



COURT ORDER 2020-0458

Creation of a CARES Team to Provide Oversight and Implementation of CARES Act and Other Coronavirus Relief Funding Opportunities

On a motion made by Commissioner Dr. Theresa Daniel, and seconded by Commissioner Dr. Elba Garcia, the following order was passed and adopted by the Commissioners Court of Dallas County, State of Texas:

BRIEFING DATE: May 5, 2020

FUNDING SOURCE: Expenditures for this Team will be charged to the COVID-19 fund and project established for this event and funding will come from direct relief assistance provided by the Coronavirus Aid, Relief, and Economic Security (CARES) Act (532.0000.1020.0000.5003.94573.00000.0000)

Be it resolved and ordered that the Dallas County Commissioners Court does hereby authorize the creation of a CARES Team consisting of one Senior Policy Analyst (J) and four Policy Analysts (H). Further, Human Resources and Civil Service is directed to expedite review, classification, and onboarding of these new positions. Additionally, if an internal candidate is selected to fill the new positions created by this order, Human Resources and Civil Service is directed to expedite the selection and on-boarding of the vacated position.

Done in open Court May 5, 2020 by the following vote:

IN FAVOR: County Judge Clay Jenkins, Commissioner Dr. Theresa Daniel, Commissioner JJ Koch, Commissioner John Wiley Price, and Commissioner Dr. Elba Garcia
OPPOSED: None
ABSTAINED: None
ABSENT: None

Recommended by: Charles Reed
Originating Department: Comm Court Administration



Dallas County
BRIEFING / COURT ORDER
Commissioners Court - May 05 2020

- Resolution
- Solicitation/Contract
- Executive Session
- Addendum

Creation of a CARES Team to Provide Oversight and Implementation of CARES Act and Other Coronavirus Relief Funding Opportunities

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Originating Department: Comm Court Administration

Prepared by: Charles Reed, Assistant County Administrator for Governmental Affairs

Recommended by: Charles Reed, Assistant County Administrator for Governmental Affairs

BACKGROUND INFORMATION:

Due to the COVID-19 outbreak, many funding opportunities have been made available through State and Federal resources. These opportunities are numerous and require application from multiple individual departments. The largest tranche of funding was paid directly to Dallas County from the U.S. Treasury through the Coronavirus Relief Fund for State and Local Governments. The purpose of this briefing is to seek Commissioners Court approval to create of a CARES Team who will coordinate the application, utilization, and tracking of funds made available to respond to the COVID-19 outbreak.

OPERATIONAL IMPACT:

There are numerous funding opportunities made available by the CARES Act that will require an overall coordination by a single team. Additionally, a large tranche of funding through the CARES Act was made available as direct payment to cities and counties through the Coronavirus Relief Fund for State and Local Governments. Under the Coronavirus Relief Fund for State and Local Governments, Dallas County is received \$239,952,373 to reimburse necessary expenses incurred due to the public health emergency with respect to COVID-19 between March 1, 2020 and December 30, 2020. These costs cannot have been accounted for in our most recently adopted budget. Due to the amount of these funds and the variety of sources, Dallas County will need a team dedicated full time for management and oversight.

As such, staff recommends adding one Senior Policy Analyst (J) and four Policy Analysts (H) to Commissioners Court Administration as direct reports to the Assistant Administrator for Governmental Affairs. These additional positions will work exclusively as the CARES Team through December 30, 2020. This team will be required to manage the use of the CARES Act funding to appropriately track costs related to responding to the COVID-19 public health emergency. Additionally, the CARES Team will develop and deploy plans to utilize the funding to reopen County operations safely and ensure county departments have appropriate resources through December 30, 2020 to resume normal

operations and clear any backlog of work associated with the shutdown of public-facing operations. Further, the CARES Team will be required to provide regular reports to the Commissioners Court and the CARES Act Working group regarding funds received through new funding opportunities, funds allocated by source, and funds actually spent.

The Senior Policy Analyst (J) position will be responsible for managing the overall efforts of the CARES Team to ensure there is no duplication of work. This position will develop and maintain policies, work systems, and procedures for deploying CARES Act funding and other identified funding opportunities related to the coronavirus public health crisis. Further, this position will actively participate in and help coordinate efforts between partner agencies at the local, State, and Federal level to ensure there is no duplication of services. This will ensure that our community receives maximum return through the overall coronavirus relief effort.

