



## ***COMMONWEALTH of VIRGINIA***

Aubrey L. Layne, Jr., MBA, CPA  
Secretary of Finance

P.O. Box 1475  
Richmond, Virginia 23218

June 9, 2021

To: Local Officials of Non-Entitlement Units of Government

From: Aubrey L. Layne, Jr., Secretary of Finance

Subject: Allocations of Coronavirus State and Local Fiscal Recovery Funds to Non-Entitlement Units of Government (NEU) Pursuant to the Federal *American Rescue Plan Act* (ARPA)

### **What you need to know about your ARPA funds – in short**

- The Commonwealth has received funding for towns designated by the federal government as NEUs but needs your help to distribute your allocation as soon as possible. A preliminary estimate of the amount available to your town is shown in Appendix A.
- You will need a DUNS number to obtain your funds and meet your federal reporting requirements. Guidance on obtaining a DUNS number is provided in Appendix B. Your first federal report on the use of these funds is required to be submitted to the U.S. Department of Treasury (Treasury) by October 31, 2021. A summary of your federal reporting requirements is also provided in Appendix B. You should be aware that federal guidelines permit towns to use a portion of ARPA funds for administrative costs associated with managing this grant program.
- Towns have broad flexibility to spend these funds to respond to the COVID-19 pandemic. Specific federal requirements and reference links on the use of these funds are provided in Appendices C, D, and E.
- Pursuant to federal law, the amount you receive cannot exceed 75% of the town operating budget that was in effect as of January 27, 2020. In order to confirm the amount you will

receive, you and your fiscal representative will need to provide your town's operating budget amount and sign the certification form provided in Appendix F.

- If you decide to decline your allocation, you will need to sign and return the certification in Appendix G.

## **Background**

As most of you are aware, Congress passed and the President recently signed the ARPA Act of 2021. This Act provides funding for a number of different programs to address the COVID-19 pandemic. A primary component of the ARPA is \$350 billion in assistance for eligible state, local, territorial, and Tribal governments for the direct impact of the COVID-19 pandemic through the establishment of the Coronavirus State and Local Fiscal Recovery Fund (CSLFRF).

The CSLFRF provides for \$19.53 billion to support tens of thousands of non-entitlement units of government (NEUs), which are local governments typically serving a population under 50,000. Allocations for NEUs were sent to states based on population. Localities with populations greater than 50,000 could apply to receive funds directly from Treasury. All other CSLFRF funds were distributed to the states to disburse to the NEUs.

Virginia received approximately \$316.9 million on May 28, 2021, which is half of the Commonwealth's allocated \$633.8 million of NEU CSLFRF. Virginia must now distribute these funds to its NEUs within 30 days or seek a waiver from Treasury. The remaining fifty percent of the NEU allocation will not be sent to Virginia until approximately this time next year.

NEU CSLFRF provides eligible governments with a substantial infusion of resources to meet pandemic response needs and rebuild a stronger, and more equitable, economy as the country recovers. See Appendix E for descriptions of the categories of expenditures for which recipients may use these funds. Within these overall categories, recipients have broad flexibility to decide how best to use this funding to meet the needs of their communities.

## **Allocation of CSLFRF Funds to NEUs**

NEUs are local governments typically serving populations of less than 50,000. NEUs include cities, villages, towns, townships, or other types of local governments. NEUs will receive CSLFRF payments through the Commonwealth. The Commonwealth has received a specific allocation of these funds from Treasury for this purpose and is responsible for distributing these funds to NEUs within the state.

Award amounts are based on the population of the NEU. Fifty (50) percent of the NEU allocations will be distributed to NEUs as soon as possible by the Department of Accounts (DOA) after receipt of a signed certification from the NEU (Appendix E). This distribution will

be made to you electronically in accordance with current State Electronic Data Interchange (EDI) protocol or by check if you are not enrolled in EDI.

Each NEU's allocation will be based on the proportion that the NEU's population represents of the total statewide NEU population, up to 75 percent of the most recent NEU operating budget as of January 27, 2020. Appendix A reflects the preliminary calculation of funding based on population used by Treasury to allocate CSLFRF funds to the states for NEUs. This population data is the preliminary basis for determining the allocations to each NEU but is subject to change if necessary to ensure the state is distributing funds in accordance with Treasury guidelines.

