

ORDINANCE NO. JO-067-2021

A JOINT ORDINANCE OF THE LAFAYETTE CITY COUNCIL AND THE LAFAYETTE PARISH COUNCIL AMENDING THE FY 20/21 OPERATING BUDGET OF THE LAFAYETTE CITY-PARISH CONSOLIDATED GOVERNMENT BY INCREASING REVENUES IN THE AMOUNT OF \$2,306,436.92 IN EMERGENCY RENTAL ASSISTANCE PROGRAM FUNDS RECEIVED FROM THE U.S. DEPARTMENT OF THE TREASURY AND APPROPRIATING FUNDS WITHIN THE COMMUNITY DEVELOPMENT AND PLANNING DEPARTMENT

BE IT ORDAINED by the Lafayette City Council and the Lafayette Parish Council, that:

WHEREAS, the Governor of Louisiana and the Lafayette Mayor-President have both issued emergency declarations due to the outbreak of a respiratory disease named "SARS-CoV-2" or "COVID-19," which declarations are still in effect; and

WHEREAS, in order to contain the outbreak of COVID-19, a necessary component of the emergency declarations and related orders of the Governor of Louisiana and the Lafayette Mayor-President has been the closure of businesses and public places, the requirement of social distancing, and severe limitations upon the operations of businesses, all of which have caused serious damage to the local economy and the loss of jobs; and

WHEREAS, the impact of the loss of jobs due to the foregoing is particularly acute among low- and moderate-income individuals, who are least likely to be able to withstand a sustained period of unemployment; and

WHEREAS, the aforementioned unemployed low- and moderate-income individuals are in danger of facing housing eviction and utility shut-off due to their sudden loss of income and inability to remain current on their related financial obligations; and

WHEREAS, the U.S. Department of the Treasury has appropriated funding to Lafayette City-Parish Consolidated Government as part of the Federal Emergency Rental Assistance Program, established by Section 3201(a) of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (March 11, 2021); and

WHEREAS, both SMILE Community Action Agency (SMILE) and Catholic Charities of Acadiana (CCA) are both 501(c)(3) nonprofit organizations with proven and documented success in providing housing and utility assistance to the residents of Lafayette Parish; and

WHEREAS, Lafayette City-Parish Consolidated Government, in order to disseminate the federal allocation quickly and efficiently, wishes to partner with SMILE and CCA as pass-through subrecipients.

NOW, THEREFORE, BE IT FURTHER ORDAINED by the Lafayette City Council and the Lafayette Parish Council, that:

SECTION 1: All of the aforescribed “Whereas” clauses are adopted as part of this ordinance.

SECTION 2: The FY 20/21 operating budget of the Lafayette City-Parish Consolidated Government is hereby amended by increasing revenues in the amount of \$2,306,436.92, received from the U.S. Department of the Treasury under the Emergency Rental Assistance Program, and appropriating funds within the Community Development and Planning Department.

SECTION 3: The FY 20/21 operating budget of the Lafayette City-Parish Consolidated Government is hereby further amended by transferring \$1,135,424.96 to SMILE Community Action Agency and \$1,135,424.96 to Catholic Charities of Acadiana within the Community Development and Planning Department for the purpose of administering the Emergency Rental Assistance Program.

SECTION 4: The Lafayette Mayor-President, or his designee, is hereby authorized to amend the operating budget within the grant period by transferring any unexpended appropriated balances into or out of salaries and benefits line items and all other expense line items in order to expend the total award amount in accordance with federal regulations.

SECTION 5: The Lafayette City Council and the Lafayette Parish Council do hereby authorize the Lafayette Mayor-President, or his designee, to conduct all negotiations, execute and submit all documents, including but not limited to applications, agreements, amendments, payment requests, memoranda of understanding and so on, which may be necessary for the completion of the aforementioned project.

SECTION 6: This transfer of funds shall be as reflected in any pertinent documents which are attached hereto and made a part hereof and filed in the Office of the Lafayette Clerk of the Council.

SECTION 7: All ordinances or resolutions, or parts thereof, in conflict herewith are hereby repealed.

SECTION 8: After first having been adopted by a majority of the authorized membership of both the Lafayette City Council and the Lafayette Parish Council, this joint ordinance shall become effective upon signature of this joint ordinance by the Lafayette Mayor-President, the elapse of ten (10) days after receipt by the Lafayette Mayor-President without signature or veto, or upon an override of a veto, whichever occurs first.