One Policy Analyst (H) will be responsible for identifying new funding opportunities related to the coronavirus public health crisis and coordinating applications with the appropriate department. Further, this position will be required to oversee preparation of progress reports, ensuring compliance with funding regulations, reviewing funding request proposals, managing a coronavirus funding database, securing continuous funding when available, and identifying where new funding opportunities can enhance our response.

One Policy Analyst (H) will be responsible for tracking all CARES Act spending and ensuring compliance with the guidelines provided by the U.S. Treasury. This position will work closely with the Auditor's Office to track actual expenses to ensure CARES Act programs approved by the Commissioners Court do not exceed their allocated budget. Further, this position will be tasked with producing regular reports to the Commissioners Court and the CARES Act Working Group.

The remaining two Policy Analysts (H) will be responsible for analyzing and coordinating needs with departments and elected offices with respect to reopening safely, ensuring the department or elected office has the equipment necessary to conduct business publicly, and providing resources to clear any anticipated backlog. These positions will be required to contact every county department and elected official office to help analyze potential needs. Further, these positions will act as liaisons between the departments and the CARES Team to ensure requested needs are analyzed and presented to the Commissioners Court for recommendation and approval. These two positions will also assist the Senior Policy Analyst with the interagency coordination of programs.

The CARES Team will work exclusively on coronavirus relief efforts for Dallas County until December 30, 2020 and will be housed as a division of Commissioners Court Administration. It is anticipated that work related to the CARES Act will continue well beyond the current reimbursable date of December 30, 2020 as final costs are tracked, reconciled, and a report is prepared for review by the U.S. Treasury. Funding beyond December 30, 2020 will be discussed during the FY2021 budget development.

FINANCIAL IMPACT:

The addition of one Senior Policy Analyst (J) has an estimated annual cost of \$117,545. The addition of four Policy Analysts (H) has an estimated annual cost of \$406,154. The total estimated annual cost of this proposal is \$523,699 and will be reimbursed by CARES Act funding through December 30, 2020. This proposal fits the definition of an eligible expense as defined by example six of the attached document "Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments" issued April 22, 2020 regarding expenses "reasonably necessary to the function of government". Funding beyond December 30, 2020 will be discussed during the FY2021 budget development.

Expenditures for this Team will be charged to the COVID-19 fund and project established for this event and funding will come from direct relief assistance provided by the Coronavirus Aid, Relief, and Economic Security (CARES) Act (532.0000.1020.0000.5003.94573.00000.0000)

LEGAL IMPACT:

N/A

PROJECT SCHEDULE:

N/A

SBE PARTICIPATION:

N/A

ADMINISTRATIVE PLAN COMPLIANCE:

This proposal complies with the Dallas County Administrative Plan’s vision to make Dallas County an operationally model governmental entity by providing dedicated resources to ensure the most efficient and effective deployment and tracking of CARES Act and other identified coronavirus relief funding.

RECOMMENDATION:

Authorize the creation of a CARES Team consisting of one Senior Policy Analyst (J) and four Policy Analysts (H). Further, direct Human Resources and Civil Service to expedite review, properly classify, and onboard these new positions. Additionally, if an internal candidate is selected to fill the new positions created by this order, direct Human Resources and Civil Service to expedite the selection and onboarding of the vacated position.

MOTION:

On a motion made by TBD, and seconded by TBD, the following order will be voted on by the Commissioners Court of Dallas County, State of Texas:

Be it resolved and ordered that the Dallas County Commissioners Court does hereby authorize the creation of a CARES Team consisting of one Senior Policy Analyst (J) and four Policy Analysts (H). Further, Human Resources and Civil Service is directed to expedite review, classification, and onboarding of these new positions. Additionally, if an internal candidate is selected to fill the new positions created by this order, Human Resources and Civil Service is directed to expedite the selection and on-boarding of the vacated position.

ATTACHMENTS:

[Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments](#)

Coronavirus Relief Fund
Guidance for State, Territorial, Local, and Tribal Governments
April 22, 2020

The purpose of this document is to provide guidance to recipients of the funding available under section 601(a) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”). The CARES Act established the Coronavirus Relief Fund (the “Fund”) and appropriated \$150 billion to the Fund. Under the CARES Act, the Fund is to be used to make payments for specified uses to States and certain local governments; the District of Columbia and U.S. Territories (consisting of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands); and Tribal governments.