**This table also includes your NEU Recipient Number, as required by Treasury.** Although guidance documents have been issued, states are raising a number of questions that may result in answers that could impact these preliminary allocations.

### **Requirements for Use of Funds and Certifications**

The amounts listed in Appendix A are preliminary estimates of the amount from the first tranche of CSLFRF funds that will be transferred to each NEU after receipt of the required certification (Appendix F) from the NEU, which is required to be signed by an authorized representative (Town Manager, Mayor, etc.) and a fiscal contact person (Treasurer, Finance Director, Finance Officer, etc.). Before signing the documents, please read and understand the most recent federal guidance and the frequently asked questions, which can be obtained at:

<https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-recovery-fund/non-entitlement-units>.

Please note that the certification statement includes an acknowledgment that you may be required to return funds to the federal government if it is determined that those funds were spent for purposes that do not qualify. Since these funds are being provided to you "up front" rather than on a reimbursement basis, it is important for you to understand that the burden of ensuring that all CSLFRF funds are spent for qualifying purposes falls on you, the NEU. Pursuant to the ARPA, your locality is designated as a recipient; therefore, you are responsible for maintaining all necessary documentation to ensure compliance with the federal requirements and you will be responsible for all federal reporting (see Appendix B).

If the federal government determines that you have used CSLFRF funds for purposes that do not qualify, you must return those funds to the federal government. **If** the federal government issues guidance that the funds must be returned to the state before being returned to the federal government, you are responsible for returning funds to the Commonwealth. If you do not return the funds as directed, the Commonwealth can use state aid intercept to recover funds that are not returned in a timely manner.

The required certification encompasses the federal requirements outlined in this memorandum and provided in Appendices C, D, and E. **In order to receive your NEU's allocation, the**

**CERTIFICATION FORM TO BE SUBMITTED FOR PAYMENT OF CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS, ASSISTANCE LISTING NUMBER 21.027 (Appendix F) must be submitted no later than **June 15, 2021**, to the Department of Accounts in electronic form to [GACCT@DOA.Virginia.gov](mailto:GACCT@DOA.Virginia.gov).**

**In order to decline your NEU allocation, the CERTIFICATION FORM TO BE SUBMITTED FOR DECLINE OF CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS, ASSISTANCE LISTING NUMBER 21.027 (Appendix G) must be submitted no later than **June 15, 2021**, to the Department of Accounts in electronic form to [GACCT@DOA.Virginia.gov](mailto:GACCT@DOA.Virginia.gov).**

If you have any questions about this process, you may contact my office at (804) 786-1148. If you have technical questions about the forms or the distribution of the funds, please contact Melinda Pearson, Director, General Accounting, Department of Accounts, at [Melinda.Pearson@DOA.Virginia.gov](mailto:Melinda.Pearson@DOA.Virginia.gov) or by phone at 804-225-2376.

**APPENDIX A: PRELIMINARY Estimates of the First Tranche of CSLFRF Allocations**

<b>Name</b>	<b>Total Population of the NEU</b>	<b>First Tranche of NEU Funds to Distribute (Rounded)</b>	<b>NEU Recipient Number</b>
Abingdon	7,867	\$4,081,072	VA0001
Accomac	485	\$251,598	VA0002
Alberta	270	\$140,065	VA0003
Altavista	3,406	\$1,766,891	VA0004
Amherst	2,180	\$1,130,893	VA0005
Appalachia	1,533	\$795,257	VA0006
Appomattox	1,794	\$930,652	VA0007
Ashland	7,875	\$4,085,222	VA0008
Bedford	6,597	\$3,422,249	VA0009
Belle Haven	502	\$260,417	VA0010
Berryville	4,371	\$2,267,493	VA0011
Big Stone Gap	5,132	\$2,662,268	VA0012
Blackstone	3,329	\$1,726,946	VA0013
Bloxom	366	\$189,866	VA0014
Bluefield	4,837	\$2,509,234	VA0015
Boones Mill	233	\$120,871	VA0016
Bowling Green	1,175	\$609,541	VA0017
Boyce	627	\$325,261	VA0018
Boydton	411	\$213,210	VA0019
Boykins	526	\$272,867	VA0020
Branchville	115	\$59,657	VA0021
Bridgewater	6,145	\$3,187,770	VA0022
Broadway	3,978	\$2,063,621	VA0023
Brodnax	268	\$139,027	VA0024
Brookneal	1,098	\$569,597	VA0025
Buchanan	1,174	\$609,022	VA0026
Buena Vista	6,478	\$3,360,516	VA0027
Burkeville	399	\$206,985	VA0028
Cape Charles	1,019	\$528,615	VA0029
Capron	151	\$78,333	VA0030
Cedar Bluff	1,002	\$519,796	VA0031
Charlotte Court House	512	\$265,604	VA0032
Chase City	2,215	\$1,149,050	VA0033
Chatham	1,427	\$740,268	VA0034
Cheriton	448	\$232,404	VA0035
Chilhowie	1,702	\$882,927	VA0036
Chincoteague	2,875	\$1,491,430	VA0037
Claremont	336	\$174,303	VA0038
Clarksville	1,166	\$604,872	VA0039
Cleveland	175	\$90,783	VA0040

