SPECIAL MEETING: 05/25/23

FILE: 23-856 ITEM: 3.1



Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL

FROM: Jim Shannon

Rick Bruneau

SUBJECT: REALLOCATION OF AMERICAN

RESCUE PLAN FUNDS

DATE: May 24, 2023

Approved

profess Magure

Date

5/24/2023

RECOMMENDATION

- (a) Approve the reallocation of funding within the American Rescue Plan Fund and the General Fund to ensure completion of community and economic recovery activities previously authorized by the City Council.
- (b) Adopt the 2022-2023 Appropriation Ordinance amendments in the American Rescue Plan Fund and the General Fund as described in Attachment A.

SUMMARY AND OUTCOME

The recommended budget actions reallocate funding between the American Rescue Plan (ARP) Fund and the General Fund in accordance with U.S. Treasury Department regulations to mitigate the risk of a 'claw back' of the City's remaining allocation of resources within the ARP Fund that may result from the federal debt ceiling negotiations between the White House and Congress. The recommended budget actions will not impact any services previously authorized by the City Council and will result in the expenditure or obligation of all ARP Funds prior to the end of May 2023.

BACKGROUND

As a result of the American Rescue Plan Act (ARPA), the City of San José received a total allocation of \$212.3 million of Coronavirus State and Local Fiscal Recovery Funds. Budgeted and expended in the ARP Fund, these resources have provided critical community and economic recovery support including, but not limited to, food distribution, homeless support services, youth education and workforce development, small business assistance, and child and youth services.

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ARPA requires that local governments obligate all ARP funds (e.g., encumber funding through the issuance of contracts/purchase orders) by December 31, 2024, and to expend all ARP funds by December 31, 2026. Due to this timeline, a number of the community and economic recovery workstreams were anticipated to be spent over a multi-year period. Of the \$212.3 million initially received in the ARP Fund, a remaining amount of \$94.3 million is included in the 2022-2023 Modified Budget. The current unencumbered balance is \$44.9 million.

Negotiations taking place between the White House and Congress regarding the debt ceiling reportedly involve the potential claw back of 'unobligated' ARPA funds. Due to the uncertainty of what would be considered unobligated, the Administration recommends budget reallocations between the ARP Fund and the General Fund to mitigate any impacts to community and economic recovery workstreams previously authorized by the City Council.

ANALYSIS

ARPA allows for governments to reimburse themselves for lost revenue due to the pandemic, and then use that revenue to pay for government services. In accordance with regulations provided by the U.S. Treasury Department, the City's calculated revenue loss (calculated across all eligible City funding sources) exceeds the \$212.3 million in total ARPA allocated to the City. The City may decide to allocate any and all relief funds to this purpose. Prior to this action, the City has allocated \$62.7 million through the revenue loss provision.

Actions included in the Attachment – 2022-2023 Budget Adjustment Detail recognize \$87.9 million of revenue loss reimbursement that will be used to partially support Police Department field patrol expenditures in 2022-2023. This budget action and subsequent movement of Police Department expenditures from the General Fund to the ARP Fund will enable \$87.9 million of community and economic recovery workstreams currently budgeted in the ARP Fund to be budgeted in the General Fund. While this \$87.9 million is larger than the remaining balance of \$44.9 million, the reallocation of the larger figure provides for cleaner reporting of expenditures to the Treasury Department. Any remaining unspent community and economic recovery funding in the General Fund at the end of 2022-2023 is anticipated to be rebudgeted into 2023-2024 as part of the Adopted Budget process.

EVALUATION AND FOLLOW-UP

Given the expedited nature of this memorandum, technical budgetary clean-up actions may be included in the Approval of Various Budget Actions for Fiscal Year 2022-2023 memorandum that will be considered by the City Council at its meeting on June 20, 2023. This memorandum will include a range of year-end budgetary adjustments to help ensure that appropriations are not over-expended at the end of 2022-2023, align revenues and expenditures with actual performance and assumptions used in the development of the 2023-2024 Operating and Capital Budgets, and recognize new revenues and associated expenditures.

