

A RESOLUTION REQUESTING THAT MUNICIPALITIES WITHIN ST. LOUIS COUNTY RECEIVE AN EQUITABLE DISTRIBUTION OF THE \$175 MILLION IN FUNDING RECEIVED BY ST. LOUIS COUNTY FROM THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT TO REIMBURSE MUNICIPALITIES FOR ACTUAL, ELIGIBLE COSTS INCURRED RELATED TO COVID-19 INCLUDING BUT NOT LIMITED TO PUBLIC SAFETY COSTS.

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

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

WHEREAS, the State of Missouri received \$1.9 billion dollars 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, no municipality in St. Louis County (the “County”) has received any CARES Act funds from the Federal government, the State of Missouri, or the County; and

WHEREAS, based on St Louis County’s population numbers, which necessarily includes the residents of municipalities located in the County, the County received \$175 million directly from the United States Treasury under the CARES Act designated to cover necessary expenses that are incurred due to the public health emergency caused by the COVID-19 pandemic; and

WHEREAS, the County Council has appropriated the entirety of the \$175 million in funding from the CARES Act and has given the County Executive absolute authority over the use and distribution of these funds without further review or oversight by the County Council; and

WHEREAS, the US Department of the Treasury issued eligibility guidelines for use of the CARES Act funds opining that “Governments are responsible for making determinations as to what expenditures are necessary due to the public health emergency with respect to COVID-19”; and

WHEREAS, such eligibility guidelines for use of the CARES Act funds also includes, in part, that payroll expenses for public safety may be presumed to be 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 31, 2020 (the “Eligibility Period”); and

WHEREAS, the County does not provide any public safety fire services to the residents of St. Louis County; and

WHEREAS, the County provides non-contracted law enforcement services only to the unincorporated areas of the County, which makes up 32.15% of the County’s total population; and,

WHEREAS, 67.85% of the residents of the County are serviced by municipal police departments or contracted law enforcement services paid for out of municipal funds; and,

WHEREAS, to date, the City of Fenton has incurred public safety payroll costs for contracted law enforcement services during the Eligibility Period and related fringe benefit costs and such costs are presumed by the US Department of the Treasury to be COVID-19 related expenses during the Eligibility Period; and

WHEREAS, in addition to the above costs and the expected revenue loss due to closed City programs and the expected decline in sales tax throughout Missouri, the City has also incurred other actual costs necessary to mitigate or respond to the COVID-19 public health emergency including but not limited to non-budgeted City Attorney and Prosecuting Attorney review and support, IT purchases to be able to continue to conduct City business and have public meetings, paid FFCRA leave for eligible employees, PPE costs, etc.; and

WHEREAS, the \$175 million in CARES Act funding received by the County should justly be shared pro rata with municipalities, based on their population inasmuch as all levels of government including both County and municipal governments are incurring (and whose citizens are paying for – either directly or by contract) COVID-19 related public safety expenses, as well as for their other incurred expenses and costs necessary to mitigate or respond to COVID-19; and

WHEREAS, the City finds that an equitable distributions is further warranted by the fact that the County has acknowledged the importance of municipalities in mitigating and responding to COVID-19 given that local governments were “strongly encouraged to remain open” by the County order (See Section IV(C)(1) of St. Louis County Department of Public Health 2019 Novel Coronavirus (“Covid-19”) Stay at Home Oder).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF FENTON, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

The City of Fenton requests that the County provide the municipalities within the County a pro rata portion of the \$175 million in funding or such actual, eligible costs under the

CARES Act incurred by said municipalities, including specifically that if any portion of the \$175 million in funding is expended by the St Louis County Executive as reimbursement for law enforcement expenses, including but not limited to payroll and benefits for the St Louis County Police Department during the Eligibility Period, a proportional amount based on the municipalities' population should be paid to the municipalities who provide the majority of law enforcement services to the citizens of the County. Further, such reimbursement for public safety expenses should necessarily include all municipal law enforcement, EMS, and fire services whether those services are provided directly by the municipality or by contract with another public safety agency. The City finally requests that the County provide support and/or take actions necessary to request additional funding to aid municipalities expecting a dramatic loss of revenue due to the forecasted drop in sales tax, which is heavily relied on by municipalities to provide services to its residents.


PASSED by the Board of Aldermen the 28th day of May, 2020.

APPROVED this 28th day of May, 2020.



BOB BRASSES, MAYOR

ATTEST:



Jane Hungler, City Clerk