

**CITY COUNCIL WORK SESSION AGENDA
CITY OF LINO LAKES**

**Tuesday, July 6, 2021
Community Room
6:00 P.M.**

1. MS4 Annual Report, Michael Grochala
2. Stormwater Utility Report, Michael Grochala, Jake Newhall (WSB)
3. ARPA Fiscal Recovery Funds, Hannah Lynch
4. City Recreation and Aquatic Center, Michael Grochala
5. Blue Heron Days Parade Planning Discussion, Sarah Cotton
6. Critical Incident Response, John Swenson
7. Daytime Fire Response, John Swenson
8. Council Updates on Boards/Commissions, City Council
9. Adjourn

WORK SESSION STAFF REPORT
Work Session Item No. 1

Date: July 6, 2021
To: City Council
From: Michael Grochala
Re: MS4 Annual Report

Background

The Municipal Separate Storm Sewer System (MS4) general permit is mandated by federal regulations under the Clean Water Act and administered by the Minnesota Pollution Control Agency. The permit allows for owners of storm sewer systems to discharge stormwater into lakes, rivers, and wetlands provided certain regulatory requirements are met.

The City of Lino Lakes has been operating the storm sewer systems under the MS4 permit since 2006. The City's system includes approximately 288 storm ponds, 49.86 miles of storm sewer, and 128 outfalls into public waters.

The permit requirements include the preparation of an annual Storm Water Pollution Prevention Program (SWPPP) report. The City's SWPPP report for 2020 activity is comprised of 6 components, referred to as Minimum Control Measures (MCM's) that provide for implementation of the permit requirements:

1. Public education and outreach, which includes teaching citizens about better stormwater management
2. Public participation: Include citizens in solving stormwater pollution problems. This includes a required public annual meeting and an annual report.
3. A plan to detect and eliminate illicit discharges to the stormwater system (like chemical dumping and wastewater connections)
4. Construction-site runoff controls
5. Post-construction runoff controls
6. Pollution prevention and municipal "good housekeeping" measures, like covering salt piles and street-sweeping

Staff will provide an overview of the activities completed in 2020 at the meeting.

Requested Council Direction

None required, information only.

MS4 Annual Public Meeting

July 12, 2021



- **Municipal Separate Storm Sewer System (MS4)**

- Who is regulated?
 - Cities, Watershed Districts, Colleges, MnDOT

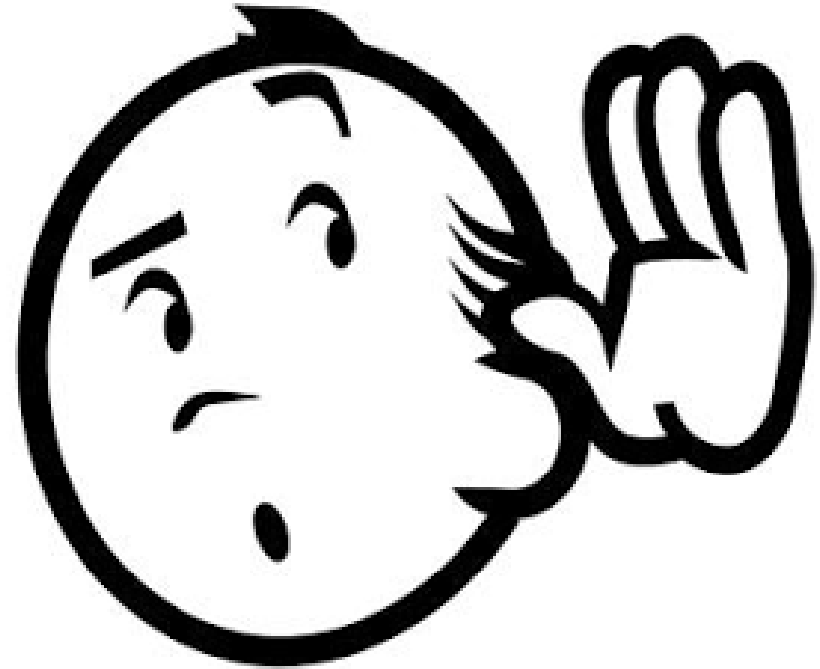


6 Minimum Control Measures

1. Public Education and Outreach
2. Public Participation and Involvement
3. Illicit Discharge Detection and Elimination
4. Construction Site Stormwater Runoff Control
5. Post-Construction Stormwater Management
6. Pollution Prevention and Good Housekeeping for
Municipal Operations

Why This Meeting?

- Educate interested citizens
- Receive comments from the public
 - SWPPP
 - Review progress of BMPs
- Meet the requirements of the MS4 Permit





According to the EPA, **stormwater runoff** is the leading source of water pollution.

What is Stormwater?

Stormwater runoff is rain or snowmelt that flows over land and does not infiltrate into the ground.



Anything in the streets and ditches – **litter, fertilizer, grass clippings** – can end up in our local lakes and rivers.



Recent MS4 Activities

- MCM 1 & 2: Public Education & Participation
 - Articles in the City's Newsletter, Brochures, and on the City's Website (e.g., pet waste, yard waste, deicing materials, illicit discharges, etc.)
 - Information on Website
 - Due to COVID-19 an annual meeting was not held in 2020.
- MCM 3: Illicit Discharge Detection & Elimination
 - Updated Storm Sewer System Map
 - 5 illicit discharges were discovered in 2020
 - 3 were discovered by the public
 - 2 were discovered by City staff
 - Clean up was performed by responsible parties.

Recent MS4 Activities (contd.)

- MCM 4 & 5: Construction Site & Post-Construction Management
 - 10 plan reviews completed in 2020
 - 7 active construction sites greater than 1 acre in 2020
 - Erosion control site inspections completed by staff on a monthly and schedule basis
 - 50 inspections were performed on sites 1 acre or greater in 2020
- MCM 6: Good Housekeeping for Municipal Operations
 - Quarterly inspection of Public Works' Yard and Storage Site
 - Annual training for Public Works and field staff
 - 121 Structural Stormwater BMPs were inspected in 2020
 - 128 Outfalls were inspected in 2020
 - 288 Ponds were inspected in 2020

New MS4 Permit

- The MS4 Permit was updated and reissued November 2020, requiring all MS4s to submit a Reauthorization Application
- The City's application is currently being processed; anticipated approval Summer 2021
- Program updates are anticipated:
 - Education
 - Ordinances (e.g, Pet waste, salt management)
 - Staff training and internal procedures



Additional Information

MPCA MS4 Page

www.pca.state.mn.us/index.php/water/water-types-and-programs/stormwater/municipal-stormwater/ms4-general-permit-reissuance.html

Next Steps

- Continue to implement the MS4 program:
 - Inspections & Maintenance
 - Recordkeeping & Tracking
 - MS4 Education
 - Training of Staff
 - Program Evaluation
- Begin to address new MS4 Permit Requirements

wsb

THANK YOU!



WORK SESSION STAFF REPORT
Work Session Item 2

Date: July 6, 2021
To: City Council
From: Michael Grochala, Community Development Director
Re: Storm Water Utility Feasibility Report

Background

The City Council authorized preparation of a Storm Water Utility Feasibility report at the January 11, 2021 regular council meeting. The purpose of the utility would be to establish a more equitable and dependable funding source to meet storm water permit requirements and maintenance activities.

The report, completed by WSB and Associates, recommends establishing a quarterly fee of \$12 per parcel for residential parcels and \$175/acre of impervious for Commercial, Industrial, and Institutional uses. The per acre charge would also apply to multi-family residential buildings. The proposed fees are based on an estimated annual operating budget of \$579,200. Stormwater management costs, currently included in the City's operating budget, would be shifted to the new utility.

Representatives of WSB and Associates will be present at the meeting to review the report findings.

If the City Council would like to proceed with establishment of the utility, a public information brochure would be created and if desired, a public informational meeting held. Creation of a stormwater utility does require adoption of ordinance.

Council Direction

Staff is requesting Council direction regarding establishment of a Stormwater Utility.

Attachments

1. Draft Storm Water Utility report

STORM WATER UTILITY REPORT

STORM WATER UTILITY REPORT

FOR THE
CITY OF LINO LAKES, MN

JUNE 15, 2021

Prepared By:



CERTIFICATION

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly licensed professional engineer under the laws of the State of Minnesota.

Jake Newhall, PE

Date: June 15, 2021

Lic. No. 49170

TABLE OF CONTENTS

TITLE SHEET
CERTIFICATION SHEET
TABLE OF CONTENTS

1.	INTRODUCTION	1
2.	STORM WATER UTILITY FUNDING NEEDS	2
2.1	Eligible Expenses.....	2
2.2	Needs Analysis	2
3.	STORM WATER UTILITY FEE DETERMINATION	3
3.1	Land Use & Impervious Coverage Determination.....	3
3.2	SWU Fees & Estimated Revenue	3
3.3	Credits and Adjustments	4
3.3.1	Stormwater Retention (Infiltration or Filtration).....	4
3.3.2	Water Quality Facility.....	4
3.4	SWU Comparison	5
4.	RECOMMENDED ORDINANCE LANGUAGE	7
4.1	Ordinance Language	7
4.1.1	General Operation.....	7
4.1.2	Findings and Determinations	7
4.1.3	Definitions	7
4.1.4	Storm Water Utility Fee	7
4.2	Resolution Language	8

Appendix A

- Figure 1 – Existing Land Use
- Figure 2 – Proposed Fees
- Figure 3 – New Utility Accounts

1. INTRODUCTION

The City of Lino Lakes (City) desires to be just and equitable in their imposition of storm water utility (SWU) charges. The City is able to charge properties for the current and future costs of operating, maintaining, and improving the City stormwater system based on the expected stormwater runoff during a standard rainfall event. The expected runoff is largely dependent on the amount of impervious, or hard surface, area on a parcel.

The City desires to charge residential parcels a flat fee, while charging parcels of other land uses a fee based on the specific impervious coverage of each parcel. The residential base fee was determined based on the proportion of total impervious area on residential parcels. The non-residential base fee was set to cover the remainder of the anticipated SWU budget.

2. STORM WATER UTILITY FUNDING NEEDS

2.1 Eligible Expenses

Eligible expenses under the City's SWU fund may include, but are not limited to, the following activities:

- Maintenance and repair of the City's stormwater system, including stormwater structures, pipes, inlets, and outlets.
- Maintenance and dredging of the City's stormwater basins.
- Televising the City's storm sewer.
- Engineering, staff training, educational programs, and other relevant expenses required to comply with the City's NPDES MS4 permit (through the MPCA).
- Construction of new stormwater systems and replacement of existing stormwater systems.
- Erosion and sedimentation control inspections.
- Street sweeping.
- Stormwater asset management programs.
- Administration of the SWU Fund.
- Preparation of and revision to the City's SWU report.
- Updates to the City's Local Surface Water Management Plan.
- Flooding or water quality improvements.
- Slope stabilization improvements.
- Studies, programs, and capital improvements as outlined by the City.

Additionally, the City Council has the authority to determine whether specific expenses are eligible to be funded by the SWU fund.

2.2 Needs Analysis

The City anticipates average expenses from the SWU as outlined in **Table 1**.

Table 1: Average Budgeted Expenses

Expense Category	Annual Projection*
Personnel	\$183,200
Street Sweeping and Repairs	\$50,000
Engineering including studies, reports, and MS4 compliance	\$60,000
Ditch, Pond, and Pipe Maintenance and Cleaning	\$195,000
Equipment	\$61,000
Public Education and Training (NPDES)	\$10,000
Materials and Miscellaneous Supplies	\$20,000
TOTAL	\$579,200

*Does not account for inflation or regulatory changes

3. STORM WATER UTILITY FEE DETERMINATION

This section outlines the methodology to determine a just and equitable SWU fee that meets the City's needs to maintain and improve their storm water system. In general, parcels with higher percentages of impervious surface, which generate larger volumes of stormwater runoff, will be charged higher fees.

3.1 Land Use & Impervious Coverage Determination

A combination of the City's existing (2017) land use designations, (2020) Anoka County aerial imagery, and the most recent (2021) parcel data was used to determine the 2021 existing land use designations for each parcel (**Figure 1**). Impervious areas throughout the City were digitized, based on (2017) USDA Farm Service Agency and (2020) Anoka County aerial imagery. From this, the impervious area was computed for each parcel.

3.2 SWU Fees & Estimated Revenue

The SWU fee was determined for each parcel based on land use and impervious coverage. Land uses fall into one of three categories, residential, non-residential, and exempt. Residential parcels (single family, multi-family, and rural residential) are all charged per parcel at the residential base fee. The residential base fee is computed as follows:

$$\text{Residential Base Fee} = \frac{\text{Impervious area on residential parcels}}{\text{Total impervious area}}$$

Table 2: Proposed SWU Fees

Land Use	Total Parcels	Base Fee	Annual Fee per Land Use
Single Family Residential	4899	\$12.00/parcel	\$235,152.00
Multi-Family Residential	813		\$39,024.00
Rural Residential	1461		\$70,128.00
Airport	4	\$175/ac impervious	\$928.39
Cemetery	8		\$708.12
Commercial	86		\$68,405.06
Government Facilities	10		\$11,209.46
House of Worship	7		\$19,116.84
Industrial	71		\$107,599.02
Schools	6		\$28,749.70
Utility	39		\$2,282.46
Agricultural	156		Exempt
City Park and Recreation	76		
County Park and Recreation	194		
Open Space/Conservation	206		
Open Water	1		
Roadway Rights-of-Way	16		
Vacant	582		

3.3 Credits and Adjustments

SWU fees may be adjusted for properties that have onsite, privately maintained BMPs and meet the criteria below. A maximum 25% credit is available per property.

If a BMP has been constructed that retains or filters the first inch of runoff from the impervious surfaces on a parcel(s), those parcel(s) are eligible for a 25% credit. A partial credit may be received based on lesser treatment (i.e. retaining or filtering 50% of the first inch of runoff would receive a 12.5% credit). This credit is available only for non-residential land uses.

If a parcel has a BMP that was constructed specifically to provide water quality treatment, it is eligible for a credit. A 25% credit is applicable if the BMP was designed to achieve NURP treatment (40-60% Total Phosphorus (TP) and 80-90% Total Suspended Solids (TSS) removal). A partial credit may be received based on lesser treatment (i.e. providing 50% of NURP treatment would receive a 12.5% credit). This credit is available only for non-residential land uses.

All properties eligible for a SWU fee credit are required to enter into a maintenance agreement with the City. The agreement shall define the entity responsible for maintenance and the type and frequency of maintenance required. To maintain their credit, all stormwater facilities shall be inspected annually and maintained in proper condition consistent with the performance standards for which they were originally designed.

To be considered for a credit, property owners must submit documentation to the City demonstrating that the criteria for a credit has been met.

