

**TOWN OF NORTH BRENTWOOD
ORDINANCE NO. 2022-02**

Evan

Introduced by: Councilmember Evan Dame

Seconded by: Councilmember Charles Wiley

Date of Introduction: June 6, 2022

An Ordinance Amending Chapter 27 (Grants-In-Aid) of the Code of The Town of North Brentwood by Establishing a Grant Administration Article having Certain Rules and Conditions for the Management and Distribution of Certain Grant Proceeds by the Town within the Town Code of Ordinances

WHEREAS, under the funding administered by the State of Maryland pursuant to the American Rescue Plan Act (the Act), there is a Coronavirus State and Local Fiscal Recovery Funds (CLFRF) program, where every level of government will receive funding, regardless of size; and

WHEREAS, pursuant to Section 603(c) of the Act, fiscal recovery funds may be used to enable local governments to respond to the COVID-19 public health emergency, provide premium pay to essential workers, supplement revenue reductions incurred during the pandemic, and to make necessary investments in water, sewer, and broadband infrastructure; and

WHEREAS, North Brentwood received federal ARPA funding which must be obligated by December 31, 2024, and said funds must be expended by December 31, 2026; and

WHEREAS, the Town has received the first tranche of funds in July and the second installment of the Town’s disbursement in the fall of 2022, and has made plans for the use of the ARPA funds to benefit the Town and its residents, and assist the Town to recover from the negative effects of the pandemic; and

WHEREAS, the U.S. Office of Management and Budget has published guidance in the Federal Register entitled Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) as codified in Title 2, Part 200 of the Code of Federal Regulations (CFR) and recipients are further subject to the Federal Funding Accountability and Transparency Act (FFATA) reporting requirements; and

WHEREAS, the Town Charter, §602(18) (Grants-in-aid) authorizes the Town to pass all such ordinances not contrary to the Constitution and laws of the State of Maryland or the Charter as it may deem necessary for the good government of the Town to accept gifts and grants of federal or of State funds from the federal or State governments or any agency thereof, and to expend the funds for any lawful purpose, agreeably to the conditions under which the gifts or grants were made; and

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| [Brackets] | : | Indicate matter deleted from existing law |
| Asterisks * * * | : | Indicate that text is retained from existing law but omitted herein. |

WHEREAS, the Mayor and Council deems it appropriate to adopt this ordinance as to allow timely and efficient administration of ARPA and other grants received by the Town for the benefit or redistribution to its residents and business in order to mitigate the adverse effects of the COVID-19 pandemic.

NOW THEREFORE BE IT ORDAINED AND ENACTED by the Council of the Town of North Brentwood that the following Ordinance to be enacted herein as a regular ordinance to be codified and named as Article 2 (Grant Administration) of Chapter 27 (Grants-In-Aid) of *The Code of the Town of North Brentwood* and is hereby adopted, amended and enacted such that said Ordinance, Chapter, Article and Code shall henceforth read as follows:

SECTION 1.

THE CODE OF THE TOWN OF NORTH BRENTWOOD

Part I: Administrative Legislation

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Chapter 27. Grants-In-Aid

ARTICLE 1. GRANTS

§ 27-1. Acceptance of grants-in-aid.

The Town may accept gifts, or grants from the state or federal government for public purposes by ordinance or written resolution. It may also accept public or private gifts, grants or bequests for public or municipal purposes by ordinance or written resolution, provided that such gifts, grants or bequests are not prohibited by the Charter of the Town.

ARTICLE 2. GRANT ADMINISTRATION

§ 27-2. MINIMUM GRANT ADMINISTRATION STANDARDS AND REQUIREMENTS.

THE FOLLOWING MINIMUM GRANT ADMINISTRATION STANDARDS, CONDITIONS AND REQUIREMENTS SHALL BE INCORPORATED INTO ALL TOWN GRANT AGREEMENTS OR RECIPIENT APPLICATIONS FOR DISBURSEMENTS UNLESS THE COUNCIL IN THE APPROPRIATING OR AUTHORIZING ORDINANCE, OR BY SEPARATE WRITTEN RESOLUTION WAIVES SUCH STANDARD, CONDITION, OR REQUIREMENT:

1. GOALS AND OBJECTIVES. EACH GRANT RECIPIENT OR SUBRECIPIENT RECEIVING FUNDS FROM THE TOWN SHALL PROVIDE THE TOWN WITH A BRIEF STATEMENT OR COMPLETED FORM OR APPLICATION PROVIDED BY THE TOWN OF ANY ATTAINABLE AND MEASURABLE GOALS, OBJECTIVES, AND/OR

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OUTCOMES WHICH ADDRESS THE PURPOSES OF THE GRANT AWARD.

