

1 **RESOLUTION BY THE BOARD OF COMMISSIONERS OF FULTON COUNTY TO ENACT THE**
2 **“AMERICAN RESCUE PLAN ACT OF 2021 FULTON COUNTY RESCUE IMPLEMENTATION**
3 **PLAN (RIP);” AND FOR OTHER PURPOSES.**
4

5 **WHEREAS**, the Board of Commissioners adopted Resolution 21-0221 on March 17, 2021,
6 promulgating Fulton County’s acceptance, and outlining the County’s priorities for usage, of
7 federal funds available to Fulton County from the American Rescue Plan Act of 2021 (ARPA); a
8 bill signed into law by President Joe Biden on March 11, 2021; and
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10 **WHEREAS**, Section 603 of ARPA establishes the Coronavirus Local Fiscal Recovery
11 Fund (Recovery Fund) “intended to provide support for local governments, [such as Fulton
12 County,] responding to the impact of COVID-19 and in their efforts to contain COVID-19 on their
13 communities, residents, and businesses;” and
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15 **WHEREAS**, on May 10, 2021, the United States Secretary of the Treasury, through the
16 U.S. Department of the Treasury (Treasury) issued its "Interim Final Rule" (IFR) to implement the
17 Recovery Fund, with guidelines, rules and directives to Fulton County and other recipients of
18 ARPA funds; and
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20 **WHEREAS**, the IFR, which is initial guidance and subject to change when the final rule is
21 published in the U.S. Code of Federal Regulations, 31 CFR Part 35, and specifically outlines that
22 "funds may be used:

23 a) To respond to the public health emergency or its negative economic impacts, including
24 assistance to households, small businesses, and nonprofits, or aid to impacted industries such
25 as tourism, travel, and hospitality;

26 b) To respond to workers performing essential work during the COVID-19 public health
27 emergency by providing premium pay to eligible workers;

28 c) For the provision of government services to the extent of the reduction in revenue due
29 to the COVID–19 public health emergency relative to revenues collected in the most recent full
30 fiscal year prior to the emergency; and

31 d) To make necessary investments in water, sewer, or broadband infrastructure;” and
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33 **WHEREAS**, the IFR states that local governments shall "have flexibility to determine how
34 best to use payments from the Fiscal Recovery Fund[] to meet the needs of their communities
35 and populations;” and
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37 **WHEREAS**, the Fulton County Commissioners have heeded the advice of Treasury,
38 which in its IFR states local governments should "engage their constituents and communities in
39 developing plans to use these [Recovery Fund] payments, given the scale of funding and its
40 potential to catalyze broader economic recovery and rebuilding;” and
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42 **WHEREAS**, Treasury in its IFR states "While eligible uses under sections 602(c)(1)(A)
43 and 603(c)(1)(A) provide flexibility to recipients to identify the most pressing local needs, Treasury
44 encourages recipients to provide assistance to those households, businesses, and non-profits in
45 communities most disproportionately impacted by the pandemic;” and
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47 **WHEREAS**, Fulton County has a number of communities (in North Fulton, Central Fulton,
48 Atlanta and South Fulton) most disproportionately impacted by the pandemic, including distressed
49 and economically-depressed communities of color, and a Fulton County Government workforce
50 of approximately 4,518, of which approximately 3,760 or 83 percent are African American,
51 including nearly 56 percent who are Black women; and
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53