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COST SUMMARY/IMPLICATIONS

The recommended budget actions will not result in any service level changes from what was previously authorized by the City Council. This urgent budget action ensures that all ARPA funds provided to the City will be obligated or expended prior to the end of May 2023.

COORDINATION

This memorandum has been coordinated with the City Attorney's Office and the City Manager's Office of Administration, Policy and Intergovernmental Relations.

PUBLIC OUTREACH

This memorandum will be posted on the City's Council Agenda website for the City Council Special meeting on May 25, 2023.

COMMISSION RECOMMENDATION AND INPUT

No commission recommendation or input is associated with this action.

CEQA

Not a Project, File No. PP17-008, General Procedure and Policy Making resulting in no changes to the physical environment.

PUBLIC SUBSIDY REPORTING

This item does not include a public subsidy as defined in section 53083 or 53083.1 of the California Government Code or the City's Open Government Resolution.

JIM SHANNON

RICK BRUNEAU
Director of Finance

/s/

Budget Director

For questions, please contact Jim Shannon, Budget Director, at Jim.Shannon@sanjoseca.gov.

Attachment – 2022-2023 Budget Adjustment Detail

General Fund Recommended Budget Adjustments and Clean-Up Actions 2022-2023

•			Use			Se	Source	Net Cost
Personal Services (American Rescue Plan Act - Revenue Loss)	oposal		Personal Services	Non-Personal/ Equipment	Total Use	Revenue	Beginning Fund Balance	
Personal Services (American Rescuer Plan Act - Revenue Loss)	TAL EXPENSES							
DEPARTMENTAL EXPENSES TOTAL (87,928,858) - (87,928,	nt		(07.020.050)		(07.020.050)			(07.000.050
		Personal Services (American Rescue Plan Act - Revenue Loss)	(87,928,858)	-	(87,928,858)	-	-	(87,928,858
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BeautifySul and Encampment Waste Pick Up - San Jose Bridge Program 7,000,000 7,000,0	APENSES							
Build Back Better and COVID-19 Recovery - Community Engagement 1,199,000		BeautifySJ and Encampment Waste Pick Up - BeautifySJ Consolidated Model	-	14,963,000	14,963,000	-	-	14,963,00
Build Back Better and COVID-19 Recovery - COVID-19 Recovery - Flamsgrop - Public Information		BeautifySJ and Encampment Waste Pick Up - San Jose Bridge Program	-	7,000,000	7,000,000	-	-	7,000,00
Build Back better and COVID-19 Recovery - Emergency Public Information 464,000 464,000 511,000 311,000 311,000 5			-	1,199,000	1,199,000	-	-	1,199,00
Child and Youth Services - Child and Youth Services - Child and Youth Success 315,000 355		·	-			-	-	2,469,00
Child and Youth Services - Child and Youth Success 35,000 35,000 300		Build Back Better and COVID-19 Recovery - Emergency Public Information	-		646,000	-	-	646,00
Child and Youth Services - Library 2,400,000 2,4			-			-	-	3,119,00
Child and Youth Services - PBNR (Forgrams, Experiences, and Scholarships) 2,409,000 -2,409,000 Child and Youth Services - San Jose Learns 500,000 500,000 -0,000 Olgital Equity - Community Wiff 699,000 -0,000 -0,000 Olgital Equity - Device Access 1,317,000 1,317,000 -3,000 Olgital Equity - Community Wiff 656,000 656,000 665,000 665,000 Emergency Housing - Downtown Homeless Health Response and Support 300,000 300,000 2,000,000 Emergency Housing - Sentering and Enhanced Encarpment Services 2,839,000 2,839,000 2,839,000 Energy Swing Retrofits 4,143,000 4,80,000 480,000 480,000 Food and Necessities Distribution - Food Services 4,143,000 4,414,000 4,414,000 Housing Stabilization - Evriction Help Center 1,813,000 1,930,000 1,930,000 Recovery Foundation and Drive to Digital - Effective Teams 2,980,000 2,980,000 Recovery Foundation and Drive to Digital - Effective Teams 2,980,000 2,980,000 Re-Employment and Workforce Development - Food Distribution Resillence Corps 1,800,00			-			-	-	355,00
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Digital Equity - Community WiFi		to the contract of the contrac	-			-	-	4,316,00
Digital Equity - Device Access - 1,317,000 1,317,000 - 656,000 565,000 565,000 - 656,000 - 656,000 - 656,000 - 656,000 - 656,000 - 300,000 - 300,000 - 20,000 - 20,000			-			-	-	500,00
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Housing Stabilization - Eviction Help Center			-			-	-	480,0
