

**RESOLUTION OF THE BOARD OF SUPERVISORS OF MADISON COUNTY,
MISSISSIPPI AUTHORIZING MODIFICATION OF THE PROJECT DESCRIPTION
OF AMERICAN RESCUE PLAN ACT (“ARPA”) FUNDS AWARDED TO THE
MADISON COUNTY WASTEWATER AUTHORITY (“MCWA”) FOR WASTEWATER
SYSTEM IMPROVEMENTS**

WHEREAS, on March 11, 2021, the President of the United States signed into law the American Rescue Plan Act to provide continued relief from the impact of the COVID-19 pandemic (“COVID-19”); and

WHEREAS, the American Rescue Plan Act, through the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund (together, “ARPA”), allotted approximately \$350 billion to assist state, local, tribal and territory governments in responding to COVID-19; and the Madison County (“County”) was allocated a total of \$20,642,090; and

WHEREAS, the United States Department of the Treasury (“Treasury”) has established a final rule implementing ARPA as effective April 1, 2022, FAQ’s and related guidance, as amended from time to time (“Guidance”), setting forth specific requirements for utilizing the funds, including the eligible uses thereof, received under ARPA; and

WHEREAS, the Mississippi Senate Bill 2822 (2022) provided funding and parameters for a program, which funding is derived from Mississippi’s ARPA allocation, and will provide matching funds on a one-to-one basis to eligible counties and municipalities for making necessary investments in water, wastewater, and stormwater infrastructure known as the Mississippi Municipality and County Water Infrastructure (“MCWI”) Grant Program; and

WHEREAS, the Mississippi Department of Environmental Quality (“MDEQ”) developed regulations, FAQ’s, and related guidance for the MCWI program (the “MCWI Guidance”); and

WHEREAS, the MCWI Guidance defines eligible applicants to include any Mississippi county that has been awarded ARPA funds that will direct funds towards necessary investments in infrastructure including projects that are eligible for the Environmental Protection Agency’s Clean Water State Revolving Fund Program, the Drinking Water State Revolving Fund Program, and certain storm water infrastructure projects, all as eligible under the Guidance; and

WHEREAS, regulations established by the MDEQ for the MCWI program state that eligible projects include “[a]ny other drinking water, wastewater or stormwater Project eligible through ARPA guidelines, guidance, rules, regulations, and other criteria, as may be amended from time to time, by the United States Department of the Treasury.”; and

WHEREAS, the County and MCWA entered into the Madison County, Mississippi Subrecipient Agreement for Use of ARPA Funds – Madison County Wastewater Authority, Wastewater Improvements on or about August 7, 2023 (the “Subrecipient Agreement”) that provided \$2,000,000 of the County’s ARPA Funds for wastewater system improvements in Madison

County, and this Subrecipient Agreement obligated this portion of the County's ARPA Funds prior to December 31, 2024, as required by the Guidance; and

WHEREAS the Attachment "A" of the Subrecipient Agreement stated that the scope of work for eligible activities to be funded in whole or part included "construction of a flow equalization lagoon, construction of force main piping connections at the wastewater treatment plant, and extending the new force main towards Virilia Road"; and

WHEREAS, MCWA in Cooperation with the County applied for and received match funds from the MCWI Grant Program in the amount of \$2,000,000, so that a total of \$4,000,000 of ARPA Funds are available for wastewater system improvements in Madison County; and

WHEREAS, since the execution of the Subrecipient Agreement, the County undertook a project to significantly increase the wastewater treatment capacity at the Beattie's Bluff Wastewater Treatment Facility ("Beattie's Bluff") by constructing a new 4 million gallon per day treatment plant and rehabilitating the existing 8 million gallon per day treatment plant, such that the additional wastewater capacity that would have been provided by a flow equalization lagoon is no longer necessary; and

WHEREAS, MCWA has become aware of certain urgent needs to repair pump stations that transport wastewater to the Beattie's Bluff wastewater treatment facility; and

WHEREAS, the County agrees that it is in the best interest of the County to modify the scope of eligible activities to be funded under the Subrecipient Agreement and replace Attachment "A" of the Subrecipient Agreement so that ARPA and MCWI Funds may be used for the urgent repairs to pump stations, as attached hereto in **Exhibit A**; and

WHEREAS, Treasury Guidance and MCWI Guidance define eligible projects to include necessary investments in infrastructure including projects that are eligible for the Environmental Protection Agency's Clean Water State Revolving Fund ("CWSRF") Program, and

WHEREAS, the CWSRF program guidance¹ states that projects to upgrade or replace wastewater pump stations eligible projects and to provide portable pumps; and

WHEREAS, Guidance states that after the ARPA obligation deadline, "recipients may cover the cost of amendments to contracts if the amended contract is within substantially the same scope and for substantially the same purpose as the contract that was incurred by December 31, 2024,"²; and

¹ EPA Overview of Clean Water State Revolving Fund Eligibilities (May 2016), at p. 8, available at https://www.epa.gov/sites/default/files/2016-07/documents/overview_of_cwsrf_eligibilities_may_2016.pdf.

