

ORDINANCE NO. 2023- 10

**AN ORDINANCE TO ESTABLISH PROCEDURES RELATED TO THE
EXPENDITURE OF AMERICAN RESCUE PLAN ACT FUNDS**

WHEREAS, the policy of the State of Indiana is to grant local governments all powers that they need for the effective operation of government as to local affairs, as stated in I.C. § 36-1-3-2; and,

WHEREAS, I.C. § 36-2-2-2 establishes The Board of Commissioners of Morgan County, Indiana (“Commissioners”) as the executive body of County government and further obliges the Commissioners to transact the business of the County; and,

WHEREAS, in the spring of 2021, the United States Congress enacted the American Rescue Plan Act (“ARPA”), which was adopted with the intention of providing economic relief to individuals, businesses, not-for-profit organizations, and units of government across the country in order to offset some of the negative consequences of the pandemic and to reduce the severity of a possible economic downturn or recession; and,

WHEREAS, units of government that receive ARPA funds are required to adhere to specific regulations within ARPA and subsequent administrative actions that restrict the use of these funds to certain project(s) and for certain purpose(s), and further require certain reporting and documentation to verify compliance; and,

WHEREAS, government entities who fail to comply with the regulations governing the use of ARPA funds are subject to penalties, including potentially being required to refund the same to the federal government; and,

WHEREAS, as a result of the foregoing, the Commissioners believe that establishing specific procedure regarding the County’s administration and use of ARPA funds is in the best interest of the County, and further believe that doing so will help to ensure compliance with the various expenditure rules and regulations and also enable these funds to be used in a manner that maximizes their impact and the overall benefit to the County and its citizens.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF
COMMISSIONERS OF MORGAN COUNTY, INDIANA that:**

Section 1. The Commissioners are vested with the authority to select projects for ARPA spending.

Section 2. The Commissioners hereby adopt the following rules to ensure accountable spending:

- A. Any contract designated to use APRA funding, regardless of Council appropriation must be approved and signed by the Commissioners.

- B. All claims for the disbursement of ARPA funds must be signed by a Commissioner.
- C. A copy of all contracts and invoices shall be maintained by the Auditor's office.
- D. Reports submitted to US Treasury are to be reviewed by the Auditor prior to submittal and a printed copy with County Administrator's signature and the County Auditor or Deputy Auditor's signature shall be retained.

Section 3. All ordinances and/or parts of ordinances in conflict herewith, are hereby repealed.

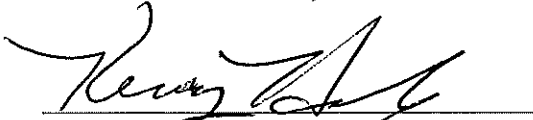
Section 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance shall for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereunder.

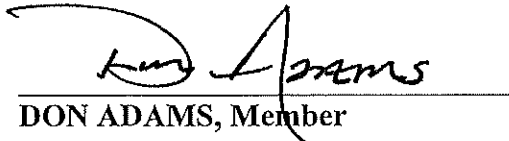
Section 5. This Ordinance shall take effect on passage, and shall remain in full force and effect until further action by the Board of Commissioners to amend or repeal the same.

ALL OF WHICH IS HEREBY ORDAINED BY THE MORGAN COUNTY BOARD OF COMMISSIONERS, ON THIS 17th DAY OF April, 2023.

MORGAN COUNTY BOARD OF COUNTY COMMISSIONERS


BRYAN COLLIER, President


KENNY HALE, Vice President


DON ADAMS, Member

Attest:


LINDA PRUITT
Morgan County Auditor