

Providing Grant Authorization For U.S. Treasury Reporting For 2025 & 2026 ARPA Administration Estimated Costs – ARP Division - Department Of Finance, Division Of Recovery And Resilience

Referred to: The American Rescue Plan Act Special Committee (Chairman Corcoran and Legislators Clinton, Levine, Lopez, and Sperry), and the Ways and Means Committee (Chairman Gavaris and Legislators Collins, Hansut, Kovacs, Nolan, and Roberts)

Chairman of the ARPA Special Committee, Thomas Corcoran, Jr., and Deputy Chair Megan Sperry offer the following:

WHEREAS, this resolution has been submitted at the request of the County Executive on behalf of the Department of Finance, Division of Recovery and Resilience; and

WHEREAS, the Secretary of the United States Treasury Department issued a third interim final rule on November 20, 2023 which provides additional federal regulations on the meaning and mechanisms to obligate American Rescue Plan Act, State and Local Fiscal Recovery Funds (ARPA-SLFRF) for a U.S. Treasury imposed grant deadline (See Federal Register, Volume 88, Number 222 pages 80584 through 80589); and

WHEREAS, American Rescue Plan (ARPA) funds not obligated by the U.S. Treasury obligation deadline of December 31, 2024 are required to be returned to the U.S. Treasury; and

WHEREAS, the third interim final rule provides a mechanism in grant reporting due to U.S. Treasury on April 30, 2024 for Ulster County to obligate ARPA-SLFRF funding for year 2025 and 2026 “reporting and compliance requirements”; “record retention and internal control requirements,” and, generally, for meeting incurred ARPA-SLFRF needs as a result of, “receiving or expending SLFRF funds[.]” (See Federal Register, Volume 88, Number 222 page 80586); and

WHEREAS, this regulation provides a means for Ulster County to report specific 2025 and 2026 administrative support funding needs in an April 30, 2024 grant report that will obligate ARPA-SLFRF funding for the December 31, 2024 deadline; and

WHEREAS, the Ulster County Legislature approved funding for the Department of Finance, Division of Recovery and Resilience (the ARP Division) in the 2024 Operating Budget in the amount of Two Hundred Thirty Nine Thousand And Three Hundred Two and 00/100 (\$239,302.00) Dollars, exclusive of statutory benefits; and

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WHEREAS, the goals of Ulster County’s approved ARPA-SLFRF programs will require administrative support to report and complete expenditures for existing ARPA programs in fiscal years ended December 31, 2025 and 2026; and

WHEREAS, authorization to obligate and secure ARPA-SLFRF funds for staff to administer after December 31, 2024 through December 31, 2026 incurred as a result of meeting the requirements of an authorized program must be reported in the U.S. Treasury grant report due April 30, 2024; and

WHEREAS, further 2025 and 2026 operating budget approvals for the ARP Division would require a re-allocation of funding per the authority granted to the Legislature in the Ulster County Charter; and

WHEREAS, to take advantage of the additional flexibility provided by the third interim final rule, recipients must (1) determine the amount of SLFRF funds the recipient estimates it will use to cover such expenditures, (2) document a reasonable justification for this estimate, (3) report that amount to Treasury by April 30, 2024, with an explanation of how the amount was determined, and (4) report at award closeout the final amount expended for these costs; and

WHEREAS, Ulster County has remaining funding in the ARPA Land Bank Program and has a remaining amount of One Million Dollars and 00/100 (\$1,000,000.00), and intends to utilize a portion of this funding to cover the costs of extending the ARP Division; now, therefore be it

RESOLVED, that the amount of SLFRF funds necessary to cover the ARP Division for each one year period, January 1, 2025 through December 31, 2025, and January 1, 2026 through December 31, 2026 is estimated to be Three Hundred Fifty Six Thousand, Four Hundred and Sixteen (\$356,416.00) Dollars annually, which equates for a two year total cost to Seven Hundred Twelve Thousand, Eight Hundred Thirty Two and 00/100 (\$712,832.00) Dollars and, be it further

RESOLVED, it is determined that the ARP Division is necessary to meet the reporting and compliance requirements of the funding source, including in connection with the preparation and submission of recipients’ required reports, review of subaward reports or subrecipient monitoring generally, maintenance of data and reporting tools, and review and processing of invoices; and, be it further

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RESOLVED, the Ulster County Legislature hereby authorizes the Director of the ARP Division to report the above amount to Treasury by April 30, 2024, with an explanation of how the amount was determined for the purposes of delivering the Ulster County ARPA Program,

and moves its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 21 NOES: 1
(Noes: Legislator Maloney)
(Absent: Legislator Litts)

Passed Committee: American Rescue Plan Act as amended on April 4, 2024

Passed Committee: Ways and Means on April 11, 2024

FINANCIAL IMPACT:

\$356,416.00 – ANTICIPATED 2025 FEDERAL AID REVENUE
\$356,416.00 – ANTICIPATED 2025 APPROPRIATIONS
\$356,416.00 – ANTICIPATED 2026 FEDERAL AID REVENUE
\$356,416.00 – ANTICIPATED 2026 APPROPRIATIONS

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STATE OF NEW YORK

ss:

COUNTY OF ULSTER

I, the undersigned Clerk of the Legislature of the County of Ulster, hereby certify that the foregoing resolution is the original resolution adopted by the Ulster County Legislature on the 16th Day of April in the year Two Thousand Twenty-Four, and said resolution shall remain on file in the office of said clerk.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of the County of Ulster this 19th Day of April in the year Two Thousand Twenty-Four.

[s] Victoria A. Fabella
Victoria A. Fabella, Clerk
[s] Victoria A. FabellaUlster County Legislature

Submitted to the County Executive this
19th Day of April 2024.

Approved by the County Executive this
26th Day of April 2024.

[s] Victoria A. Fabella
Victoria A. Fabella, Clerk
Ulster County Legislature

[s] Jen Metzger
Jen Metzger, County Executive