

**ORDINANCE NO. 3123  
UPPER DARBY TOWNSHIP  
DELAWARE COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF UPPER DARBY TOWNSHIP, DELAWARE COUNTY, PROVIDING FOR SUPPLEMENTAL APPROPRIATIONS FOR THE 2022 BUDGET APPROPRIATING THE FUNDS PROVIDED BY THE AMERICAN RESCUE PLAN ACT (ARPA) STATE AND LOCAL FISCAL RECOVERY FUND TO ALLOCATE FUNDS FOR COVID RELIEF & NEGATIVE ECONOMIC IMPACT; REPEALING INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, Upper Darby Township Council (“Council”) adopted a budget for the calendar year 2022 on December 20, 2021; and

**WHEREAS**, pursuant to Section 909(A) of the Home Rule Charter of Upper Darby Township, if during the fiscal year the Chief Administrative Officer certified that there are available for appropriation revenues in excess of those estimated in the budget, Council by ordinance may make supplemental appropriations for the year up to the amount of such excess; and

**WHEREAS**, on March 11, 2021, President Biden signed into law the American Rescue Plan Act, providing \$350 billion in funding for state and local governments; and

**WHEREAS**, the U.S. Department of Treasury calculated Upper Darby Township’s direct allocation from the Coronavirus State and Local Fiscal Recovery Fund at \$41.7 million to be provided to the Township in two (2) installments with one received in May 2021 and the second installment to be delivered on or about twelve (12) months later (collectively “ARPA funds” or “American Rescue Plan Allocation”); and,

**WHEREAS**, the Mayor submitted to Council a proposed spending structure, as prepared by Township staff in conformity with the Interim Final Rule released by the U.S. Department of Treasury, for the first \$20.8 million; and,

**WHEREAS**, on February 7, 2022, Council appropriated \$6,000,000 of the ARPA funds to the General Fund leaving \$14,880,969 from the first installment and \$20,680,969.50 from the second installment to be allocated; and,

**WHEREAS**, the Mayor is requesting an allocation from the ARPA funds of **5,786,245.00** for COVID Relief & Negative Economic Impacts; and,

**NOW, THEREFORE BE IT ORDAINED AS FOLLOWS**, Upper Darby Township Council makes the following supplemental appropriations for COVID Relief & Negative Economic Impacts from the American Rescue Plan Allocation:

**SECTION 1. Program Allocation**

<b>COVID Relief &amp; Negative Economic Impacts</b>	<b>\$ 5,786,245.00</b>
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**SECTION 2.** All Ordinances and parts thereof inconsistent with the provisions of this Ordinance are hereby repealed.

**SECTION 3.** The terms, conditions and provisions of this ordinance are hereby declared to be severable, and should any portion, part or provision of this ordinance be found by a court of competent jurisdiction to be invalid, unenforceable or unconstitutional, Upper Darby Township Council hereby declares its intent that the ordinance shall have been enacted without regard to the invalid, unenforceable or unconstitutional portion, part or provision of this ordinance.

**SECTION 4.** This ordinance shall become effective immediately.

**ENACTED and ORDAINED** this \_\_\_\_\_ day of , 2022.

BY: \_\_\_\_\_  
BRIAN K. BURKE  
President of Council

ATTEST: \_\_\_\_\_  
MICHELLE BILLUPS  
Secretary of Council

**APPROVED this \_\_\_\_\_ day of , 2022**

BY: \_\_\_\_\_  
BARBARANN KEFFER  
Mayor

ATTEST: \_\_\_\_\_  
ALEXIS CICCHITTI  
Chief Municipal Clerk