

**Porter County American Rescue Plan
Sub Committee Infrastructure and Facilities
Wednesday, April 13, 2022, 1:00 p.m.
Commissioners' Meeting Room Chambers
Porter County Administration Center 155 Indiana Ave., Valparaiso IN 46383**

Voting Members Present:

Jeff Good
Sylvia Graham
Mike Jessen

Citizen Members Present:

James Hazzard
Curtiss Streitmeier

NonVoting Member

Mike Novotney

Vicki Urbanik addressed the Committee. These first meetings are going to be organizational. The first order of business is election of the Subcommittee Chair.

Motion: Mike Jessen moved to nominate Jeff Good as Chair of the Infrastructure and Facilities Subcommittee. Sylvia Graham seconded the motion. Upon voice vote the motion passed with a 5-0 vote.

Vicki Urbanik presented the **General Organization Matters adopted by the Steering Committee:**

TIMETABLE: The Steering Committee and Subcommittees should adhere to the timetable set by the Commissioners:

- April and May -- Subcommittees meet to review the proposals and to make their recommendations by the end of May.
- June – Staff to compile the recommendations, and the Steering Committee to review.
- July -- Steering Committee to hold meeting(s) to receive input on the recommendations and to prepare the proposed plan for the Commissioners. The expectation is that the Commissioners and Council will vote on the plan in August, prior to the start of the county's budget hearings.

SUBCOMMITTEE STRUCTURE: Each subcommittee will elect its own chair and set their own meeting dates and times. All subcommittees should follow a similar meeting format. The subcommittees will work through the Steering Committee Chair to schedule meetings and presenters. The Chair/Commissioners' office will reserve the room and post meeting notices and notify the media.

PROPOSALS: All proposals must be submitted via the Porter County website. Applicants will have the ability to provide additional information when making their presentation to the

Subcommittee. Late proposals will not be accepted. The Steering Committee will review all proposals to route to the appropriate Subcommittee. The Chair will determine if any proposal is clearly in noncompliance; non-compliant proposals will not be forwarded to a Subcommittee. Applicants may appeal the rejection to the Steering Committee.

MULTIPLE PROPOSALS: Applicants with multiple proposals have the option of grouping all their proposals into one or submit multiple requests.

PUBLIC COMMENT: Public comment will be allowed at the conclusion of each meeting. Those making comments should give their name and municipality/township. They should come to one of the microphones to speak so that their comments can be recorded. Each speaker will be limited to 3 minutes each. (Note: This section concerns only the public comment portion of each meeting, not the time allotted to groups making presentations.) Individuals making comments about proposals presented at Subcommittee meetings are to make their comments and direct their questions to the Subcommittee, not the applicants.

SUBCOMMITTEE RECOMMENDATIONS: Subcommittees should rank each proposal they are recommending. The Subcommittees will present their recommendations to the Steering Committee and will explain to the Steering Committee why they are recommending the particular projects.

NON-ENUMERATED USES: If a proposed expenditure is not enumerated in the Final Rule and/or if a project is targeted to populations not identified as eligible beneficiaries, it will be up to the applicants to explain why they believe their proposal complies with the Final Rule.

FUNDING CONSIDERATIONS: Subcommittees should ask applicants if they are willing to accept a lesser amount of funding than requested. The Steering Committee may reduce the funding amounts recommended by each Subcommittee.

PROJECT CHECKLIST: The Steering Committee will work on a proposed checklist that the Subcommittees will present to the Steering Committee for the recommended projects. Tentatively, the summary will describe each project, the dollar amount recommended, and confirmation that the projects meet the Steering Committee's "priority considerations," where applicable.

Adhering to the time table important because of restrictions and deadlines on the funds. Some of these proposals may take a very long time once they go through the process of contracts, consultants and all the other steps they have to go through. All funds must be obligated by the end of 2024. If there are any funds left on the table it goes back to the US Treasury.

It is good to ask the presenters if they will accept less. There is a substantial amount more of requests than there are funds. There will have to be cutting from the requests. There were 64 requests and they totaled just over \$53 Million Dollars.

The Steering Committee also adopted General Priority Considerations

ARPA's State and Local Fiscal Recovery Funds constitute a one-time, non-recurring federal award to the County. The use of these funds should reduce, not increase, the need for on-going local expenditures in the future. Priority consideration will be given to proposals that:

- Are an eligible use of ARPA funds as stated in Treasury's Final Rule
 - Are one-time
 - Leverage matching funds from other sources to the extent allowed
 - Serve a large number of people in Porter County and the target population served
 - Are from agencies or organizations located in Porter County or primarily having operations in Porter County
 - Are effective and impactful on the use of the ARPA money
 - Are capable to obligate (contract) the funds by December 31, 2024
 - Are capable to complete spending by the deadline of December 31, 2026
- Other considerations that may affect funding recommendations:
- Level of federal aid that the applicant has received through other COVID-19 programs; degree to which the applicant has received or requested ARPA assistance from other agencies
 - Commitment to adhere to non-discrimination policies
 - Commitment to adhere to best labor practices
 - Degree to which the applicant has had negative audit findings, late tax filings, suspension of non-profit status, or other violations of federal, state, or local regulations

Vicki Urbanik stated the Steering Committee would like the top projects to meet the majority of these General Priority Considerations. The subcommittee can impose additional priorities or requirements.