Clifton	293	\$151,996	VA0041
Clifton	3,494	\$1,812,542	VA0042
Clinchco	294	\$152,515	VA0043
Clinchport	64	\$33,201	VA0044
Clintwood	1,284	\$666,086	VA0045
Coeburn	1,845	\$957,109	VA0046
Colonial Beach	3,619	\$1,877,386	VA0047
Courtland	1,215	\$630,291	VA0048
Covington	5,538	\$2,872,884	VA0049
Craigsville	931	\$482,964	VA0050
Crewe	2,129	\$1,104,436	VA0051
Culpeper	18,873	\$9,790,526	VA0052
Damascus	775	\$402,038	VA0053
Dayton	1,637	\$849,207	VA0054
Dendron	247	\$128,133	VA0055
Dillwyn	442	\$229,291	VA0056
Drakes Branch	501	\$259,898	VA0057
Dublin	2,584	\$1,340,471	VA0058
Duffield	83	\$43,057	VA0059
Dumfries	5,922	\$3,072,087	VA0060
Dungannon	298	\$154,590	VA0061
Eastville	339	\$175,859	VA0062
Edinburg	1,070	\$555,071	VA0063
Elkton	2,903	\$1,505,955	VA0064
Emporia	5,346	\$2,773,282	VA0065
Exmore	1,372	\$711,736	VA0066
Fairfax	24,019	\$12,460,056	VA0067
Falls Church	14,617	\$7,582,690	VA0068
Farmville	7,846	\$4,070,178	VA0069
Fincastle	341	\$176,897	VA0070
Floyd	436	\$226,179	VA0071
Franklin	7,967	\$4,132,948	VA0072
Fries	446	\$231,366	VA0073
Front Royal	15,278	\$7,925,590	VA0074
Galax	6,347	\$3,292,559	VA0075
Gate City	1,869	\$969,559	VA0076
Glade	1,406	\$729,374	VA0077
Glasgow	1,103	\$572,190	VA0078
Glen Lyn	97	\$50,320	VA0079
Gordonsville	1,624	\$842,464	VA0080
Goshen	368	\$190,903	VA0081

