

RESOLUTION NO.	<u>2022-101</u>	FIRST READING	<u>November 14, 2022</u>
		SECOND READING	<u>November 28, 2022</u>
INTRODUCED BY:	<u>Mark Porter</u>	THIRD READING	<u>December 12, 2022</u>

A RESOLUTION AUTHORIZING PAYMENT OF COSTS FOR REVEGETATION AND REFORESTATION OF THE VILLAGE HALL HEADWATER SECTION 319 NPS RESTORATION 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, pursuant to a Section 319 grant from the Ohio Environmental Protection Agency, in September 2021, the Village of South Russell completed the Village Hall Headwater Restoration Project (“Project”);

WHEREAS, an ARPA Fund was created by Council for the Village of South Russell pursuant to Ordinance No. 2021-30;

WHEREAS, the Final Rule provides that ARPA funds may be used for re-establishing riparian vegetation in connection with a restoration project implementing a Section 319 NPS management plan pursuant to the CWSRF;

WHEREAS, the Village of South Russell will incur costs for the Project to re-establish and reforest the vegetation surrounding the Project as a result of surrounding excavation involved in stormwater management project that is eligible for ARPA funds; and

WHEREAS, Council desires to authorize the use of funds from the ARPA Fund to pay for such eligible re-establishment of vegetation and reforestation of the Project.

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

SECTION 1. Up to the amount of \$30,000 is hereby authorized to be paid from the ARPA Fund to re-establish vegetation and reforest 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 - 101 was duly enacted on the 12th day of December 2022, by the Council of the Village of South Russell, and published in accordance with the Codified Ordinances of the Village.



Fiscal Officer