

## ORDINANCE 22-1405

### AN ORDINANCE OF THE CITY OF WOODBURN, INDIANA COMMON COUNCIL AMENDING ORDINANCE 21-1397 (ARP FUND)

**WHEREAS**, additional guidance has been released by the Treasury Department regarding the final rule on 'The American Rescue Plan Act of 2021', released January 6<sup>th</sup> of 2022, to go into effect April 1<sup>st</sup> of 2021; and,

**WHEREAS**, this guidance now directs the City to a more reasonable method of justifying expenses made with these ARP monies; and,

**NOW THEREFORE, BE IT ORDAINED** by the Woodburn City Council that, Ordinance 21-1397 should now add the language in bold italics as described:

'Given the potential for changes in how these monies can be spent, the entire portion of these funds, even though they will be paid in two separate years, will be budgeted for spending in the 2022 calendar year. Should a desire to appropriate and spend occur for the 2021 calendar year, the City of Woodburn will follow the guidance provided by the Department of Local Government Finance for such purposes.

***The final rule allows for local non-entitlement units, or NEU's, to use a standard allowance of \$10 million dollars for the replacement of lost revenue. The final rule states that any service may be included as a part of this spending. Given that the total money given to the City of Woodburn is less than this amount, the City of Woodburn will consider all expenditures out of Fund 176 to be made under the replacement of lost revenue. (Per Baker Tilly Presentation 'ARPA Updates on Treasury Department's Final Rule', page 6)***

No part of this Ordinance shall be interpreted to conflict with any local, state, or federal laws and all reasonable efforts should be made to harmonize the same. Should any section of part thereof of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole, or any other portion thereof other than that portion so declared to be invalid, and for this purpose the provisions of this Ordinance are hereby declared to be severable.'

Adopted and Ordained this 21<sup>ST</sup> day of March, 2022.

**WAIVER OF SECOND READING**

On motion duly made and seconded, the second reading of the foregoing Ordinance was unanimously waived. After a motion to adopt the Ordinance was properly made, the results of which are below, the Ordinance was deemed effective as of the date of passage due to a majority vote of yea and approval of the Mayor.

**COMMON COUNCIL OF THE CITY OF WOODBURN, INDIANA**

By: \_\_\_\_\_ YEA \_\_\_\_\_ NAY \_\_\_\_\_ ABS \_\_\_\_\_  
Michael Voirol, Councilman

By: \_\_\_\_\_ YEA \_\_\_\_\_ NAY \_\_\_\_\_ ABS \_\_\_\_\_  
Michael Martin, Councilman

By: \_\_\_\_\_ YEA \_\_\_\_\_ NAY \_\_\_\_\_ ABS \_\_\_\_\_  
Tonya Thompson, Councilman

By: \_\_\_\_\_ YEA \_\_\_\_\_ NAY \_\_\_\_\_ ABS \_\_\_\_\_  
Dean Gerig, Councilman

By: \_\_\_\_\_ YEA \_\_\_\_\_ NAY \_\_\_\_\_ ABS \_\_\_\_\_  
Daniel Watts, Councilman

ATTEST:

By: \_\_\_\_\_  
Timothy Cummins, Clerk-Treasurer

The foregoing ordinance passed by the Council is signed and approved ( ) / not approved ( ) by me on the same date.

By: \_\_\_\_\_  
Joseph Kelsey, Mayor for the City of Woodburn