Additionally, an adjustment may be allowed to the SWU fee for a parcel if the property owner can demonstrate that less impervious surface is present on the parcel than is reflected by the current rate. To be considered for an adjustment, property owners must submit an exhibit to the City documenting the total area of impervious surface on the parcel. Impervious surface includes pavement, roofs, water (swimming pools), gravel, and any other surface that prevents water from infiltrating into the ground.

3.4 SWU Comparison

SWU fees and the way they are administered vary by municipality. Lino Lake’s proposed SWU fee falls within the range of nearby and comparison cities as shown in **Tables 3** and **4** for single family parcels and intuitional/industrial/commercial parcels respectively.

The SWU fees in **Tables 3** and **4** are based on information obtained from the comparison cities’ utility billing information and City code, as determined via a phone call with the Finance Department or published on their respective websites and accessed between March and June 2021. These fees are subject to change and their accuracy is not guaranteed.

Table 3: Single Family SWU Comparison

Municipality	SWU Fee (per quarter)
Lino Lakes	\$12.00
Arden Hills	\$15.16
Blaine	\$10.00
Centerville	\$13.95
Circle Pines	\$24.00
Mounds View	\$14.00
Shoreview	\$33.27

Although the non-residential Lino Lakes SWU fee is charged per acre of impervious, the average SWU fee per acre is shown below in **Table 4** for Institutional (Schools and House of Worship), Industrial, and Commercial land uses to more easily compare with surrounding Cities. **It is important to note that the fee shown for individual land uses in Lino Lakes is an average for comparison’s sake. Each parcel will be charged based on actual impervious coverage.**

Table 4: Institutional, Industrial, and Commercial SWU Comparison¹

Municipality	Land Use	SWU Fee (per quarter)
Lino Lakes	All land uses	\$175.00/ac impervious (\$12.00 minimum per parcel)
Arden Hills	All land uses	\$193.18/ac
Blaine	Institutional	\$34.90/ac
	Industrial	\$84.40/ac
	Commercial	\$105.30/ac
Centerville	All land uses	\$174.50/ac impervious (\$13.95 minimum per parcel)
Mounds View	Institutional	\$42.72/ac
	Industrial	\$92.83/ac
	Commercial	\$118.90/ac
Shoreview	All land uses	\$278.12/ac

¹Circle Pines is not included because their fee is based on Residential Equivalency factors that are assigned individually to each parcel.

Example: 5 acre industrial parcel with 75% impervious would be:

Lino Lakes: \$656.25
 Arden Hills: \$965.90
 Blaine: \$422
 Centerville: \$654.38
 Mounds View: \$464.15
 Shoreview: \$1390.60

Example: 5 acre industrial parcel with 60% impervious would be:

Lino Lakes: \$525
 Arden Hills: \$965.90
 Blaine: \$422
 Centerville: \$523.50
 Mounds View: \$464.15
 Shoreview: \$1390.60

Example: 5 acre industrial parcel with 45% impervious would be:

Lino Lakes: \$393.75
 Arden Hills: \$965.90
 Blaine: \$422
 Centerville: \$392.63
 Mounds View: \$464.15
 Shoreview: \$1390.60

4. RECOMMENDED ORDINANCE LANGUAGE

The following language and exhibit can be incorporated into City ordinances to adopt and enact the SWU fee.

4.1 Ordinance Language

The city stormwater system shall be operated as a public utility and convenience from which revenue will be derived, subject to the provisions of this chapter.

In providing for such charges, the findings and determinations are as follows:

- 1) In the exercise of its governmental authority and in order to promote the public health, safety, convenience and general welfare, the city has constructed, operated and maintained a stormwater system. This section is adopted in the further exercise and authority and for the same purpose;
- 2) It is necessary and desirable to provide a method of recovering the future costs of improving, maintaining and operating the system by establishing a program of user charges;
- 3) In imposing charges, it is necessary to establish a methodology that undertakes to make them just and equitable to assign responsibility for some or all of the future costs of operating, maintaining and improving the system on the basis of the expected storm water runoff from the various parcels of land within the city; and
- 4) Assigning costs and making charges based upon impervious coverage can only be accomplished within reasonable and practical limits. The provisions of this section establishes a reasonable and practical methodology for making such charges.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

STORM WATER UTILITY FEE. The charge developed for each parcel of land pursuant to this chapter, charged quarterly.

IMPERVIOUS SURFACE. A hard surface which prevents or restricts the infiltration of water into the soil. Impervious surface includes pavement, roofs, water (swimming pools), and gravel.

- 1) **Determination.** The storm water utility fee was determined based on the impervious surface coverage throughout the City. First, exempt land uses (see #4 below) were excluded from the computations. Then, the proportion of residential impervious coverage was determined. The total residential fee was determined using this proportion and the expected storm water utility budgeted expenses. Finally, the remainder of the expected storm water utility budget will be funded by the total non-residential fee.
- 2) **Residential Fee.** The residential fee is charged per parcel to those parcels with Single Family Residential, Multi-Family Residential, and Rural Residential land uses. This includes single family, duplexes, and townhomes. This does not include Multi-family apartments where the owner pays the utility bills.
- 3) **Non-Residential Fee.** The non-residential fee is charged per acre of impervious surface to those parcels with Airport, Cemetery, Commercial, Government Facilities, House of Worship, Industrial, Schools, and Utility land uses. Multi-family apartments where the owner pays the utility bills are included in this grouping.

- 4) Exemptions. Those parcels with Agricultural, City Park and Recreation, County Park and Recreation, Open Space/Conservation, Open Water, Roadway Rights-of-Way, and Vacant land uses are exempt from the storm water utility fee. Parcels of other land uses may be exempt on a case by case basis as determined by the City. For example, the Correctional Facility is exempt because it is its own MS4.
- 5) Establishment. The residential and non-residential storm water utility fee may be set and established for a period of time as decided by City Council resolution. The fee shall be payable quarterly.

4.2 Resolution Language

The following can be included in a City Council resolution to establish the storm water utility fee.

Land Use	Base Fee
Single Family Residential	\$12.00/parcel
Multi-Family Residential	
Rural Residential	
Airport	\$175/ac impervious
Cemetery	
Commercial	
Government Facilities	
House of Worship	
Industrial	
Schools	
Utility	
Agricultural	Exempt
City Park and Recreation	
County Park and Recreation	
Open Space/Conservation	
Open Water	
Roadway Rights-of-Way	
Vacant	

In addition to this table, the City has a GIS file and spreadsheet of the land use designation and impervious coverage for each parcel within the City.

APPENDIX A

- Figure 1 – Existing Land Use**
- Figure 2 – Proposed Fees**
- Figure 3 – New Utility Accounts**

Council Work Session

CITY OF LINO LAKES STORM WATER UTILITY | JULY 6, 2021



Storm Water Utility



History and Why

History

- City investigated funding options in 2006
- City considered a utility fee in 2010 when initial study was completed
- 2021 study (currently) to further evaluate the funding needs and options for implementing a utility fee

Why a fee, and why now?

- To have a fund dedicated for the operation and maintenance of the City stormwater system
- Much of this infrastructure was installed 25+ years ago and requires maintenance and upgrades

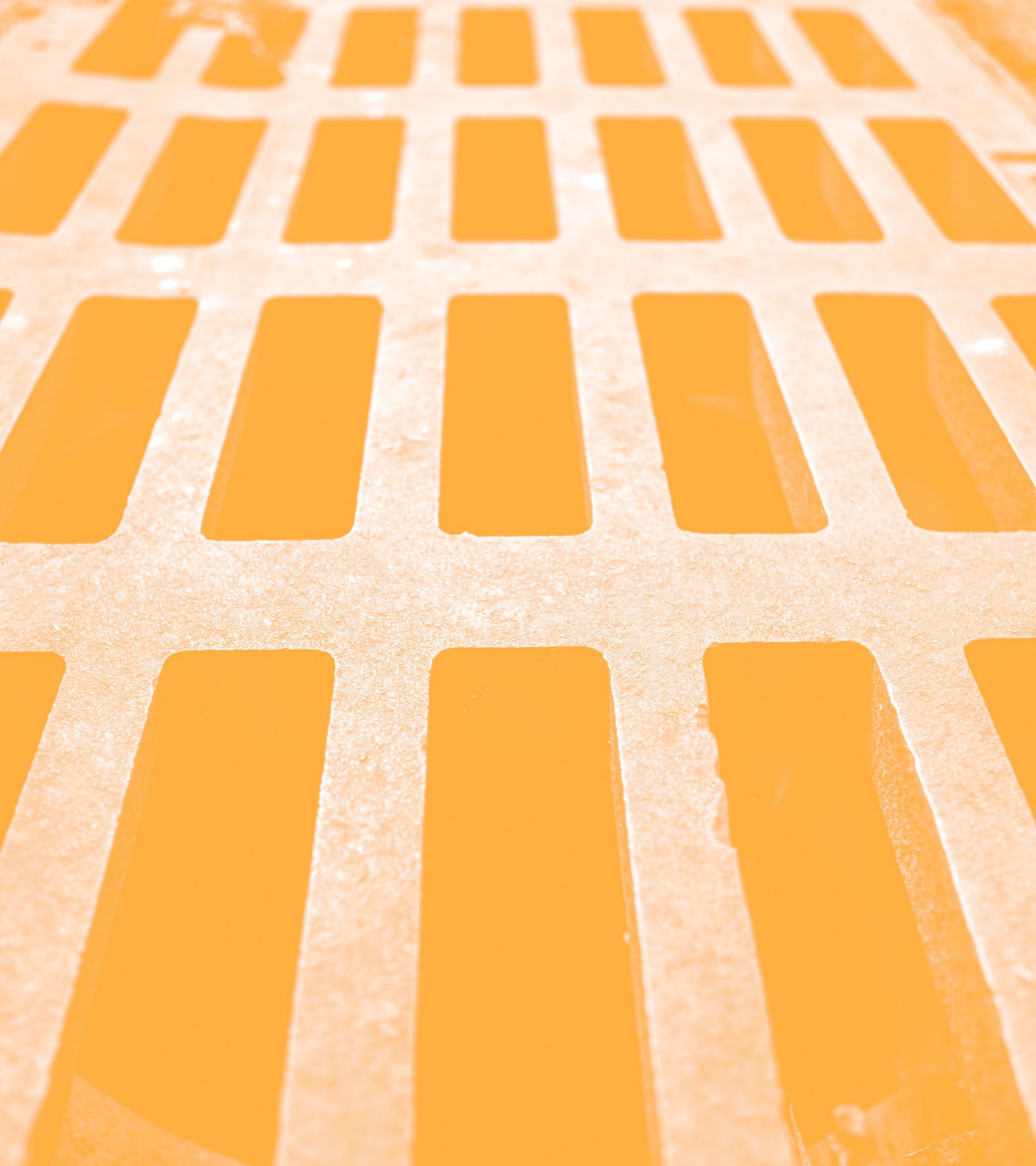


Eligible Expenses

- Maintenance and repair of the City's stormwater system
- Maintenance and dredging of the City's stormwater basins
- Televising the City's storm sewer
- Engineering, staff training, educational programs, and other relevant expenses required to comply with the City's NPDES MS4 permit (through the MPCA)
- Construction of new stormwater systems and replacement of existing stormwater systems
- Erosion and sedimentation control inspections
- Street sweeping
- Stormwater asset management programs
- Preparation of and revision to the City's SWU report
- Updates to the City's Local Surface Water Management Plan
- Flooding or water quality improvements
- Slope stabilization improvements
- Studies, programs, and capital improvements as outlined by the City
- Administration of the SWU Fund

Projected Budgeted Expenses

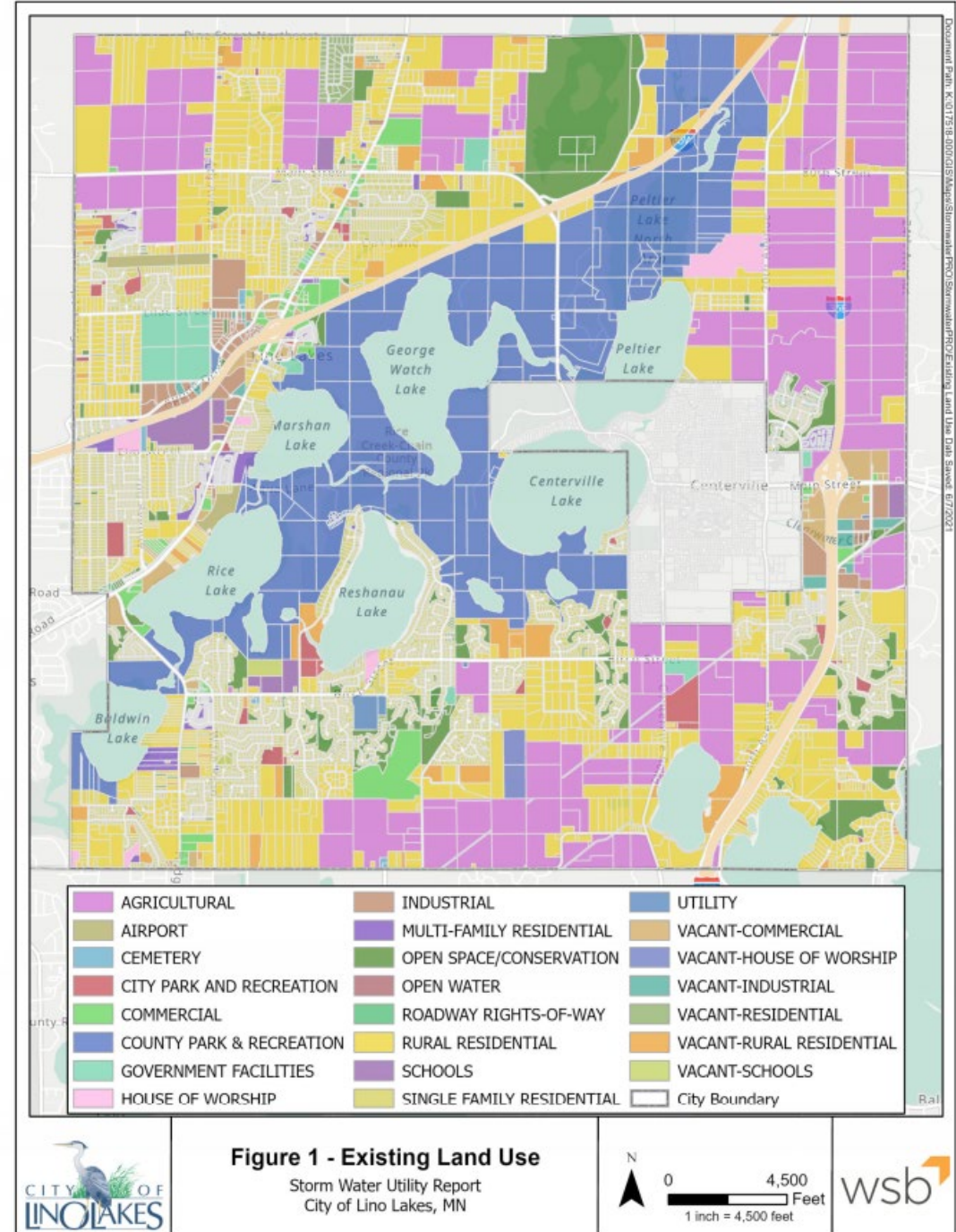
Expense Category	Annual Projection
Personnel	\$183,200
Street Sweeping and Repairs	\$50,000
Engineering including studies, reports, and MS4 compliance	\$60,000
Ditch, Pond, and Pipe Maintenance and Cleaning	\$195,000
Equipment	\$61,000
Public Education and Training (NPDES)	\$10,000
Materials and Miscellaneous Supplies	\$20,000
Total Expenses	\$579,200



