

Introduced by: Mr. Cartier
Date of introduction: May 26, 2020

EMERGENCY ORDINANCE NO. 20-008

AMEND THE GRANTS BUDGET: APPROPRIATE \$85,350,000 FROM THE UNITED STATES DEPARTMENT OF TREASURY TO THE CORONAVIRUS RELIEF FUND GRANT TO RESPOND TO THE COVID-19 PUBLIC HEALTH EMERGENCY, TO BE ADMINISTERED BY THE OFFICE OF FINANCE

WHEREAS, the Centers for Disease Control and Prevention (“CDC”) has determined that a novel coronavirus SARS-CoV-2, which causes a coronavirus disease named COVID-19, is a serious threat to public health, and has advised the public to minimize interactions with others and employ social distancing practices to help mitigate community spread of the COVID-19 virus; and

WHEREAS, on March 12, 2020, Governor John Carney issued a *Declaration of a State of Emergency* (the “Emergency Declaration”), which he subsequently extended on May 8, 2020 until further notice, due to the public health threat of COVID-19, and on March 23, 2020, issued a *Declaration of a Public Health Emergency for the State of Delaware* due to the public health emergency caused by COVID-19; and

WHEREAS, the President of the United States signed the federal Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) into law on March 27, 2020; the CARES Act establishes, among other things, the Coronavirus Relief Fund, which provides monies to state governments and units of local government with populations 500,000 or greater to cover costs that: 1) are necessary expenditures incurred due to the COVID-19 public health emergency; 2) were not accounted for in the government’s budget most recently approved as of March 27, 2020; and 3) were incurred during the period March 1, 2020 through December 30, 2020 (“COVID-19 related expenditures”); and

WHEREAS, the CARES Act requires the United States Department of Treasury (“Department of Treasury”) to regulate, administer, and disburse Coronavirus Relief Fund monies; and

WHEREAS, New Castle County government is an eligible recipient of Coronavirus Relief Fund monies because its population exceeds 500,000, and New Castle County government has received \$322,766,668.80 of Coronavirus Relief Fund grant monies from the Department of Treasury; and

WHEREAS, expedited appropriation and deployment of a portion of the Coronavirus Relief Fund grant monies is necessary to respond to the ongoing public health emergency created by the COVID-19 pandemic; and

WHEREAS, County Council finds that this Emergency Ordinance is necessary to meet the public emergency created by the COVID-19 pandemic which has severely affected the life, health, property, and the public peace of New Castle County’s employees and residents.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS
(10/13ths of all Council members voting in the affirmative):

Section 1. Under the authority of 9 *Del. C.* § 1157 (“Emergency ordinances”), New Castle County Council declares that an emergency exists in that COVID-19 poses a serious threat to the life, health, property, and public peace of New Castle County, which necessitates immediate appropriation of \$85,350,000 of the \$322,766,668.80 received from the Department of Treasury, for the purpose of facilitating the immediate use of the funds to respond to the public health emergency created by COVID-19.

Section 2. For up to 61 days following the adoption of this Ordinance, New Castle County Council provides that the Grants Budget, as adopted by Ordinance No. 75-173, is hereby amended by adding the material on the attached “Exhibit A,” which shall be considered underscored in its entirety, attached hereto and made a part thereof.

Section 3. The Office of Finance is hereby authorized to administer and use the Coronavirus Relief Fund grant monies to cover costs that: 1) are necessary expenditures incurred due to the COVID-19 public health emergency; 2) were not accounted for in the County’s budget most recently approved as of March 27, 2020; and 3) were incurred during the period March 1, 2020 through December 30, 2020 (“COVID-19 related expenditures”). The Office of Finance is further authorized to administer and use the grant monies consistent with guidance from the Department of Treasury and any binding legal authority.

Section 4. This Ordinance shall become effective immediately upon its adoption by affirmative votes of at least ten members of County Council and shall stand automatically repealed as of the 61st day following the date of its adoption, which shall not prevent reenactment of the Ordinance.

