

THE CITY OF WARWICK
STATE OF RHODE ISLAND

RESOLUTION OF THE CITY COUNCIL

NO..... DATE.....

APPROVED.....MAYOR

A RESOLUTION AUTHORIZING THE WAIVER OF CONDITIONS ON ARPA FUNDS PROVIDED TO THE WARWICK SCHOOL DEPARTMENT IN THE FY 2024 BUDGET AND ALLOCATING THE INCREASED STATE AID FOR EDUCATION TO THE SCHOOL COMMITTEE’S ACCOUNT WITHOUT A REDUCTION TO THE \$1.0 MILLION ARPA CONTRIBUTION

Resolved that,

WHEREAS, the health, safety and welfare of the citizens of the City of Warwick are matters of paramount importance to the City Council; and

WHEREAS, the School Department was appropriated \$178.8 million in the City of Warwick FY 2023 budget, R-22-57; and

WHEREAS, the Mayor proposed and the City Council approved a FY 2024 budget, R-23-50, that appropriated \$185.9 million to the School Department, an increase of \$7.1 million over FY 2023; and

WHEREAS, ARPA funds are distinguishable from “local funds” as they are one time grant funds provided by the federal government; and

WHEREAS, the FY 2024 budget included a condition that “[i]f additional state school aid materializes,” it would trigger an “elimination of the \$1.0 million ARPA contribution” and in such circumstances, the City would “reserve [the ARPA funds] for future use by the city.”; and

WHEREAS, the FY 2023 budget included a similar grant of ARPA funds to the School Department with an identical condition and, when additional state aid materialized in the prior fiscal year, the City retained the ARPA funds as set forth by the condition; and

WHEREAS, through its course of conduct knowing and accepting funds under such conditions in the FY 2023 budget and silently acquiescing to the condition in the FY 2024 budget, the School Department has waived any right it may have to assert that Rhode Island General Laws do not allow state aid to replace ARPA funds; and

WHEREAS, if the condition on ARPA funds were deemed unlawful, the School

1 Department would not be entitled to the ARPA funds because the budget allocation of ARPA funds
2 is not severable from the conditions placed thereon; and
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4 WHEREAS, subsequent to the enactment of the City of Warwick’s FY 2024 budget, the
5 Rhode Island General Assembly enacted its FY 2024 budget, which provided an additional
6 \$752,619 in State Aid Funding for education to the City of Warwick; and
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8 WHEREAS, the School Department, citing the Rhode Island General Laws §16-7-23(d)
9 and §16-7-24, has requested that the funds be added to the School Committee’s Account as soon
10 as possible; and
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12 WHEREAS, the City Solicitor has opined that City may retain the ARPA funding without
13 transferred it to the School Department due to the express condition in the budget and the course
14 of conduct establishes in the prior fiscal year, noting that “the School Department’s reliance on
15 this statute is misplaced and that the condition placed on the ARPA funds should be given full
16 force and effect, unless and until the City Council agrees to release the condition.”; and
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18 WHEREAS, the Warwick City Council desires to waive the condition on ARPA funds
19 provided to the Warwick School Department in the FY 2024 budget, and have the increased State
20 Aid for education added to the School Committee’s Account without a reduction to the \$1.0 million
21 ARPA contribution.
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23 NOW, THEREFORE, BE IT RESOLVED, the City Council hereby authorizes that the
24 conditions placed on American Rescue Plan Act funds provided to the Warwick School
25 Department in the FY 2024 budget, R-23-50, be waived, and that the increased State Aid for
26 education be added to the School Committee’s Account without a reduction to the \$1.0 million
27 ARPA contribution.
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29 The City Clerk is hereby directed to forward a copy of this Resolution to the Mayor, the
30 City Solicitor, the Finance Director, the Superintendent of the Warwick School Department, and
31 the members of the Warwick School Committee.
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33 This Resolution shall take effect upon passage.
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36 SPONSORED BY: COUNCIL PRESIDENT MCALLISTER
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38 COMMITTEE: FINANCE