Objectives

- Overview of Federal CARES Act Requirements for Coronavirus Relief Funds (CRF)
- Certification and Allocation Timelines
- Eligible Expenditures - US Treasury Guidance
- Compliance with State Public Health Requirements
- Reporting and Records Retention
- Questions and Answers
CARES Act Requirements

- Necessary expenditures incurred due to the COVID-19 public health emergency.
  - Direct response
  - Second order effects such as economic support
- Not accounted for in the most recently approved budget, except COVID-related supplemental appropriations or budget adjustments
- Expenses incurred between March 1, 2020 and December 30, 2020.
CARES Act Limitations

- Funds **cannot** be used to backfill lost revenue
- Cannot be used as non-federal share of Medicaid
- Payroll or benefits for employee duties not “substantially dedicated”
- Workforce bonuses
- Damages covered by insurance
- Assistance to owners to pay property taxes
- Items disallowed in US Treasury FAQs
  - Continue to receive updates (Last one 7/8/20)
State Responsibilities for CRF

- As the direct recipient of CRF, any disallowances will initially be recouped from the State
- Required to gather information and report to the federal government on use of funds
- Required to perform subrecipient monitoring, including audits
- Certification, reporting, and Control Section 11.90 established to share that risk with local government and other recipients of CRF and comply with these federal requirements
Six Expenditure Categories

1 - Medical Expenses
- Treatment of COVID-19 and related expenses in public hospitals or clinics
- Temporary medical facilities
- Testing, including serological/anti-body testing
- Emergency medical response, including emergency medical transportation
- Establishing and operating public telemedicine capabilities
Six Expenditure Categories

2 – Public Health Expenses

- Communication/enforcement-public health orders
- Acquisition and distribution of medical and protective supplies (PPE/cleaning supplies) for various public health and safety staff
- Disinfection of public areas and other facilities
- Technical assistance on mitigation
- Public safety measures in response to COVID-19
- Quarantining individuals
Six Expenditure Categories

3 – Substantially Dedicated Payroll Expenses

- Includes: public safety, public health, health care, human services, and similar employees
- Public health and public safety are presumed to be “substantially dedicated”
  - Provide ready funding to address unforeseen financial needs and risks created by COVID-19
  - For employees in these area “administrative convenience” that underlying assumption that they are all deemed “substantially dedicated”
Substantially Dedicated

Let’s explore this a bit more:

- Less documentation of the work being performed if public health and public safety staff
- CARES Act does not allow backfill of lost revenue – the “administrative convenience” provides a tool to assume that these staff could be paid for by the CRF, potentially freeing up general purpose funds (or offsetting lower receipts)
- Full payroll and benefits can be paid by CRF
Substantially Dedicated

Let’s explore this a bit more – other staff:

- This can also include staff that were “repurposed” to previously “unbudgeted” function instead of laid off
- Could include overtime if those additional hours are outside normal/historical duties
- There is no percent threshold – some discretion, with appropriate documentation, like time keeping system or rationale for change in duties/functions
- Can use the CRF to other funds that may have incurred the initial expense
Substantially Dedicated

Examples at the state level:

• Staff stopped our program reviews to track federal funds related to COVID-19.
• Staff who could not telework were redeployed to help with UI program and set up for medical surge.
• Staff at all state agencies being trained and redirected to support contact tracing.
• IT staff that were directed to support COVID-19 tracking, reporting, and new online services previously requiring in person visits.
Six Expenditure Categories

4 – Comply with Public Health Measures and Mitigate the Effects of COVID-19:

- Food delivery to seniors and vulnerable populations
- Telework capabilities for public employees
- Providing paid sick, paid family and medical leave to public employees
- Maintaining local jails such as sanitation and improvement of social distancing measures
- Caring for homeless
Six Expenditure Categories

5 – Economic Support

- Grants to small businesses for costs of business interruption
- Grant or financial assistance – payment of overdue rent/mortgage to avoid eviction or funeral expense
- Payroll support program
- Unemployment insurance (UI) costs if those costs are not reimbursed by federal government – generally applies to local governments using “reimbursement method” to finance UI
Six Expenditure Categories

6 – Other

- Any other COVID-19 expenses “reasonably necessary” to the function of government that satisfies the broader eligibility criteria:
  - Hazard pay and overtime if substantially dedicated
  - Increased workers compensation costs due to COVID
  - Leases renewed solely to respond to COVID-19
  - Public health emergency recovery planning
  - Support for private hospitals (grant/short-term loan)
  - Enrollment in government benefit programs
Costs Incurred (3/1 – 12/30/20)

- Initial guidance required funds to be “spent” by December 30, 2020 (not just obligated)
- Recent revision (6/30/2020) allows for a liquidation period (generally 90 days)
  - Performance/delivery **must** be during the covered period
  - Bulk purchases can be used beyond December if portion is used during the covered period
  - Recognizes supply chain disruptions may result in delays beyond recipient’s control
- Grants and loans must be during this window
Unspent Funds

- Unspent funds must be returned to the US Treasury.
- Subrecipients are also bound by this requirement – that means all expenses must be incurred during the covered period.
- An obligation or award is not considered spent.
- The direct recipient of the funds (state) is ultimately responsible for compliance with this limitation on the use of the funds.
- Unspent funds may be reallocated by the state – based on September 1 expenditure reports.
Stafford Act – Match for FEMA

- Most recent Treasury guidance notes that CRF may be used to meet the non-federal Stafford Act match.
- Applicants for FEMA Public Assistance (PA) have flexibility to determine the federal fund source that best meets response needs.
- FEMA may decide to not pay for certain costs and may direct entities to another agency/fund source.
- FEMA has determined that contract tracing is more appropriately paid from either CRF or CDC funding.
- Coordinate closely with CalOES to use CRF as a PA match – both CRF and FEMA eligibility must be met.
Process and Timeline (CS11.90)

