

RESOLUTION NO. 2021-5

A Resolution of the Fort Branch Town Council 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 Fort Branch has been awarded a grant from the American Rescue Plan Act of 2021 ("the Act"), in the amount of Six Hundred Twenty-Four Thousand, Four Hundred Eighty-Six Dollars and Eighty-Three Cents (\$624,486.83) ("the Grant Funds"), half of which, or Three Hundred Twelve Thousand, Two Hundred Forty-Three Dollars and Forty-Two Cents (\$312,243.42) was received on September 10, 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 the grant funds to make necessary investments in water and sewer infrastructure, pursuant to Section 603(C) (1) (D) of the Act; and,

WHEREAS, this plan is subject to amendments approved by the Fort Branch Town Council (the "Council") as permitted the Act.

NOW, THEREFORE, BE IT ORDERED, ESTABLISHED, AND ORDAINED by the Town Council of the Town of Fort Branch as follows:

SECTION I Introduction.

The Town's Plan for distribution of the Grant funds are as follows:

1. The payments identified in this 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 the sections below.

SECTION II Water, Stormwater and Sewer Infrastructure.

1. The permitted use of the initial Grant Funds shall be 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 the DWSRF include projects that improve water infrastructure capital improvements, including the installation and replacement of failing treatment and distribution systems.
4. The Town's Engineer shall provide the Council a report containing a list of prioritized projects, that are compliant with the CWSRF and DWSRF requirements and regulations, and the Council, Town Manager and Clerk Treasurer shall evaluate the proposed projects to determine which would respond most to the needs of the Town. The Council has preliminarily determined that the sewer improvements to the wastewater plant is the most impactful project for the Town.

4.1 The Town's Engineer's list shall be submitted via an amendment to this Plan once completed.

SECTION III. 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 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. This Resolution 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 Fort Branch, Indiana have adopted this resolution and American Rescue Plan usage plan this 15<sup>th</sup> day of September 2021.

Approved on this 15<sup>th</sup> day of September, 2021 by the Town Council of the Town of Fort Branch, Indiana:



Sandra Birci  
Sandy Birch, Council President

[Signature]  
Scotty DeLong, Council Member

Robert A. Reinhart  
Robert Reinhart, Council Member

ATTEST: [Signature]  
Stacy L. Elpers, Clerk Treasurer