

RESOLUTION NO. R-20-19

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTS RELATED TO DISBURSEMENTS OF CORONAVIRUS RELIEF FUND ALLOCATIONS FROM CLAY COUNTY, MISSOURI.

WHEREAS, Congress passed and the President signed the Coronavirus Aid, Relief, and Economic Security (CARES) Act on March 27, 2020; and

WHEREAS, the CARES Act provides for Federal Stimulus Funds to flow to the States by population and to Counties within the State also by population; and

WHEREAS, on May 1, 2020, the Clay County Commission approved Resolution 2020-139 which proposes disbursements to entities within Clay County based on population; and

WHEREAS, entities within Clay County must agree to use the funds as authorized by the CARES Act; and

WHEREAS, the City Council of Gladstone, Missouri, find it in the best interest of the community to accept these funds for unanticipated expenses related to the Coronavirus response and recovery, and for uses that may subsequently be authorized by the Federal Government or State Government; and

WHEREAS, the City Council desires to authorize the City Manager to execute the Community Partner Funding Certification on behalf of the City.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, AS FOLLOWS:

THAT, the City Manager of the City of Gladstone, Missouri, is hereby authorized to execute the Community Partner Funding Certification attached hereto as Exhibit A, all in accordance with the provisions of this Resolution and to take such other actions as may be necessary to effectuate the intent of this Resolution.

FURTHER, THAT, the authority granted pursuant to this Resolution is subject to the following provisions:


1. The City will retain documentation of all uses of funds, including but not limited to, invoices and receipts. Such documentation shall be provided to the State of Missouri upon request.
2. The City acknowledges that funds may not be used for revenue replacement unless subsequently authorized by the Federal and State Government.
3. The City acknowledges that funds may not be used for expenses for which the City has received other emergency COVID-19 supplemental funding for the same expense.
4. Any funds improperly expended by the City as determined by the Federal or State Government shall be repaid to the County by the City.

INTRODUCED, READ, PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF GLADSTONE, MISSOURI, THIS 11th DAY OF MAY, 2020.



Mayor Carol J. Suter

ATTEST:



Ruth E. Bocchino, City Clerk



Request for Council Action

RES # R-20-19

BILL # City Clerk Only

ORD # City Clerk Only

Date: 5/7/2020

Department: General Administration

Meeting Date Requested: 5/11/2020

Public Hearing: Yes Date:

Subject: Disbursements of Coronavirus Relief Fund Allocations from Clay County

Background: On March 27, 2020, the President signed the Coronavirus Aid, Relief, and Economic Security (CARES) Act. Funds are distributed to the States based on population and States are distributing funds to Counties based on population. On May 1, 2020, the Clay County Commission approved Resolution 2020-139 which distribute funds to entities within Clay County based on population. As part of County Resolution 2020-139, entities must enter into a Community Partner Funding Certification which is intended to ensure that entities expend funds in accordance with State and Federal Guidelines. Attached to the proposed Resolution is the Community Partner Funding Certification as approved by the Clay County Commission. Also attached is a general outline for allowable uses of the funds. This is a fluid situation at the Federal level and allowable uses may be expanded over the next few weeks or months. Staff will prepare and present a funding plan for City Council consideration once the disbursement is received from Clay County. This has been a collaborative effort including the Clay County Commission, Clay County staff, and many of the cities within Clay County.

Budget Discussion: Funds are allocated based on population, support of the school districts, and county health. Although subject to change, the Gladstone allocation is estimated to be approximately \$2.5 million.

Public/Staff Input/Commission: None.

