

**AGENDA
NOTICE OF MEETING OF THE CITY COUNCIL OF
CUMBY, TEXAS**

This notice is posted pursuant to the Texas Open Meetings Act. Notice hereby given that the City Council of the city of Cumby, Texas will conduct a Regular Meeting on July 13, 2021 6:30 p.m., at 100 East Main Street, Cumby, Texas, City Council Chambers.

SUPPLEMENTAL NOTICE OF MEETING BY LIVESTREAM/TELEPHONE CONFERENCE:

In accordance with Order of the Office of the Governor issued March 16th, 2020, the governor has suspended various provisions of the Open Meetings Act pursuant to his state disaster authority, which now authorize the participation of a meeting by live-video stream or telephone. The City of Cumby will conduct the Regular Meeting on July 13, 2021, at 6:30 p.m. at 100 East Main Street, Cumby, Texas, City Council Chambers in part by Livestream in order to advance the public health goal of limiting face-to-face meetings (also called “social distancing”) and slow down the spread of the Coronavirus (COVID-19).

Livestream Participation. The livestream available via the Zoom website from your computer, tablet or smartphone at: <https://us02web.zoom.us/j/89340573076>

If the public desires to speak during a specific agenda item, they **must** email secretary@cityofcumby.com by 4:00 pm on the day of the meeting. The email must contain the person’s name, address, phone number, and the agenda item(s) for which comments will be made. You may also communicate and send your comments to the City Councilmembers directly by emailing alderman1@cityofcumby.com; alderman2@cityofcumby.com; alderman3@cityofcumby.com; alderman4@cityofcumby.com; alderman5@cityofcumby.com.

The meeting agenda and agenda packet are posted online at <https://www.cityofcumby.com/index.shtml>

1. CALL MEETING TO ORDER

2. PLEDGE OF ALLEGIANCE AND INVOCATION

3. PRESENTATION BY CITIZENS

The City Council welcomes "Presentation by Citizens." If you wish to speak, you must follow these guidelines. As a courtesy to your fellow citizens and out of respect to our fellow citizens, we request that if you wish to speak that you follow these guidelines.

- The Mayor will recognize those citizens who have signed up prior to the start of the meeting.
- Pursuant to Resolution No. 2020-12 Citizens are given three minutes (3:00) to speak during "Presentation by Citizens."
- Members of the public may only speak once and cannot pass the individual's time allotment to someone else.
- Direct your comments to the entire Council, not to an individual member.
- Show the Council members the same respect and courtesy that you expect to be shown to you.

The Mayor will rule any disruptive behavior, including shouting or derogatory statements or comments, out of order. Continuation of this type of behavior could result in a request by the Mayor that the individual leave the meeting, and if refused, an order of removal. In compliance with the Texas Open Meetings Act, no member of City Council may deliberate on citizen comments for items not on the agenda. (Attorney General Opinion – JC 0169)

4. CITY COUNCIL COMMENTS

Pursuant to TEX. GOV'T CODE 551.0415(b), the Mayor and each City Council member may announce city events/community interests and request that items be placed on future City Council agendas. "Items of Community Interest" include:

- Expressions of thanks, congratulations, or condolences;
- Information regarding holiday schedules;
- An honorary or salutary recognition of a public official, public employee, or other citizen, except that a discussion regarding a change in status of a person's public office or public employment is not honorary or salutary recognition for purposes of this subdivision;
- A reminder about an upcoming event organized or sponsored by the governing body;
- Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body or an official or employee of the municipality or county; and
- Announcements involving an imminent threat to the public health and safety of people in the municipality or county that has arisen after posting of the agenda.

5. CONSENT AGENDA

All matters listed under this item are considered routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired by any Alderman on any item, that item will be removed from the consent agenda and will be considered separately.

- 5.1. Approval – City Council Minutes, June 8, 2021.
- 5.2. Approval – City Council Minutes, June 18, 2021
- 5.3. Approval – City Council Public Hearing, June 15, 2021
- 5.4. Approval – June, Financials (moving to New Business 8.8 by Mayor Pro Tem Lackey)

6. DEPARTMENT REPORTS

All matters listed under this item are considered routine by the City Council and will only be considered at the request of one or more Aldermen. Coincident with each listed item, discussion will generally occur.

- 6.1. Public Works Department Activity Report
- 6.2. Police Department Activity Report
- 6.3. Municipal Court Activity Report
- 6.4. Building Permit Activity Report (if any)
- 6.5. Fire Department Activity Report

7. NEW BUSINESS

- 7.1. **Discussion/Action** – Possibility of selling City owned land on 206 East Main Street and/or City owned land on 102 Frisco Street. [Possibility to convene into Executive Session

pursuant to Local Government Codes Sections 551.071 (Consultation with Attorney); 551.072 (Deliberations related to Real Property)]

- 7.2. **Discussion/Action** - Partnership with Cumby ISD and the City for Community Service. - Mayor Simmerman and Superintendent Mrs. Shelley Slaughter.
- 7.3. **Discussion/Action** – Council’s Confirmation of the Mayor’s Appointment [Local Government Code 22.010(e)] of Mrs. Betty Jo Hartman as the new City Secretary of Cumby.
- 7.4. **Discussion/Action** – Create a Grant Committee to see what all Grants the City of Cumby is eligible for the improvement of the City. - Alderman Mobley
- 7.5. **Discussion/Action** – Adopting Resolution 2021- ____ Public Comment Policy. - Mayor Pro Tem Lackey
- 7.6. **Discussion/Action** – Changing the due date for the Cumby Monthly Water bills to the 15th and late on the 16th of the month instead of due on the 10th of the month with a 5-day grace period and late on the 16th. – Mayor Pro Tem Lackey
- 7.7. **Discussion/Action** – Participating in the American Rescue Plan of 2021 and appointment of Public Management, Inc as the overseers. – Mayor Simmerman
- 7.8. **Discussion** – Update on City’s Finances.

8. ADJOURNMENT

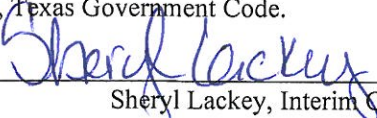
Executive Sessions Authorized: This agenda has been reviewed and approved by the City’s legal counsel and the presence of any subject in any Executive Session portion of the agenda constitutes a written interpretation of TEX. GOV’T CODE CHAPTER 551 by legal counsel for the governmental body and constitutes an opinion by the attorney that the items discussed therein may be legally discussed in the closed portion of the meeting considering available opinions of a court of record and opinions of the Texas Attorney General known to the attorney. This provision has been added to this agenda with the intent to meet all elements necessary to satisfy TEX. GOV’T CODE 551.144(c) and the meeting is conducted by all participants in reliance on this opinion. The Council may vote and/or act upon each of the items set out in this agenda. In addition, the city Council for the City of Cumby has the right to adjourn into executive session at any time during the course of this meeting to discuss any matter authorized by Texas Government Code Sections 551.071 (Consultation with Attorney); 551.072 (Deliberations related to Real Property); 551.073 (Deliberations related to prospective gifts or donations); Section 551.074 (Personnel Matter); 551.076 (Deliberations regarding the deployment of security devices or the implementation of security policy); and 551.087 (Deliberations regarding Economic Development negotiations).