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AUTHORIZATION FOR BUDGETARY REVISIONS

Fiscal Year: 2021
 Ordinance #: _____
 Budget Adjustment Codes: 126 GRANTS - FEDERAL
 Fund: Description: To appropriate \$2,306,436.92 in Emergency Rental Assistance funds received from the U.S. Department of the Treasury. Grant Period: 9/06/2021 - 9/30/2025
 Justification: To appropriate \$2,306,436.92 in Emergency Rental Assistance funds received from the U.S. Department of the Treasury. Grant Period: 9/06/2021 - 9/30/2025

ACCOUNTING UNIT	ACCOUNT	SUB ACCOUNT	ACCOUNT DESCRIPTION	ACTIVITY	ACTIVITY DESCRIPTION	ACCOUNT CATEGORY	ADJUSTMENT AMOUNT	GL		AC	
								CURRENT GL BUDGET	ADJUSTED BUDGET	CURRENT AC BUDGET	ADJUSTED BUDGET
1260999	42040		OTHER FEDERAL GRANTS	126302109990001	CONS APPR ACT - ERAP-2	42040	(2,306,436.92)	(16,104,912.95)	(18,411,349.87)	0.00	(2,306,436.92)
1268158	76320		EXT APP-CATHOLIC CHARITIES OF ACADIANA	126302181580001	CONS APPR ACT - ERAP-2	76320	1,135,424.96	7,966,520.00	9,101,944.96	0.00	1,135,424.96
1268158	76620		EXT APP-SMILE	126302181580001	CONS APPR ACT - ERAP-2	76620	1,135,424.96	7,982,047.04	9,117,472.00	0.00	1,135,424.96
1268166	50100		TEMPORARY EMPLOYEES	126302181660001	CONS APPR ACT - ERAP-2	50100	31,200.00	48,000.00	79,200.00	0.00	31,200.00
1268166	50500		RETIREMENT/MEDICARE TAX	126302181660001	CONS APPR ACT - ERAP-2	50500	2,387.00	3,672.00	6,059.00	0.00	2,387.00
1268166	70200		POSTAGE/SHIPPING CHARGES	126302181660001	CONS APPR ACT - ERAP-2	70200	500.00	1,004.56	1,504.56	0.00	500.00
1268166	70300		PRINTING & BINDING	126302181660001	CONS APPR ACT - ERAP-2	70300	500.00	1,000.00	1,500.00	0.00	500.00
1268166	70400		PUBLICATION & RECORDATION	126302181660001	CONS APPR ACT - ERAP-2	70400	500.00	1,000.00	1,500.00	0.00	500.00
1268166	72700		SUPPLIES & MATERIALS	126302181660001	CONS APPR ACT - ERAP-2	72700	500.00	1,457.89	1,957.89	0.00	500.00
Total Adjustments											
0.00											

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AUG 31 2021

BUDGET MGMT.

LAFAYETTE CONSOLIDATED GOVERNMENT
 CFO-OFFICE OF FINANCE & MGMT

Note: Revenue is a credit account therefore an increase is a credit (minus) and a decrease is a debit (plus). Expense is a debit account therefore an increase is a debit (plus) and a decrease is a credit (minus).

Reserve Balances (Budget Use Only)

Reserve Operating Funds

Reserve Capital Funds

Accum Use of P.Y. Fund Balance _____

Transfer No. _____

Balance After This Transfer _____

47 9/3/21

[Signature]

Aug 8/31/21

[Signature] 8-31-21
 DIVISION HEAD

[Signature] 9/13/2021
 BUDGET MANAGEMENT OFFICER

MAYOR-PRESIDENT

Shane Rougeau

From: ERAApplications@treasury.gov
Sent: Monday, May 10, 2021 1:56 PM
To: MayorPresidentsOffice
Cc: Shane Rougeau
Subject: ERA2 Initial Payment and Countersigned Agreement
Attachments: ERA2 - Signed Agreement of TermsLafCty.countersigned.pdf

Attached is the countersigned Financial Assistance Agreement for Lafayette City-Parish Consolidated Government from Treasury's second Emergency Rental Assistance program (ERA 2).

Treasury released a payment of \$2,306,436.92 via ACH on 5/07/2021. This comprises 40% of your allocation. Please ensure your financial staff are aware of the incoming funds referenced above.

