



City Manager's Waterfront Working Group



Meeting Agenda
VIA Zoom

Due to the existence of an emergency or urgent issue, the Waterfront Working Group will conduct this meeting by remote methods/technology at the Zoom link provided below, in accordance with the requirements of 1 M.R.S. section 403-B and the City Council's Remote Participation Policy.

1. Zoom Public Meeting Information

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/82755752065?pwd=Zmt4NXlwbVpSY0x6bEpbqzRhb0Vwdz09>

Passcode: 613493

Or One tap mobile :

US: +16465588656,,82755752065# or +13017158592,,82755752065#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 646 558 8656 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 9128 or +1 253 215 8782 or +1 346 248 7799

Webinar ID: 827 5575 2065

International numbers available: <https://us02web.zoom.us/j/82755752065>

2. Welcome and Introductions: Brendan O'Connell, City Finance Director

3. American Rescue Plan Act (ARPA) Funding Overview: Brendan O'Connell

See Attachment: ARPA - Working Waterfront Group Presentation 9/9/21

4. Comments and feedback from Working Waterfront Group on use of American Rescue Plan Act funds

5. Other Items



THE AMERICAN RESCUE PLAN ACT

PRESENTATION TO WATERFRONT WORKING GROUP - SEPTEMBER 9, 2021

AMERICAN RESCUE PLAN ACT OF 2021

\$1.9 Trillion TOTAL

Municipal Portion (called the State and Local Fiscal Recovery Funds or SLFRF) is \$130 billion of the \$1.9 trillion

- 45.5 B allocated to Entitlement Communities utilizing a modified formula
- 19.5 B to smaller jurisdictions under population basis
- Counties receiving \$65B

Payments made to local governments in two tranches - first half 60 days after enactment, second half one year later.

City completed long US Treasury application and verification process and has received first tranche payment.

FUNDING FOR PORTLAND (AND OTHER ENTITLEMENT UNITS) IN MAINE

Maine	Auburn	\$13,545,799.00
Maine	Bangor	\$20,478,297.00
Maine	Biddeford	\$9,759,098.00
Maine	Lewiston	\$20,970,428.00
Maine	Portland City	\$46,290,652.00
Maine	South Portland city	\$10,498,362.00

NOTE: There were minor changes in funding amounts in the final ARPA. South Portland was previously an entitlement community but aligned itself with Cumberland County to provide the full county with entitlement status in 2006. For ARPA payment purposes South Portland appealed their initial treatment as a non-entitlement unit and received an increase in funding in from \$2.5 to \$10.5M.

- Other Towns/Cities (non-entitlement units) in Maine are all receiving smaller allocations.
- State Counties (including Cumberland, who will receive \$57,300,87) are also receiving allocations.
- The State of Maine has also released their initial plans for the \$4.5 billion invested by the American Rescue Plan in the State of Maine

ELIGIBLE EXPENDITURES: GENERAL RULES

Unless otherwise noted, covered period is March 3, 2021-December 31, 2024

□ Costs can be committed by December 31, 2024 but must be expended by December 31, 2026

Cannot spend funds on pension deposits

States and territories cannot spend the funds to reduce taxes or delay a tax increase

May not be used as non-Federal Match for other Federal Programs

USE OF FUNDS

- **Eligible uses include ([section 602 and 603](#))**
 - “(A) to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID–19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
 - “(B) to respond to workers performing essential work during the COVID–19 public health emergency by providing premium pay to eligible workers of the State, territory, or Tribal / local government that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;
 - “(C) for the provision of government services to the extent of the reduction in revenue of such State, territory, or Tribal / local government due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year of the State, territory, or Tribal government prior to the emergency; or
 - “(D) to make necessary investments in water, sewer, or broadband infrastructure.

PUBLIC HEALTH EXPENDITURES

Services and programs to contain and mitigate the spread of COVID-19, including:

- Vaccination programs (Portland is >90% vaccine rate according to latest data released by the State of Maine (see chart to the right) so not considered high need)
- COVID texting and other related medical expenses
- Contact Tracing
- Personal protective equipment purchases
- Support of vulnerable populations to access medical or public health
- Capital investments in public facilities to meet pandemic operations needs
- Public communication efforts

Zip Code	Rate	updated 6/14/21
04101	89%	
04102	91%	
04103	91%	
04108	99%	Peaks
04109	78%	Islands
04019	99%	Cliff

PUBLIC HEALTH EXPENDITURES

Services to address behavioral healthcare needs exacerbated by the pandemic, including:

- ☐ Mental health treatment**
- ☐ Substance use treatment**
- ☐ Other behavioral health services**
- ☐ Services or outreach to promote access to health and social services**

ADDRESS **NEGATIVE ECONOMIC IMPACTS CAUSED BY THE PUBLIC HEALTH EMERGENCY**

Supporting small businesses

Speeding the recovery of the tourism, travel, and hospitality sectors

Serving the hardest-hit communities and families

- Addressing health disparities and the social determinants of health**
- Investments in housing and neighborhoods**
- Addressing educational disparities**
- Promoting healthy childhood environments**

Delivering assistance to workers and families

REPLACE LOST REVENUE

Recipients may use these funds to replace lost revenue

Treasury's Interim Final Rule establishes a methodology that each recipient can use to calculate its reduction in revenue.