Attendance by Other Elected or Appointed Officials – NOTICE OF POTENTIAL QUORUM: It is anticipated that members of City Council or other city board, commissions and/or committees may attend the meeting in numbers that may constitute a quorum of the other city boards, commission and/or committees. Notice is hereby given that the meeting, to the extent required by law, is also notices as a meeting of the other boards, commissions and/or committees of the City, whose members may be in attendance. The members of the boards, commissions and/or committees may participate in discussions on the same items listed on the agenda, which occur at the meeting, but no action will be taken by such in attendance unless such item and action is specifically provided for on an agenda for that board, commission or committee subject to the Texas Open Meetings Act.

CERTIFICATE:

I hereby certify that the above Notice of Meeting was posted on the City Hall bulletin board on the 10th of July, 2021, at a place convenient and readily accessible to the general public at all times, and to the city’s website, <https://www.cityofcumby.com>, in compliance with Chapter 551, Texas Government Code.




Sheryl Lackey, Interim City Secretary

CUMBY MUNICIPAL COURT DEPOSIT REPORT

DEPOSIT DATE June
monthly

DATE RANGE 6.2/6.29-2021

TOTAL OF ONLINE PAYMENTS = 43,489.62	TOTAL OF MONEY ORDERS = 12,440.20	TOTAL PAYMENTS= 55,929.82
- GHS 8,509.75	- SECURITY 632.48	
- STATE 13,298.99	- TECHNOLOGY 616.95	
- OMNI 265.47		
= TRANSFERABLE TO GENERAL 21,415.41	= DEPOSIT TO GENERAL 11,190.77	TOTAL DEPOSIT= 32,606.18

= %
58.2 %

PROCESSED BY [Signature]

SECRETARY 7/1/21

MONTH	CITY	COUNTY	ACREAGE	GRASS FIRE	CAR FIRE	STRUCTURE FIRE	MEDICAL	MVA	INVESTIGATION / STAND BY	WATER USAGE	MAN/HOURS
JAN	3	21	0.75	3	2	0	10	7	2	0	47.45
FEB	5	26	0.1	1	0	3	11	15	1	500	110.40
MAR	6	19	0.25	1	0	1	11	7	5	19000	69.45
APR	10	10	0.25	1	1	2	12	2	2	5200	81.90
MAY	4	23	0	1	3	3	7	10	3	0	93.42
JUN	6	13	0	2	4	0	4	6	3	300	42.02

1. CALL MEETING TO ORDER

Mayor Simmerman called the meeting to order at 6:30 p.m.

PRESENT:

Mayor Simmerman
Mayor Pro Tem Lackey
Alderman Hardy
Alderman Mobley
Alderman McCarter
Alderman Horne, via Zoom

ABSENT:

2. PLEDGE OF ALLEGIANCE AND INVOCATION

Mayor Simmerman lead the Pledge and Invocation.

3. PRESENTATION BY CITIZENS

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No citizens addressed Council.

4. CITY COUNCIL COMMENTS

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- A reminder about an upcoming event organized or sponsored by the governing body;
- Information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body or an official or employee of the municipality or county; and
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Mayor Simmerman informed Council that Alexis Griffith turned in her resignation. She is looking to find a job closer to home. Waiting on a phone line for the M&R Lift Station. Pumping to hill side is up and going. Also, read the Public Speaking Information on the Agenda.

Mayor Pro Tem updated Council and Citizens regarding the 2018 IRS Form 945. After speaking with Ms. Acrial Schofield she would be extending the due date to June 21, 2021. They had found that entities using QuickBooks and various other software not all information transferred correctly. If the City can find all the proper paperwork it would reduce the amount of money owed to IRS (\$37,219.01.00) to \$4,860.00 due to the "penalties for failure to file correct information and failure to furnish correct payee statements" is a hard thing to remove but would do what she could to remove that penalty as well.

5. EXECUTIVE SESSION

5.1. Discussion/Action – Removal of Judge Lana Adams in accordance with L.G.C. Sec. 22.077 “for incompetency, corruption, misconduct, or malfeasance in office.” Texas Government Code Sections 551.074 (Personnel Matter) and 551.071 (Consultation with Attorney)

Council did not convene in Executive Session as Mrs. Judge Lana Adams requested a Public Hearing.

Mayor Pro Tem moved to hold the Public Hearing for Mrs. Judge Lana Adams on Tuesday, June 15, 2021, at 6 p.m.

Alderman McCarter 2nd.

Motion carries 5-0.

Alderman Hardy moved to leave Lana Adams name off the Agenda.

Motion died on the table due to the lack of a 2nd.

6. CONSENT AGENDA

All matters listed under this item are considered routine by the City Council and will be enacted by one motion. There will not be separate discussion of these items. If discussion is desired by any Alderman on any item, that item will be removed from the consent agenda and will be considered separately.

6.1. Approval – City Council Minutes, May 11, 2021, Regular Meeting.

6.2. Approval – City Council Minutes, May 26, 2021, Special Meeting.

Alderman McCarter moved to approve the Consent Agenda as written.

Alderman Hardy 2nd.

Motion carried 5-0.

7. DEPARTMENT REPORTS

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7.1. Public Works Department Activity Report

7.2. Police Department Activity Report

7.3. Municipal Court Activity Report

7.4. Building Permit Activity Report (if any)

7.5. Fire Department Activity Report

8. OLD BUSINESS

8.1. Discussion/Action – Update on Constellation Energy Bill, Mayor Pro Tem Lackey

Mayor Pro Tem Lackey moved to discuss and move New Business line item 9.11 Approve search for new electric rate plan into this discussion.

Alderman McCarter 2nd.

Motion carried 5-0.

Mayor Pro Tem Lackey Informed Council that the last time Constellation Energy was paid was on March 11, 2021. After paying numerous invoices the City still owes \$110,086.39. Due to the wintery season the city received a bill in the amount of \$96,075.11 partly since the city is on a month-to-month basis instead of being in a contract we do not have a “locked” rate. Also, she informed Council that Constellation was not applying payments correctly. Constellation provided contractual Fixed Price options based on today’s market rates.

Council discussed the different options of either staying with Constellation or finding a different provider. One of Alderman Hardy’s concerns was that we would not be able to “contract” with another provider being how we owed Constellation money as they would not “release” our lines.

Alderman DeCarter moved to check into other providers or making a contract with Constellation.
Mayor Pro Tem 2nd.
Motion carried 5-0.

9. NEW BUSINESS

9.1. Discuss/Action – Maintenance areas of interest. – Alderman Horne

9.1.1.1. Well 4 serviced and is it operational?

Mayor Simmerman informed Council that he was in communication with Lisa today. Lisa and Jeff will be working on it. Appears to be an electrical issue.

9.1.1.2. Plans and updates for street repairs.

Mayor Simmerman informed Council that Jeff stated that right now with the wetness it will not do any good to do anything now. Mayor Simmerman also stated that with the school running more buses than before and all the other “heavy” vehicles is adding to the deterioration to the roads. This will be an ongoing issue.

9.1.1.3. Waterline of FM 499 @ Donelton.

Mayor Simmerman informed Council that Jeff has had 3 active water leaks and has called for locates. A section needs to be cut out due to old rusty metal pipes. As soon as the locate is done Jeff will start the process of fixing the issue.

9.1.1.4. Tree on Denton Street need to be cleared out of ditch.

Mayor Simmerman believes it is the landowner’s responsibility. Mayor Simmerman and Alderman Mobley can help clean it out and Mayor will take it to his house and burn it. Alderman Horne doesn’t want the rain to continue and flood out the road.

No action needed.