1 **WHEREAS**, the households of workers and residents in Fulton County, suffered economic
2 hardships due to the pandemic, including hundreds of workers who had increased costs of living
3 due to being required to work from home; using personal and home resources for county work;
4 having to purchase personal protective equipment and other supplies; added expenses such as
5 additional food for children who were forced into virtual home-schooling who otherwise normally
6 received breakfast and lunch at school; health services and more; and
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8 **WHEREAS**, the IFR allows for Fulton County and local governments to assist workers
9 and others with "[a]ssistance to households or populations facing negative economic impacts due
10 to COVID-19, [stating it is] an eligible use, [including]: food assistance; rent, mortgage, or utility
11 assistance; counseling and legal aid to prevent eviction or homelessness; cash assistance;
12 emergency assistance for burials, home repairs, weatherization, or other needs; internet access
13 or digital literacy assistance; or job training to address negative economic or public health impacts
14 experienced due to a worker's occupation or level of training." See *Treasury IFR §II (A)(2)[c]*; and
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16 **WHEREAS**, pursuant to Resolution 21-0221, the County Manager has established a
17 utilization and distribution plan consistent with the intent of the Board of Commissioners'
18 Resolution, and that will be in conformance with the rules and guidelines promulgated pursuant
19 to the American Rescue Plan Act, and has reported back to the Board of Commissioners with
20 recommendations for action by the Board; and
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22 **WHEREAS**, the Board of Commissioners has received and reviewed information from the
23 County Manager and his staff in areas of finance; budget; human resources; youth and community
24 services; economic development; arts and cultural affairs; health; operational stability and
25 community needs; and received and reviewed legal advice and information from the Interim
26 County Attorney to ensure Fulton County's action is in line with ARPA and Treasury's regulations
27 and guidance *in omnibus*; and
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29 **WHEREAS**, members of the public who live and work in Fulton County, have provided
30 their input via public meetings and communications, including telephonic, electronic mail and
31 otherwise; and
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33 **WHEREAS**, the Board of Commissioners is concerned that the ARPA funds actually
34 provide "real rescue" assistance to those in need in Fulton County who have been impacted by
35 the Coronavirus pandemic, including Fulton County employees, residents, small businesses;
36 renters facing eviction; homeowners forced into foreclosure; families going hungry; government
37 and other essential employees working under stress to keep others safe and well; and
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39 **WHEREAS**, in the spirit of collaboration and unity, a consensus of mayors and
40 commissioners at the May 7, 2021, Board of Commissioners Special Called Meeting with the
41 Mayors of Fulton County, have agreed to work together where feasible, to jointly administer (in
42 costs and resources) certain city-offered and county-offered ARPA programs, so the County and
43 the municipalities located therein can reduce costs, overlap and duplicative services, and thus
44 provide more direct fiscal assistance to the people who live, work and operate businesses and
45 organizations within Fulton County and its municipal jurisdictions.
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47 **NOW, THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of Fulton
48 County enacts the "American Rescue Plan Act of 2021 Fulton County **Rescue Implementation**
49 **Plan (RIP)**" as provided and attached hereto, subject to any adjustments required to comply with
50 the American Rescue Plan Act and the rules and regulations promulgated from time to time by
51 the U.S. Department of Treasury; and
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BE IT ALSO RESOLVED, that Fulton County shall prioritize funding of programs, services and projects with ARPA funds in the priorities as set out in the RIP, and that the County Manager may at his/her discretion exercise authority to transfer or realign ARPA funds and utilize other available funding sources as necessary to meet the policy intent of this Resolution, and that those actions, and any and all other actions to implement this Resolution must keep Fulton County at all times in compliance with the American Rescue Plan Act and the rules and regulations promulgated from time to time by the Department of Treasury; and

BE IT FURTHER RESOLVED, that Board of Commissioners hereby directs the County Manager and the appropriate County staff to execute the RIP with the full intent of the Board of Commissioners in Resolution 21-0221, and this Resolution; to work cohesively with Fulton County's mayors and their top administrators, and where feasible to jointly administer (in costs and resources) certain Rescue Fund programs; and to report back monthly to the Board of Commissioners on the County's implementation of the RIP, including but not limited to funds received, funds expended, and operational and demographical data of each of the six priority areas; and

BE IT FINALLY RESOLVED, that this Resolution replaces and supersedes proposed Resolution 21-0340 (CIP) *in toto*; and that resolutions and parts of resolutions in conflict with this Resolution are hereby repealed to the extent of the conflict.

PASSED AND ADOPTED by the Board of Commissioners of Fulton County, Georgia,
this _____ day of May, 2021.

FULTON COUNTY BOARD OF
COMMISSIONERS

SPONSORED BY:

Khadijah Abdur-Rahman, Commissioner
District 6

ATTEST:

Tonya R. Grier, Clerk to the Commission

APPROVED AS TO FORM:

Kaye Woodard Burwell, Interim County Attorney



Board of Commissioners of Fulton County
American Rescue Plan Act of 2021
Fulton County Rescue Implementation Plan (RIP)
Sponsored by Commissioner Khadijah Abdur-Rahman, District 6
May 14, 2021
(As Amended by McGuireWoods LLP)

