

## **RESOLUTION 2024-09**

### **Resolution of the Town Council Amending the Plan for Distribution of the Proceeds of the Town's Grant from the American Rescue Plan Act of 2021**

WHEREAS, the Town of Yorktown has been awarded a grant from the American Rescue Plan Act of 2021 ("the Act"), in the amount of two million, five hundred and eighteen thousand, fifty-three dollars and ninety-four cents (\$2,518,053.94) ("the Grant Funds"); and,

WHEREAS, the Act requires a Grant Recipient to adopt a plan (the "Plan") to distribute the Grant Funds; and,

WHEREAS, the Town intends to use portions of the Grant Funds to respond to the negative economic impacts of the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) to provide community assistance to households, assistance to local small businesses, and assistance to nonprofits according to Section 603(c)(1)(A); and,

WHEREAS, the Town intends to use portions of the Grant Funds to make necessary investments in water and sewer infrastructure pursuant to Section 603(c)(1)(D) of the Act; and,

WHEREAS, the Plan is subject to amendments approved by the Town of Yorktown Town Council (the "Council") as permitted by the Act; and,

WHEREAS, the original Plans in Resolution 2022-3 and Resolution 2023-7 failed to specify allocations for nine thousand, four hundred and ninety-five dollars and twenty-nine cents (\$9,495.29).

NOW, THEREFORE, BE IT ORDERED, ESTABLISHED, AND ORDAINED  
by the Town Council of the Town of Yorktown, the Town's Plan for distribution of  
the Grant Funds are as follows:

SECTION I. Introduction.

1. The payments identified in the Plan and future amendments to the Plan shall be authorized uses of the Grant Funds.
2. The Plan may be amended to comply with the Act, any subsequent Amendments to the Act, rules adopted by the U.S. Treasury Department including 31 CFR Part 35, or at the discretion of the Council, to the extent provided by the Act.
3. The payment of all Grant Funds and any subsequent Grant Funds received pursuant to the Act, shall be subject to appropriation by the Council.
4. The Plan's procedures and designated uses for distribution of the Grant Funds from the Act are stated as follows in sections below.

SECTION III. Water, Sewage and Storm Sewer Infrastructure Projects

1. Grant Funds shall be used to make necessary investments in water, stormwater, drainage, and sewer infrastructure pursuant to Section 603(c)(1)(D) of the Act as implemented by the Treasury Guidance.
2. The Act provides the Town with wide latitude to identify investments and projects in water and sewer infrastructure that are of the highest priority to the Town, which may include projects on privately-owned property.
3. To be permitted under the Act, any project or category of project must be eligible to receive financial assistance from the Environmental Protection Agency's

(“EPA”) Clean Water State Revolving Fund (“CWSRF”) or Drinking Water State Revolving Fund (“DWSRF”).

3.1 The CWSRF provides financial assistance for a wide range of water infrastructure projects to improve water quality and address water pollution.

3.1.1 The types of projects eligible under the Act and CWSRF include projects to construct, improve, and repair wastewater treatment plants, control non-point sources of pollution, improve resilience of infrastructure to severe weather events, create green infrastructure, and protect waterbodies from pollution.

3.2 The DWSRF provides financial assistance for projects to protect public health and comply with drinking water regulations.

3.2.1 The types of projects eligible under the Act and DWSRF include projects that improve water infrastructure capital improvements, including the installation and replacement of failing treatment and distribution systems.

4. The Town Manager shall provide the Council a report containing a list of prioritized projects- including purchasing equipment, improvements, or maintenance of the water department; that are compliant with the CWSRF and DWSRF requirements and regulations and determine which would most meet

the needs of the Town including an additional allocation of \$9,495.29 to be added to the budgeted amount of \$350,000.

#### SECTION V. Conclusion

1. Pursuant to the Act, the Town shall only use Grant Funds obligated prior to December 31, 2024.
2. The period of performance for projects funded by the Grant Funds shall conclude on December 31, 2026; all projects funded by Grant Funds must be completed on or prior to this date.
3. This Plan is subject to amendments as more permitted uses are determined by the Act, U.S. Treasury Department guidance, and as priorities for the Town develop.
4. The Ordinance and Plan shall be in full force and effect upon passage and may be subsequently amended to conform with the Act.

IN WITNESS THEREOF, the Town Council of the Town of Yorktown, Indiana, have adopted this Resolution and American Rescue Plan Funds usage plan this 16th day of September, 2024.

Approved on the 16th day of September, 2024, by the Town Council of the Town of Yorktown, Indiana.

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Rick Glaub, President

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Nanci Perry, Vice President

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Bryan Smith, Member

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Carolyn Gant, Member

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Marta Guinn, Member

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Nicole Rector, Member

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Jason Gasaway, Member

ATTEST: \_\_\_\_\_  
Lance Turner, Clerk Treasurer