

STATE OF ALABAMA )  
COUNTY OF BALDWIN )

**RESOLUTION #2023-045  
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 government services; and

**WHEREAS**, governmental services provided by the County include the construction and maintenance of County roads; and

**WHEREAS**, the Baldwin County Commission (the "Commission") desires to allocate a portion of the County's ARPA revenue replacement funds toward the cost of the construction of a south access road into the Novelis development property located in the County; 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 up to \$1,000,000 of the County's ARPA revenue replacement funds to be used toward the cost of the construction of a south access road into the Novelis development property located in the County, subject to the limitations set forth herein.
- 2) The funds allocated herein shall be used to cover the County's internal cost for the construction of the road by the Baldwin County Highway Maintenance Staff.
- 3) Notwithstanding any provision to the contrary in this Resolution, APRA revenue replacement funds allocated herein may not be allocated or expended for the following:
  - a. To pay interest or principal on outstanding debt (including fees or issuance costs associated with the issuance of new debt, and interest or charges for tax anticipation notes),
  - b. To replenish rainy day or other reserve funds,

- c. To pay judgments or settlements,
  - d. As a non-federal match (where otherwise barred by federal law),
  - e. As a deposit into a pension/retirement fund; or
  - f. To fund programs, services, or capital expenditures that undermine efforts to stop the spread of COVID-19.
- 4) The allocation and 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 government 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 20<sup>th</sup> day of December 2022.



Charles F. Gruber  
Chairman, Baldwin County Commission

Ronald J. Cink, Budget Director/Interim County Administrator