Housing Stabilization - Hotel Sheltering Operations + Services Housing Stabilization - South Hall Demobilization + Housing Assistance Center Recovery Foundation and Drive to Digital - Effective Teams Recovery Foundation and Drive to Digital - Effective Teams Recovery Foundation and Drive to Digital - Recovery Management, Coordination and Compliance Recovery Foundation and Drive to Digital - Safe Workplace Recovery Foundation and Drive to Digital - Safe Workplace Recovery Foundation and Drive to Digital - Safe Workplace Recovery Foundation and Drive to Digital - Safe Workplace Recovery Foundation and Drive to Digital - Safe Workplace Recovery Foundation and Drive to Digital - Safe Workplace Re-Employment and Workforce Development - Environment Resilience Corps Re-Employment and Workforce Development - Food Distribution Resilience Corps Re-Employment and Workforce Development - Small Business Resilience Corps Re-Employment and Workforce Development - Small Business Resilience Corps Re-Employment and Workforce Development - Small Business Resilience Corps Re-Employment and Workforce Development - Small Business Recovery - Stoppic Administrative Support Resilience Corps Resilience			-			-	-	4,143,0
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Recovery Foundation and Drive to Digital - Recovery Management, Coordination and Compliance			-			-	-	1,930,00
Recovery Foundation and Drive to Digital - Safe Workplace			-			-	-	298,00
Re-Employment and Workforce Development - Environment Resilience Corps Re-Employment and Workforce Development - Food Distribution Resilience Corps Re-Employment and Workforce Development - Food Distribution Resilience Corps San José Aspires Administrative Support San José Aspires Support San José Aliers Compaign San José Aspires Support San José Aliers San José Alier			-			-	-	2,112,8
Re-Employment and Workforce Development - Food Distribution Resilience Corps-1,800,0001,800,000-Re-Employment and Workforce Development - Small Business Resilience Corps-310,000310,000-San José Aspires Administrative Support-250,000250,000-Small Business, Non-Profits, and Arts - Council District Outdoor Activation-168,000168,000-Small Business, Non-Profits, and Arts - San José Abierto-1,228,0001,228,000-Small Business Recovery - Downtown Outdoor Activities Marketing Campaign-200,000200,000-Small Business Recovery - Quetzal Gardens Operations-75,00075,000-Small Business Recovery - San José Al Fresco-719,000719,000-Small Business Recovery - Shop Local Hub to Support Neighborhood Business Districts-100,000100,000-Small Business Recovery - Small Business + Manufacturing Recovery Initiative-637,000637,000-Small Business Recovery - Small Business District Outreach (Spanish + Vietnamese)-197,000197,000-Small Business Recovery - Small Business Technical Assistance Revamp-117,000117,000-Small Business Recovery - Supplemental Eucinemonic Development Communications-375,000375,000-Small Business Recovery - Supplemental Economic Development Association Capacity Building-1,711,0001,711,000-Small Business Recovery - Supplemental Economic Development Association Capacit			-			-	-	186,00
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Small Business Recovery - Supplemental Legal Assistance for Tenant-300,000300,000-Small Business Recovery - Underwrite Creation of New Property Business Improvement Districts-1,000,0001,000,000-Small Business Recovery - Virtual Accelerator Program for New Businesses-175,000175,000-		Small Business Recovery - Supplemental Business Development Communications	-	375,000	375,000	-	-	375,00
Small Business Recovery - Supplemental Legal Assistance for Tenant-300,000300,000-Small Business Recovery - Underwrite Creation of New Property Business Improvement Districts-1,000,0001,000,000-Small Business Recovery - Virtual Accelerator Program for New Businesses-175,000175,000-			-			-	-	1,711,00
Small Business Recovery - Underwrite Creation of New Property Business Improvement Districts - 1,000,000 1,000,000 - Small Business Recovery - Virtual Accelerator Program for New Businesses - 175,000 175,000 -			_			_	-	300,00
Small Business Recovery - Virtual Accelerator Program for New Businesses - 175,000 -		· · · · · ·	_			-	-	1,000,0
			_			_	-	175,00
GIII-WIDE ENFERGES TOTAL - 07,320,000 07,320,000 -		· · · · · · · · · · · · · · · · · · ·					_	87,928,85
			-		, ,	-		87,328,85
GENERAL FUND TOTAL (87,928,858) 87,928,858		GENERAL FUND TOTAL	(87,928,858)	87,928,858	-	-	-	-