9.2. Discuss/Action – Condemned Properties – Alderman Horne

9.2.1.1. 101/102 Tarrant Street

This property currently is in a Probate/Estate now. Trying to locate the “inheritor(s)” is a battle. Council needs to find out if the Tax Assessor can release who is paying the taxes so they can be notified.

9.2.1.2. 408 Odom Street
Racoons and other animals are “inhabiting” this property as currently no one lives in the house.

9.2.1.3. Mill Street
This property has been condemned and still trying to locate the owner.

No action.

9.3. Discuss/Action – National Night Out – Potentially creating a committee. Chief Jeff Hundley
Chief Hundley addressed the Council about participating in National Night Out on October 5, 2021. Chief has registered the city and would like to form a committee as he feels it will create a stronger bond with the community. Smaller towns normally hold the “festivities” in the park and feels this could be something along the lines as with Black Jack Grove Day.

Alderman McCarter moved to form a National Night Out Committee.
Alderman Horne 2nd.
Motion carried 5/0.

Mayor Simmerman appointed Mayor Pro Tem Lackey as Chair and report back when the Committee is formed.

9.4. Discuss/Action – Approve Budget Calendar for the FY 21-22. – Mayor Pro Tem Lackey
Mayor Pro Tem Lackey presented a proposed Budget Calendar for the FY 21-22. Stated that there were certain dates that could not be changed due to legal posting requirements.

Mayor Pro Tem Lackey moved to approve the proposed Budget Calendar for the FY 21-22.
Alderman McCarter 2nd.
Motion carries 5/0.

9.5. Discuss/Action – Resolution No. – 2021-08 Calling for the November 2, 2021, Cumby City Council Election for Alderman Place 3, Alderman Place 4, Alderman Place 5 and posting requirements. – Mayor Pro Tem Lackey
Mayor Pro Tem Lackey moved to accept Resolution No. 2021-08 Calling for the November 2, 2021, Cumby City Council Election for Alderman Place 3, Alderman Place 4, and Alderman Place 5 as written.
Alderman Hardy 2nd.
Motion carries 5/0.

9.6. Discuss/Action – Appointment of Court Clerk Ms. Rita Graham to Associate Judge and taking all necessary steps to obtain said position. – Mayor Simmerman/Mayor Pro Tem Lackey

Judge Adams believes this would be very advantageous to the City to have an Associate Judge. Ms. Graham could sign judgements and pre-trials.

Mayor Pro Tem Lackey moved to Appoint Court Clerk Ms. Rita Grahm to Associate Judge and taking all necessary steps to obtain said position.

Alderman McCarter 2nd.

Motion carries 5/0.

9.7. Discuss/Action – Appointment of Temporary Municipal Judge due to potential vacancy.

No action as Judge Adams asked for a Public Hearing on her possible removal as City Judge in accordance with L.G.C. Sec. 22.077 “for incompetency, corruption, misconduct, or malfeasance in office.”

9.8. Discuss/Action – Purchase of Lawn Mower within \$5,000.00. Appoint New Maintenance Supervisor to make selection and present to Mayor for final approval and to direct maintenance employee to maintain lawn.

Alderman Mobley moved for the purchase of a Lawn Mower within \$5,000.00 and appoint Mr. Jeff Dudley to select and present to Mayor for final approval and to direct maintenance employee to maintain lawn.

Mayor Pro Tem 2nd.

Motion carries 5/0.

9.9. Discuss/Action – Cancellation of Contract with Lawn Mowing Service and compensation for month of May 2021 plus reimbursement for aid in sewer maintenance.

Mayor Pro Tem Lackey moved to cancel the contract with James Freeman and write a check for \$410.00 for services performed and aiding with sewer maintenance.

Alderman McCarter 2nd.

Motion carries 5/0.

9.10. Discuss/Action – Approve monthly bills. Mayor Pro Tem Lackey

Alderman Hardy approved the monthly bills.

Alderman McCarter 2nd.

Motion moved 4-0 as Mayor Pro Tem Lackey refrained from voting as Interim City Secretary.

9.11. Discuss/Action – Approve search for new Electric rate plan. Mayor Pro Tem Lackey Moved to Old Business 8.1 by motion moved by Mayor Pro Tem Lackey.

10. ADJOURNMENT

Mayor Simmerman adjourned the meeting at 7:34 p.m.

Attest

Douglas Simmerman, Mayor

Sheryl Mackey, Interim City Secretary

1. CALL MEETING TO ORDER

Mayor Simmerman called meeting to order at 6:00 p.m.

PRESENT:

Mayor Simmerman
Mayor Pro Tem Lackey
Alderman Hardy
Alderman Mobley
Alderman McCarter
Alderman Horne

ABSENT:

2. PLEDGE OF ALLEGIANCE AND INVOCATION

Mayor Simmerman led the Pledge of Allegiance and the Invocation.

3. PRESENTATION BY CITIZENS

No presentation by citizens.

4. CITY COUNCIL COMMENTS

Mayor Simmerman

5. NEW BUSINESS

5.1. Discussion/Action – Approve contract with an Electricity provider.

Mayor Pro Tem Lackey informed council that she had received an email about the possibility of high rates due to the heat wave that is hitting Texas and that ERCOT had the potential to raise rates high again. The City cannot afford another high electric bill.

Alderman McCarter moved to sign a 3-year contract with Constellation.

Alderman Mobley 2nd.

Motion carries 5/0.

5.2. Discuss/Action – Approving allocating more monies for the purchase of a lawn mower.

Public Work Supervisor, Jeff Dudley addressed the council regarding the purchase prices of lawn mowers. The one he found that would do a better job costs a little more than what the council had allocated. He came to Council to request \$1,500.00 more to cover the cost.

Alderman McCarter moved to allocate \$5,500.00 for the purchase of the new lawn mower.

Alderman Hardy 2nd.

Motion carries 5/0.

6. ADJOURNMENT

Mayor Simmerman adjourned the meeting at 6:14 p.m.

APPROVE:

ATTEST:

Dominic Simmerman, Mayor

Sheryl Lackey, Interim City Secretary

City Secretary

From: Jinger Peeks <jinger.peeks@gmail.com>
Sent: Tuesday, June 22, 2021 12:58 PM
To: City Secretary; Cumby Alderman 1
Subject: Fwd: 206 E Main St

Sheryl
Would like to add the property at 102 Frisco St as well.
Thanks
Jinger

Sent from my iPhone

Begin forwarded message:

From: Doug Simmerman <mayor@cityofcumby.com>
Date: June 10, 2021 at 8:09:55 AM CDT
To: Jinger Peeks <jinger.peeks@gmail.com>
Subject: Re: 206 E Main St

No, you do not need to do anything. I will have it posted on the agenda.
DS

Get [Outlook for iOS](#)

From: Jinger Peeks <jinger.peeks@gmail.com>
Sent: Thursday, June 10, 2021 6:49:01 AM
To: Doug Simmerman <mayor@cityofcumby.com>
Subject: Re: 206 E Main St

Mr Simmerman
Thank you for your response. I would like to get this process started. Is there a formal request I need to fill out or can my email serve as the request? Do I need to be added to the agenda to request this? Please advise what my next step should be.
Thank you
Jinger

Sent from my iPhone

> On Jun 10, 2021, at 4:50 AM, Doug Simmerman <mayor@cityofcumby.com> wrote:

>

> Thank you in your interest in our 206 East Main property. There is a process that we have to go through to dispose of city property. It would have to go before council to decide to sell and approve getting appraisal of property. Then council would have to decide asking price and then vote on approval of price offer and sale. So, it is not a real quick process.

