

RESOLUTION NO. 94

2024

AUTHORIZING THE MAYOR AND OTHER APPROPRIATE CITY OFFICIALS TO EXECUTE AND ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH AMERICAN RESCUE PLAN ACT (ARPA) DIRECTOR TO OBLIGATE STATE AND LOCAL FISCAL RECOVERY FUNDS (SLFRF) TO PERFORM DISASTER MITIGATION FOR THE LINDY CREEK TRIBUTARY.

WHEREAS, the American Rescue Plan Act of 2021 (Pub. L. No. 117-2) ("ARPA") is a \$1.9 trillion economic stimulus bill, passed by the 117th United States Congress and signed into law by President Joe Biden on March 11, 2021, that established the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund, which together make up the Coronavirus State and Local Fiscal Recovery Funds ("SLFRF") program to speed up the United States' recovery from the economic and health effects of the COVID-19 pandemic and the ongoing recession; and

WHEREAS, on or about May 11, 2022, File of the Council 69, 2022 entitled "Authorizing The Mayor And Other Appropriate Officials Of The City Of Scranton To Take All Necessary Actions To Implement The American Rescue Plan Act (Arpa) Grant Funds In The Amount Of Sixty-Eight Million, Seven Hundred And Forty-Six Thousand And Fifty Dollars (\$68,746,050.00)" was signed into law; and

WHEREAS, as a recipient of an SLFRF award, the City of Scranton may use SLFRF funds to cover eligible costs incurred during the period that begins on March 3, 2021 and ends on December 31, 2024, as long as the award funds for the obligations incurred by December 31, 2024 are expended by December 31, 2026; and

WHEREAS, as the ARPA obligation deadline is steadfastly approaching, the Administration has determined that it would be in the best interest of the City to obligate ARPA funds for a stormwater and drainage system design, permitting, inspection, and construction oversight, as well as other infrastructure improvements for the Lindy Creek tributary of the Keyser Creek, by and through a Memorandum of Understanding ("MOU") substantially in the form attached hereto as Exhibit "A;" and

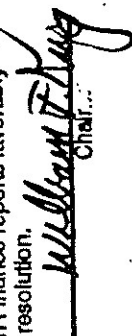
WHEREAS, the City has consulted with ANSER, who has advised that the City proceed with obligating funding by and through an MOU, such as the proposed MOU in this instant agreement, to ensure that a municipality has obligated funding by and through the appropriate

Introduced in Council on above date and referred to Committee on JULY 23, 2024

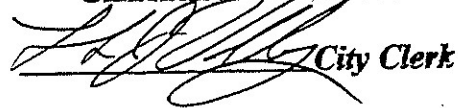
FINANCE


City Clerk

Scranton, Pa., July 30, 2024.
Committee on Finance reports favorably on the within resolution.


Chair

CERTIFIED COPY


City Clerk

branches and mechanisms of its government and to ensure that future administrations honor the obligations hereunder.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SCRANTON that the Mayor and other appropriate City Officials are authorized to execute and enter into a Memorandum of Understanding, substantially in the form attached hereto marked as Exhibit "A" and incorporated herein by reference thereto, so that the City of Scranton may so obligate State And Local Fiscal Recovery Funds (SLFRF) by and through the American Rescue Plan Act (ARPA) to perform disaster mitigation for the Lindy Creek tributary.

SECTION 1. If any section, clause, provision or portion of this Resolution shall be held invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause provision or portion of this Resolution so long as it remains legally enforceable minus the invalid portion. The City reserves the right to amend this Resolution or any portion thereof from time to time as it shall deem advisable in the best interests of the promotion of the purposes and intent of this Resolution and the effective administration thereof.

SECTION 2. This Resolution shall become effective immediately upon approval.

SECTION 3. This Resolution is enacted by the Council of the City of Scranton under the authority of the Act of Legislature, April 13, 1972, Act No. 62, known as the "Home Rule Charter and Optional Plans Law", and any other applicable law arising under the laws of the State of Pennsylvania.

Passed by the Council
July 30, 2024
Receiving the Affirmative votes of Council Persons
KING, SCHUSTER, ROTCHILLD, MCANDREW, SMURL
Negative NONE
President

Approved 7/31/2024
Puri K. K... Mayor
City Clerk
Certified Copy