

**COMMON COUNCIL
Agenda Request Form**

(Form B-01-2012)

Organizations and individuals are asked to submit a request form and supporting documents to be placed on the agenda. You will be contacted by the City confirming the date of the meeting in which your request will be heard. Please make sure that your contact information is accurate in case we need to get in touch with you. The Common Council meets at 6:00 p.m. in City Hall located at 70 E. Monroe Street.

Date Submitted:	02/02/22	Meeting Date:	02/07/22
Contact Information:			
Requested by:	Lynn Gray		
On Behalf of Organization or Individual: City of Franklin			
Telephone:	317-738-3365		
Email Address:	lynng@igmlawfirm.com		
Mailing Address:	63 E. Court St., PO Box 160, Franklin, IN 46131		
Describe Request:			
Common Council Budgetary Ordinance 22-05 Authorizing the Creation of an American Rescue Plan Act Plan & Appropriating Moneys from the City of Franklin ARP Coronavirus Local Fiscal Recovery Fund			
List Supporting Documentation Provided:			
Common Council Budgetary Ordinance 22-05			
Name:	Lynn Gray, City Attorney	Telephone:	317-738-3365

In order for an individual and/or agency to be considered for new business on the Common Council agenda, this reservation form and supporting documents must be received in the Mayor's office no later than 4:00 p.m. on the Wednesday before the meeting.

BUDGETARY ORDINANCE NO. 22-05

**AN ORDINANCE OF THE CITY OF FRANKLIN, INDIANA COMMON COUNCIL
AUTHORIZING THE CREATION OF AN AMERICAN RESCUE PLAN ACT PLAN
AND APPROPRIATING MONEYS FROM THE CITY OF FRANKLIN ARP
CORONAVIRUS LOCAL FISCAL RECOVERY FUND**

WHEREAS, the Common Council (the “Council”) of City of Franklin, Indiana (the “City”) has given consideration to identifying certain projects (such projects, as may be amended from time to time, the “Projects”) as described in the City of Franklin, Indiana American Rescue Plan Act Plan attached hereto as Exhibit A (the “ARPA Plan”); and

WHEREAS, the City has previously created and established the City of Franklin ARP Coronavirus Local Fiscal Recovery Fund (Fund Number 2401) (the “Fund”) into which certain funds 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 American Rescue Plan Act of 2021 (“ARPA”) have been or will be deposited, for the purpose of paying certain costs incurred by the City prior to December 31, 2024, as permitted by ARPA and the regulations thereunder and in accordance with the City’s ARPA Plan, as approved by the Council and amended from time to time; and

WHEREAS, the Council has determined and found that it will be of public utility and benefit and in the best interests of the City to proceed with the Projects and pay the costs thereof; and

WHEREAS, the Council has found that there are insufficient funds available or provided for in the existing budget and tax levy which may be applied to the costs of the Projects and that a need exists for the making of the additional appropriation hereinafter set out; and

WHEREAS, notice of a hearing on said appropriation has been duly given by publication as required by law, and the hearing on said appropriation has been held, at which all taxpayers and other interested persons had an opportunity to appear and express their views as to such appropriation.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FRANKLIN, INDIANA, AS FOLLOWS:

SECTION 1. Approval of ARPA Plan. The ARPA Plan attached hereto as Exhibit A is hereby approved. The ARPA Plan may be amended from time to time so long as the amendment complies with ARPA and any related regulations.

SECTION 2. Additional Appropriation. There is hereby appropriated from the Fund the amount of Two Million Eight Hundred Ninety Thousand Seven Hundred Ninety-One Dollars and Fifty-Five Cents (\$2,890,791.55) plus interest earned through February 2nd, 2022 of \$665.69, to be used for the purpose of paying all or a portion of the costs of the Projects, all of which shall be in accordance with ARPA and the regulations thereunder and in accordance with the City’s ARPA Plan, as approved by the Council and amended from time to time.

SECTION 2. Other Action. The appropriate Officers of the City are hereby authorized and directed to take any other action deemed necessary or advisable in order to effectuate purposes of this Ordinance, including the filing of a report of this appropriation with the Indiana Department of Local Government Finance.

