



## FLUVANNA COUNTY BOARD OF SUPERVISORS

### REGULAR MEETING AGENDA

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

December 1, 2021

Regular Meeting at 5:00 pm

#### TAB AGENDA ITEMS

#### 1 - CALL TO ORDER

#### 2 - PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

#### 3 – ADOPTION OF AGENDA

#### SPECIAL PRESENTATION

#### 4 – COUNTY ADMINISTRATOR'S REPORT

#### 5 – PUBLIC COMMENTS #1 (5 minutes each)

#### 6 – SPECIAL PUBLIC HEARING

At 7:00pm

#### 7 – ACTION MATTERS

- A A Resolution Amending Temporary Emergency Personnel Policy to Address Covid-19 and ARPA – Donna Snow, Human Resources Manager
- B Deer Hunt for Handicapped Hunters at Pleasant Grove – Frederick W. Payne, County Attorney for Fluvanna County
- C FY21 to FY22 Budget Carryover Requests – Tori Melton, Management Analyst

#### 7A – APPOINTMENTS

- D Board, Commission, and Committee Appointments/Reappointments – Caitlin Solis, Clerk to the Board

#### 8 – PRESENTATIONS (normally not to exceed 10 minutes each)

- E VDOT Quarterly Report – Bethel Kefyalew, Asst. Res. Administrator / Louisa Residency Virginia Department of Transportation

#### 9 – CONSENT AGENDA

- F Minutes of November 17, 2021 – Caitlin Solis, Clerk to the Board
- G Minutes of November 19, 2021 Elected Officials Gathering – Caitlin Solis, Clerk to the Board
- H Fluvanna Partnership For Aging Mission and Vision Statements Update – Aaron Spitzer, Director of Parks and Recreation

#### 10 – CLOSED MEETING AND DINNER RECESS

**RECONVENE AT 7:00 PM**

#### 11 – SPECIAL PUBLIC HEARING

- I 2021 Redistricting Public Hearing – Eric M. Dahl, County Administrator & Kelly Belanger Harris, Assistant County Administrator

#### 12 – UNFINISHED BUSINESS

*Fluvanna County...The heart of Virginia and your gateway to the future!*

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TBD

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**13 – NEW BUSINESS**

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TBD

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**14 – PUBLIC COMMENTS #2 (5 minutes each)**

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**15 – ADJOURN**

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County Administrator Review

*Fluvanna County...The heart of Virginia and your gateway to the future!*

*For the Hearing-Impaired – Listening device available in the Board of Supervisors Room upon request. TTY access number is 711 to make arrangements.  
For Persons with Disabilities – If you have special needs, please contact the County Administrator's Office at 591-1910.*

## **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.

*Fluvanna County...The heart of Virginia and your gateway to the future!*



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

**TAB A**

<b>MEETING DATE:</b>	December 1, 2021				
<b>AGENDA TITLE:</b>	A Resolution Amending Temporary Emergency Personnel Policy to Address Covid-19 and ARPA				
<b>MOTION(s):</b>	<b>I move the Board of Supervisors approve “A Resolution Amending Temporary Emergency Personnel Policy To Address Covid-19 and ARPA”, as presented.</b>				
<b>STRATEGIC INITIATIVE?</b>	Yes	No	<b>If yes, list initiative(s):</b>		
		X			
<b>AGENDA CATEGORY:</b>	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
		X			
<b>STAFF CONTACT(S):</b>	Donna Snow, Human Resources Manager				
<b>PRESENTER(S):</b>	Donna Snow, Human Resources Manager				
<b>RECOMMENDATION:</b>	Approve				
<b>TIMING:</b>	Normal				
<b>DISCUSSION:</b>	<p>Approve the re-allotment of 80 hours of Covid sick leave as permitted and provided under ARPA (the ARPA Leave) for eligible Fluvanna County Employees to be used for the period beginning 7/1/2021 through 6/30/2022. ARPA leave not used by 6/30/2022 is lost and employees are not paid and or compensated for unused ARPA leave.</p> <p>Eligibility shall be determined and required under the new stipulations and requirements set forth by the Board of Supervisors, the employee must also have an ARPA Qualifying event to use ARPA leave and also provide adequate documentation thereof, approved by the County Administrator or his designee.</p> <p>A formal resolution extending the time period to use the benefit should be adopted by the Board.</p>				
<b>FISCAL IMPACT:</b>	None				
<b>POLICY IMPACT:</b>	None				
<b>LEGISLATIVE HISTORY:</b>	None				
<b>ENCLOSURES:</b>	Resolution 28-2021: A Resolution Amending Temporary Emergency Personnel Policy to Address Covid-19 Sick Leave and ARPA.				
<b>REVIEWS COMPLETED:</b>	Legal	Finance	Purchasing	HR	Other
	X			X	





**BOARD OF SUPERVISORS**

County of Fluvanna  
Palmyra, Virginia

**RESOLUTION No. 28-2021**

**A RESOLUTION AMENDING TEMPORARY EMERGENCY PERSONNEL POLICY TO ADDRESS COVID-19 SICK LEAVE AND ARPA**

**WHEREAS**, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a pandemic;

**WHEREAS**, on March 12, 2020, Governor Ralph S. Northam issued Executive Order Fifty-One declaring a state of emergency for the Commonwealth of Virginia arising from the novel Coronavirus (COVID-19) pandemic which has since expired;

**WHEREAS**, on March 13, 2020, the President of the United States declared a national emergency, beginning March 1, 2020, in response to the spread of COVID-19;

**WHEREAS**, on March 18, 2020, the Board of Supervisors of Fluvanna County (the “Board”) found that COVID-19 constitutes a “public health Emergency”;

**WHEREAS**, effective October 18, 2021, as a result of the continued consequences of the COVID-19 pandemic, the United States Secretary of Health and Human Services (the “Secretary”), pursuant to the authority vested in him under section 319 of the Public Health Service Act, renewed the determination that a public health emergency exists and has existed since January 27, 2020, nationwide;

**WHEREAS**, the Families First Coronavirus Response Act (“FFCRA”) provided for certain sick and family leave benefits for certain COVID-19 related reasons and related thereto the Board previously entered that Resolution No. 16-2020 (on April 1, 2020), amended by that Resolution No. 02-2021 (on January 20, 2021) which provided a one-time allotment of 80 hours of paid sick leave (the “FFCRA Leave”) under FFCRA to be used by March 31, 2021 for Fluvanna County employees;

**WHEREAS**, subject to other requirements of the FFCRA, under the FFCRA employees qualified for FFCRA Leave if: (i) the employee is subject to a federal, state or local quarantine or isolation order related to COVID-19; (ii) the employee is subject to the advice of a health care provider to self-quarantine related to COVID-19; (iii) the employee is experiencing COVID-19 symptoms and is seeking a medical diagnosis; (iv) the worker is caring for an individual subject to an order described in the first two qualifying reasons listed above; (v) the employee is caring for a child whose school or place of care is closed—or child care provider is unavailable—for reasons related to COVID-19; or (vi) the employer is experiencing any other substantially similar condition identified by the Secretary (collectively the “FFCRA Qualifiers”);

**WHEREAS**, On March 11, 2021, the President of the United States signed into law the American Rescue Plan Act of 2021 (“ARPA”);

**WHEREAS**, ARPA includes provisions providing funds or credits to employers such as the County of Fluvanna for allowing employees to take paid sick or family leave, including leave under any FFCRA Qualifiers, and for the following additional reasons (i) for time awaiting the results of a test to diagnose COVID-19 the because either the employee has been exposed to COVID-19 or the employer requested the test or diagnosis, (ii) to obtain immunization, or (iii) to recover from any adverse

health impacts arising from the immunization (collectively with the FFCRA Qualifiers, referred to as the “ARPA Qualifiers”); and

**WHEREAS**, the Board of Supervisors of Fluvanna County wishes to extend to its employees the use of the one-time allotment of 80 hours of Covid Sick Leave as permitted and provided under ARPA (the “ARPA Leave”). The one-time allotment of 80-hours of ARPA Leave is in addition to the FFCRA Leave previously offered which FFCRA Leave was to be used no later than March 31, 2021. The ARPA Leave can be used by Fluvanna County employees only for any of the reasons set forth in the ARPA Qualifiers retroactively for the period beginning July 1, 2021 and ending June 30, 2022. The FFCRA Leave allotment created for eligible employees under FFCRA has not been refreshed, instead the County is implementing a new ARPA Leave policy with a new allotment of 80 hours of ARPA Leave for use from July 1, 2021 through June 30, 2022. Stipulations and requirements for eligibility for ARPA Leave are as required by ARPA and as set forth herein. Any ARPA Qualifiers make an employee eligible for ARPA Leave under the policy. Any employee taking ARPA Leave must provide adequate evidence of the employee’s eligibility for ARPA Leave including at minimum providing written documentation to the County Human Resources Department confirming that the employee is subject to one of the ARPA Qualifiers. For example, (i) if an employee’s ARPA Qualifier is that the employee has COVID-19, then the employee shall provide positive testing evidence to support the need for use of ARPA Leave hours and such testing must be performed within 24-hours of the date that an employee requests use of ARPA Leave unless the employee can provide sufficient evidence of good cause as to why testing was delayed; or (ii) if an employee takes time off to get vaccinated for COVID-19, then the employee shall provide evidence of such vaccination. These examples are for illustration only and do not set out the required documentation for every ARPA Qualifier. Until the appropriate documentation of eligibility for ARPA Leave is provided to the Fluvanna County Department of Human Resources, the hours will be entered as sick time, and after an ARPA Qualifier is confirmed permitting ARPA Leave, then these sick hours will be modified to ARPA Leave instead;

**NOW THEREFORE, BE IT HEREBY RESOLVED** by the Board that:

(1) All recitals set forth herein above are hereby incorporated as a part of this Resolution;

(2) The Board declares that it shall be the temporary emergency personnel policy of the County of Fluvanna that the use by eligible Fluvanna County employees of that one-time re-allotment of 80 hours of paid sick ARPA Leave provided for under ARPA eligible to be used for the period beginning July 1, 2021 through June 30, 2022. Eligibility shall be determined as required under the new stipulations and requirements set forth by the Board of Supervisors above including without limitation the requirement that an employee have an ARPA Qualifier event to use ARPA Leave and provide adequate documentation thereof. The 80-hour sick leave allotment created for eligible employees under ARPA is distinct from the previously offered FFCRA Leave. Documentation from the employee supporting the need for ARPA Leave is required and must be approved by the County Administrator, or his designee. If an employee exhausts the 80 hours of ARPA Leave, no additional ARPA Leave will be granted as this is a one-time allotment of 80 hours of ARPA Leave to utilize if needed only for an ARPA Qualifier event beginning July 1, 2021 and ending June 30, 2022. Any ARPA Leave not used by June 30, 2022 is lost and employees are not paid or otherwise compensated for unused ARPA Leave.; and

(3) The County Administrator is hereby authorized and directed to take and authorize the taking of such actions, and to execute such documents, on behalf of Fluvanna County and/or the Board as may be necessary or appropriate to accomplish this temporary emergency personnel policy consistent with applicable law, and subject to review and approval as to form by the County Attorney.



**THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED** by the Fluvanna County Board of Supervisors a Regular Meeting of the Board held on the 1st day of December, 2021

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

Attest:

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John M. Sheridan, Chair  
Fluvanna County Board of Supervisors



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

**TAB B**

<b>MEETING DATE:</b>	December 1, 2021				
<b>AGENDA TITLE:</b>	Deer Hunt for Handicapped Hunters at Pleasant Grove				
<b>MOTION(s):</b>	<b>I move that the Board of Supervisors authorize the sheriff to conduct a deer hunt at Pleasant Grove for the purpose of controlling deer numbers, such hunt to be managed by Wheelin Sportsmen, a non-profit organization providing outdoor recreation opportunities for handicapped hunters.</b>				
<b>STRATEGIC INITIATIVE?</b>	Yes	No	<b>If yes, list initiative(s):</b>		
		X			
<b>AGENDA CATEGORY:</b>	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
		<b>XX</b>			
<b>STAFF CONTACT(S):</b>	Frederick W. Payne, Sheriff Eric Hess, Aaron Spitzer, Director of Parks and Rec				
<b>PRESENTER(S):</b>	Frederick W. Payne, Esquire County Attorney for Fluvanna County				
<b>RECOMMENDATION:</b>	Approval				
<b>TIMING:</b>	Immediate				
<b>DISCUSSION:</b>	<p>The sheriff's office continues to believe that it is necessary to reduce the numbers of deer on Pleasant Grove and that the best means of such control is through a managed hunt under the auspices of Wheelin Sportsmen, a group affiliated with the National Wild Turkey Federation. The proposal is to permit a small (7-10) group of hunters to take deer during the current hunting season. The hunt will be confined to carefully selected areas of Pleasant Grove on Friday, December 31, 2021. Like the events held in recent years past, it is proposed that the hunt be scheduled for the afternoon only (beginning around 2 p.m.). This reflects the success rate of the afternoon period of past years and is intended to minimize the closing of the Park as well as the time devoted by volunteers and maximizing the safety at the high school. Security will be provided by the sheriff's office, and portions of the property west of the dog park will be closed to public access during that day only. Primary access for hunters will be at the sheriff's office and the main entrance to the Pleasant Grove house. All hunters will be wheel-chair bound or otherwise handicapped, will be duly licensed and will be escorted by qualified volunteers from the community. Wheelin Sportsmen organizes similar hunts at numerous locations in Virginia, including state parks and other similar properties as well as selected private properties and has done so for many years. It is a qualified charitable organization which maintains a \$2 million liability insurance policy. The County enjoys sovereign immunity.</p> <p>Similar shoots were held in January of 2013-2021 with safety and success. It is expected that, if approved, this hunt will be similar, with minor changes based on previous years' experience.</p>				

<b>FISCAL IMPACT:</b>	None				
<b>POLICY IMPACT:</b>	None				
<b>LEGISLATIVE HISTORY:</b>	Similar activities were approved and were carried out in January of 2013 through 2021.				
<b>ENCLOSURES:</b>	None				
<b>REVIEWS COMPLETED:</b>	Legal	Finance	Purchasing	HR	Other
	<b>X</b>				<b>X</b>

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

TAB

<b>MEETING DATE:</b>	December 1, 2021																																																											
<b>AGENDA TITLE:</b>	FY21 to FY22 Budget Carryover Requests																																																											
<b>MOTION(s):</b>	<p><b>I move the Board of Supervisors [approve/deny/defer] the following carryover requests of FY21 unexpended budget lines from the listed departments to the FY22 Department Budget lines as specified and in the amounts listed:</b></p> <table border="1"> <thead> <tr> <th>Item</th> <th>Department</th> <th>Budget Line</th> <th>Amount</th> <th>Meets Policy</th> </tr> </thead> <tbody> <tr> <td>A</td> <td>E911</td> <td>Professional Services</td> <td>\$10,120</td> <td>Yes</td> </tr> <tr> <td>B</td> <td>E911</td> <td>E911 New Road Signs</td> <td>\$16,815</td> <td>No</td> </tr> <tr> <td>C</td> <td>Sheriff</td> <td>Vehicle Fuel</td> <td>\$11,000</td> <td>No</td> </tr> <tr> <td>D</td> <td>Convenience Center</td> <td>Site Improvements Buildings, Repair, &amp;</td> <td>\$25,000</td> <td>Yes</td> </tr> <tr> <td>E</td> <td>Convenience Center</td> <td>Maintenance</td> <td>\$12,800</td> <td>Yes</td> </tr> <tr> <td>F</td> <td>Human Resources</td> <td>Employee Recognition</td> <td>\$4,280</td> <td>Yes</td> </tr> <tr> <td>G</td> <td>Human Resources</td> <td>Recruitment</td> <td>\$1,440</td> <td>Yes</td> </tr> <tr> <td>H</td> <td>Human Resources</td> <td>Other Operating Services</td> <td>\$619</td> <td>Yes</td> </tr> <tr> <td>I</td> <td>Social Services</td> <td>Machinery &amp; Equipment</td> <td>\$5,000</td> <td>No</td> </tr> <tr> <td colspan="3"></td> <td style="text-align: right;">Total</td> <td>\$ 87,074</td> </tr> </tbody> </table> <p><b>with a total amount of \$_____ to be re-appropriated.</b></p>					Item	Department	Budget Line	Amount	Meets Policy	A	E911	Professional Services	\$10,120	Yes	B	E911	E911 New Road Signs	\$16,815	No	C	Sheriff	Vehicle Fuel	\$11,000	No	D	Convenience Center	Site Improvements Buildings, Repair, &	\$25,000	Yes	E	Convenience Center	Maintenance	\$12,800	Yes	F	Human Resources	Employee Recognition	\$4,280	Yes	G	Human Resources	Recruitment	\$1,440	Yes	H	Human Resources	Other Operating Services	\$619	Yes	I	Social Services	Machinery & Equipment	\$5,000	No				Total	\$ 87,074
	Item	Department	Budget Line	Amount	Meets Policy																																																							
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<b>STAFF CONTACT(S):</b>	Tori Melton, Management Analyst																																																											
<b>PRESENTER(S):</b>	Tori Melton, Management Analyst Eric Dahl, County Administrator Eric Hess, Sheriff's Office Michael Grandstaff, E911 Dispatch Communications Calvin Hickman, Public Works Donna Snow, Human Resources Kim Mabe, Department of Social Services																																																											
<b>RECOMMENDATION:</b>	Approve/Deny																																																											
<b>TIMING:</b>	Effective July 1, 202																																																											

<p><b>DISCUSSION:</b></p>	<p><b>Per Fluvanna County Financial Finance Policies - Budget 3.1.10 Reappropriation of Balances (Carryovers):</b></p> <p><b><u>Had budget authority in FY21</u></b></p> <ol style="list-style-type: none"> <li>1. Initiative/Project was started in FY21, but was not able to be completed.             <ol style="list-style-type: none"> <li>a. <b>Meets existing policy.</b></li> </ol> </li> <li>2. Initiative/project not started in FY21 due to circumstances.             <ol style="list-style-type: none"> <li>a. <b>Meets existing policy.</b></li> </ol> </li> </ol> <p><b><u>No budget authority in FY21</u></b></p> <ol style="list-style-type: none"> <li>1. Requesting carryover of FY21 remaining funds to cover certain one-time special or capital projects that are not already approved/funded.             <ol style="list-style-type: none"> <li>a. <b>Does not meet existing policy.</b></li> </ol> </li> <li>2. Requesting carryover of FY21 remaining funds for unanticipated operating expenses not included in the FY22 budget             <ol style="list-style-type: none"> <li>a. i.e., Not funded in FY22, but request/need has been identified; asking for unexpended FY21 dollars to cover that request/need (rather than wait until FY23 budget).                 <ol style="list-style-type: none"> <li>b. <b>Does not meet existing policy.</b></li> </ol> </li> </ol> </li> </ol>				
<p><b>FISCAL IMPACT:</b></p>	<p>Approval of the motion as stated above will allow the Finance Department to increase FY22 revenue and expenditure budgets equally within the assigned funds.</p>				
<p><b>POLICY IMPACT:</b></p>	<p>N/A</p>				
<p><b>LEGISLATIVE HISTORY:</b></p>	<p>Financial Policies 3.1.10 Reappropriation of Balances (Carryovers)</p>				
<p><b>ENCLOSURES:</b></p>	<ul style="list-style-type: none"> <li>• Budget 3.1.10 Reappropriation of Balances (Carryovers)</li> <li>• Office/Departmental Carryover Requests Forms (5)</li> </ul>				
<p><b>REVIEWS COMPLETED:</b></p>	<p>Legal</p>	<p>Finance</p>	<p>Purchasing</p>	<p>HR</p>	<p>Other</p>
		<p><b>X</b></p>			

# County of Fluvanna

# Carryover Request FY21/22

Office/Department: E-911

General Ledger Account Title	FY21 Org Code	FY21 Object Code	FY22 Org Code (If Different)	FY22 Object Code (If Different)	Amount Requested	Justification: <u>Please answer all three questions.</u> Why should these funds be carried forward? Why was the project not completed within FY21? If this request is denied, what impact will it have on this Office/Department's ability to function efficiently?
1 Professional Services	10032000	403100			\$ 10,120.00	Tower inspections - started prior to end of FY21 but was delayed due to contract negotiations with the vendor. Inspections were completed right after FY22 started. This is a cost that is incurred every FY and will be doubled in the FY22 budget if not carried over. Contract now states they must be completed by end of FY going forward.
2 E911 Road Signs	10032000	403320	10032000	403161	\$ 16,815.00	Last years budget for road signs was 23,000 - all of which \$293 was spent due to continued growth and building. Due to an excel error the increase requested for FY22 replaced the original amount, and only \$6,185 was placed in this line. The line is almost already gone and we place orders every other month.
3						
4						
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Office/Department: E-911					Total Carryover Amount Requested: \$ 26,935.00	

