

RESOLUTION NO.	<u>2022- 98</u>	FIRST READING	<u>November 14, 2022</u>
		SECOND READING	<u>November 28, 2022</u>
INTRODUCED BY:	<u>Mark Porter</u>	THIRD READING	<u>WAIVED</u>

A RESOLUTION AUTHORIZING PAYMENT OF COSTS OF VILLAGE ENGINEER'S PLANNING AND ASSESSMENT ACTIVITIES IN PRE-PROJECT DEVELOPMENT OF THE CENTRAL RETENTION BASIN PROJECT, AN ELIGIBLE STORMWATER MANAGEMENT PROJECT, FROM THE ARPA FUND, AND DECLARING AN EMERGENCY.

WHEREAS, the Village of South Russell has received a distribution of monies (the "ARPA Funds") from the American Rescue Plan Act of 2021 ("ARPA" or the "Act"); and

WHEREAS, Congress passed the Act effective March 11, 2021; and

WHEREAS, Section 603 created the Coronavirus Local Fiscal Recovery Fund which, among other things, appropriated money to cities, nonentitlement units of local government, and counties to mitigate the fiscal effects stemming from the public health emergency with respect to the Coronavirus Disease (Covid-19); and

WHEREAS, Section 603(c) provides, in pertinent part, that a nonentitlement unit of local government, such as the Village of South Russell, shall only use the ARPA funds provided under a payment made under this section to cover costs incurred by the Village of South Russell by December 31, 2024, to make necessary investments in water, sewer, or broadband infrastructure, in addition to other specific uses of the ARPA funds;

WHEREAS, Department of Treasury Final Rule ("Final Rule"), published by the Federal Register on January 27, 2022, at Vol. 87, No. 18, 4438 – 4454, and effective April 1, 2022, and updated as of July 27, 2022, provides in part that the State and Local Fiscal Recovery Funds ("SLFRF") under ARPA could be used to fund projects that would be eligible under the Environmental Protection Agency's Clean Water State Revolving Fund ("CWSRF") or Drinking Water State Revolving Fund ("DWSRF") and broadened eligibility of SLFRF funds to be used to fund additional types of projects, such as additional stormwater infrastructure, beyond the CWSRF or DWSRF, if they are found to be "necessary;"

WHEREAS, in an effort to manage stormwater in the Village of South Russell, Council implemented and created the Central Retention Basin project ("Project"), which Project is deemed necessary to assist in the control and management of stormwater in the Village of South Russell, is an eligible project under the CWSRF, and which Project costs are eligible to be paid from the ARPA Fund, which ARPA Fund was created by Council for the Village of South Russell pursuant to Ordinance No. 2021-30;

WHEREAS, the Final Rule further provides that ARPA funds may be used for pre-project development activities and costs that are eligible under the CWSRF, such as pre-project development costs that are tied to an eligible project as well as those that are reasonably expected to lead to an eligible project;

WHEREAS, the CWSRF allows for costs incurred by the Village of South Russell for pre-project development activities, including planning and assessment which include analyses and calculations and design work in establishing stormwater management plans and other long term control plans related to an eligible project, like the Project; and

WHEREAS, the Village of South Russell has incurred pre-project development costs for the Project in the design work, analyses, and calculations prepared by the Village Engineer in preparation for and tied to the Project to control and manage stormwater in the Village of South Russell; and

WHEREAS, Council desires to authorize the use of funds from the ARPA Fund to pay for such eligible pre-development activities toward the Project.

NOW THEREFORE, it is hereby RESOLVED by Council of the Village of South Russell that:

SECTION 1. Up to the amount of \$5,000 is hereby authorized to be paid from the ARPA Fund to the Village Engineer for its pre-development activities tied to the Project which include but are not limited to design work, analyses, and calculations for the Project.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees on or after December 2, 1975, that resulted in formal actions, were in meetings open to the public in compliance with all legal requirements, including Section 121.22, Ohio Revised Code.

SECTION 3. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare and for the further reason to account for such payment of these eligible activities from the appropriate fund; wherefore, provided it receives the affirmative vote of at least two-thirds (2/3) of all members elected to Council, this Ordinance shall be in full force and effect immediately upon its passage.



Mayor - President of Council

ATTEST:

Fiscal Officer

I certify that Resolution No. 2022 - 98 was duly enacted on the 28TH day of NOVEMBER, 2022, by the Council of the Village of South Russell, and published in accordance with the Codified Ordinances of the Village.



Fiscal Officer