Methodologies to Determine Utility Fee

- Residential Equivalency Factor
- Impervious Coverage Method

Existing Land Use Designations	Average Existing Non-Wetland Impervious Percent	Max Impervious Percent (Zoning)
Agricultural	2.3%	
Airport	1.7%	65%
Cemetery	2.3%	
City Park and Recreation	2.9%	
Commercial	67.9%	65-75%
Commercial Non-Urban	12.8%	65-75%
County Park & Recreation	4.2%	
Government Facilities	33.1%	65%
House of Worship	29.1%	65%
Industrial	68.2%	75%
Multi-Family Residential	71.0%	40-65%
Open Space/Conservation	2.8%	
Open Water	14.9%	
Roadway Rights-of-Way	18.1%	65%
Rural Residential	6.1%	40%
Schools	27.4%	65%
Single Family Residential	20.2%	40%
Utility	4.4%	65%



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SWU Fee Computation	
Budget	\$579,200.00
Total Impervious on Residential Parcels	59%
Fee from Residential Parcels	\$341,384.77
Residential Parcel Fee	\$11.90
Fee from Remaining Parcels	\$237,815.23
Non-Residential Impervious Acre Fee	\$175.43
Residential Base Fee	\$12.00
Non-Residential Base Fee	\$175.00

Land Use	Total Parcels	Base Fee	Annual Fee per Land Use
Single Family Residential	4899	\$12.00/parcel	\$235,152.00
Multi-Family Residential	813		\$39,024.00
Rural Residential	1461		\$70,128.00
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Roadway Rights-of-Way	16		
Vacant	582		

Single Family SWU Comparison

Municipality	SWU Fee (per quarter)
Blaine	\$10.00
Lino Lakes	\$12.00
Centerville	\$13.95
Mounds View	\$14.00
Arden Hills	\$15.16
Circle Pines	\$24.00
Shoreview	\$33.27

Institutional, Industrial, & Commercial SWU Comparison

Municipality	Land Use	SWU Fee (per quarter)
Centerville	All land uses	\$174.50/ac impervious (\$13.95 minimum per parcel)
Lino Lakes	All land uses	\$175.00/ac impervious (\$12.00 minimum per parcel)
Arden Hills	All land uses	\$193.18/ac
Blaine	Institutional	\$34.90/ac
	Industrial	\$84.40/ac
	Commercial	\$105.30/ac
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	Commercial	\$118.90/ac
Shoreview	All land uses	\$278.12/ac

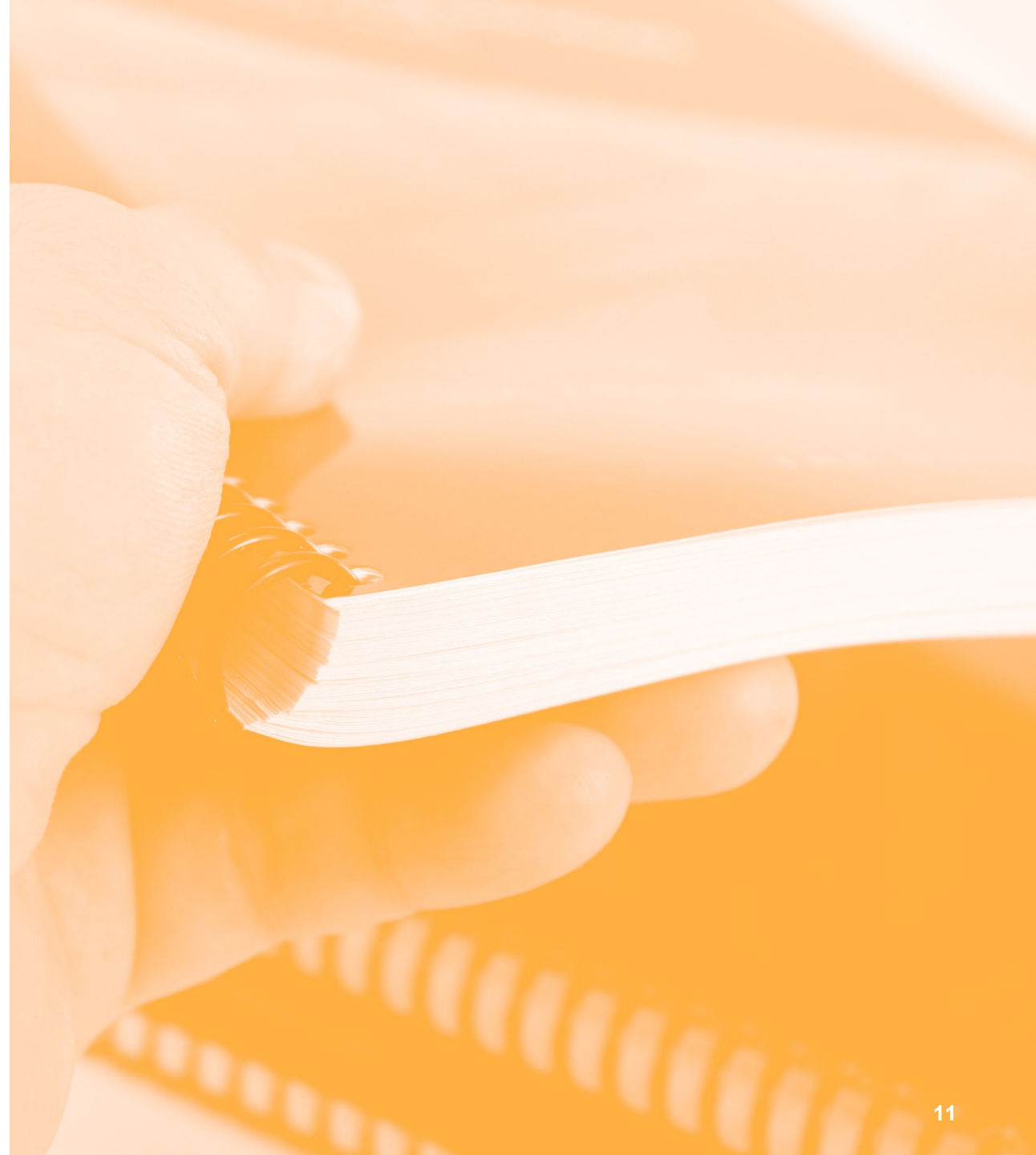


Council Discussion Topics

- Questions/comments related to methodologies
- Questions/comments related to proposed rate structure proposed
- Other?

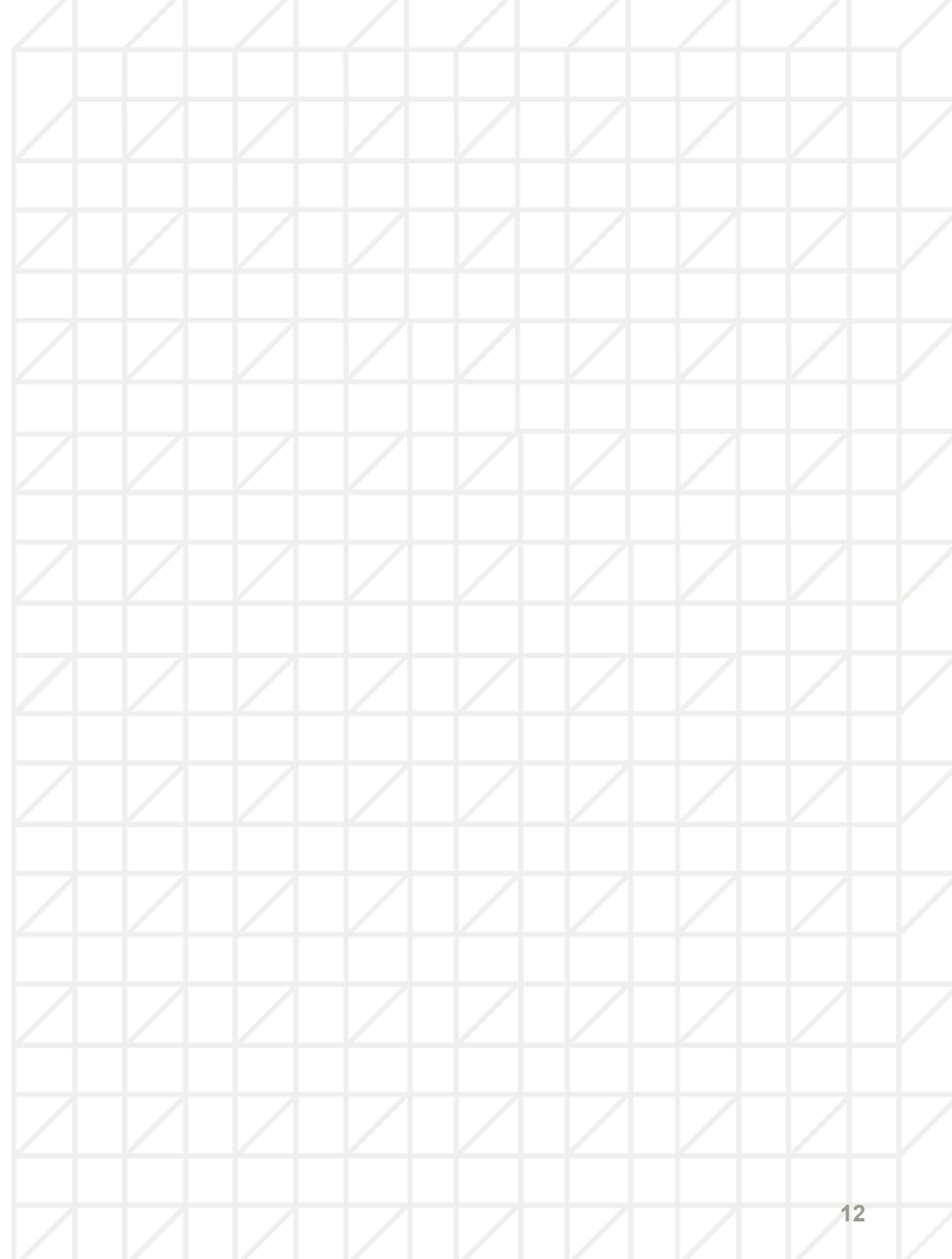
Next Steps

- Complete any necessary updates
- Finalize written report
- Possible Open House
- Brochure/Informational Mailing
- Public Hearing
- Consider implementation for 2022





THANK YOU



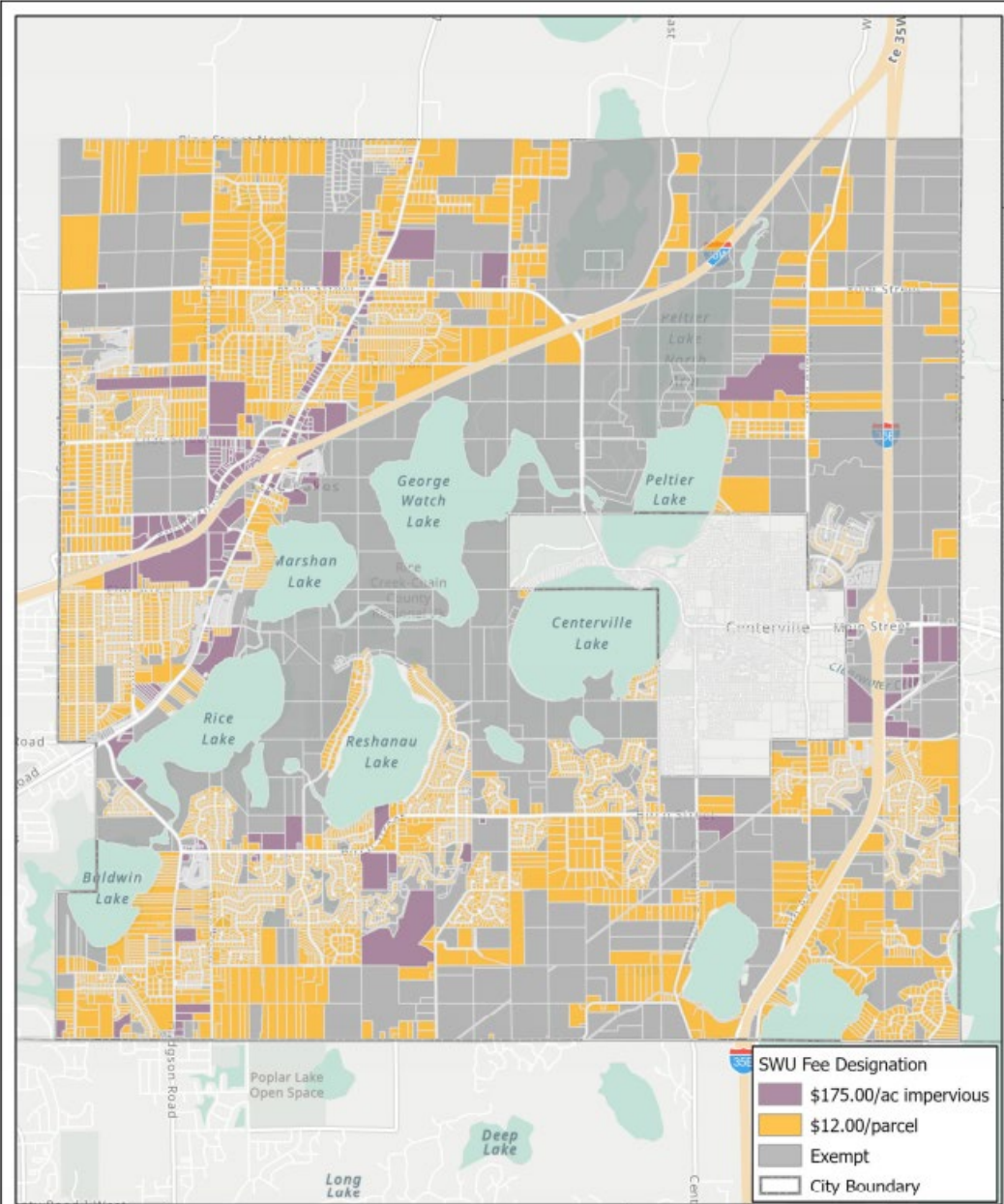
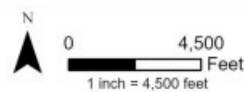