# County of Fluvanna

# Carryover Request FY21/22

Office/Department: Sheriff

General Ledger Account Title	FY21 Org Code	FY21 Object Code	FY22 Org Code (If Different)	FY22 Object Code (If Different)	Amount Requested	Justification: <u>Please answer all three questions.</u> Why should these funds be carried forward? Why was the project not completed within FY21? If this request is denied, what impact will it have on this Office/Department's ability to function efficiently?
1 Vehicle Fuel	10031000	406008			\$ 11,000.00	With the increase in fuel costs, approximately \$1,000. per month, we are anticipating a shortage in our fuel line for the remainder of FY-2022.
2						
3						
4						
5						
6						
Office/Department: Sheriff					Total Carryover Amount Requested: \$ 11,000.00	



# County of Fluvanna

# Carryover Request FY21/22

## Office/Department: Convenience Center

General Ledger Account Title	FY21 Org Code	FY21 Object Code	FY22 Org Code (If Different)	FY22 Object Code (If Different)	Amount Requested	Justification: <u>Please answer all three questions.</u> Why should these funds be carried forward? Why was the project not completed within FY21? If this request is denied, what impact will it have on this Office/Department's ability to function efficiently?
1 Site Improvements	10043000	409904			\$ 25,000.00	Funds not utilized via Republic contract, not ratified. Work will commence when contract is in place. Funds are required for site upgrades.
2 Buildings Equip. Repair Maintenance	10043000	403310			\$ 12,800.00	Funds not utilized via Republic contract, not ratified. Work will commence when contract is in place. Funds are required for site upgrades.
3						
4						
5						
6						
<b>Office/Department: Convenience Center</b>					<b>Total Carryover Amount Requested: \$ 37,800.00</b>	

# County of Fluvanna

# Carryover Request FY21/22

## Office/Department: Human Resources

General Ledger Account Title	FY21 Org Code	FY21 Object Code	FY22 Org Code (If Different)	FY22 Object Code (If Different)	Amount Requested	Justification: <u>Please answer all three questions.</u> Why should these funds be carried forward? Why was the project not completed within FY21? If this request is denied, what impact will it have on this Office/Department's ability to function efficiently?
1 Employee Rec.	10018000	405360			\$ 4,280.00	Employee Recognition * Several years of service gifts this year – Some ordered and some still to order – In addition to the employee luncheon costs still to cover.
2 Recruit-Sponsor Ads	10018000	405350			\$ 1,440.00	Recruitment* Several open positions to recruit for, sponsor fees with Indeed and other jobs boards have increased.
3 VSP BGC Fees	1001800	405100			\$ 619.00	Other Operational fees -Increased new hires and costs to run Virginia State Police Background checks. In addition after 90 days, background checks should be re-run if not actively working. We want to move to change this to 12 months going forward, specifically for Temporary Part-Time employees.
4						
5						
6						
<b>Office/Department: Human Resources</b>					<b>Total Carryover Amount Requested: \$ 6,339.00</b>	

# County of Fluvanna

# Carryover Request FY21/22

## Office/Department: Fluvanna Dept of Social Services

General Ledger Account Title	FY21 Org Code	FY21 Object Code	FY22 Org Code (If Different)	FY22 Object Code (If Different)	Amount Requested	Justification: <u>Please answer all three questions.</u> Why should these funds be carried forward? Why was the project not completed within FY21? If this request is denied, what impact will it have on this Office/Department's ability to function efficiently?
1 Machinery & Equipment	10553000	408101			\$ 5,000.00	The request is for replacement of our computer server. We learned in June 2021 that our current outdated server needs to be replaced. Therefore the funds were not included in our FY22 budget. Delaying the replacement could compromise all information stored on the server.
2						
3						
4						
5						
6						
Office/Department: Fluvanna Dept of Social Servi					Total Carryover Amount Requested: \$ 5,000.00	



**3.1.10. Reappropriation of Balances (Carryovers)**

A. Appropriations lapse on June 30, for all unencumbered budget items other than capital projects and grants.

B. All outstanding encumbrances, both operating and capital, as of fiscal year-end shall be automatically reappropriated to the subsequent fiscal year to the same department and account for which they were encumbered in the previous fiscal year.

C. All capital reserve appropriations shall be automatically reappropriated to the subsequent fiscal year to the same department and account for which they were originally appropriated.

D. All unencumbered balances for capital projects shall remain appropriations until the completion of the capital project or until the Board of Supervisors, by appropriate resolution, changes or eliminates the appropriation.

E. All supplemental appropriations approved within a fiscal year for a specific purpose or project shall be automatically reappropriated to the subsequent fiscal year and utilized to complete original purpose or project as identified in the board action

F. External school funding shall be reappropriated to the subsequent fiscal year upon receipt of approval by the funding agency. School administration is required to notify the county Finance Department of such approval no later than August 30<sup>th</sup> of the subsequent fiscal year in which the funding is to be reappropriated. This excludes the local general fund appropriation, which requires the school board or superintendent of schools to submit a formal request for carryover to the Board of Supervisors.

G. Those amounts necessary for the continuation of unencumbered operating projects or services may be requested by departments, amended by the County Administrator and adopted, with any changes, by the Board of Supervisors to be reappropriated to the budget of the next fiscal year. Such requests for reappropriation shall be for specifically defined projects that could not reasonably be started prior to June 30.



## FLUVANNA COUNTY BOARD OF SUPERVISORS BCC APPOINTMENTS STAFF REPORT

TAB

<b>MEETING DATE:</b>	December 1, 2021		
<b>AGENDA TITLE:</b>	Board, Commission, and Committee Appointments/Reappointments		
<b>MOTION:</b>	<b>I move the Board of Supervisors approve the following Board, Commission, or Committee appointment(s)/reappointment(s) with terms as presented:</b>		
<b>Board/Commission/Committee</b>	<b>Appointee/Reappointee</b>	<b>Begins Term</b>	<b>Ends Term</b>
James River Water Authority (JRWA) - Fluvanna Citizen Representative	John M. Sheridan	11/17/2021	04/18/2025

<b>DISCUSSION:</b>	- James River Water Authority (JRWA) - Fluvanna Citizen Representative – Unexpired term beginning 11/17/2021 and ending 04/18/2025
<b>ENCLOSURES:</b>	None.

BCC VACANCIES AND APPLICANTS				
BCC Vacancies	Applicants	Appt	District	Current BCC Appointments / Other Notes
James River Water Authority (JRWA) - Fluvanna Citizen Representative	John M. Sheridan	Appt	Columbia	Unexpired term beginning 11/17/2021





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

**TAB**

<b>MEETING DATE:</b>	December 1, 2021				
<b>AGENDA TITLE:</b>	VDOT Quarterly Report				
<b>MOTION(s):</b>	N/A				
<b>STRATEGIC INITIATIVE?</b>	Yes	No	<b>If yes, list initiative(s):</b>		
		<b>X</b>			
<b>AGENDA CATEGORY:</b>	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
			<b>XX</b>		
<b>STAFF CONTACT(S):</b>	Eric Dahl, County Administrator				
<b>PRESENTER(S):</b>	Bethel Kefyalew, Operations Engineer, & Alan Saunders, VDOT Residency Administrator				
<b>RECOMMENDATION:</b>	Information Only				
<b>TIMING:</b>	Routine				
<b>DISCUSSION:</b>	Quarterly VDOT update.				
<b>FISCAL IMPACT:</b>	N/A				
<b>POLICY IMPACT:</b>	N/A				
<b>LEGISLATIVE HISTORY:</b>	N/A				
<b>ENCLOSURES:</b>	VDOT Quarterly Report				
<b>REVIEWS COMPLETED:</b>	Legal	Finance	Purchasing	HR	Other
					<b>X</b>



**Culpeper District, Louisa Residency  
Fluvanna County Monthly Report: November 2021**

**Fluvanna Mileage, Structures**

PRIMARY MILES	SECONDARY MILES	STRUCTURES	TOTAL MILES
102.34	598.62	75	700.96

**Fatal Accidents**

DATE	LOCATION	ALCOHOL	RESTRAINT
8/1/2021	Route 250, 0.4 Mile West of Route 1030	No	Yes
9/2/2021	Route 612, 0.1 Miles West of 671	No	Bicyclist
10/9/2021	Route 601, 0.5 Miles East of Route 625	Unknown	No
10/23/2021	Route 53, 1 Mile East of Route 618	No	No

\*Of the 819 fatalities in VA in 2018, 126 were related to distracted driving and 298 were motor vehicle occupants not wearing a seatbelt.

\*\*10% of all drivers do not wear a seatbelt. Of all driver fatalities, 50% are from the 10% that do not wear a seatbelt if the option was available.

[Link to Smart Scale Information](#)

[Link to Smart Scale Projects \(Filter for Fluvanna Co. Projects\)](#)

**Fluvanna County Smart Scale Applications:**

- Rt. 53/1015 Turkeysag Roundabout
- Rt. 600/618 Lake Monticello Left Turn Lane; *funded*
- Rt. 250/631 Troy Rd Roundabout; *funded*

**Smart Scale Round 5 Key Dates:**

- Fall 2021, Project Review with Fluvanna County
- March - April, 2022, Pre-application Deadline
- August 11, 2022, Application Deadline
- June 2023, CTB approval of Six Year Improvement Plan



**Projects:**

PROJECT	LAST MILESTONE	NEXT MILESTONE	AD DATE
Rt. 656 Bridge Rehabilitations (0656-032-6070, SR01)	CN Completed		
Rt. 600/618 Intersection Improvements (UPC 111739)	Scoping Meeting	Preliminary Design	FEB 2023/4

**Additional Road Projects:**

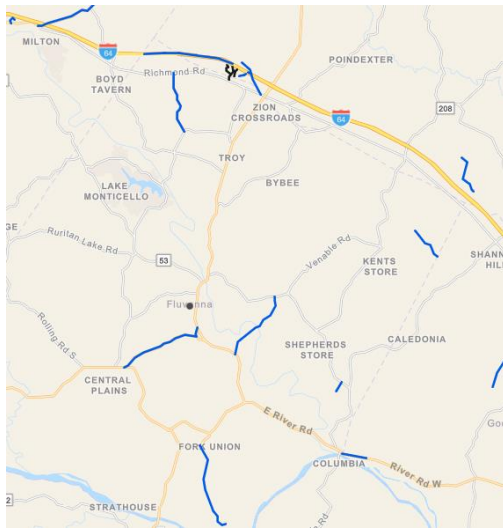
- **On-Call Pipe Replacements** PR07-967-255, (UPC 106020)
- **District Wide Guardrail Repair and/or Replacement** GR07-967-269, (UPC 106849)
- **District Wide ADA Compliance** ADA7-967-317, (UPC 108027)
- **On-Call District Wide Pavement Marking** TS07-967-325 (UPC 108282)
- **District Wide Bridge Deck Cleaning and Washing** BRDG-967-241, (UPC 105980);
- **District Wide Bridge Maintenance** BRDG-967-240, (UPC 105979);
- **Route 623 over Venable Creek, Completed;**
- **Route 53, .5 miles S of Lake Monticello Rd - Emergency Pipe Replacement; Completed;**
- **Route 616 Soil Nailing Slope Repair; Completed;**
- **Rt. 15 N and S of CVEC – Pipe Replacements; Completed;**
- **Rt. 250 W of Correctional Center – Pipe Replacement; Completed;**
- **Rt. 15 Entrance Pipe over Raccoon Creek; Completed;**
- **Rt. 6 E of Rt. 624 – Pipe Replacement; Completed;**
- **Rt. 6, Columbia – Sinkhole Investigation; Construction Started;**
- **Rt. 6 E of Scottsville – Pipe Replacements; Construction Scheduled Nov 3-10;**

**Resurfacing Projects:**

VDOT's Contractor is preparing to begin resurfacing roads in Fluvanna County. Customers can view VDOT's resurfacing schedule and route status on VDOT's public website via the following link:

<http://www.virginiaroads.org/> (Select "Web Maps" and "Statewide Paving Status")

Fluvanna County Resurfacing					
Plant Mix			Surface Treatment		
Schedule	Miles	Cost/Estimate	Schedule	Miles	Cost/Estimate
2019	4.94	\$863.675	2019	43.65	\$590,849
2020	---	---	2020	55.52	\$421,558
2021	---	---	2021	16.07	\$229,394



Statewide Paving Status Map (Public View) 2021

- Scheduled
- In Progress
- Completed
- Rescheduled

### Traffic Engineering

#### Studies under Review:

- Route 250 speed study, from Route 631 to Route 15
- Route 1040, Broken Island Rd Centerline Removal due to installment issues
- Route 616 Corridor Safety Study
- Route 676, Diamond Road, Speed Study
- Rt. 612 Winnsville Dr, Reviewing options to reduce truck traffic
- Rt. 659 Stage Junction, Speed Study & Curve Warning sign review

#### Completed Studies:

- Route 53 High School Speed Limit Reduction; pursuing study agreements from School Board
- Route 600 speed study, from Abbey Rd to Broken Island Rd
  - Speed limit reduction not warranted
- Route 649, Central Plains Road Speed Study
  - Recommended 50/45mph for trucks; signs installed 6/25/2021
- Route 250/600 Stop Sign Review
  - LED Stop Sign not recommended

#### County Safety and Operational Improvements:

- Route 53 at Route 660 (Cunningham): VDOT continues to evaluate this intersection for interim and long-term safety improvements
- Route 656/624: Request for curve warning signage and improvements to visibility
  - Unable to reach property owner
- Rt. 53/660 & Rt. 600/618 Stop Bar installed
- Radar Feedback Signs (ongoing)
  - Currently on Rt. 600 & 616
  - Previously on Rt. 15, 6 in Columbia
- Rt. 6/659 Sight Distance Review; in progress

### Local Assistance Programs

- Transportation Alternatives Program
  - Palmyra Sidewalk, Parking, and Traffic Improvements
  - Application Due October 1

### Area Land Use

Residency Area Land Use Staff have issued **52** permits in 2021.

Fluvanna County Plans/Plats Reviews Received September-October 2021

Project Name	Routes/Address	Submission Type	VDOT Contact	VDOT Received Date	Locality Due Date	VDOT Comment Date	Status
Critzer Family Subdivision	639-3447 Long Acre Rd, Palmyra, VA 22963	Preliminary Plat Review,	John Wilson	9/30/2021	11/12/2021	10/13/2021	Review Complete - Acceptable
The Webb Property Minor Subdivision	640-5441 HADEN MARTIN RD PALMYRA VA 22963	Final Plat Review,	John Wilson	10/12/2021	11/26/2021	10/18/2021	Review Complete - Acceptable

- [Zion Crossroads Corridor Improvement Study \(link\)](#) – The webpage is live for the Zion Crossroads Corridor Improvement Study (Routes 15 and 250), Fluvanna & Louisa Counties. This small area study, which is supported by stakeholders from VDOT, Fluvanna and Louisa counties and the Thomas Jefferson Planning District Commission. The study is evaluating vehicle, transit, bicycle, and pedestrian accommodations along Route 15 (James Madison Highway) between the intersections of Sommerfield Drive and Starlite Park as well as along Route 250 (Three Notch Road/Richmond Road) between Route 631 (Troy Road) and Route 613 (Poindexter Road). The purpose of the study is to develop short-, mid-, and long-term community-supported transportation solutions to provide safe travel for all uses and users of the roadway. The results from this study will be reviewed and potential transportation projects will be developed and presented for feedback in early 2021. The study is scheduled for completion in mid-2021.

### Maintenance Activities

- VDOT crews in Palmyra and Zion Crossroads Area HQ have responded to **175** Work Orders in FY22. Top activities have been dead animal removal and fallen tree/limb clearing.

### BOS Manual:

[http://www.virginiadot.org/business/resources/local\\_assistance/BOSmanual.pdf](http://www.virginiadot.org/business/resources/local_assistance/BOSmanual.pdf)

E. Alan Saunders, P.E., CCM  
 Resident Engineer  
 VDOT Louisa Residency  
 540-967-3710

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

**TAB F**

<b>MEETING DATE:</b>	December 1, 2021				
<b>AGENDA TITLE:</b>	Children's Services Act Semi-Annual Report				
<b>MOTION(s):</b>	N/A				
<b>STRATEGIC INITIATIVE?</b>	Yes	No	<b>If yes, list initiative(s):</b>		
		X			
<b>AGENDA CATEGORY:</b>	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
			X		
<b>STAFF CONTACT(S):</b>	Bryan Moeller, CSA Coordinator				
<b>PRESENTER(S):</b>	Bryan Moeller, CSA Coordinator				
<b>RECOMMENDATION:</b>	None				
<b>TIMING:</b>	Routine				
<b>DISCUSSION:</b>	<ul style="list-style-type: none"> <li>• Review of Purchases of Services amount for Fiscal Year 2021</li> <li>• Summary of relevant statistics</li> <li>• List of emerging trends warranting attention</li> <li>• Opportunity for questions from Board of Supervisors</li> </ul>				
<b>FISCAL IMPACT:</b>	N/A				
<b>POLICY IMPACT:</b>	N/A				
<b>LEGISLATIVE HISTORY:</b>	N/A				
<b>ENCLOSURES:</b>	None				
<b>REVIEWS COMPLETED:</b>	Legal	Finance	Purchasing	HR	Other





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

**TAB G**

<b>MEETING DATE:</b>	December 1, 2021				
<b>AGENDA TITLE:</b>	Adoption of the Fluvanna County Board of Supervisors November 17, 2021 Meeting Minutes.				
<b>MOTION(s):</b>	<b>I move the meeting minutes of the Fluvanna County Board of Supervisors Regular Meeting on Wednesday, November 17, 2021, be adopted.</b>				
<b>STRATEGIC INITIATIVE?</b>	Yes	No	<b>If yes, list initiative(s):</b>		
		X			
<b>AGENDA CATEGORY:</b>	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
				<b>XX</b>	
<b>STAFF CONTACT(S):</b>	Caitlin Solis, Clerk to the Board				
<b>PRESENTER(S):</b>	Eric Dahl, County Administrator				
<b>RECOMMENDATION:</b>	Approve				
<b>TIMING:</b>	Routine				
<b>DISCUSSION:</b>	None.				
<b>FISCAL IMPACT:</b>	N/A				
<b>POLICY IMPACT:</b>	N/A				
<b>LEGISLATIVE HISTORY:</b>	N/A				
<b>ENCLOSURES:</b>	Draft Minutes for November 17, 2021.				
<b>REVIEWS COMPLETED:</b>	Legal	Finance	Purchasing	HR	Other
					<b>X</b>



**FLUVANNA COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
Carysbrook Performing Arts Center  
8880 James Madison Hwy, Fork Union, VA 23055  
November 17, 2021  
Regular Meeting 7:00pm**

**MEMBERS PRESENT:** John M. (Mike) Sheridan, Columbia District, Chair  
Tony O'Brien, Rivanna District, Vice Chair  
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 7:00pm, Chair Sheridan called to order the Regular Meeting of November 17, 2021. After the recitation of the Pledge of Allegiance, a moment of silence was observed.

**3 - ADOPTION OF AGENDA**

<b>MOTION:</b>	Accept the Agenda, for the November 17, 2021 Regular Meeting of the Board of Supervisors as amended.				
<b>MEMBER:</b>	Mrs. Booker	Mrs. Eager	Mr. O'Brien	Mr. Sheridan	Mr. Weaver
<b>ACTION:</b>	Second				Motion
<b>VOTE:</b>	Yes	Yes	Yes	Yes	Yes
<b>RESULT:</b>	<b>5-0</b>				

**4 - COUNTY ADMINISTRATOR'S REPORT**

Mr. Dahl reported on the following topics:

Announcements and Updates:

2021 Elected Officials Gathering

- DATE: November 19, 2021
- TIME: 2:30pm – 4:00pm
- PLACE: Fluvanna County Library
- FORMAT: Virtual and In-person

No cost rapid COVID-19 antigen at-home test kits are now available at the Fluvanna County Library (a library cart is not required)

- The easy to use test kits are for use when you return home.
- Library staff cannot assist with administering tests.
- You will need a valid photo ID, a computer, mobile phone or tablet with a camera, microphone and internet connection for the online testing session. A trained guide will walk you through the process.
- Getting results for your at-home COVID-19 test is fast! It only takes 15 minutes to know your status and receive a digital result.
- Questions about when you should test? Questions about how to interpret your results? Questions about what to do after the test? Contact your healthcare provider or VDH at [www.vdh.virginia.gov/covid19testing](http://www.vdh.virginia.gov/covid19testing) or 1-877-829-4682

Dominion Energy Public Meeting

- Wednesday, Dec. 8, 2021 6-7:30pm at the Fluvanna Community Center Auditorium 5725 James Madison Hwy, Fork Union, VA 23055
- Discussing the results of the groundwater evaluations performed at the Bremo Power Station Coal Combustion Residual (CCR) Units.
- The purpose of the meeting is to:
  - acquaint the public with the technical aspects of the evaluations
  - inform the public of how federal and state regulations will be met
  - establish dialogue between Dominion Energy and the surrounding community

Next BOS Meetings:

Day	Date	Time	Purpose	Location
Wed	Dec 1	5:00 PM	Regular Meeting/ <b>Special Public Hearing at 7:00pm</b>	Performing Arts Center
Wed	Dec 15	5:00PM	<b>Budget Work Session – Non-Profit Presentations</b>	<b>Performing Arts Center</b>
Wed	Dec 15	7:00PM	Regular Meeting	Performing Arts Center
Wed	Jan 5	5:00 PM	Regular Meeting	Performing Arts Center

**5 - PUBLIC COMMENTS #1**

At 7:03pm, Chair Sheridan opened the first round of Public Comments.

