

Fountain County Board of Commissioners

Resolution 2023- 4

Resolution Approving Amended American Rescue Plan

WHEREAS, the United States Department of the Treasury has allocated the sum of \$ 3.2 million to Fountain County from the Coronavirus State and Local Fiscal Recovery Funds, established by the American Rescue Plan Act of 2021 (ARPA); and

WHEREAS, Fountain County received federally distributed ARPA funds in 2022; and

WHEREAS, in order to use these funds, Fountain County developed the required ARPA plan for the use of these funds which complies with the guidance from the Department of the Treasury; and

WHEREAS, the Board of Commissioners has analyzed the continued effects of the Coronavirus pandemic on Fountain County and identified the additional acute responses needed and developed the attached amended plan for the funds; and

WHEREAS, the Board finds that the attached amended plan should be approved and implemented.

IT IS, THEREFORE, RESOLVED AS FOLLOWS:


1. The attached amended plan for the use of the Coronavirus State and Local Fiscal Recovery Funds, established by the American Rescue Plan Act of 2021 is hereby approved;
2. The County Administrator will implement this amended plan in compliance with guidance from the United States Department of the Treasury; and
3. The Board reserves the right to amend the plan.

ADOPTED this 6 day of MARCH, 2023.

Board of Commissioners of Fountain County


Brenda Hardy, President


Andrew Hall, Vice President


Tim Shumaker, Member
Constituting a majority of the Board

ATTEST:


Colleen Chambers, Auditor

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Fountain County, Indiana

First Amended American Rescue Plan Act Community Investment Plan

Introduction

On March 11, 2021, the American Rescue Plan Act of 2021 (“ARPA”) was signed into law by President Joe Biden. ARPA establishes the Coronavirus Local Fiscal Recovery Fund (“ARF Fund”) to provide resources to local governments to assist with recovery efforts related to the COVID-19 public health emergency. Fountain County (“County”) will receive a total of approximately \$3.2 million in ARPA funds under this program, and received a first allocation of \$1,590,766.32 in 2021. In 2022, the County received its second allocation, which brings the total amount of allocated ARPA funds that Fountain County has received to \$3,175,019. It is therefore necessary to amend the County’s initial American Rescue Plan Act Community Investment Plan.

On March 18, 2021, the Indiana State Board of Accounts issued a memorandum requiring each recipient to establish a local fund for the grant money, to identify the eligible uses for which the recipient intends to use the grant money, and to establish a plan detailing the use of the funds that may be amended over time. The Fountain County Commissioners established this fund by action (Ordinance 2021-5) on April 19, 2021.

This document serves as the County’s plan, to be updated as appropriations from the ARPA grant fund are approved by the County Council. The U.S. Department of Treasury has issued specific guidance defining the use categories for which grant funds may be used, but two caveats inform the County’s plan, including timing and program choices: 1) new or additional guidance may be issued in the future which could affect eligible uses, and 2) new or additional funding sources have been or may be made available from federal or state sources to support similar uses.

ARPA Fund Uses

The County is required to develop, adopt and implement a plan for the use of these funds which comply with guidance from the Department of Treasury. The funds may be used to:

1. Support public health expenditures, by, for example funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
2. Address negative economic impacts caused by the public health emergency, including economic harms to workers, households, small business, impacted industries, and the public sector;
3. Replace lost public sector revenue, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
4. Provide premium pay for essential workers, offering additional support to those who have and will bear the greatest health risks because of their service in critical infrastructure; and
5. Invest in water, sewer, and broadband infrastructure, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

Plan for ARPA-Eligible Projects

The County will allocate funds to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) and its negative economic impacts. The County will allocate funds to assist need for investments and improvements to existing infrastructure in water and wastewater systems, and renovations to existing County structures and public space. Finally, the County will allocate funds for the purchase of law enforcement equipment to mitigate the effects of increased violence caused by the COVID-19 public health emergency. The County will also allocate funds for economic development in Fountain County's cities and towns. Therefore, as set forth in §603(C) of ARPA, in accordance with guidance from the Department of Treasury and the Indiana Finance Administration, the County's plan for Recovery Fund spending includes the following:

1. **Water/Sewer Infrastructure**

Town of Hillsboro Sewer Extension	\$580,000	\$580,000
Town of Kingman Water/Sewer Project	\$450,000	\$450,000

2. **Economic Development**

City of Attica – Wabash Economic Growth Alliance, Inc. – Business Incubator Project	\$500,000	\$500,000
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3. **Public Space Renovations**

County Building Renovations	\$1,000,000	\$1,000,000
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4. **Law Enforcement Equipment**

FCSD Body Worn Cameras and System	\$177,000	\$177,000
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\$2,707,000

If there are remaining unused funds, such funds will be used for any of these uses, or any combination thereof, identified in this plan.

Fountain County Title VI Non-Discrimination Policy

The County serves all people, including minority populations, low-income populations, the elderly, persons with disabilities, and those who traverse the County. The County recognizes its responsibility to provide fairness and equity in all of its programs, services, and activities, and that it must abide by and enforce federal and state civil rights legislation.

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin, in any program, service or activity that receives federal assistance. Specifically, Title VI assures that, “No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under any program or activity receiving federal assistance (42 U.S.C. Section 2000d).” The use of the word “person” is important, as the protections afforded under Title VI apply to anyone, regardless of whether the individual is lawfully present in the United States or a citizen of a state within the United States. In addition to Title VI, there are other non-discrimination statutes that afford legal protection, including:

- Section 162(a) of the Federal-Aid Highway Act of 1973 prohibits discrimination based on sex (23 USC324) and is the enabling legislation of the Federal Highway Administration (FHWA)
- Age Discrimination Act of 1975 prohibits discrimination based on age
- Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 prohibit discrimination based on disability

Taken together, these requirements define an over-arching Title VI/Non-Discrimination Program. It is important to also understand that Title VI and the additional non-discrimination requirements are applicable to federal programs in addition to programs receiving federal financial assistance due to the Civil Rights Restoration Act of 1987. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 prohibits unfair and inequitable treatment of persons displaced or whose property has been acquired as a result of projects which are undertaken with federal financial assistance.

As a recipient of federal financial assistance, the County must provide access to individuals with limited ability to speak, write, or understand the English language. The County will not restrict an individual in any way from the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under its programs or projects. Individuals may not be subjected to criteria or methods of administration which cause adverse impact because of their race, color, national origin, age, sex, or disability or have the effect of defeating or substantially impairing accomplishment of the objectives of the program because of race, color, age, sex, disability, or national origin.

The County shall also ensure that their sub-recipients adhere to state and federal law and include in all written agreements or contracts assurances that the sub-recipient must comply with Title VI and other related statutes. The County, as a sub-recipient who distributes federal funds, shall monitor their sub-recipients for voluntary compliance with Title VI. In the event that non-compliance is discovered, the County will make a good faith effort to ensure that the sub-recipient corrects any deficiencies arising out of complaints related to Title VI; and that sub-recipients will proactively gauge the impacts of any program or activity on minority populations and low-income populations, the elderly, persons with disabilities all interested persons and affected Title VI populations.