The CARES Act provides that payments from the Fund may only be used to cover costs that—

1. are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19);
2. were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State or government; and
3. were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.¹

The guidance that follows sets forth the Department of the Treasury’s interpretation of these limitations on the permissible use of Fund payments.

Necessary expenditures incurred due to the public health emergency

The requirement that expenditures be incurred “due to” the public health emergency means that expenditures must be used for actions taken to respond to the public health emergency. These may include expenditures incurred to allow the State, territorial, local, or Tribal government to respond directly to the emergency, such as by addressing medical or public health needs, as well as expenditures incurred to respond to second-order effects of the emergency, such as by providing economic support to those suffering from employment or business interruptions due to COVID-19-related business closures.

Funds may not be used to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify under the statute. Although a broad range of uses is allowed, revenue replacement is not a permissible use of Fund payments.

The statute also specifies that expenditures using Fund payments must be “necessary.” The Department of the Treasury understands this term broadly to mean that the expenditure is reasonably necessary for its intended use in the reasonable judgment of the government officials responsible for spending Fund payments.

Costs not accounted for in the budget most recently approved as of March 27, 2020

The CARES Act also requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. A cost meets this requirement if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget *or* (b) the cost

¹ See Section 601(d) of the Social Security Act, as added by section 5001 of the CARES Act.

is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation.

The “most recently approved” budget refers to the enacted budget for the relevant fiscal period for the particular government, without taking into account subsequent supplemental appropriations enacted or other budgetary adjustments made by that government in response to the COVID-19 public health emergency. A cost is not considered to have been accounted for in a budget merely because it could be met using a budgetary stabilization fund, rainy day fund, or similar reserve account.

Costs incurred during the period that begins on March 1, 2020, and ends on December 30, 2020

A cost is “incurred” when the responsible unit of government has expended funds to cover the cost.

Nonexclusive examples of eligible expenditures

Eligible expenditures include, but are not limited to, payment for:

1. Medical expenses such as:
 - COVID-19-related expenses of public hospitals, clinics, and similar facilities.
 - Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.
 - Costs of providing COVID-19 testing, including serological testing.
 - Emergency medical response expenses, including emergency medical transportation, related to COVID-19.
 - Expenses for establishing and operating public telemedicine capabilities for COVID-19-related treatment.
2. Public health expenses such as:
 - Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.
 - Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.
 - Expenses for disinfection of public areas and other facilities, *e.g.*, nursing homes, in response to the COVID-19 public health emergency.
 - Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.
 - Expenses for public safety measures undertaken in response to COVID-19.
 - Expenses for quarantining individuals.
3. 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.

4. Expenses of actions to facilitate compliance with COVID-19-related public health measures, such as:
 - Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.
 - Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.
 - Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.
 - Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions.
 - COVID-19-related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions.
 - Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.
5. Expenses associated with the provision of economic support in connection with the COVID-19 public health emergency, such as:
 - Expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures.
 - Expenditures related to a State, territorial, local, or Tribal government payroll support program.
 - Unemployment insurance costs related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.
6. Any other COVID-19-related expenses reasonably necessary to the function of government that satisfy the Fund's eligibility criteria.

Nonexclusive examples of ineligible expenditures²

The following is a list of examples of costs that would *not* be eligible expenditures of payments from the Fund.

1. Expenses for the State share of Medicaid.³
2. Damages covered by insurance.
3. Payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

² In addition, pursuant to section 5001(b) of the CARES Act, payments from the Fund may not be expended for an elective abortion or on research in which a human embryo is destroyed, discarded, or knowingly subjected to risk of injury or death. The prohibition on payment for abortions does not apply to an abortion if the pregnancy is the result of an act of rape or incest; or in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed. Furthermore, no government which receives payments from the Fund may discriminate against a health care entity on the basis that the entity does not provide, pay for, provide coverage of, or refer for abortions.

³ See 42 C.F.R. § 433.51 and 45 C.F.R. § 75.306.

4. Expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds.
5. Reimbursement to donors for donated items or services.
6. Workforce bonuses other than hazard pay or overtime.
7. Severance pay.
8. Legal settlements.