



FLUVANNA COUNTY BOARD OF SUPERVISORS

REGULAR MEETING AGENDA

Carysbrook Performing Arts Center
8880 James Madison Hwy, Fork Union, VA 23055

October 20, 2021

2021 Redistricting Work Session at 5:00pm

Regular Meeting at 7:00 pm

TAB	AGENDA ITEMS
	A – CALL TO ORDER
	B – PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE
	C – 2021 REDISTRICTING DISCUSSION
	D – DINNER RECESS
	RECESS – DINNER BREAK
	RECONVENE @ 7:00pm
TAB	AGENDA ITEMS
	1 - CALL TO ORDER
	2 - PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE
	3 – ADOPTION OF AGENDA
	4 – COUNTY ADMINISTRATOR’S REPORT
	5 – PUBLIC COMMENTS #1 (5 minutes each)
	6 – PUBLIC HEARING
	7 – ACTION MATTERS
A	Authorization to Advertise a Public Hearing for “AN ORDINANCE TO AMEND CHAPTER 20, TAXATION, OF THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA BY ADDING ARTICLE 10, CIGARETTE TAX” – Eric Dahl, County Administrator & Kelly Belanger Harris, Assistant County Administrator
	7A – APPOINTMENTS
B	Board, Commission, and Committee Appointments – Caitlin Solis, Clerk to the Board
	8 – PRESENTATIONS (normally not to exceed 10 minutes each)
C	FCPS CARES, ARPA, and ESSER (Elementary and Secondary School Emergency Relief) Funds – Brenda Gilliam, Executive Director for Instruction and Finance
D	October EDTAC Update – Aaron Spitzer, Director of Parks and Recreation
E	Compensation and Classification Study – Donna Snow, Human Resources Manager
F	VDOT Functional Road Classification – Douglas Miles, Community Development Director
G	VDOT Right of Way Land Acquisition – Eric Dahl, County Administrator
	9 – CONSENT AGENDA
H	Minutes of October 6, 2021 – Caitlin Solis, County Administrator

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- I BOS 2021 Bylaws & Rules of Practice – Eric Dahl, County Administrator
- J FY21 to FY22 FCPS State and Federal Grant Carryover – Tori Melton, Management Analyst & Brenda Gilliam, Executive Director for Instruction and Finance
- K Mutual Aid Agreement Between Fluvanna County and Cumberland County – Debbie Smith, Emergency Management Coordinator
- L Approval of Open Space Contract for Gary Glenn Becker – Andrew M. Sheridan, Jr., Commissioner of the Revenue
- M Approval of Open Space Contract for Roy Howard and Constance G. Haislip – Andrew M. Sheridan, Jr., Commissioner of the Revenue
- N Approval of Open Space Contract for Twila S. Harvey Life Estate, Dean Strevel and Christina Corrigan – Andrew M. Sheridan, Jr., Commissioner of the Revenue
- O CRMF - Bobcat Skid Steer Repairs – Dale Critzer, Assistant Director of Public Works

10 – UNFINISHED BUSINESS

TBD

11 – NEW BUSINESS

TBD

12 – PUBLIC COMMENTS #2 (5 minutes each)

13 – CLOSED MEETING

TBD

14 – ADJOURN



County Administrator Review

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PLEDGE OF ALLEGIANCE

I pledge allegiance, to the flag,
of the United States of America,
and to the Republic for which it stands,
one nation, under God, indivisible,
with liberty and justice for all.

GENERAL RULES OF ORDER

1. It shall be the duty of the Chairman to maintain order and decorum at meetings. The Chairman shall speak to points of order in preference to all other members.
2. In maintaining decorum and propriety of conduct, the Chairman shall not be challenged and no debate shall be allowed until after the Chairman declares that order has been restored. In the event the Board wishes to debate the matter of the disorder or the bringing of order; the regular business may be suspended by vote of the Board to discuss the matter.
3. No member or citizen shall be allowed to use defamatory or abusive language directed at any member of the Board or other person, to create excessive noise, or in any way incite persons to use such tactics. The Chair shall be the judge of such breaches, however, the Board may by majority vote of the Board members present and voting to overrule the judgment of the Chair.
4. When a person engages in such breaches, the Chairman shall order the person's removal from the building, or may order the person to stand silent, or may, if necessary, order the person removed from the County property.

RULES OF PROCEDURE FOR PUBLIC HEARINGS

1. PURPOSE
 - The purpose of a public hearing is to receive testimony from the public on certain resolutions, ordinances or amendments prior to taking action.
 - A hearing is not a dialogue or debate. Its express purpose is to receive additional facts, comments and opinion on subject items.
2. SPEAKERS
 - Speakers should approach the lectern so they may be visible and audible to the Board.
 - Each speaker should clearly state his/her name and address.
 - All comments should be directed to the Board.
 - All questions should be directed to the Chairman. Members of the Board are not expected to respond to questions, and response to questions shall be made at the Chairman's discretion.
 - Speakers are encouraged to contact staff regarding unresolved concerns or to receive additional information.
 - Speakers with questions are encouraged to call County staff prior to the public hearing.
 - Speakers should be brief and avoid repetition of previously presented comments.
3. ACTION
 - At the conclusion of the public hearing on each item, the Chairman will close the public hearing.
 - The Board will proceed with its deliberation and will act on or formally postpone action on such item prior to proceeding to other agenda items.
 - Further public comment after the public hearing has been closed generally will not be permitted.

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**FLUVANNA COUNTY BOARD OF SUPERVISORS
AGENDA ITEM STAFF REPORT**

TAB A

MEETING DATE:	October 21, 2021				
AGENDA TITLE:	Authorization to Advertise a Public Hearing for "AN ORDINANCE TO AMEND CHAPTER 20, TAXATION, OF THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA BY ADDING ARTICLE 10, CIGARETTE TAX"				
MOTION(s):	I move the Board of Supervisors approve County Staff and the County Attorney to prepare and advertise a Notice of a Public Hearing to be held on November 17th, 2021, at 7:00 pm, for a proposed amendment of the Code of the County of Fluvanna, Virginia, Chapter 20, Taxation, to add a new Article 10, Cigarette Tax.				
STRATEGIC INITIATIVE?	Yes	No	If yes, list initiative(s):		
		X			
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
		X			
STAFF CONTACT(S):	Eric Dahl, County Administrator & Kelly Belanger Harris, Assistant County Administrator				
PRESENTER(S):	Eric Dahl, County Administrator & Kelly Belanger Harris, Assistant County Administrator				
RECOMMENDATION:	Approve				
TIMING:	Routine				
DISCUSSION:	<p>This ordinance will allow the County as a member of the Blue Ridge Cigarette Tax Board to levy, charge and enforce a cigarette tax of \$0.02 cents per cigarette and other matters related thereto as specifically set forth in the proposed new Article 10.</p> <p>BACKGROUND: During the 2020 General Assembly session, Virginia counties received the authority to levy taxes on the sale of cigarettes, effective July 1, 2021. State legislation encourages local cigarette stamping and tax collection through regional cigarette tax boards and establishes a state-level taskforce to develop methods to modernize stamping and tax collection.</p> <p>On September 15, 2021, the Board held a public hearing and adopted an Ordinance Approving the Formation Of A Joint Entity to be Known as the Blue Ridge Cigarette Tax Board (BRCTB) and Bestowing on Such Entity All Powers Necessary and Proper for the Performance of its Duties as Provided by Law, as well as an agreement establishing the BRCTB and defining its powers, duties, and other procedures.</p> <p>Since that date, additional counties also have approved formation of the BRCTB. These include Augusta, Albemarle, Greene, Nelson, and Orange counties. The City of Charlottesville and Madison County are also considering participation. The regional board is modeled on the Northern Virginia Cigarette Tax Board, which serves 19 localities.</p>				

FISCAL IMPACT:	TJPDC has been meeting with the County and the other participating localities to discuss the role of the BRCTB, timeline, shared costs, and activities required to stand up the BRCTB by January 1, 2022. For the first year of operation, the BRCTB's administrative expenses is anticipated to include start-up and one-time expenses currently estimated at \$217,500. These expenses would include stamp development, technology equipment, start-up staffing costs, the purchase of a vehicle for compliance/enforcement activities, tracking software, and the establishment of a \$140,000 reserve.				
POLICY IMPACT:	N/A				
LEGISLATIVE HISTORY:	N/A				
ENCLOSURES:	<ul style="list-style-type: none"> • Draft Advertisement • Draft Ordinance 				
REVIEWS COMPLETED:	Legal	Finance	Purchasing	HR	Other
	X				

(Seal)

PUBLIC HEARINGS
Fluvanna County Board of Supervisors
Wednesday, November 17, 2021 at 7:00 p.m.

Pursuant to Virginia Code §15.2-1427 and §58.1-3830 et seq., the Fluvanna County Board of Supervisors will hold a Public Hearing on November 17, 2021, at the Carysbrook Performing Arts Center, 8880 James Madison Highway, Fork Union, VA 23055, for citizens of the County to have the opportunity to appear before and be heard by the Board of Supervisors and in order to receive public input and comments on the following:

A proposed ordinance to amend Chapter 20, Taxation, of the Code of the County of Fluvanna, Virginia, by adding new Article 10, Cigarette Tax, to permit the County, a member of the Blue Ridge Cigarette Tax Board, to levy, charge and enforce a cigarette tax of \$0.02 cents per cigarette and other matters related thereto as specifically set forth in the proposed new Article 10.

The full text of the proposed ordinance may be viewed in the County Administration Office located at 132 Main Street, Palmyra, VA. 22963, and may be viewed Monday through Friday from 8:00 a.m. to 5:00 p.m. up to the date of the public hearing. The phone number is 434-591-1910.

Any parties wishing to be heard are requested to attend the public hearing.

TO: Fluvanna Review

Advertise on the following dates: November 4, 2021 and November 11, 2021

Authorized by: Fluvanna County Board of Supervisors

Bill to: Fluvanna County Board of Supervisors
P.O. Box 540, Palmyra, VA, 22963
Caitlin Solis
Clerk to the Board
Fluvanna County, Virginia 22963
Email csolis@fluvannacounty.org
(434) 591-1910 FAX (434) 591-1913

ORDINANCE NO. 20-10 ()**AN ORDINANCE TO AMEND CHAPTER 20, TAXATION, OF THE CODE OF THE COUNTY OF FLUVANNA, VIRGINIA BY ADDING ARTICLE 10, CIGARETTE TAX**

BE IT ORDAINED By the Board of Supervisors of the County of Fluvanna, Virginia, that the Code of the County of Fluvanna, Virginia, Chapter 20, Taxation, be and is hereby amended to add a new Article 10, Cigarette Tax, as follows:

By Adding: Article 10 – Cigarette Tax

- Sec. 20-10-1 Definitions.
- Sec 20-10-1.1 Establishment and Powers of the Blue Ridge Cigarette Tax Board
- Sec. 20-10-2 Levy and rate.
- Sec. 20-10-3 Methods of collection.
- Sec. 20-10-4 Registered agents.
- Sec. 20-10-5 Requirements for retail dealers.
- Sec. 20-10-6 Presumption of sale or use; seizure of contraband goods, sealing/seizing of machines.
- Sec. 20-10-7 Illegal acts.
- Sec. 20-10-8 Jeopardy assessment.
- Sec. 20-10-9 Erroneous assessment: notices and hearings in event of sealing of vending machines or seizure of contraband property.
- Sec. 20-10-10 Disposal of seized property.
- Sec. 20-10-11 Extensions.
- Sec. 20-10-12 Penalty for violation of article.
- Sec. 20-10-13 Each violation a separate offense.
- Sec. 20-10-14 Severability.
- Sec. 20-10-15 Applicability within towns.
- Sec 20-10-16 Effective date.

Chapter 20 Taxation**Article 10. - Cigarette Tax****Sec. 20-10-1 Definitions.**

For the purposes of this Article, the following words and phrases have the meanings respectively ascribed to them by this Section, except in those instances where the context clearly indicates a different meaning:

Board or *BRCTB* means the Blue Ridge Cigarette Tax Board, or its administrator, in cases where the Board has delegated its duties or authority to the administrator.

Cigarette has the meaning given in Virginia Code § 58.1-1000, as such Code section may be amended or replaced from time to time.

Cigarette Machine Operator means any individual, partnership or corporation engaged in the sale of packages of cigarettes from vending machines.

Dealer means both “retail dealer” and “wholesale dealer,” as those terms are defined in Virginia Code § 58.1-1000, as such Code section may be amended or replaced from time to time.

Package means any container of cigarettes from which they are consumed by a user. Ordinarily, a package contains 20 cigarettes; however, "package" includes those containers in which fewer or more cigarettes are placed.

Person means any individual, firm, unincorporated association, company, corporation, limited liability company, joint stock company, group, agency, syndicate, trust, trustee, receiver, fiduciary, partnership, or conservator or similar entity or person of any kind.

Registered agent means any distributor, wholesaler, vendor, retailer, or other person selling, storing or possessing cigarettes within or into the County who pays the tax or makes the report imposed under this article.

Retail dealer has the meaning given in Virginia Code § 58.1-1000, as such Code section may be amended or replaced from time to time.

Sale or *sell* means the transfer of cigarettes from a dealer to another person, for consideration, and includes the use of vending machines.

Stamp has the meaning given in Virginia Code § 58.1-3832(2), as such Code section may be amended or replaced from time to time.

Storage or *store* has the meaning given in Virginia Code § 58.1-1000, as such Code section may be amended or replaced from time to time.

Use has the meaning given in Virginia Code § 58.1-1000, as such Code section may be amended or replaced from time to time.

Wholesale dealer has the meaning given in Virginia Code § 58.1-1000, as such Code section may be amended or replaced from time to time.

Sec. 20-10-1.1 Establishment and Powers of the Blue Ridge Cigarette Tax Board.

The ordinance approving the formation of the Blue Ridge Cigarette Tax Board (Board) was adopted on September 15, 2021 by the Board of Supervisors and that ordinance including the Blue Ridge Cigarette Tax Agreement is hereby put into effect and made a part of this Chapter by reference. The Board's fiscal year is July 1 through June 30. The Board shall be granted those duties enumerated in Virginia Code § 58.1-3832.1.

Sec. 20-10-2 Levy and rate.

In addition to any other taxes of any kind now or hereinafter imposed by law, a tax upon the sale or use of cigarettes within the County is hereby levied and imposed, at a rate of \$0.02 for each cigarette sold, stored, or received. The tax is to be paid the seller, local dealer, or other agent, including registered agent, by affixing a stamp or causing a stamp to be affixed to every package of cigarettes. The tax payable for each cigarette sold or used within the County shall in no circumstances be paid more than once.

State law reference – Va. Code § 58.1-3830.

Sec. 20-10-3 Methods of collection.

- A. The tax imposed by this Article shall be evidenced by the use of a stamp received from the Board after tax payment and then affixed by the dealer or seller to every package of cigarettes to be sold within the County. The tax shall be paid at the time stamps are purchased. Every registered agent, dealer and every seller shall have the right to buy stamps from the Board and affix the same to packages as provided in this Article. The purchase price of tax stamps purchased pursuant to this Article shall be refunded, without penalties or fees, upon verification by the Board that the stamps have been returned to the Board. Upon paying the tax imposed by this article, the taxpayer shall affix a stamp to the package for which the tax was paid, and shall report to the Board, in whatever form the Board provides. Stamps shall be placed on each package of cigarettes in a manner as to be readily visible to the

purchaser and stamps shall be affixed in such a manner that their removal will require continued application of water or steam. The report to the Board shall be made monthly and shall include the following:

1. The quantity of stamped cigarettes sold or delivered to:
 - a. Each registered agent appointed by the Board for which no tax was collected;
 - b. Each dealer, seller, and manufacturer's representative (separately identified);
 - c. Each separate Person during the preceding calendar month;
 2. The quantity of BRCTB-stamped cigarettes on hand on the first and the last day of the preceding month, the quantity of BRCTB stamps received during that month, and the quantity of BRCTB-stamped cigarettes received during that month;
 3. The quantity of cigarettes on hand to which the BRCTB stamp had not been affixed on the first and last day of the preceding month, and the quantity of cigarettes received during that month to which the BRCTB stamp had not been affixed; and
 4. Any other information that the Board deems necessary to administer or enforce this Article.
- B. Each registered agent shall report and pay the tax to the Board by the 10th day of the following month and shall provide to the Board copies of all cigarette tax reports submitted to the Virginia Department of Taxation.
- C. If a registered agent is unable to show the Board that it has purchased sufficient stamps, relative to the cigarettes that it sold or used, there is a presumption that those cigarettes were sold or used without the proper tax having been paid. The Board shall impose a penalty of 10 percent and may impose interest of 3/4 percent of the gross tax due per month.
- D. If a registered agent files a false report, fails to file a report, or acts to evade payment of the tax, the Board shall assess the tax and impose a penalty not to exceed 50 percent of the tax due and interest of 3/4 percent of the gross tax due per month. These taxes, penalties, and interest are due within 10 days after the Board issues notice of the deficiency.
- E. A registered agent that receives cigarettes not bearing the BRCTB stamp shall, within one hour of receipt, commence, and diligently complete, affixing the BRCTB stamp to each package.
- F. A registered agent that has notified the Board that it holds cigarettes for sale outside the jurisdiction of the Board, may hold such cigarettes without affixing the stamps required by this article. Any such cigarettes shall be kept separate from the BRCTB cigarettes, in such a manner as to prevent their commingling.
- G. A registered agent that loses untaxed cigarettes, whether by negligence, theft, or any other means, shall pay the tax imposed by this article.
- H. Registered agents shall keep all records of cigarettes sold or used, whether stamped or unstamped, for three years, and shall make all such records available for examination by the Board.

State law reference – Va. Code §§ 58.1-3830, 3832.

Sec. 20-10-4 Registered agents.

- A. Any Person required to pay or report the tax under this article shall first file an application with the Board to qualify as a Registered Agent, in the manner specified by the Board, and provide a surety bond equal to 150 percent of its anticipated average monthly tax liability, made out by a surety company authorized to do business in Virginia. By filing an application, a person appoints the Board as its agent for service of process.

Upon receipt and review of an application and surety bond, the Board shall issue a registered agent permit to sell and use within the County.

- B. When any registered agent's monthly report and payment of the tax is not received when due, a late reporting penalty of 10 percent of the tax due shall be assessed. The penalty shall be imposed on the day after the report and tax are due and, once it is imposed, it becomes a part of the tax. The Board may revoke or suspend any registered agent's permit for failure to timely report or pay the tax, or if the registered agent's surety bond becomes impaired for any reason.
- C. All money collected as taxes under this article are held in trust by the dealer until remitted to the Board.
- D. The Board may conduct audits to determine any variance between the number of stamps purchased and the number of stamps reported to have been purchased. An assessment shall be made for all unaccounted-for stamps. Assessment of registered agents located outside the jurisdiction of the Board shall be based upon the average sale by locality during the audit period. Assessments of registered agents located within the jurisdiction of the Board shall be based upon the tax rate of the jurisdiction in which they are located. A penalty for not reporting shall be assessed, in the same manner and amount as in subsection (B).

State law reference – Va. Code § 58.1-3832.

Sec. 20-10-5 Requirements for retail dealers.

- A. Retail dealers shall purchase cigarettes only from a registered agent and give the registered agent the business trade name and address of the location where the cigarettes will be offered for sale to the public. Retail dealers cannot sell cigarettes that were previously purchased for personal use. Only licensed retail stores may sell cigarettes to the public. To be licensed, a retail store must have a valid Virginia state sales and use tax certificate and valid retail business license if applicable. Cigarettes must be purchased and stored separately for each business location. Retail dealers shall retain copies of cigarette purchase invoices and receipts for three years and provide them to the Board upon request. If and only as permitted under Virginia Code 58.1-3832 as amended or replaced from time to time, (i) the Board may seize a retail dealer's cigarettes for failure to provide cigarette invoices or receipts, until it is able to verify that the tax has been paid; and (ii) the Board shall seize cigarettes found without the appropriate stamp.
- B. The Board may make a search of any location at which it reasonably suspects that cigarettes are kept, to ensure that all cigarettes are properly stamped.

State law reference – Va. Code § 58.1-3832.

Sec. 20-10-6 Presumption of sale or use; seizure of contraband goods, sealing/seizing of machines.

- A. If any person is found to possess cigarettes without the proper tax stamp affixed, there is a rebuttable presumption that such cigarettes are untaxed in violation of this Article. Any tobacco products found in quantities of more than six cartons within the County shall be presumed for sale or use within the county and may be seized or confiscated by the Board if any of the required conditions set forth under Virginia Code Section 58.1-3832(3) have been met, as such Code section may be amended or replaced from time to time.
- B. There is rebuttable presumption that cigarettes in a vending machine were placed there as an offer to sell. If a vending machine in the County contains packages upon which the BRCTB stamp has not been affixed, or contains packages placed in a manner that does not allow inspection of the BRCTB stamp without opening the vending machine, there is a rebuttable presumption that the machine contains untaxed cigarettes in violation of this Article.

- C. Cigarettes, vending machines, stamps, and other goods violating this article are contraband goods and may be seized by the Board.
- D. Additionally, the Board may seal a vending machine to prevent continued illegal sale or removal of cigarettes. The removal of a seal from a vending machine is a violation of this article.
- E. The owner of a vending machine shall plainly mark it with the owner's name, address, and telephone number.

State law reference – Va. Code § 58.1-3832.

Sec. 20-10-7 Illegal acts.

It is a violation of this article for any person:

- A. To make any act or omission for the purpose of evading the full or partial payment of the tax imposed by this article, or to fail to obey a lawful order issued under this article;
- B. To falsely or fraudulently make, or cause to be made, an invoice or report; or to alter or counterfeit, or cause to be altered or counterfeited, any stamp; or to knowingly and willfully offer any false invoice or report, or altered or counterfeited stamp. Counterfeit stamps may be seized and confiscated by the Board;
- C. To sell or offer for sale cigarettes upon which the BRCTB stamp has not been affixed or upon which the tax has not been paid;
- D. To use cigarettes upon which the BRCTB stamp has not been affixed or upon which the tax has not been paid; or
- E. To transport or authorize the transportation of 1,200 cigarettes or more in the County upon which the BRCTB stamp has not been affixed or upon which the tax has not been paid, if they are:
 - 1. Not accompanied by a bill of lading, receipt or other document indicating the true name and address of the consignor or seller and consignee or purchaser and the brands and quantity of cigarettes transported;
 - 2. Accompanied by a bill of lading, receipt or other document that is false or fraudulent in whole or in part;
 - 3. Accompanied by a bill of lading, receipt or other document that fails to indicate that:
 - a. The non-Virginia consignee or purchaser is authorized by the law of that other jurisdiction to receive or possess the cigarettes, and on which the taxes imposed by that other jurisdiction have been paid; or
 - b. The Virginia consignee or purchaser possesses a Virginia Sales and Use Tax Certificate and any license required by the locality of destination;
- F. To refill with cigarettes a stamped package from which cigarettes have been removed;
- G. To reuse or remove a stamp from a package with the intent to use it or cause it to be used again, after it has already been used to evidence the payment of the tax imposed by this article; or
- H. To sell, offer for sale or distribute any loose or single cigarettes.

State law reference – Va. Code § 58.1-3832.

Sec. 20-10-8 Jeopardy assessment.

If the Board determines that the collection of a tax under this article would be jeopardized by delay, it shall assess the tax or deficiency, along with penalties and interest, and mail or otherwise issue a notice of the

assessment to the taxpayer, together with a demand for immediate payment. In such cases, immediate payment is required, regardless of the due date for paying and reporting the tax under this article.

State law reference – Va. Code §§ 58.1-3832, 58.1-3832.1.

Sec. 10-10-9 Erroneous assessment: notices and hearings in event of sealing of vending machines or seizure of contraband property.

- A. Any person aggrieved by a tax, penalty, or interest assessment or by a seal or seizure under this article may request a hearing before the Board, in the manner provided by the Board.
- B. The Board shall send notice within 24 hours of a seizure or sealing to each known holder of an interest in the property seized or sealed. Where the identity of a property interest holder is unknown at time of seizure or sealing, the Board shall post notice to a door or wall of the building that contained the seized or sealed property. The notice shall state the manner of requesting a hearing before the Board, as well as the affirmative defenses available under this section.
- C. A hearing must be requested within 15 days of the date that notice was postmarked. The request must be on the form provided by the Board and set forth the reasons why the Board's action should be reversed. Within five days after receiving a request, the Board shall notify the requester, by the method selected on the request form, of the hearing date and time, where the Board will accept an informal presentation of evidence. The hearing shall be within 15 days of the date of that notification. A request for hearing shall be denied if the assessed tax, penalties, or interest has not been paid, or if the request is untimely. Within five days after the hearing, the Board shall notify the requester of its decision, by the method selected on the request form.
- D. The Board shall grant appropriate relief if it determines that seized or sealed cigarettes were in the possession of a person other than the requester without the requester's consent. If the Board determines that a tax, penalty, or interest was erroneously assessed, it shall refund the amount erroneously assessed and shall return any property seized or sealed to the requester.

State law reference – Va. Code §§ 58.1-3832, 58.1-3832.1.

Sec. 20-10-10 Disposal of seized property.

Any seized property used to evade a tax imposed by this article may be disposed of by sale or other method the Board deems appropriate, after the owner has exhausted its appeals. The credit from any such sale shall not be credited to the owner.

State law reference – Va. Code § 58.1-3832.

Sec. 20-10-11 Extensions.

If the Board determines that good cause exists, it may grant an extension of up to 30 days to report or pay a tax. No interest or penalty shall accrue during such an extension.

State law reference – Va. Code § 58.1-3832.

Sec. 20-10-12 Penalty for violation of article.

A person convicted of violating a provision of this article shall be guilty of a class 1 misdemeanor, punished by a fine of not more than \$2,500.00 or imprisonment for not more than 12 months, or both. Such person shall also be liable for any underlying tax, penalties for late payment not to exceed 10 percent per month, penalties for fraud or evasion of the tax not to exceed 50 percent, and interest not to exceed three quarters

of one percent per month, upon any tax found to be overdue and unpaid. The mere possession of untaxed cigarettes in quantities of not more than six cartons shall not be a violation of any such ordinance.

State law reference – Va. Code § 58.1-3832.c

Sec. 20-10-13 Each violation a separate offense.

Each violation of this article constitutes a separate offense. Each day that a violation continues constitutes a separate offense.

State law reference – Va. Code § 58.1-3832.

Sec. 20-10-14 Severability.

If any portion of this article is invalidated by a Court of competent jurisdiction, that decision shall not affect the remainder of the article; and the remainder of the article shall continue in full force and effect.

State law reference – Va. Code § 58.1-3832.

Sec. 20-10-15 Application within towns.

The tax imposed by this article shall not apply within the limits of towns. However, if the governing body of a town provides that the county cigarette tax, as well as the town cigarette tax, applies within that town, then the tax imposed by this article shall be imposed within that town.

State law reference – Va. Code § 58.1-3830(B).

Sec. 20-10-16 Effective Date.

This Chapter 20, Article 10 shall be effective beginning on January 1, 2022.

I, Caitlin Solis, do hereby certify that the foregoing writing is a true, correct copy of an Ordinance duly adopted by the Board of Supervisors of Fluvanna County, Virginia, by a vote of ____ to ____, as recorded below, at a regular meeting held on _____.

Clerk, Board of County Supervisors

	AYE	NAY	ABSTAIN	ABSENT	MOTION	SECOND
Mozell H. Booker, Fork Union District						
Patricia B. Eager, Palmyra District						
Anthony P. O'Brien, Rivanna District						
John M. Sheridan, Columbia District						
Donald W. Weaver, Cunningham District						

FLUVANNA COUNTY BOARD OF SUPERVISORS
BCC APPOINTMENTS STAFF REPORT

TAB B

MEETING DATE:	October 20, 2021			
AGENDA TITLE:	Board, Commission, and Committee Appointments/Reappointments			
MOTION:	I move the Board of Supervisors approve the following Board, Commission, or Committee appointment(s)/reappointment(s) with terms as presented:			
Board/Commission/Committee	Appointee/Reappointee	Begins Term	Ends Term	
Parks and Recreation Advisory Board – Youth Representative	Madeline Fulk	10/01/2021	09/30/2024	

DISCUSSION:	- Parks and Recreation Advisory Board – Youth Representative – Term beginning October 1, 2021 and ending September 30, 2024
ENCLOSURES:	Candidate Application

BCC VACANCIES AND APPLICANTS				
BCC Vacancies	Applicants	Appt	District	Current BCC Appointments / Other Notes
Parks and Recreation Advisory Board – Youth Representative	Madeline Fulk	Reappt	Columbia	Seeking reappointment for term beginning October 1, 2021 and ending September 30, 2024.



APPLICATION TO SERVE ON BOARDS/COMMISSION/COMMITTEES

County of Fluvanna

Name: Madeline G. Fulk		Election <input checked="" type="checkbox"/> Columbia <input type="checkbox"/> Cunningham <input type="checkbox"/> Fork Union	
		District: <input type="checkbox"/> Palmyra <input type="checkbox"/> Rivanna <input type="checkbox"/> Other	
Mailing Address (including City, State, & ZIP) PO Box 35 Kents Store, VA 23084		Physical Address (if different)	
Years Lived in Fluvanna 14	Cell Phone – preferred? (434) 422-7883	Home Phone – preferred? (434) 996-0566	Email maddie.fulk03@gmail.com
EXPERIENCE/PROFESSIONAL EXPERTISE/EDUCATION (Please provides dates of education and experience.): I am currently in ninth grade at Fluvanna County High School and enrolled in the Blue Ridge Virtual Governor School.			
CURRENT OR PRIOR SERVICE ON BOARDS/COMMISSIONS/OR COMMITTEES: I currently serve on the District Council on Youth Ministry for the Charlottesville United Methodist district.			
CIVIC ACTIVITIES AND MEMBERSHIPS (Roles with fraternal, business, church, or social groups – please provide dates): I have been a life-long member of Byrd Chapel United Methodist Church and an active member of the youth group. I am also a member of the Fluvanna County High School Interact Club.			
REASON(S) FOR WANTING TO SERVE FLUVANNA COUNTY: My great-grandfather served Fluvanna County for many years as a member of the Board of Supervisors. This is my home and, like my great-grandfather, I want to be a part of making Fluvanna County a better place to live.			
<p>Applicants are considered as vacancies occur and your application will be kept on file for three years.</p> <p>Fluvanna County does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.</p> <p>Submit by email (clerk@fluvannacounty.org) or mail to: Clerk, Board of Supervisors, PO Box 540, Palmyra, VA 22963</p> <p>By signing below you are indicating that you have read and understand the attached Fluvanna County BCC Attendance Policy and that you agree to abide by the Bylaws of any Board, Commission, or Committee to which you may be appointed.</p>			
Applicant's Signature Madeline G Fulk		Date 9/4/2018 20:29	

PLEASE INDICATE BELOW ANY BOARDS, COMMISSIONS, OR COMMITTEES ON WHICH YOU WISH TO SERVE.

X	Board, Commission, Committee
	Agricultural/Forestral District Advisory Committee
	Audit Committee
	Board of Equalization (BOE)
	Board of Zoning Appeals (BZA)
	Building Code of Appeals Board
	Central Virginia Regional Jail (CVRJ) Authority
	Columbia Task Force (CARE)
	Community Policy & Management Team (CPMT)
	Economic Development Authority (EDA)
	Economic Develop. & Tourism Advisory Council (EDTAC)
	Family Assessment and Planning Team (FAPT)
	Finance Board
	Fluvanna Partnership for Aging Committee
	Fork Union Sanitary District (FUSD) Advisory Committee
	James River Water Authority (JRWA)
	JAUNT Board

X	Board, Commission, Committee (cont.)
	Jefferson Area Board of Aging (JABA) Advisory Council
	Jefferson Area Board of Aging (JABA) Board of Directors
	Library Board of Trustees
	Monticello Area Community Action Agency (MACAA)
	Palmyra Area Revitalization Committee (PARC)
X	Parks & Recreation Advisory Board
	Piedmont Virginia Community College (PVCC) Board
	Planning Commission
	Region Ten Community Services Board
	Rivanna River Basin Commission
	Social Services Board
	Thomas Jefferson Planning District Commission (TJPDC)
	Thomas Jefferson Water Resources Protection Foundation
	Youth Advisory Council (YAC)
	OTHER:

Fluvanna County Board, Committee, and Commission Attendance Policy

(Approved June 17, 2015)

1. BCC members shall attend at least two-thirds of all scheduled meetings in each calendar year while serving.
2. The Chairperson of the board, commission, or committee shall notify the Clerk to the Board of Supervisors of any absences exceeding this policy.
3. The Clerk shall report these findings to the Board of Supervisors, typically in closed session.
4. Appointees who do not meet the attendance requirement without a valid reason(s) may be deemed to have rendered an implied resignation of that appointment.
5. The Board may choose to accept the resignation and appoint another person to fill the appointed position. The Board may also override the implied resignation and extend the appointment, if extenuating circumstances so dictate.
6. This requirement shall apply to all boards, commissions, or committees listed on the attached application form, provided however, that if State or County Ordinance addresses attendance requirements in an alternative manner, such law shall prevail.

Office Use Only		
Application Received On:		Application Received By:
Acknowledgement Sent:		
Renewal Date:		Remarks:
Renewal Date:		
Renewal Date:		
Renewal Date:		

**FLUVANNA COUNTY BOARD OF SUPERVISORS
AGENDA ITEM STAFF REPORT**

TAB C

MEETING DATE:	October 20, 2021				
AGENDA TITLE:	FCPS CARES, ARPA, and ESSER (Elementary and Secondary School Emergency Relief) Funds				
MOTION(s):	N/A				
STRATEGIC INITIATIVE?	Yes	No	If yes, list initiative(s):		
		X			
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
			XX		
STAFF CONTACT(S):	Brenda Gilliam, Executive Director for Instruction and Finance				
PRESENTER(S):	Brenda Gilliam, Executive Director for Instruction and Finance				
RECOMMENDATION:	N/A				
TIMING:	Routine				
DISCUSSION:	Ms. Gilliam will present the different federal stimulus funding streams for Fluvanna County Public Schools' from CARES (Coronavirus Aid, Relief, and Economic Security); ARPA (American Rescue Plan Act), and ESSER (Elementary and Secondary School Emergency Relief) Funds.				
FISCAL IMPACT:	N/A				
POLICY IMPACT:	N/A				
LEGISLATIVE HISTORY:	N/A				
ENCLOSURES:	FCPS CARES/ESSER Funding Overview				
REVIEWS COMPLETED:	Legal	Finance	Purchasing	HR	Other
					X

CARES/ESSER Funding Overview

October 13, 2021

CARES ACT ESSER I

Grant Term: until September 30, 2022

Total Allocation: \$298,293.53

Private School Set-Aside: \$11,650.80

Budget Activities:

- Online technology subscriptions to support remote learning;
- Upgrade internet connectivity to support increased bandwidth use;
- Staff development in virtual and hybrid/remote learning;
- Additional chromebooks and adapters;
- Hotspots to students who do not have internet in the home;
- Headsets/mics, document cameras, and promethean panels;
- Sanitization needs to support health mitigation plan.

CARES VISION

Grant Term: until September 30, 2022

Total Allocation: \$30,000

Private School Set-Aside: \$3,170.92

Budget Activities:

- Data plan to support 200 hotspots for disadvantaged students who do not have internet access in the home.

CARES CLEANING

Grant Term: until September 30, 2022

Total Allocation: \$14,428.00

Private School Set-Aside: \$1,525.00

Budget Activities:

- Cleaning/sanitizing supplies.

CARES FACILITIES

Grant Term: until September 30, 2022

Total Allocation: \$37,500

Private School Set-Aside: \$3,963.65

Budget Activities:

- Toilet seat lids and touchless trash cans in all of our isolation clinics;
- Touchless water bottle stations in schools;
- Additional air filters to support more frequent replacement cycle.

CARES SPED

Grant Term: until September 30, 2022

Total Allocation: \$13,012.45

Private School Set-Aside: \$515.17

Budget Activities:

- IPADs for special education students with significant communication needs to support remote/virtual learning.