SECTION 3. No Conflict; Effectiveness. All ordinances, resolutions, and orders or parts thereof in conflict with the provisions of this Ordinance are to the extent of such conflict hereby repealed. This Ordinance shall be in full force and effect from and after its adoption and the procedures required by applicable law.

Introduced and Filed on the _____ day of _____, 2022.

DULY PASSED on this _____ day of _____, 2022, by the Common Council of the City of Franklin, Johnson County, Indiana, having been passed by a vote of _____ in Favor and _____ Opposed.

City of Franklin, Indiana, By its Common Council:

Voting Affirmative:

Voting Opposed:

Kenneth Austin, President

Kenneth Austin, President

Melissa Jones

Melissa Jones

Robert D. Heuchan

Robert D. Heuchan

Anne McGuinness

Anne McGuinness

Irene Nalley

Irene Nalley

Josh Prine

Josh Prine

Shawn Taylor

Shawn Taylor

Attest:

Jayne Rhoades
City Clerk-Treasurer

Presented by me to the Mayor of the City of Franklin for his approval or veto pursuant to
Indiana Code § 36-4-6-15, 16, this _____ day of _____, 2022
at _____ o'clock a.m./p.m.

Jayne Rhoades,
City Clerk-Treasurer

This ordinance having been passed by the legislative body and presented to me
[Approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-16(a)(1)]
[Vetoed, pursuant to Indiana Code § 36-4-6-16(a)(2)], this _____ day of
_____, 2022 at _____ o'clock a.m./p.m.

Stephen Barnett
Mayor

Attest:

Jayne Rhoades,
City Clerk-Treasurer

Prepared by:
Veronica J. Schilb
Barnes & Thornburg LLP

EXHIBIT A

CITY OF FRANKLIN, INDIANA

AMERICAN RESCUE PLAN ACT PLAN

INTRODUCED AS OF FEBRUARY 7, 2022

ADOPTED AS OF FEBRUARY 22, 2022

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Overview of Funding

American Rescue Plan Act & Coronavirus State and Local Fiscal Recovery Fund

On March 11, 2021, President Joe Biden signed the American Rescue Plan Act (“ARPA”) into law. Among its many provisions intended to address the COVID-19 pandemic, the ARPA included the Coronavirus Local Fiscal Recovery Fund (“FRF”), intended to provide local governments with funds to respond to the impact of COVID-19. The FRF funds may be used by recipients for the following four purposes:

1. To respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
2. To respond to workers performing essential work during the COVID–19 public health emergency by providing premium pay to eligible workers;
3. For the provision of government services to the extent of the reduction in revenue due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency; and
4. To make necessary investments in water, sewer, or broadband infrastructure.

On May 17, 2021, the United States Department of the Treasury (“Treasury”) issued an Interim Final Rule, providing guidance and clarifying the nature and scope of expenses eligible for payment using FRF funds. On January 6, 2022, Treasury issued a final rule (the “Final Rule”) which provided flexibility and simplifications regarding the use of the FRF funds. The Final Rule takes effect on April 1, 2022, but recipients of FRF funds can take advantage of the Final Rule’s provisions as of the date of its publication.

City of Franklin’s Allocated Funding

Congress allocated the FRF funds under the ARPA to support non-entitlement units of local government (NEUs). In sum, the FRF provided \$19.53 billion to NEUs, which is then distributed by states. The City of Franklin, Indiana (the “City”) has been allocated \$5,781,583.10 in FRF funds, of which it has received \$2,890,791.55 plus interest earned through February 2nd, 2022 of \$665.69.

City of Franklin ARPA Plan

In accordance with guidance issued by the Indiana State Board of Accounts, the City has adopted this plan outlining the intended uses, amounts, and justifications for its FRF expenditures. These numbers are estimates for each category and may change based on need, COVID conditions and or bids/quotes that come in higher or lower. Likewise, projects may be added and or removed. This plan is to layout a roadmap for the City Government to utilize these dollars to have the greatest overall impact on the City. Input for this plan has been received from community members, business leaders, department heads and elected officials.

Summary of Proposed Uses of Funding

The City plans to use its FRF funds in the below amounts and permitted categories, further detailed in the following pages of this plan:

Category	Amount
Responding to COVID-19 public health emergency	\$1,198,450
Responding to negative economic impacts of COVID-19	None.
Providing premium pay to eligible workers	None.
Provision of government services to extent of reduction in revenue	\$1,551,595
Water, sewer and broadband infrastructure development	\$3,000,000

As permitted by Treasury, the City has allocated \$31,538.10 in FRF funds to cover administrative expense associated with the legal, financial, and other professional services to administer the funds.

