

ORDINANCE 21-1397

AN ORDINANCE OF THE CITY OF WOODBURN, INDIANA COMMON COUNCIL ESTABLISHING 'THE AMERICAN RESCUE PLAN ACT OF 2021' FUND

WHEREAS, on or thereabout March 11th, 2021, the American Rescue Plan Act of 2021 (“ARP”) was ratified at the federal level; and

WHEREAS, the ARP defines a ‘Coronavirus Local Fiscal Recovery Fund’, which appropriates \$19.53 billion to be made available to non-entitlement units of local government in 2021, and presumably, an identical amount for 2022; and

WHEREAS, the City of Woodburn, Indiana is considered a non-entitlement unit of local government as its population is less than 50,000, and based on its population, is allotted approximately \$370,041.19; and

WHEREAS, the total amount distributed to a non-entitlement unit of local government may not exceed 75 percent of the most recent budget for the non-entitlement unit of local government as of January 27th, 2020; and

WHEREAS, the City of Woodburn had an approved budget for calendar year 2020 in the amount of \$1,606,750, which allows for the entire amount to remain eligible; and

WHEREAS, no later than 30 days after receiving payment, the State of Indiana was to provide to non-entitlement units of local government half of the total allotted funds, presumably in May of 2021, with the remaining half to be received, presumably, in May of 2022; and

WHEREAS, this initial guidance was circumvented at the state level to require a formal process with which a non-entitlement unit located within the State of Indiana must submit their request to receive funds by August 30th, 2021; and

WHEREAS, items required for this submission include the City of Woodburn’s budget form 4 form, its 1782 form, or any other documentation that shows support for the calculation of its top line budget amount for the 2021 calendar year, a signed agreement to abide by the terms and conditions of the ARP, and a signed agreement to abide by the requirements in the Civil Rights Act; and

WHEREAS, two of the potential uses for these funds are listed under section (a), which states: ‘to respond to the public health emergency with respect to 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’ and section (d), which states: ‘to make necessary investments in water, sewer, or broadband infrastructure; and

WHEREAS, any remaining unspent amounts as of end of day December 31st, 2024, must be returned to the Secretary of the Treasury; and

WHEREAS, this fund will be known locally as Fund 176; and

WHEREAS, in order to continue this process, it is necessary to determine specific uses of spending that are in alignment with the purposes of the ARP, and as such;

NOW THEREFORE, BE IT ORDAINED by the Common Council of the City of Woodburn, Indiana, that:

The City of Woodburn, Indiana has determined to spend monies distributed to it by the State of Indiana, as a passthrough for federal level distributions, as described:

- An amount of money to be spent on any combination of qualifying costs associated with either the Stellar Mainstreet and/or Stellar Sidewalks projects, not to exceed \$100,000.
- An amount of money to be spent on any combination of qualifying costs associated with the City’s water utility, which, among other considerations, could comprise of the decommissioning of the well field within the Woodburn City Park, not to exceed \$50,000.
- An amount of money to be spent on any combination of qualifying costs associated with the City’s sewer utility, which, among other considerations, could comprise of an Indiana Finance Authority match towards a SWIF grant, which, if confirmed, would constitute a commitment from ARP funds in the amount of \$50,000. The total amount spent in the City’s sewer utility from ARP funds will not exceed \$50,000.
- Any remaining portion of money will be spent on qualifying costs associated with the investigation and implementation of a City broadband utility.

Given the potential for changes in how these monies can be spent, the entire portion of these funds, even though they will be paid in two separate years, will be budgeted for spending in the 2022 calendar year. Should a desire to appropriate and spend occur for the 2021 calendar year, the City of Woodburn will follow the guidance provided by the Department of Local Government Finance for such purposes.

No part of this Ordinance shall be interpreted to conflict with any local, state, or federal laws and all reasonable efforts should be made to harmonize the same. Should any section or part thereof of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole, or any other portion thereof other than that portion so declared to be invalid, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

Adopted and Ordained this 2nd day of August, 2021.

< SIGNATURES ON NEXT PAGE >

WAIVER OF SECOND READING

On motion duly made and seconded, the second reading of the foregoing Ordinance was unanimously waived. After a motion to adopt the Ordinance was properly made, the results of which are below, the Ordinance was deemed effective as of the date of passage due to a majority vote of yea and approval of the Mayor.

COMMON COUNCIL OF THE CITY OF WOODBURN, INDIANA

By: _____ YEA _____ NAY _____ ABS _____
Michael Voirol, Councilman

By: _____ YEA _____ NAY _____ ABS _____
Michael Martin, Councilman

By: _____ YEA _____ NAY _____ ABS _____
Tonya Thompson, Councilman

By: _____ YEA _____ NAY _____ ABS _____
Dean Gerig, Councilman

By: _____ YEA _____ NAY _____ ABS _____
Daniel Watts, Councilman

ATTEST:

By: _____
Timothy Cummins, Clerk-Treasurer

The foregoing ordinance passed by the Council is signed and approved () / not approved () by me on the same date.

By: _____
Joseph Kelsey, Mayor for the City of Woodburn