Gretna	1,190	\$617,322	VA0082
Grottoes	2,860	\$1,483,649	VA0083
Grundy	899	\$466,364	VA0084
Halifax	1,210	\$627,698	VA0085
Hallwood	200	\$103,752	VA0086
Hamilton	629	\$326,299	VA0087
Haymarket	1,676	\$869,439	VA0088
Haysi	465	\$241,223	VA0089
Herndon	24,601	\$12,761,973	VA0090
Hillsboro	169	\$87,670	VA0091
Hillsville	2,661	\$1,380,416	VA0092
Honaker	1,318	\$683,723	VA0093
Hurt	1,223	\$634,441	VA0094
Independence	892	\$462,732	VA0095
Iron Gate	357	\$185,197	VA0096
Irvington	398	\$206,466	VA0097
Ivor	316	\$163,928	VA0098
Jarratt	572	\$296,730	VA0099
Jonesville	928	\$481,408	VA0100
Keller	169	\$87,670	VA0101
Kenbridge	1,197	\$620,954	VA0102
Keysville	781	\$405,150	VA0103
Kilmarnock	1,394	\$723,149	VA0104
La Crosse	575	\$298,286	VA0105
Lawrenceville	1,020	\$529,133	VA0106
Lebanon	3,147	\$1,632,532	VA0107
Lexington	7,446	\$3,862,674	VA0108
Louisa	1,733	\$899,008	VA0109
Lovettsville	2,198	\$1,140,231	VA0110
Luray	4,848	\$2,514,940	VA0111
Madison	241	\$125,021	VA0112
Manassas	41,085	\$21,313,185	VA0113
Manassas Park	17,478	\$9,066,858	VA0114
Marion	5,559	\$2,883,777	VA0115
Martinsville	12,554	\$6,512,492	VA0116
McKenney	489	\$253,673	VA0117
Melfa	387	\$200,759	VA0118
Middleburg	834	\$432,644	VA0119
Middletown	1,396	\$724,187	VA0120
Mineral	523	\$271,311	VA0121
Monterey	136	\$70,551	VA0122

Montross	390	\$202,316	VA0123
Mount Crawford	458	\$237,591	VA0124
Mount Jackson	2,118	\$1,098,730	VA0125
Narrows	1,952	\$1,012,616	VA0126
Nassawadox	478	\$247,966	VA0127
New Castle	153	\$79,370	VA0128
New Market	2,253	\$1,168,762	VA0129
Newsoms	297	\$154,071	VA0130
Nickelsville	360	\$186,753	VA0131
Norton	3,981	\$2,065,177	VA0132
Occoquan	1,086	\$563,372	VA0133
Onancock	1,211	\$628,216	VA0134
Onley	500	\$259,379	VA0135
Orange	5,096	\$2,643,592	VA0136
Painter	224	\$116,202	VA0137
Pamplin City	228	\$118,277	VA0138
Parksley	808	\$419,157	VA0139
Pearisburg	2,636	\$1,367,447	VA0140
Pembroke	1,081	\$560,778	VA0141
Pennington Gap	1,721	\$892,783	VA0142
Phenix	213	\$110,496	VA0143
Pocahontas	353	\$183,122	VA0144
Poquoson	12,271	\$6,365,683	VA0145
Port Royal	206	\$106,864	VA0146
Pound	918	\$476,220	VA0147
Pulaski	8,714	\$4,520,460	VA0148
Purcellville	10,178	\$5,279,922	VA0149
Quantico	553	\$286,873	VA0150
Remington	658	\$341,343	VA0151
Rich Creek	741	\$384,400	VA0152
Richlands	5,234	\$2,715,181	VA0153
Ridgeway	693	\$359,500	VA0154
Rocky Mount	4,724	\$2,450,614	VA0155
Round Hill	656	\$340,305	VA0156
Rural Retreat	1,448	\$751,162	VA0157
Salem	25,301	\$13,125,104	VA0158
Saltville	1,901	\$986,160	VA0159
Saxis	231	\$119,833	VA0160
Scottsburg	128	\$66,401	VA0161
Scottsville	618	\$320,593	VA0162
Shenandoah	2,331	\$1,209,226	VA0163



Smithfield	8,475	\$4,396,477	VA0164
South Boston	7,588	\$3,936,338	VA0165
South Hill	4,349	\$2,256,080	VA0166
St. Charles	110	\$57,063	VA0167
St. Paul	851	\$441,463	VA0168
Stanardsville	386	\$200,241	VA0169
Stanley	1,673	\$867,883	VA0170
Stephens City	2,063	\$1,070,198	VA0171
Stony Creek	178	\$92,339	VA0172
Strasburg	6,676	\$3,463,231	VA0173
Stuart	1,271	\$659,342	VA0174
Surry	218	\$113,089	VA0175
Tangier	701	\$363,650	VA0176
Tappahannock	2,402	\$1,246,057	VA0177
Tazewell	4,141	\$2,148,178	VA0178
The Plains	236	\$122,427	VA0179
Timberville	2,691	\$1,395,979	VA0180
Toms Brook	272	\$141,102	VA0181
Troutdale	166	\$86,114	VA0182
Troutville	427	\$221,510	VA0183
Urbanna	458	\$237,591	VA0184
Victoria	1,626	\$843,501	VA0185
Vienna	16,485	\$8,551,731	VA0186
Vinton	8,104	\$4,204,017	VA0187
Virgilina	137	\$71,070	VA0188
Wachapreague	223	\$115,683	VA0189
Wakefield	825	\$427,976	VA0190
Warrenton	10,027	\$5,201,590	VA0191
Warsaw	1,486	\$770,875	VA0192
Washington	127	\$65,882	VA0193
Waverly	1,953	\$1,013,135	VA0194
Weber City	1,211	\$628,216	VA0195
West Point	3,257	\$1,689,596	VA0196
White Stone	331	\$171,709	VA0197
Williamsburg	14,954	\$7,757,512	VA0198
Windsor	2,758	\$1,430,735	VA0199
Wise	2,906	\$1,507,512	VA0200
Woodstock	5,258	\$2,727,631	VA0201
Wytheville	7,921	\$4,109,085	VA0202