Ability to calculate this revenue loss for several years (with growth factor 4.1%)

Most flexible category of eligible expenses and funds can be used to sustain municipal services, for maintenance and capital needs, cybersecurity, healthcare, police, fire or public safety and more.

Calculation method is being developed and Treasury is still taking input on Interim Final Rule.

PROVIDE PREMIUM PAY FOR ESSENTIAL WORKERS DURING COVID19 EMERGENCY

Employees of the jurisdiction designated by executive as essential

Can be provided directly, or through grants to private employers to public health/safety staff and essential workers outside the public sector.

INVEST IN WATER, SEWER, AND BROADBAND INFRASTRUCTURE

Necessary investments

Uses aligned with Environmental Protection Agency's Clean Water Revolving Fund and Drinking Water State Revolving Fund to expedite project identification

- Building/upgrading facilities and transmission, distribution, and storage systems, including the replacement of lead service lines
- Invest in wastewater infrastructure projects- constructing publicly-owned treatment infrastructure, managing and treating stormwater or subsurface drainage water, facilitating water reuse, and securing publicly-owned treatment works

Broadband Infrastructure

- Build broadband infrastructure with modern technologies in mind, specifically projects that deliver services offering: reliable 100 Mbps download and 100 Mbps upload speeds

REPORTING REQUIREMENTS

GUIDING PRINCIPLES

- 34 pages of reporting requirements released earlier this week - staff review in progress
- Requirements include one initial interim report, quarterly reports, and in some cases annual reports
- Guidance addresses four priority areas for ensuring an equitable economic recovery:

Accountable: The SLFRF requires program and performance reporting to build public awareness, increase accountability, and monitor compliance of eligible uses. Recipients are required to account for every dollar spent and provide detailed information on how funds are used.

Transparent: Large recipients will publish a detailed Recovery Plan each year so the public is aware of how funds are being used and outcomes are being achieved; Treasury will provide comprehensive public transparency reports each quarter across all recipients.

User friendly: SLFRF reporting has improvements requested by recipients of CARES Act funding, including deadlines 30 days after the close of the reporting period (versus 10 days in CARES), streamlined requirements for smaller funding recipients, and increased availability of bulk upload capabilities.

Focused on Recovery: The SLFRF reporting guidance addresses priority areas for an equitable economic recovery, including provisions that prioritize equity, focus on economically distressed areas, support community empowerment, encourage strong labor practices, and spotlight evidence-based interventions.

ARPA GUIDING PRINCIPLES

Temporary Nature of ARPA Funds

- Care should be taken to **avoid creating new programs or add-ons** to existing programs that require an ongoing financial commitment.
- **Use of ARPA funds** to cover operating deficits caused by COVID-19 should be **considered temporary** and additional budget restraint may be necessary to achieve/maintain structural balance in future budgets.
- Investment in **critical infrastructure** is particularly well suited use of ARPA funds because it is a **non-recurring expenditure** that can be targeted to strategically important long- term assets that provide benefits over many years.

ARPA GUIDING PRINCIPLES

Take Time and Careful Consideration

- Use other dedicated grants and programs first whenever possible and **save ARPA funds for priorities** not eligible for other federal and state assistance programs.
- Whenever possible, expenditures related to the ARPA funding should be spread over the qualifying period (through December 31, 2024) to enhance budgetary and financial stability.
- **Adequate time should be taken to carefully consider all alternatives for the prudent use of ARPA funding prior to committing the resources to ensure the best use of the temporary funding.**

AGENDA FOR 7-22-2021 ARPA UPDATES

- Provide additional details on the State and Local Fiscal Recovery Funds (SLFRF) section of ARPA and new updates that have been released since last Finance Committee meeting.
- Provide links to key sources of information where more information can be found on the American Rescue Plan, SLFRF and FAQ with more details on eligible expenditures.
- Provide updates on the public process, City staff process, and introduce the public facing City ARPA website and comment portal

ARPA Updates - June & July 2021

- Interim Final Rule (151 page document) public comment period closed on Friday, July 16th. City submitted feedback and question responses (example questions from Interim Final Rule included below).
<https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf>

Question 4: The Interim Final Rule permits deposits to Unemployment Insurance Trust Funds, or using funds to pay back advances, up to the pre-pandemic balance. What, if any, conditions should be considered to ensure that funds repair economic impacts of the pandemic and strengthen unemployment insurance systems?