> DS

>

> -----Original Message-----

> From: Jinger Peeks <jinger.peek@gmail.com>

> Sent: Wednesday, June 9, 2021 9:25 AM

> To: Doug Simmerman <mayor@cityofcumby.com>

> Subject: 206 E Main St

>

> Doug,

> The city owns the lot at 206 E Main St. I am interested in buying it to build a house on. Is this something the city would sell?

> Thank you

> Jinger Peeks

>

> Sent from my iPhone

BETTY Jo Hardman

Authorized to work in the US for any employer

Work Experience

Client Relationship & Office Manager, Enverus

PRT, INC

July 2017 to February 2020

Client Relationship Manager: trained new sales team regarding legacy client-base, products and services provided.

Saved \$75K in first year through QC of Salesforce information transition. Up-sell to existing accounts and develop new business while continuing to transition: financials, accounting, client-base.

Office Manager, including financials / bookkeeping / Executive Assistant support owners.

Plus: Client Relationship Manager supporting clients and business development. This small, privately owned company was acquired by DrillingInfo in November 2017.

Executive Assistant: Assistant to two owners; travel planning; communication with clients; standard office responsibilities, including receptionist (small, family office).

Office Manager + Client Relationship Manager

Warrior Elements - Dallas, TX

April 2015 to July 2017

Office Manager responsible for all office services, including:

Accounting

Client Services

Reception

Exec. Assistant to Owners

Governance Travel Manager, Ypo

WPO INTERNATIONAL

February 2012 to February 2014

Developed this new role for private organization with 25K+ worldwide membership

Developed financial, budget and expense reporting for top level association board to ensure consistent reporting within an international environment

Developed and organized information flow and monitored and tracked status of deliverables to ensure department goals met.

Prepared extensive international travel packets and meeting documents for Chairman, Incoming Chair and CEO.

Executive Assistant to the Owner

WARRIOR ELEMENTS & WARRIOR GROUP

February 2010 to November 2011

Gatekeeper - Managed executive's calendar with detailed planning and preparation to ensure on-time for business, board, association, family and social obligations.

CEO Representative - attended board and association meetings, discussions, award presentation. Assisted in speech writing and public relation campaigns.

Developed website (WordPress Software); daily posting on social media to establish brand recognition
Executive and Board of Directors: developed monthly reporting routines for the Board; documenting meetings and dissemination of information to executive team. Tracking assignments and projects to completion.

Office Manager + Project Assistant

TEXAS WALL SYSTEMS - Wall, TX

February 2007 to June 2009

ACQUIRED BY OLDCASTLE COMPANIES)

Executive Assistant to CEO North America

OLDCASTLE COMPANIES

August 1995 to October 2004

Responsible for semi-annual board of directors meeting for international board visiting U.S. locations.

Prepared and distributed board packets; researched and scheduled meeting logistics; negotiated contracts; including hotel, dining and worldwide transportation.

Extensive region / division event planning: Offshore GM annual meetings; annual company picnic (Managed \$1M travel budget)

Designed and compiled marketing and company qualification presentations, tradeshow set-up and "manned booth", wrote articles for industry publications

Business office relocation and property selection

General office management & Executive Assistant responsibilities. Confidentiality.

Procurement Program Lead for corporate headquarters - established this program in collaboration with representatives from each respective subsidiary owned by Oldcastle:

Precast; Glass Group; Materials Group; Architectural Group. Garnered savings of \$20M in first year of program

Education

ASSOCIATES in ENGLISH

COMMUNITY COLLEGE

Present

Skills

- Advanced level in both PC and Apple environment: Advanced Salesforce.com and Quickbooks along with MicroSoft Suite (Outlook, Word, Excel, Power Point and Project Management)
- calendar management, Concur travel & expense reporting. Sharepoint. Saved \$75K and claw-back from information transitioned and QC of accounts in SF.com Procurement Program saved \$20M

in first year of program Excellent communication: oral & written Board minutes and organization
Developed Train the trainer programs

- Profit and Non-profit environment
- Contract Negotiation
- CRM Software
- Business Development
- Office Management
- Event Planning
- Personal Assistant Experience
- Administrative Experience
- Salesforce
- Concur Travel & Expense Software
- SharePoint
- Microsoft Office
- Heavy Calender
- Event Planning
- Meeting Planning
- Client Management
- Sales Experience
- Presentation Skills
- Account Management
- Social Media Management
- Logistics
- WordPress
- Marketing
- Research
- Digital Marketing
- Proofreading
- Management

Links

<http://Salesforce.com>

<https://www.linkedin.com/in/bjhardman>

Assessments

Proofreading — Proficient

May 2021

Proofreading written texts.

Full results: Proficient

Customer service — Proficient

April 2021

Identifying and resolving common customer issues

Full results: Proficient

Accounting skills: Bookkeeping — Proficient

March 2021

Calculating and determining the accuracy of financial data

Full results: Proficient

Supervisory skills: Motivating & assessing employees — Expert

February 2021

Motivating others to achieve objectives and identifying improvements or corrective actions

Full results: Expert

Analyzing data — Proficient

December 2020

Interpreting and producing graphs, identifying trends, and drawing justifiable conclusions from data

Full results: Proficient

Work style: Professionalism — Proficient

April 2021

Tendency to be accountable, professional, open to feedback, and act with integrity at work

Full results: Proficient

Attention to detail — Highly Proficient

February 2021

Identifying differences in materials, following instructions, and detecting details among distracting information

Full results: Highly Proficient

Indeed Assessments provides skills tests that are not indicative of a license or certification, or continued development in any professional field.

Resolution No. 2021-08

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUMBY,
TEXAS TO ESTABLISH A STANDARD POLICY AND PROCEDURE FOR
MEMBERS OF THE PUBLIC WHO DESIRE TO MAKE A PUBLIC
COMMENT DURING AN OPEN MEETING**

Whereas, the Legislature of the State of Texas passed House Bill 2840 with an effective date of September 1, 2019, amending the Open Meetings Act to provide members of the public the right to address the governing body before or during the governing body's consideration of an item.

Whereas, H.B. 2840 grants governing bodies subject to the Open Meetings Act the ability to adopt reasonable rules concerning the public's right to speak at an open meeting.

Whereas, the City Council of the City of Cumby wishes to establish a standard policy and procedure concerning the public's right to speak on items on the agenda during an open meeting of the City of Cumby and that is in conformity with the Texas Government Code § 551.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CUMBY THAT:

SECTION 1. SHORT TITLE. Resolution No. 2021-08 shall be referred to as the "Public Comment Policy."

SECTION 2. DEFINITIONS

- A. **Members of the Public.** For purposes of the Public Comment Policy, "members of the public" shall mean any person, entity, or third party, including but not limited to an employee of the governing body, that the governmental body exercises or has the ability to exercise supervision or control over.
- B. **Regular Meeting.** "Regular Meetings" are regularly occurring monthly open meetings in which the City Council of City of Cumby meets on the second Tuesday of the Month. In the event that a Regular Meeting is cancelled or rescheduled for any reason, the rescheduled or called meeting that occurs in place of the regular meeting shall be considered the same as the regular meeting for purposes of public comment.
- C. **Special or Called Meeting.** "Special Meetings" or "Called Meetings" are any meetings that the City Council sets in addition to the Regular Meeting. A special or called meeting may be closed or open, depending on the subject of the meeting and whether action will be taken by the Council during the meeting. The required notice will reflect the availability of public comment.
- D. **Public Hearing.** For purposes of the Public Comment Policy, "public hearing" shall mean any public hearing authorized by statute or law, which does

not otherwise have statutory guidelines governing its process, and which the City of Cumby is entitled to conduct.

