

**ORDINANCE NO. 3141
UPPER DARBY TOWNSHIP
DELAWARE COUNTY, PENNSYLVANIA**

AN ORDINANCE OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA PROVIDING FOR SUPPLEMENTAL APPROPRIATIONS FOR THE 2023 BUDGET APPROPRIATING THE FUNDS PROVIDED BY THE AMERICAN RESCUE PLAN ACT (ARPA) STATE AND LOCAL FISCAL RECOVERY FUND FOR ONE-TIME FUNDING TO ASSIST THE NON-PROFIT: UPPER DARBY ARTS AND EDUCATION FOUNDATION TO CREATE THE BARCLAY SQUARE ARTS AND EDUCATION CENTER; REPEALING INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Upper Darby Township Council (“Council”) adopted a budget for the calendar year 2023 on December 28, 2022; and

WHEREAS, pursuant to Section 909(A) of the Home Rule Charter of Upper Darby Township, if during the fiscal year the Chief Administrative Officer certified that there are available for appropriation revenues in excess of those estimated in the budget, Council by ordinance may make supplemental appropriations for the year up to the amount of such excess; and

WHEREAS, on March 11, 2021, President Biden signed into law the American Rescue Plan Act, providing \$350 billion in funding for state and local governments; and

WHEREAS, the U.S. Department of Treasury calculated Upper Darby Township’s direct allocation from the Coronavirus State and Local Fiscal Recovery Fund at \$41.7 million to be provided to the Township in two (2) installments with one received in May 2021 and the second installment to be delivered on or about twelve (12) months later (collectively “ARPA funds” or “American Rescue Plan Allocation”); and,

WHEREAS, on February 7, 2022, Council appropriated \$6,000,000 of the ARPA funds to the General Fund leaving \$14,880,969 from the first installment and \$20,680,969.50 from the second installment to be allocated; on September 7, 2022 Ordinance No. 3119 was approved by Council allocating ARPA Funds Total of \$3,000,000.00 for the Upper Darby Community Center; also, on September 7, 2022 Ordinance No. 3120 was approved by Council allocating ARPA Funds Total of \$2,000,000.00 to the Upper Darby Police Department: \$1,200,000.00 for New Police Vehicles + Equipment, \$50,000.00 to the Police Athletic League, \$750,000.00 for Records Storage System, Upgrade, Technology, Data Improvements and Upgrades, etc; also, in Ordinance No. 3120 ARPA Funds: Total of \$150,000 for Gun Violence Prevention: \$50,000.00 for Gun Buyback Program, \$50,000.00 Gun Prevention Education & Training, \$50,000.00 for Gun Lock Program; and included in Ordinance No. 3120 ARPA Funds Total of \$5,000,000.00 for Flood Mitigation and Sewer Upgrades: \$1,000,000.00 for The Fernwood Interceptor, \$2,000,000.00 for the Cobbs Creek Interceptor, \$1,000,000.00 for Other Sewer Improvements, and \$1,000,000.00 for Naylor’s Run Streambank Stabilization; and on September 7, 2022 Ordinance No. 3122 was approved by Council allocating ARPA Funds Total of \$2,500,000.00 for the Upper Darby Fire Department: \$1,000,000.00 for Fire Apparatus #1, \$1,000,000.00 for Fire Apparatus #2, \$250,000.00 for Water Rescue, and \$250,000.00 for Self-Contained Breathing Apparatus (SCBA); on October 12, 2022 Ordinance No. 3121 was approved by Council allocating ARPA Funds Total of \$1,500,000.00 to the Acquisition of Open Spaces of properties 800 Providence Rd., Blanchard Rd. and 8001 Lansdowne Ave including \$300,000.00 of the \$1,500,000.00 being specifically allocated to Cleanup of Properties & Administrative Costs; and Ordinance No. 3123 was approved by Council allocating ARPA Funds Total of

\$5,786,245.00 for COVID Relief & Negative Economic Impacts: \$1,700,000.00 for Non-Profits Grant Program, \$1,000,000.00 for Small Business Grant Program, \$500,000 for COVID Contingency, \$2,186,245 for Essential Workers - Premium Pay, \$400,000 for Essential Workers - Vaccine Incentive; on December 28, 2022 Council approved both the 2023 Budget Resolution 49-22 and Annual Budget for the Township of Upper Darby for the Year 2023 Tax Levy and Appropriation Ordinance 3132 included an allocation of ARPA Funds Total of \$2,500,000.00 to the Police Department's 2023 Budget; and,

WHEREAS, Council recognizes the necessity to Assist the Non-Profit: Upper Darby Arts and Education Foundation to Create the Barclay Square Arts and Education Center in providing one-time ARPA funding under Negative Economic Impacts = 2.c Assistance to Nonprofits Expenditure Category 2.34 Assistance to Impacted Nonprofit Organizations (Impacted or Disproportionately Impacted) to cover rent, remodeling and operational costs; and, NOW,

NOW, THEREFORE BE IT ORDAINED AS FOLLOWS, Upper Darby Township Council makes the following supplemental appropriations for Mayor Keffer and the Administration to Assist the Non-Profit: Upper Darby Arts and Education Foundation to Create the Barclay Square Arts and Education Center from the American Rescue Plan Allocation:

SECTION 1. Allocation:

Assist the Non-Profit: Upper Darby Arts and Education Foundation to Create the Barclay Square Arts and Education Center - \$800,000 – Rent, Remodeling & Operational Costs

Total Amount of ARPA Funds for Ordinance No. 3141: \$800,000.00

- a.) The 3rd Party Company (herein referred to as the Compliance Officer) will make any needed adjustment to the ARPA allocations among Township departments to ensure compliance with ARPA guidelines established by the U.S. Department of the Treasury;
- b.) The Compliance Officer will bring any such adjustments to these allocations that are made to comply with ARPA guidelines to Mayor Keffer, Chief Administrative Officer, and the Upper Darby Township Council, for approval by Council prior to authorizing a Township department to expend newly-allocated ARPA funds; and,
- c.) That the Acting Township Finance Director is authorized to establish the necessary accounts and accounting procedures to carry out the intent of this Ordinance.

SECTION 2. All Ordinances and parts thereof inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 3. The terms, conditions and provisions of this ordinance are hereby declared to be severable, and should any portion, part or provision of this ordinance be found by a court of competent jurisdiction to be

invalid, unenforceable, or unconstitutional, Upper Darby Township Council hereby declares its intent that the ordinance shall have been enacted without regard to the invalid, unenforceable or unconstitutional portion, part, or provision of this ordinance.

SECTION 4. This ordinance shall become effective immediately.

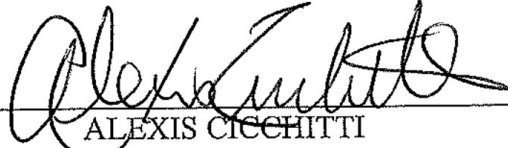
ENACTED and ORDAINED this 12th day of July, 2023.

BY: 
BRIAN K. BURKE
President of Council

ATTEST: 
MICHELLE BILLUPS
Secretary of Council

APPROVED this 12th day of July, 2023

BY: _____
BARBARANN KEFFER
Mayor

ATTEST: 
ALEXIS CICHITTI
Chief Municipal Clerk