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Office of the Director

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Kelly Butler
Director of Finance

To: County Commissions

From: Kelly Butler, Director of Finance

Date: September 1, 2020

Re: Federal Coronavirus Relief Fund

The federal Coronavirus Aid, Relief, and Economic Security Act (the “CARES Act”) includes funds that will be distributed entities to use to pay costs incurred in responding to the COVID- 19 outbreak. This memo describes how your entity can access funds for that purpose.

Background

The CARES Act authorized \$150 Billion through the Coronavirus Relief Fund for state and local governments, including approximately \$1.8 Billion for Alabama. Aside from Jefferson County, funds have been sent in the first instance to the state, with the expectation that the state will use funds for its own expenses and those of entities throughout the state.

The Finance Department has established a separate fund in the state treasury to hold the federal funds and is authorized to spend from those funds within the parameters of the CARES Act and other federal and state law.

Eligible Uses

Under federal law, eligible uses must meet three conditions. They must be:

1. Necessary expenditures incurred due to the public health emergency with respect to COVID-19.
2. Not budgeted as of March 27, 2020 when the CARES Act was enacted.
3. Incurred on or after March 13, 2020, up to December 30, 2020.

The purpose of the Coronavirus Relief Fund appropriation is for the funds to be used to prevent, prepare for, and respond to coronavirus only. No other purpose is authorized. Funds may not be utilized to replace or supplant any other funding nor to fill revenue shortfall gaps.

Note that these eligible uses are as currently described in federal law and relevant guidance from the US Treasury. If these uses are modified by future federal actions, the Finance Department will revisit the process and procedures described in this guidance.

Reimbursement for Housing State Inmates in County Jails

Pursuant to Governor Ivey's *Eleventh Supplemental Declaration of the State of Emergency* related to the COVID-19 outbreak issued June 9, 2020, attached hereto and incorporated herein, county officials ordered to maintain custody of state inmates until the inmates can be safely transferred to a Department of Corrections facility pursuant to the revised intake procedures described in the order shall be reimbursed for the counties' cost in housing those state inmates. As defined in the June 9, 2020 Declaration, "state inmate" means any inmate in a county jail who should be in a Department of Corrections facility, including inmates awaiting transfer to a Department facility following the Department's receipt of a final sentencing transcript, inmates awaiting transfer to a Department facility following revocation of parole or probation, or inmates awaiting return to transfer to a Department facility. County commissions shall receive a daily reimbursement of \$28 per prisoner, a rate set by the Commissioner of the Department of Corrections taking into consideration documented historical reimbursement rates as well as any additional, documented costs that the counties may bear specifically as a result of the COVID-19 pandemic. This reimbursement rate will be effective March 20, 2020 and conclude on December 30, 2020.

Intersection with Other Funding Sources

Eligible uses of the federal Coronavirus Relief Fund (CRF) may overlap with allowable uses of other federal grants and reimbursements. It is imperative that these reimbursements are not in addition to any other federal funding for the same expenditure.

Available Funds and Forms Required to Request Funds

County officials who are responsible for the costs of county jails should complete Attachment A - *CRF Acknowledgement and Certification* before applying for reimbursement of state inmate costs. This document will be on file with the Comptroller's Office so that it will not have to be attached with each reimbursement request. Also attached is Attachment B - *CRF Request for Reimbursement Form*. This form will be used to request the daily reimbursement of state inmates housed in that county's jail. If you have questions or concerns about the forms or processes, please contact LocalGov@finance.alabama.gov.

For your county's initial state inmate reimbursement submission, please document state inmate counts clearly with respect to the number of days housed, not including the initial 30 days where applicable. Following the initial reimbursement, subsequent requests may be made monthly.

Audit Provisions and Documentation

Federal Coronavirus Relief Fund expenditures are subject to audit by an Inspector General within the U.S. Department of the Treasury. Documenting that expenditures are eligible uses of CRF funds is essential to managing compliance risk and to minimizing the possibility that the expenditures are deemed ineligible, which could require the local government and the state to return funds to the federal government.

Thank you for your cooperation as we work together to protect the interests of all our residents.

Attachment A

CORONAVIRUS RELIEF FUNDS (CRF) ACKNOWLEDGEMENT AND CERTIFICATION

AUTHORITY

Section 601(a)(1) of the Social Security Act (42 U.S.C. 301 et seq.), known as the Coronavirus Relief Fund, as created by Section 5001 of the CARES Act, Pub. L. No. 116-136 (March 27, 2020), appropriates money from the Treasury of the United States for making payments to States, Tribal governments, and units of local government for fiscal year 2020.

This subaward (funding) is provided to the subrecipient through a Grant to the State of Alabama in the amount of \$1,901,262,000 from the U.S Treasury via Section 601(a)(1) of the Social Security Act (42 U.S.C. 301 et seq.), known as the Coronavirus Relief Fund, as created by Section 5001 of the CARES Act, Pub. L. No. 116-136 (March 27, 2020) under Federal Award Identification Number SLT0002 and SLT0223, CFDA # 21.019 Coronavirus Relief Fund for the period March 1, 2020 – December 30, 2020. This subaward is provided in accordance with the requirements set forth on the grant website and application, and the subrecipient acknowledges by applying for the subaward that the information provided is true and accurate.