Thank you,


U.S. Department of the Treasury
Emergency Rental Assistance (ERA 2) program
ERAApplications@treasury.gov (ERA 2 Applications)
EmergencyRentalAssistance@treasury.gov (ERA Reporting and Policy)

U.S. DEPARTMENT OF THE TREASURY
EMERGENCY RENTAL ASSISTANCE

Eligible grantee name and address: Lafayette City-Parish Consolidated Government 705 West University Avenue Lafayette Louisiana 70506	DUNS Number: 075054536 Taxpayer Identification Number: 721335255 Assistance Listing Number and Title: 21.023-Emergency Rental Assistance Program
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Section 3201(a) of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (March 11, 2021), authorizes the Department of the Treasury ("Treasury") to make payments to certain eligible grantees to be used to provide emergency rental assistance.

The eligible grantee hereby agrees, as a condition to receiving such payment from Treasury, to the terms attached hereto.



Authorized Representative Signature (above)
[To be signed by chief executive officer if recipient is a local government.]

Authorized Representative Name: Joshua Guillory
Authorized Representative Title: Mayor-President
Date Signed: 5-6-2021

U.S. Department of the Treasury:



Name of Authorized Representative: Jacob Leibenluft
Title: Counselor to the Secretary
Date: 5/7/2021

PAPERWORK REDUCTION ACT NOTICE: The information collected will be used for the U.S. Government to process requests for support. The estimated burden associated with this collection of information is 15 minutes per response. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Office of Privacy, Transparency and Records, Department of the Treasury, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220. DO NOT send the form to this address. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

PRIVACY ACT STATEMENT

AUTHORITY: Solicitation of this information is authorized by the American Rescue Plan Act of 2021, Title III, Pub. L. No. 117-2.

PURPOSE: Treasury is required by the American Rescue Plan Act of 2021 to identify eligible grantees/recipients to provide emergency rental assistance to individuals who qualify for relief under the Act. Eligible grantees/recipients are state, local, and territorial governments which identify households requiring relief according to requirements contained in the Act. Treasury maintains contact information for authorized representatives and contact persons for the purpose of communicating with eligible grantees regarding issues related to implementation of the Act.

ROUTINE USES: The information you furnish may be shared in accordance with the routine uses outlined in the Treasury's system of records notice, Treasury .017 - Correspondence and Contact Information, which can be found at 81 FR 78266 (Nov. 7, 2016).

DISCLOSURE: Disclosure of this information to Treasury is required in order to comply with the requirements the American Rescue Plan Act of 2021.

Disclosure of this information is voluntary, however, grantees/recipients that do not disclose contact information will be unable to communicate with Treasury on issues related to their obligations under the Act and this may affect the status of their award.

U.S. DEPARTMENT OF THE TREASURY
EMERGENCY RENTAL ASSISTANCE
AWARD TERMS AND CONDITIONS

1. Use of Funds. Recipient understands and agrees that the funds disbursed under this award may only be used for the purposes set forth in subsection (d) of section 3201 of the American Rescue Plan Act of 2021, Pub. L. No. 117-2 (March 11, 2021) ("Section 3201") and any guidance issued by Treasury regarding the Emergency Rental Assistance program established under Section 3201 (the "Guidance").
2. Reallocation of Funds. Recipient understands and agrees that any funds allocated by Treasury to Recipient that are not disbursed to Recipient in accordance with Section 3201(c)(2) as a subsequent payment will be reallocated by Treasury to other eligible recipients under Section 3201(e). Such reallocation of funds shall be made in the manner and by the date, which shall be no sooner than March 31, 2022, as may be set by Treasury. Recipient agrees to obligate at least fifty (50) percent of the total amount of funds allocated by Treasury to Recipient under Section 3201 to be eligible to receive reallocated funds under Section 3201(e).
3. Assistance to Eligible Households. Recipient agrees to permit eligible households (as defined in Section 3201(f)(2)) to submit applications for financial assistance directly to Recipient, and to receive financial assistance directly from Recipient, under programs established by Recipient using funds disbursed under this award. Recipient may make payments to a landlord or utility provider on behalf of an eligible household, but if the landlord or utility provider does not agree to accept such payment after Recipient makes reasonable efforts to obtain its cooperation, Recipient must make such payments directly to the eligible household for the purpose of making payments to the landlord or utility provider.
4. Period of Performance. The period of performance for this award begins on the date hereof and ends on September 30, 2025. Recipient shall not incur any obligations to be paid with the funding from this award after such period of performance ends.
5. Administrative costs.
 - a. Recipient may use funds provided to the Recipient to cover both direct and indirect costs.
 - b. The total of all administrative costs, whether direct or indirect costs, may not exceed 15 percent of the total amount of the total award.
6. Reporting. Recipient agrees to comply with any reporting obligations established by Treasury as related to this award. Recipient acknowledges that any such information required to be reported pursuant to this section may be publicly disclosed.
7. Maintenance of and Access to Records.
 - a. Recipient shall maintain records and financial documents sufficient to support compliance with Section 3201 and the Guidance.
 - b. The Treasury Office of Inspector General and the Government Accountability Office, or their authorized representatives, shall have the right of access to records (electronic and otherwise) of Recipient in order to conduct audits or other investigations.
 - c. Records shall be maintained by Recipient for a period of five (5) years after the period of performance.
8. Cost Sharing. Cost sharing or matching funds are not required to be provided by Recipient.
9. Compliance with Applicable Law and Regulations.
 - a. Recipient agrees to comply with the requirements of Section 3201 and the Guidance. Recipient also agrees to comply with all other applicable federal statutes, regulations, and executive orders, and Recipient shall provide for such compliance in any agreements it enters into with other parties relating to this award.
 - b. Federal regulations applicable to this award include, without limitation, the following:
 - i. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200, other than such provisions as Treasury may determine are inapplicable to this Award and subject to such exceptions as may be otherwise provided by Treasury. Subpart F – Audit Requirements of the Uniform Guidance, implementing the Single Audit Act, shall apply to this award.