CARES School Nutrition

Grant Term: until September 30, 2022

Total Allocation: \$100,000

Private School Set-Aside: N/A

Budget Activities:

- Cafeteria Workers and Cafeteria Manager benefits.
 - Staff continued to receive their benefits for April, May, June & July even though they were working limited hours. Also employees working in July received additional due to hourly pay.
- Milk, Food & Packaging

CRRSA ESSER II

Grant Term: until September 30, 2023

Total Allocation: \$1,210,697.15

Budget Activities:

- Two Reading Specialist positions at the Elementary and Middle School levels;
- One Elementary Math Specialist position to provide direct services to students, support teachers in the classroom, and provide schoolwide professional development to address learning loss among students;
- One additional Instructional Technology Resource Teacher will support an increased teacher and student need in the area of educational technology in order to address virtual teaching and learning needs;
- Funds will also be used to support the salaries for a summer school program focused on recovery of learning loss during COVID;

CRRSA ESSER II continued

Budget Activities continued:

- Online technology subscriptions to support virtual teaching, learning and assessment;
- Upgrade internet connectivity to support increased bandwidth;
- Chromebooks and adapters to support 1:1 device initiative;
- Headsets/mics and document cameras;
- Cleaning and sanitation supplies;
- Disposable gloves, gowns and masks.

CRRSA ESSER II Unfin Learning

BOS2021-10-20 p.32/184

Grant Term: until September 30, 2023

Total Allocation: \$327,289.20

Budget Activities:

- Salaries and benefits of two additional core teachers K-4;
- Stipends for FCPS teachers to provide after school targeted remediation, extension and enrichment opportunities for students;
- Teacher stipend for position of Virtual Virginia coordinator;
- Contractual services with Virtual Virginia to provide instruction for students who request 100% virtual for the 2021-2022 school year.
- Intervention programs in Reading and Math;
- Teacher-driven formative assessment platform.

ARP ESSER III

Grant Term: until September 30, 2024

Total Allocation: \$2,704,053.81

Budget Activities:

- 12 additional core content teachers in the areas of Reading and Math for three years;
- Stipends for FCPS teachers to provide after school targeted remediation, extension and enrichment opportunities for students;
- Stipends for a summer school program focused on recovery of learning loss during COVID;
- Contract services with Virtual Virginia to provide instruction for students who request 100% virtual instruction;
- Cleaning and sanitation supplies;
- Storage shed to increase utilization of classroom space.

**FLUVANNA COUNTY BOARD OF SUPERVISORS
AGENDA ITEM STAFF REPORT**

TAB D

MEETING DATE:	October 20, 2021				
AGENDA TITLE:	October EDTAC Update				
MOTION(s):	N/A				
STRATEGIC INITIATIVE?	Yes	No	If yes, list initiative(s):		
		X			
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
			X		
STAFF CONTACT(S):	Aaron Spitzer, Director of Parks and Recreation				
PRESENTER(S):	Andy Sorrell, EDTAC Chair				
RECOMMENDATION:	N/A				
TIMING:	Routine				
DISCUSSION:	EDTAC provides a biannual update to the Board of Supervisors in April and October. This presentation is to highlight the programs and activities the Council has completed since the April 2021 update and what activities are planned for the fall and winter of 2021-2022.				
FISCAL IMPACT:	N/A				
POLICY IMPACT:	N/A				
LEGISLATIVE HISTORY:	N/A				
ENCLOSURES:	N/A				
REVIEWS COMPLETED:	Legal	Finance	Purchasing	HR	Other
					X

**FLUVANNA COUNTY BOARD OF SUPERVISORS
AGENDA ITEM STAFF REPORT**

TAB E

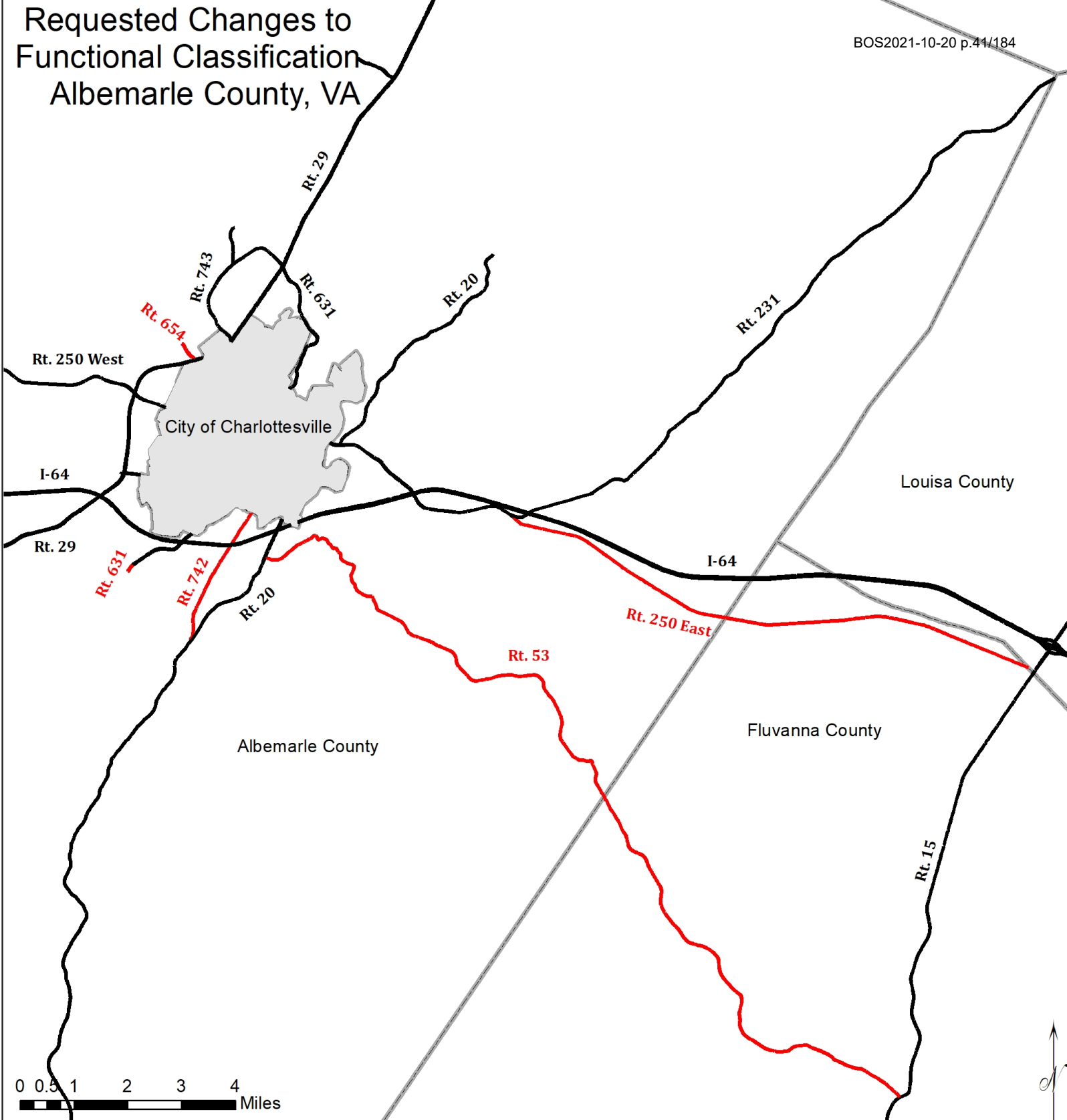
MEETING DATE:	October 20, 2021				
AGENDA TITLE:	Compensation and Classification Study				
MOTION(s):	N/A				
STRATEGIC INITIATIVE?	Yes	No	If yes, list initiative(s):		
		X			
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
			X		
STAFF CONTACT(S):	Donna Snow, Human Resources Manager				
PRESENTER(S):	Donna Snow, Human Resources Manager				
RECOMMENDATION:	Staff recommends engaging a consultant for a compensation and classification study.				
TIMING:	Current				
DISCUSSION:	To discuss and provide information on the reasoning for moving forward with a salary study. A comprehensive compensation and classification study provides recommendations to ensure that the County remains competitive in the marketplace and can continue to attract and retain a talented workforce at market rates. This includes an overall evaluation of the County's current grade structure, actual salaries compared with that of other relevant competitors; a recommended restructuring (if necessary) of the County's compensation structure for administrative classifications and recommendations for implementing proposed changes. As we are moving into the FY23 budget process, this will assist staff and the Board to address compensation for County staff. The last study approved by the Board of Supervisors was September 3, 2008.				
FISCAL IMPACT:	Not to exceed \$35,000.				
POLICY IMPACT:	None				
LEGISLATIVE HISTORY:	None				
ENCLOSURES:	None				
REVIEWS COMPLETED:	Legal	Finance	Purchasing	HR	Other
		X	X	X	

**FLUVANNA COUNTY BOARD OF SUPERVISORS
AGENDA ITEM STAFF REPORT**

TAB F

MEETING DATE:	October 20, 2021				
AGENDA TITLE:	VDOT Functional Classification Changes: Route 250 and Route 53 onto Route 15				
MOTION(s):	N/A				
STRATEGIC INITIATIVE?	Yes	No	If yes, list initiative(s):	N/A	
		X			
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
			X		
STAFF CONTACT(S):	Douglas Miles, Community Development Director				
PRESENTER(S):	Douglas Miles, Community Development Director				
RECOMMENDATION:	N/A				
TIMING:	Routine				
DISCUSSION:	<p>Albemarle County, in conjunction with Fluvanna County, is requesting a change to the Functional Classification for Thomas Jefferson Parkway (Route 53) from Route 20 in Albemarle County onto James Madison Highway (Route 15) in Fluvanna County. Also, a change to the Functional Classification for Richmond Road (Route 250) from Route 22 in Albemarle County to James Madison Highway (Route 15) in Fluvanna County.</p> <p>They would be reclassified from Major Collector roads to Minor Arterial roads within the VDOT functional classification road system and have discussed them with VDOT. These two corridors are both seeing an increase in development and they are major connections between the urbanized areas found in Albemarle and Fluvanna County. Please see the enclosed map with the affected corridors as shown in red on the map.</p>				
FISCAL IMPACT:	N/A				
POLICY IMPACT:	A statewide review by VDOT of functional classifications typically occurs following a decennial census (2020) and the most recent statewide update it was done in 2014.				
LEGISLATIVE HISTORY:	N/A				
ENCLOSURES:	<ul style="list-style-type: none"> • Albemarle County Graphic Map illustrating Route 250 and Route 53 onto Route 15 • VDOT Functional Classification website summary page with further information 				
REVIEWS COMPLETED:	Legal	Finance	Purchasing	HR	Other
					VDOT

Requested Changes to Functional Classification Albemarle County, VA



- Requested Changes to Arterial
- Arterial
- County Boundary
- City of Charlottesville

Requested Arterial Additions:

- Richmond Road (Route 250 East) - From Route 22 to Route 15 Fluvanna County
- Barracks Road (Route 654) -From City limits to Georgetown Road
- Thomas Jefferson Parkway (Route 53) - From Route 20 to Route 15 Fluvanna County
- Old Lynchburg Road (Route 631) - From Sunset Avenue Extended to Hickory Street
- Avon St. Ext. (Route 742) - From City limits to Route 20



Functional Classification

[Home \(/projects/fxn_class/home.asp\)](#) | [Interim Changes \(/projects/fxn_class/interim_changes.asp\)](#) | [Maps \(/projects/fxn_class/maps.asp\)](#)

Functional classification is the process by which streets and highways are grouped into classes, or systems, according to the character of service they are intended to provide.

Most travel occurs through a network of interdependent roadways, with each roadway segment moving traffic through the system towards destinations.

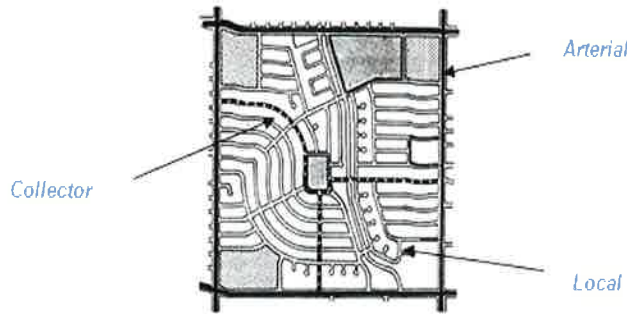
The concept of functional classification defines the role that a particular roadway segment plays in serving this flow of traffic through the network.

Roadways are assigned to one of several possible functional classifications within a hierarchy according to the character of travel service each roadway provides.

Planners and engineers use this hierarchy of roadways to properly channel transportation movements through a highway network efficiently and cost effectively.

All functional classification categories now exist in both urban and rural areas and include:

- A. Principal Arterial
 - i. Interstate
 - ii. Other freeways and expressways
 - iii. Other
- B. Minor Arterial
- C. Collector
 - i. Major collector
 - ii. Minor collector
- D. Local



Why Do We Have It?

Federal functional classification began with the passage of the Federal Aid Act of 1921.

It established a federal aid primary system and, more importantly, the foundation for a system of national defense roads, later known as the national interstate system.

The absence of uniformity among states hindered federal efforts to determine national needs.

Subsequently, the Federal Aid Highway Act of 1973 mandated the realignment of federal aid roads on the basis of a standardized functional classification system. This process remains in effect today.

Who Maintains the Functional Classification System?

The Virginia Department of Transportation's (VDOT) Transportation and Mobility Planning Division (TMPD) is responsible for maintaining the commonwealth's official federal functional classification system.

TMPD determines the functional classification according to federal guidance that takes into account type of trips, expected volume, what systems the roadway connects and whether the proposed functional classification falls within the mileage percentage thresholds established by the Federal Highway Administration (FHWA).

A statewide review of functional classifications typically occurs following the decennial census.

The most recent statewide update was completed and approved by FHWA in 2014.

How Does VDOT Use Functional Classification?

Functional class impacts several factors including:

Determining road design features. Applicable geometric design standards of the [VDOT Road Design Manual \(http://www.virginiadot.org/BUSINESS/locdes/rdmanual-index.asp\)](#) (which adopts the American Association of State Highway Transportation Officials' (AASHTO) 2011 Green Book's design level-of-service guidance on pages 2 - 66 and 2 - 67), as well as local and / or Subdivision Street Requirements relating to [24 VAC 30-91 \(http://leg1.state.va.us/cgi-bin/legp504.exe?000+reg+24VAC30-91-90\)](#), collector or arterial standards.

The eligibility of federal transportation funds for road improvements and maintenance.

The frequency of VDOT maintenance inspections and prohibitions on vehicle parking on certain roads to reserve through lanes for peak period use.

Development and /or maintenance of local roads, which are ineligible for federal funding and responsibilities, for this class of roads are private, local and / or state government concerns.

Access management features (spacing-frequency and / or type of access such as interchanges, intersections, and roadside entrance, exit and / or driveway points).

Eligibility for traffic calming measures.

Data-record group types, such as mileage table records for certain road classes.

Contact

For questions regarding the Functional Classification System in Virginia contact:

Chris Detmer
Long-range Planning Section manager
Chris.Detmer@vdot.virginia.gov (<mailto:Bradley.Shelton@vdot.virginia.gov>)

Page last modified: Nov. 1, 2019

**FLUVANNA COUNTY BOARD OF SUPERVISORS
AGENDA ITEM STAFF REPORT**

TAB G

MEETING DATE:	October 20, 2021				
AGENDA TITLE:	VDOT Right of Way (ROW) Land Acquisition				
MOTION(s):	N/A				
STRATEGIC INITIATIVE?	Yes	No	If yes, list initiative(s):		
		X			
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
			X		
STAFF CONTACT(S):	Eric Dahl, County Administrator and Douglas Miles, Director of Community Development				
PRESENTER(S):	Eric Dahl, County Administrator				
RECOMMENDATION:	N/A				
TIMING:	Routine				
DISCUSSION:	<ul style="list-style-type: none"> • Fluvanna County staff would like to discuss the acquisition of surplus VDOT right-of-way, located in the northwest quadrant of James Madison Highway (Route 15) and Main Street (SR 1001) immediately adjacent to the Fluvanna County complex. The parcel is located below the County Courthouse and Administration Building parking lot. • With the County having a plan in place to move the County Administration Building for the future and allowing for the expansion of the Courthouse complex, having adjoining and additional land available could be beneficial for future use. • The process to acquire VDOT property is very detailed and is governed by the Code of Virginia. • A meeting with VDOT to review the requirements for the ROW is needed to make an informed decision moving forward. 				
FISCAL IMPACT:	N/A				
POLICY IMPACT:	N/A				
LEGISLATIVE HISTORY:	N/A				
ENCLOSURES:	<ul style="list-style-type: none"> • GIS Map of existing VDOT ROW property location 				
REVIEWS COMPLETED:	Legal	Finance	Purchasing	HR	Other
					X

VDOT ROW PARCEL

**Below Fluvanna Courthouse and County Administration Building
Parking Lot**

Estimated acreage - 0.60



**FLUVANNA COUNTY BOARD OF SUPERVISORS
AGENDA ITEM STAFF REPORT**

TAB H

MEETING DATE:	October 20, 2021				
AGENDA TITLE:	Adoption of the Fluvanna County Board of Supervisors October 6, 2021 Meeting Minutes.				
MOTION(s):	I move the meeting minutes of the Fluvanna County Board of Supervisors Regular Meeting on Wednesday, October 6, 2021, be adopted.				
STRATEGIC INITIATIVE?	Yes	No	If yes, list initiative(s):		
		X			
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
				XX	
STAFF CONTACT(S):	Caitlin Solis, Clerk to the Board				
PRESENTER(S):	Eric Dahl, County Administrator				
RECOMMENDATION:	Approve				
TIMING:	Routine				
DISCUSSION:	None.				
FISCAL IMPACT:	N/A				
POLICY IMPACT:	N/A				
LEGISLATIVE HISTORY:	N/A				
ENCLOSURES:	Draft Minutes for October 6, 2021.				
REVIEWS COMPLETED:	Legal	Finance	Purchasing	HR	Other
					X

**FLUVANNA COUNTY BOARD OF SUPERVISORS
REGULAR MEETING MINUTES
Carysbrook Performing Arts Center
8880 James Madison Hwy, Fork Union, VA 23055
October 6, 2021
Regular Meeting 4:00pm**

MEMBERS PRESENT: John M. (Mike) Sheridan, Columbia District, Chair (entered at 4:18pm)
Tony O’Brien, Rivanna District, Vice Chair (entered at 4:04pm)
Mozell Booker, Fork Union District
Patricia Eager, Palmyra District
Donald W. Weaver, Cunningham District

ABSENT: None.

ALSO PRESENT: Eric M. Dahl, County Administrator
Kelly Belanger Harris, Assistant County Administrator
Fred Payne, County Attorney
Caitlin Solis, Clerk for the Board of Supervisors

1 - CALL TO ORDER, PLEDGE OF ALLEGIANCE, & MOMENT OF SILENCE

At 4:03pm, Mrs. Booker called to order the Regular Meeting of October 6, 2021. After the recitation of the Pledge of Allegiance, a moment of silence was observed.

At 4:04pm, Mrs. Booker handed the gavel over to Vice Chair O’Brien.

3 - ADOPTION OF AGENDA

MOTION:	Adopt the Agenda, for the October 6, 2021 Regular Meeting of the Board of Supervisors.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. O’Brien	Mr. Sheridan	Mr. Weaver
ACTION:	Motion				Second
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

4 - COUNTY ADMINISTRATOR’S REPORT

Mr. Dahl reported on the following topics:

- 2021 Elected Officials Gathering
DATE: November 19, 2021
TIME: 2:30pm – 4:00pm
PLACE: Fluvanna County Library
FORMAT: Virtual and In-person
- FLUVANNA COUNTY EMPLOYEE ANNUAL WELLNESS FAIR HELD ON SEPT. 20TH
It was a great success and we wanted to give thanks to all the Vendors that participated this year!
 - TLC/Anthem Health Screenings
 - DELTA Dental
 - Piedmont Virginia Community College
 - Blue Ridge Health Department
 - VA Dept. of Veterans Services
 - Fluvanna/Louisa Housing Foundation
 - Jefferson Pharmacy
 - First Financial Group of America
 - Alzheimer’s Association
 - Virginia Credit Union
 - Firefly
 - Anthem EAP
 - Virginia Cooperative Extension Office
 - Anthem Health and Wellness
 - Anytime Fitness
 - JLA Massage and Bodywork

We had over 50 employees attend this year!
Thank you to all the Vendors, Sponsors and Employees that helped make this possible!
Donna Snow- Human Resources Manager
Michele Hogan- Human Resources Assistant

- Fluvanna County Friends of the Library Book Sale is back!
 - Oct. 7-9 sale starts
 - Oct. 12-16 half-price sale
 - Oct. 18-23 \$4.00 bag sale
 - Large selection of books, CDs, DVDs, video games, and children’s items.
 - Located at 214 Commons Blvd, Palmyra, VA 22963
- Historic Courthouse Marker has been installed along Court Square just off of Rte. 15



- BOS Guidance
 - Meeting times for the Performing Arts Center
 - o Notification by Fluvanna Director of DSS for compliance with State policy for Department of Social Services
 - All non-DSS staff must sign in to the front desk (County staff, Board Members, residents, etc.)
 - o DSS building and Staff hours end at 4:30 pm. BOS meetings begin at 4pm.
 - o To be in compliance, everyone must sign in or we must push back the 1st meeting of the month to 5pm.

• Next BOS Meetings:

Day	Date	Time	Purpose	Location
Wed	Oct 20	7:00PM	Regular Meeting	Performing Arts Center
Wed	Nov 3	4:00 PM	Regular Meeting	Performing Arts Center
Wed	Nov 17	7:00PM	Regular Meeting	Performing Arts Center

5 - PUBLIC COMMENTS #1

At 4:14pm, Vice Chair O’Brien opened the first round of Public Comments.

- Tricia Johnson, 317 Shannon Hill Rd, spoke in favor of the budget request for the Sheriff’s Office. With no one else wishing to speak, Vice Chair O’Brien closed the first round of Public Comments at 4:16pm.

6 - PUBLIC HEARING

None.

7 - ACTION MATTERS

JAUNT Annual Shareholders Meeting Proxy Designation – Eric Dahl, County Administrator

- Jaunt, Inc. will hold its annual shareholders’ meeting on Wednesday, October 13, 2021
- Jaunt needs the governing body to appoint a proxy to vote its shares at this meeting.
- Proxies will elect executive officers to the Jaunt Board of Directors, may be called upon to appoint the executive director position, and cast votes on any other matters that may come before them at shareholders’ meetings.

At 4:18pm, Vice Chair O’Brien handed the gavel over to Chair Sheridan.

MOTION:	Approve the designation of Mr. Tony O’Brien to act as proxy for the governing body at the Jaunt annual shareholders’ meeting on October 13, 2021.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. O’Brien	Mr. Sheridan	Mr. Weaver
ACTION:	Motion	Second			
VOTE:	Yes	Yes	Abstain	Yes	Yes
RESULT:	4-0-1				

Selection of Voting Credentials for the 2021 Virginia Association of Counties Annual Business Meeting – Eric Dahl, County Administrator

- Article VI, VACo Bylaws, states that each county shall designate a representative of its board of supervisors to cast its vote(s) at the Annual Business Meeting.
- Association’s Bylaws allow a county to designate a non-elected official from your county or a member of a board of supervisors from another county to cast a proxy vote(s) for your county.
- For your county to be certified to vote at the Annual Business Meeting, a completed Voting Credentials Form or a Proxy Statement must be submitted to VACo by November 1, 2021.

MOTION #1:	Approve Mr. Mike Sheridan be appointed Voting Delegate, representing Fluvanna County by casting votes at the 2021 Annual Business Meeting of the Virginia Association of Counties.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. O’Brien	Mr. Sheridan	Mr. Weaver
ACTION:	Motion				Second
VOTE:	Yes	Yes	Yes	Abstain	Yes
RESULT:	4-0-1				

MOTION #2:	Approve Tony O’Brien be appointed Alternate Delegate, representing Fluvanna County by casting votes at the 2021 Annual Business Meeting of the Virginia Association of Counties.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. O’Brien	Mr. Sheridan	Mr. Weaver
ACTION:	Motion	Second			
VOTE:	Yes	Yes	Abstain	Yes	Yes
RESULT:	4-0-1				

Sheriff’s Office Recruitment, Retention, and Compression Wage Adjustment – Sheriff Eric B. Hess and Major David Wells

At the August 18, 2021 Board of Supervisors meeting, the Sheriff’s Office demonstrated an urgent need to raise our starting salary and address pay compression so we may remain competitive and recruit and retain the quality law enforcement services this county demands and deserves.

The labor market has drastically changed over the last year due the pandemic and other circumstances and events specific to the law enforcement field.

- Responding to calls and interaction with members of the public, often in close contact, has made recruitment a challenge.
- Impacted recruitment further emphasizes the need to retain the highly trained and professional staff we currently have.
- Adjoining localities have recently significantly increased their starting and compression salaries making Fluvanna County non-competitive in the local labor market.
- Increased workload, deputy wellness risks, and a much higher complexity of operations.
- The pandemic has created a case backlog in our courts.
- Increased staffing needs due to screening, social distancing, and cleaning.
- The pandemic has affected state mental hospitals to the point they had to have closures, this increased our transport times for Temporary Detention Orders.
- The same strain on citizens’ mental state has also increased our workload on Emergency Custody Orders and persons in crisis calls.
- During the pandemic, we saw in 37% increase in intimate partner violence, that trend continues today.
- Increase in certain firearms related calls, including an increase in firearms used in felony offenses.
- The Sheriff’s Office is requesting premium pay be added to the deputy’s base wages so we may continue to offer professional and effective law-enforcement services to the citizens of this county by recruiting the best and most qualified applicants and retaining the staff we currently have. Premium Pay would add \$2 to \$5 per hour to the deputy’s base wage depending on seniority and assignment.

Funding Breakdown:

- Based on the feedback from our last presentation, we have developed two pay options for the Board to consider:

FCSO Pay Plan							
Sheriff’s Office Deputies							
	Pay Band	MinPer Hour	Annual (2184)	Annual increase	w/fringe (22%)	75% for FY22	w/fringe (22%)
Plan 1	105	\$20.7855	\$44,500.0000	\$212,000.0000	\$258,640.0000	\$159,000.0000	\$193,980.0000
	106	\$21.7491	\$47,500.0000				
	Pay Band	Min Per Hour	Annual (2184)	Annual increase	w/fringe (22%)	75% for FY22	w/fringe (22%)
Plan 2	105	\$21.0623	\$46,000.0000	\$263,000.0000	\$320,860.0000	\$197,250.0000	\$240,645.0000
	106	\$22.2436	\$49,000.0000				

ARPA Eligibility

- As of September 30, 2021, Fluvanna County staff have not received guidance from our auditors on ARPA fund eligibility. In addition to eligibility, some additional outstanding questions are:
 - If Premium Pay is additive and not permanent, is it treated like a stipend and would it have to be classified separately and not included in base pay?
 - Is it VRS eligible?
- Received ARPA guidance from our auditors on October 4th
 - Because premium pay is temporary in nature:

- It would have to be accounted for separately (almost like a stipend) and not be part of base pay.
- It would not be VRS eligible.
- The intent of utilizing the premium pay appears to be more in line with raising starting pay and being market competitive, rather than specifically addressing the impacts of Covid-19.

MOTION #1:	Approve the following Plan wage adjustment for Sheriff Deputies: Plan 2: Increase non-certified Deputy In Training minimum pay to \$46,000, certified Sheriff’s Deputy minimum pay to \$49,000 and provide a wage adjustment of \$2 to \$5 per hour above the deputy’s base wage depending on seniority and assignment, at an estimated additional cost of \$240,000 for FY22 and an estimated cost of \$320,000 for FY23 and beyond, effective October 24, 2021.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. O’Brien	Mr. Sheridan	Mr. Weaver
ACTION:		Second	Motion		
VOTE:	Yes	Yes	Yes	Yes	Abstain
RESULT:	4-0-1				

MOTION #2:	Approve funding for Plan 2 as follows: 1. Utilizing FY22 Unassigned Fund Balance for FY22 only for \$240,000.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. O’Brien	Mr. Sheridan	Mr. Weaver
ACTION:	Motion	Second			
VOTE:	Yes	Yes	Yes	Yes	Abstain
RESULT:	4-0-1				

Sheriff’s Office Hazard Pay One-Time Bonus – Sheriff Eric B. Hess and Major David Wells

- On August 10, 2021, House Bill 7001 became law. In that bill, there are provisions directing funds to the “Compensation Board for a one-time hazard pay bonus of \$3,000 for state-supported sworn officers of Sheriff’s Departments...” We would request these to be paid for the 22 Compensation Board covered sworn positions.
- The Compensation Board did a detailed review of the State and Local Fiscal Recovery Fund Interim Final Rule, which indicates that the ARPA defines “premium pay”, which is the eligibility category under which this bonus is approved, to mean “an amount up to \$13 per hour in addition to wages or remuneration the worker other receives.”
- As a result, any sheriff, sheriff’s deputy or regional jail officer receiving the \$3,000 bonus must have served in a sworn position in the sheriff’s office or regional jail for at least 231 hours, or approximately 5.8 weeks, as of the date of implementation of the bonus as determined by the locality or regional jail.
- Localities and regional jails will be required to certify that this requirement has been met when seeking reimbursement for the paid bonus.
- While the Compensation Board encourages each locality and regional jail to implement the bonus as soon as possible, the bonus must be implemented no later than November 30, 2021.
- In addition, the Sheriff’s Office would request the County utilize ARPA State and Local Fiscal Recovery Funds to fund the payment of a \$3,000 one-time hazard pay bonus to deputies who are not state supported and who were appointed before July 01, 2021.
- We have 15 non-state-supported deputies, and the bonus and FICA cost would be approximately \$48,443.
- Given the impacts and risk of COVID-19 as previously noted, all deputies should be entitled to the One-Time Hazardous Duty Bonus.

Funding Breakdown:

Hazard pay			
Sheriff’s Office Deputies	22 State Funded	X \$3,000	\$66,000.0000
	15 Non-Funded	X \$3,000	\$45,000.0000
		Total Needed	\$45,000.0000

- As of September 30, 2021, Fluvanna County staff have not received guidance from our auditors on ARPA fund eligibility.
- Received ARPA guidance from our auditors on October 4th
 - Just as the Commonwealth is using ARPA funds to pay deputy bonuses on behalf of the Compensation Board, the County ARPA funds would be an eligible use.

Auditor Guidance on Blanket ARPA Eligibility :

- To blanketly say all employees are essential workers is not adequate. The County would need to document how each position/section is critical to protecting the health and well-being of the County Residents.
- We have researched this matter, discussed internally and have concluded that similar to many COVID relief provisions, there is no concise guidance available to definitively support or refute the use of ARPA funds for premium pay to all local government employees. Therefore, if the County intends to provide premium pay to all employees, the County will need to adequately document the use of ARPA funds in this manner for each employee/position. The U.S. Treasury FAQs state the following, *“Governments receiving Fiscal Recovery Funds have the discretion to add additional sectors to this list, so long as the sectors are considered critical to protect the health and well-being of residents.”* It is our opinion the aforementioned statement is a condition that requires a more stringent examination of each employee position to determine eligibility for premium pay under ARPA funding. The County may include additional positions/sectors, however, the additional positions/sectors shall be critical to protect the health and well-being of County residents. It is our opinion that a blanket determination for all County employees will not be sufficient to document the inclusion of additional positions/sectors. The County will need to document how each position/sector is critical to protect the health and well-being of County residents.
- Specifically, the County should consider the following points to document the determination to provide premium pay to each position:
 - Document the key attributes and conclusion of how each sector and positions within each sector are critical *to protect the health and well-being of County residents*
 - Document the routine work schedules including the work location for those employees deemed essential – Treasury FAQs and Interim Final Rule define, in part, essential work as work involving regular in-person interactions or routine physical handling of items handled by others, among other criteria
 - Consider documenting how the position(s) are at a greater risk of not only contracting COVID-19 but who also represent demographics that are bearing disproportionate burden from the pandemic
 - Document the salary of the position and how the gross pay compares to the threshold of 150% of Virginia’s average annual wage (or County average annual wage, whichever is higher). For those employees deemed eligible for the premium pay that exceed this threshold, additional written documentation supporting this determination will be required.
- In closing, it is our opinion the County will need to assess each employee/position and sufficiently document the determination and supporting factors to be in compliance with guidance available from the US Treasury as of the date of this email.

MOTION #1:	Approve a \$3,000 one-time bonus for Sheriff Deputies as presented in Option 2: Approve a \$3,000 bonus to all 37 full-time Sworn Law Enforcement Officers (includes sheriff and deputies) with \$71,050 of funding to come from the Compensation Board and a cost of: \$48,443 to the County utilizing FY22 American Rescue Plan Act (ARPA) Funds.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. O’Brien	Mr. Sheridan	Mr. Weaver
ACTION:	Second	Motion			
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

MOTION #2:	Approve a supplemental appropriation of \$71,050 to the Sheriff’s Office FY22 full-time salary and FICA budget lines to cover a one-time \$3,000 bonus for 22 Compensation Board funded sworn law enforcement officers, as required by the Compensation Board funding.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. O’Brien	Mr. Sheridan	Mr. Weaver
ACTION:		Motion			Second
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

MOTION #3:	Approve a budget transfer of \$48,443 from the FY22 American Rescue Plan Act budget contingency line to the full-time salary/FICA budget lines to cover a one-time \$3,000 bonus for 15 sworn law enforcement officers.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. O’Brien	Mr. Sheridan	Mr. Weaver
ACTION:	Second	Motion			
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

E911 – Emergency Medical Dispatch (EMD) and Compression Wage Adjustment – Sheriff Eric B. Hess and Michael Grandstaff, Director of Communications

- Emergency Medical Dispatch (EMD) is the essential initial point of contact for callers seeking medical assistance, providing a combination of telecommunications skills and medical instruction. EMD initiates and coordinates the most appropriate emergency medical service response while providing medical assistance to callers over the phone until help
- Fluvanna County's EMD Program is overseen by the County's Operational Medical Director. This program places dispatch under the jurisdiction of the Virginia Office of Emergency Medical Services. EMD is an entirely new added job function well above normal dispatching and is mandate by VA Code § 56-484.16:1.
- By January 1, 2022, our dispatchers must be able to provide High-quality telecommunicator cardiopulmonary resuscitation instruction" or "TCPR" means the delivery by trained 911 telecommunicators of high-quality cardiopulmonary resuscitation instruction for acute events requiring cardiopulmonary resuscitation, including out-of-hospital cardiac arrests.
- By JAN 01, 2024, they must be certified in complete EMD. However, By JAN 01, 2022 our dispatchers will be completely trained and certified in complete EMD as a practical matter, as no vendor provides only the initial TCPR training or certification. This standard requires increased training hours for all communications officers as well as recertification requirements.
- This also requires a dispatcher to remain on the phone with the caller until EMS arrives on scene, which we know can sometimes be an extended period. This prevents the dispatcher from answering any other emergency calls during this time frame.
- Sheriff Hess is requesting a pay adjustment (Plan 1 – 5% or Plan 2 – 6%) for the E911 communications staff for the implementation and required certifications needed for Emergency Medical Dispatch (EMD).
- It is anticipated the required training and certifications would be completed within the next month or two and increases would not be eligible until that time, if approved.
- In addition, there is a request for a 1.5% compression wage adjustment for any communications staff hired prior to July 1, 2021.

