

RESOLUTION # 3557

2020

Introduced by: Mayor Babatunde Deinbo
of the City of Berkeley, MO

A RESOLUTION REQUESTING THAT ST. LOUIS COUNTY DISTRIBUTE \$47 MILLION OF CARES ACT FUNDS ON A PER CAPITA BASIS TO THE MUNICIPALITIES WITHIN THE COUNTY TO BE USED FOR ELIGIBLE EXPENSES, AUTHORIZING THE MAYOR OF THE CITY OF BERKELEY, MISSOURI, TO ACCEPT CARES ACT FUNDING AND EXECUTE A MUNICIPALITY RELIEF PROGRAM FUNDING AGREEMENT, AND CONFIRMING AGREEMENT TO INDEMNIFY AND HOLD HARMLESS ST. LOUIS COUNTY FROM SUCH DISTRIBUTION

WHEREAS, the United States Congress enacted the Coronavirus Aid, Relief and Economic Security Act (the "CARES Act") providing a \$2 trillion economic relief package to provide assistance for American workers, families, and small businesses; to provide assistance to state and local government; and to preserve jobs for American industry; and

WHEREAS, the State of Missouri received \$1.9 billion from the CARES Act, a portion of which was subsequently distributed in part to Missouri counties proportionally based on population, except those counties that received a direct payment under the CARES Act, along with a recommendation from the Governor that counties that received funds directly from the State of Missouri in turn distribute CARES Act funds to local governments located within their jurisdictions; and

WHEREAS, the US Department of the Treasury distrusted funds from the CARES Act proportionally based on 2019 census data directly to certain local governments, including cities and counties with a population greater than 500,000 and to state governments; and

WHEREAS, based on St. Louis County's population, which includes the residents of municipalities located in the County, the County received \$173.5 million directly from the United States Treasury designated to cover necessary expenses incurred due to the public health emergency caused by the COVID-19 pandemic; and

WHEREAS, the US Department of the Treasury has issued eligibility guidelines for use of the CARES Act funds which includes, in part, that payroll expenses for public safety may be presumed to costs for services substantially dedicated to mitigation or responding to the COVID-19 public health emergency from and after the effective date of the CARES Act from March 27, 2020 thru December 30, 2020 (the "Eligibility Period"); and

WHEREAS, the County Executive has allocated \$47 million for distribution to municipalities for use for eligible expenditures.

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF BERKELEY, MISSOURI AS FOLLOWS:

SECTION 1. The City Council of the City of Berkeley hereby requests a per capita distribution of the above referenced \$47 million allocated by St. Louis County for municipal public safety expenses.

SECTION 2. The Mayor of the City of Berkeley, Missouri, is hereby authorized to accept Coronavirus Aid, Relief and Economic Security Act (the "CARES Act") funding from and execute a Municipality Relief Program Funding Agreement with St. Louis County, Missouri, for and on behalf of the City of Berkeley.

SECTION 3. Upon receipt of such funds and to the extent thereof, the City of Berkeley agrees to indemnify and hold harmless St. Louis County from and against any claims of misuse thereof and repay such funds (or portion thereof) immediately upon notice that the US Treasury Department has made a final determination that such distribution (or portion thereof) was not lawful pursuant to its above referenced guidance or otherwise.

SECTION 4. This Resolution shall be in full force and effect from and after the date of its passage.

PASSED this ____ day of _____ 2020

ATTEST:

Mayor Babatunde Deinbo

Deanna Jones, City Clerk

Approved as to Form:
Donnell Smith, City Attorney

Final Virtual Roll Call:

Councilwoman Mitchell	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Williams	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Anthony	Aye ___	Nay ___	Absent ___	Abstain ___
Councilman Hindeleh	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman-at-Large Greene	Aye ___	Nay ___	Absent ___	Abstain ___
Mayor Deinbo	Aye ___	Nay ___	Absent ___	Abstain ___