Adopted by County Council of
New Castle County on:

President of County Council
of New Castle County

Approved on:

County Executive
New Castle County

SYNOPSIS: This Emergency Ordinance, if approved, will appropriate \$85,350,000 of the \$322,766,668.80 received from the United States Department of Treasury to the Coronavirus Relief Fund grant, which will be administered by the Office of Finance. Monies within the Coronavirus Relief Fund grant shall be utilized in accordance with the federal CARES Act, which permits New Castle County to use the monies to cover costs that: 1) are necessary expenditures incurred due to the COVID-19 public health emergency; 2) were not accounted for in New Castle County's budget most recently approved as of March 27, 2020; and 3) were incurred during the period March 1, 2020 through December 30, 2020. The CARES Act also allows New Castle County to transfer the funds to municipalities within New Castle County pursuant to the same requirements. New Castle County will also use the funds in accordance with guidance issued by the Department of Treasury and any other binding legal authority.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating \$85,350,000 from the United States Department of Treasury to the Coronavirus Relief Fund grant.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of \$85,350,000. This increase will affect FY2020 and FY2021 since the targeted program completion date is December 30, 2020. There will be no fiscal impact beyond FY2021 as a result of this grant award. There will be no fiscal impact on the Operating Budget(s) as a result of approving this grant.

Object Level	Federal		County		State		Total	
	<i>Initial</i>	<i>Revised</i>	<i>Initial</i>	<i>Revised</i>	<i>Initial</i>	<i>Revised</i>	<i>Initial</i>	<i>Revised</i>
11-Salaries and Wages	\$9,250,000.00						\$9,250,000.00	
15-Employee Benefits	1,675,000.00						1,675,000.00	
22-Training/Civic Affairs								
23-Comm/Utilities	500,000.00						500,000.00	
24-Materials/Supplies	20,000,000.00						20,000,000.00	
25-Contractual Services	10,000,000.00						10,000,000.00	
26-Equip Replacement	5,000,000.00						5,000,000.00	
27-Grants/Fixed Charges	18,925,000.00						18,925,000.00	
28-Land and Structures								
29-Contingencies	20,000,000.00						20,000,000.00	
Total:	\$85,350,000.00						\$85,350,000.00	

Supplemental Information

Estimated Program Initiation: 03/01/2020

Estimated Program Completion: 12/30/2020

Local Match: N/A

Found in: 030202 – Finance/Budget

Code #:

Ordinance Passed:

Date Revised:

PROGRAM DESCRIPTION:

Funding will be used by the New Castle County Department of Administration to cover costs that are necessary expenditures incurred due to the COVID-19 public health emergency; were not accounted for in the government's budget most recently approved as of March 27, 2020 and were incurred during the period of March 1, 2020 through December 30, 2020 (COVID-19 related expenditures).

PROGRAM EXPENDITURES – Eligible expenditures include, but are not limited to:

11 - Salaries and Wages

Hero's Pay for eligible employees; employees moved full-time/part-time to COVID-19 activities; new hires for COVID-19 specific activities such as grant management/oversight

15 - Benefits

Related benefit expenses for Salaries and Wages

23 - Communications/Utilities

WiFi expenses related to added Hot Spots; Smart Phone services; utilities

24 - Materials/Supplies

Personal protective equipment; test kits; cubicle barriers; cleaning/disinfecting supplies; office supplies; computer supplies; reimburse COVID-19 materials/supplies expenses to date

25 - Contractual Services

Outside legal counsel; financial services; grants administration; auditing services; testing services; printing costs; reimburse COVID-19 contractual expenses to date

26 - Equipment Replacement

Laptops; docking stations; monitors; phones; testing machines; reimburse COVID-19 equipment expenses to date

27 - Fixed Charges/Grants

Grants to municipalities and fire companies; Hero's pay for eligible employees in municipalities and fire companies; reimburse grant expenses to date (Delaware Community Foundation; Housing Trust Fund)

29 - Contingencies

\$20,000,000.00 to be transferred to object levels, as needed