Pursuant to Board of Commissioners Resolution 21-0221, adopted by the Board on March 17, 2021, sponsored by Commissioner Abdur-Rahman of District 6; and co-sponsored by Arrington of District 5; and Hall (vice chair) of District 4 requiring that Fulton County “shall prioritize, utilize and set aside part of any federal Rescue funds for: (1) providing home-mortgage assistance to in-need homeowners; (2) premium pay increase for all full and part-time County employees; (3) financial assistance to in-need small businesses with 30 or less employees; (4) youth and young-adult jobs programs; and (5) the arts community in Fulton County including programs and services; (6) Health Response, Operational Stability and Community Needs as identified by the County Manager’s Presentation on March 17, 2021; and that “the Board of Commissioners hereby directs the County Manager and the appropriate County staff to establish a utilization and distribution plan consistent with the intent of this Resolution, and in conformance with the rules and guidelines evinced in the Act, and other such rules promulgated by the U.S. Department of the Treasury and other federal agencies with oversight and compliance of the Rescue Plan’s Local Fiscal Recovery Fund, and that the County Manager report back with the said plan within 30 days for action by the Board of Commissioners[.]” the Board of Commissioners enacts the following “American Rescue Plan Act of 2021 Fulton County Rescue Implementation Plan” (“RIP”).

The priorities of the RIP are listed in the order of priority below and the County shall implement the plan consistent with the priorities as enumerated by the Board of Commissioners below, subject to complete and full compliance with the American Rescue Plan Act of 2021 and the final rules, guidelines and other guidance promulgated by the Secretary of the Treasury (Treasury) and the Office of Inspector General. The final rules promulgated under the American Rescue Plan Act expected to be published as 31 CFR Part 35, “Coronavirus State and Local Fiscal Recovery Funds.”

I. HOME MORTGAGE RESCUE ASSISTANCE PROGRAM

Pursuant to § 603 (c)(1)(a) of the Act, Fulton County shall allocate an amount of at least \$32 million to provide eligible Fulton County homeowners with household assistance including mortgage, rental and utilities assistance. The County, while adhering to Treasury guidance, shall provide assistance through a mortgage grants program and transfer-assistance program as outlined in the IFR See *Treasury IFR §II (A)*. Total relief to any recipient may not exceed \$9,000 for no longer than nine months of aid to assist homeowners impacted by COVID-19, all within the requirements of the American Rescue Plan. Each homeowner that qualifies for the grant program may receive a grant in an amount that is proportionate to the impact of COVID-19 on the individual. The key requirements to receive a mortgage assistance grant shall be 1) proof of home mortgage; 2) an affidavit of declaration of need; 3) proof that homeowner resides at the property receiving grant assistance; and 4) evidence of negative impact to the homeowner as a result of COVID-19. Mortgages for homes used solely as rental properties shall not qualify or receive any assistance under this RIP. Examples of need include, but are not limited to, forbearance, delinquent or past-due bills, and foreclosure notices, etc. This assistance program will “address an economic harm resulting from or exacerbated by the public health emergency” by providing homeowners impacted by the COVID-19 public health emergency with assistance to pay housing costs. See *Treasury IFR §II (A)*.

II. JOBS TRAINING RESCUE PROGRAM

Pursuant to § 603 (c)(1)(a) of the Act, Fulton County shall allocate at least \$1,350,000 in 2021, and also in 2022, to provide training grants and other assistance to eligible unemployed workers, placed in job training within Fulton County. The County shall utilize and collaborate with small businesses and nonprofit organizations for external job-training placement in the private sector in addition to the County serving as a job-training site. The County shall participate in job-training efforts that include, but not be limited to, participation in various professions, trades and commerce, as well as nonprofit-oriented programs, such as after-school programs the County may partner with, or those such programs established by the County to provide eligible services in “[a]ddressing [e]ducational [d]isparities” and to “[p]romote [h]ealthy [c]hildhood [e]nvironments.” See *Treasury IFR §II (A)(2)*.

The Jobs Training Rescue Program is to be equally divided across Fulton County’s six Commission Districts, with priority for placement going to eligible Fulton County residents “in communities most disproportionately impacted by the pandemic.” See *Treasury IFR §II (A)*. Treasury gives the County the ability to presume which areas in its jurisdiction may be categorized as those in economically distressed areas as determined by U.S. Census Bureau, State of Georgia and Fulton County data to include at least the following zip codes: 30213, 30311, 30312, 30314, 30315, 30318, 30331, 30349, and 30354. Providing “these resources lay the foundation for a strong, equitable economic recovery, not only by providing immediate economic stabilization for households and businesses, but also by addressing the systemic public health and economic challenges that may have contributed to more severe impacts of the pandemic among low-income communities and people of color.” See *Treasury IFR §I(B)*.