Department/Proposal		Personal Services	Non-Personal/ Equipment	Use Other	Ending Fund Balance	Total Use	Source Revenue	Beginning Fund Balance	Net Cost
Беригинент, горози			_qu.p		24.4			24141166	
American Rescue Plan Fun	d (402)	_							
Budget Adjustments									
Police Department	Public Safety Personal Services (American Rescue Plan Act - Revenue Loss)	87,928,858	-	-	-	87,928,858	-	-	87,928,858
City Clerk's Office	Small Business, Non-Profits, and Arts - Council District Outdoor Activation	-	(168,000)	-	-	(168,000)	-	-	(168,000)
	Build Back Better and COVID-19 Recovery - Community Engagement	-	(1,199,000)	-	-	(1,199,000)	-	-	(1,199,000)
	Build Back Better and COVID-19 Recovery - COVID-19 Recovery Taskforce	-	(2,469,000)	-	-	(2,469,000)	-	-	(2,469,000)
City Manager's Office	Build Back Better and COVID-19 Recovery - Emergency Public Information	-	(646,000)	-	-	(646,000)		-	(646,000
	Child and Youth Services - Child and Youth Success	-	(355,000)	-	-	(355,000)	-	-	(355,000
	Child and Youth Services - Child and Youth Services Master Plan	-	(3,119,000)	-	-	(3,119,000)	-	-	(3,119,000)
	Recovery Foundation and Drive to Digital - Recovery Management, Coordination and Compliance	-	(2,109,000)	-	-	(2,109,000)	-	-	(2,109,000)
Community Energy Department	Energy Saving Retrofits	-	(480,000)	-	-	(480,000)	-	-	(480,000)
	BeautifySJ and Encampment Waste Pick Up - San Jose Bridge Program	-	(7,000,000)	-	-	(7,000,000)		-	(7,000,000)
	Child and Youth Services - Childcare Tenant Improvement	-	(900,000)	-	-	(900,000)	-	-	(900,000)
Harriag Danastarant	Emergency Housing - Downtown Homeless Health Response and Support	-	(300,000) (2,839,000)	-	-	(300,000) (2,839,000)	-	-	(300,000)
Housing Department	Emergency Housing - Sheltering and Enhanced Encampment Services	-		-	-	(20,000,000)	-	-	
	Emergency Housing - Emergency Housing Construction and Operation	-	(20,000,000) (1,813,000)	-	-	(1,813,000)	-	-	(20,000,000) (1,813,000)
	Housing Stabilization - Eviction Help Center	•	(3,497,000)	-		(3,497,000)	-	-	(3,497,000)
	Housing Stabilization - Hotel Sheltering Operations + Services		(1,930,000)			(1,930,000)			(1,930,000)
Human Resources	Housing Stabilization - South Hall Demobilization + Housing Assistance Center	_	(298,000)	_	_	(298,000)			(298,000)
Department	Recovery Foundation and Drive to Digital - Effective Teams	_	(186,000)	_	_	(186,000)		_	(186,000)
Department	Recovery Foundation and Drive to Digital - Safe Workplace	_	(500,000)	_	_	(500,000)		_	(500,000)
	Child and Youth Services - San Jose Learns	_	(2,409,000)	_	_	(2,409,000)	<u>-</u>	_	(2,409,000)
Library Department	Child and Youth Services - Library	_	(699,000)	-	_	(699,000)	-	_	(699,000)
Elorary Department	Digital Equity - Community WiFi	_	(1,317,000)	-	-	(1,317,000)	_	-	(1,317,000)
	Digital Equity - Device Access	_	(656,000)	-	-	(656,000)	-	-	(656,000)
	Digital Equity - Digital Equity Communications, Outreach, + Education	_	(250,000)	-	-	(250,000)		-	(250,000)