Figure 2 - Proposed SWU Fees

Storm Water Utility Report
City of Lino Lakes, MN



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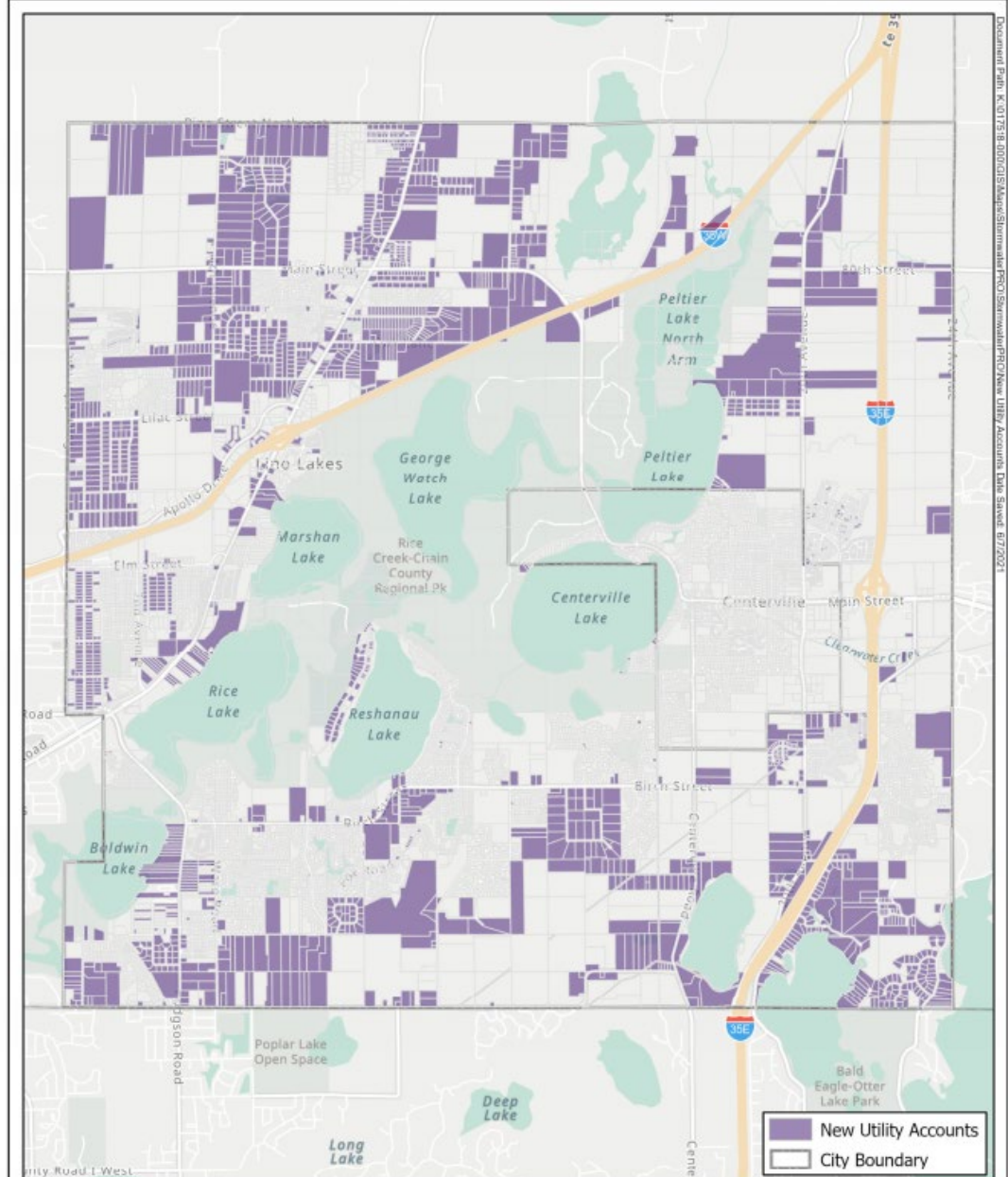
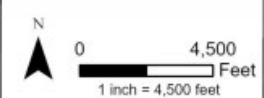


Figure 3 - New Utility Accounts

Storm Water Utility Report
City of Lino Lakes, MN



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WORK SESSION STAFF REPORT
Work Session Item No. 3

Date: July 6, 2021
To: City Council
From: Hannah Lynch, Finance Director
Re: ARPA Fiscal Recovery Funds

Background

The American Rescue Plan Act (ARPA) provides eligible state, local, territorial, and Tribal governments funding through the Coronavirus State and Local Fiscal Recovery Funds (Fiscal Recovery Funds) program to respond to the COVID-19 public health emergency. The City of Lino Lakes has submitted a request to the Minnesota COVID-19 Response Accountability Office for its share of federal aid (estimated at \$2.3 million). The City is expected to receive the first half of the funds by the end of July and the second half 12 months after receipt of the first half.

The ARPA specifies Fiscal Recovery Funds must be used in one of the four eligible use categories:

1. To respond to the public health emergency or its negative economic impacts;
2. Provide premium pay to eligible essential works;
3. For the provision of government services to the extent of the reduction in revenue due to COVID-19; and
4. To make necessary investments in water, sewer, and broadband infrastructure.

The covered period for using the funds is March 3, 2021 through December 31, 2024. Although the funds must be obligated by December 31, 2024, 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.

The City will be required to submit annual project and expenditure reports to the U.S. Treasury by October 31st regarding the utilization of the funds. Also, if the expenditure of federal funds exceeds \$750,000 in a fiscal year, the City will be required to obtain a federal single audit.

Staff is prepared to host an initial discussion on the use of ARPA Fiscal Recovery Funds.

Attachments

Fiscal Recovery Funds Quick Reference Guide
Fiscal Recovery Funds FAQ



Coronavirus State and Local Fiscal Recovery Funds

The American Rescue Plan will deliver \$350 billion for state, local, territorial, and Tribal governments to respond to the COVID-19 emergency and bring back jobs.

The Coronavirus State and Local Fiscal Recovery Funds provide a substantial infusion of resources to help turn the tide on the pandemic, address its economic fallout, and lay the foundation for a strong and equitable recovery.

Funding Objectives

- **Support urgent COVID-19 response efforts** to continue to decrease spread of the virus and bring the pandemic under control
- **Replace lost public sector revenue** to strengthen support for vital public services and help retain jobs
- **Support immediate economic stabilization** for households and businesses
- **Address systemic public health and economic challenges** that have contributed to the inequal impact of the pandemic

Eligible Jurisdictions & Allocations

Direct Recipients

- States and District of Columbia (\$195.3 billion)
- Counties (\$65.1 billion)
- Metropolitan cities (\$45.6 billion)
- Tribal governments (\$20.0 billion)
- Territories (\$4.5 billion)

Indirect Recipients

- Non-entitlement units (\$19.5 billion)



Support Public Health Response

Fund COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff



Address Negative Economic Impacts

Respond to economic harms to workers, families, small businesses, impacted industries, and the public sector



Replace Public Sector Revenue Loss

Use funds to provide government services to the extent of the reduction in revenue experienced due to the pandemic



Premium Pay for Essential Workers

Offer additional support to those who have and will bear the greatest health risks because of their service in critical infrastructure sectors



Water and Sewer Infrastructure

Make necessary investments to improve access to clean drinking water and invest in wastewater and stormwater infrastructure



Broadband Infrastructure

Make necessary investments to provide unserved or underserved locations with new or expanded broadband access



For More Information: Please visit www.treasury.gov/SLFRP

For Media Inquiries: Please contact the U.S. Treasury Press Office at (202) 622-2960

For General Inquiries: Please email SLFRP@treasury.gov for additional information



Example Uses of Funds

Support Public Health Response

- **Services to contain and mitigate the spread of COVID-19**, including vaccination, medical expenses, testing, contact tracing, quarantine costs, capacity enhancements, and many related activities
- **Behavioral healthcare services**, including mental health or substance misuse treatment, crisis intervention, and related services
- **Payroll and covered benefits** for public health, healthcare, human services, and public safety staff to the extent that they work on the COVID-19 response

Replace Public Sector Revenue Loss

- **Ensure continuity of vital government services** by filling budget shortfalls
- **Revenue loss is calculated** relative to the expected trend, beginning with the last full fiscal year pre-pandemic and adjusted annually for growth
- **Recipients may re-calculate revenue loss** at multiple points during the program, supporting those entities that experience revenue loss with a lag

Water & Sewer Infrastructure

- **Includes improvements to infrastructure**, such as building or upgrading facilities and transmission, distribution, and storage systems
- **Eligible uses aligned to Environmental Protection Agency project categories** for the Clean Water State Revolving Fund and Drinking Water State Revolving Fund

Equity-Focused Services

- **Additional flexibility for the hardest-hit communities and families** to address health disparities, invest in housing, address educational disparities, and promote healthy childhood environments
- **Broadly applicable** to Qualified Census Tracts, other disproportionately impacted areas, and when provided by Tribal governments

Address Negative Economic Impacts

- **Deliver assistance to workers and families**, including support for unemployed workers, aid to households, and survivor's benefits for families of COVID-19 victims
- **Support small businesses** with loans, grants, in-kind assistance, and counseling programs
- **Speed the recovery of impacted industries**, including the tourism, travel, and hospitality sectors
- **Rebuild public sector capacity** by rehiring staff, replenishing state unemployment insurance funds, and implementing economic relief programs

Premium Pay for Essential Workers

- **Provide premium pay to essential workers**, both directly and through grants to third-party employers
- **Prioritize low- and moderate-income workers**, who face the greatest mismatch between employment-related health risks and compensation
- **Key sectors include** healthcare, grocery and food services, education, childcare, sanitation, and transit
- **Must be fully additive** to a worker's wages

Broadband Infrastructure

- **Focus on households and businesses** without access to broadband and those with connections that do not provide minimally acceptable speeds
- **Fund projects that deliver reliable service** with minimum 100 Mbps download / 100 Mbps upload speeds unless impracticable
- **Complement broadband investments** made through the Capital Projects Fund

Ineligible Uses

- **Changes that reduce net tax revenue** must not be offset with American Rescue Plan funds
- **Extraordinary payments into a pension fund** are a prohibited use of this funding
- **Other restrictions apply** to eligible uses

The examples listed in this document are non-exhaustive, do not describe all terms and conditions associated with the use of this funding, and do not describe all the restrictions on use that may apply. The U.S. Department of the Treasury provides this document, the State and Local contact channels, and other resources for informational purposes. Although efforts have been made to ensure the accuracy of the information provided, the information is subject to change or correction. Any Coronavirus State and Local Fiscal Recovery Funds received will be subject to the terms and conditions of the agreement entered into by Treasury and the respective jurisdiction, which shall incorporate the provisions of the Interim Final Rule and/or Final Rule that implements this program.

Coronavirus State and Local Fiscal Recovery Funds

Frequently Asked Questions

AS OF JUNE 24, 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]”)

Questions added 6/8/21: 2.16, 3.10, 3.11, 3.12, 4.7, 6.7, 8.2, 9.4, 9.5, 10.5 (noted with “[6/8]”)

Questions added 6/17/21: 6.8, 6.9, 6.10, 6.11 (noted with “[6/17]”)

Questions added 6/23/21: 1.7, 2.17, 2.18, 2.19, 2.20, 3.1 (appendix), 3.13, 4.8, 6.12 (noted with “[6/23]”)

Question added 6/24/21: 2.21 (noted with “[6/24]”)

Answers to frequently asked questions on distribution of funds to non-entitlement units of local government (NEUs) can be found in this [FAQ supplement](#), which is regularly updated.

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 21, 2021.¹

In mid-June 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 July 9, 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 This document was updated on June 10, 2021 to reflect the extension of the two portal submission deadlines.

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 non-entitlement 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 non-entitlement units of local government. However, based on the statutory definitions, some of these local governments should have been classified as metropolitan cities.

1.7. In order to receive and use Fiscal Recovery Funds, must a recipient government maintain a declaration of emergency relating to COVID-19? [6/23]

No. Neither the statute establishing the CSFRF/CLFRF nor the Interim Final Rule requires recipients to maintain a local declaration of emergency relating to COVID-19.

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.

2.16. May recipients use funds to establish a public jobs program? [6/8]

Yes. The Interim Final Rule permits a broad range of services to unemployed or underemployed workers and other individuals that suffered negative economic impacts from the pandemic. That can include public jobs programs, subsidized employment, combined education and on-the-job training programs, or job training to accelerate rehiring or address negative economic or public health impacts experienced due to a worker's occupation or level of training. The broad range of permitted services can also include other employment supports, such as childcare assistance or assistance with transportation to and from a jobsite or interview.

The Interim Final Rule includes as an eligible use re-hiring public sector staff up to the government's level of pre-pandemic employment. "Public sector staff" would not include individuals participating in a job training or subsidized employment program administered by the recipient.

2.17. The Interim Final Rule states that "assistance or aid to individuals or businesses that did not experience a negative economic impact from the public health emergency would not be an eligible use under this category." Are recipients required to demonstrate that each individual or business experienced a negative economic impact for that individual or business to receive assistance? [6/23]

Not necessarily. The Interim Final Rule allows recipients to demonstrate a negative economic impact on a population or group and to provide assistance to households or businesses that fall within that population or group. In such cases, the recipient need only demonstrate that the household or business is within the population or group that experienced a negative economic impact.

For assistance to households, the Interim Final Rule states, "In assessing whether a household or population experienced economic harm as a result of the pandemic, a recipient may presume that a household or population that experienced unemployment or increased food or housing insecurity or is low- or moderate-income experienced negative economic impacts resulting from the pandemic." This would allow, for example, an internet access assistance program for all low- or moderate-income households, but would not require the recipient to demonstrate or document that each individual low- or moderate income household experienced a negative economic impact from the COVID-19 public health emergency apart from being low- or moderate income.

For assistance to small businesses, the Interim Final Rule states that assistance may be provided to small businesses, including loans, grants, in-kind assistance, technical assistance or other services, to respond to the negative economic impacts of the COVID-19 public health emergency. In providing assistance to small businesses, recipients must design a program that responds to the negative economic impacts of the COVID-19

public health emergency, including by identifying how the program addresses the identified need or impact faced by small businesses. This can include assistance to adopt safer operating procedures, weather periods of closure, or mitigate financial hardship resulting from the COVID-19 public health emergency.