Funding Breakdown:

				FY23		FY22	
E911/Communications				Annual increase	w/fringe (22%)	75% for FY22	w/fringe (22%)
Plan 1	1.5%comp/5% EMD			\$54,000.0000	\$65,880.0000	\$40,500.0000	\$49,410.0000
Plan 2	1.5%comp/6% EMD			\$61,000.0000	\$74,420.0000	\$45,750.0000	\$55,815.0000

Alternative – Certification Pay Only

				FY23		FY22	
E911/Communications				Annual increase	w/fringe (22%)	75% for FY22	w/fringe (22%)
Plan 1	5% EMD			\$41,580	\$50,728	\$31,185	\$38,048
Plan 2	6% EMD			\$48,800	\$59,536	\$36,600	\$44,652

ARPA Eligibility:

- As of September 30, 2021, Fluvanna County staff have not received guidance from our auditors on ARPA fund eligibility. In addition to eligibility, some additional outstanding questions are:
 - If Premium Pay is additive and not permanent, is it treated like a stipend and would it have to be classified separately and not included in base pay?
 - Is it VRS eligible?
- Received ARPA guidance from our auditors on October 4th
 - Because premium pay is temporary in nature:
 - It would have to be accounted for separately (almost like a stipend) and not be part of base pay.
 - It would not be VRS eligible.
 - The intent of utilizing the premium pay appears to be more in line with raising starting pay for implementing a new mandated program from the Commonwealth, rather than specifically addressing the impacts of Covid-19.

MOTION #1:	Approve a wage adjustment Plan for E911 staff: Plan 2: Increase E911 communication staff pay 6% after completion of Emergency Medical Dispatch (EMD) training and certification, plus a 1.5% compression wage adjustment for those staff hired prior to July 1, 2021, at an estimated additional cost of \$56,000 for FY22 and an estimated cost of \$75,000 for FY23 and beyond.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. O'Brien	Mr. Sheridan	Mr. Weaver
ACTION:	Second		Motion		
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

MOTION #2:	Approve funding for Plan 2 as follows: Utilizing FY22 E911 full-time salary vacancy savings for FY22 only for \$56,000.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. O'Brien	Mr. Sheridan	Mr. Weaver
ACTION:	Second		Motion		
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

E911 – Hazard Pay One-Time Bonus – Sheriff Eric B. Hess and Michael Grandstaff, Director of Communications

- The Sheriff’s Office would request the County utilize ARPA State and Local Fiscal Recovery Funds to fund the payment of a \$1,500 one-time hazard pay bonus to full-time E911 staff and a \$750 one-time hazard pay bonus to part-time E911 staff, and were hired before July 01, 2021.
- They have 10 full-time staff and 1 part-time staff, and the bonus and FICA cost would be approximately \$16,955.

Funding Breakdown:

Hazard pay			
E911/Communications	10 Full-time	X \$1,500	\$15,000
	1 Part-time	x \$750	\$750
		Total Needed	\$15,750

- As of September 30, 2021, Fluvanna County staff have not received guidance from our auditors on ARPA fund eligibility.
- Received ARPA guidance from our auditors on October 4th
 - County ARPA funds may be an eligible use based upon the actual work performed as it relates to Covid-19.
 - Staff at nursing homes, hospitals, and home care settings; Workers at farms, food production facilities, grocery stores, and restaurants; Janitors and sanitation workers; Truck drivers, transit staff, and warehouse workers; Public health and safety staff; Childcare workers, educators, and other school staff; and Social service and human services staff.

Auditor Guidance on Blanket ARPA Eligibility :

- To blanketly say all employees are essential workers is not adequate. The County would need to document how each position/section is critical to protecting the health and well-being of the County Residents.
- We have researched this matter, discussed internally and have concluded that similar to many COVID relief provisions, there is no concise guidance available to definitively support or refute the use of ARPA funds for premium pay to all local government employees. Therefore, if the County intends to provide premium pay to all employees, the County will need to adequately document the use of ARPA funds in this manner for each employee/position. The U.S. Treasury FAQs state the following, *“Governments receiving Fiscal Recovery Funds have the discretion to add additional sectors to this list, so long as the sectors are considered critical to protect the health and well-being of residents.”* It is our opinion the aforementioned statement is a condition that requires a more stringent examination of each employee position to determine eligibility for premium pay under ARPA funding. The County may include additional positions/sectors, however, the additional positions/sectors shall be critical to protect the health and well-being of County residents. It is our opinion that a blanket determination for all County employees will not be sufficient to document the inclusion of additional positions/sectors. The County will need to document how each position/sector is critical to protect the health and well-being of County residents.
- Specifically, the County should consider the following points to document the determination to provide premium pay to each position:
 - Document the key attributes and conclusion of how each sector and positions within each sector are *critical to protect the health and well-being of County residents*
 - Document the routine work schedules including the work location for those employees deemed essential – Treasury FAQs and Interim Final Rule define, in part, essential work as work involving regular in-person interactions or routine physical handling of items handled by others, among other criteria
 - Consider documenting how the position(s) are at a greater risk of not only contracting COVID-19 but who also represent demographics that are bearing disproportionate burden from the pandemic
 - Document the salary of the position and how the gross pay compares to the threshold of 150% of Virginia’s average annual wage (or County average annual wage, whichever is higher). For

those employees deemed eligible for the premium pay that exceed this threshold, additional written documentation supporting this determination will be required.

- In closing, it is our opinion the County will need to assess each employee/position and sufficiently document the determination and supporting factors to be in compliance with guidance available from the US Treasury as of the date of this email.

MOTION #1:	Approve a \$1,500 one-time bonus for ten full-time E911 staff and a \$750 one-time bonus for one part-time E911 staff at a cost of: A. \$16,955 to the County utilizing FY22 American Rescue Plan Act (ARPA) Funds.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. O'Brien	Mr. Sheridan	Mr. Weaver
ACTION:		Motion			Second
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

MOTION #2:	Approve a budget transfer of \$16,955 from the FY22 American Rescue Plan Act budget contingency line to the full-time salary/FICA budget lines.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. O'Brien	Mr. Sheridan	Mr. Weaver
ACTION:	Second	Motion			
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

7A – BOARDS AND COMMISSIONS

None.

8 - PRESENTATIONS

2021 Fluvanna County Fair Review – Aaron Spitzer, Director of Parks and Recreation

Attendance

- This year's County Fair was a success with 5,312 to 6,500 visitors over the four days.
 - Thursday – 372
 - Friday - 1,422
 - Saturday - 3,518

Parks and Recreation Expenses

- Advertising - \$1,502
 - Fair Books.
- General Supplies - \$3,010
 - Fun Zone, Staff T-Shirts, Ace, Amazon, Walmart, and Lowes.
- Contract Services - \$12,777
 - Rick Haggard Entertainment, VA Tent Rental, Sunbelt (lights), Porta Johns, Dumpster, and Security from Sheriff's Office.
- Total Expenses = \$17,289

Parks and Recreation Revenues

- Gate Sales - \$9,873
 - 6,162 paying visitors; we did not take gate sales on Wednesday or for anyone under 18 years old on Thursday and everyday children under the age of 2 years old got in free.
- Carnival Ride Sales - \$11,228.75
 - \$100 for each food/concession as well as 25% of all ticket sales.
- Fair Vendors - \$4,072.50
 - 2 non-profits, 9 food, and 43 non-food.
- Total Revenue = \$25,174.25

Fair Board's Expenses

- Stage Entertainment - \$1,675
 - Crimson Current, Sam Lowe, Cheap Whiskey, and Wes Iseli.
- Fair Grounds Entertainment - \$16,569.25
 - Rodeo, Beer Garden, and Petting Zoo.
- Parking - \$3,215
 - HS Cross Country, HS Explorers, and Lenoir.
- General Supplies - \$1,512.97
 - Wristbands/bags, Card Reader, Golf Cart, Banners, and Home Arts ribbons.
- Total Expenses = \$22,972.22

Fair Board's Revenues

- Sponsors - \$14,625

- Farm Bureau, AAP Construction, Blue Ridge Beverage, Dominion Energy, Barry Meade Construction, E.W. Thomas Inc., Forest Pro, James River Brewery, James River Builders, Luckstone, Raymond Bishop MD, Snoddy’s Electrical Service Inc., Ashcraft Termite and Pest, Osteen Plumbing, Strong Team Realtors, Goodson Automotive, Modesto Farms, Fluvanna Economic Development, Natural Steps Child Development, Rafaly Electrical Contractors Inc., Sals, Augusta Coop, Barefoot Country Store, Devoted Hair Salon, Fork Union/Scottsville Pharmacy, James River Beverage Company, Local Eats, Southern Development, Digs Inc., Beverage Tractor, Critter Hill Farm, Orange Tire Inc., Weiss Optometrist.
- Gate Sales - \$6,268
 - Fair Board received \$1 per gate sale transaction over 3 days.
- Fair Ground Activities - \$16,534
 - Corn Hole tournament, Excavator challenge, Power Wheels derby, Beer Garden, and Rodeo.
 - Beer Garden had 232 sales (\$5 per drink).
 - Rodeo had 1,074 sales with 854 being 13 years+ (\$15 per ticket) and 220 being under 12 years old (\$10 per ticket).
- Total Revenue = \$37,427

2021 County Fair Balance

	<u>County</u>	<u>Fair Board</u>
▪ Total Revenue	\$ 25,174.25	\$ 37,427.00
▪ Total Expenses	\$ 17,289.00	\$ 22,972.22
▪ 2021 Balance	\$ 7,885.25	\$ 14,454.78

Special Needs Event

- Valley Amusements opened up rides and a few games for area youth and adults with special needs on Friday from 10am - noon.
 - Approx. 40 participants that came to this event.
 - EW Thomas provided meals for the participants and carnival staff.
- SPECIAL THANKS to Wade Parrish, Valley Amusements, the Fluvanna County Public Schools, Fluvanna County Fair Board, and Parks and Recreation who partnered together to provide this unique experience.

Home Arts Competition

- ECONOMIC DEVELOPMENT & TOURISM ADVISORY COMMITTEE helped out the Fluvanna Fair this year by stepping in to fill a major void when the Fair Board had no one to manage the Home Arts competition.
 - EDTAC took responsibility to get judges for events, staffing to collect items during the day, and staffing during Fair hours to show off the items submitted for judging.
 - There were 75 participants with 20 being youth entries.
 - There were a total of 20 judges come and volunteer their time judging the various categories items were submitted for. Each judge had a specialty they excelled in!

Recognitions

- 2021 Fair Board
 - President - Wade Parrish
 - Vice President/Secretary - Maria Graff
 - Treasurer - Channing Snoddy
 - Sponsorships - Kirsten Cropp
 - Marketing - Heather Hastings
 - Home Arts Director - Andy Sorrell
 - 4-H Director - Kim Mayo
 - Equipment & Flowers - George and Gene Goin
 - County Representatives - Dylan Morris and Aaron Spitzer
- Thanks to Fluvanna Fire and Rescue, Fluvanna Sheriff’s Department and State Police for being at the Fair to help out with any emergencies that arose!
- Special THANK YOU to the Economic Development Tourism Advisory Committee (EDTAC) for volunteering to fill a major void the Fair Board had this year and run the Home Arts area at the Fair!

2021 Redistricting Update – Eric Dahl, County Administrator & Kelly Belanger Harris, Assistant County Administrator

Redistricting – Requirements and Considerations

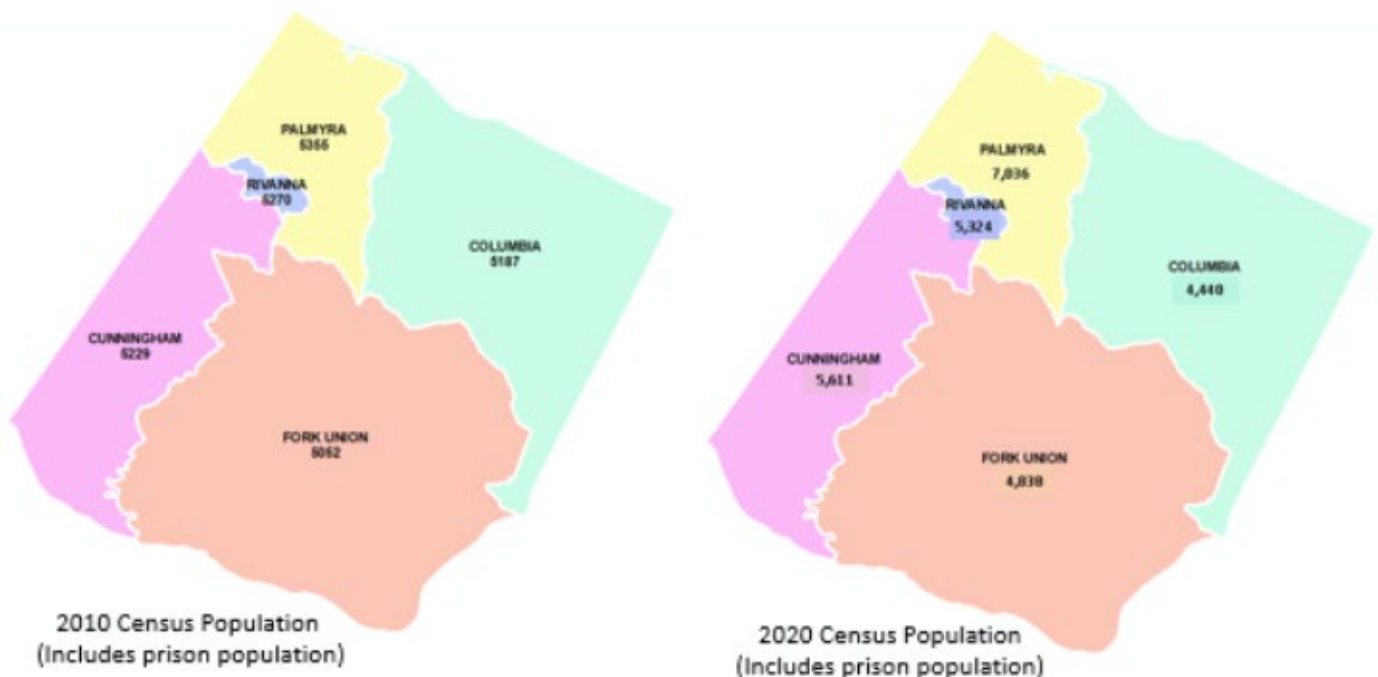
- Article VII, Section 5 of the Constitution of Virginia requires any locality that conducts elections by district to change its district boundaries every 10 years in the year ending in one.

- Redistricting must occur by Dec 31, 2021.
- Virginia Code 24.2-304.1 Section C. states “For the purposes of redistricting and reapportioning representation in 2021 and every 10 years thereafter, the governing body of a county, city, or town shall use the most recent decennial population figures for such county, city, or town from the United States Bureau of the Census, as adjusted by the Division of Legislative Services pursuant to § 24.2-314”.
 - Census data is available.
- Virginia Code 24.2-314, Population data; reallocation of prison population, Section 1. “A person incarcerated in a federal, state, or local correctional facility whose address at the time of incarceration was located within the Commonwealth shall be deemed to reside at such address”.
 - Fluvanna Women’s Correctional Center – adjustments have been made; a discrepancy was discovered

Redistricting & Adoption of Redistricting Ordinance

Timeline:

- Oct 6: Staff gives brief presentation to Board; Census data is available; statewide maps have been proposed; discuss timeline for County redistricting; discuss schedule for community meetings
- Between Oct 6 and Oct 20: Redistricting Committee meets
- Oct 20: Staff presentation to Board proposing new district maps; solicit Board feedback; schedule community meetings; Oct 20 – Nov 3: Community meetings; Redistricting Committee meets
- Nov 3: Discuss community feedback; proposed maps; Redistricting Committee feedback; request authorization to hold/advertise a public hearing on Dec 1, 2021 (Special Public Hearing)
- Nov 17: Board of Supervisors Meeting
- Nov 18 and Nov 25: Advertisement of public hearing and ordinance
- Dec 1 (Special Public Hearing): Public Hearing to solicit input on proposed redistricting maps and Redistricting Ordinance
- Dec 15: Adopt Redistricting Ordinance
- Adoption of Redistricting Ordinance: In order to meet the requirement for redistricting in 2021, the redistricting ordinance would need to be adopted by the second meeting in December (December 15, 2021.)
- Following adoption of Redistricting Ordinance:
 - County Attorney submits to office of Virginia Attorney General for issuance of a certification of no objection – if no objection interposed within 60 days of submission, certification of no objection is deemed issued
 - Copies of enacted changes, including certified copy of enacted ordinance, a GIS map showing the new boundaries, to be send to local electoral board, Virginia Department of Elections, Division of Legislative Services, and Secretary of the Commonwealth (will need to indicate that implementation is subject to Attorney General certification of no objection)



- Copy of ordinance including description of the boundaries and a map showing the boundaries of the districts to be recorded in the official BOS minutes
- By January 29: Redistricting anticipated to be complete following Attorney General certification of no objection



Census Blocks

Census Block 2024 – Fluvanna Women’s Correction Center = 241 individuals

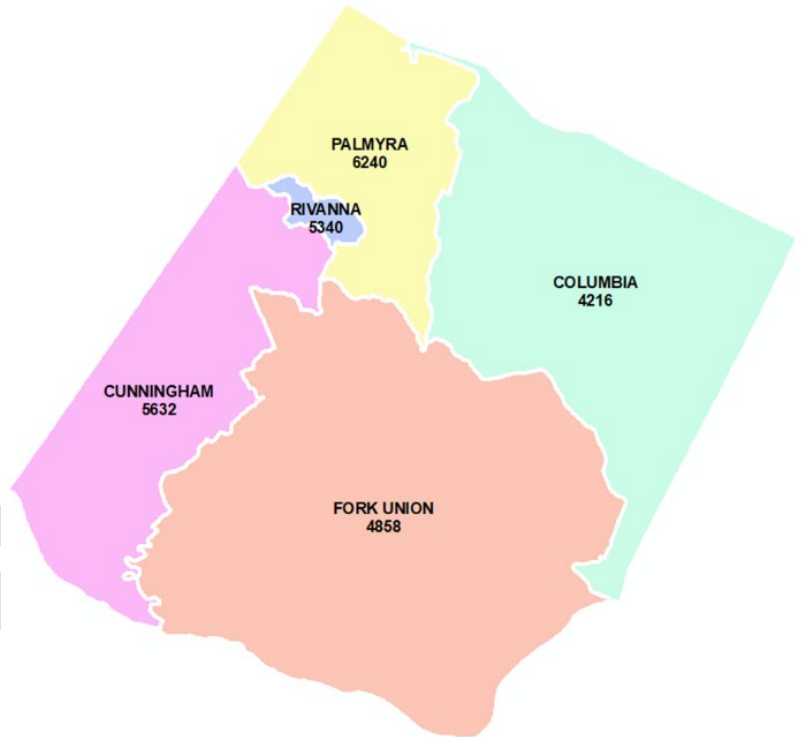
Census Block 2023 – the parcel on which the Women’s Correctional Center sits = 796 individuals

Census Block 2023 allocated to Palmyra District
 Census Block 2024 allocated to Columbia District

Voting District Population – Census 2020

2020 Census Population:
 Columbia District = 4,216
 Cunningham District = 5,632
 Fork Union District = 4,858
 Palmyra District = 6,240
 Rivanna District = 5,340

Reapportionment:
 “Ideal District Size”
 5 Districts = 5,258
 6 Districts = 4,381
 7 Districts = 3,756



9 - CONSENT AGENDA

The following items were discussed before approval:

J - Proclaim October as Domestic Violence Awareness Month

The following items were approved under the Consent Agenda for October 6, 2021:

- *Minutes of September 15, 2021* – Caitlin Solis, Clerk to the Board
- *Proclaim October as Domestic Violence Awareness Month* – Eric M. Dahl, County Administrator
- *First Amendment to Computer Aided Dispatch Contract* – Cyndi Toler, Purchasing Officer
- *FY22 FCPS Grants Supplemental Appropriation* – Tori Melton, Management Analyst & Brenda Gilliam, Executive Director for Instruction and Finance
- *FY22 – 190 Commons Blvd Insurance Claim* – Tori Melton, Management Analyst
- *Approval of Open Space Contract for Carole A. Bryan* – Andrew M. Sheridan, Jr., Commissioner of the Revenue
- *Approval of Open Space Contract for Daniel V. and Josephine E. Corbin* – Andrew M. Sheridan, Jr., Commissioner of the Revenue
- *Approval of Open Space Contract for Matthew P. Gooch* – Andrew M. Sheridan, Jr., Commissioner of the Revenue
- *Approval of Open Space Contract for Stephen P. and Felicity G. Gooch* – Andrew M. Sheridan, Jr., Commissioner of the Revenue
- *Approval of Open Space Contract for Ernest J. & Carolyn H. Marrs* – Andrew M. Sheridan, Jr., Commissioner of the Revenue
- *Approval of Open Space Contract for Betty, Doris and Overton McGehee* – Andrew M. Sheridan, Jr., Commissioner of the Revenue
- *Approval of Open Space Contract for Pardee Virginia Timber 2 LLC* – Andrew M. Sheridan, Jr., Commissioner of the Revenue
- *Approval of Open Space Contract for Frances W. Settle* – Andrew M. Sheridan, Jr., Commissioner of the Revenue

- *Approval of Open Space Contract for the Bobby and Mildred Shumake Life Estate and Leslie D. Benson* – Andrew M. Sheridan, Jr., Commissioner of the Revenue
- *Approval of Open Space Contract for the Howard L. Staton* – Andrew M. Sheridan, Jr., Commissioner of the Revenue
- *Approval of Open Space Contract for Valentine Associates LLC* – Andrew M. Sheridan, Jr., Commissioner of the Revenue

MOTION:	Approve the consent agenda, for the October 6, 2021 Board of Supervisors meeting.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. O’Brien	Mr. Sheridan	Mr. Weaver
ACTION:	Second				Motion
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

10 - UNFINISHED BUSINESS

Burn Building Update – Eric Dahl, County Administrator

Burn Building Additional Funding Request

- The County sent a letter on July 16, 2021 to the Virginia Fire Services Board requesting additional funding for the Burn Building project (currently \$450K construction and \$30K engineering)
- Mr. Dahl attended the Virginia Fire Services Board meeting on September 24, 2021 to justify the additional funding request.
 - The request for additional funding was denied.
 - They stated the program grant amount is set and would not be modified.
 - It was stated that the issue with the bids we received was high Site Work costs. The grant covers the cost of the burn building construction, but does not cover Site Work.
 - With the denial for additional funding, Mr. Dahl requested a second grant extension.
 - The Virginia Fire Services Board approved the grant extension.
 - Completion of a second valid building permit and begin construction by November 14, 2022.
 - The new project completion date is now November 15, 2023

Cost Summary of Burn Building Projects

Cost Summary of Burn Building Projects

	<u>Metal Building</u>	<u>Site Work</u>	<u>Mobilization 5%</u>	<u>Contingency</u>	<u>Total</u>
Scott County Under construction	564,200.00	63,400.00	19,400.00	32,350.00	679,350.00
Montgomery County Complete 2019	444,891.00	124,053.00	37,000.00	30,777.00	636,721.00
Winchester County Complete 2020	438,800.00	129,799.50	39,000.00	31,984.00	639,583.50
Harrisonburg City Complete 2020	403,601.00		9,563.00	54,188.00	467,352.00
	<u>Building</u>	<u>Site Work</u>	<u>General Cond</u>	<u>OvHD-Prft-BD</u>	
Fluvanna County Bid process	478,797.00	309,716.00	99,980.00	99,228.00	987,721.00

Next Steps

- Issue a 3rd Invitation For Bid (IFB) for the Burn Building project.
- Allow 45 days for the IFB due date.
- Once bids come in, determine if additional funding is required.
- If additional funding is required, decide to provide the additional funding or not move forward with the project.

11 - NEW BUSINESS

None.

12 - PUBLIC COMMENTS #2

At 6:57pm Chair Sheridan opened the second round of Public Comments. With no one wishing to speak, Chair Sheridan closed the second round of Public Comments at 6:57pm.

13 - CLOSED MEETING

MOTION:	At 6:58pm, move the Fluvanna County Board of Supervisors enter into a closed meeting, pursuant to the provisions of Section 2.2-3711 A.1, A.5, A.8 & A.19 of the Code of Virginia, 1950, as amended, for the purpose of discussing Personnel, Prospective Industry, Legal Matters, and Public Safety.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. O'Brien	Mr. Sheridan	Mr. Weaver
ACTION:	Second		Motion		
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

MOTION:	At 7:32pm, move Closed Meeting be adjourned and the Fluvanna County Board of Supervisors convene again in open session and "BE IT RESOLVED, the Board of Supervisors does hereby certify to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements under Section 2.2-3711-A of the Code of Virginia, 1950, as amended, and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered in the meeting."				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. O'Brien	Mr. Sheridan	Mr. Weaver
ACTION:	Second		Motion		
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

14 - ADJOURN

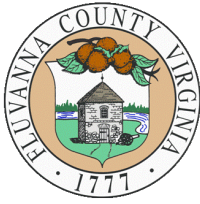
MOTION:	Adjourn the regular meeting of Wednesday, October 6, 2021 at 7:33pm.				
MEMBER:	Mrs. Booker	Mrs. Eager	Mr. O'Brien	Mr. Sheridan	Mr. Weaver
ACTION:			Second		Motion
VOTE:	Yes	Yes	Yes	Yes	Yes
RESULT:	5-0				

ATTEST:

FLUVANNA COUNTY BOARD OF SUPERVISORS

 Caitlin Solis
 Clerk to the Board

 John M. Sheridan
 Chair



BOARD OF SUPERVISORS

County of Fluvanna
Palmyra, Virginia

PROCLAMATION 06 - 2021

Proclaiming October Domestic Violence Awareness Month

WHEREAS, the problems of domestic violence are not confined to any group or groups of people but cross all economic, racial and societal barriers, and are supported by societal indifference; and

WHEREAS, the crime of domestic violence violates an individual's privacy, dignity, security, and humanity, due to systematic use of physical, emotional, sexual, psychological and economic control and/or abuse, with the impact of this crime being wide-ranging; and

WHEREAS, no one person, organization, agency or community can eliminate domestic violence on their own—we must work together to educate our entire population about what can be done to prevent such violence, support victims/survivors and their families, and increase support for agencies providing services to those community members; and

WHEREAS, the Shelter for Help in Emergency has led the way in the County of Fluvanna in addressing domestic violence by providing 24-hour hotline services to victims/survivors and their families, offering support and information, and empowering survivors to chart their own course for healing; and

WHEREAS, the Shelter for Help in Emergency, recognized as an essential service provider during the COVID-19 global pandemic, continued to provide services and be a safe haven for victims of domestic violence in the County of Fluvanna; and

WHEREAS, the Shelter for Help in Emergency commemorates its 42nd year of providing unparalleled services to women, children and men who have been victimized by domestic violence;

NOW THEREFORE, BE IT RESOLVED, in recognition of the important work being done by the Shelter for Help in Emergency, the Fluvanna County Board of Supervisors does hereby **PROCLAIM** the month of October 2021 as DOMESTIC VIOLENCE AWARENESS MONTH in the County of Fluvanna and urge all citizens to actively participate in the elimination of personal and institutional violence against women, children and men.

Passed and adopted this 6th day of October 2021.

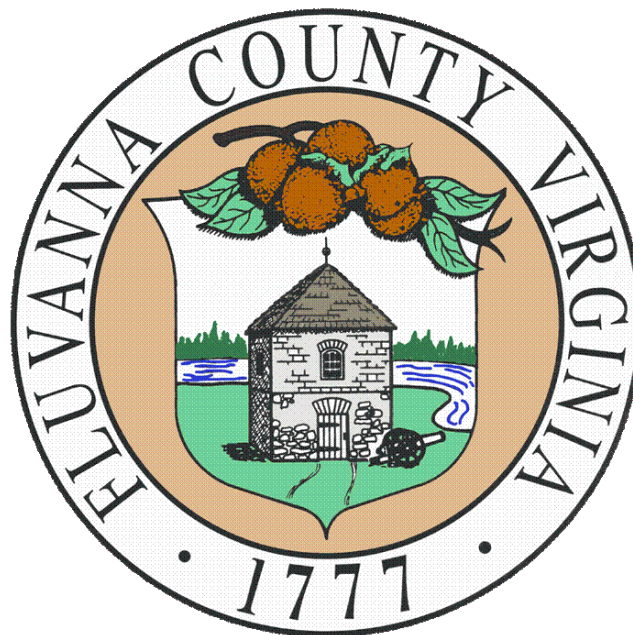
John M. Sheridan
Chair, Board of Supervisors

**FLUVANNA COUNTY BOARD OF SUPERVISORS
AGENDA ITEM STAFF REPORT**

TAB I

MEETING DATE:	October 20, 2021				
AGENDA TITLE:	Board of Supervisors' Bylaws and Rules of Practice and Procedures				
MOTION(s):	I move to amend the current Board of Supervisors' Bylaws and Rules of Practice and Procedures.				
STRATEGIC INITIATIVE?	Yes	No	If yes, list initiative(s):		
		X			
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
					XX
STAFF CONTACT(S):	Caitlin Solis, Clerk to the Board of Supervisors				
PRESENTER(S):	Eric Dahl, County Administrator				
RECOMMENDATION:	Approval				
TIMING:	Routine				
DISCUSSION:	The current Board of Supervisors' Bylaws and Rules of Practice and Procedures are presented for consideration, with the only revision relating to first Wednesday meeting times.				
FISCAL IMPACT:	N/A				
POLICY IMPACT:	N/A				
LEGISLATIVE HISTORY:	N/A				
ENCLOSURES:	Board of Supervisors' Bylaws and Rules of Practice and Procedures				
REVIEWS COMPLETED:	Legal	Finance	Purchasing	HR	Other
	X				

FLUVANNA COUNTY BOARD OF SUPERVISORS



2021 BYLAWS AND RULES OF PRACTICE & PROCEDURES

Adopted
January 6, 2021

TABLE OF CONTENTS

SECTION	TOPIC	PAGE
I	Creation	2
II	Seal of the Board	2
III	Principal Address	2
IV	Rules	2
V	Construction	2
VI	Definitions	3
VII	Board Chair	5
VIII	Board Vice Chair	5
IX	Board Members	5
X	County Administrator	5
XI	Clerk for the Board	6
XII	County Attorney	6
XIII	Parliamentary Procedure	6
XIV	Quorum for the Exercise of Board Business	6
XV	Meetings	6
XVI	Agenda Item Submission	8
XVII	Agenda Preparation	8
XVIII	Order of Business	9
XIX	Conduct of Business	10
XX	Motions	12
XXI	Voting	13
XXII	Recording of Meetings	14
XXIII	Orderly Conduct	14
XXIV	Ad Hoc Committees	15
XXV	Appointments to Boards, Commissions, and Committees (BCC)	15
XXVI	Official Board Travel and Expense Reimbursement	15
XXVII	Approval of Certain Checks, Authorization to Sign with Stamp	15

Fluvanna County Board of Supervisors
BYLAWS AND RULES OF PRACTICE AND PROCEDURES

I. CREATION. Fluvanna County Board of Supervisors, hereinafter called the Board, is an elected body provided by the Code of Virginia, Section 15.2-1400. It consists of five members with one elected from each of the five Election Districts.

II. SEAL OF THE BOARD. When affixed to any paper or document by the Clerk for the Board, the Seal has the force and effect for authentication for the Board.

III. PRINCIPAL ADDRESS. 132 Main Street, Palmyra, Virginia, mailing address: P.O. Box 540, Palmyra, Virginia 22963.

IV. RULES

A. These Bylaws and Rules of Practice and Procedures (“Rules”) are adopted and shall apply to the Board of Supervisors of Fluvanna County. These Rules are intended to expedite transaction of the business of the Board of Supervisors in an orderly fashion. The Bylaws and Rules are deemed to be procedural only. The failure strictly to observe application of the Rules shall not affect the jurisdiction of the Board or invalidate any action taken at a meeting that is otherwise held in conformity with law.

B. All meetings and business shall be conducted in accordance with these Rules, Robert’s Rules of Order Newly Revised (11th Edition), and the law of Virginia. In the event of conflict, the law of Virginia shall govern. A decision of the Chair with respect to the interpretation, applicability, or enforcement of these Rules may be overruled by a majority vote of the Members present and voting.

C. Except as otherwise provided by law, any rule of the Board may be suspended temporarily, upon approval of the majority of the Board members present and voting. The temporary suspension shall apply only to the matter under immediate consideration and, in no case, shall it extend beyond an adjournment.

D. No rule of the Board shall be adopted or amended except by majority vote of the Board.

V. CONSTRUCTION. As used in these Rules, the masculine shall include the feminine and the singular the plural unless otherwise specified herein. The word "shall" is mandatory and not discretionary; the word “may” is permissive and discretionary. The word "approve" shall be considered to be followed by the words "or disapprove".

VI. DEFINITIONS. As used in these Rules, the following terms are defined:

A. Action of Record. An action taken or decision made by the Board recorded in the Minutes of the Meetings. Except as otherwise required by law, an Action of Record may take the following forms:

1. Motions and seconds with the recorded votes of the members.
2. Consensus agreement of the Board without vote by the Board.
3. Directive of the Chair in the exercise of that office during the conduct of an official meeting of the Board.

B. Board. The Fluvanna County Board of Supervisors.

C. County Code. The Code of Fluvanna County.

D. Directive. An exercise of discretionary authority granted to the Chair from the Board empowering the Chair as follows:

1. To enforce the protocols of these Rules for the conduct of business and discourse before the Board to ensure proper decorum, civility, fairness and order.
2. To cause the removal of any person or persons without charge of civil or criminal offense for misconduct, disruption or disturbance of a meeting of the Board of Supervisors consistent with adopted policies and procedures of the Board.
3. To charge any person or persons with civil or criminal offenses pursuant to federal, state or local laws for the misconduct, disruption or disturbance of a meeting of the Board.

E. Item of Business. A matter to be presented before the Board at an official meeting, specified on the Meeting Agenda or modification thereof, and which may be subject to an Action of Record.

F. Meeting or Official Meeting. Any Annual Organizational, Regular, or Special Meeting of the Board of Supervisors. The following terms may also be used to further define and specify purposes for meetings. Meetings as defined herein are not exclusive of each other and may be concurrently conducted.

1. Annual Organizational Meeting: Pursuant to § 15.2-1416 of the Virginia Code, the Board's first meeting in the month of January. The County Administrator shall preside during the election of the Chair of the Board.

2. **Joint Meeting:** A Joint Meeting may be conducted simultaneously with one or more public bodies for the purpose of review, inquiry and discussion of matters of mutual interest or in the interest of expedient disposition of public business matters. Action of record may be taken at said meeting, and a quorum of both the Board and other body(ies) is required to Call to Order and conduct a Joint Special Meeting.

3. **Public Information Meeting:** A Public Information Meeting shall be limited to the dissemination of information to and/or from the public where the Board of Supervisors will take no Action of Record at said meeting. A quorum of the Board of Supervisors is not required to Call to Order and conduct a Public Information Meeting. Public Information Meetings may be called in the name of the Board of Supervisors or administratively by the County Administrator.

4. **Public Hearing:** A public hearing shall be conducted at said meeting and the Board of Supervisors may take Action of Record on such matters as may arise from the Public Hearing. A quorum of the Board of Supervisors is required to Call to Order and conduct a Public Hearing.

5. **Recessed Meeting:** A meeting conducted at a date, place and time set by the Board of Supervisors as a continuation of a previously held meeting. A Recessed Meeting shall be scheduled no later than the date of the next Regular Meeting.

6. **Rescheduled Meeting:** A Rescheduled Meeting shall be for the purpose of conducting a meeting of the Board of Supervisors where, by virtue of necessity or at the discretion of the Board of Supervisors, the originally scheduled meeting cannot be conducted on its prescribed date or time or at its prescribed location pursuant to these Rules. Action of Record may be taken on any Item of Business presented at a Rescheduled Meeting, and a quorum of the Board of Supervisors is required to Call to Order and conduct a Rescheduled Meeting.

7. **Work Session Meeting:** A Work Session Meeting shall be for the purpose of in-depth review, inquiry and discussion of specified Items of Business where Action of Record may be taken by the Board of Supervisors. A quorum of the Board of Supervisors is required to Call to Order and conduct said meeting. Work Session Meetings may also be called and scheduled for the purposes of presentations to the Board of Supervisors for educational and informational purposes.