- E. Comment Form. A form made available at city hall or at the location of the meeting or hearing, and which a member of the public will provide their name, address, and the agenda item or topic they wish to address.
- F. Public Comment Period. The period of time set aside by the City Council of Cumby in which members of the public may address the governing body, and which is to occur during any meeting or hearing in which a quorum of the members of the governing body is present and actions by the governing body are taken or expected to be taken.

SECTION 3. POLICY

A. All inquiries regarding the Public Comment Policy should be directed to the City Secretary at secretary@cityofcumby.com or (903) 994-2272.

B. Prior to any meeting or hearing, members of the public must fill out a Comment Form. In lieu of a speaker form, members of the public are encouraged to email the city secretary at secretary@cityofcumby.com with the required information. If the Meeting or Hearing Notice fails to specify a deadline to complete the Comment Form, emails may be sent no later than 3:00 p.m. on the date of the meeting or hearing and Comment Forms may be filled out on location.

C. Time Limit. Members of the Public who have filled out the Comment Form will be given a total of 3 minutes to speak during the "Public Comment Period," as provided by any Agenda or Notice governing the meeting. Time Limits **may not** be extended or yielded and passed to another Member of the Public. **Exception:** Any individual addressing the governing body through use of a translator shall be given twice the amount of time in order to ensure that all members of the public receive the same opportunity to address the City Council.

D. Decorum. The governing body will not prohibit or in any way abridge the right of the public to criticize the governmental body, but will require decorum during every gathering of the governing body. Any member of the public that is disruptive, unruly, or displays offensive behavior may be subject to removal.

E. Invited Speakers. Any individual that was invited by a member of the governing body to speak before the governing body is not subject to the policy outlined herein.

SECTION 3. COMPLIANCE & SEVERABILITY

All Ordinances or Resolutions in conflict herewith are repealed to the extent of the conflict only. Should any portion of the Public Comment Policy be adjudged or held to be illegal or invalid, such severability shall not affect the remainder of the Policy and the City Council of the City of Cumby, Texas hereby declares it would have resolved and enacted such remained portions, despite invalidity.

SECTION 4. EFFECTIVE DATE

This Ordinance shall be in full force and effect immediately upon its passage and approval.

PASSED AND APPROVED, this the day of July 13, 2021.

Douglas Simmerman, Mayor, City of Cumby

Sheryl Lackey, Interim City Secretary

AMERICAN RESCUE PLAN OF 2021

Allocation Instruction Guidance

The U.S. Department of Treasury issued instructions on how non-entitlement units (NEU) of government will receive allocations from the American Rescue Plan



DOCUMENTS AND INFORMATION NECESSARY FOR REQUESTING YOUR ALLOCATION

1. Community Information

- Local Government Name
- Entity's Tax Payer Identification Number
- SAM Registration and DUNS Number
- Address

2. Authorized Representative

- Name, Title, Phone Number, Email

3. Contact Person

- Name, Title, Phone Number, Email

4. Financial Institution Information

- Routing and Account Number
- Financial Institution Name and Contact Information

5. Total Community Budget

- Annual total operating budget in effect as of January 27, 2020

6. Award Terms and Conditions Agreement

- As provided by the Treasury to be signed

7. Assurances of Compliance with Title VI of the Civil Rights Act of 1964

- As provided by the Treasury to be signed

Allocation Cap is 75% of 1/27/2020 Budget

Unclaimed Funds Will be Sent to Other Cities

Civil Rights, Fair Housing, Labor, and 2 CFR 200 Apply

March 11, 2021
ARPA Became Law

~ June 10, 2021
NEU Requests 1st Tranche

~ June 10, 2022
NEU Requests 2nd Tranche

December 31, 2024
Fund Obligation Deadline

December 31, 2026
Performance Period Ends

OMB Approved No. 1505-0271
Expiration Date: November 30, 2021

U.S. DEPARTMENT OF THE TREASURY
CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS

Recipient name and address: [Recipient to provide]	DUNS Number: [Recipient to provide] Taxpayer Identification Number: [Recipient to provide] Assistance Listing Number: 21.019
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Sections 602(b) and 603(b) of the Social Security Act (the Act) as added by section 9901 of the American Rescue Plan Act, Pub. L. No. 117-2 (March 11, 2021) authorize the Department of the Treasury (Treasury) to make payments to certain recipients from the Coronavirus State Fiscal Recovery Fund and the Coronavirus Local Fiscal Recovery Fund.

Recipient hereby agrees, as a condition to receiving such payment from Treasury, to the terms attached hereto.

Recipient:

Authorized Representative:

Title:

Date signed:

U.S. Department of the Treasury:

Authorized Representative:

Title:

Date:

PAPERWORK REDUCTION ACT NOTICE

The information collected will be used for the U.S. Government to process requests for support. The estimated burden associated with this collection of information is 15 minutes per response. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Office of Privacy, Transparency and Records, Department of the Treasury, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220. DO NOT send the form to this address. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

U.S. DEPARTMENT OF THE TREASURY
CORONAVIRUS LOCAL FISCAL RECOVERY FUND
AWARD TERMS AND CONDITIONS

1. Use of Funds.
 - a. Recipient understands and agrees that the funds disbursed under this award may only be used in compliance with section 603(c) of the Social Security Act (the Act), Treasury's regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
 - b. Recipient will determine prior to engaging in any project using this assistance that it has the institutional, managerial, and financial capability to ensure proper planning, management, and completion of such project.
2. Period of Performance. The period of performance for this award begins on the date hereof and ends on December 31, 2026. As set forth in Treasury's implementing regulations, Recipient may use award funds to cover eligible costs incurred during the period that begins on March 3, 2021, and ends on December 31, 2024.
3. Reporting. Recipient agrees to comply with any reporting obligations established by Treasury as they relate to this award.
4. Maintenance of and Access to Records
 - a. Recipient shall maintain records and financial documents sufficient to evidence compliance with section 603(c) of the Act, Treasury's regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
 - b. The Treasury Office of Inspector General and the Government Accountability Office, or their authorized representatives, shall have the right of access to records (electronic and otherwise) of Recipient in order to conduct audits or other investigations.
 - c. Records shall be maintained by Recipient for a period of five (5) years after all funds have been expended or returned to Treasury, whichever is later.
5. Pre-award Costs. Pre-award costs, as defined in 2 C.F.R. § 200.458, may not be paid with funding from this award.
6. Administrative Costs. Recipient may use funds provided under this award to cover both direct and indirect costs.
7. Cost Sharing. Cost sharing or matching funds are not required to be provided by Recipient.
8. Conflicts of Interest. Recipient understands and agrees it must maintain a conflict of interest policy consistent with 2 C.F.R. § 200.318(c) and that such conflict of interest policy is applicable to each activity funded under this award. Recipient and subrecipients must disclose in writing to Treasury or the pass-through entity, as appropriate, any potential conflict of interest affecting the awarded funds in accordance with 2 C.F.R. § 200.112.