As part of program design and to ensure that the program responds to the identified need, recipients may consider additional criteria to target assistance to businesses in need, including to small businesses. Assistance may be targeted to businesses facing financial insecurity, with substantial declines in gross receipts (e.g., comparable to measures used to assess eligibility for the Paycheck Protection Program), or facing other economic harm due to the pandemic, as well as businesses with less capacity to weather financial hardship, such as the smallest businesses, those with less access to credit, or those serving disadvantaged communities. For example, a recipient could find based on local data or research that the smallest businesses faced sharply increased risk of bankruptcy and develop a program to respond; such a program would only need to document a population or group-level negative economic impact, and eligibility criteria to limit access to the program to that population or group (in this case, the smallest businesses).

In addition, recognizing the disproportionate impact of the pandemic on disadvantaged communities, the Interim Final Rule also identifies a set of services that are presumptively eligible when provided in a Qualified Census Tract (QCT); to families and individuals living in QCTs; to other populations, households, or geographic areas identified by the recipient as disproportionately impacted by the pandemic; or when these services are provided by Tribal governments. For more information on the set of presumptively eligible services, see the Interim Final Rule section on *Building Stronger Communities through Investments in Housing and Neighborhoods* and FAQ 2.11.

2.18. Would investments in improving outdoor spaces (e.g. parks) be an eligible use of funds as a response to the public health emergency and/or its negative economic impacts? [6/23]

There are multiple ways that investments in improving outdoor spaces could qualify as eligible uses; several are highlighted below, though there may be other ways that a specific investment in outdoor spaces would meet eligible use criteria.

First, in recognition of the disproportionate negative economic impacts on certain communities and populations, the Interim Final Rule identifies certain types of services that are eligible uses when provided in a Qualified Census Tract (QCT), to families and individuals 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.

These programs and services include services designed to build stronger neighborhoods and communities and to address health disparities and the social determinants of health. The Interim Final Rule provides a non-exhaustive list of eligible services to respond to the needs of communities disproportionately impacted by the pandemic, and recipients

may identify other uses of funds that do so, consistent with the Rule’s framework. For example, investments in parks, public plazas, and other public outdoor recreation spaces may be responsive to the needs of disproportionately impacted communities by promoting healthier living environments and outdoor recreation and socialization to mitigate the spread of COVID-19.

Second, recipients may provide assistance to small businesses in all communities. Assistance to small businesses could include support to enhance outdoor spaces for COVID-19 mitigation (e.g., restaurant patios) or to improve the built environment of the neighborhood (e.g., façade improvements).

Third, many governments saw significantly increased use of parks during the pandemic that resulted in damage or increased maintenance needs. The Interim Final Rule recognizes that “decrease[s to] a state or local government’s ability to effectively administer services” can constitute a negative economic impact of the pandemic.

2.19. Would expenses to address a COVID-related backlog in court cases be an eligible use of funds as a response to the public health emergency? [6/23]

The Interim Final Rule recognizes that “decrease[s to] a state or local government’s ability to effectively administer services,” such as cuts to public sector staffing levels, can constitute a negative economic impact of the pandemic. During the COVID-19 public health emergency, many courts were unable to operate safely during the pandemic and, as a result, now face significant backlogs. Court backlogs resulting from inability of courts to safely operate during the COVID-19 pandemic decreased the government’s ability to administer services. Therefore, steps to reduce these backlogs, such as implementing COVID-19 safety measures to facilitate court operations, hiring additional court staff or attorneys to increase speed of case resolution, and other expenses to expedite case resolution are eligible uses.

2.20. Can funds be used to assist small business startups as a response to the negative economic impact of COVID-19? [6/23]

As discussed in the Interim Final Rule, recipients may provide assistance to small businesses that responds to the negative economic impacts of COVID-19. The Interim Final Rule provides a non-exclusive list of potential assistance mechanisms, as well as considerations for ensuring that such assistance is responsive to the negative economic impacts of COVID-19.

Treasury acknowledges a range of potential circumstances in which assisting small business startups could be responsive to the negative economic impacts of COVID-19, including for small businesses and individuals seeking to start small businesses after the start of the COVID-19 public health emergency. For example:

- A recipient could assist small business startups with additional costs associated with COVID-19 mitigation tactics (e.g., barriers or partitions; enhanced cleaning; or physical plant changes to enable greater use of outdoor space).
- A recipient could identify and respond to a negative economic impact of COVID-19 on new small business startups; for example, if it could be shown that small business startups in a locality were facing greater difficulty accessing credit than prior to the pandemic, faced increased costs to starting the business due to the pandemic, or that the small business had lost expected startup capital due to the pandemic.
- The Interim Final Rule also discusses eligible uses that provide support for individuals who have experienced a negative economic impact from the COVID-19 public health emergency, including uses that provide job training for unemployed individuals. These initiatives also may support small business startups and individuals seeking to start small businesses.

2.21. Can funds be used for eviction prevention efforts or housing stability services? [6/24]

Yes. Responses to the negative economic impacts of the pandemic include “rent, mortgage, or utility assistance [and] counseling and legal aid to prevent eviction or homelessness.” This includes housing stability services that enable eligible households to maintain or obtain housing, such as housing counseling, fair housing counseling, case management related to housing stability, outreach to households at risk of eviction or promotion of housing support programs, housing related services for survivors of domestic abuse or human trafficking, and specialized services for individuals with disabilities or seniors that supports their ability to access or maintain housing.

This also includes legal aid such as legal services or attorney’s fees related to eviction proceedings and maintaining housing stability, court-based eviction prevention or eviction diversion programs, and other legal services that help households maintain or obtain housing.

Recipients may transfer funds to, or execute grants or contracts with, court systems, non-profits, and a wide range of other organizations to implement these strategies.

3. Eligible Uses – Revenue Loss

3.1. How is revenue defined for the purpose of this provision? [appendix added 6/23]

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.

Please see the appendix for a diagram of the Interim Final Rule's definition of General Revenue within the Census Bureau's revenue classification structure.

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:

$$\text{Max} \{ [\text{Base Year Revenue} * (1 + \text{Growth Adjustment})^{\frac{n_t}{12}}] - \text{Actual General Revenue}_t ; 0 \}$$

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](#).

3.10. In calculating revenue loss, are recipients required to use audited financials? [6/8]

Where audited data is not available, recipients are not required to obtain audited data. Treasury expects all information submitted to be complete and accurate. See 31 CFR 35.4(c).

3.11. In calculating revenue loss, should recipients use their own data, or Census data? [6/8]

Recipients should use their own data sources to calculate general revenue, and do not need to rely on published revenue data from the Census Bureau. Treasury acknowledges that due to differences in timing, data sources, and definitions, recipients' self-reported general revenue figures may differ somewhat from those published by the Census Bureau.

3.12. Should recipients calculate revenue loss on a cash basis or an accrual basis? [6/8]

Recipients may provide data on a cash, accrual, or modified accrual basis, provided that recipients are consistent in their choice of methodology throughout the covered period and until reporting is no longer required.

3.13. In identifying intergovernmental revenue for the purpose of calculating General Revenue, should recipients exclude all federal funding, or just federal funding related to the COVID-19 response? How should local governments treat federal funds that are passed through states or other entities, or federal funds that are intermingled with other funds? [6/23]

In calculating General Revenue, recipients should exclude all intergovernmental transfers from the federal government. This includes, but is not limited to, federal transfers made via a state to a locality pursuant to the Coronavirus Relief Fund or Fiscal Recovery Funds. To the extent federal funds are passed through states or other entities or intermingled with other funds, recipients should attempt to identify and exclude the federal portion of those funds from the calculation of General Revenue on a best-efforts basis.

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 II of the Interim Final Rule 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.

4.7. Do restrictions on using Coronavirus State and Local Fiscal Recovery Funds to cover costs incurred beginning on March 3, 2021 apply to costs incurred by the recipient (e.g., a State, local, territorial, or Tribal government) or to costs incurred by households, businesses, and individuals benefiting from assistance provided using Coronavirus State and Local Fiscal Recovery Funds? [6/8]

The Interim Final Rule permits funds to be used to cover costs incurred beginning on March 3, 2021. This limitation applies to costs incurred by the recipient (i.e., the state, local, territorial, or Tribal government receiving funds). However, recipients may use Coronavirus State and Local Fiscal Recovery Funds to provide assistance to households, businesses, and individuals within the eligible use categories described in the Interim Final Rule for economic harms experienced by those households, businesses, and individuals prior to March 3, 2021. For example,

- Public Health/Negative Economic Impacts – Recipients may use Coronavirus State and Local Fiscal Recovery Funds to provide assistance to households – such as rent, mortgage, or utility assistance – for economic harms experienced or costs incurred by the household prior to March 3, 2021 (e.g., rental arrears from preceding months), provided that the cost of providing assistance to the household was not incurred by the recipient prior to March 3, 2021.

- Premium Pay – Recipients may provide premium pay retrospectively for work performed at any time since the start of the COVID-19 public health emergency. Such premium pay must be “in addition to” wages and remuneration already received and the obligation to provide such pay must not have been incurred by the recipient prior to March 3, 2021.
- Revenue Loss – The Interim Final Rule gives recipients broad latitude to use funds for the provision of government services to the extent of reduction in revenue. The calculation of lost revenue begins with the recipient’s revenue in the last full fiscal year prior to the COVID-19 public health emergency and includes the 12-month period ending December 31, 2020. However, use of funds for government services must be forward looking for costs incurred by the recipient after March 3, 2021.
- Investments in Water, Sewer, and Broadband – Recipients may use Coronavirus State and Local Fiscal Recovery Funds to make necessary investments in water, sewer, and broadband. See FAQ Section 6. Recipients may use Coronavirus State and Local Fiscal Recovery Funds to cover costs incurred for eligible projects planned or started prior to March 3, 2021, provided that the project costs covered by the Coronavirus State and Local Fiscal Recovery Funds were incurred after March 3, 2021.

4.8. How can I use CSFRF/CLFRF funds to prevent and respond to crime, and support public safety in my community? [6/23]

Under Treasury’s Interim Final Rule, there are many ways in which the State and Local Fiscal Recovery Funds (“Funds”) under the American Rescue Plan Act can support communities working to reduce and respond to increased violence due to the pandemic. Among the eligible uses of the Funds are restoring of public sector staff to their pre-pandemic levels and responses to the public health crisis and negative economic impacts resulting from the pandemic. The Interim Final Rule provides several ways for recipients to “respond to” this pandemic-related gun violence, ranging from community violence intervention programs to mental health services to hiring of public safety personnel.

Below are some examples of how Fiscal Recovery Funds can be used to address public safety:

- In all communities, recipients may use resources to rehire police officers and other public servants to restore law enforcement and courts to their pre-pandemic levels. Additionally, Funds can be used for expenses to address COVID-related court backlogs, including hiring above pre-pandemic levels, as a response to the public health emergency. See FAQ 2.19.
- In communities where an increase in violence or increased difficulty in accessing or providing services to respond to or mitigate the effects of violence, is a result of the pandemic they may use funds to address that harm. This spending may include:

- Hiring law enforcement officials – even above pre-pandemic levels – or paying overtime where the funds are directly focused on advancing community policing strategies in those communities experiencing an increase in gun violence associated with the pandemic
- Community Violence Intervention (CVI) programs, including capacity building efforts at CVI programs like funding and training additional intervention workers
- Additional enforcement efforts to reduce gun violence exacerbated by the pandemic, including prosecuting gun traffickers, dealers, and other parties contributing to the supply of crime guns, as well as collaborative federal, state, and local efforts to identify and address gun trafficking channels
- Investing in technology and equipment to allow law enforcement to more efficiently and effectively respond to the rise in gun violence resulting from the pandemic

As discussed in the Interim Final Rule, uses of CSFRF/CLFRF funds that respond to an identified harm must be related and reasonably proportional to the extent and type of harm experienced; uses that bear no relation or are grossly disproportionate to the type or extent of harm experienced would not be eligible uses.

- Recipients may also use funds up to the level of revenue loss for government services, including those outlined above.

Recognizing that the pandemic exacerbated mental health and substance use disorder needs in many communities, eligible public health services include mental health and other behavioral health services, which are a critical component of a holistic public safety approach. This could include:

- Mental health services and substance use disorder services, including for individuals experiencing trauma exacerbated by the pandemic, such as:
 - Community-based mental health and substance use disorder programs that deliver evidence-based psychotherapy, crisis support services, medications for opioid use disorder, and/or recovery support
 - School-based social-emotional support and other mental health services
- Referrals to trauma recovery services for crime victims.

Recipients also may use Funds to respond to the negative economic impacts of the public health emergency, including:

- Assistance programs to households or populations facing negative economic impacts of the public health emergency, including:
 - Assistance to support economic security, including for the victims of crime;
 - Housing assistance, including rent, utilities, and relocation assistance;
 - Assistance with food, including Summer EBT and nutrition programs; and
 - Employment or job training services to address negative economic or public health impacts experienced due to a worker’s occupation or level of training.
- Assistance to unemployed workers, including:

- Subsidized jobs, including for young people. Summer youth employment programs directly address the negative economic impacts of the pandemic on young people and their families and communities;
- Programs that provide paid training and/or work experience targeted primarily to (1) formerly incarcerated individuals, and/or (2) communities experiencing high levels of violence exacerbated by the pandemic;
- Programs that provide workforce readiness training, apprenticeship or pre-apprenticeship opportunities, skills development, placement services, and/or coaching and mentoring; and
- Associated wraparound services, including for housing, health care, and food.

Recognizing the disproportionate impact of the pandemic on certain communities, a broader range of services are eligible in those communities than would otherwise be available in communities not experiencing a pandemic-related increase in crime or gun violence. These eligible uses aim to address the pandemic's exacerbation of public health and economic disparities and include services to address health and educational disparities, support neighborhoods and affordable housing, and promote healthy childhood environments. The Interim Final Rule provides a non-exhaustive list of eligible services in these categories.

These services automatically qualify as eligible uses when provided in Qualified Census Tracts (QCTs), low-income areas designated by HUD; to families in QCTs; or by Tribal governments. Outside of these areas, recipient governments can also identify and serve households, populations, and geographic areas disproportionately impacted by the pandemic.

Services under this category could include:

- Programs or services that address or mitigate the impacts of the COVID-19 public health emergency on education, childhood health and welfare, including:
 - Summer education and enrichment programs in these communities, which include many communities currently struggling with high levels of violence;
 - Programs that address learning loss and keep students productively engaged;
 - Enhanced services for foster youths and home visiting programs; and
 - Summer camps and recreation.
- Programs or services that provide or facilitate access to health and social services and address health disparities exacerbated by the pandemic. This includes Community Violence Intervention (CVI) programs, such as:
 - Evidence-based practices like focused deterrence, street outreach, violence interrupters, and hospital-based violence intervention models, complete with wraparound services such as behavioral therapy, trauma recovery, job training, education, housing and relocation services, and financial assistance; and,
 - Capacity-building efforts at CVI programs like funding more intervention workers; increasing their pay; providing training and professional development for intervention workers; and hiring and training workers to administer the programs.