G. **Primary Motion.** The first motion presented following informal discussion of any Item of Business at a Board meeting.

H. **Substitute Motion.** A motion presented succeeding and in lieu of a primary motion on any Item of Business at a Board meeting.

I. **Virginia Code.** The 1950 Code of Virginia, as amended.

VII. BOARD CHAIR

A. At the first meeting of the year, the Board selects one of its members to serve as Chair. The Chair is a voting member and serves for one year, or until his successor shall be elected and qualify as such.

B. The Chair, when present, shall preside at all meetings of the Board and shall take the Chair at the hour appointed for every Board meeting and shall immediately call the members to order and, except in the absence of a quorum, shall proceed with the business of the Board in the manner prescribed by these Rules. The Chair shall preserve order and decorum and shall decide all questions of order.

C. Upon the death, resignation or other permanent disability of the Chair to fulfill the duties of his office, the Board shall elect a new Chair at its next regularly scheduled meeting or as soon thereafter as possible.

VIII. BOARD VICE CHAIR

A. At the first meeting of the year, the Board selects one of its members to serve as Vice Chair. The Vice Chair is a voting member and serves for one year, or until his successor shall be elected and qualify as such.

B. In the absence, or inability to act, of the Chair, the Vice Chair shall have and exercise all the powers and duties of the Chair.

IX. BOARD MEMBERS

A. Notification of Absence. If any Board member is unable to attend a meeting, all reasonable effort shall be made to notify the Chair and the County Administrator as soon as possible to ensure there are sufficient members present and voting to consider all agenda items. The County Administrator shall continue an agenda item if there will not be a sufficient number of Board members present and voting at the meeting to approve the item.

B. Conflicts of Interest. At such times a Board member may find himself with a conflict of interest, the Board member shall state the nature of the conflict of interest prior to an issue being heard and shall remove himself from the meeting. The member shall not vote or in any manner act on behalf of the board with respect to the issue for which a conflict has been declared, until such time as the issue has been decided. The member shall not attend any portion of a closed meeting authorized by the Virginia Freedom of Information Act when the issue is discussed; and will not discuss the issue with other governmental officers or employees in their official capacity at any time.

X. COUNTY ADMINISTRATOR. The County Administrator shall assume the general duties as set forth in the Code of Virginia, Section 15.2-1541. He shall maintain an office at the same address as the Board. The County Administrator, or a designated representative, shall attend each

meeting of the Board and shall provide such information to the Board as necessary to assist Board members in their deliberations and decision making.

XI. CLERK FOR THE BOARD. The Executive Assistant to the County Administrator is appointed and shall serve as Clerk for the Board per Section 15.2-1538.

XII. COUNTY ATTORNEY. The County Attorney shall perform the duties set forth in Code Section 15.2-1542. The County Attorney or his deputy or assistant county attorney designated by him shall attend each meeting of the Board and shall serve as adviser to the Board on issues of law relating to the Board's business. The County Attorney assists the Board in analyzing the facts, provides advice and action in legal matters, and represents the Board in civil actions.

XIII. PARLIAMENTARY PROCEDURE. The County Attorney shall serve as the Parliamentarian for the purpose of interpreting these Bylaws and Rules of Procedure and Robert's Rules of Order as may be directed by the Chair, or as required as a result of a point of order raised by any one or more Board members. If the County Attorney is unavailable, the County Administrator shall serve as the Parliamentarian.

XIV. QUORUM FOR THE EXERCISE OF BOARD BUSINESS. A majority of the Board shall constitute a quorum for the purpose of conducting Board business.

XV. MEETINGS

A. Regular Meeting Schedule

1. Meetings are held on the first Wednesday of each month at ~~4:00 p.m.~~ 5:00pm and on the third Wednesday of each month at 7:00 p.m. in the Fluvanna County Circuit Courtroom.

2. Meetings held on the first Wednesday will adjourn/recess no later than ~~8:00 p.m.~~ 9:00pm, and meetings held on the third Wednesday will adjourn/recess no later than 11:00 p.m.

3. The Board, at its pleasure, may continue its meeting beyond the normal adjournment/recess time, by majority vote of the board members present and voting.

4. Meetings shall start at the appointed time, and if the Chair is not present, the Vice Chair shall preside.

5. If neither the Chair nor the Vice Chair is present, the County Administrator shall call the meeting to order and preside for the election of a temporary Chair.

B. Work Sessions Schedule. When needed, Work Sessions are held on the third Wednesday of each month at 4:00 pm, prior to the 7:00 pm Regular Meeting, in the Fluvanna County Circuit

Courtroom, unless another location is announced. Other days/times may be scheduled by majority consent of the Board.

C. Closed Meetings

1. Closed Meetings will be held as needed, but may only be convened in conformance with Section 2.2-3711 of the Code of Virginia (1950), as amended.

2. No resolution, ordinance, rule, contract, regulation, or motion agreed to in a Closed Meeting shall become effective until the Board reconvenes in an Open Session and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion which shall have its substance reasonably identified in the open meeting.

3. At the conclusion of a Closed Meeting, the Board shall reconvene in Open Session immediately thereafter and shall take a roll call vote certifying that to the best of each member's knowledge:

a. Only public business matters lawfully exempted from Open Session requirements were discussed; and

b. Only public business matters identified in the motion convening the Closed Meeting were heard, discussed or considered.

Any member who believes that there was a departure from the above requirements shall so state prior to the vote, indicating the substance of the departure that, in his judgment, has taken place.

4. The failure of the certification to receive the affirmative vote of a majority of the members present and voting during the Closed Meeting shall not affect the validity or confidentiality of the Closed Meeting with respect to matters considered therein in compliance with the Freedom of Information Act.

5. The Board may permit non-members to attend a Closed Meeting if their presence will reasonably aid the Board in its consideration of an issue. Except as otherwise directed by the Board, the County Attorney and the County Administrator shall attend all Closed Meetings.

D. Special Meetings. The Board may hold Special Meetings as it deems necessary, at such times and places as it finds convenient, and may adjourn such special meetings from time to time as it finds convenient and necessary. Special Meetings shall be called and scheduled per §15.2-1418.

XVI. AGENDA ITEM SUBMISSION

A. All agenda items are due to the Clerk for the Board by COB Tuesday the week before the Board meeting, with the exception of presentations which are due by COB Tuesday the week of the meeting.

B. All agenda items require a *BOS Agenda Item Staff Report*. Staff Report and motion samples are available in the “Library/00-BOS Submissions” folder under “Procedures and Formats.”

C. Copy all files into the “Library/00-BOS Submissions” folder (if you do not have access to the county’s shared drive, email the materials to clerk@fluvannacounty.org).

D. Items can be in any file format (e.g., doc, docx, pdf, ppt, pptx, xls, xlsx)

E. NO paper copies of requested Agenda Items are required.

F. Name the submission files as follows:

For Agenda Category:	Name Your File:
06 Public Hearing	06-Short title of item similar to agenda
07 Action Matters	07-
07A Appointments	07A-
08 Presentations	08-
09 Consent Agenda	09-
10 Unfinished Business	10-
11 New Business	11-

XVII. AGENDA PREPARATION

A. The Clerk, under the direction of the County Administrator, shall prepare the agenda for meetings.

B. The County Administrator may at his discretion, and individual Board members may by request to the County Administrator, place matters of business on the Agenda according to the schedule in paragraph XVI.A above for discussion, information and/or action by the Board as are germane to the affairs and interests of the Board and county. However, this does not prevent the County Administrator or Board members, at their discretion, from having items included which are received after the regular cutoff date.

C. Any Constitutional Officer, department head, agency head, or citizen may also submit items for Agenda consideration provided such requests are received in advance according to the schedule in paragraph XVI.A above.

D. The County Administrator shall allocate time to items on the agenda to suit the convenience of the Board.

E. If the County Administrator considers a requested agenda item not appropriate for consideration by the Board, he shall inform the Chair for a decision. This does not prevent retaining the item on the agenda by majority consent of the Board.

F. The Chairman and County Administrator shall style routine, non-controversial matters requiring Board action on a Consent Agenda. Items may be removed from the Consent Agenda and placed on the Regular Agenda at the request of any Board member present. Only one motion is necessary to adopt all recommendations and action items on the Consent Agenda.

G. The Clerk for the Board shall submit the draft agenda to the Chair on the Wednesday in the week before a regularly scheduled meeting for the Chair's review and approval. Agendas for special or other meetings may have the preparation and approval timeline modified to accommodate the available timeframe.

H. Issues for which actions will be required shall normally have all materials in the agenda package for advance study.

I. The Board agenda and related materials shall be received by each member of the Board and the County Attorney not later than the Friday before the scheduled regular meeting. The Clerk for the Board may request an adjustment to the delivery schedule due to special circumstances.

J. The Clerk shall prepare extra copies of the agenda and shall make the same available to the public and the press in the Office of the County Administrator, the Public Library, and on the County website. The Clerk shall also have at least one hard copy available at each regular meeting.

XVIII. ORDER OF BUSINESS. The Order of Business shall be as follows unless the County Administrator in drawing up the Agenda shall find good cause to change it:

1 – Call to Order
2 – Pledge of Allegiance and Moment of Silence
3 – Adoption of Meeting Agenda
4 – County Administrator's Report
5 – Public Comments #1
6 – Public Hearing
7 – Action Matters
7A – Appointments
8 – Presentations
9 – Consent Agenda
10 – Unfinished Business

11 – New Business
12 – Public Comments #2
13 – Closed Meeting (as needed)
14 – Adjourn

XIX. CONDUCT OF BUSINESS

A. Basic Principles: The following principles should be observed at all times in the transaction of public business before the Board.

1. Only one subject may claim the attention of the Board at one time.
2. Each item presented for consideration is entitled to full and free discussion.
3. Every member has rights equal to every other member except as to procedural matters within the competence of the Chair.
4. The will of the majority must be carried out, and the rights of the minority must be preserved.
5. The personality and desires of each member should be merged into the larger unit of the Fluvanna County Board of Supervisors.

B. The Board shall adopt an agenda for each meeting by recorded vote of a majority of the Board members present and voting. The adoption of the agenda shall be the first item for action following the Call to Order, Pledge of Allegiance, and Moment of Silence.

C. Items shall be heard in order of the agenda, except as the Board decides when adopting the agenda and that the Board may vote to call up any matter at any time.

D. Except as provided in subsection F. of this Section XX, the Board shall take no Action of Record on any matter that is not on the Meeting Agenda unless a modification to the Meeting Agenda is requested at the time of Approval of the Agenda. Modification of the Meeting Agenda requires a majority vote of Board members present and voting.

E. The Board shall consider all items on the agenda before taking any other items, unless an unlisted item is brought by majority consent of the Board members present and voting.

F. Items not on the agenda shall be heard as the final items of the Board's business, time permitting, or shall be carried over to the next regular meeting or a special meeting as determined by majority consent of the Board.

G. Exhibits before the Board shall become the property of the Board and shall be filed with the Clerk and shall be deemed a part of the record of the meeting at which submitted.

H. Citizens shall not speak at a meeting until they are recognized. Citizens shall request recognition by addressing "Mr. Chair" or "Madam Chair" (as appropriate), stating their name, their address, and awaiting acknowledgment by the Chair. The Chair may permit a dialogue without individual recognition between members of the Board or between a member and a citizen if such dialogue is orderly and contributes to the expeditious conduct of business.

I. Should it be desired by the Chair, any member, or by the County Administrator, the member making a resolution shall reduce the same to writing and deliver it to the County Administrator's Office. The Clerk shall take down verbal resolutions as accurately as possible to reflect the intent of the Board.

J. Prior to initiating a public hearing, the Chair shall recount, either verbatim or by reference, the rules under which the hearing shall be operated, but the Board may amend the rules during the hearing by giving notice of the change to those gathered (e.g., a change to the time limitation for individual speakers).

K. At the beginning of the public hearing, the Chair shall call upon the County Administrator or the other staff member handling the matter at hand to present a description of the issue placed before the hearing, or the Chair may do so himself.

L. Subject to revocation or extension by the majority of the Board assembled, the Chair may in all matters establish a maximum time for consideration of any matter, and/or limit the amount of time available to each speaker, including Board members, on a matter and/or limit the number of times each speaker may address the Board on a matter. Regardless, every Board member is entitled to speak on every matter before the Board and the call for the question shall not be entertained until all members who wish to exercise this right shall have done so at least once.

M. All members or citizens shall limit their comments before and to the Board. The Chair may prohibit questions from citizens until a speaker has finished his presentation.

N. The Board of Supervisors has set forth the following rules for time limits for various agenda items or comments from the public, unless modified by majority consent of the Board:

1. Action Item presentations shall be limited to thirty (30) minutes.
2. Presentations shall be limited to ten (10) minutes.
3. Public Comments shall be limited to five (5) minutes per individual.

O. Once a notice for Public Hearing has been advertised (regardless of the nature), the Public Hearing will be conducted, unless the Board formally defers the matter to a future meeting. The postponement or cancellation of a public hearing shall be as follows:

1. Any public hearing scheduled for a Board of Supervisors meeting that has been publicly advertised shall not be postponed based on a request from a non-County government entity or person absent extreme mitigating circumstances. The Chair, with concurrence of the County Administrator, will determine when such circumstances exist. If mitigating circumstances exist, the petitioner will bear any cost incurred by the County in providing public notification of the change and for the cost of advertising the new date of the hearing.

2. The Chair, with the concurrence of the County Administrator, shall have the authority to postpone a public hearing based on the weather or other extraordinary circumstances.

3. In all cases, County staff will ensure all Board members are provided timely notification of schedule changes. Further, staff will ensure the public and general news media are notified of changes to schedules which have been announced in public. The public hearing shall be rescheduled, if appropriate, and advertised as required by law.

XX. MOTIONS

A. Motions by Board members shall require a second.

Exceptions. The following do not require a second:

- To Raise a Question of Privilege
- Questions of Order
- Objection to the Consideration of a Question
- Call up Motion to Reconsider
- Nominations
- Leave to Withdraw a Motion
- Inquiries of any kind

B. Motions shall not be formally discussed prior to being duly seconded.

C. After a motion is properly made and seconded, the Chair shall restate the motion and open the floor to discussion.

D. The Chair shall routinely refrain from making or seconding motions in order to fairly and impartially preside over the Board deliberations and discussion. In any case, the Chair shall not make or second a motion without first temporarily surrendering the chair to the Vice Chair, if present and willing to temporarily accept the gavel, or to another member present and willing to temporarily accept the gavel. In such event, he should not resume the chair until the motion is decided.

E. A maker of a motion may not speak against his motion.

F. The Chair shall call for and cause the vote to be recorded after the motion is properly made before the Board, has been seconded, and has been duly discussed. Any member believing a motion has been duly discussed may move or call for the previous question. Such motion shall not be debatable. However, if any member objects, the Chair shall call for a vote on the motion calling for the previous question. If that motion carries, the Chair shall proceed to call for the vote on the motion before the Board. If the motion calling for the previous question is defeated, the debate on the main motion shall continue.

G. A substitute motion may be made by any member to any motion properly on the floor. Once seconded, the substitute motion shall take precedence and all debate or action on the existing motion shall cease until the substitute motion is decided. Debate on a substitute motion is permissible. If the substitute motion is passed by a majority vote of the members then present and voting, the original motion is supplanted by the substitute motion. A second substitute motion can be made only after the first substitute motion is decided by vote of the Board.

H. When a motion is made and then cannot obtain a second, the motion will die for lack of a second and does not require a vote. However, in the event that a motion which is not seconded is nevertheless voted on by the Board and passes by a majority of the members present and voting, the failure of a second shall not invalidate the adoption of such motion.

I. Defeated Motions

1. Same Meeting: A defeated motion can be brought back for consideration at the same meeting if the members present agree to do so by a majority vote. Only a member who voted on the prevailing side may make the motion to reconsider the issue. The rule restricting renewal of a motion in the same session does not apply to a motion that died for lack of a second.

2. Subsequent Meeting: Except as otherwise provided by law, a defeated motion that is still applicable can be re-introduced at a subsequent meeting as new business (under the normal process for new business).

XXI. VOTING

A. All Actions of Record must be approved by vote unless there is unanimous consent.

B. When the question is called and there is no dispute, the Chair shall call for the vote.

C. Whenever any member wishes to abstain from voting on any question, he shall so state and, if because of a conflict, shall indicate in accordance with the Virginia Conflict of Interests Act, Virginia Code § 2.2-3100 et seq., and his abstention shall be announced by the Chair and recorded by the Clerk.

D. The Chair's vote on all issues before the Board shall be recorded with the prevailing side, unless the Chair clearly votes otherwise.

E. The Clerk shall record the name of each member voting and how he voted.

F. A tie vote fails. The Board does not designate a tiebreaker pursuant to § 15.2-1421 of the Virginia Code.

G. Except as otherwise provided by law, motions shall be carried by a majority of the members present and voting in the affirmative (§15.2-1420), except that a majority affirmative vote of all members shall be required for any appropriation exceeding \$500.00, the imposition of taxes, and the authorization for borrowing money (§15.2-1428).

XXII. RECORDING OF MEETINGS. The Clerk for the Board shall record each regular meeting. These recordings are the property of the Fluvanna County Board of Supervisors and are public records as provided by the Virginia Freedom of Information Act. Interested persons may listen to the recordings on the County website or in the County Administrator's office, or may obtain copies of the recording by making appropriate arrangements with the County Administrator's office. Costs will be borne by the person making the request. The original recordings shall not be borrowed or removed from the County Office Building, except under the specific prior authorization of the County Administrator.

XXIII. ORDERLY CONDUCT

A. It shall be the duty of the Chair to maintain order and decorum at meetings. The Chair, when presiding at a meeting of the Board, without vacating the chair, shall refer any point of order to the Parliamentarian.

B. In maintaining decorum and propriety of conduct, the Chair shall not be challenged and no debate shall be allowed until after the Chair declares that order has been restored. In the event the Board wishes to debate the matter of the disorder or the bringing of order, the regular business may be suspended to discuss the matter by majority vote of the Board members present and voting.

C. No member or citizen shall be allowed to use defamatory or abusive language directed at any member of the Board or other person, to create excessive noise, or in any way incite persons to use such tactics. The Chair shall be the judge of such breaches, however, the Board may by majority vote of the Board members present and voting to overrule the judgment of the Chair.

D. When a person engages in such breaches, the Chair may order the person's removal from the building, or may order the person to stand silent, may order the person removed from the County property, and may, at his discretion, bring formal charges for disruption of a public meeting.

XXIV. AD HOC COMMITTEES. Ad hoc committees will be appointed by the Chair as needed. Constitutional Officers may be appointed to committees.

XXV. APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES (BCC)

A. The Board may appoint such advisory boards, committees and commissions as it may deem necessary pursuant to Code Section 15.2-1411.

B. Information on all nominees for such appointments, whether to represent the County as a whole or a particular election district, shall be included in the Board package for the meeting at which the appointment will be considered. It shall be the policy of the Board as a whole to scrutinize and agree upon all appointees to represent the County in any capacity.

C. Appointments shall generally not be made more than 45 days prior to the commencement of a term for which the appointment is made.

XXVI. OFFICIAL BOARD TRAVEL AND EXPENSE REIMBURSEMENT

A. A Board member may travel officially in-state at the Board member's discretion. In-state travel shall include travel to Washington, D.C.

B. A Board member shall obtain advance Board approval for official out-of-state travel.

C. Supervisors are not eligible for mileage reimbursement for regularly scheduled BOS meetings (held generally on the 1st and 3rd Wednesdays).

D. Supervisors are eligible for mileage reimbursement for travel to and from:

1. BOS special meetings and work sessions not scheduled in conjunction with a regular meeting. Examples include periodic strategic planning meetings, budget meetings or other work sessions on different days from regular meetings, meetings with staff, etc.

2. Town hall meetings, community events, Chamber events, local area functions, etc., in support of their role as a County Supervisor.

3. Board, commission, and committee meetings when assigned as a part of their service as a County Supervisor (excluding Planning Commission and Social Services Board).

E. Supervisors may also be eligible for mileage reimbursement as private citizens for travel to and from various board, commission, and committee (BCC) meetings when assigned by the Board of Supervisors to such BCC roles.

F. Supervisors may complete and submit reimbursement claims following the procedures outlined in Policy 2.19, Travel and Expense Reimbursement.

XXVII. APPROVAL OF CERTAIN CHECKS, AUTHORIZATION TO SIGN WITH STAMP

A. The Chair, Vice Chair, County Administrator, and Treasurer are hereby authorized to sign and issue checks without prior approval of the Board for the following purposes: end of the month salaries, end of the month contracted personal services, utility payments, and other payments deemed appropriate and necessary by the Chair, County Administrator, and Treasurer; such actions to be reviewed and ratified at the next appropriate meeting of the Board.

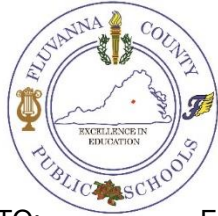
B. The Chair of the Board of Supervisors, and in his absence, the Vice Chair, are authorized to substitute his facsimile signature provided he/she signs a certified list of individual checks for which his facsimile signature is authorized; also the signature plates are in the sole possession of the Treasurer.

**FLUVANNA COUNTY BOARD OF SUPERVISORS
AGENDA ITEM STAFF REPORT**

TAB J

MEETING DATE:	October 20, 2021																																		
AGENDA TITLE:	FY21 to FY22 FCPS State and Federal Grant Carryover																																		
MOTION(s):	I move the Board of Supervisors approve a carryover of FY21 unexpended grant funds in the amount of \$747,133.70 to the Fluvanna County Public Schools FY22 instructional budget for funds received from Federal and State sources.																																		
STRATEGIC INITIATIVE?	Yes	No	If yes, list initiative(s):																																
		X																																	
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other																														
				X																															
STAFF CONTACT(S):	Tori Melton, Management Analyst Brenda Gilliam, Executive Director for Instruction and Finance																																		
PRESENTER(S):	Brenda Gilliam, Executive Director for Instruction and Finance																																		
RECOMMENDATION:	I recommend approval of the motion as stated above.																																		
TIMING:	Routine																																		
DISCUSSION:	<p>Fluvanna County Public Schools have received \$747,133.70 in FY21 grant funding from Federal and State revenue sources that were not spent during the FY21 budget year. The Schools are requesting to carryover these funds to FY22. The table below shows the change in the FY22 FCPS budget:</p> <table border="1"> <thead> <tr> <th>Revenue Category</th> <th>FY22 Adopted</th> <th>FY22 Revised</th> <th>FY22 Request</th> <th>FY22 Revised (NEW Total)</th> </tr> </thead> <tbody> <tr> <td>Local - County</td> <td align="right">18,658,356</td> <td align="right">18,658,356</td> <td align="center">-</td> <td align="right">18,658,356</td> </tr> <tr> <td>Other Local</td> <td align="right">450,000</td> <td align="right">450,000</td> <td align="center">-</td> <td align="right">450,000</td> </tr> <tr> <td>State</td> <td align="right">23,988,974</td> <td align="right">24,012,520.52</td> <td align="right">289,652.53</td> <td align="right">24,302,173.05</td> </tr> <tr> <td>Federal</td> <td align="right">1,851,300</td> <td align="right">3,947,689.16</td> <td align="right">457,481.17</td> <td align="right">4,405,170.33</td> </tr> <tr> <td align="right">TOTAL</td> <td align="right">44,948,630</td> <td align="right">47,068,565.68</td> <td align="right">747,133.70</td> <td align="right">47,815,699.38</td> </tr> </tbody> </table>					Revenue Category	FY22 Adopted	FY22 Revised	FY22 Request	FY22 Revised (NEW Total)	Local - County	18,658,356	18,658,356	-	18,658,356	Other Local	450,000	450,000	-	450,000	State	23,988,974	24,012,520.52	289,652.53	24,302,173.05	Federal	1,851,300	3,947,689.16	457,481.17	4,405,170.33	TOTAL	44,948,630	47,068,565.68	747,133.70	47,815,699.38
Revenue Category	FY22 Adopted	FY22 Revised	FY22 Request	FY22 Revised (NEW Total)																															
Local - County	18,658,356	18,658,356	-	18,658,356																															
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Federal	1,851,300	3,947,689.16	457,481.17	4,405,170.33																															
TOTAL	44,948,630	47,068,565.68	747,133.70	47,815,699.38																															
FISCAL IMPACT:	<p>Approval of this carryover will authorize staff to increase the Revenue and Expenditures by \$747,133.70 as outlined in the above table.</p> <p>There is no local County match required for these funds. In addition, this request is not for County Local funding carryover. Any requests for County Local funding carryovers will not occur until November 2021.</p>																																		
POLICY IMPACT:	N/A																																		
LEGISLATIVE HISTORY:	N/A																																		
ENCLOSURES:	FCPS State and Federal Carryovers																																		

	Legal	Finance	Purchasing	HR	Other
REVIEWS COMPLETED:		X			



FLUVANNA COUNTY PUBLIC SCHOOLS

14455 JAMES MADISON HIGHWAY
PALMYRA, VIRGINIA 22963

Phone: (434) 589-8208 Fax: (434) 589-2248

TO: Eric Dahl, County Administrator, Fluvanna County

FROM: Brenda Gilliam, Executive Director for Instruction and Finance

Cc: Dr. Peter Gretz, Superintendent Fluvanna County Public Schools
Victoria Melton, Management Analyst

DATE: September 14, 2021

RE: State and Federal Carryovers

Listed below are grant funds that are carryovers from FY2021.

It is requested the funds be appropriated to the Schools as an increase in funds as outlined below:

State- \$289,652.53
Federal- \$457,481.17
Total= \$747,133.70

Funding Source	Year	Type	Category	Amount	Expiration
VPSA	2021	State	Instruction	\$180,000.00	None
BRVGS	2021	State	Instruction	\$109,529.14	09/2022
Project RETURN	2021	State	Instruction	\$123.39	09/2022
Title VIB	2021	Federal	Instruction	\$397,076.45	09/2022
Title VIB	2020	Federal	Instruction	\$26,697.61	09/2021
Title I	2021	Federal	Instruction	\$14,331.91	09/2022
Title II	2021	Federal	Instruction	\$4,317.89	09/2022
Title II	2020	Federal	Instruction	\$210.72	09/2022
Title II	2019	Federal	Instruction	\$621.11	09/2021
Title III	2021	Federal	Instruction	\$2,040.78	09/2022
Title IVA	2021	Federal	Instruction	\$1,269.81	09/2022
Title IVA	2020	Federal	Instruction	\$383.34	09/2022
Title IVA	2019	Federal	Instruction	\$158.55	09/2021
Perkins- CTE	2020	Federal	Instruction	\$1,568.21	09/2020
CARES Act ESSERF Activities	2021	Federal	Instruction	\$350.96	09/2022
CARES Act SPED	2021	Federal	Instruction	\$582.49	09/2022
GEER- Wifi and Mifi Access	2021	Federal	Instruction	\$6,457.15	09/2022
ESSER- Cleaning Supplies	2021	Federal	Operations	\$378.15	09/2022
ESSER- Facilities Upgrade	2021	Federal	Operations	\$1,036.04	09/2022
TOTAL				\$747,133.70	

**FLUVANNA COUNTY BOARD OF SUPERVISORS
AGENDA ITEM STAFF REPORT**

TAB K

MEETING DATE:	October 20, 2021				
AGENDA TITLE:	Mutual Aid Agreement Between Fluvanna County and Cumberland County				
MOTION(s):	I move the Board of Supervisors adopt the resolution entitled "A Resolution to Adopt the Mutual Aid Agreement Between Fluvanna County and Cumberland County" to provide services in case of an emergency.				
STRATEGIC INITIATIVE?	Yes	No	If yes, list initiative(s):		
		X			
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
				X	
STAFF CONTACT(S):	Debbie Smith, Emergency Management Coordinator				
PRESENTER(S):	Debbie Smith, Emergency Management Coordinator				
RECOMMENDATION:	Approval				
TIMING:	Immediate				
DISCUSSION:	<p>The Proposed Mutual Aid agreement between Fluvanna County and Cumberland County states the terms and conditions of provision of services.</p> <ul style="list-style-type: none"> • Fire services, rescue services, hazardous material response services, disaster or emergency response, and other governmental services to adequately serve their respective political subdivisions. • Assistance with sheltering needs should Cumberland County experience a need. 				
FISCAL IMPACT:	N/A				
POLICY IMPACT:	N/A				
LEGISLATIVE HISTORY:	N/A				
ENCLOSURES:	<ul style="list-style-type: none"> • Resolution to Adopt Mutual Aid Agreement • Mutual Aid Agreement 				
REVIEWS COMPLETED:	Legal	Finance	Purchasing	HR	Other
	X				X

MUTUAL AID AGREEMENT
BETWEEN FLUVANNA COUNTY AND CUMBERLAND COUNTY

THIS MUTUAL AID AGREEMENT (“Agreement”) is made and effective as of the **1st day of August, 2021**, (the “Effective Date”) by and among Fluvanna County (“Fluvanna”) and Cumberland County (“Cumberland”), each of which is a political subdivision of the Commonwealth of Virginia (collectively “the parties”, each a “party”).

WHEREAS, it is deemed to be mutually beneficial to Cumberland and Fluvanna and to enter into an agreement concerning mutual aid with regard to the services of Cumberland and the services of Fluvanna;

WHEREAS, pursuant to the Code of Virginia Section 44-146.20, upon approval by resolution of each party’s governing body, two or more political subdivisions may enter into mutual aid agreements relating to emergency operations and for planning, preventing, and responding to disasters;

WHEREAS, Fluvanna and Cumberland desire to enter into this mutual aid agreement on the terms and conditions of provision of services as set out herein;

WHEREAS, if Fluvanna and Cumberland entered into a prior mutual aid agreement (a “Prior Agreement”) related to mutual aid in the event of an emergency that the parties desire to amend and restate the provisions of such Prior Agreement as set forth herein; and

WHEREAS, the parties agree that the terms and conditions of this Agreement replace in its entirety any Prior Agreement and that this Agreement shall be binding and effective as of the Effective Date upon the execution of this Agreement by both parties;

NOW THEREFORE WITNESSETH, that for and in consideration of the mutual benefits to be derived by Cumberland and Fluvanna from this agreement, Cumberland and Fluvanna hereby covenant and agree each with the other as follows:

1. That Cumberland and Fluvanna will endeavor to provide fire suppression, fire prevention, rescue, hazardous materials response, and other governmental services to the jurisdictions which are parties to this Agreement within the capabilities available at the time the request for such support is made, to include providing mutual aid in the event of a disaster or an emergency.
2. That nothing contained in this Agreement should in any manner be construed to compel either of the parties hereto to respond to a request for services in another jurisdiction when the services of the jurisdiction to whom the request is being made is needed, or is being used within the boundaries of that jurisdiction, nor shall any such request compel the requested jurisdiction to continue to provide services in another’s jurisdiction when its personnel, apparatus or equipment is needed within the boundaries of its own jurisdiction.

3. That the parties recognize that they are each fully capable of providing fire services, rescue service, hazardous material response services, disaster or emergency response, and other governmental services to adequately serve their respective political subdivisions.
4. Neither party shall be liable to the other for any loss, damage, personal injury, or death, including claims of contribution or indemnity, resulting from the performance of this Agreement including but not limited to acts or omissions which occur (1) during joint emergency response activities or (2) while in transit to or from an emergency response scene.
5. That each party shall be responsible for its own actions and those of its officers, personnel, and employees and is responsible for complying with the Virginia Workers' Compensation Act for its officers, employees, and volunteers, as applicable, and related to salary, benefits and other claims. Each party shall maintain unemployment insurance and workers' compensation insurance coverage, as required by Applicable Law, for its employees, and as applicable, volunteers. Activities performed pursuant to this Agreement are governmental functions. Nothing herein shall be deemed to be a waiver of either party's sovereign immunity. The parties agree to comply with Applicable Law in performing any activities under this Agreement. Nothing in this Agreement is intended or shall be construed to require either party to indemnify or save or hold harmless the other party, including its officers, agents and employees, from any liability for any act or omission occurring during or in connection with the performance of this Agreement.
6. Neither party shall be obligated to reimburse the other for costs incurred pursuant to this Agreement, except as stated in this Section 6 and in Section 11. There shall be no liability of the responding party to the party requesting aid for reimbursement for apparatus, equipment or personnel costs or expenses occasioned by a response for assistance, or for damage to such apparatus or equipment, or injuries to personnel incurred when responding in another jurisdiction; except that each party requesting assistance under the terms of this Agreement shall agree to pay the party from the other jurisdiction, the actual cost of specialized extinguishing or hazardous material mitigation agents used in that other jurisdiction pursuant to this Agreement; and except in the event of a request for sheltering assistance due to a disaster or emergency as set out in section 11.
7. That any party hereto desiring to request assistance pursuant to the terms and conditions of this Agreement, shall make such request to the other party's emergency coordination center, who will then contact the appropriate County officials.
8. That when a party hereto elects to respond to a request for assistance, the personnel manning such responding units from another jurisdiction shall not become employees of the party making such request for the purposes of the Virginia Workers Compensation Act.
9. That when a responding party hereto elects to respond to a request for assistance, the personnel manning such responding units from another jurisdiction shall remain under the command of the responding party's senior responding officer, and shall work as a unified

company and shall not be split apart during the emergency operations unless determined by the responding party's senior responding officer.

10. That when a responding party hereto elects to respond to a request for assistance and the senior responding officer determines that the emergency operations is being conducted in an unsafe manner, the responding party may limit his assistance to a support service or return back to his jurisdiction to ensure the safety of his personnel.
11. That in the event of a request for sheltering assistance due to a disaster or an emergency pursuant to Title 44 of the Code of Virginia:
 - a. Any party hereto desiring to request sheltering assistance shall make such request to the other party's Coordinator of Emergency Management, who will then contact the appropriate County officials.
 - b. After a party receives a request for sheltering assistance, the assisting party then evaluates whether resources are available to respond to the request for sheltering assistance. Each party shall retain absolute discretion as to determinations regarding its ability to respond and its decision whether to do so. The assisting party must consider assessment of available resources and shall consider establishing terms for the supervision of personnel, the term of deployment, payment or reimbursement of costs, and verification of insurance coverage in considering how to respond to any requesting party.
 - c. The assisting party may require the requesting party to reimburse the assisting party for all of its actual direct and indirect payroll costs (including overtime) and expenses (including travel expenses, salary, hourly wages, benefits, costs of insuring for workers' compensation claims, and other expenses), and the expense of erecting and maintaining any emergency shelter, or a prorated portion of the costs and expenses in the event of a shared facility, incurred during the disaster response assistance and sheltering.
12. This Agreement is for use by the parties to address the occasional need for additional resources, including personnel and equipment. In the event of a local or other emergency declared pursuant to applicable laws, including Title 44 of the Virginia Code, procedures shall be used which conform to requirements of those laws and related regulations and funding requirements.
13. This Agreement may be modified by the mutual consent of all the parties hereto, and this Agreement may be terminated at any time by either party giving thirty (30) days written notice to that effect to the other parties hereto. This Agreement shall continue in effect until terminated.
14. This Agreement is solely for the benefit of the parties hereto and shall not confer any rights or benefits on any other person or entity.

- 15. The parties acknowledge and agree that each party may in the future or may have previously entered into other mutual aid agreements with other governing bodies, which shall not be deemed amended, superseded, or repealed by execution of this Agreement, except that this Agreement amends and restates and replaces in its entirety any Prior Agreement as of the Effective Date. Nothing in this Agreement is intended to interfere with any party's ability to request or provide assistance under the Virginia Statewide Mutual Aid Program or the Emergency Management Assistance Company, as applicable.
- 16. Any notice required by this Agreement shall be deemed effective if given by receipted mail or delivery service, to the names and at the addresses given below; provided that change of address shall be effective if given in accordance with this paragraph.

