Members of City Council:

The U.S. Department of Treasury regulations governing the use of American Rescue Plan Act (“ARPA”) funds by municipalities have grown more prescriptive since its passage in March 2021. Moreover, the President formally declared an end to the Public Health Emergency in May 2023, directly impacting the legal assessment of the permitted use of ARPA funds.

As a result of these material developments, certain of the City’s previous allocations of ARPA funds may no longer fit within the eligible uses of the funds under the evolving Treasury regulations. Use of the funds for those original purposes therefore creates the risk that federal authorities may seek a return of the funds from the City at some future time. Our goal in proposing this Resolution is to eliminate the risk to the City’s taxpayers of losing these federal funds.

We were informed that the use of ARPA funds for major water and sewer projects would be fully compliant with ARPA and would eliminate the risk of claw-back by the federal government. Accordingly, the Resolution would authorize that all unspent ARPA funds and funds not yet encumbered or contracted for expenditure be allocated to the City’s water and sewer projects. In compliance with ARPA, these water and sewer projects will be under contract in 2024 and completed by the end of 2026.

We also recognize that this shift requires Council and the Administration to think differently and creatively about how we may achieve the goals of projects previously considered for ARPA funding, which will not have ARPA funds encumbered toward them after passage of this Resolution. Over the next two years of the current Council Leadership terms, our shared commitment with the Administration is to work together in good faith toward the desired outcomes of prioritized projects such as:

- Expanded technological capabilities at City Parks allows for improved public restroom access, reliable public wi-fi, and security cameras (Smart Cities);
- Sustainable and reliable backup power increases Cove Community Center’s capacity to serve residents in an emergency (Cove Resilience Hub, Climate Action Plan);
- Public right-of-ways and city properties become more accessible for all and safer for multimodal and sustainable transportation (ADA Transition Plan High Priority, Active



MEGHAN F. GEORGE
MAYOR

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Transportation, Safe Paths to School, Climate Action Plan, Municipal Buildings-City Hall Elevators);

- Ensuring that female members of our safety forces have sufficient and appropriate locker room spaces (Municipal Building-Police Women's Locker Room);
- Ensuring that participants at Winterhurst have sufficient and appropriate locker room spaces (Municipal Buildings-Not Allocated);
- Maintain and improve Municipal Buildings, including City Hall, Police Headquarters expansion and Winterhurst improvements) to facilitate efficient, effective, and accessible operations (Municipal Buildings-Not Allocated, ADA Transition Plan); and
- Improve Lake Erie public access by enhancing pedestrian and bicycle access along the lakefront through completion of the Lake-Clifton Connector Project (Lake-Clifton Connector, Active Transportation Plan).

We are committed to working collaboratively through policy, practice, and funding to make progress toward our shared goals.

The Resolution is prudent, grounded in sound legal principles, and protects the interests of our taxpayers. We recommend its adoption.

Sincerely,

Meghan F. George
Mayor

Sarah Kepple
President of Council

RESOLUTION NO. 2024-10

BY:

A RESOLUTION to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council, or otherwise to take effect and be in force after the earliest period allowed by law, authorizing the Mayor and/or Director of Finance or Director of Law to allocate all unspent funds from the American Rescue Plan Act (“ARPA”) and all ARPA funds not yet encumbered or contracted for expenditure for previously identified projects to the City’s sewer and water projects for the modernization and construction of the City’s water and sewer system;

WHEREAS, the City of Lakewood received funds in the amount of \$47,219,575 through ARPA;

WHEREAS, since the passage of ARPA, the U.S. Department of Treasury has promulgated various sets of regulations governing the use of ARPA funds by municipalities;

WHEREAS, certain of the City’s previous allocations of ARPA funds may no longer fit within eligible uses of the funds under the evolving Treasury regulations;

WHEREAS, it is necessary to reallocate these funds to other projects that fit within the eligible uses of ARPA funds;

WHEREAS, the City faces the need for approximately \$300,000,000 for Sewer Improvement Projects required by the Consent Decree among the City, Ohio Environmental Protection Agency, and the U.S. Environmental Protection Agency for sewer modernization and upgrade to its aging infrastructure;

WHEREAS, based on the Treasury regulations, the City’s direct investment in municipal sewer and water infrastructure projects is an eligible use of ARPA funds;

WHEREAS, a reallocation of ARPA funds to the City’s water and sewer projects reflects sound financial risk management and is in the best interests of the taxpayers of Lakewood; and

WHEREAS, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two thirds of its members determines that this Resolution is an emergency measure and that it shall take effect immediately, and that it is necessary for the immediate preservation of the public peace, property, health and safety, and to provide for the usual daily operation of municipal departments in order to prudently reallocate certain ARPA funds to best ensure their eligible use under ARPA; now, therefore,

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. That all unspent ARPA funds and ARPA funds not yet encumbered or contracted for expenditure for previously identified projects are hereby allocated to the City’s water and sewer projects to effect the modernization and construction of the City’s aging water and sewer system.

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all such deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

Section 3. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this Resolution, and provided it receives the affirmative vote of at least two thirds of the members of Council, this Resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: _____

Sarah Kepple, President of Council

Maureen M. Bach, Clerk of Council

Approved: _____

Meghan F. George, Mayor