Please refer to Treasury's Interim Final Rule for additional information.

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.

6.7. How do I know if a water, sewer, or broadband project is an eligible use of funds? Do I need pre-approval? [6/8]

Recipients do not need approval from Treasury to determine whether an investment in a water, sewer, or broadband project is eligible under CSFRF/CLFRF. Each recipient should review the Interim Final Rule (IFR), along with the preamble to the Interim Final Rule, in order to make its own assessment of whether its intended project meets the eligibility criteria in the IFR. A recipient that makes its own determination that a project meets the eligibility criteria as outlined in the IFR may pursue the project as a CSFRF/CLFRF project without pre-approval from Treasury. Local government recipients similarly do not need state approval to determine that a project is eligible under CSFRF/CLFRF. However, recipients should be cognizant of other federal or state laws or regulations that may apply to construction projects independent of CSFRF/CLFRF funding conditions and that may require pre-approval.

For water and sewer projects, the IFR refers to the EPA [Drinking Water](#) and [Clean Water](#) State Revolving Funds (SRFs) for the categories of projects and activities that are eligible for funding. Recipients should look at the relevant federal statutes, regulations, and guidance issued by the EPA to determine whether a water or sewer project is eligible. Of note, the IFR does not incorporate any other requirements contained in the federal statutes governing the SRFs or any conditions or requirements that individual states may place on their use of SRFs.

6.8. For broadband infrastructure investments, what does the requirement that infrastructure “be designed to” provide service to unserved or underserved households and businesses mean? [6/17]

Designing infrastructure investments to provide service to unserved or underserved households or businesses means prioritizing deployment of infrastructure that will bring service to households or businesses that are not currently serviced by a wireline connection that reliably delivers at least 25 Mbps download speed and 3 Mbps of upload speed. To meet this requirement, states and localities should use funds to deploy broadband infrastructure projects whose objective is to provide service to unserved or underserved households or businesses. These unserved or underserved households or businesses do not need to be the only ones in the service area funded by the project.

6.9. For broadband infrastructure to provide service to “unserved or underserved households or businesses,” must every house or business in the service area be unserved or underserved? [6/17]

No. It suffices that an objective of the project is to provide service to unserved or underserved households or businesses. Doing so may involve a holistic approach that provides service to a wider area in order, for example, to make the ongoing service of unserved or underserved households or businesses within the service area economical. Unserved or underserved households or businesses need not be the *only* households or businesses in the service area receiving funds.

6.10. May recipients use payments from the Funds for “middle mile” broadband projects? [6/17]

Yes. Under the Interim Final Rule, recipients may use payments from the Funds for “middle-mile projects,” but Treasury encourages recipients to focus on projects that will achieve last-mile connections—whether by focusing on funding last-mile projects or by ensuring that funded middle-mile projects have potential or partnered last-mile networks that could or would leverage the middle-mile network.

6.11. For broadband infrastructure investments, what does the requirement to “reliably” meet or exceed a broadband speed threshold mean? [6/17]

In the Interim Final Rule, the term “reliably” is used in two places: to identify areas that are eligible to be the subject of broadband infrastructure investments and to identify expectations for acceptable service levels for broadband investments funded by the Coronavirus State and Local Fiscal Recovery Funds. In particular:

- The IFR defines “unserved or underserved households or businesses” to mean one or more households or businesses that are not currently served by a wireline connection that reliably delivers at least 25 Mbps download speeds and 3 Mbps of upload speeds.
- The IFR provides that a recipient may use Coronavirus State and Local Fiscal Recovery Funds to make investments in broadband infrastructure that are designed to provide service to unserved or underserved households or businesses and that are designed to, upon completion: (i) reliably meet or exceed

symmetrical 100 Mbps download speed and upload speeds; or (ii) in limited cases, reliably meet or exceed 100 Mbps download speed and between 20 Mbps and 100 Mbps upload speed and be scalable to a minimum of 100 Mbps download and upload speeds.

The use of “reliably” in the IFR provides recipients with significant discretion to assess whether the households and businesses in the area to be served by a project have access to wireline broadband service that can actually and consistently meet the specified thresholds of at least 25Mbps/3Mbps—i.e., to consider the actual experience of current wireline broadband customers that subscribe to services at or above the 25 Mbps/3 Mbps threshold. Whether there is a provider serving the area that advertises or otherwise claims to offer speeds that meet the 25 Mbps download and 3 Mbps upload speed thresholds is not dispositive.

When making these assessments, recipients may choose to consider any available data, including but not limited to documentation of existing service performance, federal and/or state-collected broadband data, user speed test results, interviews with residents and business owners, and any other information they deem relevant. In evaluating such data, recipients may take into account a variety of factors, including whether users actually receive service at or above the speed thresholds at all hours of the day, whether factors other than speed such as latency or jitter, or deterioration of the existing connections make the user experience unreliable, and whether the existing service is being delivered by legacy technologies, such as copper telephone lines (typically using Digital Subscriber Line technology) or early versions of cable system technology (DOCSIS 2.0 or earlier).

The IFR also provides recipients with significant discretion as to how they will assess whether the project itself has been designed to provide households and businesses with broadband services that meet, or even exceed, the speed thresholds provided in the rule.

6.12. May recipients use Funds for pre-project development for eligible water, sewer, and broadband projects? [6/23]

Yes. To determine whether Funds can be used on pre-project development for an eligible water or sewer project, recipients should consult whether the pre-project development use or cost is eligible under the Drinking Water and Clean Water State Revolving Funds (CWSRF and DWSRF, respectively). Generally, the CWSRF and DWSRF often allow for pre-project development costs that are tied to an eligible project, as well as those that are reasonably expected to lead to a project. For example, the DWSRF [allows](#) for planning and evaluations uses, as well as numerous pre-project development costs, including costs associated with obtaining project authorization, planning and design, and project start-up like training and warranty for equipment. Likewise, the CWSRF [allows](#) for broad pre-project development, including planning and assessment activities, such as cost and effectiveness analyses, water/energy audits and conservation plans, and capital improvement plans.

Similarly, pre-project development uses and costs for broadband projects should be tied to an eligible broadband project or reasonably expected to lead to such a project. For example, pre-project costs associated with planning and engineering for an eligible broadband infrastructure build-out is considered an eligible use of funds, as well as technical assistance and evaluations that would reasonably be expected to lead to commencement of an eligible project (e.g., broadband mapping for the purposes of finding an eligible area for investment).

All funds must be obligated within the statutory period between March 3, 2021 and December 31, 2024, and expended to cover such obligations by December 31, 2026.

7. Non-Entitlement Units (NEUs)

Answers to frequently asked questions on distribution of funds to NEUs can be found in this [FAQ supplement](#), which is regularly updated.

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.

8.2. May recipients use Fiscal Recovery Funds to fund Other Post-Employment Benefits (OPEB)? [6/8]

OPEB refers to benefits other than pensions (see, e.g., [Governmental Accounting Standards Board, “Other Post-Employment Benefits”](#)). Treasury has determined that Sections 602(c)(2)(B) and 603(c)(2), which refer only to pensions, do not prohibit CSFRF/CLFRF recipients from funding OPEB. Recipients of either the CSFRF/CLFRF may use funds for eligible uses, and a recipient seeking to use CSFRF/CLFRF funds for

OPEB contributions would need to justify those contributions under one of the four eligible use categories.

9. Reporting

On June 17, 2021, Treasury released [Guidance on Recipient Compliance and Reporting Responsibilities for the Coronavirus State and Local Fiscal Recovery Funds](#). Recipients should consult this guidance for additional detail and clarification on recipients' compliance and reporting responsibilities. A users' guide will be provided with additional information on how and where to submit required reports.

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 non-entitlement 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. Non-entitlement 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 non-entitlement 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.

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

Please see the [Guidance on Recipient Compliance and Reporting Responsibilities](#) for more information.

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.

9.4. Once a recipient has identified a reduction in revenue, how will Treasury track use of funds for the provision of government services? [6/8]

The ARPA establishes four categories of eligible uses and further restrictions on the use of funds to ensure that Fiscal Recovery Funds are used within the four eligible use categories. The Interim Final Rule implements these restrictions, including the scope of

the eligible use categories and further restrictions on tax cuts and deposits into pensions. Reporting requirements will align with this structure.

Consistent with the broad latitude provided to recipients to use funds for government services to the extent of the reduction in revenue, recipients will be required to submit a description of services provided. As discussed in IFR, these services can include a broad range of services but may not be used directly for pension deposits, contributions to reserve funds, or debt service. Recipients may use sources of funding other than Fiscal Recovery Funds to make deposits to pension funds, contribute to reserve funds, and pay debt service, including during the period of performance for the Fiscal Recovery Fund award.

For recipients using Fiscal Recovery Funds to provide government services to the extent of reduction in revenue, the description of government services reported to Treasury may be narrative or in another form, and recipients are encouraged to report based on their existing budget processes and to minimize administrative burden. For example, a recipient with \$100 in revenue replacement funds available could indicate that \$50 were used for personnel costs and \$50 were used for pay-go building of sidewalk infrastructure.

In addition to describing the government services provided to the extent of reduction in revenue, all recipients will also be required to indicate that Fiscal Recovery Funds are not used directly to make a deposit in a pension fund. Further, recipients subject to the tax offset provision will be required to provide information necessary to implement the Interim Final Rule, as described in the Interim Final Rule. Treasury does not anticipate requiring other types of reporting or recordkeeping on spending in pensions, debt service, or contributions to reserve funds.

These requirements are further detailed in the guidance on reporting requirements for the Fiscal Recovery Funds available [here](#).

9.5. What is the Assistance Listing and Catalog of Federal Domestic Assistance (CFDA) number for the program? [6/8]

The [Assistance Listing](#) for the Coronavirus State and Local Fiscal Recovery Funds (CSLFRF) was published May 28, 2021 on SAM.gov. This includes the final CFDA Number for the program, 21.027.

The assistance listing includes helpful information including program purpose, statutory authority, eligibility requirements, and compliance requirements for recipients. The CFDA number is the unique 5-digit code for each type of federal assistance, and can be used to search for program information, including funding opportunities, spending on [usaspending.gov](#), or audit results through the Federal Audit Clearinghouse.

To expedite payments and meet statutory timelines, Treasury issued initial payments under an existing CFDA number. If you have already received funds or captured the

initial CFDA number in your records, please update your systems and reporting to reflect the final CFDA number 21.027. **Recipients must use the final CFDA number for all financial accounting, audits, subawards, and associated program reporting requirements.**

To ensure public trust, Treasury expects all recipients to serve as strong stewards of these funds. This includes ensuring funds are used for intended purposes and recipients have in place effective financial management, internal controls, and reporting for transparency and accountability.

Please see [Treasury's Interim Final Rule](#) and the [Guidance on Recipient Compliance and Reporting Responsibilities](#) for more information.

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. Direct recipients are encouraged to apply as soon as possible. For direct 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.

Non-entitlement units of local government should contact their state government for information on applicable deadlines.

10.5. May recipients use funds to cover the costs of consultants to assist with managing and administering the funds? [6/8]

Yes. Recipients may use funds for administering the CSFRF/CLFRF program, including costs of consultants to support effective management and oversight, including consultation for ensuring compliance with legal, regulatory, and other requirements.

11. Operations

11.1. How do I know if my entity is eligible?

The Coronavirus State and Local Fiscal Recovery Funds American Rescue Plan Act of 2021 set forth the jurisdictions eligible to receive funds under the program, which are:

- States and the District of Columbia
- Territories
- Tribal governments
- Counties
- Metropolitan cities (typically, but not always, those with populations over 50,000)
- Non-entitlement units of local government, or smaller local governments (typically, but not always, those with populations under 50,000)

11.2. How does an eligible entity request payment?

Eligible entities (other than non-entitlement units) must submit their information to the [Treasury Submission Portal](#). Please visit the [Coronavirus State and Local Fiscal Recovery Fund website](#) for more information on the submission process.

11.3. I cannot log into the Treasury Submission Portal or am having trouble navigating it. Who can help me?

If you have questions about the Treasury Submission Portal or for technical support, please email covidreliefitsupport@treasury.gov.

11.4. What do I need to do to receive my payment?

All eligible payees are required to have a DUNS Number previously issued by Dun & Bradstreet (<https://www.dnb.com/>).

All eligible payees are also required to have an active registration with the System for Award Management (SAM) (<https://www.sam.gov>).

And eligible payees must have a bank account enabled for Automated Clearing House (ACH) direct deposit. Payees with a Wire account are encouraged to provide that information as well.

More information on these and all program pre-submission requirements can be found on the [Coronavirus State and Local Fiscal Recovery Fund website](#).

11.5. Why is Treasury employing id.me for the Treasury Submission Portal?

ID.me is a trusted technology partner to multiple government agencies and healthcare providers. It provides secure digital identity verification to those government agencies and healthcare providers to make sure you're you – and not someone pretending to be you – when you request access to online services. All personally identifiable information provided to ID.me is encrypted and disclosed only with the express consent of the user. Please refer to ID.me Contact Support for assistance with your ID.me account. Their support website is <https://help.id.me>.

11.6. Why is an entity not on the list of eligible entities in Treasury Submission Portal?

The ARPA statute lays out which governments are eligible for payments. The list of entities within the Treasury Submission Portal includes entities eligible to receive a direct payment of funds from Treasury, which include states (defined to include the District of Columbia), territories, Tribal governments, counties, and metropolitan cities.

Eligible non-entitlement units of local government will receive a distribution of funds from their respective state government and should not submit information to the Treasury Submission Portal.

If you believe an entity has been mistakenly left off the eligible entity list, please email SLFRP@treasury.gov.

11.7. What is an Authorized Representative?

An Authorized Representative is an individual with legal authority to bind the government entity (e.g., the Chief Executive Officer of the government entity). An Authorized Representative must sign the Acceptance of Award terms for it to be valid.

11.8. How does a Tribal government determine their allocation?

Tribal governments will receive information about their allocation when the submission to the Treasury Submission Portal is confirmed to be complete and accurate.

11.9. How do I know the status of my request for funds (submission)?

Entities can check the status of their submission at any time by logging into [Treasury Submission Portal](#).

11.10. My Treasury Submission Portal submission requires additional information/correction. What is the process for that?

If your Authorized Representative has not yet signed the award terms, you can edit your submission with in the into [Treasury Submission Portal](#). If your Authorized Representative has signed the award terms, please email SLFRP@treasury.gov to request assistance with updating your information.

11.11. My request for funds was denied. How do I find out why it was denied or appeal the decision?

Please check to ensure that no one else from your entity has applied, causing a duplicate submission. Please also review the list of all eligible entities on the [Coronavirus State and Local Fiscal Recovery Fund website](#).

If you still have questions regarding your submission, please email SLFRP@treasury.gov.

