

## **TOWN OF SOUTHERN SHORES ELIGIBLE PROJECT POLICY FOR THE EXPENDITURE OF AMERICAN RESCUE PLAN ACT OF 2021 CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS**

**WHEREAS** the Town of Southern Shores (the “Town”) has received an allocation of funds from the Coronavirus State and Local Fiscal Recovery Funds of H.R. 1319 American Rescue Plan Act of 2021 (the “ARP/CSLFRF”); and

**WHEREAS** the US Treasury (the “Treasury”) is responsible for implementing ARP/CSLFRF and has enacted a Final Rule outlining eligible projects; and

**WHEREAS** ARP/CSLFRF funds may be used for projects within these categories, to the extent authorized by state law:

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

**WHEREAS** the ARP/CSLFRF are subject to the provisions of the federal Uniform Grant Guidance, 2 CFR Part 200 (the “UG”), as provided in the [Assistance Listing](#); and

**WHEREAS** the Treasury has issued a [Compliance and Reporting Guidance v.3.0 \(February, 2022\)](#) dictating implementation of the ARP/CSLFRF Award Terms and Compliance Requirements (the “Award Terms”); and

**WHEREAS** the Compliance and Reporting Guidance states on page 6 that

Per 2 CFR Part 200.303, (the Town) must develop and implement effective internal controls to ensure that funding decisions under the ARP/CSLFRF award constitute eligible uses of funds, and document determinations.

**BE IT RESOLVED** that the Town hereby adopts and enacts the following Eligibility Determination Policy for ARP/CSLFRF funds.

# **Eligibility Determination Policy for American Rescue Plan Act of 2021 Coronavirus State and Local Fiscal Recovery Funds**

This policy defines the permissible and prohibited uses of the ARP/CSLFRF funds. It also outlines the procedures for determining how the Town will spend its ARP/CSLFRF funds.

## **I. PERMISSIBLE USES OF ARP/CSLFRF FUNDS**

US Treasury issued its [Final Rule](#) regarding use of ARP/CSLFRF funds on January 6, 2022. (The Final Rule is effective as of April 1, 2022. Until that date, the Town may proceed under the regulation promulgated by the Treasury in its [Interim Final Rule](#) or the Final Rule.) The Final Rule (and the Interim Final Rule) identify permissible uses of ARP/CSLFRF funds and certain limitations and process requirements. The Town must allocate ARP/CSLFRF funds no later than December 31, 2024 and disburse all funding no later than December 31, 2026. Failure of the Town to expend all funds by December 31, 2026 will result in forfeiture of ARP/CSLFRF funds.

ARP/CSLFRF funds may be used for projects within the following categories of expenditures:

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

## **II. PROHIBITED USES OF ARP/CSLFRF FUNDING**

The ARP/CSLFRF and Treasury's Final Rule prohibit certain uses of ARP/CSLFRF funds. Specifically, ARP/CSLFRF funds may not be used for projects within the following categories of expenditures:

1. To make a deposit into a pension fund that constitutes an extraordinary payment of an accrued, unfunded liability (Note that routine contributions as part of a payroll obligation for an eligible project are allowed);
2. To borrow money or make debt service payments;
3. To replenish rainy day funds or fund other financial reserves;
4. To satisfy an obligation arising from a settlement agreement, judgment, consent decree, or judicially confirmed debt restricting in a judicial, administrative, or regulatory proceeding (There is an exception to this prohibition if the settlement or

- judgment requires the Town to provide services to respond to the COVID-19 public health emergency or its negative economic impacts or to provide government services, then the costs of those otherwise ARP/CSLFRF-eligible projects are allowed);
5. For a project that includes a term or condition that undermines efforts to stop the spread of COVID-19 or discourages compliance with recommendations and guidelines in CDC guidance for stopping the spread of COVID-19;
  6. In violation of the conflict-of-interest requirements imposed by the Award Terms and 2 CFR § 200.318(c); and
  7. For any expenditure that would violate other applicable federal, state, and local laws and regulations.

The Town, and any of its contractors or subrecipients, may not expend any ARP/CSLFRF funds for these purposes.

### **III. PROCEDURES FOR PROJECT APPROVAL**

The following are procedures for ARP/CSLFRF project approvals. All Town employees and officials must comply with these requirements:

1. Requests for ARP/CSLFRF funding must be made in writing using the eligibility worksheet and include all of the following:
  - a. A brief description of the project;
  - b. An identification of ARP/CSLFRF Expenditure Category (“EC”) (A list of ECs in the Appendix to the [US Treasury Compliance and Reporting Guidance](#));
  - c. The required justifications for applicable projects, according to the requirements in the Final Rule. (Employees or any applicant seeking ARP/CSLFRF funding should review the [Final Rule](#) and [Final Rule Overview](#) prior to submitting a proposal);
  - d. A proposed budget, broken down by cost item, in accordance with the Town’s Allowable Cost Policy; and
  - e. A project implementation plan and estimated implementation timeline (All ARP/CSLFRF funds must be fully obligated by December 31, 2024, and fully expended by December 31, 2026.)
2. Requests for funding must be submitted to the Town Manager for approval. All requests will be reviewed by the Finance Officer for ARP/CSLFRF compliance, allowable costs and other financial review.
3. No ARP/CSLFRF funds may be obligated or expended before final written approval by the Town Manager, and when necessary, a budget amendment approved by Town Council.
4. If a proposal does not meet the required criteria, it will be returned to the requesting party for revision and resubmittal.
5. Following approval, employees responsible for implementing the project must conform actual obligations and expenditures to the pre-approved project budget. Changes in project budgets must be approved by the Town Manager and reviewed by the Finance Officer and may require a budget amendment before proceeding. Any delay in the

projected project completion date shall be communicated to the Town Manager immediately.

6. The Finance Officer must collect and document required information for each EC, for purposes of completing the required Project and Expenditure reports.
7. The Finance Officer must maintain written project requests and approvals, all supporting documentation, and financial information at least until December 31, 2031.