2. USE OF GRANT FUNDS. GRANT FUNDS MAY NOT BE USED FOR EXPENSES OR OBLIGATIONS INCURRED OUTSIDE THE EFFECTIVE DATES OF THE GRANT AWARD. RECIPIENTS OF GRANT PROCEEDS OR FUNDS DERIVED FROM OUTSIDE GRANTS SHALL COMPLY WITH THE APPLICABLE GRANT AGREEMENT, U.S. GOVERNMENT’S OFFICE OF MANAGEMENT AND BUDGET (OMB) RULES AND REGULATIONS, STATE LAW, THIS ARTICLE AND ANY TOWN RULES OR REGULATIONS, WHERE APPLICABLE. THE TOWN MAY REQUEST REPORTS FROM TIME TO TIME OF THE USE AND DISPOSITION OF ANY GRANT FUNDS DISBURSED BY THE TOWN TO A RECIPIENT.

3. RULEMAKING. THE TOWN COUNCIL IS HEREBY AUTHORIZED TO PROMULGATE SUPPLEMENTAL RULES AND REGULATIONS FROM TIME TO TIME BY WRITTEN RESOLUTION FOR THE ADMINISTRATION, MANAGEMENT, USE AND ELIGIBILITY REQUIREMENTS FOR ANY GRANTS OR GRANT PROCEEDS ADMINISTERED BY THE TOWN CONSISTENT WITH THIS ARTICLE.

4. AUDITS. DURING NORMAL BUSINESS HOURS, A COMMERCIAL OR BUSINESS GRANT RECIPIENT SHALL PERMIT THE TOWN OR ITS REPRESENTATIVE TO REVIEW, MONITOR, AUDIT, AND EVALUATE ALL FINANCIAL AND PROGRAMMATIC RECORDS OF THE GRANT RECIPIENT TO DETERMINE COMPLIANCE WITH THE TERMS AND CONDITIONS OF THE GRANT AWARD.

5. RECORDS MANAGEMENT AND RETENTION. A TOWN GRANT RECIPIENT OR SUBRECIPIENT SHALL RETAIN GRANT AND SUBCONTRACT RECORDS, INCLUDING RECORDS OF THE RECEIPT AND DISPOSITION OF GRANT FUNDS, FOR A PERIOD OF THREE YEARS FROM THE DATE OF DISBURSEMENT BY THE TOWN OF THE GRANT RECIPIENT’S FINAL GRANT DISBURSEMENT. THE GRANT RECIPIENT SHALL CONTINUE TO RETAIN RECORDS AS LONG AS ANY AUDIT IS IN PROGRESS OR AS LONG AS AUDIT FINDINGS, LITIGATION, OR CLAIMS INVOLVING THE RECORDS ARE PENDING. AFTER RESOLUTION, THE GRANT RECIPIENT SHALL RETAIN REQUIRED RECORDS FOR AN ADDITIONAL THREE YEARS. IF FOR ANY REASON THE GRANT RECIPIENT CEASES OPERATIONS BEFORE THE END OF ANY RECORD RETENTION PERIOD, ALL FINANCIAL AND PROGRAM RECORDS SHALL BE DELIVERED TO THE TOWN.

6. DUTIES UPON TERMINATION/EXPIRATION. IF THE GRANT RECIPIENT RECEIVES PAYMENTS EXCEEDING THE AMOUNT TO WHICH IT IS ENTITLED, IT SHALL REMIT THE EXCESS TO THE TOWN WITHIN 30 DAYS OF RECEIVING WRITTEN NOTICE OF TERMINATION OR OVER PAYMENT. THE GRANT RECIPIENT SHALL NOT BE ENTITLED TO FINAL COMPENSATION UNTIL ALL FINAL FINANCIAL REPORTS ARE PROVIDED.

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§ 27-3. EXCEPTIONS.