² Coronavirus State and Local Fiscal Recovery Funds Frequently Asked Questions (as of April 29, 2025), FAQ No. 17.16, Available at <https://home.treasury.gov/system/files?file=136/SLFRF-Final-Rule-FAQ.pdf>

WHEREAS, the Subrecipient Agreement defined the scope of work as a flow equalization basin and construction of force mains; and this scope is substantially similar to the urgent pump station repairs because both scopes of work involve necessary upgrades to MCWA's wastewater transportation and treatment system and both scopes will improve the County's ability transport and treat wastewater generated throughout in the County in an efficient, safe, and environmentally protective manner; and

WHEREAS, MCWA has proposed to modify the scope of work of the Subrecipient Agreement and the MCWI-funded project to include the following items (1) Nissan Pump Station Rehabilitation – Scope includes cleaning and restoring the interior concrete surfaces, replacing flow control gates, replacing ventilation equipment, electrical improvements, and replacing riser pipes for multiple pumps; and (2) Pump Station Improvements – Scope of work includes repair of multiple sewage pumps, supply and installation of new pumps, electrical and controls upgrades at multiple pump stations, rehabilitation of deteriorated concrete surfaces, adding grease control units at multiple pump stations, and purchasing diesel emergency pumps, plus transport system enhancements; and

WHEREAS, Section 10 of the Subrecipient Agreement provides that the Parties may amend the Subrecipient Agreement provided that the amendment is in writing and signed by an authorized signatory of MCWA and the County; and

WHEREAS the County desires to amend the Subrecipient Agreement by replacing Attachment "A" of the Subrecipient Agreement so that it allows for funding the urgent repairs to pump stations, as attached hereto in **Exhibit A**; and

WHEREAS the County desires to notify MDEQ of its intent to amend the scope of work for the MCWI-funded project by submitting the form entitled Request to Modify MCWI Application or Sub-Award Agreement, the form of which is attached hereto in **Exhibit B**.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the County as follows:

1. That the County will modify the scope of work for use of the ARPA funds provided by the County to MCWA in the Subrecipient Agreement by so that the funds will be used for Madison County Wastewater Transportation System Improvements, and will execute an amendment to the Subrecipient Agreement by replacing Attachment "A" of the Subrecipient Agreement so that it includes the description of repairs to pump stations as attached hereto in **Exhibit A**.
2. That the pump station repairs described in Exhibit A are within substantially the same scope and for substantially the same purpose and the scope of work as originally stated in the Subrecipient Agreement.

3. That the County will notify MDEQ of its intent to amend the scope of work for the MCWI-funded project by submitting **Exhibit B**, the form entitled Request to Modify MCWI Application or Sub-Award Agreement, which will describe the improvements as follows:
 - a. **Nissan Pump Station Rehabilitation** – Scope includes cleaning and restoring the interior concrete surfaces, replacing flow control gates, replacing ventilation equipment, electrical improvements, and replacing riser pipes for multiple pumps.
 - b. **Pump Station Improvements** – Scope of work includes repair of multiple sewage pumps, supply and installation of new pumps, electrical and controls upgrades at multiple pump stations, rehabilitation of deteriorated concrete surfaces, adding grease control units at multiple pump stations, and purchasing diesel emergency pumps, plus transport system enhancements.
4. That the County will take further action related to the expenditure of ARPA and MCWI Funds in accordance with this Resolution and that is consistent with the Guidance and MCWI Guidance.

Following the reading of the foregoing Resolution, Supervisor _____ made the motion and Supervisor _____ seconded the motion, and the question being put to a roll call vote, the result was taken as follows:

Supervisor Paul Griffin	voted: ____
Supervisor Gerald Steen	voted: ____
Supervisor Casey Brannon	voted: ____
Supervisor Karl M. Banks	voted: ____
Supervisor Trey Baxter	voted: ____

The motion having received the affirmative vote of a majority of the members present, the President of the Governing Body, acting for and on behalf of the County, declared the motion carried and the resolution adopted, on this the ____ day of _____ 2025.

(SEAL)

ATTEST:

ADOPTED:

BOARD SECRETARY

PRESIDENT

The above and foregoing Resolution having been submitted to and approved by the County,
this the ____ day of _____, 2025.

ATTEST:

APPROVED:

COUNTY CLERK

Exhibit A – Amended Description of Improvements

PROJECT NAME

Madison County Wastewater Transportation System Improvements

SCOPE OF WORK

Nissan Pump Station Rehabilitation – Scope includes cleaning and restoring the interior concrete surfaces, replacing flow control gates, replacing ventilation equipment, electrical improvements, and replacing riser pipes for multiple pumps.

Pump Station Improvements – Scope of work includes repair of multiple sewage pumps, supply and installation of new pumps, electrical and controls upgrades at multiple pump stations, rehabilitation of deteriorated concrete surfaces, adding grease control units at multiple pump stations, and purchasing diesel emergency pumps, plus transport system enhancements.

The general Scope of work to be performed by SUBRECIPIENT is limited to that which was submitted in the MCWI Application Portal and approved for funding in accordance with the MCWI Program Regulations. SUBRECIPIENT hereby agrees that no additional eligible scope may be added to this Scope of Work without the express consent of MDEQ. The Scope of Work eligible for reimbursement is limited to that identified as eligible by MDEQ and further described by plans, specifications, contract documents, and contract change orders approved as eligible by MDEQ.

Exhibit B – Form of Request to Modify MCWI Application or Sub-Award Agreement

[attached as a .pdf document]

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