- ii. Universal Identifier and System for Award Management (SAM), 2 C.F.R. Part 25 and pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 25 is hereby incorporated by reference.
 - iii. Reporting Subaward and Executive Compensation Information, 2 C.F.R. Part 170, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 170 is hereby incorporated by reference.
 - iv. OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement), 2 C.F.R. Part 180 including the requirement to include a term or condition in all lower tier covered transactions (contracts and subcontracts described in 2 C.F.R. Part 180, subpart B) that the award is subject to 2 C.F.R. Part 180 and Treasury's implementing regulation at 31 C.F.R. Part 19.
 - v. Recipient Integrity and Performance Matters, pursuant to which the award term set forth in 2 C.F.R. Part 200, Appendix XII to Part 200 is hereby incorporated by reference.
 - vi. Governmentwide Requirements for Drug-Free Workplace, 31 C.F.R. Part 20.
 - vii. New Restrictions on Lobbying, 31 C.F.R. Part 21.
- c. Statutes and regulations prohibiting discrimination applicable to this award, include, without limitation, the following:
- i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the grounds of race, color, or national origin under programs or activities receiving federal financial assistance;
 - ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
 - iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving or benefiting from federal financial assistance;
 - iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and
 - v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.

10. False Statements. Recipient understands that false statements or claims made in connection with this award is a violation of federal criminal law and may result in fines, imprisonment, debarment from participating in federal awards or contracts, and/or any other remedy available by law.

11. Conflicts of Interest. Recipient understands and agrees it must maintain a conflict of interest policy consistent with 2 C.F.R. § 200.318(c), and that such conflict of interest policy is applicable to each activity funded under this award. Recipients and subrecipients must disclose in writing to Treasury or the pass-through agency, as appropriate, any potential conflict of interest affecting the awarded funds in accordance with 2 C.F.R. § 200.112.

12. Publications. Any publications produced with funds from this award must display the following language: "This project [is being] [was] supported, in whole or in part, by federal award number [enter project FAIN] awarded to [name of Recipient] by the U.S. Department of the Treasury."

13. Debts Owed the Federal Government.

- a. Any funds paid to Recipient (1) in excess of the amount to which Recipient is finally determined to be authorized to retain under the terms of this award; (2) that are determined by the Treasury Office of Inspector General to have been misused shall constitute a debt to the federal government.
- b. Any debts determined to be owed the federal government must be paid promptly by Recipient. A debt is delinquent if it has not been paid by the date specified in Treasury's initial written demand for payment, unless other satisfactory arrangements have been made. Interest, penalties, and administrative charges shall be charged on delinquent debts in accordance with 31 U.S.C. § 3717 and 31 C.F.R. § 901.9. Treasury will refer any debt that is more than 180 days delinquent to Treasury's Bureau of the Fiscal Service for debt collection services.
- c. Penalties on any debts shall accrue at a rate of not more than 6 percent per year or such other higher rate as authorized by law. Administrative charges, that is, the costs of processing and handling a delinquent debt, shall be determined by Treasury.