9. Compliance with Applicable Law and Regulations.

- a. Recipient agrees to comply with the requirements of section 603 of the Act, regulations adopted by Treasury pursuant to section 603(f) of the Act, and guidance issued by Treasury regarding the foregoing. Recipient also agrees to comply with all other applicable federal statutes, regulations, and executive orders, and Recipient shall provide for such compliance by other parties in any agreements it enters into with other parties relating to this award.
- b. Federal regulations applicable to this award include, without limitation, the following:
 - i. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200, other than such provisions as Treasury may determine are inapplicable to this Award and subject to such exceptions as may be otherwise provided by Treasury. Subpart F – Audit Requirements of the Uniform Guidance, implementing the Single Audit Act, shall apply to this award.
 - ii. Universal Identifier and System for Award Management (SAM), 2 C.F.R. Part 25, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 25 is hereby incorporated by reference.
 - iii. Reporting Subaward and Executive Compensation Information, 2 C.F.R. Part 170, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 170 is hereby incorporated by reference.
 - iv. OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement), 2 C.F.R. Part 180, including the requirement to include a term or condition in all lower tier covered transactions (contracts and subcontracts described in 2 C.F.R. Part 180, subpart B) that the award is subject to 2 C.F.R. Part 180 and Treasury's implementing regulation at 31 C.F.R. Part 19.
 - v. Recipient Integrity and Performance Matters, pursuant to which the award term set forth in 2 C.F.R. Part 200, Appendix XII to Part 200 is hereby incorporated by reference.
 - vi. Governmentwide Requirements for Drug-Free Workplace, 31 C.F.R. Part 20.
 - vii. New Restrictions on Lobbying, 31 C.F.R. Part 21.
 - viii. Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. §§ 4601-4655) and implementing regulations.
 - ix. Generally applicable federal environmental laws and regulations.
- c. Statutes and regulations prohibiting discrimination applicable to this award include, without limitation, the following:
 - i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;

- ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
 - iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;
 - iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and
 - v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.
10. Remedial Actions. In the event of Recipient's noncompliance with section 603 of the Act, other applicable laws, Treasury's implementing regulations, guidance, or any reporting or other program requirements, Treasury may impose additional conditions on the receipt of a subsequent tranche of future award funds, if any, or take other available remedies as set forth in 2 C.F.R. § 200.339. In the case of a violation of section 603(c) of the Act regarding the use of funds, previous payments shall be subject to recoupment as provided in section 603(e) of the Act.
11. Hatch Act. Recipient agrees to comply, as applicable, with requirements of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328), which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by this federal assistance.
12. False Statements. Recipient understands that making false statements or claims in connection with this award is a violation of federal law and may result in criminal, civil, or administrative sanctions, including fines, imprisonment, civil damages and penalties, debarment from participating in federal awards or contracts, and/or any other remedy available by law.
13. Publications. Any publications produced with funds from this award must display the following language: "This project [is being] [was] supported, in whole or in part, by federal award number [enter project FAIN] awarded to [name of Recipient] by the U.S. Department of the Treasury."
14. Debts Owed the Federal Government.
- a. Any funds paid to Recipient (1) in excess of the amount to which Recipient is finally determined to be authorized to retain under the terms of this award; (2) that are determined by the Treasury Office of Inspector General to have been misused; or (3) that are determined by Treasury to be subject to a repayment obligation pursuant to section 603(e) of the Act and have not been repaid by Recipient shall constitute a debt to the federal government.
 - b. Any debts determined to be owed the federal government must be paid promptly by

Recipient. A debt is delinquent if it has not been paid by the date specified in Treasury's initial written demand for payment, unless other satisfactory arrangements have been made or if the Recipient knowingly or improperly retains funds that are a debt as defined in paragraph 14(a). Treasury will take any actions available to it to collect such a debt.

15. Disclaimer.

- a. The United States expressly disclaims any and all responsibility or liability to Recipient or third persons for the actions of Recipient or third persons resulting in death, bodily injury, property damages, or any other losses resulting in any way from the performance of this award or any other losses resulting in any way from the performance of this award or any contract, or subcontract under this award.
- b. The acceptance of this award by Recipient does not in any way establish an agency relationship between the United States and Recipient.

16. Protections for Whistleblowers.

- a. In accordance with 41 U.S.C. § 4712, Recipient may not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing to any of the list of persons or entities provided below, information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant.
- b. The list of persons and entities referenced in the paragraph above includes the following:
 - i. A member of Congress or a representative of a committee of Congress;
 - ii. An Inspector General;
 - iii. The Government Accountability Office;
 - iv. A Treasury employee responsible for contract or grant oversight or management;
 - v. An authorized official of the Department of Justice or other law enforcement agency;
 - vi. A court or grand jury; or
 - vii. A management official or other employee of Recipient, contractor, or subcontractor who has the responsibility to investigate, discover, or address misconduct.
- c. Recipient shall inform its employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.

17. Increasing Seat Belt Use in the United States. Pursuant to Executive Order 13043, 62 FR 19217 (Apr. 18, 1997), Recipient should encourage its contractors to adopt and enforce on-the-job seat belt policies and programs for their employees when operating company-owned, rented or personally owned vehicles.

18. Reducing Text Messaging While Driving. Pursuant to Executive Order 13513, 74 FR 51225 (Oct. 6, 2009), Recipient should encourage its employees, subrecipients, and contractors to adopt and enforce policies that ban text messaging while driving, and Recipient should establish workplace safety policies to decrease accidents caused by distracted drivers.

ASSURANCES OF COMPLIANCE WITH CIVIL RIGHTS REQUIREMENTS

ASSURANCES OF COMPLIANCE WITH TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

As a condition of receipt of federal financial assistance from the Department of the Treasury, the recipient named below (hereinafter referred to as the "Recipient") provides the assurances stated herein. The federal financial assistance may include federal grants, loans and contracts to provide assistance to the Recipient's beneficiaries, the use or rent of Federal land or property at below market value, Federal training, a loan of Federal personnel, subsidies, and other arrangements with the intention of providing assistance. Federal financial assistance does not encompass contracts of guarantee or insurance, regulated programs, licenses, procurement contracts by the Federal government at market value, or programs that provide direct benefits.

The assurances apply to all federal financial assistance from or funds made available through the Department of the Treasury, including any assistance that the Recipient may request in the future.

The Civil Rights Restoration Act of 1987 provides that the provisions of the assurances apply to all of the operations of the Recipient's program(s) and activity(ies), so long as any portion of the Recipient's program(s) or activity(ies) is federally assisted in the manner prescribed above.

1. Recipient ensures its current and future compliance with Title VI of the Civil Rights Act of 1964, as amended, which prohibits exclusion from participation, denial of the benefits of, or subjection to discrimination under programs and activities receiving federal financial assistance, of any person in the United States on the ground of race, color, or national origin (42 U.S.C. § 2000d *et seq.*), as implemented by the Department of the Treasury Title VI regulations at 31 CFR Part 22 and other pertinent executive orders such as Executive Order 13166, directives, circulars, policies, memoranda, and/or guidance documents.
2. Recipient acknowledges that Executive Order 13166, "Improving Access to Services for Persons with Limited English Proficiency," seeks to improve access to federally assisted programs and activities for individuals who, because of national origin, have Limited English proficiency (LEP). Recipient understands that denying a person access to its programs, services, and activities because of LEP is a form of national origin discrimination prohibited under Title VI of the Civil Rights Act of 1964 and the Department of the Treasury's implementing regulations. Accordingly, Recipient shall initiate reasonable steps, or comply with the Department of the Treasury's directives, to ensure that LEP persons have meaningful access to its programs, services, and activities. Recipient understands and agrees that meaningful access may entail providing language assistance services, including oral interpretation and written translation where necessary, to ensure effective communication in the Recipient's programs, services, and activities.
3. Recipient agrees to consider the need for language services for LEP persons when Recipient develops applicable budgets and conducts programs, services, and activities. As a resource, the Department of the Treasury has published its LEP guidance at 70 FR 6067. For more information on taking reasonable steps to provide meaningful access for LEP persons, please visit <http://www.lep.gov>.