Cumberland County: Cumberland County Administrator
 1 Courthouse Circle
 Cumberland, Virginia 23040
 (804) 492-3625 Fax (804) 492-9224

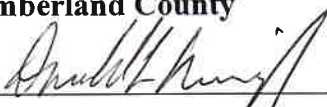
Fluvanna County Fluvanna County Administrator
 P.O. Box 540
 132 Main St.
 Palmyra, VA 22963
 (434) 591-1910 Fax (434) 591-1913

IN WITNESS WHEREOF, the duly authorized representatives of each of the parties have caused this Agreement to be signed and sealed in the names and on behalf of each of the parties.

Fluvanna County

Cumberland County

By: _____ (SEAL)

By:  _____ (SEAL)

Print Name: _____

Print Name: DONALD L. W. HUSSIE SR.

Print Title: _____

Print Title: COUNTY ADMINISTRATOR


Date: _____

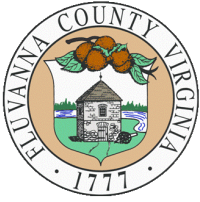
Date: 27 July 2021

Approved as to form:

Approved as to form:

 Fluvanna County Attorney


 Cumberland County Attorney



BOARD OF SUPERVISORS
 County of Fluvanna
 Palmyra, Virginia
RESOLUTION No. 22-2021

**A Resolution to Adopt the Mutual Aid Agreement Between
 Fluvanna County and Cumberland County**

WHEREAS, Fluvanna County (“Fluvanna”) and Cumberland County (“Cumberland”) desire to enter into an agreement for mutual aid in the event of an emergency; and

WHEREAS, it is deemed to be mutually beneficial to Cumberland and Fluvanna and to have an agreement concerning mutual aid with regard to the services of Cumberland and the services of Fluvanna; and

WHEREAS, Fluvanna and Cumberland desire that the terms and conditions for the provision of services be set forth in an agreement being that Mutual Aid Agreement Between Fluvanna County and Cumberland County attached hereto as **Exhibit 1**; and

WHEREAS, pursuant to the Code of Virginia Section 44-146.20 the approval by the Fluvanna County Board of Supervisors and the governing body of Cumberland County is required to adopt the Mutual Aid Agreement Between Fluvanna County and Cumberland County;

NOW, THEREFORE, BE IT RESOLVED by the Fluvanna County Board of Supervisors, this Mutual Aid Agreement Between Fluvanna County and Cumberland County, is officially adopted, and replaces any prior agreement between Fluvanna and Cumberland; and

IT IS FURTHER RESOLVED AND ORDERED that the County Administrator shall execute the Mutual Aid Agreement Between Fluvanna County and Cumberland County and take any further actions as the County Administrator deems necessary or appropriate to effectuate such agreement after approval as to form by the County Attorney; and

IT IS FURTHER RESOLVED AND ORDERED that the County Administrator may take any other actions authorized under such agreement while the agreement is in force and effect as the County Administrator who is the Director of Emergency Management deems necessary or appropriate thereunder after consultation with the Emergency Management Coordinator.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Fluvanna County Board of Supervisors of Fluvanna County on this 20 day of October, 2021.

	AYE	NAY	ABSTAIN	ABSENT	MOTION	SECOND
Mozell H. Booker, Fork Union District						
Patricia B. Eager, Palmyra District						
Anthony P. O'Brien, Rivanna District						
John M. Sheridan, Columbia District						
Donald W. Weaver, Cunningham District						

Attest:

 John M. Sheridan, Chair
 Fluvanna County Board of Supervisors

**FLUVANNA COUNTY BOARD OF SUPERVISORS
AGENDA ITEM STAFF REPORT**

TAB L

MEETING DATE:	October 20, 2021				
AGENDA TITLE:	Approval of Open Space Contract for Gary Glenn Becker				
MOTION(s):	I move to approve the open space contract for Gary Glenn Becker for tax map parcel 39-A-96B; agreement shall remain in effect for a term of fifteen (15) consecutive years.				
STRATEGIC INITIATIVE?	Yes	No	If yes, list initiative(s):		
		X			
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
				X	
STAFF CONTACT(S):	Andrew M. Sheridan, Jr., Commissioner of the Revenue				
PRESENTER(S):	Andrew M. Sheridan, Jr., Commissioner of the Revenue				
RECOMMENDATION:	Approval				
TIMING:	Immediate				
DISCUSSION:	This property qualifies for an open space contract with Fluvanna County in accordance with Code Section 58.1-3229 et. seq. of the Virginia State Code.				
FISCAL IMPACT:	None				
POLICY IMPACT:	In accordance with Section 58.1-3229 et. seq. of Virginia State Code.				
LEGISLATIVE HISTORY:	N/A				
ENCLOSURES:	-Garry Glenn Becker's executed open space contract -Map of tax map parcel 39-A-96B				
REVIEWS COMPLETED:	Legal	Finance	Purchasing	HR	Other



CONTRACT FOR OPEN SPACE LAND USE ASSESSMENT

THIS AGREEMENT, made this 27th day of Sept, 2021, by and between **Gary Glenn Becker**, party(ies) of the first part, hereinafter called the Grantor, and the COUNTY OF FLUVANNA, a political subdivision of the Commonwealth of Virginia, party of the second part, hereinafter called the County:

WITNESSETH

WHEREAS, the Grantor owns certain real estate, described below, hereinafter called the Property; and

WHEREAS, the County is the local governing body having real estate tax jurisdiction over the Property; and

WHEREAS, the County has determined:

- A. That it is in the public interest that the Property should be provided or preserved for conservation of agricultural and forestal land and of wildlife and
- B. That the property meets the applicable criteria for real estate devoted to open-space use as prescribed in Article 4 (Section 58.1-3229 et. seq.) of Chapter 32 of Title 58.1 of the Code of Virginia, and the standards for classifying such real estate prescribed by the Director of the Virginia Department of Conservation and Recreation; and
- C. That the provisions of this agreement meet the requirements and standards prescribed under section 58.1-3233 of the Code of Virginia for recorded commitments by landowners not to change an open-space use to a non-qualifying use; and

WHEREAS, the Grantor is willing to make a written recorded commitment to preserve and protect the open-space uses of the Property during the term of this agreement in order for the Property to be taxed on the basis of a use assessment, and the Grantor has submitted an application for such taxation to the Commissioner of the Revenue of the County pursuant to Section 58.1-3234 of the Code of Virginia and Section 20-4-2(d) of the Fluvanna County Code; and

WHEREAS, the County is willing to extend the tax for the Property on the basis of a use assessment commencing with the next succeeding tax year and continuing for the term of this agreement, in consideration of the Grantor's commitment to preserve and protect the open-space

uses of the property, and on the condition that the Grantor's application is satisfactory and that all other requirements of Article 4, Chapter 32, Title 58.1 of the Code of Virginia and Section 20-4-2(d) of the Fluvanna County Code are complied with.

NOW, THEREFORE, in consideration of the recital and the mutual benefits, covenants and terms herein contained, the parties hereby **COVENANT** and **AGREE** as follows:

1. This agreement shall apply to all the following described real estate:

Tax Map Parcel: 39-A-96B (19.116 acres)

2. The Grantor agrees that during the term of this agreement:
 - A. There shall be no change in the use or uses of the Property that exist as of the date of this agreement to any use that would not qualify as open-space use. The qualifying use for the Property is conservation of agricultural and forestal land and of wildlife.
 - B. There shall be no display of billboards, signs or other advertisements on the property except to (i) state solely the name of the Grantor and the address of the Property, (ii) advertise the sale or lease of the Property, (iii) advertise the sale of goods or services produced pursuant to the permitted use of the Property, or (iv) provide warnings. No sign shall exceed four feet by four feet.
 - C. There shall be no construction, placement or maintenance of any structure on the Property unless such structure is either:
 - 1) on the Property as of the date of this agreement; or
 - 2) related to and compatible with the open-space uses of the Property which this agreement is intended to protect or provide for.
 - D. There shall be no dumping or storage of trash, garbage, ashes, waste, junk, abandoned property or other unsightly or offensive material on the Property.
 - E. There shall be no filling, excavating, mining, drilling, removal of topsoil, sand, gravel, rock, minerals, or other materials which alters the topography of the Property, except as required in the construction of permissible building structures and features under this agreement.
 - F. There shall be no construction or placement of fences, screens, hedges, walls or other similar barriers which materially obstruct the public view of scenic areas of the Property.
 - G. The Grantor may engage in agricultural, horticultural or silvicultural activities and remove vegetation which constitutes a safety, a health or an ecological hazard, e.g., vegetation classified as noxious weed pursuant the Code of Virginia (1950), as amended.

- H. There shall be no alteration or manipulation of natural water courses, shores, marshes, swamps, wetlands or other water bodies, nor any activities or uses which adversely affect water quality, level or flow.
 - I. On areas of the Property that are being provided or preserved for conservation of land, floodways or other natural resources, or that are to be left in a relatively natural or undeveloped state, there shall be no operation of dune buggies, all-terrain vehicles, motorcycles, motorbikes, snowmobiles or other motor vehicles, except to the extent necessary to inspect, protect or preserve the area.
 - J. There shall be no industrial or commercial activities, conducted on the property, except for the continuation of agricultural, horticultural or silvicultural activities; or activities that are conducted in a residence or an associated outbuilding such as garage, smokehouse, small shop or similar structure which is permitted on the property.
 - K. There shall be no separation or split-off of lots, pieces or parcels from the property. The Property may be sold or transferred during the term of this agreement only as the same entire parcel that is the subject to this agreement, provided, however, that the Grantor may grant to a public body or bodies open-space, conservation or historic preservation easements which apply to all or part of the Property.
3. This agreement shall be effective upon acceptance by the County, provided, however, that the real estate tax for the Property shall not be extended on the basis of its use value until the next succeeding tax year following timely application by the Grantor for the use assessment and taxation in accordance with Section 20-4-2(d) of the Fluvanna County Code. Thereafter, this agreement shall remain in effect for a terms of ~~forever~~ (15) consecutive years.
 4. Nothing contained herein shall be construed as giving to the public a right to enter upon or to use the Property or any portion thereof, except as the Grantor may otherwise allow, consistent with the provisions of this agreement.
 5. The County shall have the right at all reasonable times to enter the Property to determine whether the Grantor is complying with the provisions of this agreement.
 6. Nothing in this agreement shall be construed to create in the public or member thereof a right to maintain a suit for any damages against the Grantor for any violation of this agreement.
 7. Nothing in this agreement shall be construed to permit Grantor to conduct any activity or to build or maintain any improvement which is otherwise prohibited by law.

- 8. If any provision of this agreement is determined to be invalid by a court of competent jurisdiction, the remainder of the agreement shall not be affected thereby.
- 9. The provisions of this agreement shall run with the land and be binding upon the parties, their successors, assigns, personal representatives, and heirs.
- 10. Words of one gender used herein shall include the other gender, and words in the singular shall include words in the plural, whenever the sense requires.
- 11. This agreement may be terminated in the manner provided in Section 15.1-1513 of the Code of Virginia for withdrawal of land from an agricultural, forestal or an agricultural and forestal district.
- 12. Upon termination of this agreement, the Property shall thereafter be assessed and taxed at its fair market value, regardless of its actual use, unless the County determines otherwise in accordance with applicable law.
- 13. NOTICE: WHEN THE OPEN SPACE USE OR USES BY WHICH THE PROPERTY QUALIFIED FOR ASSESSMENT AND TAXATION ON THE BASIS OF USE CHANGES TO A NONQUALIFYING USE OR USES, OR WHEN THE ZONING FOR THE PROPERTY CHANGES TO A MORE INTENSIVE USE AT THE REQUEST OF THE GRANTOR, THE PROPERTY, OR SUCH PORTION OF THE PROPERTY WHICH NO LONGER QUALIFIES SHALL BE SUBJECT TO ROLLBACK TAXES IN ACCORDANCE WITH SECTION 58.1-3237 OF THE CODE OF VIRGINIA. THE GRANTOR SHALL BE SUBJECT TO ALL OF THE OBLIGATIONS AND LIABILITIES OF SAID CODES SECTION.



Landowner

Landowner

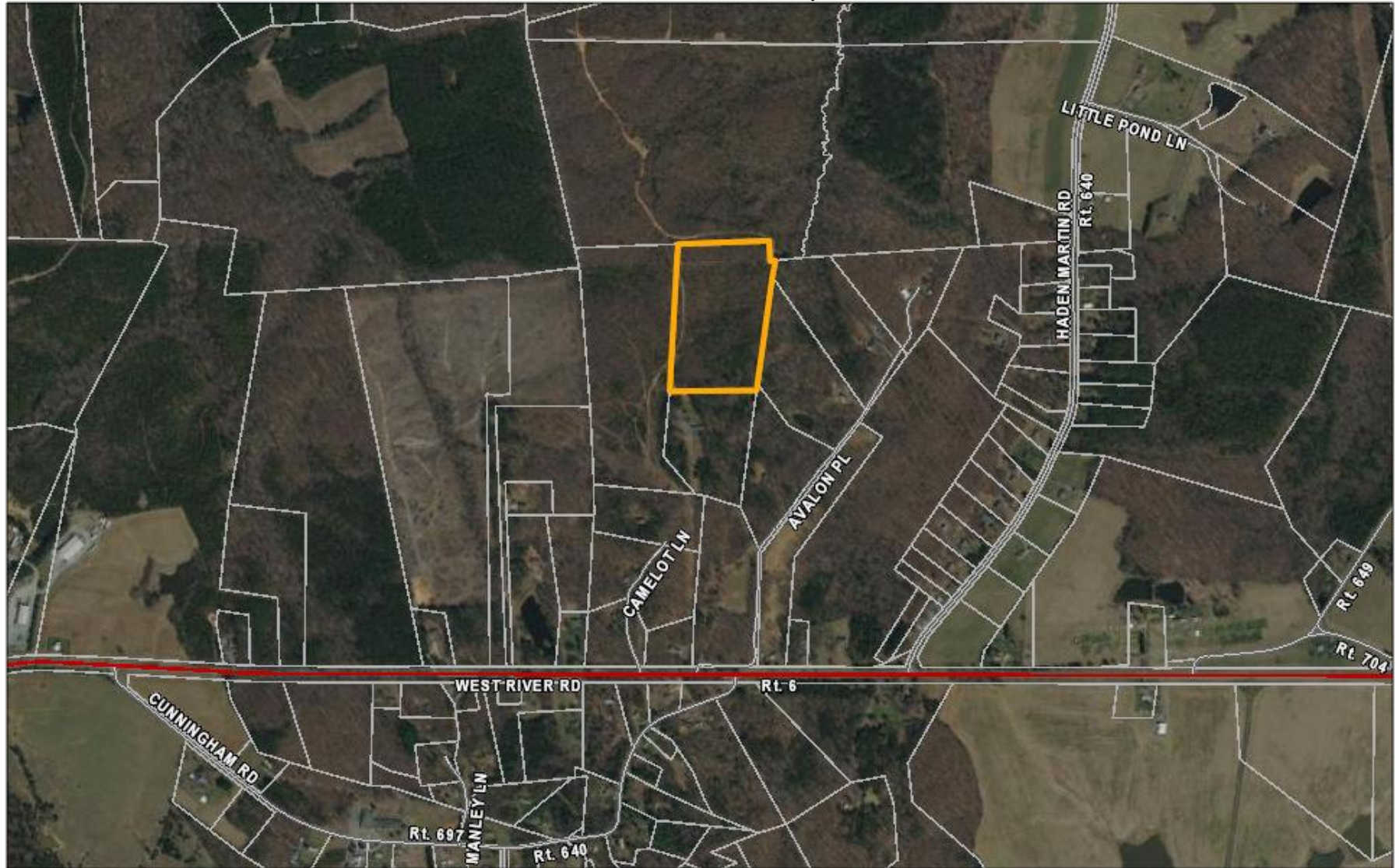
Co-owner(s)

COUNTY OF FLUVANNA, VIRGINIA

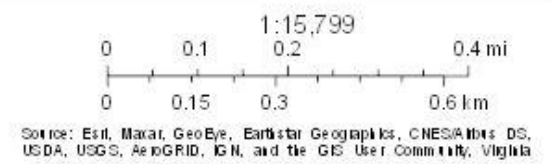
By: _____
County Administrator Date

Fluvanna County, VA WebGIS Parcels - PIN: 39 A 96B

Located off Camelot Lane in Palmyra, VA



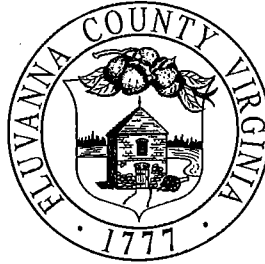
October 12, 2021



**FLUVANNA COUNTY BOARD OF SUPERVISORS
AGENDA ITEM STAFF REPORT**

TAB M

MEETING DATE:	October 20, 2021				
AGENDA TITLE:	Approval of Open Space Contract for Roy Howard and Constance G. Haislip				
MOTION(s):	I move to approve the open space contract for Roy Howard and Constance G. Haislip for tax map parcel 48-9-3X; agreement shall remain in effect for a term of five (5) consecutive years.				
STRATEGIC INITIATIVE?	Yes	No	If yes, list initiative(s):		
		X			
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
				X	
STAFF CONTACT(S):	Andrew M. Sheridan, Jr., Commissioner of the Revenue				
PRESENTER(S):	Andrew M. Sheridan, Jr., Commissioner of the Revenue				
RECOMMENDATION:	Approval				
TIMING:	Immediate				
DISCUSSION:	This property qualifies for an open space contract with Fluvanna County in accordance with Code Section 58.1-3229 et. seq. of the Virginia State Code.				
FISCAL IMPACT:	None				
POLICY IMPACT:	In accordance with Section 58.1-3229 et. seq. of Virginia State Code.				
LEGISLATIVE HISTORY:	N/A				
ENCLOSURES:	- Roy Howard and Constance G. Haislip's executed open space contract -Map of tax map parcel 48-9-3X				
REVIEWS COMPLETED:	Legal	Finance	Purchasing	HR	Other



CONTRACT FOR OPEN SPACE LAND USE ASSESSMENT

THIS AGREEMENT, made this 10th day of September, 2021, by and between **Roy Howard & Constance G. Haislip**, party(ies) of the first part, hereinafter called the Grantor, and the COUNTY OF FLUVANNA, a political subdivision of the Commonwealth of Virginia, party of the second part, hereinafter called the County:

WITNESSETH

WHEREAS, the Grantor owns certain real estate, described below, hereinafter called the Property; and

WHEREAS, the County is the local governing body having real estate tax jurisdiction over the Property; and

WHEREAS, the County has determined:

- A. That it is in the public interest that the Property should be provided or preserved for conservation of agricultural and forestal land and of wildlife and
- B. That the property meets the applicable criteria for real estate devoted to open-space use as prescribed in Article 4 (Section 58.1-3229 et. seq.) of Chapter 32 of Title 58.1 of the Code of Virginia, and the standards for classifying such real estate prescribed by the Director of the Virginia Department of Conservation and Recreation; and
- C. That the provisions of this agreement meet the requirements and standards prescribed under section 58.1-3233 of the Code of Virginia for recorded commitments by landowners not to change an open-space use to a non-qualifying use; and

WHEREAS, the Grantor is willing to make a written recorded commitment to preserve and protect the open-space uses of the Property during the term of this agreement in order for the Property to be taxed on the basis of a use assessment, and the Grantor has submitted an application for such taxation to the Commissioner of the Revenue of the County pursuant to Section 58.1-3234 of the Code of Virginia and Section 20-4-2(d) of the Fluvanna County Code; and

WHEREAS, the County is willing to extend the tax for the Property on the basis of a use assessment commencing with the next succeeding tax year and continuing for the term of this agreement, in consideration of the Grantor's commitment to preserve and protect the open-space

uses of the property, and on the condition that the Grantor's application is satisfactory and that all other requirements of Article 4, Chapter 32, Title 58.1 of the Code of Virginia and Section 20-4-2(d) of the Fluvanna County Code are complied with.

NOW, THEREFORE, in consideration of the recital and the mutual benefits, covenants and terms herein contained, the parties hereby **COVENANT** and **AGREE** as follows:

1. This agreement shall apply to all the following described real estate:

Tax Map Parcel: 48-9-3X (10.94 acres)

2. The Grantor agrees that during the term of this agreement:
 - A. There shall be no change in the use or uses of the Property that exist as of the date of this agreement to any use that would not qualify as open-space use. The qualifying use for the Property is conservation of agricultural and forestal land and of wildlife.
 - B. There shall be no display of billboards, signs or other advertisements on the property except to (i) state solely the name of the Grantor and the address of the Property, (ii) advertise the sale or lease of the Property, (iii) advertise the sale of goods or services produced pursuant to the permitted use of the Property, or (iv) provide warnings. No sign shall exceed four feet by four feet.
 - C. There shall be no construction, placement or maintenance of any structure on the Property unless such structure is either:
 - 1) on the Property as of the date of this agreement; or
 - 2) related to and compatible with the open-space uses of the Property which this agreement is intended to protect or provide for.
 - D. There shall be no dumping or storage of trash, garbage, ashes, waste, junk, abandoned property or other unsightly or offensive material on the Property.
 - E. There shall be no filling, excavating, mining, drilling, removal of topsoil, sand, gravel, rock, minerals, or other materials which alters the topography of the Property, except as required in the construction of permissible building structures and features under this agreement.
 - F. There shall be no construction or placement of fences, screens, hedges, walls or other similar barriers which materially obstruct the public view of scenic areas of the Property.
 - G. The Grantor may engage in agricultural, horticultural or silvicultural activities and remove vegetation which constitutes a safety, a health or an ecological hazard, e.g., vegetation classified as noxious weed pursuant the Code of Virginia (1950), as amended.

- H. There shall be no alteration or manipulation of natural water courses, shores, marshes, swamps, wetlands or other water bodies, nor any activities or uses which adversely affect water quality, level or flow.
 - I. On areas of the Property that are being provided or preserved for conservation of land, floodways or other natural resources, or that are to be left in a relatively natural or undeveloped state, there shall be no operation of dune buggies, all-terrain vehicles, motorcycles, motorbikes, snowmobiles or other motor vehicles, except to the extent necessary to inspect, protect or preserve the area.
 - J. There shall be no industrial or commercial activities, conducted on the property, except for the continuation of agricultural, horticultural or silvicultural activities; or activities that are conducted in a residence or an associated outbuilding such as garage, smokehouse, small shop or similar structure which is permitted on the property.
 - K. There shall be no separation or split-off of lots, pieces or parcels from the property. The Property may be sold or transferred during the term of this agreement only as the same entire parcel that is the subject to this agreement, provided, however, that the Grantor may grant to a public body or bodies open-space, conservation or historic preservation easements which apply to all or part of the Property.
3. This agreement shall be effective upon acceptance by the County, provided, however, that the real estate tax for the Property shall not be extended on the basis of its use value until the next succeeding tax year following timely application by the Grantor for the use assessment and taxation in accordance with Section 20-4-2(d) of the Fluvanna County Code. Thereafter, this agreement shall remain in effect for a terms of Five (5) consecutive years.
 4. Nothing contained herein shall be construed as giving to the public a right to enter upon or to use the Property or any portion thereof, except as the Grantor may otherwise allow, consistent with the provisions of this agreement.
 5. The County shall have the right at all reasonable times to enter the Property to determine whether the Grantor is complying with the provisions of this agreement.
 6. Nothing in this agreement shall be construed to create in the public or member thereof a right to maintain a suit for any damages against the Grantor for any violation of this agreement.
 7. Nothing in this agreement shall be construed to permit Grantor to conduct any activity or to build or maintain any improvement which is otherwise prohibited by law.

8. If any provision of this agreement is determined to be invalid by a court of competent jurisdiction, the remainder of the agreement shall not be affected thereby.
9. The provisions of this agreement shall run with the land and be binding upon the parties, their successors, assigns, personal representatives, and heirs.
10. Words of one gender used herein shall include the other gender, and words in the singular shall include words in the plural, whenever the sense requires.
11. This agreement may be terminated in the manner provided in Section 15.1-1513 of the Code of Virginia for withdrawal of land from an agricultural, forestal or an agricultural and forestal district.
12. Upon termination of this agreement, the Property shall thereafter be assessed and taxed at its fair market value, regardless of its actual use, unless the County determines otherwise in accordance with applicable law.
13. NOTICE: WHEN THE OPEN SPACE USE OR USES BY WHICH THE PROPERTY QUALIFIED FOR ASSESSMENT AND TAXATION ON THE BASIS OF USE CHANGES TO A NONQUALIFYING USE OR USES, OR WHEN THE ZONING FOR THE PROPERTY CHANGES TO A MORE INTENSIVE USE AT THE REQUEST OF THE GRANTOR, THE PROPERTY, OR SUCH PORTION OF THE PROPERTY WHICH NO LONGER QUALIFIES SHALL BE SUBJECT TO ROLLBACK TAXES IN ACCORDANCE WITH SECTION 58.1-3237 OF THE CODE OF VIRGINIA. THE GRANTOR SHALL BE SUBJECT TO ALL OF THE OBLIGATIONS AND LIABILITIES OF SAID CODES SECTION.

Robert Glass Haislip
Landowner

Constance Glass Haislip
Landowner

Co-owner(s)

COUNTY OF FLUVANNA, VIRGINIA

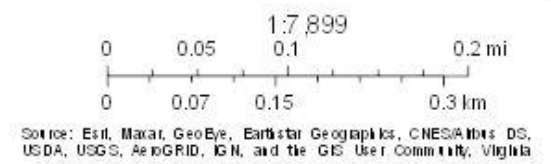
By: _____
County Administrator Date

Fluvanna County, VA WebGIS Parcels - PIN: 48 9 3X

Located off of Radicel Circle in Scottsville, VA



October 12, 2021



**FLUVANNA COUNTY BOARD OF SUPERVISORS
AGENDA ITEM STAFF REPORT**

TAB N

MEETING DATE:	October 20, 2021				
AGENDA TITLE:	Approval of Open Space Contract for Twila S. Harvey Life Estate, Dean Strevel and Christina Corrigan				
MOTION(s):	I move to approve the open space contract for Twila S. Harvey Life Estate, Dean Strevel and Christina Corrigan for tax map parcel 8-A-A5A; agreement shall remain in effect for a term of fifteen (15) consecutive years.				
STRATEGIC INITIATIVE?	Yes	No	If yes, list initiative(s):		
		X			
AGENDA CATEGORY:	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
				X	
STAFF CONTACT(S):	Andrew M. Sheridan, Jr., Commissioner of the Revenue				
PRESENTER(S):	Andrew M. Sheridan, Jr., Commissioner of the Revenue				
RECOMMENDATION:	Approval				
TIMING:	Immediate				
DISCUSSION:	This property qualifies for an open space contract with Fluvanna County in accordance with Code Section 58.1-3229 et. seq. of the Virginia State Code.				
FISCAL IMPACT:	None				
POLICY IMPACT:	In accordance with Section 58.1-3229 et. seq. of Virginia State Code.				
LEGISLATIVE HISTORY:	N/A				
ENCLOSURES:	- Twila S. Harvey Life Estate, Dean Strevel and Christina Corrigan's executed open space contract -Map of tax map parcel 8-A-A5A				
REVIEWS COMPLETED:	Legal	Finance	Purchasing	HR	Other



CONTRACT FOR OPEN SPACE LAND USE ASSESSMENT

THIS AGREEMENT, made this 1 day of October, 2021, by and between the **Twila S. Harvey Life Estate, Dean Strevel & Christina Corrigan**, party(ies) of the first part, hereinafter called the Grantor, and the COUNTY OF FLUVANNA, a political subdivision of the Commonwealth of Virginia, party of the second part, hereinafter called the County:

WITNESSETH

WHEREAS, the Grantor owns certain real estate, described below, hereinafter called the Property; and

WHEREAS, the County is the local governing body having real estate tax jurisdiction over the Property; and

WHEREAS, the County has determined:

- A. That it is in the public interest that the Property should be provided or preserved for conservation of agricultural and forestal land and of wildlife and
- B. That the property meets the applicable criteria for real estate devoted to open-space use as prescribed in Article 4 (Section 58.1-3229 et. seq.) of Chapter 32 of Title 58.1 of the Code of Virginia, and the standards for classifying such real estate prescribed by the Director of the Virginia Department of Conservation and Recreation; and
- C. That the provisions of this agreement meet the requirements and standards prescribed under section 58.1-3233 of the Code of Virginia for recorded commitments by landowners not to change an open-space use to a non-qualifying use; and

WHEREAS, the Grantor is willing to make a written recorded commitment to preserve and protect the open-space uses of the Property during the term of this agreement in order for the Property to be taxed on the basis of a use assessment, and the Grantor has submitted an application for such taxation to the Commissioner of the Revenue of the County pursuant to Section 58.1-3234 of the Code of Virginia and Section 20-4-2(d) of the Fluvanna County Code; and

WHEREAS, the County is willing to extend the tax for the Property on the basis of a use assessment commencing with the next succeeding tax year and continuing for the term of this agreement, in consideration of the Grantor's commitment to preserve and protect the open-space

uses of the property, and on the condition that the Grantor's application is satisfactory and that all other requirements of Article 4, Chapter 32, Title 58.1 of the Code of Virginia and Section 20-4-2(d) of the Fluvanna County Code are complied with.

NOW, THEREFORE, in consideration of the recital and the mutual benefits, covenants and terms herein contained, the parties hereby **COVENANT** and **AGREE** as follows:

1. This agreement shall apply to all the following described real estate:

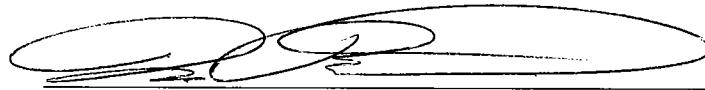
Tax Map Parcel: 8-A-A5A (13.77 acres)

2. The Grantor agrees that during the term of this agreement:

- A. There shall be no change in the use or uses of the Property that exist as of the date of this agreement to any use that would not qualify as open-space use. The qualifying use for the Property is conservation of agricultural and forestal land and of wildlife.
- B. There shall be no display of billboards, signs or other advertisements on the property except to (i) state solely the name of the Grantor and the address of the Property, (ii) advertise the sale or lease of the Property, (iii) advertise the sale of goods or services produced pursuant to the permitted use of the Property, or (iv) provide warnings. No sign shall exceed four feet by four feet.
- C. There shall be no construction, placement or maintenance of any structure on the Property unless such structure is either:
 - 1) on the Property as of the date of this agreement; or
 - 2) related to and compatible with the open-space uses of the Property which this agreement is intended to protect or provide for.
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- E. There shall be no filling, excavating, mining, drilling, removal of topsoil, sand, gravel, rock, minerals, or other materials which alters the topography of the Property, except as required in the construction of permissible building structures and features under this agreement.
- F. There shall be no construction or placement of fences, screens, hedges, walls or other similar barriers which materially obstruct the public view of scenic areas of the Property.
- G. The Grantor may engage in agricultural, horticultural or silvicultural activities and remove vegetation which constitutes a safety, a health or an ecological hazard, e.g., vegetation classified as noxious weed pursuant the Code of Virginia (1950), as amended.

- H. There shall be no alteration or manipulation of natural water courses, shores, marshes, swamps, wetlands or other water bodies, nor any activities or uses which adversely affect water quality, level or flow.
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 - J. There shall be no industrial or commercial activities, conducted on the property, except for the continuation of agricultural, horticultural or silvicultural activities; or activities that are conducted in a residence or an associated outbuilding such as garage, smokehouse, small shop or similar structure which is permitted on the property.
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 4. Nothing contained herein shall be construed as giving to the public a right to enter upon or to use the Property or any portion thereof, except as the Grantor may otherwise allow, consistent with the provisions of this agreement.
 5. The County shall have the right at all reasonable times to enter the Property to determine whether the Grantor is complying with the provisions of this agreement.
 6. Nothing in this agreement shall be construed to create in the public or member thereof a right to maintain a suit for any damages against the Grantor for any violation of this agreement.
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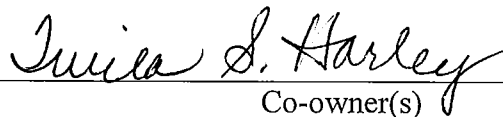
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- 9. The provisions of this agreement shall run with the land and be binding upon the parties, their successors, assigns, personal representatives, and heirs.
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Landowner



Landowner



Co-owner(s)

COUNTY OF FLUVANNA, VIRGINIA

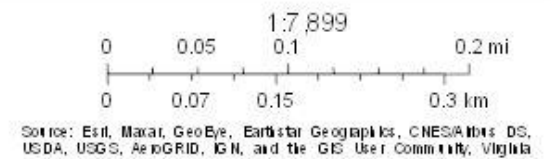
By: _____
County Administrator Date

Fluvanna County, VA WebGIS Parcels - PIN: 8 A A5A

Located at 3801 Penwood Farm, Charlottesville, VA 22902



October 12, 2021





Capital Reserve Maintenance Fund Request

TAB O

MOTION: I move that the Board of Supervisors approve a Capital Reserve Maintenance Fund Request in the amount of \$6,443.00 for the purpose(s) of:
Bobcat Skid steer repairs

Section 1 - REQUEST

Requesting Department/Agency Public Works PW22-004	Dept/Agency Contact Dale Critzer	Date of Request
Phone (434) 591-1925	Fax (434) 591-1924	Fiscal Year FY22

Reserve Fund Purpose Category: **Failure of equipment after warranty expiration but before expected lifecycle**

Description of Project/Repair	Qty	Unit Price	Total Price
Replace Controller and Wiring Harness - Parts and Labor	1	\$5,443.00	\$5,443.00
Contingency For Unforeseen Repairs	1	\$1,000.00	\$1,000.00
			\$0.00
			\$0.00

Total Request: **\$6,443.00**

Description and justification for proposed use.

Had issues with unit not being able to be turned off or restarted . Made a service call and see above what was found .