- Mike Feazel, 25 Vine Ridge, Spoke in opposition to a six-district map and in favor of five-district option.
- Linda Staiger, 2949 Ridge Road, spoke in favor of a five-district map and suggested delaying the decision.
- Jessica Jackson, 41 Allen Lane, spoke in opposition to a six-district map and in favor of a five-district option.
- Kathy Swenson Miller, 94 Fairview Lane, spoke in favor of five-district option two.
- Perrie Johnson, 229 Pine Lane, spoke in opposition to a six-district map and in favor of a five-district option.
- Rudy Garcia, 802 Rivanna Woods Drive, spoke in opposition to six and seven-district maps and in favor of a five-district option two option. Mr. Garcia spoke in support of not rushing the decision.

With no one else wishing to speak, Chair Sheridan closed the first round of Public Comments at 7:25pm.

**6 - PUBLIC HEARING**

SUP 21:06 Carysbrook Solar, LLC –Douglas Miles, Community Development Director

- SUP 21:06 Carysbrook Solar, LLC – A Special Use Permit request in the A-1, Agricultural, General District to construct a major utility use (solar generation facility) on 36 +/- acres of a 361.3 +/- acre parcel, Tax Map 42, Section 1, Parcel 1.
- The property is located on the east side of Carysbrook Road (SR 615) and it is generally north of James Madison Highway (Route 15) at 1084 Carysbrook Road. The subject parcel is in the Rural Preservation Area and the Fork Union Election District.



**GIS Zoning Map**



**SUP 21:06 Transportation Planning**

- Carysbrook Elementary - 32 school busses; 27 use the front bus loop and the remaining 5 busses use the side bus lot and all bus traffic it enters from Route 15.
- Drivers do not take them home but are parked at various facilities around the County coming in from several directions mainly from Route 15.
- Overall, there is nothing in this general area to prohibit the site-generated traffic from using Route 15 and Carysbrook Road for this solar facility.

**Recommended Conditions**

1. This Special Use Permit is granted for a three (3) megawatt photovoltaic solar generation facility / major utility use to Carysbrook Solar, LLC or any successors as the owner or operator of such use located on a 36-acre portion of Tax Map 42 Section 1 Parcel 1.
2. All site activity required for construction, expansion and operation of the solar energy facility / major utility use shall be limited to the following days and times: All pile driving and site deliveries shall be limited to the hours from sunrise to sunset Monday through Saturday. All other site construction and

expansion activity may occur Monday through Sunday from sunrise to sunset and be in compliance with the noise ordinance.

3. A Construction Traffic Management Plan, including certain mitigation measures shall be developed by the applicant, owner or operator and shall be submitted to the Virginia Department of Transportation (VDOT) and the County Administrator or his designee for review and approval. The Plan shall address traffic control measures along Carysbrook Road (SR 615) pre-and post-construction road evaluation and any necessary repairs to the public roads that are required as a result of any damage from the solar generation facility construction and/or expansion. All VDOT permits must be received and be approved by VDOT and an approved copy provided to the County Administrator or his designee prior to site construction or expansion occurring on the premises.
4. A Site Parking and Staging Plan shall be submitted as a part of the Site Development Plan approval process that demonstrates a site access plan directing both employee and delivery traffic to minimize conflicts with local traffic on Carysbrook Road (SR 615) and state roads leading to the site such as James Madison Highway (Route 15) to avoid traffic delays during peak construction times.
5. A Construction Mitigation Plan shall be submitted as a part of the Site Development Plan approval process that addresses dust mitigation where all construction roads and areas shall remain dust-free by the use of a water truck or other approved method to keep soil and sediment on the premises. Burning operations must follow all local and state burning restrictions and distances from property lines and combustibles. The plan must address both dust and smoke migration so as not to be of a general nuisance to adjoining property owners during site construction, expansion and/or burning operations on the premises.
6. A minimum fifty (50) foot setback shall be maintained from all public right-of-ways and all agriculturally and residentially zoned properties, either occupied or unoccupied, until such time that the property is converted to commercial or industrial uses, at such time the setback can become the underlying zoning district setback amount for such district.
7. A twenty-five (25) foot vegetative buffer utilizing double staggered rows of evergreen trees planted every ten (10) feet on center with a minimum planting height of four (4) feet and achieving eight (8) feet in height within three (3) years shall be installed when there is not mature vegetation on the perimeter of the premises along the public right-of-way or adjacent to agricultural or residential land uses. Site groundcover for the use should consist of a variety of native groundcovers that benefit bees, birds and beneficial insects and the use of any synthetic herbicides to control and maintain groundcover areas post construction or post-expansion shall not be permitted on the premises.
8. The applicant, owner or operator shall coordinate directly with the Fluvanna County Fire Chief to provide solar energy educational information and/or training to the respective County personnel responding to the solar energy facility use in regards to how to respond to any emergencies that may occur on the premises. The Fire Chief shall be provided with the construction manager's direct contact information during construction or expansion and the remote manager's direct contact information during site operations.
9. A decommissioning plan shall be approved by the County Administrator or his designee prior to approval of a site development plan or any building permits being issued for the solar energy facility use. If the solar energy facility use is inactive completely or substantially discontinuing the delivery of electricity to an electrical grid for a continuous twenty-four (24) month period it shall be considered abandoned. The applicant, owner or operator shall provide notice to the County Administrator or his designee in writing once the property becomes inactive as a solar energy facility use. The decommissioning of the site shall commence within six (6) months of receipt of such notice from the applicant, owner or operator with Fluvanna County and a name and physical address of such entity that would perform such decommissioning of the site shall be provided for the premises.

John Townsend, Lead Developer at Sun Tribe Solar gave a presentation outlining the project including Parcel Details

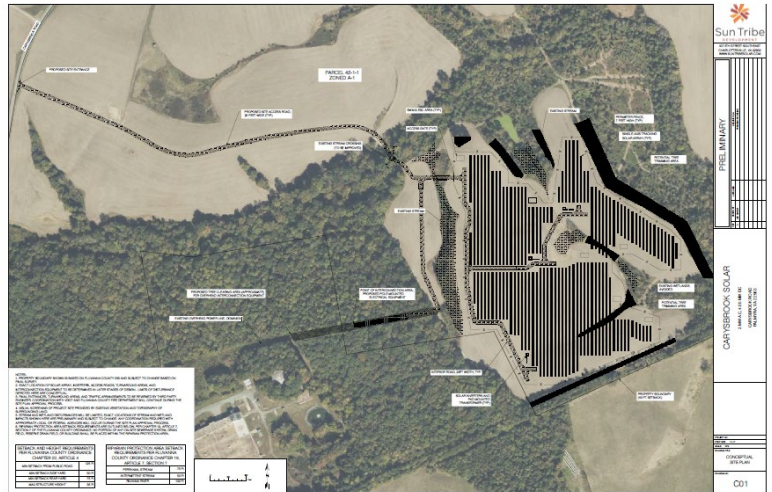
- Location: Route 615
- Parcel: 42-1-1
- Owner: Richard and Julia Rose
- Parcel Size: 361.2 acres
- Zoning: A-1
- Planning: Rural Preservation
- Land use: Vacant

### Project Details

- Project: Three (3)-Megawatt AC - Solar Energy Facility
- Clearing: Less than 3 acres
- Site Area: Approximately 36 Acres
- Access: Gravel Drive from Route 615
- The facility will produce enough energy to power more than 500 homes.
- The facility will connect to existing Dominion Energy distribution lines on adjacent parcel 42-A-14.

### Site Characteristics

- The Project is sited on previously cleared and disturbed land. It avoids environmental and historic impacts.
- The facility is set back more than 1,960 feet from Route 615 and existing mature vegetation surrounds the site.
- The nearest residence is more than 2,590 feet from the facility.
- Existing mature vegetation will provide necessary screening to protect the view shed of the surrounding area.



### Compliance with A-1 Land Use and 2015 Comprehensive Plan

- The proposed solar facility is designed to be integrated into the existing land and will be screened from all directions.
- The facility works with the existing electrical distribution system and substation to provide clean, renewable energy to the residents and businesses of Fluvanna County.
- The Carysbrook Solar Project is following the main intent of the A-1 district by requesting a land use that will require minimal traffic, will be habitat friendly to local wildlife, and will produce very little noise after construction.
- The Carysbrook Solar Project aligns with the 2015 Comprehensive Plan section regarding Green Infrastructure and Energy Efficiency.

### Environmental Due Diligence

- Stream and Wetland - Designed to minimize or avoid impact to streams and wetlands. Any land disturbance will comply with local and federal guidelines.
- Cultural/Historical - No identified resources within 2,000 feet of the project boundaries. Existing topography and vegetation prevent the view of the project from Carysbrook Performing Arts Center.
- Wildlife -The project is unlikely to have any impact on any threatened or endangered species. The Rivanna River is more than 500 feet away and will not be disturbed as part of this project.

### Community Value

- Furthers Fluvanna County's goal to 'Diversify the tax base through economic development'.
- Provides a tax base that does not come with an accompanying burden on County services.
- Project will have positive effects on the Fluvanna County environment by creating no emissions and offsetting the generation of 4,280 tons of CO2 annually, the equivalent of removing more than 900 cars from Virginia roads.
- Project has received letter of support from adjacent industrial warehouse due to the attraction of solar for new and future tenants.

### Construction, Operation, and Decommissioning

- Construction
  - 4-5 months
  - Approximately 20 construction and management personnel on site per day
  - Construction will occur during daylight hours
- Operation
  - Operation of the facility will take place remotely
  - No staff on site daily
  - Maintenance visits to the site about once a month resulting in no extra traffic impact
- Decommissioning

- Removal of PV equipment (Panels, inverters, racking, concrete pads, cabling)
- Site Restoration
- Removal and recycling (where possible) of all debris and components from site

End of Life Disposal and Recycling

- Sun Tribe Solar recycled 1,750 pounds of solar panels in December 2020 through FabTech Enterprises.
- Interest in recycling valuable raw materials has increased in Europe and the United States.
- Robust infrastructure and process exist for recycling aluminum, concrete, glass and steel.
- Many of the world’s largest solar panel manufacturers offer take back and recycling programs for end of life dismantling and re-use. Ex: First Solar, Jinko Solar, Trina Solar, JA Solar
- Solar specific recycling exists in at least 12 states with expansion in eight additional states in progress.

At 7:48pm, Chair Sheridan opened the Public Hearing.

- Kathleen Kilpatrick, 1034 Red Bank Road, addressed maintaining the rural ambiance of the County and asked that similar projects go before the Agricultural-Forestal District Advisory Council in the future.
- Mike Holland, 2 Oliver Ct, Palmyra, spoke in favor of the applicants proceeding with the project.

With no one else wishing to speak, Chair Sheridan closed the Public Hearing at 7:58pm.

<b>MOTION:</b>	Approve SUP 21:06 Carysbrook Solar, LLC – A Special Use Permit request in the A-1, Agricultural, General District to construct a major utility use (solar generation facility) on 36 +/- acres of a 361.3 acre parcel, Tax Map 42, Section 1, Parcel 1. The property is located on the east side of Carysbrook Road (SR 615) and generally north of James Madison Highway (Route 15) at 1084 Carysbrook Road along with the nine conditions as found within the Staff Report for this land use.				
<b>MEMBER:</b>	Mrs. Booker	Mrs. Eager	Mr. O’Brien	Mr. Sheridan	Mr. Weaver
<b>ACTION:</b>	Second		Motion		
<b>VOTE:</b>	Yes	Yes	Yes	Yes	Yes
<b>RESULT:</b>	<b>5-0</b>				

Ordinance Amendment - Chapter 20, Taxation, Cigarette Tax – Eric Dahl, County Administrator & Kelly Harris, Assistant County Administrator

Ordinance Amendment – Cigarette Tax Levy

- 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.
- 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.
- An ordinance amendment is necessary to allow the County to levy and collect a tax on cigarettes.
- 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.
- A public hearing is required to consider adoption of an “Ordinance to Amend Chapter 20, Taxation, of The Code of the County of Fluvanna, Virginia by Adding Article 10, Cigarette Tax.”

At 8:07pm, Chair Sheridan opened the Public Hearing. With no one wishing to speak, Chair Sheridan closed the Public Hearing at 8:07pm.

<b>MOTION:</b>	Adopt “An Ordinance to Amend Chapter 20, Taxation, of The Code Of The County Of Fluvanna, Virginia By Adding Article 10, Cigarette Tax.”				
<b>MEMBER:</b>	Mrs. Booker	Mrs. Eager	Mr. O’Brien	Mr. Sheridan	Mr. Weaver
<b>ACTION:</b>	Motion		Second		
<b>VOTE:</b>	Yes	No	Yes	Yes	Yes
<b>RESULT:</b>	<b>4-1</b>				

**7 - ACTION MATTERS**

*Compensation Study Budget transfer – Eric Dahl, County Administrator*

- A Compensation and Classification Study will provide the necessary funding for moving forward with a salary study, not to exceed \$37K.
- 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.
- The study would include an overall evaluation of the County's current grade structure, and actual salaries compared with 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 the County Staff.
- The last compensation study that was approved by the Board of Supervisors was September 3, 2008.

<b>MOTION:</b>	Approve a budget transfer of \$37,000 from the FY22 BOS Contingency budget to the FY22 Human Resources budget for the Compensation and Classification Study.				
<b>MEMBER:</b>	Mrs. Booker	Mrs. Eager	Mr. O'Brien	Mr. Sheridan	Mr. Weaver
<b>ACTION:</b>	Motion	Second			
<b>VOTE:</b>	Yes	Yes	Yes	Yes	Yes
<b>RESULT:</b>	<b>5-0</b>				

*Blue Ridge Cigarette Tax Board Startup Cost Budget Transfer – Eric Dahl, County Administrator*

- On September 15, 2021, the Board approved formation of the Blue Ridge Cigarette Tax Board (BRCTB).
- The BRCTB has been established to include the eight (8) member jurisdictions (Charlottesville, Albemarle, Nelson, Fluvanna, Augusta, Greene, Orange, Madison).
- It is the plan to have the BRCTB operational by January 1, 2022.
- As previously discussed, one-time/start-up costs are required for the creation of the BRCTB, to include Technology and Equipment, Vehicle for compliance, TJPDC staff time and office costs and funds to create a reserve. The Fluvanna portion of one-time/start-up costs is \$17,218.
- This will decrease the BOS Contingency Budget by \$17,218 and allocate the same amount of funds to pay one-time/start-up costs of the Blue Ridge Cigarette Tax Board.

One-time/Start-up Expenses (estimated)	
Technology and equipment— computer, uniform, identification for part-time compliance officer	\$2,500
Vehicle for compliance/enforcement	\$25,000
Start-up costs--TJPDC Staff time, stamp development and initial stamp order, purchase of tracking software, etc.	\$50,000
Reserve—4.7% of estimated revenues	\$140,000
<b>Subtotal one-time</b>	<b>\$217,500</b>

BRCTB Revenue and Expense

Regional Cigarette Tax Projections										First Year (FY22)			
Participating Localities	Population (per US Census July 1, 2019 Data)	Estimated Annual Revenue for full year	Tax Rate Per Pack	Estimated Packs Sold	Estimated Average # of Packs Sold Per Person (per Charlottesville Actual Data FY20)	Estimated Revenue Ratio	Estimated Packs Sold Ratio	Projected Start-up/One-time Expenses - Based on Itemized Estimates - 1st Year (FY22)	Projected On-Going Expenses - Based on Itemized Estimates - 1st Year (FY22 - Jan-June)	Estimated Total Expenses - Start-Up AND On-going - 1st Year (FY22 - Jan-June)	2% Dealer Discount - 1st Year FY22 (Jan-June)	Estimated Net Revenue - 1st Year (FY22 - Jan-June)*	
Charlottesville City	47266	\$614,553	0.55	1,117,360	23.64	20.63%	13.72%	\$29,843	\$10,260	\$40,103	\$ 6,145.53	\$261,028	
Albemarle County	109330	\$1,033,824	0.40	2,584,561	23.64	34.71%	31.74%	\$69,028	\$23,733	\$92,762	\$ 10,338.24	\$413,812	
Nelson County	14930	\$141,178	0.40	352,945	23.64	4.74%	4.33%	\$9,426	\$3,241	\$12,667	\$ 1,411.78	\$56,510	
Fluvanna County	27270	\$257,865	0.40	644,663	23.64	8.66%	7.92%	\$17,218	\$5,920	\$23,137	\$ 2,578.65	\$103,217	
Augusta County	75558	\$267,929	0.15	1,786,191	23.64	9.00%	21.93%	\$47,706	\$16,402	\$64,108	\$ 2,679.29	\$67,177	
Greene County	19819	\$187,408	0.40	468,521	23.64	6.29%	5.75%	\$12,513	\$4,302	\$16,816	\$ 1,874.08	\$75,015	
Orange County	37051	\$350,354	0.40	875,886	23.64	11.76%	10.76%	\$23,393	\$8,043	\$31,436	\$ 3,503.54	\$140,237	
Madison County	13261	\$125,396	0.40	313,490	23.64	4.21%	3.85%	\$8,373	\$2,879	\$11,251	\$ 1,253.96	\$50,193	
<b>Total Revenue</b>		<b>\$2,978,508</b>		<b>8,143,625</b>		<b>100.00%</b>	<b>100.00%</b>	<b>\$217,500</b>	<b>\$74,780</b>	<b>\$292,280</b>	<b>\$ 29,785.08</b>	<b>\$1,167,189</b>	

\*6 months Estimated Revenue (Column C) less Estimated Total Expenses (Column L) less Dealer Discount (Column I).  
 \*\*Estimated Revenue (Column C) less Projected Ongoing Admin Expenses (Column N) less Dealer Discount (Column O).

Regional Cigarette Tax Projections										FY23+		
Participating Localities	Population (per US Census July 1, 2019 Data)	Estimated Annual Revenue for full year	Tax Rate Per Pack	Estimated Packs Sold	Estimated Average # of Packs Sold Per Person (per Charlottesville Actual Data FY20)	Estimated Revenue Ratio	Estimated Packs Sold Ratio	Projected on-going Admin Expenses - Based on Itemized Estimates (FY23+)	2% Dealer Discount - (FY 23+)	Estimated Net Revenue - (FY23+)**		
Charlottesville City	47266	\$614,553	0.55	1,117,360	23.64	20.63%	13.72%	\$20,521	\$12,291	\$581,741		
Albemarle County	109330	\$1,033,824	0.40	2,584,561	23.64	34.71%	31.74%	\$47,466	\$20,676	\$965,682		
Nelson County	14930	\$141,178	0.40	352,945	23.64	4.74%	4.33%	\$6,482	\$2,824	\$131,873		
Fluvanna County	27270	\$257,865	0.40	644,663	23.64	8.66%	7.92%	\$11,839	\$5,157	\$240,869		
Augusta County	75558	\$267,929	0.15	1,786,191	23.64	9.00%	21.93%	\$32,804	\$5,359	\$229,766		
Greene County	19819	\$187,408	0.40	468,521	23.64	6.29%	5.75%	\$8,605	\$3,748	\$175,056		
Orange County	37051	\$350,354	0.40	875,886	23.64	11.76%	10.76%	\$16,086	\$7,007	\$327,261		
Madison County	13261	\$125,396	0.40	313,490	23.64	4.21%	3.85%	\$5,757	\$2,500	\$117,131		
<b>Total Revenue</b>		<b>\$2,978,508</b>		<b>8,143,625</b>		<b>100.00%</b>	<b>100.00%</b>	<b>\$149,560</b>	<b>\$59,570</b>	<b>\$2,769,377</b>		

\*6 months Estimated Revenue (Column C) less Estimated Total Expenses (Column L) less Dealer Discount (Column I).  
 \*\*Estimated Revenue (Column C) less Projected Ongoing Admin Expenses (Column N) less Dealer Discount (Column O).



