

## **RESOLUTION 2022-3**

### **Resolution of the Town Council Amending and Adopting a 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 eight thousand, five hundred and fifty-eight dollars and sixty-five cents (\$2,508,558.65) ("the Grant Funds"), half of which, or one million, two hundred and fifty-four thousand, two hundred and seventy-nine dollars and thirty-two cents (\$1,254,279.32) was received on August 16, 2021, and the remaining balance to be received in 2022; 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.

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 II. Responding to the negative economic impacts of the public health emergency.

1. The Town will fund community assistance to households and related administrative expenses in the amount of \$112,700 for calendar years 2022, 2023, and 2024, totaling \$338,100.
2. The Town will provide a contribution to REACH, a local nonprofit organization, in the amount of \$150,000 from each of the tranche distributions.

3. The Town will provide funds to the Redevelopment Commission to assist businesses that experienced a negative economic impact as a result of the public health emergency in the form of grants, façade grants, upgrades or startup business equipment, rental assistance, and other assistance in the amount of \$500,000.
  - 3.1 Eligible assistance to small business includes loan or grants to mitigate financial hardship such as declines in revenues or impacts of periods of business closure, for example by supporting payroll and benefits costs, costs to retain employees, mortgage, rent, or utilities costs, and other operating costs.
  - 3.2 Loans, grants, or in-kind assistance for small businesses to implement COVID-19 prevention or mitigation tactics, such as physical plant changes to enable social distancing, enhanced cleaning efforts, barriers or partitions, or COVID-19 vaccination, testing, or contact tracing programs.
  - 3.3 Technical assistance, counseling, or other services to assist small businesses planning needs.
4. The Town has allocated \$25,000 from the first tranche for the Yorktown Farmers Market to expand the program to facilitate the acquisition of fresh food offerings by individuals who receive federal and state assistance dependent on the market obtaining 501 c non-profit status.
5. The Town will provide additional support for tourism, travel, hospitality, and quality of life opportunities by allocating \$200,000 to improve park equipment,

add \$150,000 for River Road trails, providing \$200,000 to improve the sports park, and setting aside \$100,000 for other park improvements or new projects, such as a dog park.

### 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 up to the budgeted amount of \$350,000.

4.1 The Plan will be amended once the project has been identified.

#### 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 \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Approved on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, by the Town Council of the Town of Yorktown, Indiana.

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Lon Fox, President

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Nanci Sears Perry, Vice President

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Rich Lee, Member

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Rick Glaub, Member

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Daniel Flanagan, Member

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Robert Ratchford, Member

\_\_\_\_\_  
Marta Guinn, Member

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