Department/Agency Head Name Assistant Director of Public Works	Signature Dale Critzer <small>Digitally signed by Dale Critzer Date: 2021.10.14 11:15:25 -04'00'</small>	Date 10/14/2021
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Section 2 - REVIEW

Recommended? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	County Finance Director <small>Digitally signed by Eric Dahl Date: 2021.10.14 13:49:45 -04'00'</small>	Date
Recommended? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	County Administrator <small>Digitally signed by Eric Dahl Date: 2021.10.14 13:49:58 -04'00'</small>	Date

Section 3 - BOARD OF SUPERVISORS

Approved? <input type="checkbox"/> Yes <input type="checkbox"/> No	Decision Date	Comments
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**FLUVANNA COUNTY BOARD OF SUPERVISORS
MEETING PACKAGE ATTACHMENTS**

Incl?	Item
<input checked="" type="checkbox"/>	BOS Contingency Balance Report
<input type="checkbox"/>	Building Inspections Report
<input checked="" type="checkbox"/>	Capital Reserve Balances Memo
<input type="checkbox"/>	CARES Fund Balance Memo
<input type="checkbox"/>	Fluvanna County Bank Balance and Investment Report
<input checked="" type="checkbox"/>	Unassigned Fund Balance Report
<input type="checkbox"/>	VDOT Monthly Report & 2020 Resurfacing List
<input checked="" type="checkbox"/>	ARPA Fund Balance Memo
<input checked="" type="checkbox"/>	American Rescue Plan Act - Fact Sheet
<input checked="" type="checkbox"/>	American Rescue Plan Act - FAQs
<input type="checkbox"/>	

MEMORANDUM

Date: October 20, 2021
From: Tori Melton – Management Analyst
To: Board of Supervisors
Subject: FY22 BOS Contingency Balance

The FY22 BOS Contingency line balance is as follows:

Beginning Original Budget:	\$163,898
Available:	\$163,898

MEMORANDUM

Date: October 20, 2021
From: Tori Melton – Management Analyst
To: Board of Supervisors
Subject: FY22 Capital Reserve Balances

The FY22 Capital Reserve account balances are as follows:

County Capital Reserve:

FY21 Carryover	\$387,085
FY22 Budget Allocation:	\$200,000
Total FY22 Budget:	\$587,085
Add: Closed CRM Project	\$155
Less: Courts Building Sally Port Door – 08.04.21	-\$7,185
Less: Courts Building Replacement of Leaking Water Lines 09.01.2021	-17,418
Less: Pleasant Grove House HVAC Replacement 09.01.2021	-6,975
FY22 Available:	\$555,662

Schools Capital Reserve:

FY21 Carryover	\$330,159
FY22 Budget Allocation:	\$200,000
Total FY22 Budget:	\$530,159
Add: Closed CRM Project – 06/30/2021	\$1,096
Less: FCHS HVAC Chiller Descaling and Cleaning	-27,700
FY22 Available:	\$503,555

MEMORANDUM

Date: October 20, 2021
From: Tori Melton – Management Analyst
To: Board of Supervisors
Subject: Unassigned Fund Balance

*FY21 Year End (Unaudited) Unassigned Fund Balance:	\$7,615,939
Less: FY22 Sheriff's Office Recruitment, Retention, and Compression Wage Adjustment	-240,000
Current (Unaudited) Unassigned Fund Balance:	\$7,375,939

*Audited FY21 Year End Unassigned Fund Balance will be available upon completion of the FY21 Comprehensive Annual Financial Report

MEMORANDUM

Date: October 20, 2021
From: Tori Melton – Management Analyst
To: Board of Supervisors
Subject: ARPA Fund Balance

ARPA Fund Total Appropriation: \$5,296,878 – 50% received	\$2,648,439
Less: FUMA Wastewater Treatment Plant Evaluation 08.04.21	-\$39,870
Less: FUSD Morris and Omohundro Well Rehabilitation 09.01.21	-290,250
Less: Sheriff’s Office Hazard Pay One-Time Bonus	-48,443
Less: E911 – Hazard Pay One-Time Bonus	-16,995
Current ARPA Fund Balance	\$2,252,881

FACT SHEET: The Coronavirus State and Local Fiscal Recovery Funds Will Deliver \$350 Billion for State, Local, Territorial, and Tribal Governments to Respond to the COVID-19 Emergency and Bring Back Jobs

May 10, 2021

Aid to state, local, territorial, and Tribal governments will help turn the tide on the pandemic, address its economic fallout, and lay the foundation for a strong and equitable recovery

Today, the U.S. Department of the Treasury announced the launch of the Coronavirus State and Local Fiscal Recovery Funds, established by the American Rescue Plan Act of 2021, to provide \$350 billion in emergency funding for eligible state, local, territorial, and Tribal governments. Treasury also released details on how these funds can be used to respond to acute pandemic response needs, fill revenue shortfalls among these governments, and support the communities and populations hardest-hit by the COVID-19 crisis. With the launch of the Coronavirus State and Local Fiscal Recovery Funds, eligible jurisdictions will be able to access this funding in the coming days to address these needs.

State, local, territorial, and Tribal governments have been on the frontlines of responding to the immense public health and economic needs created by this crisis – from standing up vaccination sites to supporting small businesses – even as these governments confronted revenue shortfalls during the downturn. As a result, these governments have endured unprecedented strains, forcing many to make untenable choices between laying off educators, firefighters, and other frontline workers or failing to provide other services that communities rely on. Faced with these challenges, state and local governments have cut over 1 million jobs since the beginning of the crisis. The experience of prior economic downturns has shown that budget pressures like these often result in prolonged fiscal austerity that can slow an economic recovery.

To support the immediate pandemic response, bring back jobs, and lay the groundwork for a strong and equitable recovery, the American Rescue Plan Act of 2021 established the Coronavirus State and Local Fiscal Recovery Funds, designed to deliver \$350 billion to state, local, territorial, and Tribal governments to bolster their response to the COVID-19 emergency and its economic impacts. Today, Treasury is launching this much-needed relief to:

- Support urgent COVID-19 response efforts to continue to decrease spread of the virus and bring the pandemic under control;
- Replace lost public sector revenue to strengthen support for vital public services and help retain jobs;
- Support immediate economic stabilization for households and businesses; and,
- Address systemic public health and economic challenges that have contributed to the unequal impact of the pandemic on certain populations.

The Coronavirus State and Local Fiscal Recovery Funds provide substantial flexibility for each jurisdiction to meet local needs—including support for households, small businesses, impacted industries, essential workers, and the communities hardest-hit by the crisis. These funds also deliver resources that recipients can invest in building, maintaining, or upgrading their water, sewer, and broadband infrastructure.

Starting today, eligible state, territorial, metropolitan city, county, and Tribal governments may request Coronavirus State and Local Fiscal Recovery Funds through the Treasury Submission Portal. Concurrent with this program launch, Treasury has published an Interim Final Rule that implements the provisions of this program.

FUNDING AMOUNTS

The American Rescue Plan provides a total of \$350 billion in Coronavirus State and Local Fiscal Recovery Funds to help eligible state, local, territorial, and Tribal governments meet their present needs and build the foundation for a strong recovery. Congress has allocated this funding to tens of thousands of jurisdictions. These allocations include:

Type	Amount (\$ billions)
States & District of Columbia	\$195.3
Counties	\$65.1
Metropolitan Cities	\$45.6
Tribal Governments	\$20.0
Territories	\$4.5
Non-Entitlement Units of Local Government	\$19.5

Treasury expects to distribute these funds directly to each state, territorial, metropolitan city, county, and Tribal government. Local governments that are classified as non-entitlement units will receive this funding through their applicable state government. Treasury expects to provide further guidance on distributions to non-entitlement units next week.

Local governments should expect to receive funds in two tranches, with 50% provided beginning in May 2021 and the balance delivered 12 months later. States that have experienced a net increase in the unemployment rate of more than 2 percentage points from February 2020 to the latest available data as of the date of certification will receive their full allocation of funds in a single payment; other states will receive funds in two equal tranches. Governments of U.S. territories will receive a single payment. Tribal governments will receive two payments, with the first payment available in May and the second payment, based on employment data, to be delivered in June 2021.

USES OF FUNDING

Coronavirus State and Local Fiscal Recovery Funds provide eligible state, local, territorial, and Tribal governments with a substantial infusion of resources to meet pandemic response needs and rebuild a stronger, more equitable economy as the country recovers. Within the categories of eligible uses, recipients have broad flexibility to decide how best to use this funding to meet the needs of their communities. Recipients may use Coronavirus State and Local Fiscal Recovery Funds to:

- **Support public health expenditures**, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
- **Address negative economic impacts caused by the public health emergency**, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
- **Replace lost public sector revenue**, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
- **Provide premium pay for essential workers**, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
- **Invest in water, sewer, and broadband infrastructure**, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

Within these overall categories, Treasury’s Interim Final Rule provides guidelines and principles for determining the types of programs and services that this funding can support, together with examples of allowable uses that recipients may consider. As described below, Treasury has also designed these provisions to take into consideration the disproportionate impacts of the COVID-19 public health emergency on those hardest-hit by the pandemic.

1. Supporting the public health response

Mitigating the impact of COVID-19 continues to require an unprecedented public health response from state, local, territorial, and Tribal governments. Coronavirus State and Local Fiscal Recovery Funds provide resources to meet these needs through the provision of care for those impacted by the virus and through services that address disparities in public health that have been exacerbated by the pandemic. Recipients may use this funding to address a broad range of public health needs across COVID-19 mitigation, medical expenses, behavioral healthcare, and public health resources. Among other services, these funds can help support:

- **Services and programs to contain and mitigate the spread of COVID-19, including:**
 - ✓ Vaccination programs
 - ✓ Medical expenses
 - ✓ Testing
 - ✓ Contact tracing
 - ✓ Isolation or quarantine
 - ✓ PPE purchases
 - ✓ Support for vulnerable populations to access medical or public health services
 - ✓ Public health surveillance (e.g., monitoring for variants)
 - ✓ Enforcement of public health orders
 - ✓ Public communication efforts
 - ✓ Enhancement of healthcare capacity, including alternative care facilities
 - ✓ Support for prevention, mitigation, or other services in congregate living facilities and schools
 - ✓ Enhancement of public health data systems
 - ✓ Capital investments in public facilities to meet pandemic operational needs
 - ✓ Ventilation improvements in key settings like healthcare facilities

- **Services to address behavioral healthcare needs exacerbated by the pandemic, including:**
 - ✓ Mental health treatment
 - ✓ Substance misuse treatment
 - ✓ Other behavioral health services
 - ✓ Hotlines or warmlines
 - ✓ Crisis intervention
 - ✓ Services or outreach to promote access to health and social services
- **Payroll and covered benefits expenses** for public health, healthcare, human services, public safety and similar employees, to the extent that they work on the COVID-19 response. For public health and safety workers, recipients can use these funds to cover the full payroll and covered benefits costs for employees or operating units or divisions primarily dedicated to the COVID-19 response.

2. Addressing the negative economic impacts caused by the public health emergency

The COVID-19 public health emergency resulted in significant economic hardship for many Americans. As businesses closed, consumers stayed home, schools shifted to remote education, and travel declined precipitously, over 20 million jobs were lost between February and April 2020. Although many have since returned to work, as of April 2021, the economy remains more than 8 million jobs below its pre-pandemic peak, and more than 3 million workers have dropped out of the labor market altogether since February 2020.

To help alleviate the economic hardships caused by the pandemic, Coronavirus State and Local Fiscal Recovery Funds enable eligible state, local, territorial, and Tribal governments to provide a wide range of assistance to individuals and households, small businesses, and impacted industries, in addition to enabling governments to rehire public sector staff and rebuild capacity. Among these uses include:

- **Delivering assistance to workers and families**, including aid to unemployed workers and job training, as well as aid to households facing food, housing, or other financial insecurity. In addition, these funds can support survivor's benefits for family members of COVID-19 victims.
- **Supporting small businesses**, helping them to address financial challenges caused by the pandemic and to make investments in COVID-19 prevention and mitigation tactics, as well as to provide technical assistance. To achieve these goals, recipients may employ this funding to execute a broad array of loan, grant, in-kind assistance, and counseling programs to enable small businesses to rebound from the downturn.
- **Speeding the recovery of the tourism, travel, and hospitality sectors**, supporting industries that were particularly hard-hit by the COVID-19 emergency and are just now beginning to mend. Similarly impacted sectors within a local area are also eligible for support.
- **Rebuilding public sector capacity**, by rehiring public sector staff and replenishing unemployment insurance (UI) trust funds, in each case up to pre-pandemic levels. Recipients may also use this funding to build their internal capacity to successfully implement economic relief programs, with investments in data analysis, targeted outreach, technology infrastructure, and impact evaluations.

3. **Serving the hardest-hit communities and families**

While the pandemic has affected communities across the country, it has disproportionately impacted low-income families and communities of color and has exacerbated systemic health and economic inequities. Low-income and socially vulnerable communities have experienced the most severe health impacts. For example, counties with high poverty rates also have the highest rates of infections and deaths, with 223 deaths per 100,000 compared to the U.S. average of 175 deaths per 100,000.

Coronavirus State and Local Fiscal Recovery Funds allow for a broad range of uses to address the disproportionate public health and economic impacts of the crisis on the hardest-hit communities, populations, and households. Eligible services include:

- **Addressing health disparities and the social determinants of health**, through funding for community health workers, public benefits navigators, remediation of lead hazards, and community violence intervention programs;
- **Investments in housing and neighborhoods**, such as services to address individuals experiencing homelessness, affordable housing development, housing vouchers, and residential counseling and housing navigation assistance to facilitate moves to neighborhoods with high economic opportunity;
- **Addressing educational disparities** through new or expanded early learning services, providing additional resources to high-poverty school districts, and offering educational services like tutoring or afterschool programs as well as services to address social, emotional, and mental health needs; and,
- **Promoting healthy childhood environments**, including new or expanded high quality childcare, home visiting programs for families with young children, and enhanced services for child welfare-involved families and foster youth.

Governments may use Coronavirus State and Local Fiscal Recovery Funds to support these additional services if they are provided:

- within a Qualified Census Tract (a low-income area as designated by the Department of Housing and Urban Development);
- to families living in Qualified Census Tracts;
- by a Tribal government; or,
- to other populations, households, or geographic areas disproportionately impacted by the pandemic.

4. **Replacing lost public sector revenue**

State, local, territorial, and Tribal governments that are facing budget shortfalls may use Coronavirus State and Local Fiscal Recovery Funds to avoid cuts to government services. With these additional resources, recipients can continue to provide valuable public services and ensure that fiscal austerity measures do not hamper the broader economic recovery.

Many state, local, territorial, and Tribal governments have experienced significant budget shortfalls, which can yield a devastating impact on their respective communities. Faced with budget shortfalls and pandemic-related uncertainty, state and local governments cut staff in all 50 states. These budget shortfalls and staff cuts are particularly problematic at present, as these entities are on the front lines of battling the COVID-19 pandemic and helping citizens weather the economic downturn.

Recipients may use these funds to replace lost revenue. Treasury's Interim Final Rule establishes a methodology that each recipient can use to calculate its reduction in revenue. Specifically, recipients will compute the extent of their reduction in revenue by comparing their actual revenue to an alternative representing what could have been expected to occur in the absence of the pandemic. Analysis of this expected trend begins with the last full fiscal year prior to the public health emergency and projects forward at either (a) the recipient's average annual revenue growth over the three full fiscal years prior to the public health emergency or (b) 4.1%, the national average state and local revenue growth rate from 2015-18 (the latest available data).

For administrative convenience, Treasury's Interim Final Rule allows recipients to presume that any diminution in actual revenue relative to the expected trend is due to the COVID-19 public health emergency. Upon receiving Coronavirus State and Local Fiscal Recovery Funds, recipients may immediately calculate the reduction in revenue that occurred in 2020 and deploy funds to address any shortfall. Recipients will have the opportunity to re-calculate revenue loss at several points through the program, supporting those entities that experience a lagged impact of the crisis on revenues.

Importantly, once a shortfall in revenue is identified, recipients will have broad latitude to use this funding to support government services, up to this amount of lost revenue.

5. Providing premium pay for essential workers

Coronavirus State and Local Fiscal Recovery Funds provide resources for eligible state, local, territorial, and Tribal governments to recognize the heroic contributions of essential workers. Since the start of the public health emergency, essential workers have put their physical well-being at risk to meet the daily needs of their communities and to provide care for others.

Many of these essential workers have not received compensation for the heightened risks they have faced and continue to face. Recipients may use this funding to provide premium pay directly, or through grants to private employers, to a broad range of essential workers who must be physically present at their jobs including, among others:

- ✓ Staff at nursing homes, hospitals, and home-care settings
- ✓ Workers at farms, food production facilities, grocery stores, and restaurants
- ✓ Janitors and sanitation workers
- ✓ Public health and safety staff
- ✓ Truck drivers, transit staff, and warehouse workers
- ✓ Childcare workers, educators, and school staff
- ✓ Social service and human services staff

Treasury's Interim Final Rule emphasizes the need for recipients to prioritize premium pay for lower income workers. Premium pay that would increase a worker's total pay above 150% of the greater of the state or county average annual wage requires specific justification for how it responds to the needs of these workers.

In addition, employers are both permitted and encouraged to use Coronavirus State and Local Fiscal Recovery Funds to offer retrospective premium pay, recognizing that many essential workers have not yet received additional compensation for work performed. Staff working for third-party contractors in eligible sectors are also eligible for premium pay.

6. Investing in water and sewer infrastructure

Recipients may use Coronavirus State and Local Fiscal Recovery Funds to invest in necessary improvements to their water and sewer infrastructures, including projects that address the impacts of climate change.

Recipients may use this funding to invest in an array of drinking water infrastructure projects, such as building or upgrading facilities and transmission, distribution, and storage systems, including the replacement of lead service lines.

Recipients may also use this funding to invest in wastewater infrastructure projects, including constructing publicly-owned treatment infrastructure, managing and treating stormwater or subsurface drainage water, facilitating water reuse, and securing publicly-owned treatment works.

To help jurisdictions expedite their execution of these essential investments, Treasury's Interim Final Rule aligns types of eligible projects with the wide range of projects that can be supported by the Environmental Protection Agency's Clean Water State Revolving Fund and Drinking Water State Revolving Fund. Recipients retain substantial flexibility to identify those water and sewer infrastructure investments that are of the highest priority for their own communities.

Treasury's Interim Final Rule also encourages recipients to ensure that water, sewer, and broadband projects use strong labor standards, including project labor agreements and community benefits agreements that offer wages at or above the prevailing rate and include local hire provisions.

7. Investing in broadband infrastructure

The pandemic has underscored the importance of access to universal, high-speed, reliable, and affordable broadband coverage. Over the past year, millions of Americans relied on the internet to participate in remote school, healthcare, and work.

Yet, by at least one measure, 30 million Americans live in areas where there is no broadband service or where existing services do not deliver minimally acceptable speeds. For millions of other Americans, the high cost of broadband access may place it out of reach. The American Rescue Plan aims to help remedy these shortfalls, providing recipients with flexibility to use Coronavirus State and Local Fiscal Recovery Funds to invest in broadband infrastructure.

Recognizing the acute need in certain communities, Treasury's Interim Final Rule provides that investments in broadband be made in areas that are currently unserved or underserved—in other words, lacking a wireline connection that reliably delivers minimum speeds of 25 Mbps download and 3 Mbps upload. Recipients are also encouraged to prioritize projects that achieve last-mile connections to households and businesses.

Using these funds, recipients generally should build broadband infrastructure with modern technologies in mind, specifically those projects that deliver services offering reliable 100 Mbps download and 100

Mbps upload speeds, unless impracticable due to topography, geography, or financial cost. In addition, recipients are encouraged to pursue fiber optic investments.

In view of the wide disparities in broadband access, assistance to households to support internet access or digital literacy is an eligible use to respond to the public health and negative economic impacts of the pandemic, as detailed above.

8. Ineligible Uses

Coronavirus State and Local Fiscal Recovery Funds provide substantial resources to help eligible state, local, territorial, and Tribal governments manage the public health and economic consequences of COVID-19. Recipients have considerable flexibility to use these funds to address the diverse needs of their communities.

To ensure that these funds are used for their intended purposes, the American Rescue Plan Act also specifies two ineligible uses of funds:

- **States and territories may not use this funding to directly or indirectly offset a reduction in net tax revenue due to a change in law from March 3, 2021 through the last day of the fiscal year in which the funds provided have been spent.** The American Rescue Plan ensures that funds needed to provide vital services and support public employees, small businesses, and families struggling to make it through the pandemic are not used to fund reductions in net tax revenue. Treasury's Interim Final Rule implements this requirement. If a state or territory cuts taxes, they must demonstrate how they paid for the tax cuts from sources other than Coronavirus State Fiscal Recovery Funds—by enacting policies to raise other sources of revenue, by cutting spending, or through higher revenue due to economic growth. If the funds provided have been used to offset tax cuts, the amount used for this purpose must be paid back to the Treasury.
- **No recipient may use this funding to make a deposit to a pension fund.** Treasury's Interim Final Rule defines a "deposit" as an extraordinary contribution to a pension fund for the purpose of reducing an accrued, unfunded liability. While pension deposits are prohibited, recipients may use funds for routine payroll contributions for employees whose wages and salaries are an eligible use of funds.

Treasury's Interim Final Rule identifies several other ineligible uses, including funding debt service, legal settlements or judgments, and deposits to rainy day funds or financial reserves. Further, general infrastructure spending is not covered as an eligible use outside of water, sewer, and broadband investments or above the amount allocated under the revenue loss provision. While the program offers broad flexibility to recipients to address local conditions, these restrictions will help ensure that funds are used to augment existing activities and address pressing needs.

Coronavirus State and Local Fiscal Recovery Funds

Frequently Asked Questions

AS OF JULY 19, 2021

This document contains answers to frequently asked questions regarding the Coronavirus State and Local Fiscal Recovery Funds (CSFRF / CLFRF, or Fiscal Recovery Funds). Treasury will be updating this document periodically in response to questions received from stakeholders. Recipients and stakeholders should consult the [Interim Final Rule](#) for additional information.

- For overall information about the program, including information on requesting funding, please see <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments>
- For general questions about CSFRF / CLFRF, please email SLFRP@treasury.gov
- Treasury is seeking comment on all aspects of the Interim Final Rule. Stakeholders are encouraged to submit comments electronically through the Federal eRulemaking Portal (<https://www.regulations.gov/document/TREAS-DO-2021-0008-0002>) on or before July 16, 2021. Please be advised that comments received will be part of the public record and subject to public disclosure. Do not disclose any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

Questions added 5/27/21: 1.5, 1.6, 2.13, 2.14, 2.15, 3.9, 4.5, 4.6, 10.3, 10.4 (noted with “[5/27]”)

Questions added 6/8/21: 2.16, 3.10, 3.11, 3.12, 4.7, 6.7, 8.2, 9.4, 9.5, 10.5 (noted with “[6/8]”)

Questions added 6/17/21: 6.8, 6.9, 6.10, 6.11 (noted with “[6/17]”)

Questions added 6/23/21: 1.7, 2.17, 2.18, 2.19, 2.20, 3.1 (appendix), 3.13, 4.8, 6.12 (noted with “[6/23]”)

Question added 6/24/21: 2.21 (noted with “[6/24]”)

Questions added 7/14/21: 1.8, 3.14, 3.15, 4.9, 4.10, 4.11, 4.12, 6.13, 6.14, 6.15, 6.16, 6.17, 10.3 updated (noted with “[7/14]”)

Answers to frequently asked questions on distribution of funds to non-entitlement units of local government (NEUs) can be found in this [FAQ supplement](#), which is regularly updated.

1. Eligibility and Allocations

1.1. Which governments are eligible for funds?

The following governments are eligible:

- States and the District of Columbia
- Territories
- Tribal governments
- Counties
- Metropolitan cities
- Non-entitlement units, or smaller local governments

1.2. Which governments receive funds directly from Treasury?

Treasury will distribute funds directly to each eligible state, territory, metropolitan city, county, or Tribal government. Smaller local governments that are classified as non-entitlement units will receive funds through their applicable state government.

1.3. Are special-purpose units of government eligible to receive funds?

Special-purpose units of local government will not receive funding allocations; however, a state, territory, local, or Tribal government may transfer funds to a special-purpose unit of government. Special-purpose districts perform specific functions in the community, such as fire, water, sewer or mosquito abatement districts.

1.4. How are funds being allocated to Tribal governments, and how will Tribal governments find out their allocation amounts?¹

\$20 billion of Fiscal Recovery Funds was reserved for Tribal governments. The American Rescue Plan Act specifies that \$1 billion will be allocated evenly to all eligible Tribal governments. The remaining \$19 billion will be distributed using an allocation methodology based on enrollment and employment.

There will be two payments to Tribal governments. Each Tribal government's first payment will include (i) an amount in respect of the \$1 billion allocation that is to be divided equally among eligible Tribal governments and (ii) each Tribal government's pro rata share of the Enrollment Allocation. Tribal governments will be notified of their allocation amount and delivery of payment 4-5 days after completing request for funds in the Treasury Submission Portal. The deadline to make the initial request for funds is June 21, 2021.

The second payment will include a Tribal government's pro rata share of the Employment Allocation. There is a \$1,000,000 minimum employment allocation for Tribal governments. In late-June, Tribal governments will receive an email notification to re-enter the Treasury Submission Portal to confirm or amend their 2019 employment numbers that were submitted to the Department of the Treasury for the CARES Act's Coronavirus Relief Fund. To receive an Employment Allocation, including the minimum employment allocation, Tribal governments must confirm employment numbers by July

¹ The answer to this question was updated on July 19, 2021.

23, 2021. Treasury will calculate employment allocations for those Tribal governments that confirmed or submitted amended employment numbers by the deadline. In August, Treasury will communicate to Tribal governments the amount of their portion of the Employment Allocation and the anticipated date for the second payment.

1.5. My county is a unit of general local government with population under 50,000. Will my county receive funds directly from Treasury? [5/27]

Yes. All counties that are units of general local government will receive funds directly from Treasury and should apply via the [online portal](#). The list of county allocations is available [here](#).

1.6. My local government expected to be classified as a non-entitlement unit. Instead, it was classified as a metropolitan city. Why? [5/27]

The American Rescue Plan Act defines, for purposes of the Coronavirus Local Fiscal Recovery Fund (CLFRF), metropolitan cities to include those that are currently metropolitan cities under the Community Development Block Grant (CDBG) program but also those cities that relinquish or defer their status as a metropolitan city for purposes of the CDBG program. This would include, by way of example, cities that are principal cities of their metropolitan statistical area, even if their population is less than 50,000. In other words, a city that is eligible to be a metropolitan city under the CDBG program is eligible as a metropolitan city under the CLFRF, regardless of how that city has elected to participate in the CDBG program.

Unofficial allocation estimates produced by other organizations may have classified certain local governments as non-entitlement units of local government. However, based on the statutory definitions, some of these local governments should have been classified as metropolitan cities.

1.7. In order to receive and use Fiscal Recovery Funds, must a recipient government maintain a declaration of emergency relating to COVID-19? [6/23]

No. Neither the statute establishing the CSFRF/CLFRF nor the Interim Final Rule requires recipients to maintain a local declaration of emergency relating to COVID-19.

1.8. Can non-profit or private organizations receive funds? If so, how? [7/14]

Yes. Under section 602(c)(3) of the Social Security Act, a State, territory, or Tribal government may transfer funds to a “private nonprofit organization . . . , a Tribal organization . . . , a public benefit corporation involved in the transportation of passengers or cargo, or a special-purpose unit of State or local government.” Similarly, section 603(c)(3) authorizes a local government to transfer funds to the same entities (other than Tribal organizations). The Interim Final Rule clarifies that the lists of transferees in sections 602(c)(3) and 603(c)(3) are not exclusive, and recipients may transfer funds to constituent units of government or private entities beyond those

specified in the statute. A transferee receiving a transfer from a recipient under sections 602(c)(3) and 603(c)(3) will be considered to be a subrecipient and will be expected to comply with all subrecipient reporting requirements.

The ARPA does not authorize Treasury to provide CSFRF/CLFRF funds directly to non-profit or private organizations. Thus, non-profit or private organizations should seek funds from CSFRF/CLFRF recipient(s) in their jurisdiction (e.g., a State, local, territorial, or Tribal government).

2. Eligible Uses – Responding to the Public Health Emergency / Negative Economic Impacts

2.1. What types of COVID-19 response, mitigation, and prevention activities are eligible?

A broad range of services are needed to contain COVID-19 and are eligible uses, including vaccination programs; medical care; testing; contact tracing; support for isolation or quarantine; supports for vulnerable populations to access medical or public health services; public health surveillance (e.g., monitoring case trends, genomic sequencing for variants); enforcement of public health orders; public communication efforts; enhancement to health care capacity, including through alternative care facilities; purchases of personal protective equipment; support for prevention, mitigation, or other services in congregate living facilities (e.g., nursing homes, incarceration settings, homeless shelters, group living facilities) and other key settings like schools; ventilation improvements in congregate settings, health care settings, or other key locations; enhancement of public health data systems; and other public health responses. Capital investments in public facilities to meet pandemic operational needs are also eligible, such as physical plant improvements to public hospitals and health clinics or adaptations to public buildings to implement COVID-19 mitigation tactics.

2.2. If a use of funds was allowable under the Coronavirus Relief Fund (CRF) to respond to the public health emergency, may recipients presume it is also allowable under CSFRF/CLFRF?

Generally, funding uses eligible under CRF as a response to the direct public health impacts of COVID-19 will continue to be eligible under CSFRF/CLFRF, with the following two exceptions: (1) the standard for eligibility of public health and safety payrolls has been updated; and (2) expenses related to the issuance of tax-anticipation notes are not an eligible funding use.

2.3. If a use of funds is not explicitly permitted in the Interim Final Rule as a response to the public health emergency and its negative economic impacts, does that mean it is prohibited?

The Interim Final Rule contains a non-exclusive list of programs or services that may be funded as responding to COVID-19 or the negative economic impacts of the COVID-19 public health emergency, along with considerations for evaluating other potential uses of Fiscal Recovery Funds not explicitly listed. The Interim Final Rule also provides flexibility for recipients to use Fiscal Recovery Funds for programs or services that are not identified on these non-exclusive lists but which meet the objectives of section 602(c)(1)(A) or 603(c)(1)(A) by responding to the COVID-19 public health emergency with respect to COVID-19 or its negative economic impacts.

2.4. May recipients use funds to respond to the public health emergency and its negative economic impacts by replenishing state unemployment funds?

Consistent with the approach taken in the CRF, recipients may make deposits into the state account of the Unemployment Trust Fund up to the level needed to restore the pre-pandemic balances of such account as of January 27, 2020, or to pay back advances received for the payment of benefits between January 27, 2020 and the date when the Interim Final Rule is published in the Federal Register.

2.5. What types of services are eligible as responses to the negative economic impacts of the pandemic?

Eligible uses in this category include assistance to households; small businesses and non-profits; and aid to impacted industries.

Assistance to households includes, but is not limited to: food assistance; rent, mortgage, or utility assistance; counseling and legal aid to prevent eviction or homelessness; cash assistance; emergency assistance for burials, home repairs, weatherization, or other needs; internet access or digital literacy assistance; or job training to address negative economic or public health impacts experienced due to a worker's occupation or level of training.

Assistance to small business and non-profits includes, but is not limited to:

- loans or grants to mitigate financial hardship such as declines in revenues or impacts of periods of business closure, for example by supporting payroll and benefits costs, costs to retain employees, mortgage, rent, or utilities costs, and other operating costs;
- Loans, grants, or in-kind assistance to implement COVID-19 prevention or mitigation tactics, such as physical plant changes to enable social distancing, enhanced cleaning efforts, barriers or partitions, or COVID-19 vaccination, testing, or contact tracing programs; and
- Technical assistance, counseling, or other services to assist with business planning needs

2.6. May recipients use funds to respond to the public health emergency and its negative economic impacts by providing direct cash transfers to households?

Yes, provided the recipient considers whether, and the extent to which, the household has experienced a negative economic impact from the pandemic. Additionally, cash transfers must be reasonably proportional to the negative economic impact they are intended to address. Cash transfers grossly in excess of the amount needed to address the negative economic impact identified by the recipient would not be considered to be a response to the COVID-19 public health emergency or its negative impacts. In particular, when considering appropriate size of permissible cash transfers made in response to the COVID-19 public health emergency, state, local, territorial, and Tribal governments may consider and take guidance from the per person amounts previously provided by the federal government in response to the COVID crisis.

2.7. May funds be used to reimburse recipients for costs incurred by state and local governments in responding to the public health emergency and its negative economic impacts prior to passage of the American Rescue Plan?

Use of Fiscal Recovery Funds is generally forward looking. The Interim Final Rule permits funds to be used to cover costs incurred beginning on March 3, 2021.

2.8. May recipients use funds for general economic development or workforce development?

Generally, not. Recipients must demonstrate that funding uses directly address a negative economic impact of the COVID-19 public health emergency, including funds used for economic or workforce development. For example, job training for unemployed workers may be used to address negative economic impacts of the public health emergency and be eligible.

2.9. How can recipients use funds to assist the travel, tourism, and hospitality industries?

Aid provided to tourism, travel, and hospitality industries should respond to the negative economic impacts of the pandemic. For example, a recipient may provide aid to support safe reopening of businesses in the tourism, travel and hospitality industries and to districts that were closed during the COVID-19 public health emergency, as well as aid a planned expansion or upgrade of tourism, travel and hospitality facilities delayed due to the pandemic.

Tribal development districts are considered the commercial centers for tribal hospitality, gaming, tourism and entertainment industries.

2.10. May recipients use funds to assist impacted industries other than travel, tourism, and hospitality?

Yes, provided that recipients consider the extent of the impact in such industries as compared to tourism, travel, and hospitality, the industries enumerated in the statute. For example, nationwide the leisure and hospitality industry has experienced an

approximately 17 percent decline in employment and 24 percent decline in revenue, on net, due to the COVID-19 public health emergency. Recipients should also consider whether impacts were due to the COVID-19 pandemic, as opposed to longer-term economic or industrial trends unrelated to the pandemic.

Recipients should maintain records to support their assessment of how businesses or business districts receiving assistance were affected by the negative economic impacts of the pandemic and how the aid provided responds to these impacts.

2.11. How does the Interim Final Rule help address the disparate impact of COVID-19 on certain populations and geographies?

In recognition of the disproportionate impacts of the COVID-19 virus on health and economic outcomes in low-income and Native American communities, the Interim Final Rule identifies a broader range of services and programs that are considered to be in response to the public health emergency when provided in these communities. Specifically, Treasury will presume that certain types of services are eligible uses when provided in a Qualified Census Tract (QCT), to families living in QCTs, or when these services are provided by Tribal governments.

Recipients may also provide these services to other populations, households, or geographic areas disproportionately impacted by the pandemic. In identifying these disproportionately-impacted communities, recipients should be able to support their determination for how the pandemic disproportionately impacted the populations, households, or geographic areas to be served.

Eligible services include:

- Addressing health disparities and the social determinants of health, including: community health workers, public benefits navigators, remediation of lead paint or other lead hazards, and community violence intervention programs;
- Building stronger neighborhoods and communities, including: supportive housing and other services for individuals experiencing homelessness, development of affordable housing, and housing vouchers and assistance relocating to neighborhoods with higher levels of economic opportunity;
- Addressing educational disparities exacerbated by COVID-19, including: early learning services, increasing resources for high-poverty school districts, educational services like tutoring or afterschool programs, and supports for students' social, emotional, and mental health needs; and
- Promoting healthy childhood environments, including: child care, home visiting programs for families with young children, and enhanced services for child welfare-involved families and foster youth.

2.12. May recipients use funds to pay for vaccine incentive programs (e.g., cash or in-kind transfers, lottery programs, or other incentives for individuals who get vaccinated)?

Yes. Under the Interim Final Rule, recipients may use Coronavirus State and Local Fiscal Recovery Funds to respond to the COVID-19 public health emergency, including expenses related to COVID-19 vaccination programs. See 31 CFR 35.6(b)(1)(i). Programs that provide incentives reasonably expected to increase the number of people who choose to get vaccinated, or that motivate people to get vaccinated sooner than they otherwise would have, are an allowable use of funds so long as such costs are reasonably proportional to the expected public health benefit.

2.13. May recipients use funds to pay “back to work incentives” (e.g., cash payments for newly employed workers after a certain period of time on the job)? [5/27]

Yes. Under the Interim Final Rule, recipients may use Coronavirus State and Local Fiscal Recovery Funds to provide assistance to unemployed workers. See 31 CFR 35.6(b)(4). This assistance can include job training or other efforts to accelerate rehiring and thus reduce unemployment, such as childcare assistance, assistance with transportation to and from a jobsite or interview, and incentives for newly employed workers.

2.14. The Coronavirus Relief Fund (CRF) included as an eligible use: "Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency." What has changed in CSFRF/CLFRF, and what type of documentation is required under CSFRF/CLFRF? [5/27]

Many of the expenses authorized under the Coronavirus Relief Fund are also eligible uses under the CSFRF/CLFRF. However, in the case of payroll expenses for public safety, public health, health care, human services, and similar employees (hereafter, public health and safety staff), the CSFRF/CLFRF does differ from the CRF. This change reflects the differences between the ARPA and CARES Act and recognizes that the response to the COVID-19 public health emergency has changed and will continue to change over time. In particular, funds may be used for payroll and covered benefits expenses for public safety, public health, health care, human services, and similar employees, including first responders, to the extent that the employee's time that is dedicated to responding to the COVID-19 public health emergency.

For administrative convenience, the recipient may consider a public health and safety employee to be entirely devoted to mitigating or responding to the COVID-19 public health emergency, and therefore fully covered, if the employee, or his or her operating unit or division, is primarily dedicated (e.g., more than half of the employee's time is dedicated) to responding to the COVID-19 public health emergency.

Recipients may use presumptions for assessing whether an employee, division, or operating unit is primarily dedicated to COVID-19 response. The recipient should

maintain records to support its assessment, such as payroll records, attestations from supervisors or staff, or regular work product or correspondence demonstrating work on the COVID-19 response. Recipients need not routinely track staff hours. Recipients should periodically reassess their determinations.

2.15. What staff are included in “public safety, public health, health care, human services, and similar employees”? Would this include, for example, 911 operators, morgue staff, medical examiner staff, or EMS staff? [5/27]

As discussed in the Interim Final Rule, funds may be used for payroll and covered benefits expenses for public safety, public health, health care, human services, and similar employees, for the portion of the employee’s time that is dedicated to responding to the COVID-19 public health emergency.