## **APPENDIX B: FEDERAL REPORTING REQUIREMENTS**

**Your entity will need a DUNS number to meet your federal reporting requirements related to CSLFRF.**

If your entity already has a DUNS number, and you need to verify it, please visit <https://fedgov.dnb.com/webform/CCRSearch.do> and follow the prompts under the Company Lookup tab to obtain your entity's registered DUNS number.

If your entity does not have a DUNS number, and you need to establish one, please visit <https://www.dnb.com/duns-number/get-a-duns.html> and follow the prompts to request a DUNS number.

**Once you receive a valid DUNS number, your entity must also register in SAM.gov as soon as possible after receiving the award, to support efficient reporting to Treasury.**

NEUs are considered prime recipients of CSLFRF funding distributed from the Commonwealth and are required to file an annual project and expenditure report. Per Treasury guidance, *"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."*

Treasury has indicated that additional reporting instructions should be forthcoming.

## **APPENDIX C: AWARD TERMS AND CONDITIONS**

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

#### **1. Use of Funds.**

- a. Recipient understands and agrees that the funds disbursed under this award may only be used in compliance with section 603(c) of the Social Security Act (the Act), Treasury's regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
- b. Recipient will determine prior to engaging in any project using this assistance that it has the institutional, managerial, and financial capability to ensure proper planning, management, and completion of such project.

#### **2. Period of Performance.**

The period of performance for this award begins on the date hereof and ends on December 31, 2026. As set forth in Treasury's implementing regulations, Recipient may use award funds to cover eligible costs incurred during the period that begins on March 3, 2021, and ends on December 31, 2024.

#### **3. Reporting.**

Recipient agrees to comply with any reporting obligations established by Treasury as they relate to this award.

#### **4. Maintenance of and Access to Records**

- a. Recipient shall maintain records and financial documents sufficient to evidence compliance with section 603(c) of the Act, Treasury's regulations implementing that section, and guidance issued by Treasury regarding the foregoing.
- b. The Treasury Office of Inspector General and the Government Accountability Office, or their authorized representatives, shall have the right of access to records (electronic and otherwise) of Recipient in order to conduct audits or other investigations.
- c. Records shall be maintained by Recipient for a period of five (5) years after all funds have been expended or returned to Treasury, whichever is later.

#### **5. Pre-award Costs.**

Pre-award costs, as defined in 2 C.F.R. § 200.458, may not be paid with funding from this award.

#### **6. Administrative Costs.**

Recipient may use funds provided under this award to cover both direct and indirect costs.

## **7. Cost Sharing.**

Cost sharing or matching funds are not required to be provided by Recipient.

## **8. Conflicts of Interest.**

Recipient understands and agrees it must maintain a conflict of interest policy consistent with 2 C.F.R. § 200.318(c) and that such conflict of interest policy is applicable to each activity funded under this award. Recipient and subrecipients must disclose in writing to Treasury or the pass-through entity, as appropriate, any potential conflict of interest affecting the awarded funds in accordance with 2 C.F.R. § 200.112.

