

ORDINANCE 1752

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, ACCEPTING CORONAVIRUS LOCAL FISCAL RECOVERY FUNDS FROM THE AMERICAN RESCUE PLAN ACT (“ARPA”), AUTHORIZING THE MAYOR TO ACCEPT THE FUNDS, AND AUTHORIZING THE MAYOR TO EXECUTE ALL RELATED CONTRACTS AND DOCUMENTS; ADOPTING NORTH BEND MUNICIPAL CODE SECTION 3.04.100 WHICH ESTABLISHES THE ARPA FISCAL RECOVERY FUND; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the American Rescue Plan Act of 2021 (“ARPA”) was signed into law on March 11, 2021; and

WHEREAS, the Washington State Office of Financial Management is responsible for the distribution of ARPA funds to smaller cities and towns (called nonentitlement units (“NEUs”)); and

WHEREAS, the City of North Bend is currently eligible to receive \$2,072,115 from the Coronavirus State and Local Fiscal Recovery Funds (“CSLFRF”) program to be utilized to aid in the recovery from the budgetary, economic, and financial impacts of the COVID-19 pandemic; and

WHEREAS, in order to receive the ARPA funds, the City must enter into a U.S. Treasury CSLFRF Terms and Conditions agreement; and

WHEREAS, the City desires to establish a new special revenue fund entitled “ARPA Fiscal Recovery Fund” for the purpose of segregating revenues received through and the expenditures eligible under the American Rescue Plan Act of 2021; and

WHEREAS, the City Council has determined that receipt of CSLFRF funds and the creation of the ARPA Fiscal Recovery Fund is in the best interest of the City of North Bend;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Acceptance of ARPA Funds. The City Council does hereby designate the Mayor or his designee to represent and act on behalf of the City for the purpose of the Coronavirus Local Fiscal Recovery Funds (CLFRF) program to accept current and future funds awarded by the U.S. Department of Treasury under the American Rescue Plan Act (ARPA). The Mayor is further authorized to execute all related contracts, agreements, amendments, and documents in connection

with the CLFRF program, with the approval as to form of the City Attorney, without further Council action.

Section 2. Adopting NBMC 3.04.100, ARPA Fiscal Recovery Fund. There is hereby added a new North Bend Municipal Code Section 3.04.100, ARPA Fiscal Recovery Fund, which establishes the ARPA Fiscal Recovery Fund (also known as the American Rescue Plan Act Fiscal Recovery Fund) for the purpose of segregating revenues received through and expenditures eligible under the American Rescue Plan Act of 2021.

3.04.100 ARPA Fiscal Recovery Fund.

- A. There is created the ARPA Fiscal Recovery Fund.
- B. The ARPA Fiscal Recovery Fund shall consist of monies allocated to the City under the American Rescue Plan Act of 2021 and distributed to the City in 2021 and 2022. The City shall appropriate and use the ARPA Fiscal Recovery Fund only for the eligible purposes as permitted by the ARPA and the U.S. Department of the Treasury.

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 4. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 15TH DAY OF JUNE, 2021.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Rob McFarland, Mayor

Michael R. Kenyon, City Attorney

ATTEST/AUTHENTICATED:

Published: June 25, 2021
Effective: June 30, 2021

Susie Oppedal, City Clerk