**On-going Expenses**

First Year Central VA Regional Board Itemized Operating Costs	First year Estimates Jan-June 2022 1 staff	On-going Estimates 1 staff
Salary for one staff members	\$30,000	\$60,000
Benefits	\$9,000	\$18,000
Indirect Costs (66%****)	\$25,740	\$51,480
Vehicle Ongoing (Parking Garage Pass)*****	\$800	\$1,600
Milage expense*****	\$9,240	\$18,480
<b>Subtotal on-going</b>	<b>\$74,780</b>	<b>\$149,560</b>

\*\*\*\*Indirect Costs include Rent, Internet/Phone/Data, IT/Communications, Copier, Finance/Administrative Support and are updated annually July 1  
 \*\*\*\*\*\$1600 based on \$130/month for 12 months = \$1560  
 \*\*\*\*\*Mileage .56 \* 33000 miles/yr

<b>MOTION:</b>	Approve a budget transfer of \$17,218 from the FY22 BOS Contingency budget to the FY22 Board of Supervisors budget to pay for the Fluvanna County portion of one-time/start-up costs of the Blue Ridge Cigarette Tax Board.				
<b>MEMBER:</b>	Mrs. Booker	Mrs. Eager	Mr. O'Brien	Mr. Sheridan	Mr. Weaver
<b>ACTION:</b>			Motion		Second
<b>VOTE:</b>	Yes	No	Yes	Yes	Yes
<b>RESULT:</b>	<b>4-1</b>				

**County participation in Virginia Opioid Settlement – Frederick W. Payne, County Attorney**

- Several entities have filed claims nationally against three distributors and one manufacturer of opioid pharmaceuticals, which claims have been participated in by the Commonwealth and approximately 80 of its localities (to date).
- These claims have been tentatively settled by the agreement of all participating parties to accept a monetary settlement and, in return, releasing all claims to which they may be entitled against the settling distributors and manufacturer.
- The amount of the settlement is approximately \$26 billion nationally, of which approximately \$530 million will be paid over time to the Commonwealth, including the Opioid Abatement Fund, and the participating Virginia localities.
- It is contemplated that approximately 30% of the total will accrue to the Commonwealth's participating localities.
- The precise amounts to accrue to each locality cannot be calculated until all participating localities have filed the necessary documents to participate.
- The MOU to approve the negotiated settlement was signed by the Attorney General on behalf of the Commonwealth in August of this year.

<b>MOTION:</b>	Approve the two attached resolutions: approving Resolution 26-2021, the County's participation in the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding and directing the County Attorney to execute the documents necessary to effectuate the County's participation in the MOU; and				
<b>MEMBER:</b>	Mrs. Booker	Mrs. Eager	Mr. O'Brien	Mr. Sheridan	Mr. Weaver
<b>ACTION:</b>		Motion			Second
<b>VOTE:</b>	Yes	Yes	Yes	Yes	Yes
<b>RESULT:</b>	<b>5-0</b>				
<b>MOTION:</b>	approving Resolution 27-2021, the County's participation in the proposed settlement of opioid-related claims against certain entities named in the resolution and directing the County Attorney to execute the documents necessary to effectuate the County's participation in the settlements.				
<b>MEMBER:</b>	Mrs. Booker	Mrs. Eager	Mr. O'Brien	Mr. Sheridan	Mr. Weaver
<b>ACTION:</b>	Second	Motion			
<b>VOTE:</b>	Yes	Yes	Yes	Yes	Yes
<b>RESULT:</b>	<b>5-0</b>				

**7A – BOARDS AND COMMISSIONS**

<b>MOTION:</b>	Move the Board of Supervisors defer the decision to appoint to the following Board, Commission, or Committee appointment(s)/reappointments(s) until the December 1, 2021 meeting:			
<b>BOARD/COMMISSION/COMMITTEE</b>	<b>APPOINTEES</b>	<b>APPT/REAPPT</b>	<b>BEGINS TERM</b>	<b>ENDS TERM</b>

James River Water Authority (JRWA) - Fluvanna Citizen Representative		John M. Sheridan	Appoint	11/17/2021	04/18/2025
<b>MEMBER:</b>	<b>Mrs. Booker</b>	<b>Mrs. Eager</b>	<b>Mr. O'Brien</b>	<b>Mr. Sheridan</b>	<b>Mr. Weaver</b>
<b>ACTION:</b>	Motion	Second			
<b>VOTE:</b>	Yes	Yes	Yes	Abstain	Yes
<b>RESULT:</b>	<b>4-0-1</b>				

### **8 - PRESENTATIONS**

*Jefferson Area Board of Aging Service Overview* – Dan Corrow, JABA Options Counselor, gave an overview of services offered by the Jefferson Area Board of Aging Service.

*2021 Strategic Initiatives Update* – Kelly Belanger Harris, Assistant County Administrator

- No day-long Leadership Retreat in 2021 to set priorities for the next two years
- Feb 10, 2021 – Work Session/Planning Retreat
  - Strategic Initiatives were proposed for the remainder of 2021
- Staff priorities were not included in the proposed 2021 Strategic Initiatives
- The Board adopted 2021 Strategic Initiatives on April 7, 2021
- Propose updating Strategic Initiatives at a 2022 Leadership Retreat

### **9 - CONSENT AGENDA**

The following items were discussed before approval:

L - *Accounts Payable Report for September 2021*

M - *Accounts Payable Report for October 2021*

The following items were approved under the Consent Agenda for November 17, 2021:

- *Minutes of November 3, 2021* – Caitlin Solis, Clerk to the Board
- *Approval of Open Space Contract for Charles Alexander IV* – Andrew M. Sheridan, Jr., Commissioner of the Revenue
- *Approval of Open Space Contract for Joseph W. and Katina W. Trent* – Andrew M. Sheridan, Jr., Commissioner of the Revenue
- *Accounts Payable Report for September 2021* – Eric Dahl, County Administrator
- *Accounts Payable Report for October 2021* – Eric Dahl, County Administrator

<b>MOTION:</b>	Ratify Accounts Payable and Payroll for September 2021, in the amount of \$3,099,366.99.				
<b>MEMBER:</b>	Mrs. Booker	Mrs. Eager	Mr. O'Brien	Mr. Sheridan	Mr. Weaver
<b>ACTION:</b>	Second				Motion
<b>VOTE:</b>	Yes	Yes	Yes	Yes	Yes
<b>RESULT:</b>	<b>5-0</b>				

<b>MOTION:</b>	Ratify Accounts Payable and Payroll for October 2021, in the amount of \$2,690,868.55.				
<b>MEMBER:</b>	Mrs. Booker	Mrs. Eager	Mr. O'Brien	Mr. Sheridan	Mr. Weaver
<b>ACTION:</b>	Second				Motion
<b>VOTE:</b>	Yes	Yes	Yes	Yes	Yes
<b>RESULT:</b>	<b>5-0</b>				

<b>MOTION:</b>	Approve the consent agenda items I, J, and K for the November 17, 2021 Board of Supervisors meeting.				
<b>MEMBER:</b>	Mrs. Booker	Mrs. Eager	Mr. O'Brien	Mr. Sheridan	Mr. Weaver
<b>ACTION:</b>			Second		Motion
<b>VOTE:</b>	Yes	Yes	Yes	Yes	Yes
<b>RESULT:</b>	<b>5-0</b>				

### **10 - UNFINISHED BUSINESS**

*2021 Redistricting* – Eric Dahl, County Administrator

- The Board of Supervisors discussed the five redistricting map options, at length.

### **11 - NEW BUSINESS**

*Authorization of Advertisement of Proposed Ordinance Change Concerning the Central Absentee Precinct Location* – Eric Dahl, County Administrator

- The previous Registrar's Office, located at 211 Main Street, Palmyra, VA, was directly across the street from the Central Absentee Precinct (CAP.)

- The proximity to the CAP allowed Registrar's Office staff to respond quickly if called if needed.
- The new location of the Registrar's Office, at 265 Turkeysag Trail, Suite 115, Palmyra, VA, approximately 7 miles from the prior location, does not lend itself to the same quick response time.
- Moving the CAP reduces the time to respond, moves all equipment and supplies to one location, and overall improves efficiency.
- Through clerical housekeeping, it was discovered the Ordinance Amendment Public Hearing was previously authorized for advertisement, but had not been advertised and scheduled. The following motion will allow for completion of the public hearing and the amendment to the County Code.

<b>MOTION:</b>	I move the Board of Supervisors authorize staff to advertise a Public Hearing on December 15, 2021, entitled, "AN ORDINANCE TO AMEND CHAPTER 2, ARTICLE 2, SEC. 2-2-3(B) OF THE FLUVANNA COUNTY CODE TO DESIGNATE AS THE CENTRAL ABSENTEE PRECINCT THE OFFICE OF THE REGISTRAR, PALMYRA, VA, IN PLACE OF THE HISTORIC COURTHOUSE."				
<b>MEMBER:</b>	Mrs. Booker	Mrs. Eager	Mr. O'Brien	Mr. Sheridan	Mr. Weaver
<b>ACTION:</b>	Second	Motion			
<b>VOTE:</b>	Yes	Yes	Yes	Yes	Yes
<b>RESULT:</b>	<b>5-0</b>				

## **12 - PUBLIC COMMENTS #2**

At 10:50pm, Chair Sheridan opened the second round of Public Comments.

- Jessica Jackson, 41 Allen Lane, referenced code sections that outline how elected officials will be redistricted out of seats and districts they were elected to serve.

With no one else wishing to speak, Chair Sheridan closed the second round of Public Comments at 10:56pm.

## **MOTION TO EXTEND**

- *At 10:57 pm, a motion was made to extend the Board of Supervisors meeting.*

<b>MOTION:</b>	Approve a motion to extend the November 17, 2021 Regular Board of Supervisors meeting to 12:00pm.				
<b>MEMBER:</b>	Mrs. Booker	Mrs. Eager	Mr. O'Brien	Mr. Sheridan	Mr. Weaver
<b>ACTION:</b>	Second		Motion		
<b>VOTE:</b>	Yes	Yes	Yes	Yes	Yes
<b>RESULT:</b>	<b>5-0</b>				

## **13 - CLOSED MEETING**

<b>MOTION:</b>	At 10:57pm, move the Fluvanna County Board of Supervisors enter into a closed meeting, pursuant to the provisions of Section 2.2-3711 A.8 of the Code of Virginia, 1950, as amended, for the purpose of discussing Legal Matters.				
<b>MEMBER:</b>	Mrs. Booker	Mrs. Eager	Mr. O'Brien	Mr. Sheridan	Mr. Weaver
<b>ACTION:</b>			Motion		Second
<b>VOTE:</b>	Yes	Yes	Yes	Yes	Yes
<b>RESULT:</b>	<b>5-0</b>				

<b>MOTION:</b>	At 11:49pm, 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."				
<b>MEMBER:</b>	Mrs. Booker	Mrs. Eager	Mr. O'Brien	Mr. Sheridan	Mr. Weaver
<b>ACTION:</b>	Second		Motion		
<b>VOTE:</b>	Yes	Yes	Yes	Yes	Yes
<b>RESULT:</b>	<b>5-0</b>				

- Mr. Sheridan proposed using CARES money to fund thanksgiving dinners for MACCA after some discussion, staff will look into using CARES funds for Christmas programs through MACCA.

**14 - ADJOURN**

<b>MOTION:</b>	Adjourn the regular meeting of Wednesday, November 17, 2021 at 11:52pm.				
<b>MEMBER:</b>	Mrs. Booker	Mrs. Eager	Mr. O'Brien	Mr. Sheridan	Mr. Weaver
<b>ACTION:</b>	Second				Motion
<b>VOTE:</b>	Yes	Yes	Yes	Yes	Yes
<b>RESULT:</b>	<b>5-0</b>				

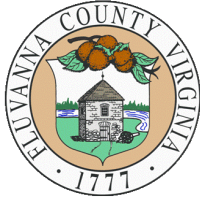
ATTEST:

FLUVANNA COUNTY BOARD OF SUPERVISORS

\_\_\_\_\_  
 Caitlin Solis  
 Clerk to the Board

\_\_\_\_\_  
 John M. Sheridan  
 Chair

DRAFT



**BOARD OF SUPERVISORS**  
 County of Fluvanna  
 Palmyra, Virginia  
**RESOLUTION No. 26-2021**

**A RESOLUTION OF THE FLUVANNA COUNTY, VIRGINIA, BOARD OF SUPERVISORS APPROVING OF THE COUNTY’S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST MCKESSON, CARDINAL HEALTH, AMERISOURCEBERGEN, JANSSEN, AND THEIR RELATED CORPORATE ENTITIES, AND DIRECTING THE COUNTY ATTORNEY TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE COUNTY’S PARTICIPATION IN THE SETTLEMENTS**

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its cities and counties by adversely impacting, amongst other things, the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services; and

WHEREAS, the Commonwealth of Virginia and its cities and counties have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of Virginia; and

WHEREAS, settlement proposals have been negotiated that will cause McKesson, Cardinal Health, AmerisourceBergen, and Janssen to pay up to \$26 billion nationwide to resolve opioid-related claims against them;

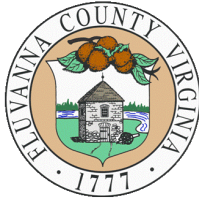
NOW THEREFORE BE IT RESOLVED that the Fluvanna County, Virginia, Board of Supervisors, this 17th day of November 2021, approves of the County’s participation in the proposed settlement of opioid-related claims against McKesson, Cardinal Health, AmerisourceBergen, Janssen, and their related corporate entities, and directs the County Attorney to execute the documents necessary to effectuate the County’s participation in the settlements, including the required release of claims against settling entities.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Fluvanna County Board of Supervisors of Fluvanna County on this 17th day of November 2021.

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

Attest:

\_\_\_\_\_  
 John M. Sheridan, Chair  
 Fluvanna County Board of Supervisors



**BOARD OF SUPERVISORS**  
 County of Fluvanna  
 Palmyra, Virginia  
**RESOLUTION No. 27-2021**

**A RESOLUTION OF THE FLUVANNA COUNTY, VIRGINIA, BOARD OF SUPERVISORS APPROVING OF THE COUNTY’S PARTICIPATION IN THE VIRGINIA OPIOID ABATEMENT FUND AND SETTLEMENT ALLOCATION MEMORANDUM OF UNDERSTANDING (“MOU”) AND DIRECTING THE COUNTY ATTORNEY TO EXECUTE THE DOCUMENTS NECESSARY TO EFFECTUATE THE COUNTY’S PARTICIPATION IN THE MOU**

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its cities and counties by adversely impacting, amongst other things, the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services; and

WHEREAS, the Commonwealth of Virginia and its cities and counties have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of Virginia; and

WHEREAS, in order to advance their common interests, Virginia local governments and the Commonwealth of Virginia, through counsel, have extensively negotiated the terms of a memorandum of understanding relating to the allocation and use of litigation recoveries relating to the opioid epidemic;

NOW THEREFORE BE IT RESOLVED that the Fluvanna County, Virginia, Board of Supervisors, this 17<sup>th</sup> day of November 2021, hereby authorizes and approves of the Virginia Abatement Fund and Settlement Allocation Memorandum of Understanding (“MOU”) attached hereto and incorporated by reference as Exhibit “A,” and directs the County Attorney to execute the MOU.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Fluvanna County Board of Supervisors of Fluvanna County on this 17th day of November 2021.

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

Attest:

\_\_\_\_\_  
 John M. Sheridan, Chair  
 Fluvanna County Board of Supervisors

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

TAB H

<b>MEETING DATE:</b>	December 1, 2021				
<b>AGENDA TITLE:</b>	Adoption of the Fluvanna County Board of Supervisors November 19, 2021 Elected Officials Gathering Minutes.				
<b>MOTION(s):</b>	<b>I move the meeting minutes of the Fluvanna County Board of Supervisors Elected Officials Gathering Meeting on Friday, November 19, 2021, be adopted.</b>				
<b>STRATEGIC INITIATIVE?</b>	Yes	No	<b>If yes, list initiative(s):</b>		
		X			
<b>AGENDA CATEGORY:</b>	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
				<b>XX</b>	
<b>STAFF CONTACT(S):</b>	Caitlin Solis, Clerk to the Board				
<b>PRESENTER(S):</b>	Eric Dahl, County Administrator				
<b>RECOMMENDATION:</b>	Approve				
<b>TIMING:</b>	Routine				
<b>DISCUSSION:</b>	None.				
<b>FISCAL IMPACT:</b>	N/A				
<b>POLICY IMPACT:</b>	N/A				
<b>LEGISLATIVE HISTORY:</b>	N/A				
<b>ENCLOSURES:</b>	Draft Minutes for November 19, 2021.				
<b>REVIEWS COMPLETED:</b>	Legal	Finance	Purchasing	HR	Other
					<b>X</b>





**FLUVANNA COUNTY BOARD OF SUPERVISORS  
REGULAR MEETING MINUTES  
Fluvanna County Library  
November 19, 2021  
Elected Officials Meeting**

**MEMBERS PRESENT:** John M. Sheridan, Chair, Columbia District  
Tony O’Brien, Vice Chair, Rivanna District  
Mozell Booker, Fork Union District  
Patricia Eager, Palmyra District

**ABSENT:** Donald W. Weaver, Cunningham District

**ELECTED OFFICIALS PRESENT:** Delegate Lee Ware, 65<sup>th</sup> District  
Delegate Rob Bell, 58<sup>th</sup> District\*  
Andrew M. Sheridan, Commissioner of the Revenue\*  
Tristana Treadway, Clerk of the Circuit Court  
Shirley Stewart, Vice-Chair, Fluvanna School Board, Rivanna District\*

**ALSO PRESENT:** Jordan Hargrave, Representative for Rob Bell\*  
David Blount, TJPDC Legislative Liaison\*  
Brenda Gilliam, FCPS, Executive Director for Instruction and Finance  
Eric Dahl, County Administrator  
Kelly Belanger Harris, Assistant County Administrator  
Caitlin Solis, Clerk to the Board of Supervisors  
Tori Melton, Management Analyst  
Jennifer Schmack, Economic Development Director  
Aaron Spitzer, Director of Parks and Recreation  
Douglas Miles, Community Development Director  
Donna Snow, Human Resources Manager  
Calvin Hickman, Director of Public Works  
Bryan Moeller, CSA Coordinator  
Kim Mabe, Director of Social Services  
Major David Wells, Sheriff’s Office  
Andy Notman, IT Director\*  
Tim Hodge, IT Tech\*  
Dr. Denise Bonds, Director for Blue Ridge Health District\*  
Chris Fairchild, Supervisor Elect, Cunningham District

*\*Participants are attending the meeting virtually/by telephone*

**A - WELCOME AND INTRODUCTIONS**

Eric Dahl, County Administrator, welcomed and thanked Delegate Rob Bell, and Delegate Lee Ware, to the Elected Officials Gathering. Chair Sheridan then called the meeting to order.

**B - BOARD OF SUPERVISORS CALL TO ORDER**

At 2:36pm, Chair Sheridan, called to order the Elected Officials Meeting, after the Pledge of Allegiance and moment of silence, he thanked everyone for attending, and asked for introductions from all in attendance.

<b>MOTION:</b>	Adoption of the Thursday, November 19, 2021 Elected Officials Meeting Agenda.				
<b>MEMBER:</b>	Mrs. Booker	Mrs. Eager	Mr. O’Brien	Mr. Sheridan	Mr. Weaver
<b>ACTION:</b>					
<b>VOTE:</b>	Yes	Yes	Yes	Yes	Absent
<b>RESULT:</b>	<b>4-0</b>				

**C - GENERAL REMARKS BY LEGISLATORS / REPRESENTATIVES**

**D - DISCUSSION TOPICS:**

**State Legislative Concerns From:**

Mike Sheridan, Chair, Columbia District, Fluvanna County Board of Supervisors

- Unfunded mandates – financial responsibility for localities
- School bus driver shortage
- Providing flexibility to localities to use Comp Board funding for equitable bonuses

Tony O'Brien, Vice Chair, Rivanna Supervisor, Fluvanna County Board of Supervisors

- Redistricting commission
  - State
    - State Maps
    - Repercussions of missed deadlines by the state redistricting committee
  - Local
    - What is the pathway for districts that have changed (special elections, appointment, etc.)
- Recommendation that they consider providing years of service credit for Board of Supervisors & School Board members in Virginia Retirement System (VRS) for members that have or enter into VRS-based positions.
- What is the plan to not pass grocery tax reduction back to localities and or cut programs based on that tax reduction?