THE MINIMUM GRANT STANDARDS, CONDITIONS AND REQUIREMENTS SET FORTH IN THIS ARTICLE SHALL NOT APPLY TO THE EXTENT THAT AN INTERGOVERNMENTAL GRANTOR’S FUNDING SOURCE REQUIREMENTS OR GRANT AGREEMENTS CONFLICT WITH ANY TOWN STANDARD, CONDITION, OR REQUIREMENT FOUND IN THIS ARTICLE OR ANY REGULATION OR RULE PROMULGATED PURSUANT TO THIS ARTICLE.

§ 27-4. COUNCIL NOTIFICATIONS AND APPROVALS; GRANT MANAGER.

A. THE TOWN’S ADMINISTRATION OR ITS AGENCIES SHALL NOTIFY THE MAYOR AND TOWN COUNCIL BY MEMORANDUM WHEN A GRANT IS BEING PURSUED AND PROVIDE A PROJECT DESCRIPTION AND AMOUNT. ALL GRANT AGREEMENTS FOR FUNDS TO BE RECEIVED FROM EXTERNAL INTERGOVERNMENTAL OR OTHER SOURCES SHALL BE AUTHORIZED BY THE NORTH BRENTWOOD TOWN COUNCIL.

B. A PROGRAM MANAGER, OTHER THAN THE TOWN MANAGER WHO SHALL BE THE DEFAULT PROGRAM MANAGER, FOR ALL GRANTS SHALL BE NAMED AND APPROVED BY THE TOWN COUNCIL AND SHALL SERVE AS THE SUBJECT MATTER EXPERT FOR ANY GRANT-FUNDED PROJECT OR PROGRAM, AND, THUS, SHALL BE THE PRIMARY PERSON IN THE TOWN RESPONSIBLE FOR GRANT PROGRAMMATIC ACTIVITIES AS AUTHORIZED BY THE GRANT AGREEMENT. THE PROGRAM MANAGER SHALL HAVE THE RESPONSIBILITY TO OVERSEE ADMINISTRATIVE AND FINANCIAL ACTIVITIES OF THE GRANT AWARD AND SHALL STAY IN COMPLIANCE OF THE TERMS AND CONDITIONS OF ANY APPLICABLE GRANT AWARD.

§ 27-5. VIOLATIONS AND PENALTIES

ANY VIOLATION OF THIS ARTICLE OR ANY RULE OR REGULATION AS PROMULGATED UNDER THE AUTHORITY GRANTED HEREIN SHALL BE DEEMED A MUNICIPAL INFRACTION AND SHALL, IN ADDITION TO ANY COST OR FEE, BE PUNISHED BY A FINE OF \$500. THE MAYOR SHALL BE AUTHORIZED TO SEEK ANY OTHER RELIEF AVAILABLE BY LAW OR EQUITY TO ENFORCE THE PROVISIONS OF THIS ARTICLE.

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SECTION 2.

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AND BE IT FURTHER ORDAINED AND ENACTED, that it is the intention of the Mayor and Council, and it is hereby ordained, that the provisions of this Ordinance found in Section 1 hereinabove shall become or continue to be made part of the Code of Ordinances and the sections of this Ordinance may be renumbered to accomplish such intention, and that Chapter 27 of the Code of Ordinances is hereby permanently amended to read as stated in Section 1 hereinabove.

AND BE IT FURTHER ORDAINED AND ENACTED, this Ordinance having been read on at least two occasions at a public meeting shall take effect and become effective at the expiration of eleven (11) calendar days following adoption by the Council, and approval by the Mayor or passage by the Council over the Mayor's veto or the effective date of an enabling charter amendment resolution, unless a different effective date has been specified herein.

THIS ORDINANCE IS ADOPTED BY THE COUNCIL OF THE TOWN OF NORTH BRENTWOOD THIS ___ DAY OF JUNE 2022.

Aye: 3
Nay: 0
Absent: 0
Abstain: 0

Approved:

TOWN OF NORTH BRENTWOOD

By: _____
Petrella Robinson, Mayor

Date: _____

CERTIFICATE

I HEREBY CERTIFY on this 6th. day of June_____, 2022, that the above proposed ordinance was posted on an official bulletin board maintained by the Council in a public place until it was approved or disapproved pursuant to the Town Charter and that an executed copy of this ordinance has been delivered to General Code, LLC for codification.

Town Clerk

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