City of Franklin, Indiana ARPA Funding Plan for 2021-2022

Proposed Actions to Respond to COVID-19 Public Health Emergency

1. Renovation of Fire Station 21

Proposed Action: The City plans to renovate Fire Station 21 to allow for social distancing in rooms including the sleeping quarters, undertake upgrades to the mechanical system to improve air circulation and quality, and provide for better decontamination of turnout gear.

Estimated cost: \$1,198,450

Justification: Ventilation improvements to public facilities and adaptations to public buildings to implement COVID-19 mitigation tactics are eligible uses of the funds.¹

¹ “A recipient may use funds to respond to the public health emergency or its negative economic impacts on a beneficiary or class of beneficiaries for one or more of the following purposes unless such use is grossly disproportionate to the harm caused or exacerbated by the public health emergency or its negative economic impacts: (i) Responding to the public health impacts of the public health emergency for purposes including: (A).... installation and improvement of ventilation systems in congregate settings, health facilities, or other public facilities...” 31 CFR § 35.6(b)(3)(A); “In recognition of the importance of capital expenditures in the COVID–19 public health response, Treasury enumerates that the following projects are examples of eligible capital expenditures, as long as they meet the standards for capital expenditures in section Capital Expenditures in General Provisions.... Adaptations to congregate living facilities, including skilled nursing facilities, other long-term care facilities, incarceration settings, homeless shelters, residential foster care facilities, residential behavioral health treatment, and other group living facilities, as well as public facilities and schools (excluding construction of new facilities for the purpose of mitigating spread of COVID–19 in the facility)...” Final Rule, Supplementary Information, page 4354 of Federal Register, Vol. 87, No. 18.

Proposed Uses for the Provision of Governmental Services using Revenue Loss Funds

1. Active Adult Wellness Center

Proposed Action: The City of Franklin plans to undertake certain renovation and improvement projects at the City's Active Adult Wellness Center. The City anticipates the facility will be used for exercise classes, plays, arts and crafts, and health checks for city residents.

Estimated cost: \$1,551,595

Justification: Recipients may elect a standard revenue loss amount of up to \$10,000,000 (or the recipient's entire allocation of FRF funds, whichever is less) for the provision of government services. The provision of government services includes, but is not limited to, maintenance or pay-go funded building of infrastructure, including roads; modernization of cybersecurity, including hardware, software, and protection of critical infrastructure; health services; environmental remediation; school or educational services; and the provision of police, fire, and other public safety services.²

² "A recipient may use funds for the provision of government services to the extent of the reduction in the recipient's general revenue due to the public health emergency, calculated according to this paragraph (d). A recipient must make a one-time election to calculate the amount of the reduction in the recipient's general revenue due to the public health emergency according to either paragraph (d)(1) or (d)(2) of this section... Standard allowance. The reduction in the recipient's general revenue due to the public health emergency over the period of performance will be deemed to be ten million dollars." 31 CFR § 35.6(d)

Proposed Actions to Invest in Water, Sewer, and Broadband Infrastructure

1. Sewer Infrastructure Project

Proposed Action: The City plans to undertake a Clean Water Act project to build a pre-screen building to keep debris out of the City's sewer system.

Estimated cost: \$3,000,000

Justification: Water/Sewer infrastructure improvements are eligible uses of the ARPA funds if the improvements are eligible projects under the DWSRF and/or CWSRF.³ This project meets the criteria of those programs.⁴

³ "A recipient may use funds to make the following investments in water, sewer, and broadband infrastructure. (1) Water and sewer investments—(i) Clean Water State Revolving Fund projects. Projects or activities of the type that meet the eligibility requirements of section 603(c) of the Federal Water Pollution Control Act (33 U.S.C. 1383(c))." 31 CFR § 35.6(e)(1).

⁴ See Overview of Clean Water State Revolving Fund Eligibilities, page 8 (May 2016), https://www.epa.gov/sites/default/files/2016-07/documents/overview_of_cwsrf_eligibilities_may_2016.pdf.