Tristana Treadway, Clerk of the Circuit Court

- Currently the law requires collection of probate tax on real estate at the time a will is offered for probate or the grant of administration is sought (58.1-1712, 58.1-1714). Probate tax is not collected when a person owning an interest in real estate dies intestate and no grant of administration is sought, only a "fee" of \$25 is assessed for the state (58.1-1717.1). There can be an additional \$25 assessed for the locality if the locality has adopted an ordinance to do so (58.1-1718).
- Probate tax should be collected on the transfer of all real estate by will or intestate succession regardless of whether a will is offered for probate, grant of administration, or recordation of real estate affidavit. All estates should be treated equally regardless of the planning or lack of planning on the part of the decedent.

Dr. Peter Gretz, Superintendent, Fluvanna County Public Schools

- Standards of Quality support caps
- Extension for the expenditure of Elementary and Secondary School Emergency Relief (ESSER) Funds until FY2026. Does not impact Fluvanna, but other small rural school divisions.

Maj. David Wells, Fluvanna County Sheriff's Office

- MARCUS Alert – Legislation passed in 2020 that provides for a statewide mental health alert system to ensure behavioral health experts are involved in responding to individuals in crisis, including by limiting the role of law enforcement. The law is named to honor Marcus-David Peters, a high school biology teacher who was killed by a police officer in Richmond while experiencing a behavioral health crisis in 2018.
  - Concerns: rollout and process

County Staff

- Economic Development
  - Supporting Workforce Development
- Increased funding for Career Technical Education (CTE) at Fluvanna County Public Schools
- Increased funding to localities in response to 45 day early voting
- Eric Dahl addressed the aging infrastructure of the County's schools, and without additional funding options, there will either need to be an increase to the tax rate or debt taken out to fund school renovations and construction. He mentioned in the past there was a literary fund for school improvements and suggested state surplus could go towards extremely low interest or no interest debt funding specifically for school maintenance and renovation funding for older buildings.
- In response to Mr. Dahl's comments, David Blount mentioned a State initiative to authorize qualifying localities to initiate a voter referendum to implement an additional 1-cent sales tax increase to be used specifically for school construction and renovation.

Mel Sheridan, Commissioner of the Revenue

- Mel Sheridan thanked for the delegates for their support with the career development programs for constitutional offices and asked for their continued support.
- Mr. Sheridan asked for an increase to the cap of funds allotted to each locality for the Personal Property Tax Relief Program Act (PPTRA).

**E - CONCLUSION AND ADDITIONAL COMMENTS**

**F - BOARD OF SUPERVISORS ADJOURN**

<b>MOTION:</b>	Adjourn the Elected Officials Meeting, Thursday, November 19, 2021 at 4:12pm.				
<b>MEMBER:</b>	Mrs. Booker	Mrs. Eager	Mr. O'Brien	Mr. Sheridan	Mr. Weaver
<b>ACTION:</b>	Second		Motion		
<b>VOTE:</b>	Yes	Yes	Yes	Yes	Absent
<b>RESULT:</b>	<b>4-0</b>				

ATTEST:

FLUVANNA COUNTY BOARD OF SUPERVISORS

\_\_\_\_\_

Caitlin Solis  
Clerk to the Board

\_\_\_\_\_

John M. Sheridan  
Chair

DRAFT

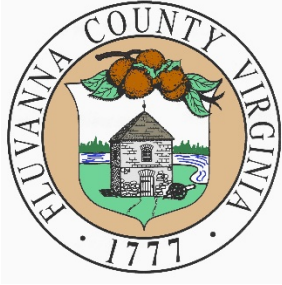


**FLUVANNA COUNTY BOARD OF SUPERVISORS  
AGENDA ITEM STAFF REPORT**

**TAB I**

<b>MEETING DATE:</b>	December 1, 2021				
<b>AGENDA TITLE:</b>	Fluvanna Partnership For Aging Mission and Vision Statements Update				
<b>MOTION(s):</b>	<b>I move to approve the Fluvanna Partnership for Aging mission and vision statements as amended.</b>				
<b>STRATEGIC INITIATIVE?</b>	Yes	No	<b>If yes, list initiative(s):</b>		
		x			
<b>AGENDA CATEGORY:</b>	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
				x	
<b>STAFF CONTACT(S):</b>	Aaron Spitzer, Director of Parks and Recreation				
<b>PRESENTER(S):</b>					
<b>RECOMMENDATION:</b>	Approval				
<b>TIMING:</b>	Current				
<b>DISCUSSION:</b>	<ul style="list-style-type: none"> <li>Updating the FPA mission and visions statement has been a topic for the committee since May of 2021. These new statements will provide the path of the committee moving forward as they try to help with the Senior population of Fluvanna County.</li> </ul>				
<b>FISCAL IMPACT:</b>	N/A				
<b>POLICY IMPACT:</b>	N/A				
<b>LEGISLATIVE HISTORY:</b>	N/A				
<b>ENCLOSURES:</b>	Copy of updated mission and vision statements to be approved				
<b>REVIEWS COMPLETED:</b>	Legal	Finance	Purchasing	HR	Other
					x





**Partnership For Aging  
November 15, 2021  
4:00 - 5:30pm  
Regular Meeting**

Mission Statement

Identify and raise awareness of the needs of Fluvanna County elders. To advocate for the implementation of services to help insure elders' good health, safety and well-being.

Vision Statement

Facilitate the creation and actualization of a Senior Living Community in Fluvanna County offering a supportive living environment and inspiring a meaningful quality of life for elders. This community will offer an array of health care services and housing options including Independent Living, Assisted Living, Memory Care and Skilled Nursing that will be available to all socio-economic groups.





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

**TAB J**

<b>MEETING DATE:</b>	December 1, 2021				
<b>AGENDA TITLE:</b>	2021 Redistricting				
<b>MOTION(s):</b>	N/A				
<b>STRATEGIC INITIATIVE?</b>	Yes	No	<b>If yes, list initiative(s):</b>		
<b>AGENDA CATEGORY:</b>	Public Hearing	Action Matter	Presentation	Consent Agenda	Other
	<b>XX</b>				
<b>STAFF CONTACT(S):</b>	Eric M. Dahl, County Administrator & Kelly Belanger Harris, Assistant County Administrator				
<b>PRESENTER(S):</b>	Eric M. Dahl, County Administrator & Kelly Belanger Harris, Assistant County Administrator				
<b>RECOMMENDATION:</b>	N/A				
<b>TIMING:</b>	Normal				
<b>DISCUSSION:</b>	<p>The Redistricting Committee has presented five proposed Redistricting maps – two five-district maps; one 6-district map; two seven-district maps. At the November 3, 2021 Board meeting, the Board proposed Map 6.</p> <p><b>A note about comments received from residents:</b> Included in this packet are comments addressed to the Board regarding the 2021 Redistricting and received after Dec 17, 2021. This coincides with the November 18, 2021 publication date of the Notice of Public Hearing, as published in the Fluvanna Review. <b>All comments</b> addressed to the Board, regardless of how they are received (electronically or on paper) are forwarded to the Board and become public record.</p>				
<b>FISCAL IMPACT:</b>	None				
<b>POLICY IMPACT:</b>	N/A				
<b>LEGISLATIVE HISTORY:</b>	N/A				
<b>ENCLOSURES:</b>	Proposed District Maps; Demographics; Costs per District; Public Comments				
<b>REVIEWS COMPLETED:</b>	Legal	Finance	Purchasing	HR	Other
	<b>X</b>				<b>X</b>





# PUBLIC HEARING

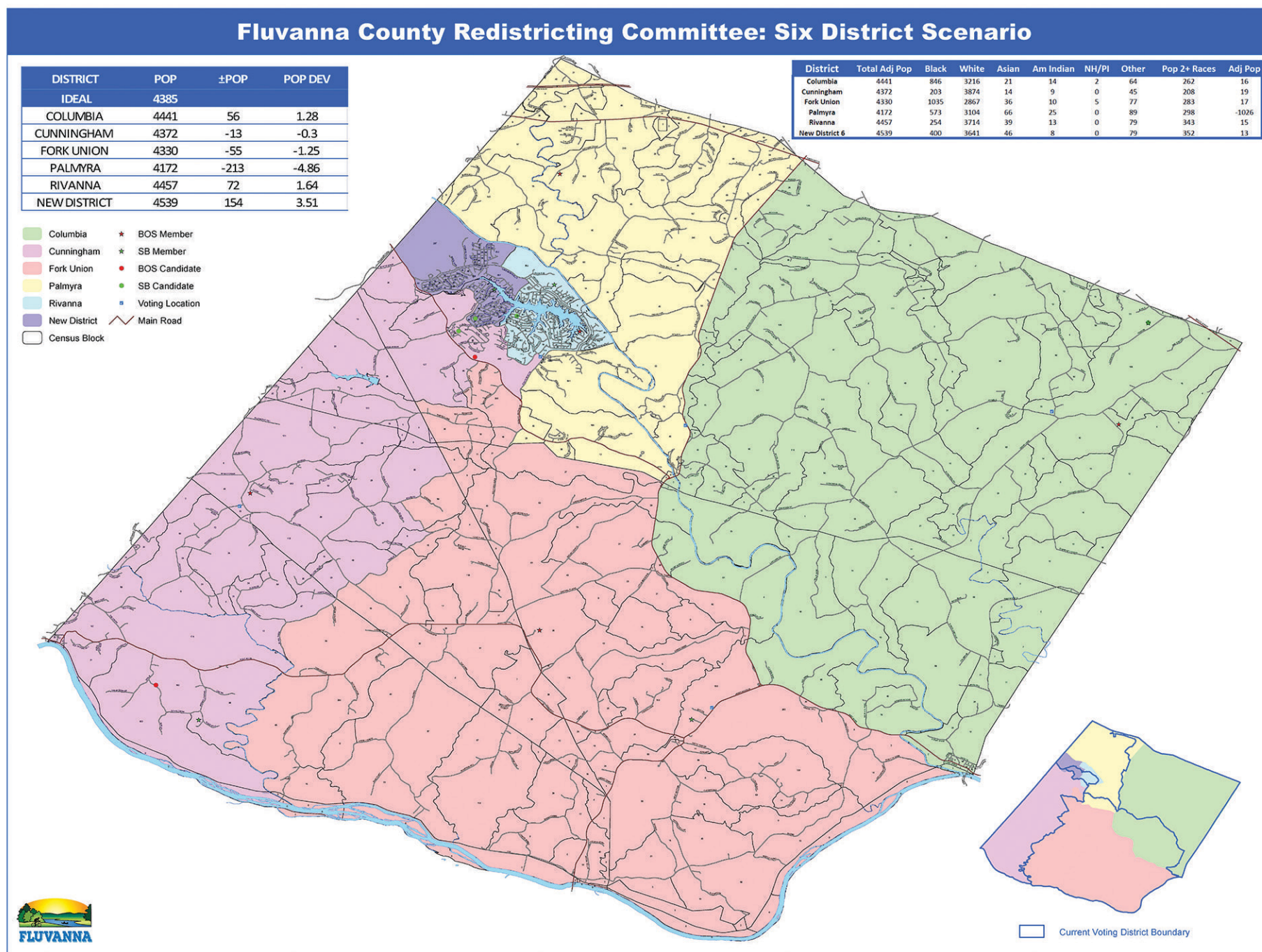
## Fluvanna County Board of Supervisors • Wednesday, December 1, 2021 at 7:00 PM

Pursuant to Virginia Code Sections 15.2-1427 and 24.2-306, the Board of Supervisors of Fluvanna County, Virginia, will hold a public hearing on December 1, 2021, at 7:00 PM, at the Carysbrook Performing Arts Center, 8880 James Madison Highway, Fork Union, VA 23055, to receive public comment and input regarding a proposed ordinance to repeal and reenact Sections 2-2-3 and 2-2-4 of Chapter 2 (Administration), Article 2 (Elections) of the Fluvanna County Code to establish six (6) election districts, precincts and polling places, including a new, as-yet unnamed district with a polling place to be determined at a future date, as set forth in the proposed ordinance; as well as consideration of four (4) alternative election district configurations. Reapportionment of representation among election districts is required by law to take place in 2021 following the 2020 decennial census, and will affect representation on the Board of Supervisors, the Planning Commission, and the School Board.

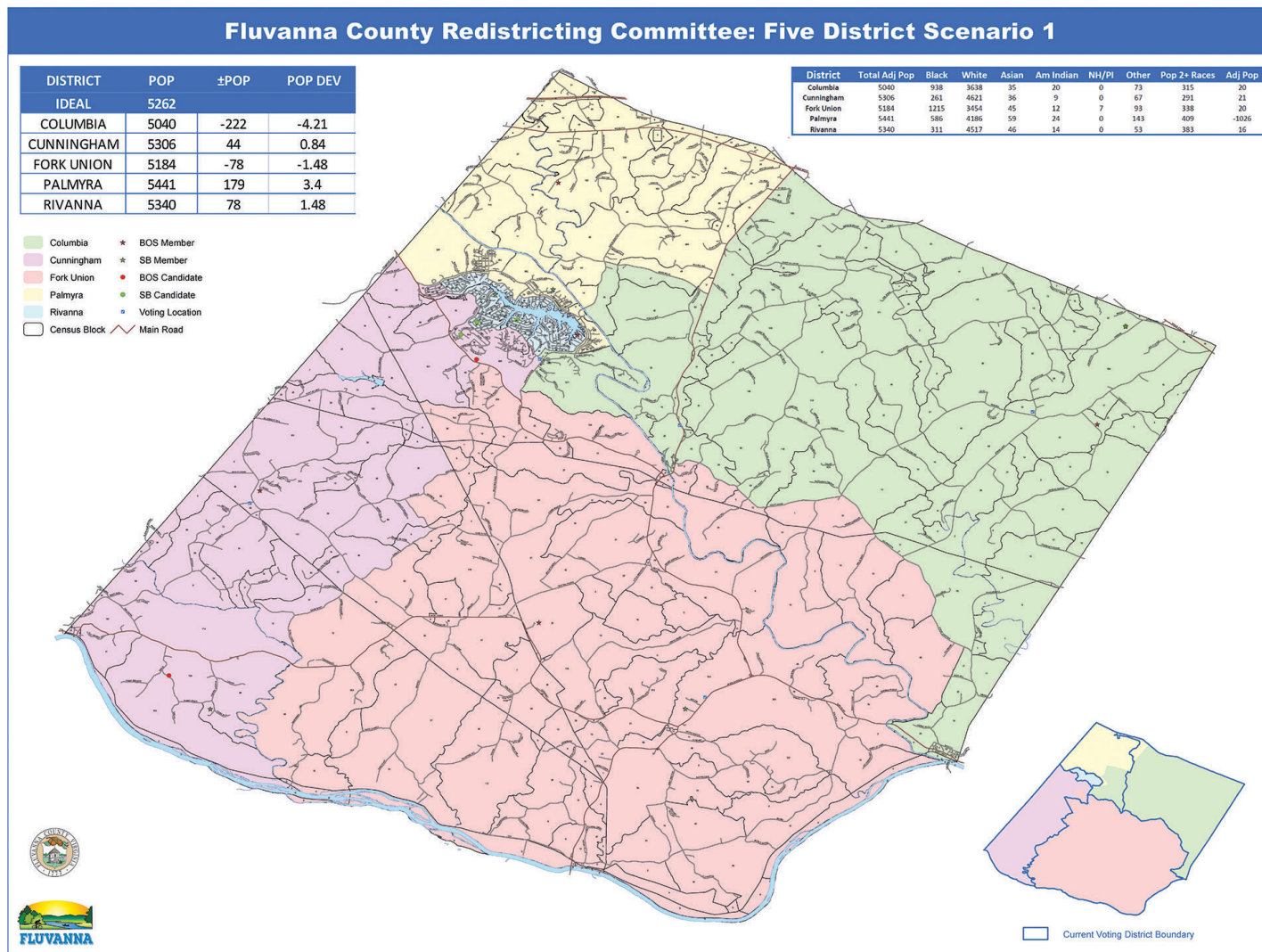
A copy of the full text of the ordinance including boundary descriptions, along with the six (6) election districts configuration map, four (4) alternative election district configuration maps under consideration, and related materials may be examined during regular business hours of 8:00 a.m. – 5:00 p.m., Monday – Friday, at the Office of the County Administrator, located at 132 Main Street, Palmyra, VA 22963. A copy of the full text of the ordinance, such maps, and other materials may also be viewed, and written comments may be submitted, on the Fluvanna County website's 2021 Redistricting page, at [www.fluvannacounty.org/bos/page/2021-redistricting](http://www.fluvannacounty.org/bos/page/2021-redistricting). Comments can also be submitted by contacting Caitlin Solis, Clerk to the Board, at 434-591-1910 or [csolis@fluvannacounty.org](mailto:csolis@fluvannacounty.org) or by mail at Clerk to the Board of Supervisors, 132 Main Street, Post Office Box 540, Palmyra, VA 22963.

All interested persons are invited to attend the hearings and to present their views and/or to submit written comments for the Board's consideration.

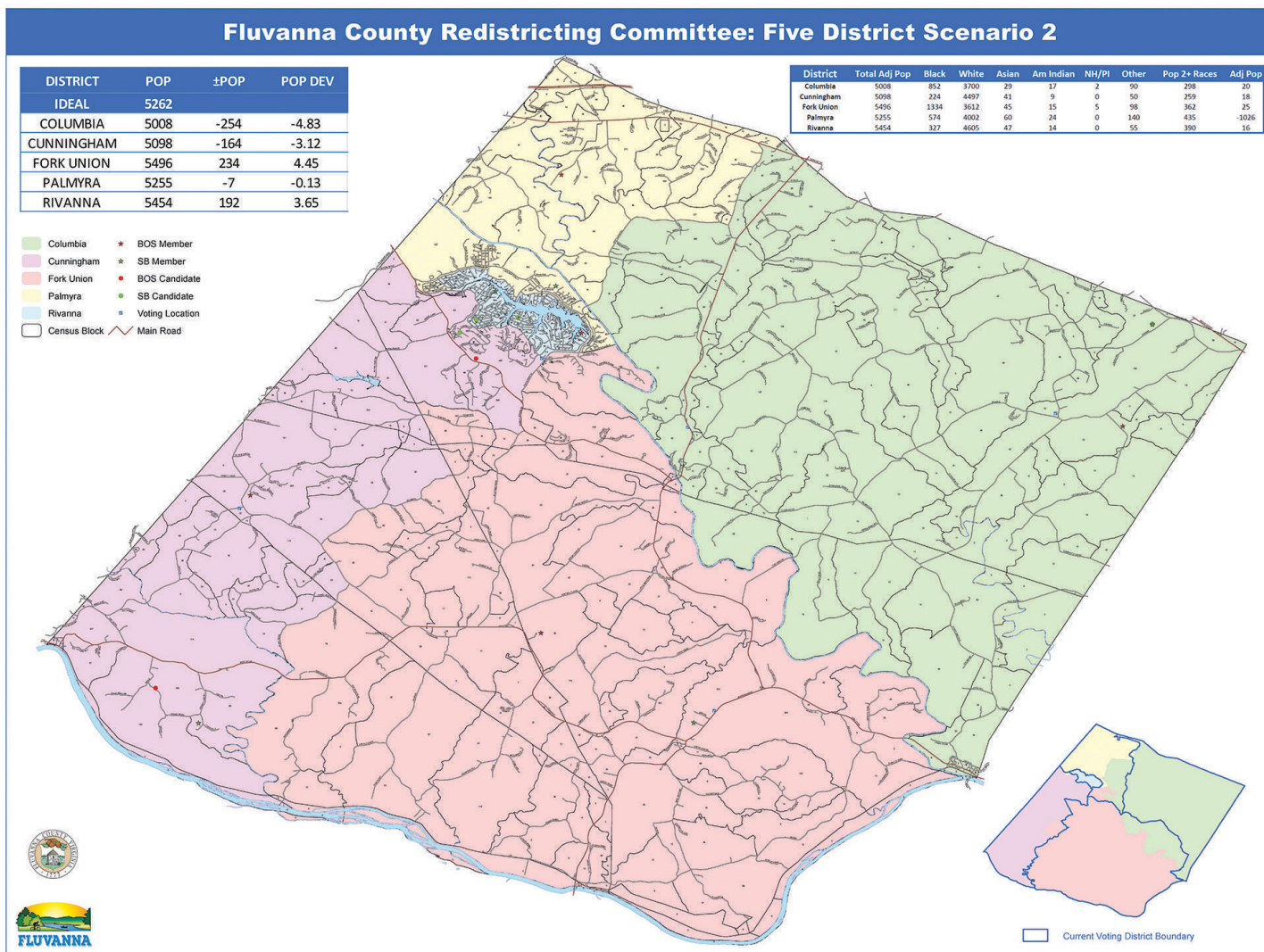
Following is the proposed six (6) election district configuration map:



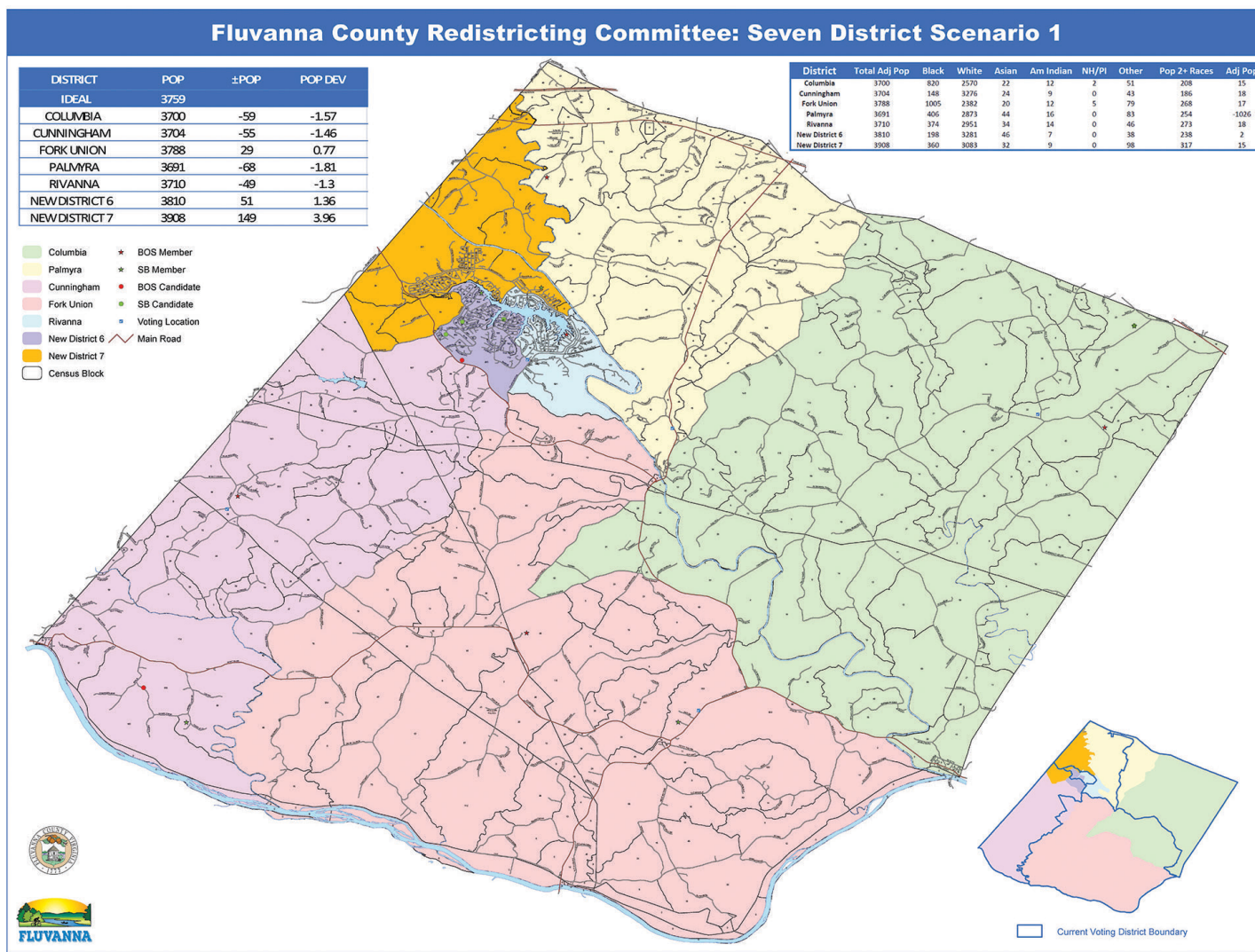
# ALTERNATIVE ELECTION DISTRICT CONFIGURATION:



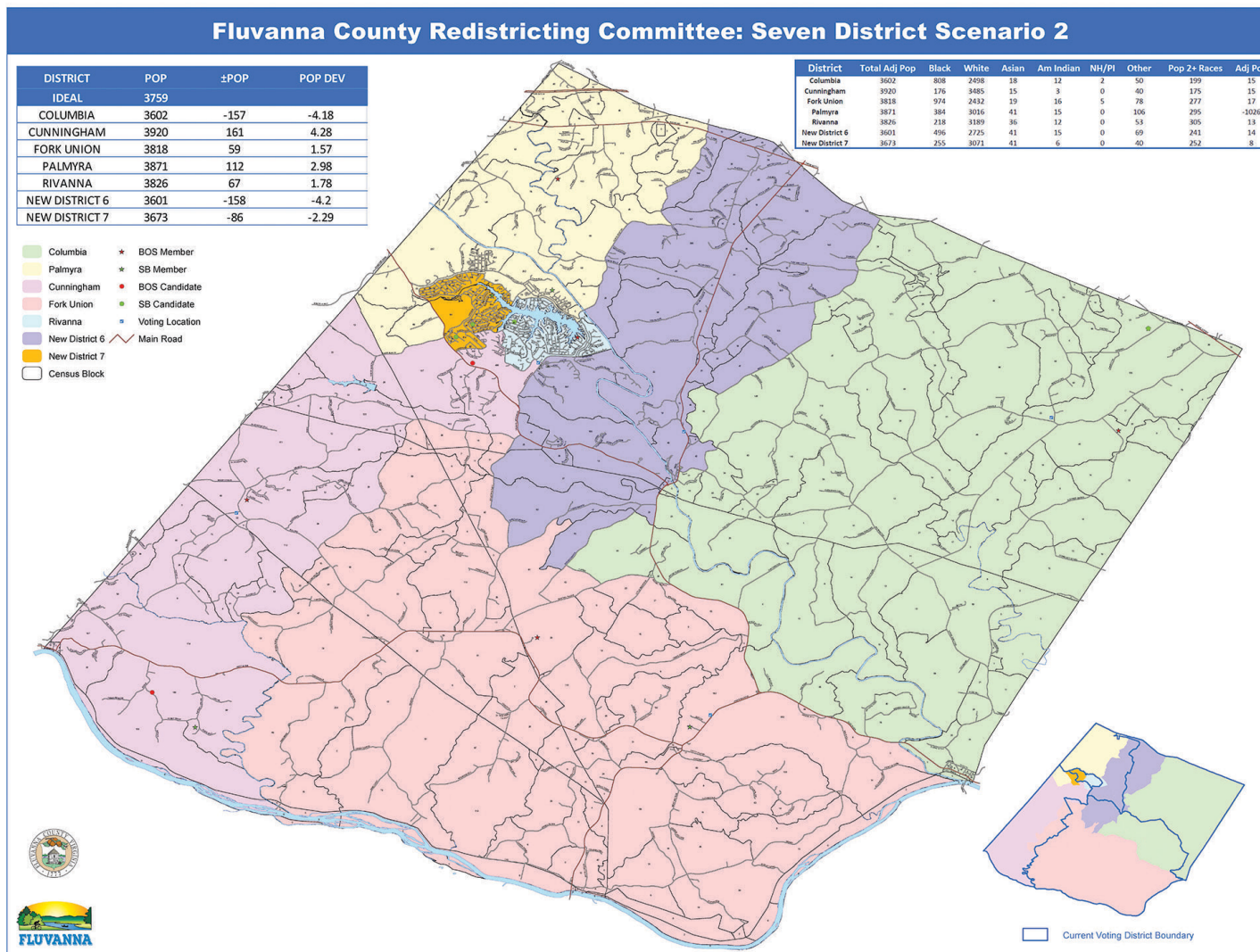
# ALTERNATIVE ELECTION DISTRICT CONFIGURATION:



# ALTERNATIVE ELECTION DISTRICT CONFIGURATION:



# ALTERNATIVE ELECTION DISTRICT CONFIGURATION:



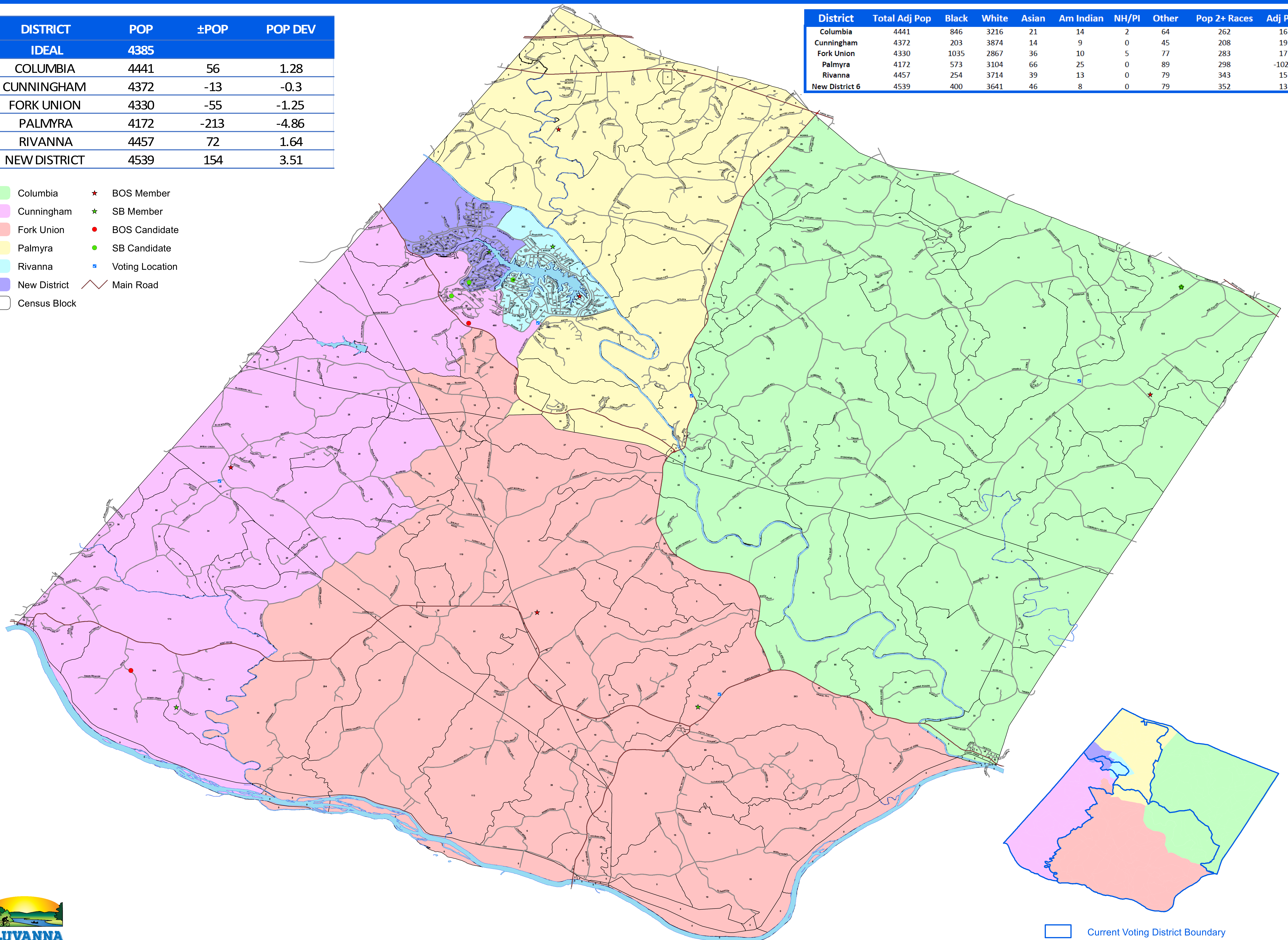


# Fluvanna County Redistricting Committee: Six District Scenario

DISTRICT	POP	±POP	POP DEV
<b>IDEAL</b>	<b>4385</b>		
COLUMBIA	4441	56	1.28
CUNNINGHAM	4372	-13	-0.3
FORK UNION	4330	-55	-1.25
PALMYRA	4172	-213	-4.86
RIVANNA	4457	72	1.64
NEW DISTRICT	4539	154	3.51

District	Total Adj Pop	Black	White	Asian	Am Indian	NH/PI	Other	Pop 2+ Races	Adj Pop
Columbia	4441	846	3216	21	14	2	64	262	16
Cunningham	4372	203	3874	14	9	0	45	208	19
Fork Union	4330	1035	2867	36	10	5	77	283	17
Palmyra	4172	573	3104	66	25	0	89	298	-1026
Rivanna	4457	254	3714	39	13	0	79	343	15
New District 6	4539	400	3641	46	8	0	79	352	13

- Columbia
- Cunningham
- Fork Union
- Palmyra
- Rivanna
- New District
- Census Block
- ★ BOS Member
- ★ SB Member
- BOS Candidate
- SB Candidate
- Voting Location
- Main Road



Current Voting District Boundary



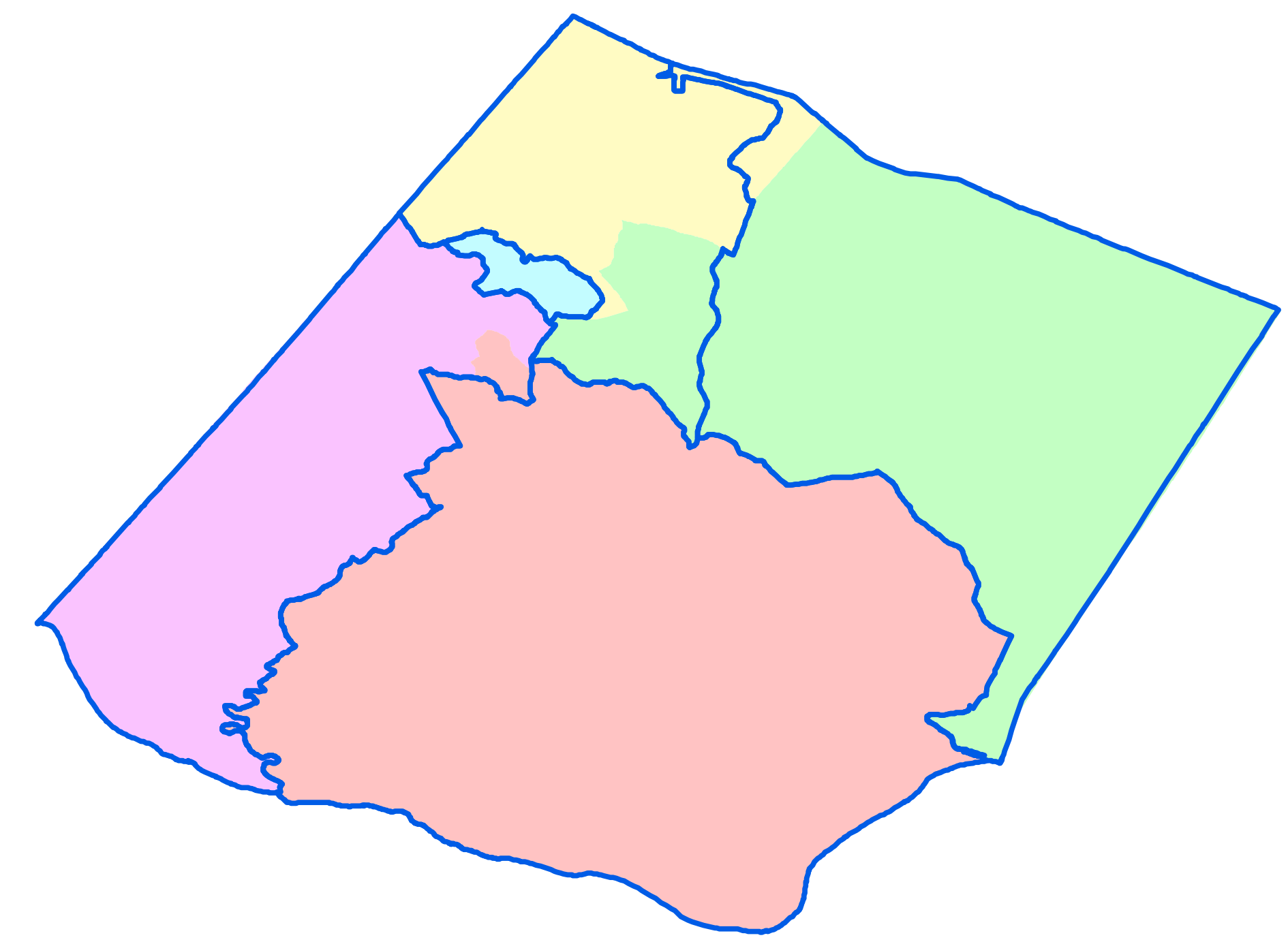
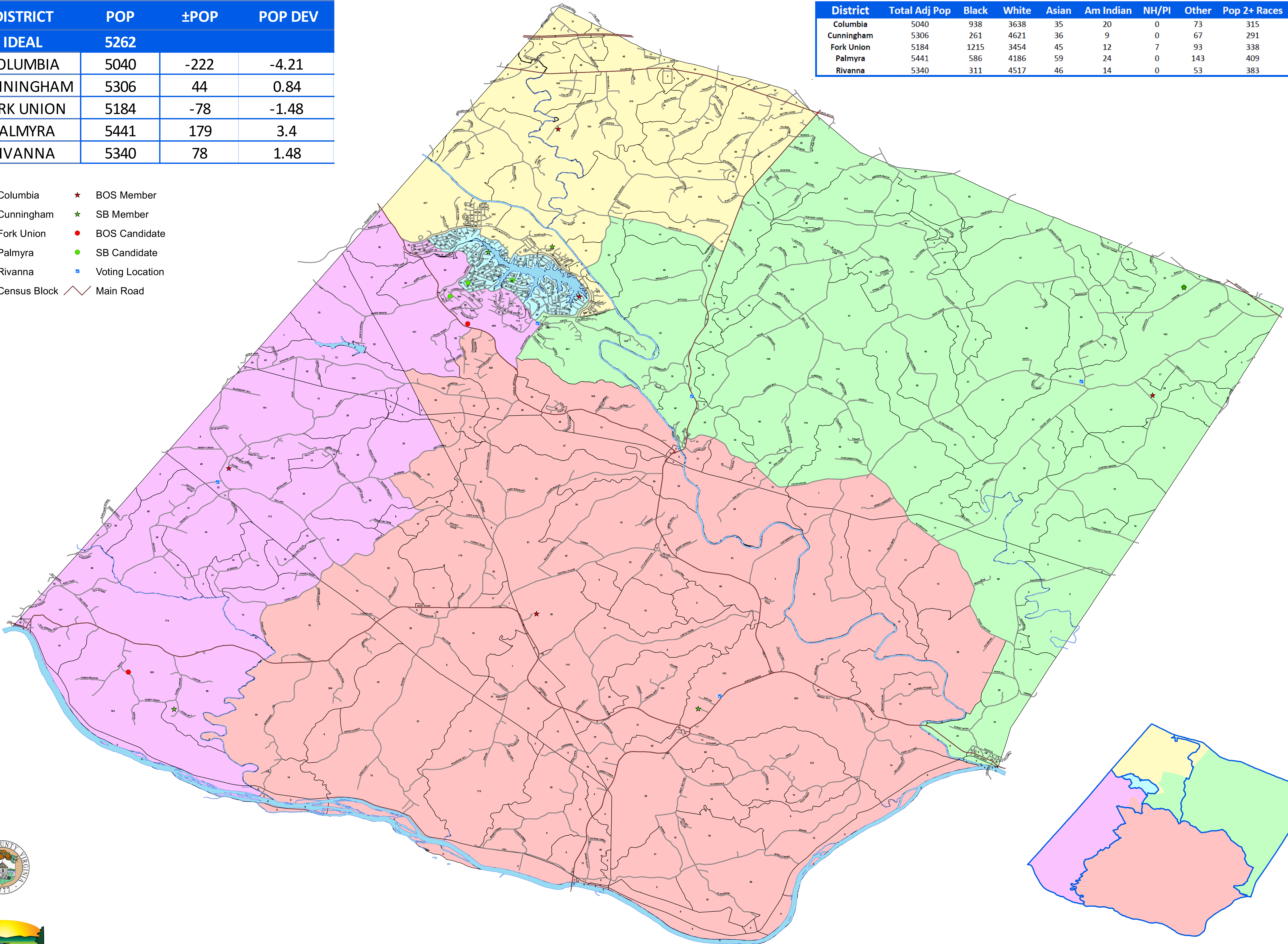