Question 5: Are there other types of services or costs that Treasury should consider as eligible uses to respond to the negative economic impacts of COVID-19? Describe how these respond to the COVID-19 public health emergency.

ARPA Updates - June & July 2021

- SLFRF Frequently Asked Questions Document has been released
- Updates being made multiple times weekly based on questions and feedback received (including updates on July 14th and July 19th).
- Document provides key insights into what will likely be contained in the Final Rule
- <https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf>
- Example Q&A on next slide

ARPA June and July Updates - Samples from US Treasury Frequently Asked Questions Document

<https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf>

2.1. What types of COVID-19 response, mitigation, and prevention activities are eligible?

A broad range of services are needed to contain COVID-19 and are eligible uses, including vaccination programs; medical care; testing; contact tracing; support for isolation or quarantine; supports for vulnerable populations to access medical or public health services; public health surveillance (e.g., monitoring case trends, genomic sequencing for variants); enforcement of public health orders; public communication efforts; enhancement to health care capacity, including through alternative care facilities; purchases of personal protective equipment; support for prevention, mitigation, or other services in congregate living facilities (e.g., nursing homes, incarceration settings, homeless shelters, group living facilities) and other key settings like schools; ventilation improvements in congregate settings, health care settings, or other key locations; enhancement of public health data systems; and other public health responses. Capital investments in public facilities to meet pandemic operational needs are also eligible, such as physical plant improvements to public hospitals and health clinics or adaptations to public buildings to implement COVID-19 mitigation tactics.

ARPA June and July Updates - Samples from US Treasury Frequently Asked Questions Document

<https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf>

2.8. May recipients use funds for general economic development or workforce development?

Generally, not. Recipients must demonstrate that funding uses directly address a negative economic impact of the COVID-19 public health emergency, including funds used for economic or workforce development. For example, job training for unemployed workers may be used to address negative economic impacts of the public health emergency and be eligible.

ARPA June and July Updates - Samples from US Treasury Frequently Asked Questions Document

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2.18. Would investments in improving outdoor spaces (e.g. parks) be an eligible use of funds as a response to the public health emergency and/or its negative economic impacts? [6/23]

 <https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf>

LINKS TO KEY ARPA AND SLFRF DOCUMENTS

Document Title (# of pages)	Description	Link
American Rescue Plan Act of 2021 State and Local Fiscal Recovery Funds website	The general landing page for the ARPA State and Local Fiscal Recovery Funds	https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-recovery-funds
Full Text - American Rescue Plan Act of 2021 (242 pages)	Full text of the American Rescue Plan Act (State and Local Fiscal Recovery Funds section is on pages 220 - 233).	https://www.congress.gov/117/bills/hr1319/BILLS-117hr1319enr.pdf
Interim Final Rule - State and Local Fiscal Recovery Funds (151 pages)	The US Department of Treasury's initial implementation guidance (interim only, not expected to be finalized until late summer 2021) containing more details on SLFRF and eligible categories of expenses	https://home.treasury.gov/system/files/136/RF-Interim-Final-Rule.pdf
State and Local Fiscal Recovery Funds - Frequently Asked Questions As of July 19, 2021 (42 pages)	Complete list of frequently asked questions and responses from the US Treasury on implementation. Excellent source of more detailed information, updated frequently.	https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf
State and Local Fiscal Recovery Funds Compliance and Reporting Guidance (35 pages)	Contains detailed information on the reporting requirements for entities which receive funding (including subrecipients).	https://home.treasury.gov/system/files/136/SLFRF-Compliance-and-Reporting-Guidance.pdf

NEXT STEPS

- Public facing website and public comment portal has been released
 - <https://portland.civilspace.io/en>
 - [Public comment portal now opened](#) on the CivilSpace
 - Public health survey has been launched
 - Business community survey has been launched
- Staff awaiting Final Rule from US Treasury (fall 2021)
- Public forum scheduled for Monday, September 13th
- City Manager will compile staff and public comments received via email and portal for release to Council



City ARPA website → <https://portland.civilspace.io/>

Welcome to Portland's Civil Space

Civil Space is the City of Portland's new hub to share, discuss, inform, and collaborate on creating sustainable solutions for important issues, challenges, and opportunities in our community. Thanks for taking part, joining with us, and making your voice heard!



AMERICAN RESCUE PLAN ACT OF 2021



THE AMERICAN RESCUE PLAN ACT

Comments / Feedback