

## **RESOLUTION NO. G2022-55**

### **RESOLUTION AUTHORIZING EXPENDITURE FROM AMERICAN RESCUE PLAN ACT FUNDS**

**WHEREAS**, this date, May 3, 2022, Trustee Leis moved the adoption of the following Resolution:

**WHEREAS**, the Township 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) generally provides that:

(1) **USE OF FUNDS.** Subject to paragraph (2), and except as provided in paragraphs (3) and (4), a metropolitan city, nonentitlement unit of local government, or county shall only use the funds provided under a payment made under this section to cover costs incurred by the metropolitan city, nonentitlement unit of local government, or county, by December 31, 2024 -

(A) to respond to the public health emergency with respect to the Coronavirus Disease 2019 (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;

(B) to respond to workers performing essential work during the COVID–19 public health emergency by providing premium pay to eligible workers of the metropolitan city, nonentitlement unit of local government, or county that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;

(C) for the provision of government services to the extent of the reduction in revenue of such metropolitan city, nonentitlement unit of local government, or county due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year of the metropolitan city, nonentitlement unit of local government, or county prior to the emergency; or

(D) to make necessary investments in water, sewer, or broadband infrastructure.

**WHEREAS**, Department of Treasury Final Rule, published on January 6, 2022, and effective April 1, 2022, provides in part that:

Treasury presumes that up to \$10 million in revenue has been lost due to the public health emergency and recipients are permitted to use that amount (not to exceed the award amount) to fund “government services.” [The “standard allowance”].

**WHEREAS**, the Rule further observes that:

The standard allowance provides an estimate of revenue loss that is based on an extensive analysis of average revenue loss across states and localities, and offers a simple, convenient way to determine revenue loss particularly for Coronavirus State and Local Fiscal Recovery Fund’s smallest recipients. This change is intended to promote administrative efficiency and simplify revenue loss calculation for smaller recipients.

**WHEREAS**, the Rule further clarifies that recipients can use:

SLFRF funds on government services up to the revenue loss amount, whether that be the standard allowance amount or the amount calculated using the [Final Rule four-step process]. Government services generally include any service traditionally provided by a government, unless treasury has stated otherwise.

**WHEREAS**, some common examples of “government services” expressly recognized by Treasury are as follows:

- Road building and maintenance, and other infrastructure
- Health services
- General government administration, staff, and administrative facilities
- Environmental remediation
- Provision of police, fire, and other public safety services (including purchase of fire trucks and police vehicles)
- Maintenance or pay-go funded building infrastructure
- Modernization of cybersecurity, including hardware, software, and protection of critical infrastructure

**WHEREAS**, “Government services is [deemed by Treasury] the most flexible eligible use category under the SLFRF program, and funds are subject to streamlined reporting and compliance requirements;” and

**WHEREAS**, funds utilized pursuant to the standard revenue loss allowance continue to have certain restrictions, including:

- Deposit into pension funds
- Satisfaction of settlements or judgments
- Contributions to financial reserves or “rainy day” funds

**WHEREAS**, the Board of Trustees has identified a project which, in the judgment of the Board, qualifies as a permitted use of the ARPA Funds, in direct support of governmental services, which consists of the following:

- New Maintenance Building and /or addition to existing building to house vehicles, equipment, supplies, etc.;
- Park Equipment Structure replacements/maintenance at the existing parks;
- New maintenance equipment which will help with environmental remediation;
- Road repairs and maintenance; and
- Storm Water and public infrastructure improvements.

(the “Projects”).

**NOW THEREFORE**, it is hereby RESOLVED by the Board that:

**Section 1.** The Township elected to use the standard allowance by way of Resolution G2022-54 and its presumption of revenue loss due to the public health emergency and to use the amount authorized herein to fund government services.

**Section 2.** The Projects are hereby authorized and shall be paid for from the ARPA Funds in the amount of/an amount not to exceed: \$1,435,994.71.

**Section 3.** The Projects described herein serves the objectives of the Act by providing services traditionally provided by a government, namely:

- Police protection
- Fire and emergency medical services
- Road repair, maintenance and other transportation and safety services
- Public infrastructure support
- General government administration and administrative facilities
- Land use regulations and enforcement
- Parks and recreational facilities and programs
- Other – Water, Sewer, and Storm Water Improvements

**Section 4.** Accordingly, the Project is in the best interests of the Township and is deemed a priority for the community.

**Section 5.** No obligations paid under the authority of this Resolution were incurred prior to March 3, 2021.

**Section 6.** Upon majority vote does hereby dispense with the requirement that this Resolution be read on two separate days and hereby authorizes the adoption of this Resolution upon its first reading.

**Section 7.** It is hereby certified that all formal actions of the Board of Trustees of Symmes Township, Hamilton County, Ohio relating to the adoption of this Resolution were taken in an open meeting of the Board and that all deliberations of the Board were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

**Section 8.** This Resolution shall take effect and be enforced from and after the earliest period allowed by law.

Trustee \_\_\_\_\_ seconded the Motion, and thereupon, the votes in favor of this Resolution were recorded and reflected by the signatures hereto.

**ADOPTED MAY 3, 2022 – RESOLUTION G2022-55**

Vote Record: Ms. Leis \_\_\_\_\_ Mr. Beck \_\_\_\_\_ Mr. Bryant \_\_\_\_\_

**BOARD OF TRUSTEES:**

\_\_\_\_\_  
Jodie L. Leis, President

\_\_\_\_\_  
Philip J. Beck, Vice-President

\_\_\_\_\_  
Kenneth N. Bryant, Trustee

**ATTEST:**

\_\_\_\_\_  
Joseph Grossi, Fiscal Officer

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Jeff Forbes, Law Director