Jeff Good reminded the Committee there are more requests than there is money. He would like to make sure each request assigned to this group qualifies first. Next in importance to him is what matching funds are available.

Vicki Urbanik stated there are some applications she has questions about. The applicant will have to explain.

Mike Novotney asked how many applicants and the dollar amount of those applications received. Vicki Urbanik answered there were 63 applications. Some organizations submitted more than one application. The total ask was approximately \$53 Million Dollars.

Review of US Treasury's Final Rule as it Applies to the Infrastructure and Facilities Subcommittee

Vicki Urbanik explained There are four main expenditure categories. There is not one category that takes precedent over another. All four subcommittee will deal with Public Health and Negative Economic Impacts. This category is broken down into eight subcategories. The category this subcommittee will focus on is: investments in water, sewer and broadband

infrastructure. When this money is spent there is reporting that Vicki has to do. That reporting has to show the detailed category. There is a list of enumerated uses. Projects allowed under the Federal Clean Water and Drinking Water Sinking Funds are allowable. Stormwater, wetland, shoreland restoration, water conservation and rain barrels are all allowable uses. Most of the applications deal with conservation and stormwater, both of which are allowed. The County can contract with other entities and this would make them a subaward and subrecipient. The County is still responsible. No matter what happens, every outside group will have a written agreement with the County. There is a subrecipient agreement drafted already. It has been reviewed by the County Attorney.

James Hazzard asked if this could be done by reimbursement. Vicki Urbanik answered the Final Rule says the US Treasury does not have a preference. Her suggestion is direct invoice.

Jeff Good added there has to be an approval process. The County has to inspect the project. If the County is accountable for the money, they should be accountable for the work. Jeff further added this is not something being done because it is ARPA money. This is standard practice by the County.

Vicki Urbanik discussed how to determine if a project is allowable. If it is an enumerated use, then it is allowed. There might be a use that applies to an enumerated use. This would make it allowable. If a project is considered a stretch, the applicant can be asked to explain why it is allowable. The US Treasury was told the list is too restrictive. If there is no justification there is the category of Revenue Loss which is very general. If a project goes over \$1 Million Dollars there is more evaluating that has to be done.

Mike Jessen asked about justifying and putting in the Revenue Loss category. The Committees will know before the presentation if Vicki Urbanik has marked the presentation as questionable. This subcommittee is not required to prove financial hardship for a request. Mike discussed validating the need.

The Marquette Trail will have matching funds. The Revenue Loss category might have to be dipped into for this project.

Attorney Scott McClure discussed the deadline to obligate money and its importance. If there is a contract with another entity, they must be able to meet the obligation and spending deadlines because it is the County's obligation to meet these deadlines. If deadlines are not met, the money will go back to the US Treasury. He stressed with all that is going on at this time, engineers and architects are 18 months out on projects. The subrecipients need to be aware of this and know they can make the deadline.

Mike Novotney stated he agrees. There are two bars all must clear: eligibility and practicality. If they cannot move through the process quickly, they will not make the deadline. Also cost estimates must be looked at. Prices have been going up quite a bit.

Sylvia Graham said she will be looking at viable. If a project is built, will there be money to run it once it is built.

Jeff Good said he is concerned with applications that already have government funding sources.

Curtiss Streitmeier asked if an applicant has done some prework, can it be reimbursed or is it only going forward. Vicki Urbanik answered it can only go back to March of 2021.

Jeff Good stated an applicant is going to have to prove a project. He feels the engineering should be paid up front by the project owner. The projects coming to this committee will be big ticket items.

Attorney McClure suggested at the next meeting the committee look at if the applicants can meet the time line. If not, there is not a reason to look at the project.

Vicki Urbanik stated she is not done vetting the applications. Some she feels can only be Revenue Loss category.

Mike Jessen stated the requests have to be justifiable. The applicant should not have received funding from other entities.

Curtiss Streitmeier asked about disproportionately impacted areas. Vicki stated there is one area in Valparaiso. It is bounded by Silhavy on the east, 30 on the south, Lincolnway on the north, and Hayes Leonard on the west. None of the requests for this subcommittee are in this area.

Schedule Subcommittee Meetings and Presentations for April and May

Jeff Good suggested at the next meeting all of the county Storm Water projects and other county government proposals present. At the second meeting they will hear the rest. The Agenda will include which presentations will be heard.

Public Comment

Walt Breitingner- are the projects on the web site. Yes.

Robyn Laine – 258 Howe Street. If a project gets picked and does not get finished, what happens to the money that was already spent. Vicki Urbanik – stated the applicant will pay for the engineering up front. Jeff Good added if they don't meet the project, the money goes back to the Federal government unless something else can be stuck in quickly. The agreement signed by both parties will cover this issue.

Gary Brown – 203 Harrison. Izsak Walton is scheduled to be heard on the 22nd. Their meeting needs to be later. He doesn't understand why during the day it is not the government projects. Even the evening meetings should be later.

Seeing no one else wishing to address the Subcommittee, Jeff Good declared the Public Comments closed.

James Hazzard – from Portage. He was in the military. His background is engineering. He has been on the Plan Commission, DRC, and BZA in Portage. He has built projects himself. He is the Commissioners' appointment.

Curtiss Streitmeier – He was a school superintendent for several years. He now is working on research of Federal funding and Grants. He is the Council appointment.

The meeting adjourned.

Jeff Good, Chairman

ATTEST:

Vicki Urbanik