

ORDINANCE NO. 2022-01

AN ORDINANCE AMENDING CHAPTER 36 OF THE CODE OF
THE TOWN OF CENTERVILLE, INDIANA AUTHORIZING THE ALLOCATION OF
FUNDS FROM THE AMERICAN RESCUE PLAN FOR THE PROVISION OF
GOVERNMENT SERVICES, AND OTHER RELATED MATTERS

WHEREAS, the American Rescue Plan Act of 2021 (“ARP”), was enacted on March 11, 2021; and

WHEREAS, the Town of Centerville, Wayne County, Indiana (“Town”) has previously created and established the ARP Grant Fund #176 (the “Fund”) into which certain grants received, or to be received, from the federal government pursuant to Section 603 of the Social Security Act, as added by Section 9901 of the ARP have been or will be deposited (“Relief Funds”), for the purpose of paying certain costs incurred by the Town prior to December 31, 2024, as permitted by the ARP and the regulations thereunder and in accordance with the Town’s ARP Plan, as approved by the Council and amended from time to time; and

WHEREAS, the Department of Treasury has adopted a Final Rule regarding ARP, effective April 1, 2022, regarding the calculation of reduction of revenue that provides that a recipient can utilize funds to replace lost revenue up to the amount of actual loss calculated or can elect a standard allowance for revenue loss of up to Ten Million Dollars (\$10,000,000) over the period of performance; and

WHEREAS, the provision of government services, as defined in the Final Rule, is any service typically performed by a government; and

WHEREAS, the Town of Centerville desires to elect to utilize the standard allowance for revenue loss and to allocate revenue received into the Fund under ARP; and

WHEREAS, the Town Council under Ordinance 2021-05 was authorized to establish the plan, conditions, and rules upon which the funds are to be requested and used; now

BE IT ORDAINED in a duly held public meeting by the Town Council (the "Town Council") of the Town of Centerville, Wayne County, Indiana (the "Town") that the following section shall be added to the existing code, to be designated as Section 36.09, to Chapter 36 of the Code:

SECTION 1. As authorized by the U.S. Treasury’s Final Rule, 31 CFR Part 35 RIN 1505-AC77, Coronavirus State and Local Fiscal Recovery Funds, the Town Council expressly elects to utilize the standard allowance of up to Ten Million Dollars (\$10,000,000.00) for the purpose of calculating revenue loss for purposes of 42 U.S.C. § 803 (c) (1) (C). Accordingly, the Town Council hereby allocates all revenue received from the Relief Funds and deposited into the Town’s ARP Grant Fund #176, by the State of Indiana in 2021 and 2022, including all scheduled tranches and any ARP supplemental distributions, as replacement of revenue lost due to the COVID-19 public health emergency.

SECTION 2. As authorized by Ordinance 2021-05, the Town Council, or its designated committee, shall draft or see to the drafting of an ARP Plan in the same or similar form as the model American Rescue Plan Act Plan attached hereto as Exhibit A.

SECTION 3. The sections, subsections, paragraphs, references, clauses, and phrases of this Ordinance are severable. If any phrase, clause, reference, paragraph, subsections, and sections of the Ordinance are declared unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such declaration shall not affect the remaining provisions of this Ordinance.

SECTION 4. After its passage and adoption by the Town Council of the Town of Centerville, Wayne County, Indiana, upon the signature of President of the Town Council thereafter, this Ordinance shall take effect, and be in full force and effect.

DULY ORDAINED PASSED AND ADOPTED on this 26th day of April, by the Town Council of the Town of Centerville, Indiana, having been passed by a vote of 4 in favor and 0 opposed.

THE TOWN COUNCIL OF CENTERVILLE, WAYNE COUNTY, INDIANA

AYE

NAY

<u>Daniel Wandersee</u>	Dan Wandersee, President	_____
<u>Gary Holbert</u>	Gary Holbert, Vice President	_____
<u>Jack Bodiker</u>	Jack Bodiker, Member	_____
_____	James Bullen, Member	_____
<u>Josh Tudor</u>	Josh Tudor, Member	_____

Constituting a majority of all the members of the Town Council

ATTESTED BY:

Richard K. Tincher
Richard K. Tincher, Clerk-Treasurer of
the Town of Centerville, Indiana

Instrument Prepared by: Edward O. Martin, Esq., Town Attorney