# Fluvanna County Redistricting Committee: Five District Scenario 1

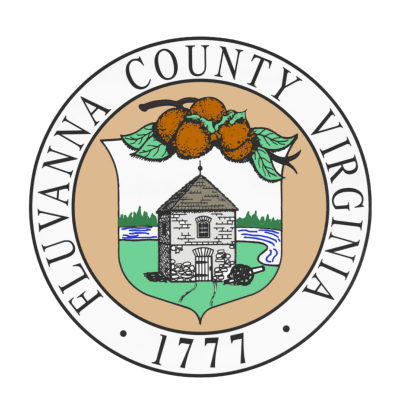
DISTRICT	POP	±POP	POP DEV
<b>IDEAL</b>	<b>5262</b>		
COLUMBIA	5040	-222	-4.21
CUNNINGHAM	5306	44	0.84
FORK UNION	5184	-78	-1.48
PALMYRA	5441	179	3.4
RIVANNA	5340	78	1.48

District	Total Adj Pop	Black	White	Asian	Am Indian	NH/PI	Other	Pop 2+ Races	Adj Pop
Columbia	5040	938	3638	35	20	0	73	315	20
Cunningham	5306	261	4621	36	9	0	67	291	21
Fork Union	5184	1215	3454	45	12	7	93	338	20
Palmyra	5441	586	4186	59	24	0	143	409	-1026
Rivanna	5340	311	4517	46	14	0	53	383	16

- Columbia
- Cunningham
- Fork Union
- Palmyra
- Rivanna
- Census Block
- ★ BOS Member
- ★ SB Member
- BOS Candidate
- SB Candidate
- Voting Location
- Main Road



Current Voting District Boundary



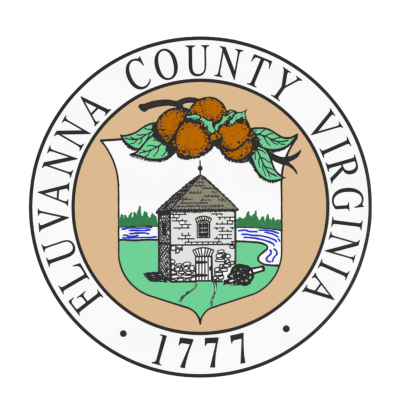
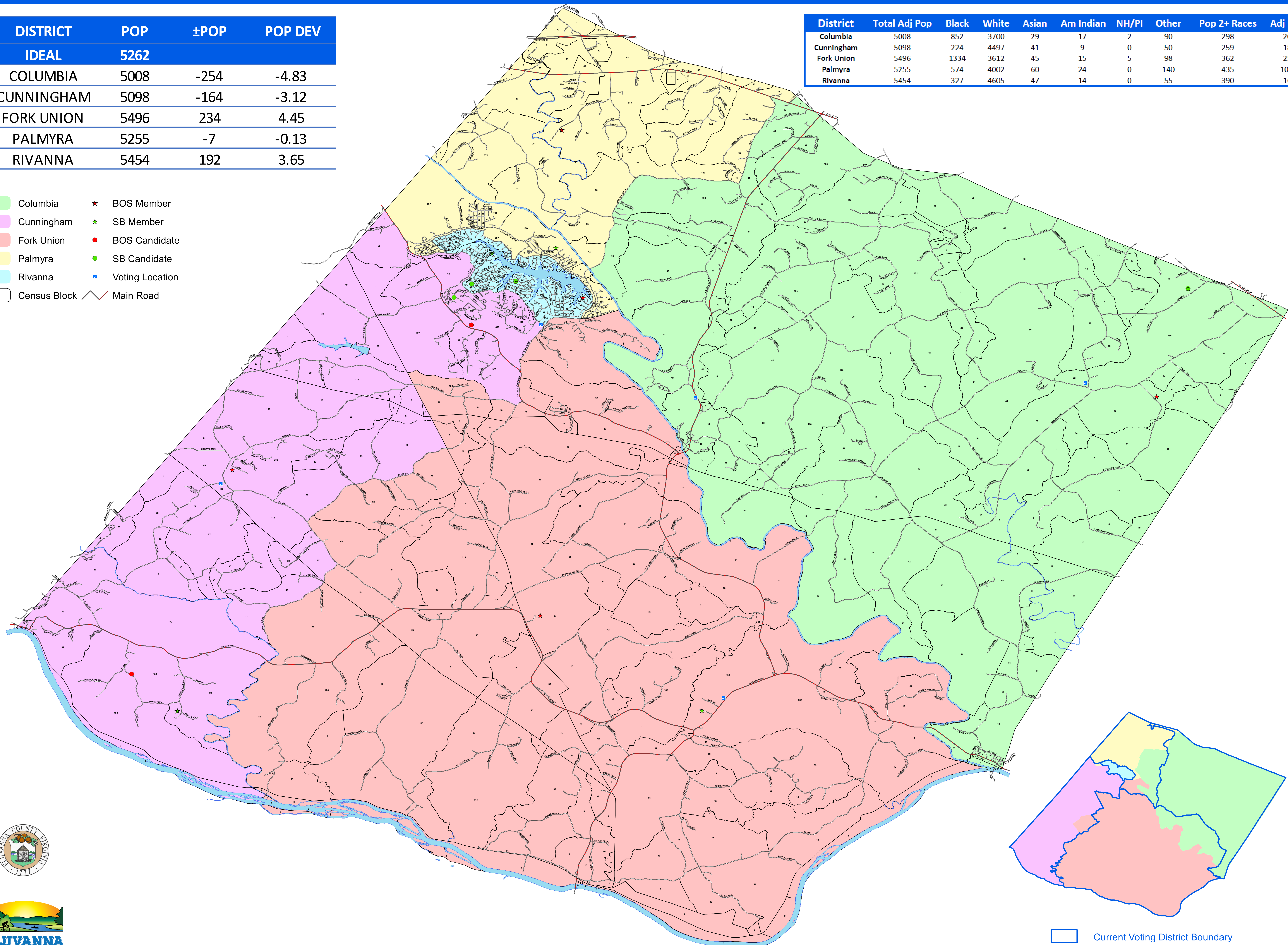


# Fluvanna County Redistricting Committee: Five District Scenario 2

DISTRICT	POP	±POP	POP DEV
<b>IDEAL</b>	<b>5262</b>		
COLUMBIA	5008	-254	-4.83
CUNNINGHAM	5098	-164	-3.12
FORK UNION	5496	234	4.45
PALMYRA	5255	-7	-0.13
RIVANNA	5454	192	3.65

District	Total Adj Pop	Black	White	Asian	Am Indian	NH/PI	Other	Pop 2+ Races	Adj Pop
Columbia	5008	852	3700	29	17	2	90	298	20
Cunningham	5098	224	4497	41	9	0	50	259	18
Fork Union	5496	1334	3612	45	15	5	98	362	25
Palmyra	5255	574	4002	60	24	0	140	435	-1026
Rivanna	5454	327	4605	47	14	0	55	390	16

- Columbia
- Cunningham
- Fork Union
- Palmyra
- Rivanna
- Census Block
- ★ BOS Member
- ★ SB Member
- BOS Candidate
- SB Candidate
- Voting Location
- Main Road



Current Voting District Boundary

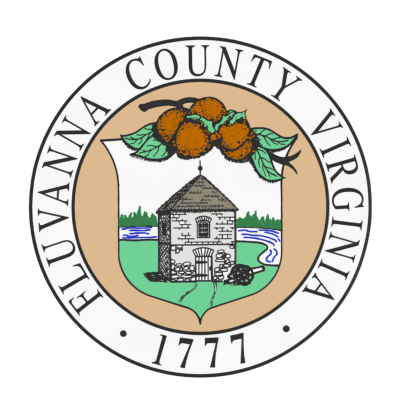
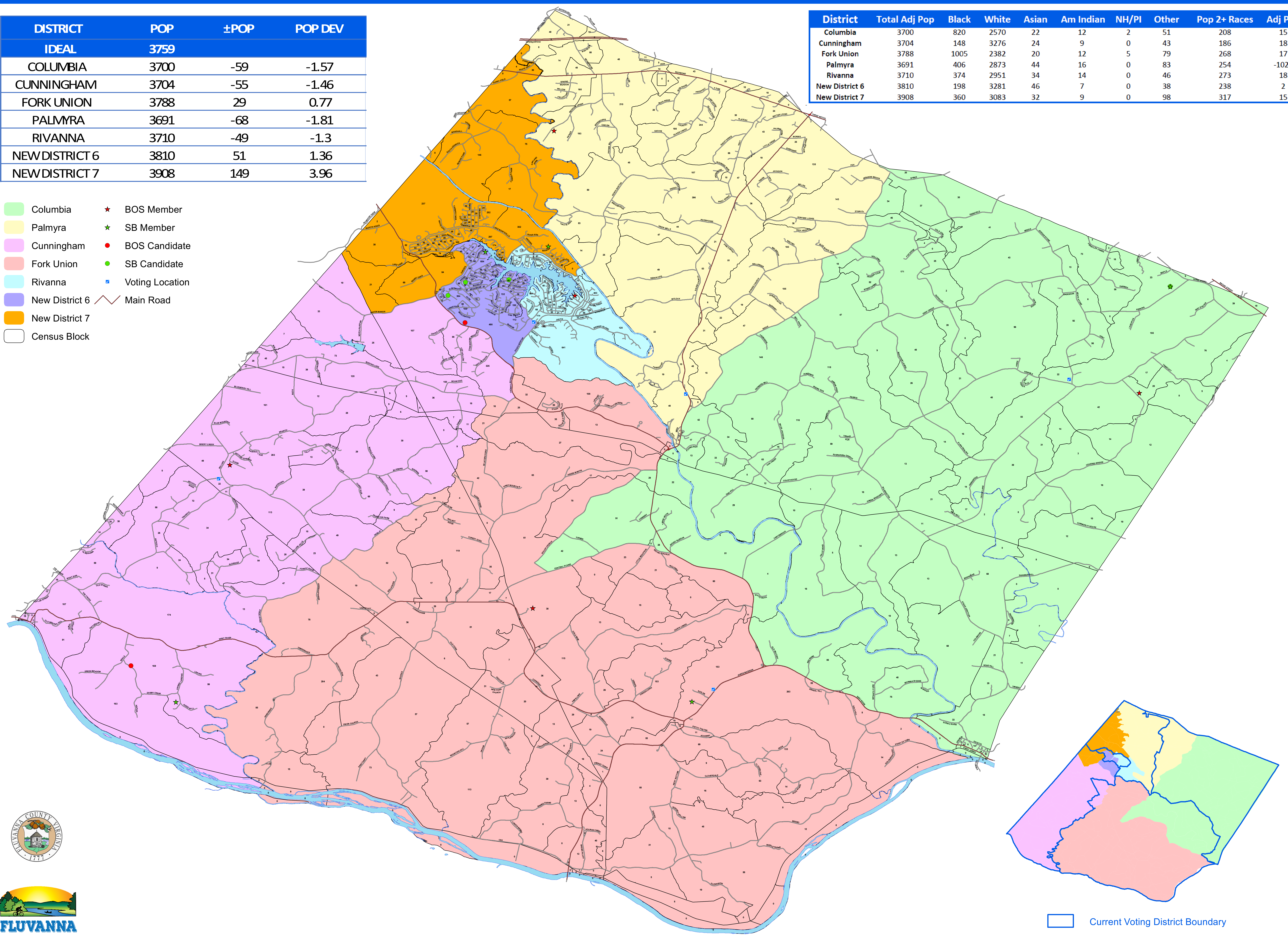


# Fluvanna County Redistricting Committee: Seven District Scenario 1

DISTRICT	POP	±POP	POP DEV
<b>IDEAL</b>	<b>3759</b>		
COLUMBIA	3700	-59	-1.57
CUNNINGHAM	3704	-55	-1.46
FORK UNION	3788	29	0.77
PALMYRA	3691	-68	-1.81
RIVANNA	3710	-49	-1.3
NEWDISTRICT 6	3810	51	1.36
NEWDISTRICT 7	3908	149	3.96

District	Total Adj Pop	Black	White	Asian	Am Indian	NH/PI	Other	Pop 2+ Races	Adj Pop
Columbia	3700	820	2570	22	12	2	51	208	15
Cunningham	3704	148	3276	24	9	0	43	186	18
Fork Union	3788	1005	2382	20	12	5	79	268	17
Palmyra	3691	406	2873	44	16	0	83	254	-1026
Rivanna	3710	374	2951	34	14	0	46	273	18
New District 6	3810	198	3281	46	7	0	38	238	2
New District 7	3908	360	3083	32	9	0	98	317	15

- Columbia
- Palmyra
- Cunningham
- Fork Union
- Rivanna
- New District 6
- New District 7
- Census Block
- ★ BOS Member
- ★ SB Member
- BOS Candidate
- SB Candidate
- Voting Location
- Main Road



Current Voting District Boundary

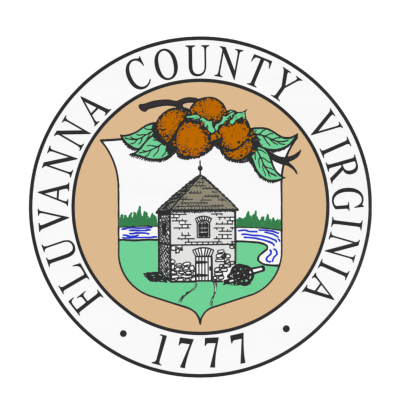
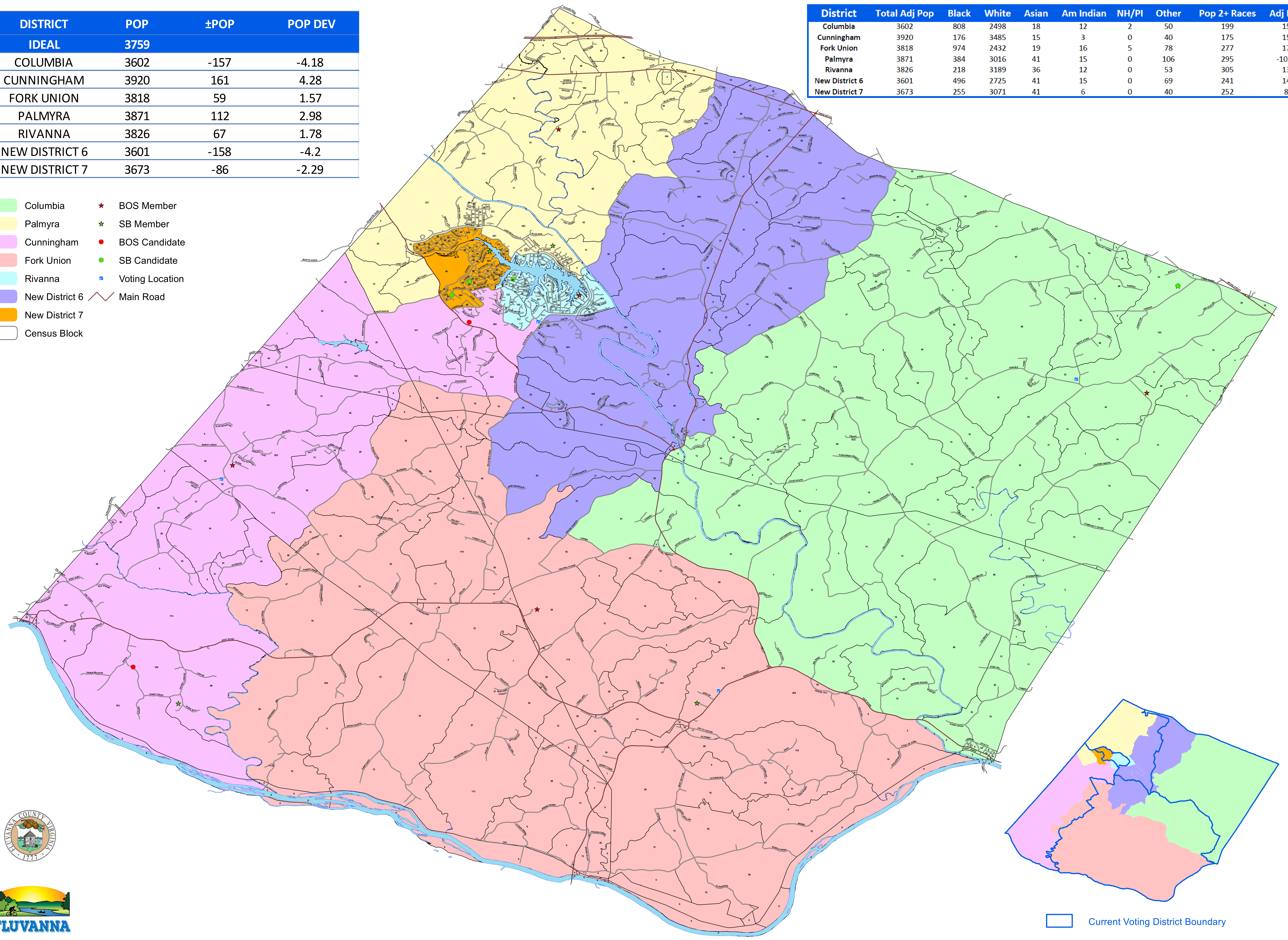


# Fluvanna County Redistricting Committee: Seven District Scenario 2

DISTRICT	POP	±POP	POP DEV
<b>IDEAL</b>	<b>3759</b>		
COLUMBIA	3602	-157	-4.18
CUNNINGHAM	3920	161	4.28
FORK UNION	3818	59	1.57
PALMYRA	3871	112	2.98
RIVANNA	3826	67	1.78
NEW DISTRICT 6	3601	-158	-4.2
NEW DISTRICT 7	3673	-86	-2.29

District	Total Adj Pop	Black	White	Asian	Am Indian	NH/PI	Other	Pop 2+ Races	Adj Pop
Columbia	3602	808	2498	18	12	2	50	199	15
Cunningham	3920	176	3485	15	3	0	40	175	15
Fork Union	3818	974	2432	19	16	5	78	277	17
Palmyra	3871	384	3016	41	15	0	106	295	-1026
Rivanna	3826	218	3189	36	12	0	53	305	13
New District 6	3601	496	2725	41	15	0	69	241	14
New District 7	3673	255	3071	41	6	0	40	252	8

- Columbia
- Palmyra
- Cunningham
- Fork Union
- Rivanna
- New District 6
- New District 7
- Census Block
- ★ BOS Member
- ★ SB Member
- BOS Candidate
- SB Candidate
- Voting Location
- Main Road



Current Voting District Boundary





	Total Population	American Indian/ Alaska Native	Asian	Black	Native Hawaiian/ Pacific Islander	White	Some other race, alone	Two or more races	Adjusted Prison Population
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**Current Election Districts**

Columbia	4,440	17	0.38%	25	0.56%	864	19.46%	0	0.00%	3,189	71.82%	75	1.69%	272	6.13%	
Cunningham	5611	9	0.16%	51	0.91%	274	4.88%	0	0.00%	4,904	87.40%	67	1.19%	306	5.45%	
Fork Union	4838	12	0.25%	30	0.62%	1,202	24.84%	7	0.14%	3,171	65.54%	93	1.92%	323	6.68%	
Palmyra	7,036	27	0.38%	72	1.02%	1,079	15.34%	0	0.00%	5,242	74.50%	148	2.10%	468	6.65%	
Rivanna	5324	14	0.26%	46	0.86%	311	5.84%	0	0.00%	4517	84.84%	53	1.00%	383	7.19%	

**Proposed Election Districts**

	Total Population	American Indian/ Alaska Native	Asian	Black	Native Hawaiian/ Pacific Islander	White	Some other race, alone	Two or more races	Adjusted Prison Population
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**Proposed Map - Six Election Districts**

Columbia	4441	14	0.32%	21	0.47%	846	19.05%	2	0.05%	3216	72.42%	64	1.44%	262	5.90%	16
Cunningham	4372	9	0.21%	14	0.32%	203	4.64%	0	0.00%	3874	88.61%	45	1.03%	208	4.76%	19
Fork Union	4330	10	0.23%	36	0.83%	1035	23.90%	5	0.12%	2876	66.42%	77	1.78%	283	6.54%	17
New District 6	4539	8	0.18%	46	1.01%	400	8.81%	0	0.00%	3641	80.22%	79	1.74%	352	7.76%	-1026
Palmyra	4172	25	0.60%	66	1.58%	573	13.73%	0	0.00%	3104	74.40%	89	2.13%	298	7.14%	15
Rivanna	4457	13	0.29%	39	0.88%	254	5.70%	0	0.00%	3714	83.33%	79	1.77%	343	7.70%	13