Public safety employees would include police officers (including state police officers), sheriffs and deputy sheriffs, firefighters, emergency medical responders, correctional and detention officers, and those who directly support such employees such as dispatchers and supervisory personnel. Public health employees would include employees involved in providing medical and other health services to patients and supervisory personnel, including medical staff assigned to schools, prisons, and other such institutions, and other support services essential for patient care (e.g., laboratory technicians, medical examiner or morgue staff) as well as employees of public health departments directly engaged in matters related to public health and related supervisory personnel. Human services staff include employees providing or administering social services; public benefits; child welfare services; and child, elder, or family care, as well as others.

2.16. May recipients use funds to establish a public jobs program? [6/8]

Yes. The Interim Final Rule permits a broad range of services to unemployed or underemployed workers and other individuals that suffered negative economic impacts from the pandemic. That can include public jobs programs, subsidized employment, combined education and on-the-job training programs, or job training to accelerate rehiring or address negative economic or public health impacts experienced due to a worker’s occupation or level of training. The broad range of permitted services can also include other employment supports, such as childcare assistance or assistance with transportation to and from a jobsite or interview.

The Interim Final Rule includes as an eligible use re-hiring public sector staff up to the government’s level of pre-pandemic employment. “Public sector staff” would not include individuals participating in a job training or subsidized employment program administered by the recipient.

2.17. The Interim Final Rule states that “assistance or aid to individuals or businesses that did not experience a negative economic impact from the public health emergency would not be an eligible use under this category.” Are recipients

required to demonstrate that each individual or business experienced a negative economic impact for that individual or business to receive assistance? [6/23]

Not necessarily. The Interim Final Rule allows recipients to demonstrate a negative economic impact on a population or group and to provide assistance to households or businesses that fall within that population or group. In such cases, the recipient need only demonstrate that the household or business is within the population or group that experienced a negative economic impact.

For assistance to households, the Interim Final Rule states, “In assessing whether a household or population experienced economic harm as a result of the pandemic, a recipient may presume that a household or population that experienced unemployment or increased food or housing insecurity or is low- or moderate-income experienced negative economic impacts resulting from the pandemic.” This would allow, for example, an internet access assistance program for all low- or moderate-income households, but would not require the recipient to demonstrate or document that each individual low- or moderate income household experienced a negative economic impact from the COVID-19 public health emergency apart from being low- or moderate income.

For assistance to small businesses, the Interim Final Rule states that assistance may be provided to small businesses, including loans, grants, in-kind assistance, technical assistance or other services, to respond to the negative economic impacts of the COVID-19 public health emergency. In providing assistance to small businesses, recipients must design a program that responds to the negative economic impacts of the COVID-19 public health emergency, including by identifying how the program addresses the identified need or impact faced by small businesses. This can include assistance to adopt safer operating procedures, weather periods of closure, or mitigate financial hardship resulting from the COVID-19 public health emergency.

As part of program design and to ensure that the program responds to the identified need, recipients may consider additional criteria to target assistance to businesses in need, including to small businesses. Assistance may be targeted to businesses facing financial insecurity, with substantial declines in gross receipts (e.g., comparable to measures used to assess eligibility for the Paycheck Protection Program), or facing other economic harm due to the pandemic, as well as businesses with less capacity to weather financial hardship, such as the smallest businesses, those with less access to credit, or those serving disadvantaged communities. For example, a recipient could find based on local data or research that the smallest businesses faced sharply increased risk of bankruptcy and develop a program to respond; such a program would only need to document a population or group-level negative economic impact, and eligibility criteria to limit access to the program to that population or group (in this case, the smallest businesses).

In addition, recognizing the disproportionate impact of the pandemic on disadvantaged communities, the Interim Final Rule also identifies a set of services that are presumptively eligible when provided in a Qualified Census Tract (QCT); to families and individuals living in QCTs; to other populations, households, or geographic areas

identified by the recipient as disproportionately impacted by the pandemic; or when these services are provided by Tribal governments. For more information on the set of presumptively eligible services, see the Interim Final Rule section on *Building Stronger Communities through Investments in Housing and Neighborhoods* and FAQ 2.11.

2.18. Would investments in improving outdoor spaces (e.g. parks) be an eligible use of funds as a response to the public health emergency and/or its negative economic impacts? [6/23]

There are multiple ways that investments in improving outdoor spaces could qualify as eligible uses; several are highlighted below, though there may be other ways that a specific investment in outdoor spaces would meet eligible use criteria.

First, in recognition of the disproportionate negative economic impacts on certain communities and populations, the Interim Final Rule identifies certain types of services that are eligible uses when provided in a Qualified Census Tract (QCT), to families and individuals living in QCTs, or when these services are provided by Tribal governments. Recipients may also provide these services to other populations, households, or geographic areas disproportionately impacted by the pandemic.

These programs and services include services designed to build stronger neighborhoods and communities and to address health disparities and the social determinants of health. The Interim Final Rule provides a non-exhaustive list of eligible services to respond to the needs of communities disproportionately impacted by the pandemic, and recipients may identify other uses of funds that do so, consistent with the Rule’s framework. For example, investments in parks, public plazas, and other public outdoor recreation spaces may be responsive to the needs of disproportionately impacted communities by promoting healthier living environments and outdoor recreation and socialization to mitigate the spread of COVID-19.

Second, recipients may provide assistance to small businesses in all communities. Assistance to small businesses could include support to enhance outdoor spaces for COVID-19 mitigation (e.g., restaurant patios) or to improve the built environment of the neighborhood (e.g., façade improvements).

Third, many governments saw significantly increased use of parks during the pandemic that resulted in damage or increased maintenance needs. The Interim Final Rule recognizes that “decrease[s to] a state or local government’s ability to effectively administer services” can constitute a negative economic impact of the pandemic.

2.19. Would expenses to address a COVID-related backlog in court cases be an eligible use of funds as a response to the public health emergency? [6/23]

The Interim Final Rule recognizes that “decrease[s to] a state or local government’s ability to effectively administer services,” such as cuts to public sector staffing levels, can constitute a negative economic impact of the pandemic. During the COVID-19 public

health emergency, many courts were unable to operate safely during the pandemic and, as a result, now face significant backlogs. Court backlogs resulting from inability of courts to safely operate during the COVID-19 pandemic decreased the government's ability to administer services. Therefore, steps to reduce these backlogs, such as implementing COVID-19 safety measures to facilitate court operations, hiring additional court staff or attorneys to increase speed of case resolution, and other expenses to expedite case resolution are eligible uses.

2.20. Can funds be used to assist small business startups as a response to the negative economic impact of COVID-19? [6/23]

As discussed in the Interim Final Rule, recipients may provide assistance to small businesses that responds to the negative economic impacts of COVID-19. The Interim Final Rule provides a non-exclusive list of potential assistance mechanisms, as well as considerations for ensuring that such assistance is responsive to the negative economic impacts of COVID-19.

Treasury acknowledges a range of potential circumstances in which assisting small business startups could be responsive to the negative economic impacts of COVID-19, including for small businesses and individuals seeking to start small businesses after the start of the COVID-19 public health emergency. For example:

- A recipient could assist small business startups with additional costs associated with COVID-19 mitigation tactics (e.g., barriers or partitions; enhanced cleaning; or physical plant changes to enable greater use of outdoor space).
- A recipient could identify and respond to a negative economic impact of COVID-19 on new small business startups; for example, if it could be shown that small business startups in a locality were facing greater difficulty accessing credit than prior to the pandemic, faced increased costs to starting the business due to the pandemic, or that the small business had lost expected startup capital due to the pandemic.
- The Interim Final Rule also discusses eligible uses that provide support for individuals who have experienced a negative economic impact from the COVID-19 public health emergency, including uses that provide job training for unemployed individuals. These initiatives also may support small business startups and individuals seeking to start small businesses.

2.21. Can funds be used for eviction prevention efforts or housing stability services? [6/24]

Yes. Responses to the negative economic impacts of the pandemic include “rent, mortgage, or utility assistance [and] counseling and legal aid to prevent eviction or homelessness.” This includes housing stability services that enable eligible households to maintain or obtain housing, such as housing counseling, fair housing counseling, case management related to housing stability, outreach to households at risk of eviction or promotion of housing support programs, housing related services for survivors of

domestic abuse or human trafficking, and specialized services for individuals with disabilities or seniors that supports their ability to access or maintain housing.

This also includes legal aid such as legal services or attorney's fees related to eviction proceedings and maintaining housing stability, court-based eviction prevention or eviction diversion programs, and other legal services that help households maintain or obtain housing.

Recipients may transfer funds to, or execute grants or contracts with, court systems, non-profits, and a wide range of other organizations to implement these strategies.

3. Eligible Uses – Revenue Loss

3.1. How is revenue defined for the purpose of this provision? [appendix added 6/23]

The Interim Final Rule adopts a definition of “General Revenue” that is based on, but not identical, to the Census Bureau’s concept of “General Revenue from Own Sources” in the Annual Survey of State and Local Government Finances.

General Revenue includes revenue from taxes, current charges, and miscellaneous general revenue. It excludes refunds and other correcting transactions, proceeds from issuance of debt or the sale of investments, agency or private trust transactions, and revenue generated by utilities and insurance trusts. General revenue also includes intergovernmental transfers between state and local governments, but excludes intergovernmental transfers from the Federal government, including Federal transfers made via a state to a locality pursuant to the CRF or the Fiscal Recovery Funds.

Tribal governments may include all revenue from Tribal enterprises and gaming operations in the definition of General Revenue.

Please see the appendix for a diagram of the Interim Final Rule’s definition of General Revenue within the Census Bureau’s revenue classification structure.

3.2. Will revenue be calculated on an entity-wide basis or on a source-by-source basis (e.g. property tax, income tax, sales tax, etc.)?

Recipients should calculate revenue on an entity-wide basis. This approach minimizes the administrative burden for recipients, provides for greater consistency across recipients, and presents a more accurate representation of the net impact of the COVID-19 public health emergency on a recipient’s revenue, rather than relying on financial reporting prepared by each recipient, which vary in methodology used and which generally aggregates revenue by purpose rather than by source.

3.3. Does the definition of revenue include outside concessions that contract with a state or local government?

Recipients should classify revenue sources as they would if responding to the U.S. Census Bureau's Annual Survey of State and Local Government Finances. According to the Census Bureau's [Government Finance and Employment Classification manual](#), the following is an example of current charges that would be included in a state or local government's general revenue from own sources: "Gross revenue of facilities operated by a government (swimming pools, recreational marinas and piers, golf courses, skating rinks, museums, zoos, etc.); auxiliary facilities in public recreation areas (camping areas, refreshment stands, gift shops, etc.); lease or use fees from stadiums, auditoriums, and community and convention centers; and rentals from concessions at such facilities."

3.4. What is the time period for estimating revenue loss? Will revenue losses experienced prior to the passage of the Act be considered?

Recipients are permitted to calculate the extent of reduction in revenue as of four points in time: December 31, 2020; December 31, 2021; December 31, 2022; and December 31, 2023. This approach recognizes that some recipients may experience lagged effects of the pandemic on revenues.

Upon receiving Fiscal Recovery Fund payments, recipients may immediately calculate revenue loss for the period ending December 31, 2020.

3.5. What is the formula for calculating the reduction in revenue?

A reduction in a recipient's General Revenue equals:

$$\text{Max} \{ [\text{Base Year Revenue} * (1 + \text{Growth Adjustment})^{\left(\frac{n_t}{12}\right)}] - \text{Actual General Revenue}_t ; 0 \}$$

Where:

Base Year Revenue is General Revenue collected in the most recent full fiscal year prior to the COVID-19 public health emergency.

Growth Adjustment is equal to the greater of 4.1 percent (or 0.041) and the recipient's average annual revenue growth over the three full fiscal years prior to the COVID-19 public health emergency.

n equals the number of months elapsed from the end of the base year to the calculation date.

Actual General Revenue is a recipient's actual general revenue collected during 12-month period ending on each calculation date.

Subscript *t* denotes the calculation date.

3.6. Are recipients expected to demonstrate that reduction in revenue is due to the COVID-19 public health emergency?

In the Interim Final Rule, any diminution in actual revenue calculated using the formula above would be presumed to have been “due to” the COVID-19 public health emergency. This presumption is made for administrative ease and in recognition of the broad-based economic damage that the pandemic has wrought.

3.7. May recipients use pre-pandemic projections as a basis to estimate the reduction in revenue?

No. Treasury is disallowing the use of projections to ensure consistency and comparability across recipients and to streamline verification. However, in estimating the revenue shortfall using the formula above, recipients may incorporate their average annual revenue growth rate in the three full fiscal years prior to the public health emergency.

3.8. Once a recipient has identified a reduction in revenue, are there any restrictions on how recipients use funds up to the amount of the reduction?

The Interim Final Rule gives recipients broad latitude to use funds for the provision of government services to the extent of reduction in revenue. Government services can include, but are not limited to, maintenance of infrastructure or pay-go spending for building new infrastructure, including roads; modernization of cybersecurity, including hardware, software, and protection of critical infrastructure; health services; environmental remediation; school or educational services; and the provision of police, fire, and other public safety services.

However, paying interest or principal on outstanding debt, replenishing rainy day or other reserve funds, or paying settlements or judgments would not be considered provision of a government service, since these uses of funds do not entail direct provision of services to citizens. This restriction on paying interest or principal on any outstanding debt instrument, includes, for example, short-term revenue or tax anticipation notes, or paying fees or issuance costs associated with the issuance of new debt. In addition, the overarching restrictions on all program funds (e.g., restriction on pension deposits, restriction on using funds for non-federal match where barred by regulation or statute) would apply.

3.9. How do I know if a certain type of revenue should be counted for the purpose of computing revenue loss? [5/27]

As discussed in FAQ #3.1, the Interim Final Rule adopts a definition of “General Revenue” that is based on, but not identical, to the Census Bureau’s concept of “General Revenue from Own Sources” in the Annual Survey of State and Local Government Finances.

Recipients should refer to the definition of “General Revenue” included in the Interim Final Rule. See 31 CFR 35.3. If a recipient is unsure whether a particular revenue source is included in the Interim Final Rule’s definition of “General Revenue,” the recipient may consider the classification and instructions used to complete the Census Bureau’s Annual Survey.

For example, parking fees would be classified as a Current Charge for the purpose of the Census Bureau’s Annual Survey, and the Interim Final Rule’s concept of “General Revenue” includes all Current Charges. Therefore, parking fees would be included in the Interim Final Rule’s concept of “General Revenue.”

The Census Bureau’s Government Finance and Employment Classification manual is available [here](#).

3.10. In calculating revenue loss, are recipients required to use audited financials? [6/8]

Where audited data is not available, recipients are not required to obtain audited data. Treasury expects all information submitted to be complete and accurate. See 31 CFR 35.4(c).

3.11. In calculating revenue loss, should recipients use their own data, or Census data? [6/8]

Recipients should use their own data sources to calculate general revenue, and do not need to rely on published revenue data from the Census Bureau. Treasury acknowledges that due to differences in timing, data sources, and definitions, recipients’ self-reported general revenue figures may differ somewhat from those published by the Census Bureau.

3.12. Should recipients calculate revenue loss on a cash basis or an accrual basis? [6/8]

Recipients may provide data on a cash, accrual, or modified accrual basis, provided that recipients are consistent in their choice of methodology throughout the covered period and until reporting is no longer required.

3.13. In identifying intergovernmental revenue for the purpose of calculating General Revenue, should recipients exclude all federal funding, or just federal funding related to the COVID-19 response? How should local governments treat federal funds that are passed through states or other entities, or federal funds that are intermingled with other funds? [6/23]

In calculating General Revenue, recipients should exclude all intergovernmental transfers from the federal government. This includes, but is not limited to, federal transfers made via a state to a locality pursuant to the Coronavirus Relief Fund or Fiscal Recovery Funds. To the extent federal funds are passed through states or other entities or intermingled with other funds, recipients should attempt to identify and exclude the

federal portion of those funds from the calculation of General Revenue on a best-efforts basis.

3.14. What entities constitute a government for the purpose of calculating revenue loss? [7/14]

In determining whether a particular entity is part of a recipient's government for purposes of measuring a recipient's government revenue, recipients should identify all the entities included in their government and the general revenue attributable to these entities on a best-efforts basis. Recipients are encouraged to consider how their administrative structure is organized under state and local statutes. In cases in which the autonomy of certain authorities, commissions, boards, districts, or other entities is not readily distinguishable from the recipient's government, recipients may adopt the Census Bureau's criteria for judging whether an entity is independent from, or a constituent of, a given government. For an entity to be independent, it generally meets all four of the following conditions:

- The entity is an organized entity and possesses corporate powers, such as perpetual succession, the right to sue and be sued, having a name, the ability to make contracts, and the ability to acquire and dispose of property.
- The entity has governmental character, meaning that it provides public services, or wields authority through a popularly elected governing body or officers appointed by public officials. A high degree of responsibility to the public, demonstrated by public reporting requirements or by accessibility of records for public inspection, also evidences governmental character.
- The entity has substantial fiscal independence, meaning it can determine its budget without review and modification by other governments. For instance, the entity can determine its own taxes, charges, and debt issuance without another government's supervision.
- The entity has substantial administrative independence, meaning it has a popularly elected governing body, or has a governing body representing two or more governments, or, in the event its governing body is appointed by another government, the entity performs functions that are essentially different from those of, and are not subject to specification by, its creating government.

If an entity does not meet all four of these conditions, a recipient may classify the entity as part of the recipient's government and assign the portion of General Revenue that corresponds to the entity.

To further assist recipients in applying the forgoing criteria, recipients may refer to the Census Bureau's [*Individual State Descriptions: 2017 Census of Governments*](#) publication, which lists specific entities and classes of entities classified as either independent (defined by Census as "special purpose governments") or constituent (defined by Census as "dependent agencies") on a state-by-state basis. Recipients should note that the Census Bureau's lists are not exhaustive and that Census classifications are based on an analysis of state and local statutes as of 2017 and subject to the Census Bureau's judgement. Though not included in the Census Bureau's publication, state

colleges and universities are generally classified as dependent agencies of state governments by the Census Bureau.

If an entity is determined to be part of the recipient's government, the recipient must also determine whether the entity's revenue is covered by the Interim Final Rule's definition of "general revenue." For example, some cash flows may be outside the definition of "general revenue." In addition, note that the definition of general revenue includes Tribal enterprises in the case of Tribal governments. Refer to FAQ 3.1 (and the Appendix) for the components included in General Revenue.

3.15. The Interim Final Rule's definition of General Revenue excludes revenue generated by utilities. Can you please clarify the definition of utility revenue? [7/14]

As noted in FAQs 3.1 and 3.9, the Interim Final Rule adopts a definition of "general revenue" that is based on, but not identical to, the Census Bureau's concept of "General Revenue from Own Sources" in the Annual Survey of State and Local Government Finances. Recipients should refer to the definition of "general revenue" included in the Interim Final Rule. See 31 CFR 35.3. If a recipient is unsure whether a particular revenue source is included in the Interim Final Rule's definition of "general revenue," the recipient may consider the classification and instructions used to complete the Census Bureau's Annual Survey.

According to the Census Bureau's [Government Finance and Employment Classification manual](#), utility revenue is defined as "[g]ross receipts from sale of utility commodities or services to the public or other governments by publicly-owned and controlled utilities." This includes revenue from operations of publicly-owned and controlled water supply systems, electric power systems, gas supply systems, and public mass transit systems (see pages 4-45 and 4-46 of the manual for more detail).

Except for these four types of utilities, revenues from all commercial-type activities of a recipient's government (e.g., airports, educational institutions, lotteries, public hospitals, public housing, parking facilities, port facilities, sewer or solid waste systems, and toll roads and bridges) are covered by the Interim Final Rule's definition of "general revenue." If a recipient is unsure whether a particular entity performing one of these commercial-type activities can be considered part of the recipient's government, please see FAQ 3.14.

4. Eligible Uses – General

4.1. May recipients use funds to replenish a budget stabilization fund, rainy day fund, or similar reserve account?

No. Funds made available to respond to the public health emergency and its negative economic impacts are intended to help meet pandemic response needs and provide immediate stabilization for households and businesses. Contributions to rainy day funds

and similar reserves funds would not address these needs or respond to the COVID-19 public health emergency, but would rather be savings for future spending needs. Similarly, funds made available for the provision of governmental services (to the extent of reduction in revenue) are intended to support direct provision of services to citizens. Contributions to rainy day funds are not considered provision of government services, since such expenses do not directly relate to the provision of government services.

4.2. May recipients use funds to invest in infrastructure other than water, sewer, and broadband projects (e.g. roads, public facilities)?

Under 602(c)(1)(C) or 603(c)(1)(C), recipients may use funds for maintenance of infrastructure or pay-go spending for building of new infrastructure as part of the general provision of government services, to the extent of the estimated reduction in revenue due to the public health emergency.

Under 602(c)(1)(A) or 603(c)(1)(A), a general infrastructure project typically would not be considered a response to the public health emergency and its negative economic impacts unless the project responds to a specific pandemic-related public health need (e.g., investments in facilities for the delivery of vaccines) or a specific negative economic impact of the pandemic (e.g., affordable housing in a Qualified Census Tract).

4.3. May recipients use funds to pay interest or principal on outstanding debt?

No. Expenses related to financing, including servicing or redeeming notes, would not address the needs of pandemic response or its negative economic impacts. Such expenses would also not be considered provision of government services, as these financing expenses do not directly provide services or aid to citizens.

This applies to paying interest or principal on any outstanding debt instrument, including, for example, short-term revenue or tax anticipation notes, or paying fees or issuance costs associated with the issuance of new debt.

4.4. May recipients use funds to satisfy nonfederal matching requirements under the Stafford Act? May recipients use funds to satisfy nonfederal matching requirements generally?

Fiscal Recovery Funds are subject to pre-existing limitations in other federal statutes and regulations and may not be used as non-federal match for other Federal programs whose statute or regulations bar the use of Federal funds to meet matching requirements. For example, expenses for the state share of Medicaid are not an eligible use. For information on FEMA programs, please [see here](#).

4.5. Are governments required to submit proposed expenditures to Treasury for approval? [5/27]

No. Recipients are not required to submit planned expenditures for prior approval by Treasury. Recipients are subject to the requirements and guidelines for eligible uses contained in the Interim Final Rule.

4.6. How do I know if a specific use is eligible? [5/27]

Fiscal Recovery Funds must be used in one of the four eligible use categories specified in the American Rescue Plan Act and implemented in the Interim Final Rule:

- a) To respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
- b) To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers;
- c) For the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency; and
- d) To make necessary investments in water, sewer, or broadband infrastructure.

Recipients should consult Section II of the Interim Final Rule for additional information on eligible uses. For recipients evaluating potential uses under (a), the Interim Final Rule contains a non-exclusive list of programs or services that may be funded as responding to COVID-19 or the negative economic impacts of the COVID-19 public health emergency, along with considerations for evaluating other potential uses of Fiscal Recovery Funds not explicitly listed. See Section II of the Interim Final Rule for additional discussion.

For recipients evaluating potential uses under (c), the Interim Final Rule gives recipients broad latitude to use funds for the provision of government services to the extent of reduction in revenue. See FAQ #3.8 for additional discussion.

For recipients evaluating potential uses under (b) and (d), see Sections 5 and 6.

4.7. Do restrictions on using Coronavirus State and Local Fiscal Recovery Funds to cover costs incurred beginning on March 3, 2021 apply to costs incurred by the recipient (e.g., a State, local, territorial, or Tribal government) or to costs incurred by households, businesses, and individuals benefiting from assistance provided using Coronavirus State and Local Fiscal Recovery Funds? [6/8]

The Interim Final Rule permits funds to be used to cover costs incurred beginning on March 3, 2021. This limitation applies to costs incurred by the recipient (i.e., the state, local, territorial, or Tribal government receiving funds). However, recipients may use Coronavirus State and Local Fiscal Recovery Funds to provide assistance to households, businesses, and individuals within the eligible use categories described in the Interim

Final Rule for economic harms experienced by those households, businesses, and individuals prior to March 3, 2021. For example,

- Public Health/Negative Economic Impacts – Recipients may use Coronavirus State and Local Fiscal Recovery Funds to provide assistance to households – such as rent, mortgage, or utility assistance – for economic harms experienced or costs incurred by the household prior to March 3, 2021 (e.g., rental arrears from preceding months), provided that the cost of providing assistance to the household was not incurred by the recipient prior to March 3, 2021.
- Premium Pay – Recipients may provide premium pay retrospectively for work performed at any time since the start of the COVID-19 public health emergency. Such premium pay must be “in addition to” wages and remuneration already received and the obligation to provide such pay must not have been incurred by the recipient prior to March 3, 2021.
- Revenue Loss – The Interim Final Rule gives recipients broad latitude to use funds for the provision of government services to the extent of reduction in revenue. The calculation of lost revenue begins with the recipient’s revenue in the last full fiscal year prior to the COVID-19 public health emergency and includes the 12-month period ending December 31, 2020. However, use of funds for government services must be forward looking for costs incurred by the recipient after March 3, 2021.
- Investments in Water, Sewer, and Broadband – Recipients may use Coronavirus State and Local Fiscal Recovery Funds to make necessary investments in water, sewer, and broadband. See FAQ Section 6. Recipients may use Coronavirus State and Local Fiscal Recovery Funds to cover costs incurred for eligible projects planned or started prior to March 3, 2021, provided that the project costs covered by the Coronavirus State and Local Fiscal Recovery Funds were incurred after March 3, 2021.

4.8. How can I use CSFRF/CLFRF funds to prevent and respond to crime, and support public safety in my community? [6/23]

Under Treasury’s Interim Final Rule, there are many ways in which the State and Local Fiscal Recovery Funds (“Funds”) under the American Rescue Plan Act can support communities working to reduce and respond to increased violence due to the pandemic. Among the eligible uses of the Funds are restoring of public sector staff to their pre-pandemic levels and responses to the public health crisis and negative economic impacts resulting from the pandemic. The Interim Final Rule provides several ways for recipients to “respond to” this pandemic-related gun violence, ranging from community violence intervention programs to mental health services to hiring of public safety personnel.

Below are some examples of how Fiscal Recovery Funds can be used to address public safety:

- In all communities, recipients may use resources to rehire police officers and other public servants to restore law enforcement and courts to their pre-pandemic levels.

Additionally, Funds can be used for expenses to address COVID-related court backlogs, including hiring above pre-pandemic levels, as a response to the public health emergency. See FAQ 2.19.

- In communities where an increase in violence or increased difficulty in accessing or providing services to respond to or mitigate the effects of violence, is a result of the pandemic they may use funds to address that harm. This spending may include:
 - Hiring law enforcement officials – even above pre-pandemic levels – or paying overtime where the funds are directly focused on advancing community policing strategies in those communities experiencing an increase in gun violence associated with the pandemic
 - Community Violence Intervention (CVI) programs, including capacity building efforts at CVI programs like funding and training additional intervention workers
 - Additional enforcement efforts to reduce gun violence exacerbated by the pandemic, including prosecuting gun traffickers, dealers, and other parties contributing to the supply of crime guns, as well as collaborative federal, state, and local efforts to identify and address gun trafficking channels
 - Investing in technology and equipment to allow law enforcement to more efficiently and effectively respond to the rise in gun violence resulting from the pandemic

As discussed in the Interim Final Rule, uses of CSFRF/CLFRF funds that respond to an identified harm must be related and reasonably proportional to the extent and type of harm experienced; uses that bear no relation or are grossly disproportionate to the type or extent of harm experienced would not be eligible uses.

- Recipients may also use funds up to the level of revenue loss for government services, including those outlined above.

Recognizing that the pandemic exacerbated mental health and substance use disorder needs in many communities, eligible public health services include mental health and other behavioral health services, which are a critical component of a holistic public safety approach. This could include:

- Mental health services and substance use disorder services, including for individuals experiencing trauma exacerbated by the pandemic, such as:
 - Community-based mental health and substance use disorder programs that deliver evidence-based psychotherapy, crisis support services, medications for opioid use disorder, and/or recovery support
 - School-based social-emotional support and other mental health services
- Referrals to trauma recovery services for crime victims.

Recipients also may use Funds to respond to the negative economic impacts of the public health emergency, including:

- Assistance programs to households or populations facing negative economic impacts of the public health emergency, including:

- Assistance to support economic security, including for the victims of crime;
 - Housing assistance, including rent, utilities, and relocation assistance;
 - Assistance with food, including Summer EBT and nutrition programs; and
 - Employment or job training services to address negative economic or public health impacts experienced due to a worker's occupation or level of training.
- Assistance to unemployed workers, including:
 - Subsidized jobs, including for young people. Summer youth employment programs directly address the negative economic impacts of the pandemic on young people and their families and communities;
 - Programs that provide paid training and/or work experience targeted primarily to (1) formerly incarcerated individuals, and/or (2) communities experiencing high levels of violence exacerbated by the pandemic;
 - Programs that provide workforce readiness training, apprenticeship or pre-apprenticeship opportunities, skills development, placement services, and/or coaching and mentoring; and
 - Associated wraparound services, including for housing, health care, and food.

Recognizing the disproportionate impact of the pandemic on certain communities, a broader range of services are eligible in those communities than would otherwise be available in communities not experiencing a pandemic-related increase in crime or gun violence. These eligible uses aim to address the pandemic's exacerbation of public health and economic disparities and include services to address health and educational disparities, support neighborhoods and affordable housing, and promote healthy childhood environments. The Interim Final Rule provides a non-exhaustive list of eligible services in these categories.

These services automatically qualify as eligible uses when provided in Qualified Census Tracts (QCTs), low-income areas designated by HUD; to families in QCTs; or by Tribal governments. Outside of these areas, recipient governments can also identify and serve households, populations, and geographic areas disproportionately impacted by the pandemic.

Services under this category could include:

- Programs or services that address or mitigate the impacts of the COVID-19 public health emergency on education, childhood health and welfare, including:
 - Summer education and enrichment programs in these communities, which include many communities currently struggling with high levels of violence;
 - Programs that address learning loss and keep students productively engaged;
 - Enhanced services for foster youths and home visiting programs; and
 - Summer camps and recreation.
- Programs or services that provide or facilitate access to health and social services and address health disparities exacerbated by the pandemic. This includes Community Violence Intervention (CVI) programs, such as:
 - Evidence-based practices like focused deterrence, street outreach, violence interrupters, and hospital-based violence intervention models, complete with

- wraparound services such as behavioral therapy, trauma recovery, job training, education, housing and relocation services, and financial assistance; and,
- Capacity-building efforts at CVI programs like funding more intervention workers; increasing their pay; providing training and professional development for intervention workers; and hiring and training workers to administer the programs.

Please refer to Treasury's Interim Final Rule for additional information.

4.9. May recipients pool funds for regional projects? [7/14]

Yes, provided that the project is itself an eligible use of funds and that recipients can track the use of funds in line with the reporting and compliance requirements of the CSFRF/CLFRF. In general, when pooling funds for regional projects, recipients may expend funds directly on the project or transfer funds to another government that is undertaking the project on behalf of multiple recipients. To the extent recipients undertake regional projects via transfer to another government, recipients would need to comply with the rules on transfers specified in the Interim Final Rule, Section V. A recipient may transfer funds to a government outside its boundaries (e.g., county transfers to a neighboring county), provided that the recipient can document that its jurisdiction receives a benefit proportionate to the amount contributed.

4.10. May recipients fund a project with both ARP funds and other sources of funding (e.g., blending, braiding, or other pairing funding sources), including in conjunction with financing provided through a debt issuance? [7/14]

Cost sharing or matching funds are not required under CSFRF/CLFRF. Funds may be used in conjunction with other funding sources, provided that the costs are eligible costs under each source program and are compliant with all other related statutory and regulatory requirements and policies. The recipient must comply with applicable reporting requirements for all sources of funds supporting the CSFRF/CLFRF projects, and with any requirements and restrictions on the use of funds from the supplemental funding sources and the CSFRF/CLFRF program. Specifically,

- All funds provided under the CSFRF/CLFRF program must be used for projects, investments, or services that are eligible under the CSFRF/CLFRF statute, Treasury's Interim Final Rule, and guidance. See 31 CFR 35.6-8; FAQ 4.6. CSFRF/CLFRF funds may not be used to fund an activity that is not, in its entirety, an eligible use under the CSFRF/CLFRF statute, Treasury's Interim Final Rule, and guidance. For example,
 - CSFRF/CLFRF funds may be used in conjunction with other sources of funds to make an investment in water infrastructure, which is eligible under the CSLFRF statute, and Treasury's Interim Final Rule.
 - CSFRF/CLFRF funds could not be used to fund the entirety of a water infrastructure project that was partially, although not entirely, an eligible use under Treasury's Interim Final Rule. However, the recipient could use CSFRF/CLFRF funds only for a smaller component project that does

constitute an eligible use, while using other funds for the remaining portions of the larger planned water infrastructure project that do not constitute an eligible use. In this case, the “project” under this program would be only the eligible use component of the larger project.

- In addition, because CSFRF/CLFRF funds must be obligated by December 31, 2024, and expended by December 31, 2026, recipients must be able to, at a minimum, determine and report to Treasury on the amount of CSFRF/CLFRF funds obligated and expended and when such funds were obligated and expended.

**4.11. May Coronavirus State and Local Fiscal Recovery Funds be used to make loans or other extensions of credit (“loans”), including loans to small businesses and loans to finance necessary investments in water, sewer, and broadband infrastructure?
[7/14]**

Yes. Coronavirus State and Local Fiscal Recovery Funds (“Funds”) may be used to make loans, provided that the loan is an eligible use and the cost of the loan is tracked and reported in accordance with the points below. See 31 CFR 35.6. For example, a recipient may use Coronavirus State and Local Fiscal Recovery Funds to make loans to small businesses. See 31 CFR 35.6(b)(6). In addition, a recipient may use Funds to finance a necessary investment in water, sewer or broadband, as described in the Interim Final Rule. See 31 CFR 35.6(e).

Funds must be used to cover “costs incurred” by the recipient between March 3, 2021, and December 31, 2024, and Funds must be expended by December 31, 2026. See Section III.D of the Interim Final Rule; 31 CFR 35.5. Accordingly, recipients must be able to determine the amount of Funds used to make a loan.

- For loans that mature or are forgiven on or before December 31, 2026, the recipient must account for the use of funds on a cash flow basis, consistent with the approach to loans taken in the Coronavirus Relief Fund.
 - Recipients may use Fiscal Recovery Funds to fund the principal of the loan and in that case must track repayment of principal and interest (i.e., “program income,” as defined under 2 CFR 200).
 - When the loan is made, recipients must report the principal of the loan as an expense.
 - Repayment of principal may be re-used only for eligible uses, and subject to restrictions on timing of use of funds. Interest payments received prior to the end of the period of performance will be considered an addition to the total award and may be used for any purpose that is an eligible use of funds under the statute and IFR. Recipients are not subject to restrictions under 2 CFR 200.307(e)(1) with respect to such payments.
- For loans with maturities longer than December 31, 2026, the recipient may use Fiscal Recovery Funds for only the projected cost of the loan. Recipients may estimate the subsidy cost of the loan, which equals the expected cash flows associated

with the loan discounted at the recipient's cost of funding. A recipient's cost of funding can be determined based on the interest rates of securities with a similar maturity to the cash flow being discounted that were either (i) recently issued by the recipient or (ii) recently issued by a unit of state, local, or Tribal government similar to the recipient. Recipients that have adopted the Current Expected Credit Loss (CECL) standard may also treat the cost of the loan as equal to the CECL-based expected credit losses over the life of the loan. Recipients may measure projected losses either once, at the time the loan is extended, or annually over the covered period.

Under either approach for measuring the amount of funds used to make loans with maturities longer than December 31, 2026, recipients would not be subject to restrictions under 2 CFR 200.307(e)(1) and need not separately track repayment of principal or interest.