4. Recipient acknowledges and agrees that compliance with the assurances constitutes a condition of continued receipt of federal financial assistance and is binding upon Recipient and Recipient's successors, transferees, and assignees for the period in which such assistance is provided.
5. Recipient acknowledges and agrees that it must require any sub-grantees, contractors, subcontractors, successors, transferees, and assignees to comply with assurances 1-4 above, and agrees to incorporate the following language in every contract or agreement subject to Title VI and its regulations between the Recipient and the Recipient's sub-grantees, contractors, subcontractors, successors, transferees, and assignees:

The sub-grantee, contractor, subcontractor, successor, transferee, and assignee shall comply with Title VI of the Civil Rights Act of 1964, which prohibits recipients of federal financial assistance from excluding from a program or activity, denying benefits of, or otherwise discriminating against a person on the basis of race, color, or national origin (42 U.S.C. § 2000d et seq.), as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, which are herein incorporated by reference and made a part of this contract (or agreement). Title VI also includes protection to persons with "Limited English Proficiency" in any program or activity receiving federal financial assistance, 42 U.S.C. § 2000d et seq., as implemented by the Department of the Treasury's Title VI regulations, 31 CFR Part 22, and herein incorporated by reference and made a part of this contract or agreement.

6. Recipient understands and agrees that if any real property or structure is provided or improved with the aid of federal financial assistance by the Department of the Treasury, this assurance obligates the Recipient, or in the case of a subsequent transfer, the transferee, for the period during which the real property or structure is used for a purpose for which the federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is provided, this assurance obligates the Recipient for the period during which it retains ownership or possession of the property.
7. Recipient shall cooperate in any enforcement or compliance review activities by the Department of the Treasury of the aforementioned obligations. Enforcement may include investigation, arbitration, mediation, litigation, and monitoring of any settlement agreements that may result from these actions. The Recipient shall comply with information requests, on-site compliance reviews and reporting requirements.
8. Recipient shall maintain a complaint log and inform the Department of the Treasury of any complaints of discrimination on the grounds of race, color, or national origin, and limited English proficiency covered by Title VI of the Civil Rights Act of 1964 and implementing regulations and provide, upon request, a list of all such reviews or proceedings based on the complaint, pending or completed, including outcome. Recipient also must inform the Department of the Treasury if Recipient has received no complaints under Title VI.
9. Recipient must provide documentation of an administrative agency's or court's findings of non-compliance of Title VI and efforts to address the non-compliance, including any voluntary compliance or other

agreements between the Recipient and the administrative agency that made the finding. If the Recipient settles a case or matter alleging such discrimination, the Recipient must provide documentation of the settlement. If Recipient has not been the subject of any court or administrative agency finding of discrimination, please so state.

10. If the Recipient makes sub-awards to other agencies or other entities, the Recipient is responsible for ensuring that sub-recipients also comply with Title VI and other applicable authorities covered in this document. State agencies that make sub-awards must have in place standard grant assurances and review procedures to demonstrate that they are effectively monitoring the civil rights compliance of sub-recipients.

The United States of America has the right to seek judicial enforcement of the terms of this assurances document and nothing in this document alters or limits the federal enforcement measures that the United States may take in order to address violations of this document or applicable federal law.

Under penalty of perjury, the undersigned official(s) certifies that official(s) has read and understood the Recipient's obligations as herein described, that any information submitted in conjunction with this assurances document is accurate and complete, and that the Recipient is in compliance with the aforementioned nondiscrimination requirements.

Recipient

Date

Signature of Authorized Official

PAPERWORK REDUCTION ACT NOTICE

The information collected will be used for the U.S. Government to process requests for support. The estimated burden associated with this collection of information is 30 minutes per response. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Office of Privacy, Transparency and Records, Department of the Treasury, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220. DO NOT send the form to this address. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

Coronavirus State and Local Fiscal Recovery Funds

Frequently Asked Questions

AS OF MAY 27, 2021

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

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

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

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?

\$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 7, 2021.

In late-May or shortly after completing the initial request for funds, 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. The deadline to confirm employment numbers is June 21, 2021. Treasury will calculate each Tribal government's pro rata share of the Employment Allocation for those Tribal governments that confirmed or submitted amended employment numbers. In late-June, 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 nonentitlement 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 nonentitlement units of local government. However, based on the statutory definitions, some of these local governments should have been classified as metropolitan cities.

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 forthcoming 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 forthcoming 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.

3. Eligible Uses – Revenue Loss

3.1. How is revenue defined for the purpose of this provision?

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.

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 forthcoming 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](#).

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 2 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.

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.

7. Non-Entitlement Units (NEUs)

7.1. Can states impose requirements or conditions on the transfer of funds to NEUs?

As the statute requires states to make distributions based on population, states may not place additional conditions or requirements on distributions to NEUs, beyond those required by the ARPA and Treasury's implementing regulations and guidance.

For example, states may not impose stricter limitations than permitted by statute or Treasury regulations or guidance on an NEU's use of Fiscal Recovery Funds based on the NEU's proposed spending plan or other policies, nor permitted to offset any debt owed by the NEU against its payment. Further, states may not provide funding on a reimbursement basis (e.g., requiring NEUs to pay for project costs up front before being reimbursed with Fiscal Recovery Fund payments), because this approach would not comport with the statutory requirement that states make distributions to NEUs within the statutory timeframe.

7.2. Can states transfer additional funds to local governments beyond amount allocated to NEUs?

Yes. The Interim Final Rule permits states, territories, and Tribal governments to transfer Fiscal Recovery Funds to other constituent units of government or private entities beyond those specified in the statute, as long as the transferee abides by the transferor's eligible use and other requirements. Similarly, local governments are authorized to transfer Fiscal Recovery Funds to other constituent units of government (e.g., a county is able to transfer Fiscal Recovery Funds to a city, town or school district within it).

7.3. What is the definition of "budget" for the purpose of the 75 percent cap on NEU payments, and who is responsible for enforcing this cap?

States are responsible for enforcing the "75 percent cap" on NEU payments, which is a statutory requirement that distributions to NEUs not exceed 75 percent of the NEU's most recent budget. Treasury interprets the most recent budget as the NEU's most recent annual total operating budget, including its general fund and other funds, as of January 27, 2020. States may rely for this determination on a certified top-line budget total from the NEU. Funding amounts in excess of such cap must be returned to Treasury.

7.4. May states use funds to pay for the administrative costs of allocating and distributing money to the NEUs?

Yes. If necessary, states may use Fiscal Recovery Funds to support the administrative costs of allocating and distributing money to NEUs, as disbursing these funds itself is a response to the public health emergency and its negative economic impacts.

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.

9. Reporting

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 nonentitlement 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. Nonentitlement 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 nonentitlement 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.

Nonentitlement units of local government will be required to submit the project and expenditure report annually. The initial annual Project and Expenditure report for nonentitlement 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 nonentitlement units of local government are not required to develop a Recovery Plan Performance report.