## **9. Compliance with Applicable Law and Regulations.**

a. Recipient agrees to comply with the requirements of section 603 of the Act, regulations adopted by Treasury pursuant to section 603(f) of the Act, and guidance issued by Treasury regarding the foregoing. Recipient also agrees to comply with all other applicable federal statutes, regulations, and executive orders, and Recipient shall provide for such compliance by other parties in any agreements it enters into with other parties relating to this award.

b. Federal regulations applicable to this award include, without limitation, the following:

- i. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. Part 200, other than such provisions as Treasury may determine are inapplicable to this Award and subject to such exceptions as may be otherwise provided by Treasury. Subpart F – Audit Requirements of the Uniform Guidance, implementing the Single Audit Act, shall apply to this award.
- ii. Universal Identifier and System for Award Management (SAM), 2 C.F.R. Part 25, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 25 is hereby incorporated by reference.
- iii. Reporting Subaward and Executive Compensation Information, 2 C.F.R. Part 170, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 170 is hereby incorporated by reference.
- iv. OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement), 2 C.F.R. Part 180, including the requirement to include a term or condition in all lower tier covered transactions (contracts and subcontracts described in 2 C.F.R. Part 180, subpart B) that the award is subject to 2 C.F.R. Part 180 and Treasury's implementing regulation at 31 C.F.R. Part 19.
- v. Recipient Integrity and Performance Matters, pursuant to which the award term set forth in 2 C.F.R. Part 200, Appendix XII to Part 200 is hereby incorporated by reference.
- vi. Governmentwide Requirements for Drug-Free Workplace, 31 C.F.R. Part 20.
- vii. New Restrictions on Lobbying, 31 C.F.R. Part 21.
- viii. Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. §§ 4601-4655) and implementing regulations.
- ix. Generally applicable federal environmental laws and regulations.

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c. Statutes and regulations prohibiting discrimination applicable to this award include, without limitation, the following:

i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;

ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;

iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;

iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance; and

v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto.

## **10. Remedial Actions.**

In the event of Recipient's noncompliance with section 603 of the Act, other applicable laws, Treasury's implementing regulations, guidance, or any reporting or other program requirements, Treasury may impose additional conditions on the receipt of a subsequent tranche of future award funds, if any, or take other available remedies as set forth in 2 C.F.R. § 200.339. In the case of a violation of section 603(c) of the Act regarding the use of funds, previous payments shall be subject to recoupment as provided in section 603(e) of the Act.

## **11. Hatch Act.**

Recipient agrees to comply, as applicable, with requirements of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328), which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by this federal assistance.

## **12. False Statements.**

Recipient understands that making false statements or claims in connection with this award is a violation of federal law and may result in criminal, civil, or administrative sanctions, including fines, imprisonment, civil damages and penalties, debarment from participating in federal awards or contracts, and/or any other remedy available by law.

### **13. Publications.**

Any publications produced with funds from this award must display the following language: "This project [is being] [was] supported, in whole or in part, by federal award number [enter project FAIN] awarded to [name of Recipient] by the U.S. Department of the Treasury."

### **14. Debts Owed the Federal Government.**

a. Any funds paid to Recipient (1) in excess of the amount to which Recipient is finally determined to be authorized to retain under the terms of this award; (2) that are determined by the Treasury Office of Inspector General to have been misused; or (3) that are determined by Treasury to be subject to a repayment obligation pursuant to section 603(e) of the Act and have not been repaid by Recipient shall constitute a debt to the federal government.

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

### **15. Disclaimer.**

a. The United States expressly disclaims any and all responsibility or liability to Recipient or third persons for the actions of Recipient or third persons resulting in death, bodily injury, property damages, or any other losses resulting in any way from the performance of this award or any other losses resulting in any way from the performance of this award or any contract, or subcontract under this award.

b. The acceptance of this award by Recipient does not in any way establish an agency relationship between the United States and Recipient.