III. SMALL-BUSINESS GRANTS RESCUE ASSISTANCE PROGRAM

Pursuant to § 603 (c)(1)(a) of the Act, Fulton County shall allocate at least \$5 million for a GRANTS assistance program in 2021, and also in 2022 (for a total allocation of at least \$10 million over two years), to provide grants to small businesses impacted by COVID-19 within the requirements of the American Rescue Plan. Grants shall be made available to qualifying small business with 30 employees or less in amounts which are proportionate to the impact of COVID-19 on the business. Under the Fulton County RIP, it is estimated that up to at least 500 small businesses could be helped each year. The key requirements to receive a grant shall be 1) proof of a business license by a state or local governmental authority; 2) federal or state tax return; 3) an affidavit of declaration of need which includes current number of employees; and 4) evidence of a negative impact of COVID-19. Providing grants to small businesses will aid businesses impacted by COVID-19 in recovering from such economic impacts and encourage economic growth.

IV. EMPLOYEE PANDEMIC RELIEF PROGRAM

Pursuant to § 603 (c)(1)(b) of the Act, Fulton County shall allocate funds to provide all eligible County workers (as determined by the County Manager and defined by ARPA) premium pay as authorized by the American Rescue Plan. The premium pay payments are to be executed promptly upon funds being received by the County from Treasury or other U.S. agency. Premium pay shall be granted to eligible employees in an amount up to \$3,000 for work performed before May 12, 2021, following a determination that the employee meets all requirements of the American Rescue Plan, including a written justification for the grant of premium pay as required by the American Rescue Plan. Fulton County employees whom the County Manager determines ineligible for ARPA premium pay shall receive a \$3,000 pandemic-relief payment, allocated from all other available funding sources that the County Manager shall draw upon.

V. NONPROFITS RESCUE ASSISTANCE PROGRAM

Pursuant to § 603 (c)(1)(a) of the Act, Fulton County shall allocate an amount of at least \$2.5 million in 2021 and again in 2022 (for a two-year amount of at least \$5 million) to provide direct grants to Fulton County-based nonprofit organizations to rescue those entities that have suffered due to the Coronavirus pandemic, of which at least 50 percent of the grants shall be set aside for small non-profit entities of 30 personnel or less. The County shall also allocate an amount of at least \$2.5 million in 2021 and again in 2022 (for a two-year amount of at least \$5 million) to provide low-interest, forgivable loans of which at least 50 percent shall be set aside for small non-profit entities with 30 or less employees who have been impacted negatively by COVID-19. The key requirements to receive a grant or loan shall be 1) proof of a business license by a state or local governmental authority; 2) federal or state tax return; 3) an affidavit of declaration of need which includes current number of employees; and 4) evidence of a negative impact of COVID-19. Providing grants to non-profit entities will aid communities impacted by COVID-19 in recovering from such economic impacts and encourage economic growth and community investment.

VI. HEALTH RESPONSE, OPERATIONAL STABILITY AND COMMUNITY NEEDS

Pursuant to § 603 (c)(1)(a) of the Act, after the above five priorities are satisfied within the constraints of reasonable and necessary fiscal management, (or concurrently if possible, with this priority number VI) the County shall implement the “Health Response, Operational Stability and Community Needs” as identified by the County Manager’s Presentation on March 17, 2021, as amended through May 19, 2021.

VII. EXPANSION, MODIFICATION AND AMENDMENTS

Notwithstanding all the priorities and directives aforementioned, the Board of Commissioners shall expand, modify or otherwise amend this Rescue Implementation Plan as needed to conform with any new, modified or revised rules and guidelines from the U.S. Department of the Treasury. Further, the County Manager shall advise the Board of Commissioners no less than once per quarter, per year on the status of the RIP and if there shall be a need to modify spending to meet the requirements of usage of all ARPA funds received to avoid any returning of unused funds.

VIII. COLLABORATION WITH FULTON CITIES

Pursuant to a consensus of mayors and commissioners at the May 7, 2021, Board of Commissioners Special Called Meeting with the Mayors of Fulton County, the County Manager and the County’s management team is directed to work cohesively with the mayors and their top administrators, and where feasible to jointly administer (in costs and resources) certain city-offered and county-offered ARPA programs, so the County and the municipalities located therein can reduce costs, overlap and duplicative services, and thus provide more direct fiscal assistance to the people who live, work and operate businesses and organizations within Fulton County and its municipal jurisdictions.