

STATE OF ALABAMA            )  
COUNTY OF BALDWIN        )

**RESOLUTION #2023-135  
OF THE  
BALDWIN COUNTY COMMISSION**

**A RESOLUTION TO APPROVE THE USE OF ARPA FUNDS FOR CITY OF LOXLEY  
WATER CAPACITY IMPROVEMENTS PROJECT**

**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**, ARPA funds may be used for necessary investments in water and sewer infrastructure (“eligible water and sewer ARPA infrastructure projects”); and

**WHEREAS**, pursuant to 603(c)(3) of the ARPA, PL 117-2, March 11, 2021, 135 Stat 4, the County may transfer ARPA funds to municipalities, water and sewer authorities, and other public third-party providers (“third-party providers”) in order to make these necessary investments; and

**WHEREAS**, the County has identified, with assistance from an independent consultant, an eligible ARPA infrastructure project to serve the County’s citizens, to wit: the addition of a groundwater production well project in Loxley Alabama (the “Project”); and

**WHEREAS**, the County desires to enter into an agreement with the City of Loxley (“City”), a municipality, to carry out the ARPA infrastructure project for a public purpose; and

**WHEREAS**, the Baldwin County Commission (the “Commission”) has determined that appropriating ARPA funds through a subrecipient agreement with the City; to make necessary investments in water and sewer infrastructure is a necessary, eligible, and reasonable use of these funds; and

**WHEREAS**, the Commission has reviewed the proposed agreement with the City attached to this Resolution (the “Agreement”), and desires to enter into the Agreement and to formally appropriate funding for the Project upon execution of the Agreement.

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION AS FOLLOWS:**

- 1) The County hereby makes a one-time allocation of up to \$750,000 of its ARPA funds to be awarded to and used by the City of Loxley for the cost of the Project, to add capacity to the City’s water system through the installation of a new groundwater production well capable of producing approximately 1,000 gallons per minute.

2) The Commission Chair is hereby authorized to execute the Agreement on behalf of the County.

3) Notwithstanding the provisions of this Resolution to the contrary, expenditure of the funds for the purposes described herein for costs associated with the project shall be contingent on compliance with applicable state and federal laws related to competitive procurement of goods and services.

4) The expenditure of ARPA funds for the purposes described herein shall be further contingent on the continued appropriation and availability of ARPA funds for this purpose and in no event shall be used for any expenses not obligated by December 31, 2024, and expended by December 31, 2026.

**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 5<sup>th</sup> day of July, 2023.

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Charles F. Gruber, Chairman  
Baldwin County Commission

ATTEST:

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Roger H. Rendleman  
County Administrator