**Proposed Map - Five Election Districts, Scenario #1**

Columbia	5040	20	0.40%	35	0.69%	938	18.61%	0	0.00%	3638	72.18%	73	1.45%	315	6.25%	20
Cunningham	5306	9	0.17%	36	0.68%	261	4.92%	0	0.00%	4621	87.09%	67	1.26%	291	5.48%	21
Fork Union	5184	12	0.23%	45	0.87%	1215	23.44%	7	0.14%	3454	66.63%	93	1.79%	338	6.52%	20
Palmyra	5441	24	0.44%	59	1.08%	586	10.77%	0	0.00%	4186	76.93%	143	2.63%	409	7.52%	-1026
Rivanna	5340	14	0.26%	46	0.86%	311	5.82%	0	0.00%	4517	84.59%	53	0.99%	383	7.17%	16

	Total Population	American Indian/ Alaska Native	Asian	Black	Native Hawaiian/ Pacific Islander	White	Some other race, alone	Two or more races								
<b>Proposed Map - Five Election Districts, Scenario #2</b>																
Columbia	5008	17	0.34%	29	0.58%	852	17.01%	2	0.04%	3700	73.88%	90	1.80%	298	5.95%	20
Cunningham	5098	9	0.18%	41	0.80%	224	4.39%	0	0.00%	4497	88.21%	50	0.98%	259	5.08%	18
Fork Union	5496	15	0.27%	45	0.82%	1334	24.27%	5	0.09%	3612	65.72%	98	1.78%	362	6.59%	25
Palmyra	5255	24	0.46%	60	1.14%	574	10.92%	0	0.00%	4002	76.16%	140	2.66%	435	8.28%	-1026
Rivanna	5454	14	0.26%	47	0.86%	327	6.00%	0	0.00%	4605	84.43%	55	1.01%	390	7.15%	16

<b>Proposed Map - Seven Election Districts, Scenario #1</b>																
Columbia	3700	12	0.32%	22	0.59%	820	22.16%	2	0.05%	2570	69.46%	51	1.38%	208	5.62%	15
Cunningham	3704	9	0.24%	24	0.65%	148	4.00%	0	0.00%	3276	88.44%	43	1.16%	186	5.02%	18
Fork Union	3788	12	0.32%	20	0.53%	1005	26.53%	5	0.13%	2382	62.88%	79	2.09%	268	7.07%	17
Palmyra	3691	16	0.43%	44	1.19%	406	11.00%	0	0.00%	2873	77.84%	83	2.25%	254	6.88%	-1026
Rivanna	3710	14	0.38%	34	0.92%	374	10.08%	0	0.00%	2951	79.54%	46	1.24%	273	7.36%	18
New District 6	3810	7	0.18%	46	1.21%	198	5.20%	0	0.00%	3281	86.12%	38	1.00%	238	6.25%	2
New District 7	3908	9	0.23%	32	0.82%	360	9.21%	0	0.00%	3083	78.89%	98	2.51%	317	8.11%	15

<b>Proposed Map - Seven Election Districts, Scenario #2</b>																
Columbia	3602	12	0.33%	18	0.50%	808	22.43%	2	0.06%	2498	69.35%	50	1.39%	199	5.52%	15
Cunningham	3920	3	0.08%	15	0.38%	176	4.49%	0	0.00%	3485	88.90%	40	1.02%	175	4.46%	15
Fork Union	3818	16	0.42%	19	0.50%	974	25.51%	5	0.13%	2432	63.70%	78	2.04%	277	7.26%	17
Palmyra	3871	15	0.39%	41	1.06%	384	9.92%	0	0.00%	3016	77.91%	106	2.74%	295	7.62%	-1026
Rivanna	3826	12	0.31%	36	0.94%	218	5.70%	0	0.00%	3189	83.35%	53	1.39%	305	7.97%	13
New District 6	3601	15	0.42%	41	1.14%	496	13.77%	0	0.00%	2725	75.67%	69	1.92%	241	6.69%	14
New District 7	3673	6	0.16%	41	1.12%	255	6.94%	0	0.00%	3071	83.61%	40	1.09%	252	6.86%	8

## REDISTRICTING 2021 - ESTIMATED COSTS PER ADD'L DISTRICT

Estimated Fiscal Year Cost Per Additional District	Year One	Year Two +
<b>Board of Supervisors Member</b>		
Salary & FICA	\$10,270.00	\$10,270.00
Insurance (mid-cost estimated)	\$10,000.00	\$10,000.00
Technology (iPad, phone, mifi monthly)	\$1,800.00	\$1,200.00
Travel	\$350.00	\$350.00
Conference/Training	\$550.00	\$550.00
Lodging	\$1,000.00	\$1,000.00
<b>Planning Commission Member</b>		
Salary & FICA	\$2,713.00	\$2,713.00
Technology (iPad)	\$600.00	\$0.00
Travel	\$100.00	\$100.00
Conference/Training	\$500.00	\$500.00
Lodging	\$500.00	\$500.00
<b>Social Services Board Member</b>		
Salary & FICA	\$3,255.00	\$3,255.00
<b>School Board Member</b>		
Salary & FICA	\$6,717.00	\$6,717.00
Insurance (mid-cost estimated)	\$8,400.00	\$8,400.00
Conferences/Technology	\$2,000.00	\$2,000.00
<b>Polling Location (Equipment, Election Workers, etc. )</b>	<b>\$21,000.00</b>	<b>\$10,000.00</b>
<b>TOTAL</b>	<b>\$69,755.00</b>	<b>\$57,555.00</b>



**From:** [Gayle Von Keyserling](#)  
**To:** [Caitlin Solis](#)  
**Subject:** 6 districts  
**Date:** Monday, November 22, 2021 6:51:54 PM

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[EXTERNAL EMAIL] USE CAUTION.

I am wondering what the plan is to handle inevitable tie votes? It seems to me sticking with 5 districts makes more sense.

Gayle von Keyserling

**From:** [Val Palamountain](#)  
**To:** [Donald Weaver](#); [Mike Sheridan](#); [Patricia Eager](#)  
**Cc:** [Clerk to the Board](#); [Tony O'Brien](#); [Mozell Booker](#); [Caitlin Solis](#); [Eric Dahl](#); [Kelly Belanger Harris](#)  
**Subject:** 2021 Redistricting  
**Date:** Monday, November 22, 2021 5:58:12 PM

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**[EXTERNAL EMAIL] USE CAUTION.**

To Supervisors Weaver, Sheridan and Eager,

Please explain your reasons for supporting six districts in the 2021 Redistricting.

I do not support six districts for the following reasons:

1. There is an unnecessary additional cost to add a sixth district. Tax dollars should be used to improve County services.
2. Six districts will inevitably lead to tie votes on important County matters with no action being taken. When Fluvanna County had six districts in the past, delays in action came at a considerable cost to the taxpayers.
3. Six districts will require additional elections to replace duly elected officials.

To quote Dr. Phil, "What are you thinking???"

I support map 5-2, and believe map 5-2 is the best option for the taxpayers of Fluvanna County. There are no changes in elected officials. There is no significant cost to the taxpayers. Map 5-2 minimizes potential legal challenges. Failing to support 5.2, I support 7.1.

I also understand that at the November 17, 2021 Board of Supervisors meeting, Attorney Fred Payne stated that the comments received in "My Two Cents" were not considered public comment. However, that is the recommended method for taxpayers to comment on the 2021 Redistricting. Please explain how we, the taxpayers, can express our opinions so that they can be heard.

Thank you for your attention.

Sincerely,  
Valerie Palamountain  
Palmyra, VA

Sent from [Mail](#) for Windows

**From:** [Connie Morgan](#)  
**To:** [Caitlin Solis](#)  
**Subject:** Citizen input on county redistricting  
**Date:** Monday, November 22, 2021 5:36:49 PM

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**[EXTERNAL EMAIL] USE CAUTION.**

To Board of Supervisors:

I watched the livestream of the Weds. Nov 3 BOA meeting and was dismayed at the outcome of going forward with the 6 districts.

**The most favorable option from many perspectives is 5 district proposal, scenario 2**, for the following reasons:

- More equally distributes the population change than today's districts
- Avoids voting deadlocks of the BOS
- Is most fiscally responsible by keeping the number of polling places to 5.

*Increasing from the number of today's polling places is not merely taking equipment and staffing resources and dividing by 7. Each polling place has a minimum requirement and is then augmented to address the number of voters in the district - examples, a chief and assistant chief for each location; number of pollworkers; voting booths; voting machines for persons with disabilities; surge protectors, cables, extension cords, etc.*

- Keeps similar number of resources for election staffing

*Recruiting poll workers is difficult now. More districts means more election officials. This larger population did not seem to result in a proportionate increase in people willing to work the polls.*

*A few words about polling place changes. People are resistant to change, even if it is prudent, with good rationale. People are likely more resistant to change if the change costs them directly (county expenses increase without increased services, or if costs are redistributed and other services are decreased.*

*A recent Commonwealth example. I lived in the City of Falls Church in Northern Virginia. The City of Falls Church is 2.1 square miles, just outside Arlington VA. There were 5 polling places when I became an election official in 2011, serving through 2017. The City Council voted to reduce polling places from 5 to 3 polling places in November of 2011. The compelling reason was to reduce costs and to ensure staffing for elections. In 2017 some voters were still objecting to the change: they liked the old place, they had an additional traffic light to go through, they forgot. This was in a jurisdiction of 2.1 miles!*

Please reconsider the 5 district scenario 2. The rationale for the 6-district is not

clearly stated and seems to be a difference without distinction. The 6-district option poses needless challenges. The 5-district scenario 2 improves the 2020 census population distribution among districts than today's districts; it avoids voting deadlocks of BOS votes; and it does not incur unneeded costs to the county and its taxpayers, without providing additional services.

Thank you for your time and consideration of these comments.

Constance Morgan



**From:** [Marcia Luniewski](#)  
**To:** [Caitlin Solis](#)  
**Subject:** District plan  
**Date:** Monday, November 22, 2021 7:06:25 PM

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[EXTERNAL EMAIL] USE CAUTION.

I support the six district plan. Given the dense population of Lake Monticello, I support having them better represented within the county.

Marcia Luniewski

**From:** [clerk@fluvannacounty.org](mailto:clerk@fluvannacounty.org)  
**To:** [Kelly Belanger Harris](#)  
**Subject:** Form submission from: My Two Cents  
**Date:** Saturday, November 20, 2021 12:56:55 PM

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**[EXTERNAL EMAIL] USE CAUTION.**

Submitted on Saturday, November 20, 2021 - 12:56pm

Submitted by user: Visitor

Submitted values are:

Category Concern

Message To Board of Supervisors

Name Karol Forsberg

Email [REDACTED]

Comments

I'm recommending Fluvanna County continue with 5 districts (maps 5-2) for the following reasons:

1. It provides a nice mix of the rural and suburban parts of the county to each district moving forward
  - a. This imposes a requirement for sitting elected officials to take into account the needs and wants of both suburban and rural constituents
  - b. It provides us with an opportunity for all elected officials to work towards bringing both parts of their constituencies into alignment. This is a challenge for each BOS to have conversations with ALL the citizens in their district.
  - c. Gives us the opportunity to build a more cohesive community
2. It does not call into question the results of the recent election
3. It will cost less because changes to the current districts are minor and BOS votes will more often be decisive (an even number of district Supervisors allows for no decision due to a 3-3 split)

The results of this submission may be viewed at:

<https://www.fluvannacounty.org/node/6221/submission/10881>

**From:** [clerk@fluvannacounty.org](mailto:clerk@fluvannacounty.org)  
**To:** [Kelly Belanger Harris](#)  
**Subject:** Form submission from: My Two Cents  
**Date:** Tuesday, November 23, 2021 1:00:09 PM

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[EXTERNAL EMAIL] USE CAUTION.

Submitted on Tuesday, November 23, 2021 - 12:59pm

Submitted by user: Visitor

Submitted values are:

Category General Comment / Suggestion

Message To Board of Supervisors

Name rudy Garcia

Email [REDACTED]

Comments

Might be helpful for the Supervisors and the County Attorney to speak with their counterparts in Albemarle county. They are taking a much more deliberate and studied approach to the redistricting process. They have actual planned to ask for community input prior to drafting a proposal. Makes a lot more sense than rushing into something without community input. See you on Dec 1st. Here is the link to the Albemarle County Redistricting process:

<https://albemarle.legistar.com/LegislationDetail.aspx?ID=5256528&GUID=8BADF1CF-82BF-4844-9694-7BA725605F5A&FullText=1>

The results of this submission may be viewed at:

<https://www.fluvannacounty.org/node/6221/submission/10931>

**From:** [Jesse Sawyer](#)  
**To:** [Clerk to the Board](#)  
**Subject:** Questions regarding redistricting  
**Date:** Monday, November 22, 2021 3:10:02 PM

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[EXTERNAL EMAIL] USE CAUTION.

Hello,

I have some questions regarding the redistricting process.

1. I assume that the new districts take effect Jan. 1st 2022. Is that correct?
2. If the number of districts is expanded, would there be a special election held before Election Day? If so, when?
3. If the number of districts is expanded, would current elected officials who find themselves living in a district other than the one they were elected to represent be forced to give up their seats and run in the new district?
4. If the number of districts is expanded, which county agencies or departments would be affected (have the number of members increased)?

Thank you for time,

Jesse Sawyer  
9 Chickasaw Pl.  
Palmyra, VA 22963

**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:** December 1, 2021  
**From:** Tori Melton – Management Analyst  
**To:** Board of Supervisors  
**Subject:** FY22 BOS Contingency Balance

The FY22 BOS Contingency line balance is as follows:

<b>Beginning Original Budget:</b>	<b>\$163,898</b>
Less: Compensation Study – 11.17.21	-\$37,000
Less: Blue Ridge Cigarette Tax Board Startup Cost – 11.17.21	-\$17,218
<b>Available:</b>	<b>\$109,680</b>





## MEMORANDUM

**Date:** December 1, 2021  
**From:** Tori Melton – Management Analyst  
**To:** Board of Supervisors  
**Subject:** FY22 Capital Reserve Balances

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The FY22 Capital Reserve account balances are as follows:

### County Capital Reserve:

FY21 Carryover	\$387,085
FY22 Budget Allocation:	\$200,000
<b>Total FY22 Budget:</b>	<b>\$587,085</b>
Add: Closed CRM Project – 06/30/2021	\$155
Less: Courts Building Sally Port Door – 08.04.21	-\$7,185
Less: Courts Building Replacement of Leaking Water Lines 09.01.21	-17,418
Less: Pleasant Grove House HVAC Replacement 09.01.21	-6,975
Less: Bobcat Skid Steer Repairs 10.20.21	-6,443
<b>FY22 Available:</b>	<b>\$549,219</b>

### Schools Capital Reserve:

FY21 Carryover	\$330,159
FY22 Budget Allocation:	\$200,000
<b>Total FY22 Budget:</b>	<b>\$530,159</b>
Add: Closed CRM Project – 06/30/2021	\$1,096
Less: FCHS HVAC Chiller Descaling and Cleaning 09.15.21	-27,700
Less: FMS Repair Leaking Flush Panels 11.03.21	-64,700

Less: Central and West Central Elementary Sidewalk Repair 11.03.21	-15,000
<b>FY22 Available:</b>	<b>\$423,855</b>

## MEMORANDUM

**Date:** December 1, 2021  
**From:** Tori Melton – Management Analyst  
**To:** Board of Supervisors  
**Subject:** Unassigned Fund Balance

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<b>*FY21 Year End (Unaudited) Unassigned Fund Balance:</b>	<b>\$7,615,939</b>
Less: FY22 Sheriff's Office Recruitment, Retention, and Compression Wage Adjustment - 10.06.21	-240,000
<b>Current (Unaudited) Unassigned Fund Balance:</b>	<b>\$7,375,939</b>

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



## MEMORANDUM

**Date:** December 1, 2021  
**From:** Tori Melton – Management Analyst  
**To:** Board of Supervisors  
**Subject:** ARPA Fund Balance

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<b>ARPA Fund Total Appropriation: \$5,296,878 – 50% received</b>	<b>\$2,648,439</b>
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 10.06.21	-48,443
Less: E911 – Hazard Pay One-Time Bonus 10.06.21	-16,995
<b>Current ARPA Fund Balance</b>	<b>\$2,252,881</b>



## 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:

<b>Type</b>	<b>Amount (\$ billions)</b>
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](mailto: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?<sup>1</sup>**

\$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

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<sup>1</sup> 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](http://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](mailto: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](mailto: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](mailto: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](mailto:SLFRP@treasury.gov).

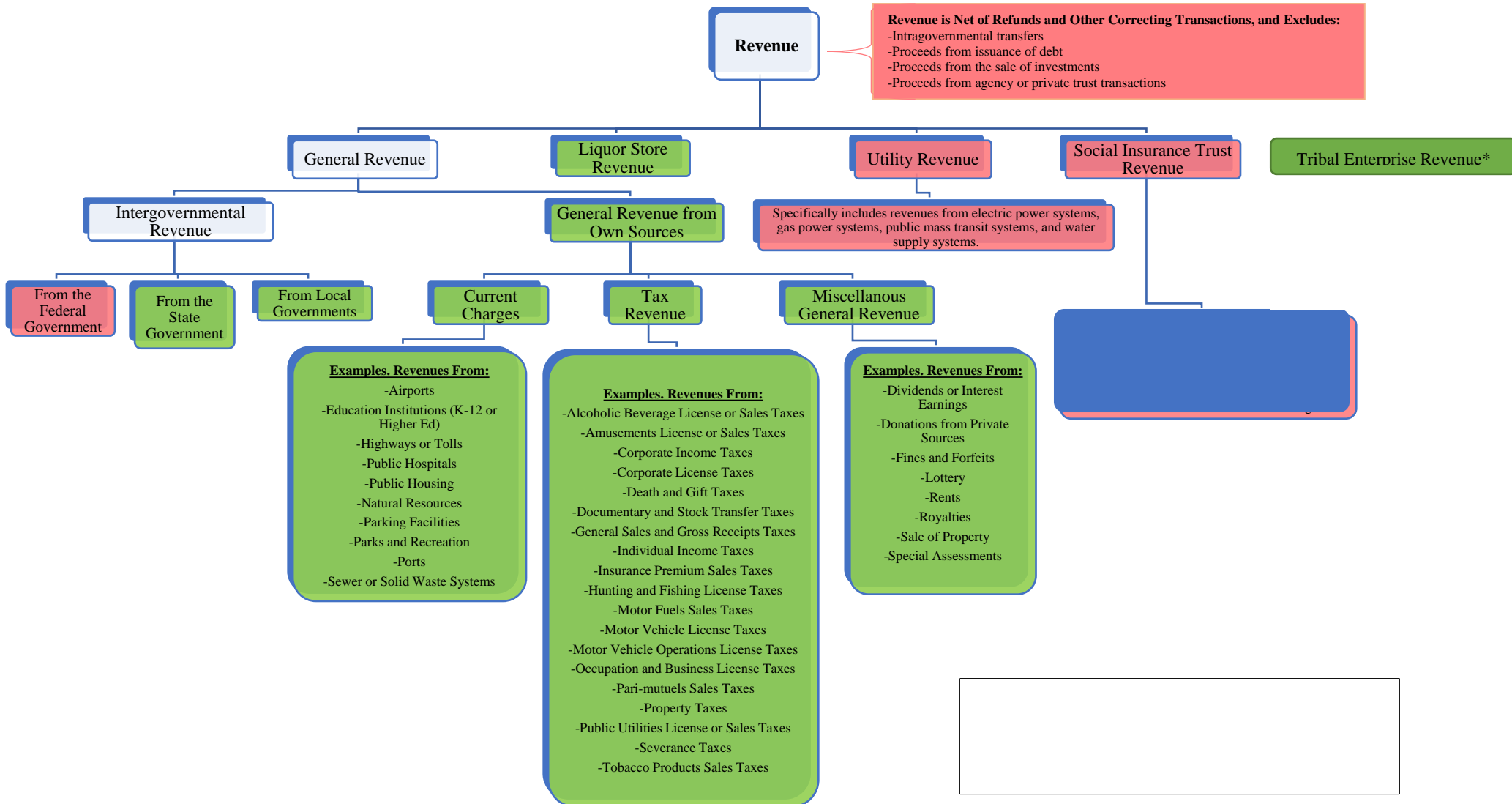
**11.12. When will entities get their money?**

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](mailto: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](#)