Act 2020-199 appropriates the State's portion of funds from the Coronavirus Relief Fund to the Alabama Department of Finance to administer the funds and provides categories for which the funds may be expended.

USE OF FUNDS

Section 601(d) of the Coronavirus Relief Fund states, "A State, Tribal government, and unit of local government shall use the funds provided [by the Coronavirus Relief Fund] to cover only those costs of the State, Tribal government, or unit of local government that:

- (1) are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
- (2) were not accounted for in the budget most recently approved as of the date of enactment of this section for the State or government; and
- (3) were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020."

The purpose of the Coronavirus Relief Fund appropriation is for the funds to be used to prevent, prepare for, and respond to coronavirus only. No other purpose is authorized. Funds may not be utilized to replace or supplant any other funding nor to fill revenue shortfall gaps.

Act 2020-199 does not alter or otherwise impact the purpose of the funds.

CERTIFICATION

Eligibility to receive payment from the State's portion of funds from the Coronavirus Relief Fund is contingent upon the recipient certifying, in writing that the recipient will: (1) use the funds in a lawful manner consistent with Section 601(d) of the Coronavirus Relief Fund (as set forth in the "Use of Funds" section immediately preceding this section) and (2) will comply with any and all policies and directives issued by the Alabama Department of Finance related to the Coronavirus Relief Funds.

RECOUPMENT

The Inspector General of the Department of the Treasury is required to conduct monitoring and oversight of the receipt, disbursement, and use of funds made available under this section. If it is determined that the entity has failed to comply with Section 601(d) of the Coronavirus Relief Fund, funds used in violation of that section shall be considered, by the State of Alabama, as a debt of the recipient owed directly to the Federal Government.

REALLOCATION

Relief Funds received from this award that remain on balance as unused on December 30, 2020, shall be returned to the Alabama Department of Finance.

SANCTIONS

Expenditure of Coronavirus Relief Funds from this award in a manner not allowed or inconsistent with the law and with the “Use of Funds” statement may result in future awards being suspended or terminated.

REPORTING REQUIREMENTS

The CARES Act Sections 15010(b) and 15011 require the State to provide the federal government with regular reports on the amount of funds received and expended from the Coronavirus Relief Fund and the types of projects or activities for which the funds are used. For the State to comply with its reporting requirements, recipients of such funds from the State may be required to provide the following information to the Alabama Department of Finance by the first day of every month containing information for the immediately preceding month:

- (A) the total amount of funds received from this award;
- (B) the amount of funds that were expended or obligated for each project or activity;
- (C) a detailed list of the projects or activities for which these funds were expended or obligated, including:
 - (i) the name of the project or activity;
 - (ii) a description of the project or activity; and
 - (iii) the estimated number of jobs created or retained by the project or activity, (if applicable); and
- (D) detailed information on any level of subcontracts or subgrants awarded by the recipient or its subcontractors or subgrantees, to include the data elements required to comply with the Federal Funding Accountability and Transparency Act of 2006 (31 U.S.C. 6101 note) allowing aggregate reporting on awards below \$50,000 or to individuals, as prescribed by the Director of the Office of Management and Budget.

MITIGATING RISK

Each subrecipient of CRF funds will be evaluated in accordance with Code of Federal Regulations 200-331(b) for risk of noncompliance with federal statutes, regulations, and the terms and conditions of the subaward. Further, each subrecipient’s activities will be monitored as necessary to ensure that the subaward is used for authorized purposes, in compliance with law, and that subaward performance goals are achieved. Other monitoring tools may be implemented depending on the level of risk posed by the subrecipient. See CFR 200-331(d) and (e); and 200-207.

THE STATE OF ALABAMA

CORONAVIRUS RELIEF FUND REIMBURSEMENT REQUEST FORM

Request Date:		Please email completed request form to: localgov@finance.alabama.gov		
County:				
STAARS Vendor Code:		*This number should begin with VC or VS.		
STAARS Address ID:		*If you do not know your Address ID, please fill out payment address below.		
STAARS Payment Address:				
	Street Address/PO Box	City	State	Zip Code

<h2 style="margin: 0;">TOTAL REIMBURSEMENT AMOUNT</h2>	
<p style="font-size: 1.2em;">Please enter total reimbursement amount in the box to the right.</p>	

*Total Reimbursement Amount should match the total of the attached invoices.

I certify that the above expenditures meet the following conditions:

- 1) The expenditures have been or will be used to cover those costs that are necessary to prevent, prepare for, and respond to the coronavirus public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
- 2) Were not accounted for in the budget most recently approved as of March 27, 2020, for the Entity;
- 3) Were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020;
- 4) Will not be used to replace or supplant any other funding nor to fill or prevent revenue shortages; and
- 5) Are requested in accordance with the Coronavirus Relief funds (CRF) Acknowledgement and Certification on file with the State Comptroller's Office.

Signature/Date

Title

Email

Telephone Number