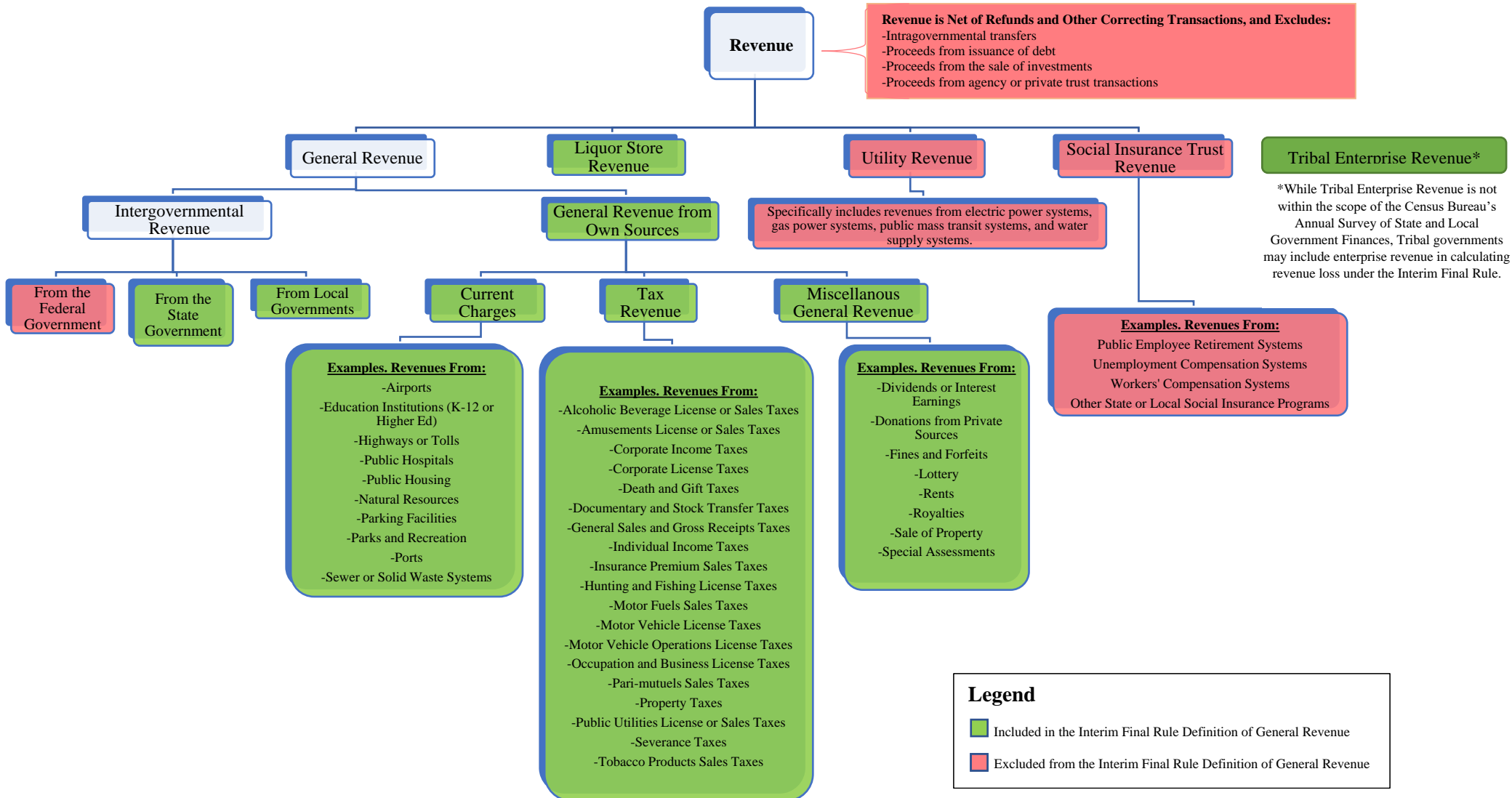
11.12. When will entities get their money?

Before Treasury is able to execute a payment, a representative of an eligible government must submit the government's information for verification through the [Treasury Submission Portal](#). The verification process takes approximately four business days. If any errors are identified, the designated point of contact for the government will be contacted via email to correct the information before the payment can proceed. Once verification is complete, the designated point of contact of the eligible government will receive an email notifying them that their submission has been verified. Payments are generally scheduled for the next business day after this verification email, though funds may not be available immediately due to processing time of their financial institution.

11.13. How does a local government entity provide Treasury with a notice of transfer of funds to its State?

For more information on how to provide Treasury with notice of transfer to a state, please email SLRedirectFunds@treasury.gov.

Appendix: Interim Final Rule Definition of General Revenue Within the Census Bureau Classification Structure of Revenue



Source: [U.S. Bureau of the Census Government Finance and Employment Classification Manual, 2006](#); [Annual Survey of State and Local Government Finances](#)

WORK SESSION STAFF REPORT
Work Session Item No. 4

Date: July 6, 2021
To: City Council
From: Michael Grochala, Community Development Director
Re: Recreation and Aquatic Center Feasibility Study

Background

The City Council accepted the Recreation and Aquatic Center Feasibility Study, prepared by ISG, on June 28, 2021. The study evaluated three options for continued operation of the facility including:

- 1) Total City Managed Facility
- 2) Total Outsource of Management and Operations by outside entity
- 3) Hybrid Option that include City management with vendors operating specific program areas

Both the City Management option and Hybrid options provided the most City control over facility programming and meeting city goals of financially accessible membership. ISG further highlighted the benefits of a Hybrid model in lowering startup costs along with faster membership ramp-up.

Financial Considerations

The primary concern of operating the facility is the short and long term financial impacts of the facility on property taxes. While the City has had a financial commitment to the facility since its original construction, taking over operational management potentially increases that commitment. As noted in the report, startup costs will result in an operating deficit over the first two years of operation. This deficit is expected to level out in year 3. Accordingly, staff has evaluated some initial considerations to reduce this impact.

Staff considers the closure of the Lino Lakes YMCA a negative economic impact of the COVID-19 public health emergency and thus the City could utilize ARPA Fiscal Recovery Funds for reopening costs. Other current funding available for the Recreation & Community Center includes \$679,654 in the Closed Bond Fund (#301). Additional funding could be included in the annual tax levy starting with taxes payable in 2023. In 2006, the City issued G.O. Tax Abatement Bonds (refunded with Series 2016C) to contribute \$2,350,000 to the Chain of Lakes YMCA. The bonds mature in 2022 and have a final debt service tax levy of \$325,054. In 2023, the City could continue to levy \$325,000 annually for operations or capital replacement for the Recreation & Community Center.

Next Steps

As noted in the report, a minimum of 6 months will be needed to reopen the facility. Reopening of the facility will require both staffing, marketing/rebranding efforts, and updating of the building interior (painting, locker room remodeling, etc.). To get the building back in use as soon as possible, a decision on the management model or alternatively disposition of the building will need to be made in the short term.

Key questions facing the council:

- 1) Does the City Council want to proceed with operation of the facility?
- 2) If so, what management model is preferred?

Depending on the response to these questions, staff will prepare a course of action to achieve this direction.

Requested Council Direction

Staff is requesting City Council direction regarding proposed operation and management model or disposition of the property.

Attachments

1. None

Budget planning

Thursday, June 24, 2021 2:21 PM

Proposed budget for 2021 August 21 11:00 parade

Anoka County fee \$50

Street closure signage vendor: Q3, \$795

Signs

Parade Line Up signs. Deployed August 20 evening \$20 x 10 = \$200.00

August 18 - 21 signs on Lake Drive. \$10 x 60 signs (30 signs on each side) = \$600

Additional Signs \$20 x 5 = \$100.00

Portable bathrooms, \$300 (need a quote)

Marketing \ Quad Chamber Marketing alignment

Four large banners. Blue Heron Elementary. Lino Park, Lake and Hodgson, East of 35E \$100x4=\$400.00

Digital Marketing. Facebook, Instagram, Explorer MN, etc Not to exceed \$1,000

Quad Press \$800

Volunteer T-shirts 4-6 shirts \$25 x 8 shirts \$200

Grand Marshall \$75

Supporting our Grand Marshall requires us to pay for the parade float.

Grand Marshall this year is the front line workers

\$50 donation to the front line workers for parade prep and reimbursements.

\$25 Candy vouchers

Police Explorers, \$500

Grand total \$5,020

Float Fees (revenue)

2019 fees were \$50

Proposed 2021 fee \$25 and first 60 floats get a \$25 voucher for "ready to provide candy, granola bars or pencils" at Target

Picked up morning of parade. More vouchers can be purchased at Target customer service ready for morning of parade.

If the parade entry chooses to not provide candy they may donate the voucher to another float entry

If the parade is cancelled due to weather the voucher will be donated to an approved charity or deposited back to the city.

WORK SESSION STAFF REPORT
Work Session Item 6

Date: July 6, 2021
To: City Council
From: John Swenson, Public Safety Director
Re: Critical Incident Response & VirTra Demonstration

Background

Staff will provide members of City Council with overview of critical incident response and staff will provide information on the new VirTra police training system.



Critical Incident Response

Lino Lakes Public Safety Department
John Swenson
Public Safety Director

One Vision. One Mission.



Lino Lakes Public Safety Critical Incident Response

Critical Incident

- A critical incident is defined as any incident involving great bodily harm or death of an individual involving actions initiated or taken by a Lino Lakes Police Officer; any incident that represents the potential for significant civil or criminal liability to the officer(s) or the Department; any incident which might inflict adverse or uncommon emotional or psychological stress upon the officer(s) involved; and any officer involved shooting or use of deadly force.
- Examples of a critical incident would include, but would not be limited to:
 - Officer involved shootings,
 - Other incidents involving use of deadly force
 - Vehicle pursuits and other officer involved actions resulting in great bodily harm or death
 - Events presenting the risk of significant civil liability.



Lino Lakes Public Safety Critical Incident Response Roles of Agency, BCA, Administrative Investigations, etc.

- Role of LLPSD
 - Investigators will be called in to handle the investigation of the initial incident. They will assist in identifying witnesses and obtain basic initial information. Our investigators will prepare the cases for prosecution should it be warranted.
- Role of ACSO Crime Lab
 - Crime Lab will respond to secure the scene and preserve evidence and witnesses for the BCA if need be.
- Role of BCA
 - The BCA will handle the investigation of the critical incident and present their findings to the County Attorney that will be handling the review for possible criminal charges.



Lino Lakes Public Safety Department Critical Incident Response Roles of Agency, BCA, Administrative Investigations, etc.

- Personnel involved in incident
 - Immediate separation
 - Evidence gathering (including uniforms and equipment)
 - Scene security
 - Blood draws
 - Secure environment
 - Leave considerations
- LELS Role
- Nature and process of criminal investigation
- Prosecutorial authority/county attorney processes



Lino Lakes Public Safety Department Critical Incident Response Mutual Aid and Other LE Agencies

- Mutual aid can be requested by an on duty supervisor and the Command Staff should be notified of the request for a critical incident. The request can be made through Anoka County Central Communications for jurisdictions within Anoka County. Central Communications can, on our behalf, send out a message to other Counties and/or jurisdictions. After careful review of the incident, a Command Staff member may need to contact the State Duty Officer to seek other assistance with State agencies and/or the National Guard. Upon large scale mutual aid requests, we should ask for a Command Level Officer from that entity to establish communications with clear roles and expectations of those requested.



Lino Lakes Public Safety Department Critical Incident Response Financial Planning

- A Command Staff Officer should reach out to the Finance Director as soon as practical to establish specific details on how to track all expenses, funding sources and possible reimbursement requests.
 - Establish specific guidelines for all City of Lino Lakes employees to specifically code on their time cards as their duty/time specifically related to the Critical Incident/Civil Unrest.



Lino Lakes Public Safety Department Critical Incident Response Roles of Agency, BCA, Administrative Investigations, etc.

➤ Administrative Investigations – in depth

- An Administrative Investigation will be conducted in accordance with Department Policy. The Chief of Police may request that an outside agency conduct an investigation anytime the Chief of Police determines an external investigation is appropriate.
- Format Provided to the Chief of Police
- **Introduction** - Include the identity of the members, the identity of the assigned investigators, the initial date and source of the complaint.
- **Synopsis** - Provide a brief summary of the facts giving rise to the investigation.
- **Summary** - List the allegations separately, including applicable policy sections, with a brief summary of the evidence relevant to each allegation. A separate recommended finding should be provided for each allegation.
- **Evidence** - Each allegation should be set forth with the details of the evidence applicable to each allegation provided, including comprehensive summaries of member and witness statements. Other evidence related to each allegation should also be detailed in this section.
- **Conclusion** - A recommendation regarding further action or disposition should be provided.
- **Exhibits** - A separate list of exhibits (e.g., recordings, photos, documents) should be attached to the report.



Lino Lakes Public Safety Department Critical Incident Response Roles of Agency, BCA, Administrative Investigations, etc.

- Administrative Investigations – (continued)
 - Dispositions of Administrative Investigations
 - **Unfounded** - When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.
 - **Exonerated** - When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.
 - **Not sustained** - When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.
 - **Sustained** - When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct.



Lino Lakes Public Safety Department Critical Incident Response MN POST Board

- POST Board complaint process
 - Complaint receipt/acknowledgement
 - Complaint investigation
 - Complaint investigation committee
 - Resultant disciplinary action
 - Mandated police conduct reports



Lino Lakes Public Safety Department Critical Incident Response US Department of Justice

- LE Agency Conduct
 - Overview
 - Applicable laws
 - Results



Lino Lakes Public Safety Department Critical Incident Response

Roles of PIO

- Provide an immediate flow of accurate information and communication to our partners, elected officials and the communities we serve, as allowed by data practices laws and investigative needs
- Share what happened and why in order to avoid inaccurate stories to be told
- Share information on what we are asking of our community and provide direction to help alleviate panic and fear
- Communicate with our partnering agency PIOs to create consistent messaging
- Create trust with our community through transparency



Lino Lakes Public Safety Department Critical Incident Response Roles of PIO

- Roles of respective PIO's
 - PD
 - City
 - BCA
 - County Attorney
- Challenges for release of information
 - Integrity of criminal investigation
 - Importance of transparency
 - Conflicting interests
- Various mediums
 - Traditional media
 - Social media
 - Request for Information
- Data requests/considerations



Lino Lakes Public Safety Department Critical Incident Response

Mental Health for LE

- Immediately contact department mental health practitioner
- Consider needs for mental health debriefing of all members involved
- Monitor officers carefully, watching for signs of emotional distress during and after the incident
- Make referrals as needed to department mental health practitioner



Lino Lakes Public Safety Department Critical Incident Response City Charter-Form of Government

➤ **Sec. 2.01. – Form of government.**

The form of Government established by this Charter is the “Mayor – Council Plan”. Except as otherwise provided by state law or this Charter, all powers of the City are vested in the Council.

