

Bill No. 5078

Ordinance No. \_\_\_\_\_

Requested by: Steve Ehlmann and John White

Sponsored by: John White

AN ORDINANCE AUTHORIZING ST. CHARLES COUNTY MATCHING FUNDS AS REQUIRED BY THE STATE OF MISSOURI TO UTILIZE FUNDING FROM SCS HCS HB 3020, SECTION 20.881 THE CORONAVIRUS STATE FISCAL RECOVERY – WATER INFRASTRUCTURE FUND FOR ASSISTANCE WITH DRAINAGE AND EROSION ISSUES, AND SUBSIDENCE IN THE HERITAGE SUBDIVISION IN ST. CHARLES COUNTY AND APPROVING EXECUTION OF ANY NECESSARY AGREEMENTS

WHEREAS, the Heritage Subdivision in St. Charles County has serious stormwater drainage and erosion issues in parts of the subdivision; and

WHEREAS, in addition to the above stormwater drainage and erosion issues, the Heritage Subdivision, in the area of Summit Station, has two homes that have experienced substantial subsidence issues, with a third home now experiencing apparently similar issues; and

WHEREAS, #4 Summit Station experienced subsidence so severe that the homeowners were unable to prevent total loss of their home, despite extensive attempts to arrest the subsidence; and

WHEREAS, #3 Summit Station has also experienced subsidence so severe that the homeowners are no longer able to remain in the home, also despite attempts to arrest the

subsidence; and

WHEREAS, the subsidence issue affecting these three homes built to code in the 1970s, appears to be resulting from unexpected naturally occurring geological causes; and

WHEREAS, the State of Missouri and St. Charles County have received federal funding through the American Rescue Plan Act (“ARPA”) by the establishment of the State and Local Fiscal Recovery Fund (“SLFRF”); and

WHEREAS, upon signature by the Governor of SCS HCS HB 3020, the State of Missouri will make available, through the Department of Natural Resources, to any county with more than four hundred thousand, but fewer than five hundred thousand inhabitants, certain of its SLFRF funds for storm water mitigation and remediation in a residential area that has experienced damage to residential property as a result of erosion caused by storm water; and

WHEREAS, the SLFRF funds available through the State of Missouri would be from its Coronavirus State Fiscal Recovery – Water Infrastructure Fund in the amount of \$2,500,000, provided that local match be provided in order to be eligible for these state funds; and

WHEREAS, St. Charles County has also requested of the Department of Natural Resources and the State to be able to use the funds to address the subsidence problem in that this issue is placing an extraordinary financial burden on these families during a time of already existing issues for those needing to find homes; and

WHEREAS, St. Charles County is able, under the final federal rule, to utilize federal monies from its allocation of SLFRF funds for the purposes of stormwater mitigation and remediation, and therefore has the local matching funds available in order to receive the state funds; and

WHEREAS, if the State also authorizes these funds to be used for the loss of homes to subsidence, while not legally required, St. Charles County will work to qualify the matching funds under SLFRF; and

WHEREAS, this will be beneficial to the residents of St. Charles County and will serve a public purpose; and

WHEREAS, Section 70.220 RSMo. authorizes an intergovernmental agreement between political subdivisions for the purposes herein set out.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF ST. CHARLES COUNTY, MISSOURI, AS FOLLOWS:

Section 1. The County Executive, or his designee, is hereby authorized to negotiate and execute any and all necessary agreements with the State of Missouri to participate in the Coronavirus State Fiscal Recovery – Water Infrastructure Fund.

Section 2. Such agreements shall be in a form approved by the County Counselor.

Section 3. The agreement(s) identified above shall be subject to appropriation in budget year 2022.

Section 4. Compliance with all the terms of the agreement authorized in Section 1 shall be the responsibility of the County Executive, or his designee.

Section 5. The agreement(s) authorized herein shall be valid upon lawful execution by the authorized officials of each governmental entity entering into such agreement as required by Chapter 70 of the Revised Statutes of the State of Missouri.

Section 6. This ordinance shall be in full force and effect from and after the date of its passage and approval.

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DATE PASSED

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DATE APPROVED BY COUNTY EXECUTIVE

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CHAIR OF THE COUNCIL

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COUNTY EXECUTIVE

ATTEST:

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COUNTY REGISTRAR