Any contribution of Fiscal Recovery Funds to a revolving loan fund must follow the approach described above for loans with maturities longer than December 31, 2026. In other words, a recipient could contribute Fiscal Recovery Funds to a revolving loan fund, provided that the revolving loan fund makes loans that are eligible uses and the Fiscal Recovery Funds contributed represent the projected cost of loans made over the life of the revolving loan fund.

4.12. May funds be used for outreach to increase uptake of federal assistance like the Child Tax Credit or federal programs like SNAP? [7/14]

Yes. Eligible uses to address negative economic impacts include work “to improve efficacy of programs addressing negative economic impacts, including through use of data analysis, targeted consumer outreach, improvements to data or technology infrastructure, and impact evaluations.” See 31 CFR 35.6(b)(10). Of note, per the CSFRF/CLFRF [Reporting Guidance](#), allowable use of funds for evaluations may also include other types of program evaluations focused on program improvement and evidence building. In addition, recipients may use funds to facilitate access to health and social services in populations and communities disproportionately impacted by the COVID-19 pandemic, including benefits navigators or marketing efforts to increase consumer uptake of federal tax credits, benefits, or assistance programs that respond to negative economic impacts of the pandemic. See 31 CFR 35.6(b)(12).

5. Eligible Uses – Premium Pay

5.1. What criteria should recipients use in identifying essential workers to receive premium pay?

Essential workers are those in critical infrastructure sectors who regularly perform in-person work, interact with others at work, or physically handle items handled by others.

Critical infrastructure sectors include healthcare, education and childcare, transportation, sanitation, grocery and food production, and public health and safety, among others, as provided in the Interim Final Rule. Governments receiving Fiscal Recovery Funds have the discretion to add additional sectors to this list, so long as the sectors are considered critical to protect the health and well-being of residents.

The Interim Final Rule emphasizes the need for recipients to prioritize premium pay for lower income workers. Premium pay that would increase a worker's total pay above 150% of the greater of the state or county average annual wage requires specific justification for how it responds to the needs of these workers.

5.2. What criteria should recipients use in identifying third-party employers to receive grants for the purpose of providing premium pay to essential workers?

Any third-party employers of essential workers are eligible. Third-party contractors who employ essential workers in eligible sectors are also eligible for grants to provide premium pay. Selection of third-party employers and contractors who receive grants is at the discretion of recipients.

To ensure any grants respond to the needs of essential workers and are made in a fair and transparent manner, the rule imposes some additional reporting requirements for grants to third-party employers, including the public disclosure of grants provided.

5.3. May recipients provide premium pay retroactively for work already performed?

Yes. Treasury encourages recipients to consider providing premium pay retroactively for work performed during the pandemic, recognizing that many essential workers have not yet received additional compensation for their service during the pandemic.

6. Eligible Uses – Water, Sewer, and Broadband Infrastructure

6.1. What types of water and sewer projects are eligible uses of funds?

The Interim Final Rule generally aligns eligible uses of the Funds with the wide range of types or categories of projects that would be eligible to receive financial assistance through the Environmental Protection Agency's Clean Water State Revolving Fund (CWSRF) or Drinking Water State Revolving Fund (DWSRF).

Under the DWSRF, categories of [eligible projects](#) include: treatment, transmission and distribution (including lead service line replacement), source rehabilitation and decontamination, storage, consolidation, and new systems development.

Under the CWSRF, categories of [eligible projects](#) include: construction of publicly-owned treatment works, nonpoint source pollution management, national estuary program projects, decentralized wastewater treatment systems, stormwater systems, water

conservation, efficiency, and reuse measures, watershed pilot projects, energy efficiency measures for publicly-owned treatment works, water reuse projects, security measures at publicly-owned treatment works, and technical assistance to ensure compliance with the Clean Water Act.

As mentioned in the Interim Final Rule, eligible projects under the DWSRF and CWSRF support efforts to address climate change, as well as to meet cybersecurity needs to protect water and sewer infrastructure. Given the lifelong impacts of lead exposure for children, and the widespread nature of lead service lines, Treasury also encourages recipients to consider projects to replace lead service lines.

6.2. May construction on eligible water, sewer, or broadband infrastructure projects continue past December 31, 2024, assuming funds have been obligated prior to that date?

Yes. Treasury is interpreting the requirement that costs be incurred by December 31, 2024 to only require that recipients have obligated the funds by such date. The period of performance will run until December 31, 2026, which will provide recipients a reasonable amount of time to complete projects funded with Fiscal Recovery Funds.

6.3. May recipients use funds as a non-federal match for the Clean Water State Revolving Fund (CWSRF) or Drinking Water State Revolving Fund (DWSRF)?

Recipients may not use funds as a state match for the CWSRF and DWSRF due to prohibitions in utilizing federal funds as a state match in the authorizing statutes and regulations of the CWSRF and DWSRF.

6.4. Does the National Environmental Policy Act (NEPA) apply to eligible infrastructure projects?

NEPA does not apply to Treasury's administration of the Funds. Projects supported with payments from the Funds may still be subject to NEPA review if they are also funded by other federal financial assistance programs.

6.5. What types of broadband projects are eligible?

The Interim Final Rule requires eligible projects to reliably deliver minimum speeds of 100 Mbps download and 100 Mbps upload. In cases where it is impracticable due to geography, topography, or financial cost to meet those standards, projects must reliably deliver at least 100 Mbps download speed, at least 20 Mbps upload speed, and be scalable to a minimum of 100 Mbps download speed and 100 Mbps upload speed.

Projects must also be designed to serve unserved or underserved households and businesses, defined as those that are not currently served by a wireline connection that reliably delivers at least 25 Mbps download speed and 3 Mbps of upload speed.

6.6. For broadband investments, may recipients use funds for related programs such as cybersecurity or digital literacy training?

Yes. Recipients may use funds to provide assistance to households facing negative economic impacts due to Covid-19, including digital literacy training and other programs that promote access to the Internet. Recipients may also use funds for modernization of cybersecurity, including hardware, software, and protection of critical infrastructure, as part of provision of government services up to the amount of revenue lost due to the public health emergency.

6.7. How do I know if a water, sewer, or broadband project is an eligible use of funds? Do I need pre-approval? [6/8]

Recipients do not need approval from Treasury to determine whether an investment in a water, sewer, or broadband project is eligible under CSFRF/CLFRF. Each recipient should review the Interim Final Rule (IFR), along with the preamble to the Interim Final Rule, in order to make its own assessment of whether its intended project meets the eligibility criteria in the IFR. A recipient that makes its own determination that a project meets the eligibility criteria as outlined in the IFR may pursue the project as a CSFRF/CLFRF project without pre-approval from Treasury. Local government recipients similarly do not need state approval to determine that a project is eligible under CSFRF/CLFRF. However, recipients should be cognizant of other federal or state laws or regulations that may apply to construction projects independent of CSFRF/CLFRF funding conditions and that may require pre-approval.

For water and sewer projects, the IFR refers to the EPA [Drinking Water](#) and [Clean Water](#) State Revolving Funds (SRFs) for the categories of projects and activities that are eligible for funding. Recipients should look at the relevant federal statutes, regulations, and guidance issued by the EPA to determine whether a water or sewer project is eligible. Of note, the IFR does not incorporate any other requirements contained in the federal statutes governing the SRFs or any conditions or requirements that individual states may place on their use of SRFs.

6.8. For broadband infrastructure investments, what does the requirement that infrastructure “be designed to” provide service to unserved or underserved households and businesses mean? [6/17]

Designing infrastructure investments to provide service to unserved or underserved households or businesses means prioritizing deployment of infrastructure that will bring service to households or businesses that are not currently serviced by a wireline connection that reliably delivers at least 25 Mbps download speed and 3 Mbps of upload speed. To meet this requirement, states and localities should use funds to deploy broadband infrastructure projects whose objective is to provide service to unserved or underserved households or businesses. These unserved or underserved households or businesses do not need to be the only ones in the service area funded by the project.

6.9. For broadband infrastructure to provide service to “unserved or underserved households or businesses,” must every house or business in the service area be unserved or underserved? [6/17]

No. It suffices that an objective of the project is to provide service to unserved or underserved households or businesses. Doing so may involve a holistic approach that provides service to a wider area in order, for example, to make the ongoing service of unserved or underserved households or businesses within the service area economical. Unserved or underserved households or businesses need not be the *only* households or businesses in the service area receiving funds.

6.10. May recipients use payments from the Funds for “middle mile” broadband projects? [6/17]

Yes. Under the Interim Final Rule, recipients may use payments from the Funds for “middle-mile projects,” but Treasury encourages recipients to focus on projects that will achieve last-mile connections—whether by focusing on funding last-mile projects or by ensuring that funded middle-mile projects have potential or partnered last-mile networks that could or would leverage the middle-mile network.

6.11. For broadband infrastructure investments, what does the requirement to “reliably” meet or exceed a broadband speed threshold mean? [6/17]

In the Interim Final Rule, the term “reliably” is used in two places: to identify areas that are eligible to be the subject of broadband infrastructure investments and to identify expectations for acceptable service levels for broadband investments funded by the Coronavirus State and Local Fiscal Recovery Funds. In particular:

- The IFR defines “unserved or underserved households or businesses” to mean one or more households or businesses that are not currently served by a wireline connection that reliably delivers at least 25 Mbps download speeds and 3 Mbps of upload speeds.
- The IFR provides that a recipient may use Coronavirus State and Local Fiscal Recovery Funds to make investments in broadband infrastructure that are designed to provide service to unserved or underserved households or businesses and that are designed to, upon completion: (i) reliably meet or exceed symmetrical 100 Mbps download speed and upload speeds; or (ii) in limited cases, reliably meet or exceed 100 Mbps download speed and between 20 Mbps and 100 Mbps upload speed and be scalable to a minimum of 100 Mbps download and upload speeds.

The use of “reliably” in the IFR provides recipients with significant discretion to assess whether the households and businesses in the area to be served by a project have access to wireline broadband service that can actually and consistently meet the specified thresholds of at least 25Mbps/3Mbps—i.e., to consider the actual experience of current

wireline broadband customers that subscribe to services at or above the 25 Mbps/3 Mbps threshold. Whether there is a provider serving the area that advertises or otherwise claims to offer speeds that meet the 25 Mbps download and 3 Mbps upload speed thresholds is not dispositive.

When making these assessments, recipients may choose to consider any available data, including but not limited to documentation of existing service performance, federal and/or state-collected broadband data, user speed test results, interviews with residents and business owners, and any other information they deem relevant. In evaluating such data, recipients may take into account a variety of factors, including whether users actually receive service at or above the speed thresholds at all hours of the day, whether factors other than speed such as latency or jitter, or deterioration of the existing connections make the user experience unreliable, and whether the existing service is being delivered by legacy technologies, such as copper telephone lines (typically using Digital Subscriber Line technology) or early versions of cable system technology (DOCSIS 2.0 or earlier).

The IFR also provides recipients with significant discretion as to how they will assess whether the project itself has been designed to provide households and businesses with broadband services that meet, or even exceed, the speed thresholds provided in the rule.

6.12. May recipients use Funds for pre-project development for eligible water, sewer, and broadband projects? [6/23]

Yes. To determine whether Funds can be used on pre-project development for an eligible water or sewer project, recipients should consult whether the pre-project development use or cost is eligible under the Drinking Water and Clean Water State Revolving Funds (CWSRF and DWSRF, respectively). Generally, the CWSRF and DWSRF often allow for pre-project development costs that are tied to an eligible project, as well as those that are reasonably expected to lead to a project. For example, the DWSRF [allows](#) for planning and evaluations uses, as well as numerous pre-project development costs, including costs associated with obtaining project authorization, planning and design, and project start-up like training and warranty for equipment. Likewise, the CWSRF [allows](#) for broad pre-project development, including planning and assessment activities, such as cost and effectiveness analyses, water/energy audits and conservation plans, and capital improvement plans.

Similarly, pre-project development uses and costs for broadband projects should be tied to an eligible broadband project or reasonably expected to lead to such a project. For example, pre-project costs associated with planning and engineering for an eligible broadband infrastructure build-out is considered an eligible use of funds, as well as technical assistance and evaluations that would reasonably be expected to lead to commencement of an eligible project (e.g., broadband mapping for the purposes of finding an eligible area for investment).

All funds must be obligated within the statutory period between March 3, 2021 and December 31, 2024, and expended to cover such obligations by December 31, 2026.

6.13. May State and Local Fiscal Recovery Funds be used to support energy or electrification infrastructure that would be used to power new water treatment plants and wastewater systems? [7/14]

The EPA's [Overview of Clean Water State Revolving Fund Eligibilities](#) describes eligible energy-related projects. This includes a “[p]ro rata share of capital costs of offsite clean energy facilities that provide power to a treatment works.” Thus, State and Local Fiscal Recovery Funds may be used to finance the generation and delivery of clean power to a wastewater system or a water treatment plant on a pro-rata basis. If the wastewater system or water treatment plant is the sole user of the clean energy, the full cost would be considered an eligible use of funds. If the clean energy provider provides power to other entities, only the proportionate share used by the water treatment plant or wastewater system would be an eligible use of State and Local Fiscal Recovery Funds.

6.14. How should states and local governments assess whether a stormwater management project, such as a culvert replacement, is an eligible project for State and Local Fiscal Recovery Funds? [7/14]

FAQ 6.7 describes the overall approach that recipients may take to evaluate the eligibility of water or sewer projects. For stormwater management projects specifically, as noted in the EPA's [Overview of Clean Water State Revolving Fund Eligibilities](#), “Stormwater projects must have a water quality benefit.” Thus, to be eligible under CSFRF/CLFRF, stormwater management projects should be designed to incorporate water quality benefits consistent with the goals of the Clean Water Act. [Summary of the Clean Water Act.](#)

6.15. May recipients use Funds for road repairs and upgrades that occur in connection with an eligible water or sewer project? [7/14]

Yes, recipients may use State and Local Fiscal Recovery Funds for road repairs and upgrades directly related to an eligible water or sewer project. For example, a recipient could use Funds to repair or re-pave a road following eligible sewer repair work beneath it. However, use of Funds for general infrastructure projects is subject to the limitations described in FAQ 4.2. Water and sewer infrastructure projects are often a single component of a broader transportation infrastructure project, for example, the implementation of stormwater infrastructure to meet Clean Water Act established water quality standards. In this example, the components of the infrastructure project that interact directly with the stormwater infrastructure project may be funded by Fiscal Recovery Funds.

6.16. May Funds be used to build or upgrade broadband connections to schools or libraries? [7/14]

As outlined in the IFR, recipients may use Fiscal Recovery Funds to invest in broadband infrastructure that, wherever it is practicable to do so, is designed to deliver service that reliably meets or exceeds symmetrical upload and download speeds of 100 Mbps to households or businesses that are not currently serviced by a wireline connection that reliably delivers at least 25 Mbps download speed and 3 Mbps of upload speed. Treasury interprets “businesses” in this context broadly to include non-residential users of broadband, including private businesses and institutions that serve the public, such as schools, libraries, healthcare facilities, and public safety organizations.

6.17. Are eligible infrastructure projects subject to the Davis-Bacon Act? [7/14]

The Davis-Bacon Act requirements (prevailing wage rates) do not apply to projects funded solely with award funds from the CSFRF/CLFRF program, except for CSFRF/CLFRF-funded construction projects undertaken by the District of Columbia. The Davis-Bacon Act specifically applies to the District of Columbia when it uses federal funds (CSFRF/CLFRF funds or otherwise) to enter into contracts over \$2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works. Recipients may be otherwise subject to the requirements of the Davis-Bacon Act, when CSFRF/CLFRF award funds are used on a construction project in conjunction with funds from another federal program that requires enforcement of the Davis-Bacon Act. Additionally, corollary state prevailing-wage-in-construction laws (commonly known as “baby Davis-Bacon Acts”) may apply to projects. Please refer to FAQ 4.10 concerning projects funded with both CSFRF/CLFRF funds and other sources of funding.

Treasury has indicated in its Interim Final Rule that it is important that necessary investments in water, sewer, or broadband infrastructure be carried out in ways that produce high-quality infrastructure, avert disruptive and costly delays, and promote efficiency. Treasury encourages recipients to ensure that water, sewer, and broadband projects use strong labor standards, including project labor agreements and community benefits agreements that offer wages at or above the prevailing rate and include local hire provisions, not only to promote effective and efficient delivery of high-quality infrastructure projects, but also to support the economic recovery through strong employment opportunities for workers. Using these practices in construction projects may help to ensure a reliable supply of skilled labor that would minimize disruptions, such as those associated with labor disputes or workplace injuries.

Treasury has also indicated in its reporting guidance that recipients will need to provide documentation of wages and labor standards for infrastructure projects over \$10 million, and that these requirements can be met with certifications that the project is in compliance with the Davis-Bacon Act (or related state laws, commonly known as “baby Davis-Bacon Acts”) and subject to a project labor agreement. Please refer to the Reporting and Compliance Guidance, page 21, for more detailed information on the reporting requirement.

7. Non-Entitlement Units (NEUs)

Answers to frequently asked questions on distribution of funds to NEUs can be found in this [FAQ supplement](#), which is regularly updated.

8. Ineligible Uses

8.1. What is meant by a pension “deposit”? Can governments use funds for routine pension contributions for employees whose payroll and covered benefits are eligible expenses?

Treasury interprets “deposit” in this context to refer to an extraordinary payment into a pension fund for the purpose of reducing an accrued, unfunded liability. More specifically, the interim final rule does not permit this assistance to be used to make a payment into a pension fund if both: (1) the payment reduces a liability incurred prior to the start of the COVID-19 public health emergency, and (2) the payment occurs outside the recipient’s regular timing for making such payments.

Under this interpretation, a “deposit” is distinct from a “payroll contribution,” which occurs when employers make payments into pension funds on regular intervals, with contribution amounts based on a pre-determined percentage of employees’ wages and salaries. In general, if an employee’s wages and salaries are an eligible use of Fiscal Recovery Funds, recipients may treat the employee’s covered benefits as an eligible use of Fiscal Recovery Funds.

8.2. May recipients use Fiscal Recovery Funds to fund Other Post-Employment Benefits (OPEB)? [6/8]

OPEB refers to benefits other than pensions (see, e.g., [Governmental Accounting Standards Board, “Other Post-Employment Benefits”](#)). Treasury has determined that Sections 602(c)(2)(B) and 603(c)(2), which refer only to pensions, do not prohibit CSFRF/CLFRF recipients from funding OPEB. Recipients of either the CSFRF/CLFRF may use funds for eligible uses, and a recipient seeking to use CSFRF/CLFRF funds for OPEB contributions would need to justify those contributions under one of the four eligible use categories.

9. Reporting

On June 17, 2021, Treasury released [Guidance on Recipient Compliance and Reporting Responsibilities for the Coronavirus State and Local Fiscal Recovery Funds](#). Recipients should consult this guidance for additional detail and clarification on recipients’ compliance and reporting responsibilities. A users’ guide will be provided with additional information on how and where to submit required reports.

9.1. What records must be kept by governments receiving funds?

Financial records and supporting documents related to the award must be retained for a period of five years after all funds have been expended or returned to Treasury, whichever is later. This includes those which demonstrate the award funds were used for eligible purposes in accordance with the ARPA, Treasury's regulations implementing those sections, and Treasury's guidance on eligible uses of funds.

9.2. What reporting will be required, and when will the first report be due?

Recipients will be required to submit an interim report, quarterly project and expenditure reports, and annual Recovery Plan Performance Reports as specified below, regarding their utilization of Coronavirus State and Local Fiscal Recovery Funds.

Interim reports: States (defined to include the District of Columbia), territories, metropolitan cities, counties, and Tribal governments will be required to submit one interim report. The interim report will include a recipient's expenditures by category at the summary level and for states, information related to distributions to non-entitlement units of local government must also be included in the interim report. The interim report will cover activity from the date of award to July 31, 2021 and must be submitted to Treasury by August 31, 2021. Non-entitlement units of local government are not required to submit an interim report.

Quarterly Project and Expenditure reports: State (defined to include the District of Columbia), territorial, metropolitan city, county, and Tribal governments will be required to submit quarterly project and expenditure reports. This report will include financial data, information on contracts and subawards over \$50,000, types of projects funded, and other information regarding a recipient's utilization of award funds. Reports will be required quarterly with the exception of non-entitlement units, which will report annually. An interim report is due on August 31, 2021. The reports will include the same general data as those submitted by recipients of the Coronavirus Relief Fund, with some modifications to expenditure categories and the addition of data elements related to specific eligible uses. The initial quarterly Project and Expenditure report will cover two calendar quarters from the date of award to September 30, 2021 and must be submitted to Treasury by October 31, 2021. The subsequent quarterly reports will cover one calendar quarter and must be submitted to Treasury within 30 days after the end of each calendar quarter.

Non-entitlement units of local government will be required to submit the project and expenditure report annually. The initial annual Project and Expenditure report for non-entitlement units of local government will cover activity from the date of award to September 30, 2021 and must be submitted to Treasury by October 31, 2021. The subsequent annual reports must be submitted to Treasury by October 31 each year.

Recovery Plan Performance Reports: States (defined to include the District of Columbia), territories, metropolitan cities, and counties with a population that exceeds 250,000

residents will also be required to submit an annual Recovery Plan Performance Report to Treasury. This report will include descriptions of the projects funded and information on the performance indicators and objectives of each award, helping local residents understand how their governments are using the substantial resources provided by Coronavirus State and Local Fiscal Recovery Funds program. The initial Recovery Plan Performance Report will cover activity from date of award to July 31, 2021 and must be submitted to Treasury by August 31, 2021. Thereafter, the Recovery Plan Performance Reports will cover a 12-month period and recipients will be required to submit the report to Treasury within 30 days after the end of the 12-month period. The second Recovery Plan Performance Report will cover the period from July 1, 2021 to June 30, 2022 and must be submitted to Treasury by July 31, 2022. Each annual Recovery Plan Performance Report must be posted on the public-facing website of the recipient. Local governments with fewer than 250,000 residents, Tribal governments, and non-entitlement units of local government are not required to develop a Recovery Plan Performance Report.

Please see the [Guidance on Recipient Compliance and Reporting Responsibilities](#) for more information.

9.3. What provisions of the Uniform Guidance for grants apply to these funds? Will the Single Audit requirements apply?

Most of the provisions of the Uniform Guidance (2 CFR Part 200) apply to this program, including the Cost Principles and Single Audit Act requirements. Recipients should refer to the Assistance Listing for detail on the specific provisions of the Uniform Guidance that do not apply to this program. The Assistance Listing will be available on beta.SAM.gov.

9.4. Once a recipient has identified a reduction in revenue, how will Treasury track use of funds for the provision of government services? [6/8]

The ARPA establishes four categories of eligible uses and further restrictions on the use of funds to ensure that Fiscal Recovery Funds are used within the four eligible use categories. The Interim Final Rule implements these restrictions, including the scope of the eligible use categories and further restrictions on tax cuts and deposits into pensions. Reporting requirements will align with this structure.

Consistent with the broad latitude provided to recipients to use funds for government services to the extent of the reduction in revenue, recipients will be required to submit a description of services provided. As discussed in IFR, these services can include a broad range of services but may not be used directly for pension deposits, contributions to reserve funds, or debt service. Recipients may use sources of funding other than Fiscal Recovery Funds to make deposits to pension funds, contribute to reserve funds, and pay debt service, including during the period of performance for the Fiscal Recovery Fund award.

For recipients using Fiscal Recovery Funds to provide government services to the extent of reduction in revenue, the description of government services reported to Treasury may be narrative or in another form, and recipients are encouraged to report based on their existing budget processes and to minimize administrative burden. For example, a recipient with \$100 in revenue replacement funds available could indicate that \$50 were used for personnel costs and \$50 were used for pay-go building of sidewalk infrastructure.

In addition to describing the government services provided to the extent of reduction in revenue, all recipients will also be required to indicate that Fiscal Recovery Funds are not used directly to make a deposit in a pension fund. Further, recipients subject to the tax offset provision will be required to provide information necessary to implement the Interim Final Rule, as described in the Interim Final Rule. Treasury does not anticipate requiring other types of reporting or recordkeeping on spending in pensions, debt service, or contributions to reserve funds.

These requirements are further detailed in the guidance on reporting requirements for the Fiscal Recovery Funds available [here](#).

9.5. What is the Assistance Listing and Catalog of Federal Domestic Assistance (CFDA) number for the program? [6/8]

The [Assistance Listing](#) for the Coronavirus State and Local Fiscal Recovery Funds (CSLFRF) was published May 28, 2021 on SAM.gov. This includes the final CFDA Number for the program, 21.027.

The assistance listing includes helpful information including program purpose, statutory authority, eligibility requirements, and compliance requirements for recipients. The CFDA number is the unique 5-digit code for each type of federal assistance, and can be used to search for program information, including funding opportunities, spending on [usaspending.gov](#), or audit results through the Federal Audit Clearinghouse.

To expedite payments and meet statutory timelines, Treasury issued initial payments under an existing CFDA number. If you have already received funds or captured the initial CFDA number in your records, please update your systems and reporting to reflect the final CFDA number 21.027. **Recipients must use the final CFDA number for all financial accounting, audits, subawards, and associated program reporting requirements.**

To ensure public trust, Treasury expects all recipients to serve as strong stewards of these funds. This includes ensuring funds are used for intended purposes and recipients have in place effective financial management, internal controls, and reporting for transparency and accountability.

Please see [Treasury's Interim Final Rule](#) and the [Guidance on Recipient Compliance and Reporting Responsibilities](#) for more information.

10. Miscellaneous

10.1. May governments retain assets purchased with Fiscal Recovery Funds? If so, what rules apply to the proceeds of disposition or sale of such assets?

Yes, if the purchase of the asset was consistent with the limitations on the eligible use of funds. If such assets are disposed of prior to December 31, 2024, the proceeds would be subject to the restrictions on the eligible use of payments.

10.2. Can recipients use funds for administrative purposes?

Recipients may use funds to cover the portion of payroll and benefits of employees corresponding to time spent on administrative work necessary due to the COVID-19 public health emergency and its negative economic impacts. This includes, but is not limited to, costs related to disbursing payments of Fiscal Recovery Funds and managing new grant programs established using Fiscal Recovery Funds.

10.3. Are recipients required to remit interest earned on CSFRF/CLFRF payments made by Treasury? [5/27, updated 7/14]

No. CSFRF/CLFRF payments made by Treasury to states, territories, and the District of Columbia are not subject to the requirement of the Cash Management Improvement Act and Treasury's implementing regulations at 31 CFR part 205 to remit interest to Treasury. CSFRF/CLFRF payments made by Treasury to local governments and Tribes are not subject to the requirement of 2 CFR 200.305(b)(8)-(9) to maintain balances in an interest-bearing account and remit payments to Treasury. Moreover, interest earned on CSFRF/CLFRF payments is not subject to program restrictions. Finally, States may retain interest on payments made by Treasury to the State for distribution to NEUs that is earned before funds are distributed to NEUs, provided that the State adheres to the statutory requirements and Treasury's guidance regarding the distribution of funds to NEUs. Such interest is also not subject to program restrictions.

Among other things, States and other recipients may use earned income to defray the administrative expenses of the program, including with respect to NEUs.

10.4. Is there a deadline to apply for funds? [5/27]

The Interim Final Rule requires that costs be incurred by December 31, 2024. Direct recipients are encouraged to apply as soon as possible. For direct recipients other than Tribal governments, there is not a specific application deadline.

Tribal governments do have deadlines to complete the application process and should visit www.treasury.gov/SLFRPTribal for guidance on applicable deadlines.

Non-entitlement units of local government should contact their state government for information on applicable deadlines.

10.5. May recipients use funds to cover the costs of consultants to assist with managing and administering the funds? [6/8]

Yes. Recipients may use funds for administering the CSFRF/CLFRF program, including costs of consultants to support effective management and oversight, including consultation for ensuring compliance with legal, regulatory, and other requirements.

11. Operations

11.1. How do I know if my entity is eligible?

The Coronavirus State and Local Fiscal Recovery Funds American Rescue Plan Act of 2021 set forth the jurisdictions eligible to receive funds under the program, which are:

- States and the District of Columbia
- Territories
- Tribal governments
- Counties
- Metropolitan cities (typically, but not always, those with populations over 50,000)
- Non-entitlement units of local government, or smaller local governments (typically, but not always, those with populations under 50,000)

11.2. How does an eligible entity request payment?

Eligible entities (other than non-entitlement units) must submit their information to the [Treasury Submission Portal](#). Please visit the [Coronavirus State and Local Fiscal Recovery Fund website](#) for more information on the submission process.

11.3. I cannot log into the Treasury Submission Portal or am having trouble navigating it. Who can help me?

If you have questions about the Treasury Submission Portal or for technical support, please email covidreliefitsupport@treasury.gov.

11.4. What do I need to do to receive my payment?

All eligible payees are required to have a DUNS Number previously issued by Dun & Bradstreet (<https://www.dnb.com/>).

All eligible payees are also required to have an active registration with the System for Award Management (SAM) (<https://www.sam.gov>).

And eligible payees must have a bank account enabled for Automated Clearing House (ACH) direct deposit. Payees with a Wire account are encouraged to provide that information as well.

More information on these and all program pre-submission requirements can be found on the [Coronavirus State and Local Fiscal Recovery Fund website](#).

11.5. Why is Treasury employing id.me for the Treasury Submission Portal?

ID.me is a trusted technology partner to multiple government agencies and healthcare providers. It provides secure digital identity verification to those government agencies and healthcare providers to make sure you're you – and not someone pretending to be you – when you request access to online services. All personally identifiable information provided to ID.me is encrypted and disclosed only with the express consent of the user. Please refer to ID.me Contact Support for assistance with your ID.me account. Their support website is <https://help.id.me>.

11.6. Why is an entity not on the list of eligible entities in Treasury Submission Portal?

The ARPA statute lays out which governments are eligible for payments. The list of entities within the Treasury Submission Portal includes entities eligible to receive a direct payment of funds from Treasury, which include states (defined to include the District of Columbia), territories, Tribal governments, counties, and metropolitan cities.

Eligible non-entitlement units of local government will receive a distribution of funds from their respective state government and should not submit information to the Treasury Submission Portal.

If you believe an entity has been mistakenly left off the eligible entity list, please email SLFRP@treasury.gov.

11.7. What is an Authorized Representative?

An Authorized Representative is an individual with legal authority to bind the government entity (e.g., the Chief Executive Officer of the government entity). An Authorized Representative must sign the Acceptance of Award terms for it to be valid.

11.8. How does a Tribal government determine their allocation?

Tribal governments will receive information about their allocation when the submission to the Treasury Submission Portal is confirmed to be complete and accurate.

11.9. How do I know the status of my request for funds (submission)?

Entities can check the status of their submission at any time by logging into [Treasury Submission Portal](#).

11.10. My Treasury Submission Portal submission requires additional information/correction. What is the process for that?

If your Authorized Representative has not yet signed the award terms, you can edit your submission with in the into [Treasury Submission Portal](#). If your Authorized Representative has signed the award terms, please email SLFRP@treasury.gov to request assistance with updating your information.

11.11. My request for funds was denied. How do I find out why it was denied or appeal the decision?

Please check to ensure that no one else from your entity has applied, causing a duplicate submission. Please also review the list of all eligible entities on the [Coronavirus State and Local Fiscal Recovery Fund website](#).

If you still have questions regarding your submission, please email SLFRP@treasury.gov.

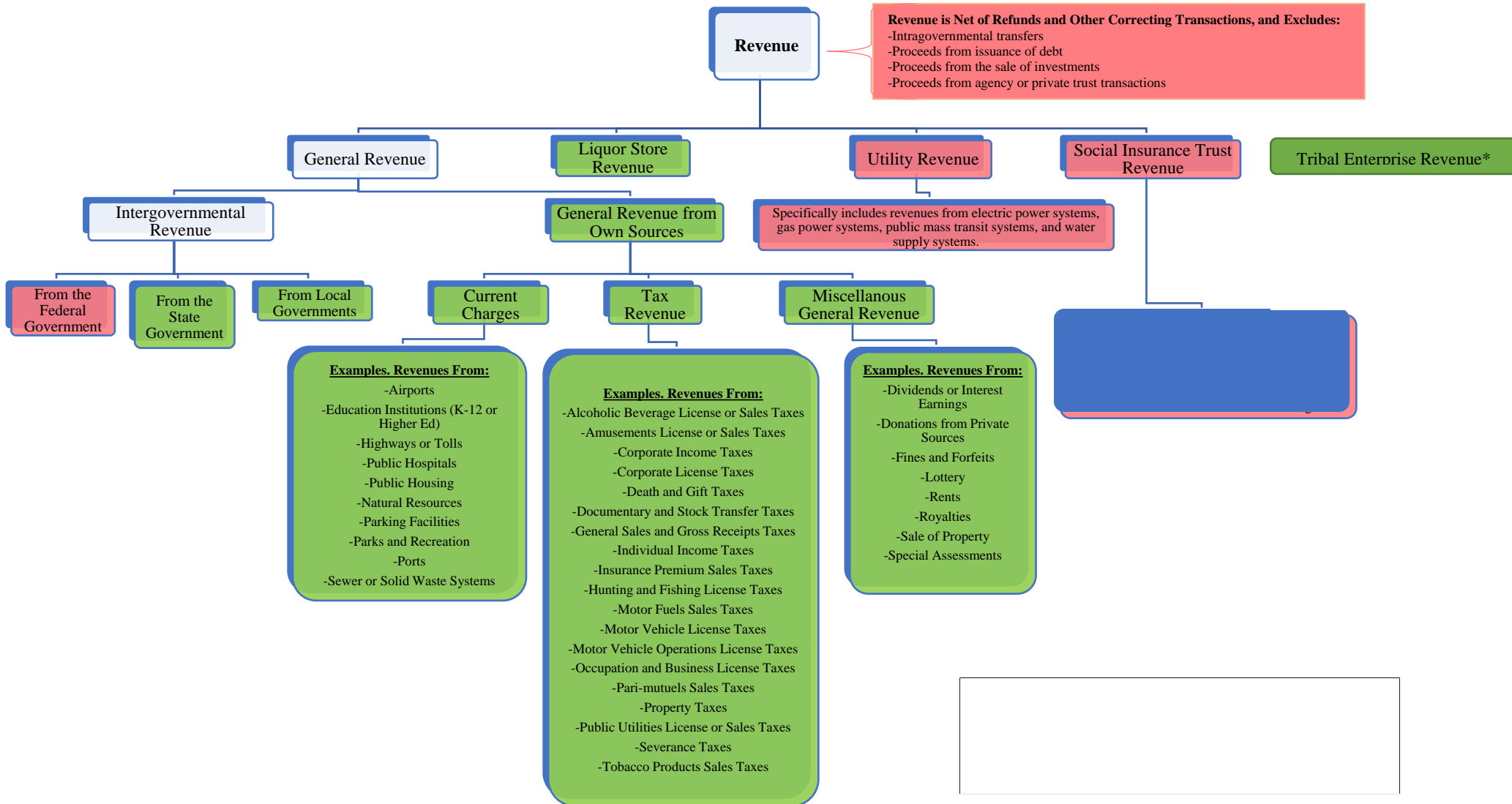
11.12. When will entities get their money?

Before Treasury is able to execute a payment, a representative of an eligible government must submit the government's information for verification through the [Treasury Submission Portal](#). The verification process takes approximately four business days. If any errors are identified, the designated point of contact for the government will be contacted via email to correct the information before the payment can proceed. Once verification is complete, the designated point of contact of the eligible government will receive an email notifying them that their submission has been verified. Payments are generally scheduled for the next business day after this verification email, though funds may not be available immediately due to processing time of their financial institution.

11.13. How does a local government entity provide Treasury with a notice of transfer of funds to its State?

For more information on how to provide Treasury with notice of transfer to a state, please email SLRedirectFunds@treasury.gov.

Appendix: Interim Final Rule Definition of General Revenue Within the Census Bureau Classification Structure of Revenue



Source: [U.S. Bureau of the Census Government Finance and Employment Classification Manual, 2006](#); [Annual Survey of State and Local Government Finances](#)