➤ **Section. 2.04. - Incompatible Offices.**

No member of the Council shall be a member of the City Charter Commission, hold any paid municipal office or employment through the City other than that to which elected. Further, until one (1) year after the expiration of his/her term, no Mayor or Council Member shall be appointed or employed by the city in a compensated position which was created, or the compensation for which was increased, during his/her term as Mayor or Council Member.



Lino Lakes Public Safety Department Critical Incident Response City Charter-Form of Government

➤ **Sec. 2.06. The mayor.**

Subdivision 1. The Mayor shall preside at meetings of the Council and shall have a vote as a member. The Mayor shall be recognized as the head of the City government for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the Governor for purposes of martial law, but shall have no administrative duties. Consistent with the responsibility to accept considerable leadership over the general conduct of City affairs, the Mayor shall study the administration of the City, report any irregularities to the Council from time to time and recommend desirable changes. The Mayor shall also deliver messages to the Council and the public including a comprehensive message on the State of the City as soon as practicable after the beginning of each year of his/her term of office.



Lino Lakes Public Safety Department Critical Incident Response City Charter-Form of Government

➤ **Sec. 2.06. The mayor. - Continued**

Subdivision 2. At its first meeting each year the Council shall choose an Acting Mayor to assume the office during the disability or absence of the Mayor, or, in case of vacancy in the office of Mayor, until a successor has been elected or appointed and qualifies.

Subdivision 3. In time of public danger or emergency the Mayor may, with the consent of three (3) Council Members, take command of the Police, maintain order, and enforce the law



Lino Lakes Public Safety Department Critical Incident Response City Charter-Form of Government

➤ **Sec. 2.08. – Investigation of City Affairs**

The Council may make investigations into City affairs and the conduct of any City department, officer or agency and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. The Council shall provide for an audit of the City's accounts at least once a year by the State Department in charge of such work or by a certified public accountant. At any time the Council may provide for an examination or audit of the City accounts of any City officer or agency, and it may provide for any survey or research study of any subject of municipal concern.



Lino Lakes Public Safety Department Critical Incident Response City Charter-Procedure of Council

➤ **Section 3.06. – Emergency Ordinances.**

An emergency ordinance is an ordinance necessary for the immediate presentation of public peace, health, morals, safety or welfare, in which ordinance the emergency is defined and declared in a preamble; e thereto. An emergency ordinance must be approved by a majority of available members of the City Council. An emergency ordinance must be in writing but may be enacted without previous filing or voting, and may be adopted finally at the meeting at which it if first introduced and voted upon by the Council. An emergency ordinance shall remain in effect for the duration of the emergency. No prosecution shall be based upon the previsions of an emergency ordinance until twenty four (24) hours after the ordinance has been adopted, filed with the City Clerk and has either been posted in three (3) conspicuous places in the City, or published as provided for in this Charter, or the person charged with the violation there of had actual notice of the ordinance prior to the act or omission resulting in the prosecution.



Lino Lakes Public Safety Department Critical Incident Response

City Charter-Administration of City Affairs

➤ **Sec. 6.01. – Administration Responsibility**

The Council, as a body, shall be responsible for the administration of the City. The Council shall appoint a City Administrator to assist in the administration of City affairs.

➤ **Sec. 6.02. – Administrative Organization**

Subdivision 1. The Council may by ordinance establish City departments, offices and agencies, and prescribe their functions. No power or duty conferred by this Charter upon a particular office or agency shall be transferred to any other.



Lino Lakes Public Safety Department Critical Incident Response

City Charter-Administration of City Affairs

➤ **Sec. 6.03. – City Administrator.**

The City Administrator shall be the chief executive officer for the council. The Council by ordinance shall establish the powers, duties, and reporting requirements of the City Administrator.



Lino Lakes Public Safety Department Critical Incident Response

City Charter-Personnel Related Provisions

➤ **Sec. 6.06. – Basis for Hiring and Removal**

The basis for hiring shall be merit and appropriate qualifications. Removal shall be based on just cause, as conclusively determined by the Council.



Lino Lakes Public Safety Department Critical Incident Response

What is just-cause?

In the employment context, just cause refers to right of employers to discipline or terminate employees for misconduct or negligence.

This information was obtained from uslegal.com



Lino Lakes Public Safety Department Critical Incident Response

Some of the factors that may be examined to determine whether just cause exists for disciplinary action or termination include:

1. Did the company warn the worker in advance of taking action?
2. Is there a clearly communicated work rule which covers the conduct and which is reasonable and related to the orderly, efficient and safe operation of the employer's business?
3. Did the employer investigate before taking action?
4. Was the investigation fair and objective?



Linolakes Public Safety Department Critical Incident Response

Some of the factors that may be examined to determine whether just cause exists for disciplinary action or termination include: -
continued -

5. Is there substantial evidence that the worker is guilty?
6. Has the employer been fair and even-handed in the enforcement of the rule(s) in question? Is there disparate treatment?
7. Was the degree of discipline related to the seriousness of the worker's offense and worker's prior work record?



Lino Lakes Public Safety Department Critical Incident Response

Questions?



Lino Lakes Public Safety Department Critical Incident Response MN Statute 609.06 Authorized Use of Force

Subdivision 1. **When authorized.**

Except as otherwise provided in subdivisions 2 and 3, reasonable force may be used upon or toward the person of another without the other's consent when the following circumstances exist or the actor reasonably believes them to exist:

- (1) when used by a public officer or one assisting a public officer under the public officer's direction:
 - (i) in effecting a lawful arrest; or
 - (ii) in the execution of legal process; or
 - (iii) in enforcing an order of the court; or
 - (iv) in executing any other duty imposed upon the public officer by law; or



Lino Lakes Public Safety Department Critical Incident Response MN Statute 609.06 Authorized Use of Force

Subdivision 1. **When authorized.** – continued -

- (2) when used by a person not a public officer in arresting another in the cases and in the manner provided by law and delivering the other to an officer competent to receive the other into custody; or
- (3) when used by any person in resisting or aiding another to resist an offense against the person; or
- (4) when used by any person in lawful possession of real or personal property, or by another assisting the person in lawful possession, in resisting a trespass upon or other unlawful interference with such property; or
- (5) when used by any person to prevent the escape, or to retake following the escape, of a person lawfully held on a charge or conviction of a crime; or
- (6) when used by a parent, guardian, teacher, or other lawful custodian of a child or pupil, in the exercise of lawful authority, to restrain or correct such child or pupil; or



Lino Lakes Public Safety Department Critical Incident Response MN Statute 609.06 Authorized Use of Force

Subdivision 1. **When authorized.** – continued -

- (7) when used by a school employee or school bus driver, in the exercise of lawful authority, to restrain a child or pupil, or to prevent bodily harm or death to another; or
- (8) when used by a common carrier in expelling a passenger who refuses to obey a lawful requirement for the conduct of passengers and reasonable care is exercised with regard to the passenger's personal safety; or
- (9) when used to restrain a person with a mental illness or a person with a developmental disability from self-injury or injury to another or when used by one with authority to do so to compel compliance with reasonable requirements for the person's control, conduct, or treatment; or



Lino Lakes Public Safety Department Critical Incident Response MN Statute 609.06 Authorized Use of Force

Subdivision 1. **When authorized.** – continued -

(10) when used by a public or private institution providing custody or treatment against one lawfully committed to it to compel compliance with reasonable requirements for the control, conduct, or treatment of the committed person.

Subd. 2. **Deadly force used against peace officers.**

Deadly force may not be used against peace officers who have announced their presence and are performing official duties at a location where a person is committing a crime or an act that would be a crime if committed by an adult.



Lino Lakes Public Safety Department Critical Incident Response MN Statute 609.06 Authorized Use of Force

Subd. 3. **Limitations on the use of certain restraints.**

(a) A peace officer may not use any of the following restraints unless section 609.066 authorizes the use of deadly force to protect the peace officer or another from death or great bodily harm:

- (1) a choke hold;
- (2) tying all of a person's limbs together behind the person's back to render the person immobile; or
- (3) securing a person in any way that results in transporting the person face down in a vehicle.

(b) For the purposes of this subdivision, "choke hold" means a method by which a person applies sufficient pressure to a person to make breathing difficult or impossible, and includes but is not limited to any pressure to the neck, throat, or windpipe that may prevent or hinder breathing, or reduce intake of air. Choke hold also means applying pressure to a person's neck on either side of the windpipe, but not to the windpipe itself, to stop the flow of blood to the brain via the carotid arteries.



Lino Lakes Public Safety Department Critical Incident Response MN Statute 609.066 Authorized Use of Deadly Force by Peace Officers

Subdivision 1. **Deadly force defined.**

For the purposes of this section, "deadly force" means force which the actor uses with the purpose of causing, or which the actor should reasonably know creates a substantial risk of causing, death or great bodily harm. The intentional discharge of a firearm, other than a firearm loaded with less lethal munitions and used by a peace officer within the scope of official duties, in the direction of another person, or at a vehicle in which another person is believed to be, constitutes deadly force. "Less lethal munitions" means projectiles which are designed to stun, temporarily incapacitate, or cause temporary discomfort to a person. "Peace officer" has the meaning given in section [626.84, subdivision 1](#).



Lino Lakes Public Safety Department Critical Incident Response MN Statute 609.066 Authorized Use of Deadly Force by Peace Officers

§Subd. 1a. **Legislative intent.**

The legislature hereby finds and declares the following:

- (1) that the authority to use deadly force, conferred on peace officers by this section, is a critical responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life. The legislature further finds and declares that every person has a right to be free from excessive use of force by officers acting under color of law;
- (2) as set forth below, it is the intent of the legislature that peace officers use deadly force only when necessary in defense of human life or to prevent great bodily harm. In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case;



Lino Lakes Public Safety Department Critical Incident Response MN Statute 609.066 Authorized Use of Deadly Force by Peace Officers

§Subd. 1a. **Legislative intent.** – continued -

(3) that the decision by a peace officer to use deadly force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using deadly force; and

(4) that peace officers should exercise special care when interacting with individuals with known physical, mental health, developmental, or intellectual disabilities as an individual's disability may affect the individual's ability to understand or comply with commands from peace officers.



Lino Lakes Public Safety Department Critical Incident Response MN Statute 609.066 Authorized Use of Deadly Force by Peace Officers

Subd. 2. Use of deadly force.

(a) Notwithstanding the provisions of section [609.06](#) or [609.065](#), the use of deadly force by a peace officer in the line of duty is justified only if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that such force is necessary:

- (1) to protect the peace officer or another from death or great bodily harm, provided that the threat:
 - (i) can be articulated with specificity by the law enforcement officer;
 - (ii) is reasonably likely to occur absent action by the law enforcement officer; and
 - (iii) must be addressed through the use of deadly force without unreasonable delay; or



Lino Lakes Public Safety Department Critical Incident Response MN Statute 609.066 Authorized Use of Deadly Force by Peace Officers

Subd. 2. **Use of deadly force. – continued-**

(2) to effect the arrest or capture, or prevent the escape, of a person whom the peace officer knows or has reasonable grounds to believe has committed or attempted to commit a felony and the officer reasonably believes that the person will cause death or great bodily harm to another person under the threat criteria in clause (1), items (i) to (iii), unless immediately apprehended.

(b) A peace officer shall not use deadly force against a person based on the danger the person poses to self if an objectively reasonable officer would believe, based on the totality of the circumstances known to the officer at the time and without the benefit of hindsight, that the person does not pose a threat of death or great bodily harm to the peace officer or to another under the threat criteria in paragraph (a), clause (1), items (i) to (iii).



Lino Lakes Public Safety Department Critical Incident Response

Questions?



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Video Review



Lino Lakes Public Safety Department Critical Incident Response

Questions?

WORK SESSION STAFF REPORT
Work Session Item 7

Date: July 6, 2021
To: City Council
From: John Swenson, Public Safety Director
Re: Daytime Fire Response

Background

The delivery of fire services has been a discussion point with Council for approximately the last year. Here is a recap regarding daytime fire response.

- During the spring of 2020, staff developed Police Officer/Firefighter and Sergeant/Firefighter position descriptions and engaged in labor contract negotiations with the applicable labor groups during the summer and fall of 2020. Labor contracts, which included agreed upon compensation rates for the Police Officer/Firefighter and Sergeant/Firefighter positions, were ratified in December of 2020.
- On January 13, 2021 all police staff participated in a meeting to discuss the new Police Officer/Firefighter and Sergeant/Firefighter positions and answer any questions regarding these new positions. All police staff had until February 1, 2021 to elect to or decline to transition to one of the new positions.
- During the February 1, 2021 Council Work Session staff updated the Council on this topic and informed Council that one police officer informed the City that they would be willing to transition to the new Police Officer/Firefighter position.
- Based on the low level of interest from police staff, staff recommended researching the following options to provide daytime fire response to the Council:
 - develop a daytime fire duty crew
 - contract with an outside vendor to provide daytime fire services
 - collaborate with another jurisdiction for daytime fire response
- The Centennial Fire District (CFD) had been undergoing a study of their fire operations since the summer of 2020 and a report was released in the winter of 2021. As part of the findings of that study and direction from Council, we have engaged in talks with CFD to examine options for potential collaboration for daytime fire response in the cities of Lino Lakes, Centerville and Circle Pines. On April 15, 2021 CFD requested that we prepare a proposal to provide daytime fire response on a contract for services basis. After receiving guidance from

Council during the May 3rd Council Work Session, staff prepared and sent a letter to CFD dated May 6, 2021 that articulated the proposed costs associated with providing daytime fire services in Circle Pines and Centerville. Staff from CFD informed staff that CFD would not be moving forward with the Lino Lakes Proposal.

- During the May 3rd Council Work Session staff provided information on the research of the three options.
 - contract with an outside vendor to provide daytime fire services – there are no vendors operating in MN that provide municipalities fire services
 - collaborate with another jurisdiction for daytime fire response – staff met with surrounding jurisdictions and determined that further collaboration beyond our current fire auto aid agreements is not viable at this time
 - develop a daytime fire duty crew – staff provided information on a daytime fire duty crew operating Monday through Friday 0600 hours to 1800 hours staffed with part-time firefighters

After receiving feedback from Council at the May 3rd Work Session staff has continued to further develop a staffing plan for daytime fire duty crew.

As part of the 2022 Budget Request, staff will be requesting funding for a daytime fire duty crew staffed with one fulltime Fire Lieutenant/Fire Inspector and three part-time firefighters. The hours of operation for the part-time positions would be 0600 hours to 1800 hours Monday – Friday. The Fire Lieutenant/Fire Inspector will be a 40 hour work week Monday through Friday with shift start and end times based on duty needs in conjunction with the Fire Division Deputy Director position.

The Fire Lieutenant/Fire Inspector position description is currently being reviewed to determine position compensation.