

AUTHORIZING THE DISTRIBUTION OF AMERICAN RESCUE PLAN ACT OF 2021 FUNDS TO THE KISHWAUKEE WATER RECLAMATION DISTRICT IN THE AMOUNT OF \$241,644.00 FROM FUND 110 (110-00-00-63800).

WHEREAS, the City of DeKalb (the "City") is a home rule unit pursuant to Article VII, Section 6(a) of the 1970 Illinois Constitution and may exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the Intergovernmental Cooperation Act, 5 ILCS 220/1, *et seq.*, authorizes intergovernmental cooperative agreements; and

WHEREAS, the American Rescue Plan Act of 2021 (the "ARPA") provided funds to the City to allocate and make available to eligible non-entitlement units of local government ("NEUs"), such as the Kishwaukee Water Reclamation District (the "KWRD"), for ARPA eligible uses, such as the replacement of lost governmental revenues due to COVID-19 to be used for the provision of governmental services and infrastructure; and

WHEREAS, the KWRD has requested distribution of ARPA funds in the amount of \$241,644.00 to replace lost revenues due to COVID-19 and to support governmental services and infrastructure (the "KWRD ARPA Funds"); and

WHEREAS, the City's corporate authorities find that it is in the City's best interests for the protection of public health, safety, morals and welfare to approve the KWRD ARPA Funds; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DEKALB, ILLINOIS:

SECTION 1: The City's corporate authorities approve the distribution of \$241,644.00 in ARPA funds from Fund 110 to the KWRD to replace lost revenues due to COVID-19 and to support governmental services and infrastructure, subject to and contingent upon the following terms, conditions and limitations: (1) the KWRD's compliance with ARPA and all applicable rules and regulations for the eligibility, distribution, use and reporting of the KWRD ARPA Funds; (2) the KWRD's agreement to defend, indemnify and hold harmless the City and the City's officers, agents and employees from and against any and all claims, damages, fines, losses, liabilities, refunds, recoupments, costs and attorney's fees relating to; or arising out of; the eligibility, distribution, use and reporting of the KWRD ARPA Funds; and (3) the KWRD's acceptance of the KWRD ARPA Funds shall constitute the KWRD's acceptance of the terms, conditions and limitations provided herein.

SECTION 2: This resolution and each of its terms shall be the effective legislative act of a home rule municipality without regard to whether such resolution should (a) contain terms contrary to the provision of current or subsequent non-preemptive state law, or (b) legislate in a manner or regarding a matter not delegated to municipalities by state law. It is the intent of the corporate authorities of the City of DeKalb that to the extent that the terms of this resolution should be inconsistent with any non-preemptive state law, that this resolution shall supersede state law in that regard within its jurisdiction.

SECTION 3: This resolution shall be in full force and effect from and after its passage and approval as provided by law.

PASSED BY THE CITY COUNCIL of the City of DeKalb, Illinois at a Regular meeting thereof held on the 26th day of July 2021 and approved by me as Mayor on the same day. Passed on First Reading by a 6-0-2 roll call vote. Aye: Morris, Smith, Perkins, Verbic, Faivre, Barnes. Nay: None. Absent: Larson, McAdams. Second Reading waived by a 6-0-2 roll call vote. Aye: Morris, Smith, Perkins, Verbic, Faivre, Barnes. Nay: None. Absent: Larson, McAdams.




COHEN BARNES, Mayor

ATTEST:


Ruth A. Scott, Executive Assistant