

STATE OF ALABAMA)
COUNTY OF BALDWIN)

***RESOLUTION #2024-034
OF THE BALDWIN COUNTY COMMISSION***

**RESOLUTION TO AUTHORIZE EXPENDITURE OF AMERICAN RESCUE PLAN ACT FUNDS
FOR GOVERNMENTAL SERVICES USING REVENUE REPLACEMENT FUNDS**

WHEREAS, Baldwin County, Alabama, (the "County") has received American Rescue Plan Act State and Local Fiscal Recovery Funds ("ARPA funds") and is charged with ensuring that such funds are expended in accordance with state and federal law; and

WHEREAS, in accordance with the final rule issued by the U.S. Department of Treasury on January 6, 2022, the County has duly elected to take the standard allowance of revenue replacement funds equal to \$10,000,000 of its ARPA funds ("ARPA revenue replacement funds"); and

WHEREAS, the County may use its ARPA revenue replacement funds for governmental services; and

WHEREAS, governmental services provided by the County include provision of recycling services; and

WHEREAS, the Baldwin County Commission has previously approved the establishment and construction of a new Magnolia Material Recovery Facility to provide recycling services for the benefit of the County's citizens (the "Project"); and

WHEREAS, consistent with bid laws in the state of Alabama and federal regulations as they relate to the expenditure of ARPA revenue replacement funds, the Commission, on behalf of the County, has previously approved certain contracts to support the Project, including, design services by LaBella Consultants and for the construction of the facility by Persons Services Corporation; and

WHEREAS, the Baldwin County Commission (the "Commission") desires to allocate a portion of the County's ARPA revenue replacement funds to support the Project; and

WHEREAS, by way of Resolution No. 2023-114, dated May 2, 2023, the County has approved the application for the formation of the Solid Waste Authority of Baldwin County, Inc. (the "Authority") consistent with Section 11-89A-4 of the Code of Alabama (1975), as amended; and

WHEREAS, consistent with said resolution, application, articles of incorporation, and related agreements thereto, the County will transfer all duties and responsibilities of solid waste management including, but not limited to, the obligation to construct and operate the Magnolia Material Recovery Facility, and payment therefore, to the Authority; and

WHEREAS, the Commission has determined that use of the County's ARPA revenue replacement funds for this purpose is a necessary, eligible, and reasonable use of these funds.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION as follows:

- 1) The Commission hereby allocates a total of \$4,604,000.00 of the County's ARPA revenue replacement funds to be used toward the cost of the Project. Specifically, the following expenses are to be covered by and through this allocation:
 - a. \$620,000.00 to be used toward costs to be paid to Labella Consultants for design services relating to the Project that have already been incurred by the County; and
 - b. \$3,193,538.26 to be paid to Persons Services, Corp. for construction costs relating to the Project that have already been incurred by the County; and
 - c. \$790,461.74 to be paid to the Solid Waste Authority of Baldwin County, Inc. (the "Authority") to be used towards future costs of the construction of the facility.
- 2) The ARPA funds allocated by way of this Resolution are inclusive of any prior allocation of ARPA funds to support the project previously approved by the Commission, and shall supersede any and all other resolutions related thereto.
- 3) Consistent with the legal transfer of duties, responsibilities, and obligations, including specifically, the contractual obligation to pay for ongoing services, to the Waste Management Authority of Baldwin County, Inc., the Commission hereby approves the assignment of the existing contracts with LaBella Consultants and Persons Services, Corp. in substantially similar form as attached hereto as Addendums 1 and 2, respectively.
- 4) Subject to the following conditions, the County will enter into a funding agreement with the Waste Management Authority of Baldwin County, Inc. for the remainder of costs as set forth in Paragraph 1(c) above:
 - a. The County and the Authority enter into a written agreement detailing the terms and conditions of said conveyance, which is consistent with this Resolution, state law, and the terms and conditions of the County's ARPA award; and
 - b. All legal obligations, duties, and responsibilities relating to the establishment of the Authority have been officially transferred or assigned, by binding contract or otherwise, to the Authority consistent with the application, establishing resolution, articles of incorporation, or any other agreement related thereto.
- 5) The ARPA Program Director is charged with ensuring that revenue replacement funds allocated and expended to provide these governmental services will not be used in such a way as to frustrate COVID-19 mitigation guidance issued by the Centers for Disease Control, or for any other use prohibited by the Final Rule or any applicable state or federal law.
- 6) The Chairman of the County Commission is hereby authorized to expend these funds as described herein to support payment of the expenses as set forth in Paragraph 1 of this Resolution, subject to the conditions as set forth in Paragraph 4 herein.

7) Expenditure of funds, as authorized by this Resolution, shall be contingent on the continued appropriation and availability of ARPA funds for this purpose and in no event shall be used to cover the cost of providing governmental services for any quarter ending after December 31, 2024.

IN WITNESS WHEREOF, the Baldwin County Commission has caused this Resolution to be executed in its name and on its behalf by its Chairman on the 21st day of November 2023.

Billie Jo Underwood
Chairman, Baldwin County Commission

ATTEST:

Roger H. Rendleman, County Administrator