14. Disclaimer.

- a. The United States expressly disclaims any and all responsibility or liability to Recipient or third persons for the actions of Recipient or third persons resulting in death, bodily injury, property damages, or any other losses resulting in any way from the performance of this award or any other losses resulting in any way from the performance of this award or any contract, or subcontract under this award.
- b. The acceptance of this award by Recipient does not in any way constitute an agency relationship between the United States and Recipient.

15. Protections for Whistleblowers.

- a. In accordance with 41 U.S.C. § 4712, Recipient may not discharge, demote, or otherwise discriminate against an employee as a reprisal for disclosing information to any of the list of persons or entities provided below that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant.
- b. The list of persons and entities referenced in the paragraph above includes the following:
 - i. A member of Congress or a representative of a committee of Congress;
 - ii. An Inspector General;
 - iii. The Government Accountability Office;
 - iv. A Treasury employee responsible for contract or grant oversight or management;
 - v. An authorized official of the Department of Justice or other law enforcement agency;
 - vi. A court or grand jury; and/or
 - vii. A management official or other employee of Recipient, contractor, or subcontractor who has the responsibility to investigate, discover, or address misconduct.
- c. Recipient shall inform its employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.

16. Increasing Seat Belt Use in the United States. Pursuant to Executive Order 13043, 62 FR 19217 (Apr. 8, 1997), Recipient should and should encourage its contractors to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented or personally owned vehicles.

17. Reducing Text Messaging While Driving. Pursuant to Executive Order 13513, 74 FR 51225 (Oct. 1, 2009), Recipient should encourage its employees, subrecipients, and contractors to adopt and enforce policies that ban text messaging while driving, and Recipient should establish workplace safety policies to decrease accidents caused by distracted drivers.



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Lafayette Consolidated Government
Chief Administrative Officer

Internal Memorandum

Community Development & Planning Department
Development Division (9010)

TO: Cydra Wingerter DATE: August 31, 2021

THRU: Lorrie R. Toups *lt* Melinda Felps *mf* Kerney Simoneaux *KS 9/3/21*
9/11/21 *9/13/21*

FROM: Mary Sliman

**SUBJECT: Agenda Item: Joint Ordinance
Emergency Rental Assistance Funds**

Attached is an ordinance and corresponding budgetary revision reflecting an increase in revenue in the amount of \$2,306,436.92 received from the U.S. Department of the Treasury for the Federal Emergency Rental Assistance Program (ERAP). In order to disseminate these funds quickly and efficiently to the residents of Lafayette Parish, Community Development & Planning proposes to continue its partnership with SMILE Community Action Agency and Catholic Charities of Acadiana. Community Development & Planning is also budgeting funding from this allocation for administrative costs associated with managing the grant.

If this ordinance meets with your approval, please have this item placed on the Joint Council agenda for introduction on September 21, 2021 and final adoption consideration on October 5, 2021.

Sincerely,

Mary M. Sliman

Mary Sliman
 Director

LAFAYETTE JOINT COUNCIL MEETING

AGENDA ITEM SUBMITTAL FORM

1) **JUSTIFICATION FOR REQUEST:** An ordinance of the Lafayette City Council and the Lafayette Parish Council amending the FY20/21 operating budget of the Lafayette City-Parish Consolidated Government by increasing revenues in the amount of \$2,306,436.92 in Emergency Rental Assistance Program funds received from the U.S. Department of the Treasury and appropriating funds within the Community Development and Planning Department

2) **ACTION REQUESTED:** Adoption of ordinance

3) **COUNCIL DISTRICT(S) (CIP PROGRAM/PROJECTS ONLY):** _____

4) **REQUESTED ACTION OF COUNCIL:**

A) **INTRODUCTION:** September 21, 2021

B) **FINAL ADOPTION:** October 5, 2021

5) **DOCUMENTATION INCLUDED WITH THIS REQUEST:**

A) Ordinance (2 pages) _____

B) Budget Revision (1 page) _____

C) Memo (1 page) _____

D) Backup Documentation (5 pages) _____

6) **FISCAL IMPACT:**

X Fiscal Impact

Recognize and appropriate \$2,306,436.92 ERAP grant funding by the U.S. Department of the Treasury.

_____ No Fiscal Impact

RECOMMENDED BY:

Muhammad
DIRECTOR

APPROVED FOR AGENDA:

Acha Nizartov
CHIEF ADMINISTRATIVE OFFICER