Provide Original Contracts, Leases, Agreements, etc. to: City Clerk and Vendor

Scott Wingerson
Department Head

Chris Williams
City Attorney

Scott Wingerson
City Manager

Resolution 2020-139 Appendix B

COMMUNITY PARTNER FUNDING CERTIFICATION

I, Scott Wingerson, am the chief executive of the City of Gladstone, and I certify that:

1. I have the authority on behalf of the City of Gladstone to request direct payment from the County of Clay, Missouri pursuant to Section 14.435 of SS SCS HCS HB 2014, from the County's allocation of funds from the Coronavirus Relief Fund as created in the CARES Act.
2. I understand that the County of Clay, Missouri will rely on this certification as a material representation in making a direct payment to the City of Gladstone.
3. The City of Gladstone's proposed uses of the funds provided as direct payment under Section 14.435 of SS SCS HCS HB 2014 will be used only to cover those costs that:
 - a. Are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) ("necessary expenditures");
 - b. Were not accounted for in the budget most recently approved as of March 27, 2020, for the City of Gladstone; and
 - c. Were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020.
4. Funds provided as direct payment from the County of Clay, Missouri pursuant to this certification for necessary expenditures that were incurred during the period that begins on March 1, 2020, and ending on December 30, 2020, that are not expended on those necessary expenditures on or before January 31, 2021, by the political subdivision or its grantee(s), must be returned to the County of Clay, Missouri on or before February 1, 2021.
5. Funds provided as a direct payment from the County of Clay, Missouri pursuant to this certification must adhere to official federal guidance issued or to be issued on what constitutes a necessary expenditure. Any funds expended by a political subdivision or its grantee(s) in any manner that does not adhere to official federal guidance shall be returned to the County of Clay, Missouri.
6. Any local government entity receiving funds pursuant to this certification shall retain documentation of all uses of the funds, including but not limited to invoices and/or sales receipts. Such documentation shall be produced to the County of Clay, Missouri upon request.
7. Any funds provided pursuant to this certification cannot be used as a revenue replacement for lower than expected tax or other revenue collections.
8. Funds received pursuant to this certification cannot be used for expenditures for which a local government entity has received any other emergency COVID-19 supplemental funding (whether state, federal or private in nature) for that same expense.

9. A county or city not within a county may use funds received pursuant to this certification to make a grant to any other political subdivision within its jurisdiction. Such a grant shall be used solely for necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19), that were not accounted for in the budget most recently approved as of March 27, 2020, and that were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020. The county or city within a county issuing the grant is responsible for the documentation requirements in section 6 of this certification.
10. Community Partners will be asked to voluntarily return all or part of unused CARES Act funding on October 1, 2020 for reallocation to other Community Partners by October 30, 2020.

I certify under the penalties of perjury set forth in Section 575.040, RSMo, that I have read the above certification and my statements contained herein are true and correct to the best of my knowledge.

By: Scott Winger

Signature: [Handwritten Signature]

Title: City Manager

Date: 5/14/2020

Subscribed and sworn to before me this 14 day of May, 2020.

RUTH E. BOCCHINO
Notary Public - Notary Seal
STATE OF MISSOURI
Clay County
My Commission Expires: June 6, 2023
Commission #15422361

Ruth E. Bocchino

My commission expires _____

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.

Resolution 2020-139 Appendix A

Clay County Assistant Administrators make the following recommended appropriation for CARE Funds:

2018 Pop. Data	School and City Pop. %	School and Clty Approp.
Claycomo	1494	0.52%
Excelsior Springs (pt.)	11494	4.02%
Gladstone	27317	9.55%
Kearney	10457	3.65%
Lawson (pt.)	150	0.05%
Liberty	31779	11.11%
North Kansas City	4529	1.58%
Pleasant Valley	3057	1.07%
Smithville (pt.)	10249	3.58%
KCMO (pt.)	126460	44.20%
Balance of Clay County	16157	5.65%
	243143	84.98%

KEARNEY R-I	3585	1.25%
SMITHVILLE R-II	2680	0.94%
EXCELSIOR SPRINGS 40	2703	0.94%
LIBERTY 53	12828	4.48%
MISSOURI CITY 56	23	0.01%
NORTH KANSAS CITY 74	21146	7.39%
	42965	15.02%

Population Total	286108
State Funding	\$29,323,887.00
Less 10% Health Center	\$26,391,498.30
Health Center Allocation	\$2,932,388.70

2018 Population data obtained from MARC

School population obtained from DESE

Clay County recognizes the importance of and encourages its small communities to apply directly to the County for reimbursement on qualifying expenditures within the boundaries of Clay County.