	San José Aspires Administrative Support	_	(310,000)	_	_	(310,000)		_	(310,000)
	Re-Employment and Workforce Development - Small Business Resilience Corps	_	(200,000)	_	_	(200,000)		_	(200,000)
	Small Business Recovery - Downtown Outdoor Activities Marketing Campaign		(75,000)	_		(75,000)	_	_	(75,000)
	Small Business Recovery - Quetzal Gardens Operations	_	(719,000)	_	_	(719,000)	_		(719,000)
	Small Business Recovery - San José Al Fresco	_	(100,000)	_	_	(100,000)		_	(100,000)
Office of Economic Development	Small Business Recovery - Shop Local Hub to Support Neighborhood Business Districts	_	(637,000)	_	_	(637,000)		_	(637,000)
and Cultural Affairs	Small Business Recovery - Small Business + Manufacturing Recovery Initiative Small Business Recovery - Small Business Displacement Index Study	•	(60,000)	-		(60,000)	-	-	(60,000)
and Cultural Affairs	Small Business Recovery - Small Business District Outreach (Spanish + Vietnamese)		(197,000)		_	(197,000)	_		(197,000)
	Small Business Recovery - Small Business Technical Assistance Revamp		(117,000)			(117,000)			(117,000)
	Small Business Recovery - Storefront Activation Grants		(160,000)		_	(160,000)	_		(160,000)
	Small Business Recovery - Supplemental Business Development Communications	•	(375,000)	-	-	(375,000)	-	-	(375,000)
	Small Business Recovery - Supplemental Business Bevelopment Communications Small Business Recovery - Supplemental Economic Development Association Capacity Building	•	(1,711,000)	-		(1,711,000)	-	-	(1,711,000)
	Small Business Recovery - Supplemental Legal Assistance for Tenant	_	(300,000)	_	_	(300,000)	_	_	(300,000)
	Small Business Recovery - Underwrite Creation of New Property Business Improvement Districts	•	(1,000,000)	-	-	(1,000,000)	-	-	(1,000,000)
	Small Business Recovery - Virtual Accelerator Program for New Businesses	•	(175,000)	-		(1,000,000)		-	(175,000)
	BeautifySJ and Encampment Waste Pick Up - BeautifySJ Consolidated Model	-	(14,963,000)	-	-	(14,963,000)	-	-	(14,963,000)
Parks, Recreation and	Child and Youth Services - PRNS (Programs, Experiences, and Scholarships	-	(4,316,000)	-	-	(4,316,000)	-	-	(4,316,000)
Neighborhood Services	Food and Necessities Distribution - Food Services	-	(4,143,000)	-	-	(4,143,000)	-	-	(4,143,000)
Department	Re-Employment and Workforce Development - Environment Resilience Corps	-	(200,000)	_	-	(200,000)	-	-	(200,000)
Department	Re-Employment and Workforce Development - Food Distribution Resilience Corps	-	(1,800,000)	_	-	(1,800,000)	·	-	(1,800,000)
	Small Business, Non-Profits, and Arts - San José Abierto	-	(1,228,000)	-	_	(1,228,000)	_	-	(1,228,000)
Finance Department	Ending Fund Balance	-	-,220,000)	-	(3,858)	(3,858)	-	-	(3,858)
	Budget Adjustments Total	87,928,858	(87,925,000)	-	(3,858)	(5,656)	-	-	- (5,656)
	American Rescue Plan Fund (402) TOTAL	87,928,858	,1		(3,858)				
	American rescue ridii runu (402) IOTAL	01,320,838	-	-	(5,058)	-	-	-	-