### **16. Protections for Whistleblowers.**

a. In accordance with 41 U.S.C. § 4712, Recipient may not discharge, demote, or otherwise discriminate against an employee in reprisal for disclosing to any of the list of persons or entities provided below, information that the employee reasonably believes is evidence of gross mismanagement of a federal contract or grant, a gross waste of federal funds, an abuse of authority relating to a federal contract or grant, a substantial and specific danger to public health or safety, or a violation of law, rule, or regulation related to a federal contract (including the competition for or negotiation of a contract) or grant.

b. The list of persons and entities referenced in the paragraph above includes the following:

- i. A member of Congress or a representative of a committee of Congress;
- ii. An Inspector General;
- iii. The Government Accountability Office;
- iv. A Treasury employee responsible for contract or grant oversight or management;
- v. An authorized official of the Department of Justice or other law enforcement agency;

vi. A court or grand jury; or

vii. A management official or other employee of Recipient, contractor, or subcontractor who has the responsibility to investigate, discover, or address misconduct.

c. Recipient shall inform its employees in writing of the rights and remedies provided under this section, in the predominant native language of the workforce.

**17. Increasing Seat Belt Use in the United States.**

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

**18. Reducing Text Messaging While Driving.**

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

## **APPENDIX D: ASSURANCES OF COMPLIANCE WITH CIVIL RIGHTS REQUIREMENTS**

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

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

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

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

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



5. Recipient acknowledges and agrees that it must require any sub-grantees, contractors, subcontractors, successors, transferees, and assignees to comply with assurances 1-4 above, and agrees to incorporate the following language in every contract or agreement subject to Title VI and its regulations between the Recipient and the Recipient's sub-grantees, contractors, subcontractors, successors, transferees, and assignees:

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

6. Recipient understands and agrees that if any real property or structure is provided or improved with the aid of federal financial assistance by the Department of the Treasury, this assurance obligates the Recipient, or in the case of a subsequent transfer, the transferee, for the period during which the real property or structure is used for a purpose for which the federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. If any personal property is provided, this assurance obligates the Recipient for the period during which it retains ownership or possession of the property.

7. Recipient shall cooperate in any enforcement or compliance review activities by the Department of the Treasury of the aforementioned obligations. Enforcement may include investigation, arbitration, mediation, litigation, and monitoring of any settlement agreements that may result from these actions. The Recipient shall comply with information requests, on-site compliance reviews and reporting requirements.

8. Recipient shall maintain a complaint log and inform the Department of the Treasury of any complaints of discrimination on the grounds of race, color, or national origin, and limited English proficiency covered by Title VI of the Civil Rights Act of 1964 and implementing regulations and provide, upon request, a list of all such reviews or proceedings based on the complaint, pending or completed, including outcome. Recipient also must inform the Department of the Treasury if Recipient has received no complaints under Title VI.

9. Recipient must provide documentation of an administrative agency's or court's findings of non-compliance of Title VI and efforts to address the non-compliance, including any voluntary compliance or other agreements between the Recipient and the administrative agency that made the finding. If the Recipient settles a case or matter alleging such discrimination, the Recipient must provide documentation of the settlement. If Recipient has not been the subject of any court or administrative agency finding of discrimination, please so state.

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

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

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

#### PAPERWORK REDUCTION ACT NOTICE

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

## APPENDIX E: CERTIFICATION FOR USE OF CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUND

### CERTIFICATION for RECEIPT of

### CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUND PAYMENTS

We the undersigned certify that:

1. we have the authority to request direct payment on behalf of the locality from the Commonwealth of Virginia of revenues from the Coronavirus State and Local Fiscal Recovery Fund (CSLFRF) pursuant to sections 602 and 603 of the Social Security Act, as added by section 9901 of the American Rescue Plan Act of 2021.
2. we understand that the Commonwealth of Virginia will rely on this certification as a material representation in making a direct payment to the locality.
3. the locality 's proposed uses of the funds received as direct payment from the Commonwealth of Virginia under section 601(b) of the Social Security Act will be used only to cover those costs that:
  - **Support public health expenditures**, by, for example, funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff
  - **Address negative economic impacts caused by the public health emergency**, including economic harms to workers, households, small businesses, impacted industries, and the public sector
  - **Replace lost public sector revenue**, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic
  - **Provide premium pay for essential workers**, offering additional support to those who have and will bear the greatest health risks because of their service in critical infrastructure sectors
  - **Invest in water, sewer, and broadband infrastructure**, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet
4. any funds that are not expended or that will not be expended on necessary expenditures incurred by December 31, 2024, by the locality or its grantee(s), must be returned to the federal government in accordance with applicable current and future federal directives.
5. we understand that the locality will receive two separate distributions of CSLFRF payments from the Commonwealth, adhering to an approved timeframe of the Commonwealth receiving the funds from Treasury.
6. funds received from the Commonwealth of Virginia pursuant to this certification must adhere to official federal guidance issued or to be issued regarding what constitutes a necessary expenditure.