Treasury will provide further guidance and instructions on the reporting requirements for program at a later date.

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.

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]

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.

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. Eligible recipients are encouraged to apply as soon as possible. For recipients other than Tribal governments, there is not a specific application deadline.

Tribal governments do have deadlines to complete the application process and should visit www.treasury.gov/SLFRPTribal for guidance on applicable deadlines.

City of Cumby Unpaid Bills Detail As of July 2, 2021

CK 1119 7/3/21
 K 27810 7/3/21
 K 27811 7/3/21
 K 27812 7/3/21
 K 27820 7/3/21
 C 1196 7/3/21
 K 1120 7/3/21
 K 27813 7/3/21
 K 27814 7/3/21
 K 27815 7/3/21

Needs to go on
 monthly pay then

Type	Date	Num	Due Date	Aging	Open Balance
Alliance Document Shredding, Inc.					
Bill	06/23/2021	51001	07/03/2021		55.00
Total Alliance Document Shredding, Inc.					55.00
Ana Lab Corporation					
Bill	06/30/2021	A0521...	07/10/2021		90.00
Total Ana Lab Corporation					90.00
AT&T Mobility					
Bill	06/06/2021	X0614...	07/01/2021	1	375.18
Total AT&T Mobility					375.18
Atmos Energy					
Credit	05/11/2021	30326...			-386.38
Bill	06/10/2021	5/8/20...	06/20/2021	12	68.24
Total Atmos Energy					-318.14
Bankers Products & Printing					
Bill	06/09/2021	210203	06/09/2021	23	278.00
Total Bankers Products & Printing					278.00
Commerce Fix & Feed					
Bill	06/14/2021	2106-...	06/24/2021	8	125.92
Bill	06/16/2021	2106-...	06/26/2021	6	15.77
Bill	06/18/2021	2106-...	06/28/2021	4	39.98
Bill	06/21/2021	2106-...	07/01/2021	1	343.67
Total Commerce Fix & Feed					525.34
Constellation Energy					
Bill	10/06/2020	18421...	10/06/2020	269	3,790.78
Bill	11/06/2020	18632...	11/06/2020	238	3,345.45
Bill	12/06/2020	18850...	12/06/2020	208	3,631.52
Bill	01/13/2021	19055...	01/13/2021	170	3,243.53
Bill	04/01/2021	Stmnt ...	04/22/2021	71	96,075.11
Bill	06/06/2021	20274...	07/06/2021		3,426.49
Total Constellation Energy					113,512.88
DPC Industries					
Bill	06/15/2021	79700...	07/15/2021		158.15
Bill	06/15/2021	79700...	07/15/2021		474.44
Total DPC Industries					632.59
Farmers Electric Cooperative					
Bill	06/23/2021	5/18/2...	07/03/2021		27.05
Total Farmers Electric Cooperative					27.05
Griffin Communications & Security					
Bill	07/01/2021	201722	07/15/2021		170.00
Total Griffin Communications & Security					170.00
Hall Oil Company					
Bill	06/16/2021	4762	06/16/2021	16	796.50
Total Hall Oil Company					796.50
Internal Revenue Service Tax Deposit					
Bill	04/09/2021		04/19/2021	74	1,585.40
Total Internal Revenue Service Tax Deposit					1,585.40
J & M Tire Shop					
Bill	06/10/2021	5087-7	06/10/2021	22	35.00

City of Cumby Unpaid Bills Detail As of July 2, 2021

Type	Date	Num	Due Date	Aging	Open Balance
Total J & M Tire Shop					35.00
K 27816 7/3/21 J. J.'s Quick Lube Bill	06/10/2021	46575	06/20/2021	12	67.00
Total J. J.'s Quick Lube					67.00
Jenkins Farms Bill	06/11/2021	200632	06/21/2021	11	800.00
Total Jenkins Farms					800.00 ✓
K 1498 7/3/21 Johnson Electric Motor, Inc. Bill	06/15/2021	SI2771	06/25/2021	7	1,473.93
Total Johnson Electric Motor, Inc.					1,473.93 ✓
K 1499 7/3/21 Matheson Tri-Gas, Inc. Bill	06/30/2021	00237...	07/30/2021		51.30
Total Matheson Tri-Gas, Inc.					51.30 ✓
Northeast Texas Disposal					
Bill	11/27/2018	18800	12/27/2018	918	3,060.00
Bill	12/04/2018	18641	01/03/2019	911	2,470.00
Bill	12/05/2018	17233	01/04/2019	910	420.00
Bill	12/11/2018	18801	01/10/2019	904	3,415.00
Bill	12/21/2018	18804	01/20/2019	894	4,020.00
Bill	01/02/2019	21086	02/01/2019	882	2,900.00
Total Northeast Texas Disposal					16,285.00
O'Reilly Auto Parts Credit	11/05/2020	0372...			-18.00
Total O'Reilly Auto Parts					-18.00
K 27817 7/3/21 Purchase Power Bill	06/16/2021		07/13/2021		50.00
Total Purchase Power					50.00
K 27818 7/3/21 Quill Corporation Bill	06/04/2021	17200...	07/04/2021		37.98
Total Quill Corporation					37.98
Republic Services					
Bill	08/10/2020	0795-...	08/20/2020	316	4,593.44
Bill	09/26/2020	0795-...	10/06/2020	269	4,442.52
Bill	10/28/2020	0795-...	11/07/2020	237	4,442.54
Bill	11/26/2020	0795-...	12/06/2020	208	4,442.54
Bill	12/26/2020	0795-...	01/05/2021	178	4,442.54
Bill	01/26/2021	00046...	02/15/2021	137	4,442.54
Total Republic Services					26,806.12
K 1200 7/3/21 RG3 Meter Company Bill	06/18/2021	40499	06/18/2021	14	242.99
Total RG3 Meter Company					242.99 ✓
K 27819 7/3/21 Smith & Smith Bill	06/18/2021	6/18/21	07/18/2021		2,550.00
Total Smith & Smith					2,550.00
K 1201 7/3/21 Texas Tank Services Bill	08/10/2020	2411	08/20/2020	316	3,665.00
Bill	09/28/2020	2466	10/08/2020	267	3,665.00
Bill	11/19/2020	2522	11/29/2020	215	3,665.00
Bill	01/05/2021	2577	01/15/2021	168	2,832.17

City of Cumby Unpaid Bills Detail As of July 2, 2021

X 1202 7/3/21
X 27821 7/3/21

Type	Date	Num	Due Date	Aging	Open Balance
Bill	02/05/2021		02/15/2021	137	2,832.17
Bill	06/03/2021	2714	06/18/2021	14	2,832.17 ✓
Total Texas Tank Services					19,491.51
The C T Brannon Corporation					
Bill Pmt -Check	04/27/2021	1005			-1,187.50
Total The C T Brannon Corporation					-1,187.50
Timko Construction & Electric					
Bill	06/16/2021	WATE...	06/26/2021	6	2,375.00
Total Timko Construction & Electric					2,375.00 ✓
Underground Utility Supply					
Bill	06/14/2021	234080	07/14/2021		303.82
Bill	06/22/2021	234325	07/22/2021		303.82
Bill	06/22/2021	234469	07/22/2021		420.50
Bill	06/22/2021	234490	07/22/2021		97.16
Total Underground Utility Supply					1,125.30
TOTAL					187,915.43