- All cities completed certification by 7/10/20
  - Use funds consistent with federal CARES Act
  - Adhere to state EOs and California Department of Public Health orders, directives, and guidance
  - Report on expenditures and summarize regional collaboration and non-duplication of efforts by September 1, 2020
- Return unspent funds by October 30, 2020 unless extended by Finance based on reported expenditures
- Repay any costs disallowed after federal review
- Retain records (5 years) to support reported expenditures and participate in state and federal audits
Process and Timeline

Adherence to Public Health Orders

- Finance will coordinate with CDPH and CalOES to verify compliance before each allocation process.
- State may withhold (and redirect) funds if not in compliance.
- State officials will collaborate with local leaders to encourage compliance.
- No city ordinances or resolutions inconsistent with state’s stay-at-home orders.
Process and Timeline

Public Health Conditions – Counties Must Meet

- Meeting current requirements for county variance:
  - At least 15 staff per 100,000 people trained and available for contract tracing
  - Ability to isolate positive cases (quarantine contacts)
  - Ability to shelter at least 15 percent of residents who are experiencing homelessness
  - Ability to test 1.5 per 1,000 residents daily
  - Testing sites close to where most residents live
  - Evidence of a plan to contain the virus
Process and Timeline

Public Health Conditions – Counties Must Meet

• Actively participate in County Data Monitoring Program:
  • Currently required commitment to participate
  • Undertaking efforts advised by the state if on the County Data Monitoring List
    • Source of disease transmission
    • Action plan and timelines
  • Ready to reinstitute non-pharmaceutical interventions [NPIs] (e.g. closure of indoor spaces) as needed
Process and Timeline

- Initial Payment – 1/6 of overall amount ($80M)
  - Prepare schedule and notification this week
  - Given size of payment both the Controller and Treasurer have been notified to speed up processing
  - Controller should allocate in 10-14 days
- Additional 1/6 of overall amount to cities that remain in compliance on August 1 and September 1
- Balance of Funds ($250M) will be paid after report and summary from cities in compliance with health orders and federal laws – likely before October 1
Reporting Process

- Report to the State by September 1, 2020 per CS11.90
- Will cover expenditures from March 1, 2020 through June 30, 2020 – assuming CRF will reimburse
  - Will need this for detailed federal report due 9/21
- Also report expended or obligated since July 1
- Project expenditures through December 30, 2020
  - Demonstrate a realistic plan for spending by the end of the year to avoid reallocation
- Majority of funds expected to be spent early on
- Summary: regional collaboration/unduplicated costs
Reporting Process

- State (other direct recipients) must report on CRF expenditures between March 1 and June 30, 2020
- For the interim report (due July 17) the state would report on amount identified for local governments

<table>
<thead>
<tr>
<th>Category of spending</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transferred to other governments</td>
<td>$0.00</td>
</tr>
<tr>
<td>Payroll for public health and safety employees</td>
<td>$0.00</td>
</tr>
<tr>
<td>Budgeted personnel and services diverted to a substantially different use</td>
<td>$0.00</td>
</tr>
<tr>
<td>Improvements to telework capabilities of public employees</td>
<td>$0.00</td>
</tr>
<tr>
<td>Medical expenses</td>
<td>$0.00</td>
</tr>
<tr>
<td>Public health expenses</td>
<td>$0.00</td>
</tr>
<tr>
<td>Distance learning</td>
<td>$0.00</td>
</tr>
<tr>
<td>Economic support</td>
<td>$0.00</td>
</tr>
<tr>
<td>Expenses associated with the issuance of tax anticipation notes</td>
<td>$0.00</td>
</tr>
<tr>
<td>All items not listed above</td>
<td>$0.00</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$0.00</strong></td>
</tr>
</tbody>
</table>
Quarterly Reporting Process

- By September 21, 2020 state must submit detailed quarterly report (3/1/20 – 6/30/20)
- Next quarterly report (7/1/20 – 9/30/20) due to federal government by October 13, 2020
- Current guidance requires reporting on funds expended or obligated for each project or activity
- Detailed list (Name/Description) projects/activities
- Detailed list of loans issued; contracts and grants awarded; transfers to other government entities; and direct payments made by recipient over $50K
Records Retention

- Retain records 5 years after final payment is made; make available on request for audits
- All documents and financial records sufficient to establish compliance: (1) Necessary, (2) Not in recent budget, (3) Incurred 3/1/20 – 12/30/20
  - General ledger, subsidiary ledger
  - Budget records 2019 and 2020
  - Payroll and time keeping records
  - Receipts of purchases
  - Contracts and subcontracts, including any performance outcomes
  - Documentation of reports, audits, monitoring of recipients
  - All CRF internal and external e-mail/electronic communications
Other CRF Information

- CFDA Number: 21.019
- Funds can be in interest bearing accounts; interest proceeds must be used for same purposes
- Assets purchased may be retained (e.g. homeless)
- Funds are subject to the Single Audit Act
- Must follow Uniform Guidance regarding subrecipient monitoring
- Funds may be used to cover expense related to audit conducted under the Single Audit Act
- Competitive bidding is not required
Questions/Follow-Up

Local Government Unit:
CRFApplications@dof.ca.gov

Federal Reporting/Research Unit:
COVIDFederalTracking@dof.ca.gov

US Treasury/OIG CRF Information:
https://home.treasury.gov/policy-issues/cares/state-and-local-governments