7. any CSLFRF funds expended by the locality or its grantee(s) in any manner that does not adhere to official federal guidance must be returned to the federal government in accordance with applicable current and future federal directives.
8. as a condition of receiving the CSLFRF funds pursuant to this certification, the locality shall retain copies of all signed certifications and actual budget documents validating the top-line budget provided to the Commonwealth.
9. the NEU must maintain proper accounting records to segregate these expenditures from those supported by other fund sources and that all such records will be subject to audit.
10. any CSLFRF funds received pursuant to this certification will not be used for expenditures for which the locality has received funds from any other emergency COVID-19 supplemental funding (whether state, federal, or private in nature) for that same expense nor may CSLFRF funds be used for purposes of matching other federal funds unless specifically authorized by federal statute, regulation, or guideline.
11. our entity is not considered a subrecipient of the Commonwealth of Virginia, and no monitoring process by the Commonwealth is required under this Act.

**APPENDIX F: CERTIFICATION FORM TO BE SUBMITTED FOR PAYMENT OF CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS, ASSISTANCE LISTING NUMBER 21.027**

We certify that we have received, read and understand the Memorandum dated June 9, 2021 from Secretary Aubrey L. Layne, Jr. re: Allocations of Coronavirus State and Local Fiscal Recovery Funds to Non-Entitlement Units of Government Pursuant to the Federal American Rescue Plan Act.

Further, we certify that we have received, read, and agree to:

- Appendix C: AWARD TERMS AND CONDITIONS
- Appendix D: ASSURANCES OF COMPLIANCE WITH CIVIL RIGHTS REQUIREMENTS
- Appendix E: CERTIFICATION FOR USE OF CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUND

The below certification is complete, and our statements contained herein are true and correct to the best of our knowledge.

_____ <b>Local Government Name</b>	_____ <b>Local Government Street Address</b>
	_____ <b>Local Government City, State, Zip</b>
_____ <b>DUNS Number (NEU Recipient Number)</b>	_____ <b>Taxpayer Identification Number</b>

\$ \_\_\_\_\_ (rounded to the nearest dollar)

**Top-Line Budget (defined as your local government's total annual operating budget, including the general fund and other funds, in effect as of January 27, 2020)**

_____ <b>Authorized Representative Name and Title</b>	_____ <b>Authorized Representative Email</b>
_____ <b>Authorized Representative Signature</b>	_____ <b>Date</b>
_____ <b>Fiscal Contact Name and Title</b>	_____ <b>Fiscal Contact Email</b>
_____ <b>Fiscal Contact Signature</b>	_____ <b>Date</b>

*\*Electronic signatures will be accepted in digital, electronic, or scanned format. Your typed name in the Signature field represents your electronic signature. By typing your name in the Signature field, you agree your electronic signature is the equivalent of your manual/handwritten signature on this form.\**

**APPENDIX G: CERTIFICATION FORM TO BE SUBMITTED FOR DECLINE OF CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS, ASSISTANCE LISTING NUMBER 21.027**

We certify that we have received, read and understand the Memorandum dated June 9, 2021 from Secretary Aubrey L. Layne, Jr. re: Allocations of Coronavirus State and Local Fiscal Recovery Funds to Non-Entitlement Units of Government Pursuant to the Federal American Rescue Plan Act.

Further, it is our intention to DECLINE our NEU allocation of CSLFRF funding from the Commonwealth.

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**Local Government Name**

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**Local Government Street Address**

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**Local Government City, State, Zip**

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**Authorized Representative Name and Title**

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**Authorized Representative Email**

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**Authorized Representative Signature**

---

**Date**

---

**Fiscal Contact Name and Title**

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**Fiscal Contact Email**

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**Fiscal Contact Signature**

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**Date**

*\*Electronic signatures will be accepted in digital, electronic, or scanned format. Your typed name in the Signature field represents your electronic signature. By typing your name in the Signature field, you agree your electronic signature is the equivalent of your manual/handwritten signature on this form.\**