LINCOLNVILLE SELECTMEN'S MEETING
August 23, 2021
Immediately Following 6PM Special Town Meeting @ Lincolnville Town Office

1. Citizens' Forum

2. Administrator's Report

3. Meetings & Announcements:

Planning Board Site Walk	Wed.	08/25	6:00PM	Gathering @ Town Office
Planning Board Meeting	Wed.	08/25	7:00PM	Town Office
Recreation Commission	Thurs.	09/02	5:30PM	TBD
Planning Board	Wed.	09/08	7:00PM	Town Office
Conservation Commission	Thurs	09/09	4:00PM	Town Office
Board of Selectmen	Mon.	09/13	6:00PM	Town Office

4. Upcoming Community Events

5. Meeting Minutes
   - August 9, 2021

6. West Bay Rotary Volunteer Project(s)

7. As Board of Assessors – Property Tax Commitment

8. Broadband Update
   - Broadband Committee
   - Midcoast Broadband Coalition

9. Winter Sand Bid Award

10. Discussion regarding Remote Meeting Policy

11. Discussion of Process for ARPA funds

12. Confirm Town Clerk's Appointment of Election Warden for November 2, 2021

13. Selectmen Update(s)

14. Treasurer's and Payroll Warrant(s)-Approve & Sign

15. Adjourn

It's never too late to do the right thing.
- *Nelson Mandela*

TOWN OF LINCOLNVILLE
SPECIAL TOWN MEETING WARRANT

TO: Karen Secotte, a resident of the Town of Lincolnville in the County of Waldo:

GREETINGS:
In the name of the State of Maine, you are hereby required to notify and warn the inhabitants of the Town of Lincolnville in said County and State, qualified by law to vote in Town affairs, to appear at the **Lincolnville Town Office, 493 Hope Road** in **Lincolnville, Maine** on **Monday, August 23, 2021 at 6:00 PM**, then and there to act upon the following articles:

ARTICLE 1. To elect a Moderator to preside at said meeting.

ARTICLE 2. To see if the Town will vote to appropriate an additional sum of $812 from the Local Road Assistance Program to reduce the property tax commitment for Fiscal Year 2022.

Board of Selectmen Recommends:	Approval of Article 2
Budget Committee Recommends:	Approval of Article 2

Explanatory Note: The State budget was not established prior to the June Annual Town Meeting and amount of money to be received from the State from the Local Road Assistance Program was not known. Town Meeting approved the use of $48,400 from the Local Road Assistance Program to reduce the property tax commitment. The State budget has now been approved and the total anticipated revenue from the Local Road Assistance Program will be $49,212.

ARTICLE 3. To see if the Town will vote to appropriate an additional sum of $35,631 from Municipal Revenue Sharing to reduce the property tax commitment for Fiscal Year 2022.

Board of Selectmen Recommends:	Approval of Article 3
Budget Committee Recommends:	Approval of Article 3

Explanatory Note: The State budget was not established prior to the June Annual Town Meeting and amount of money to be received from the State from the Municipal Revenue Sharing was not known. Town Meeting approved the use of $193,000 from Municipal Revenue Sharing to reduce the property tax commitment. The State budget has now been approved and the total anticipated revenue from Municipal Revenue Sharing will be $228,631.

Given under our hands at said Lincolnville, Maine, this 9th day of August, 2021.

Ladleah Dunn, Chairman

Keryn Laite, Jr., Vice Chairman

Joshua Gerritsen

D. Michael Ray

Jordan Barnett-Parker

A True Copy, ATTEST

David B. Kinney, Town Clerk

OFFICER'S RETURN FOR SPECIAL TOWN MEETING

WALDO, ss. STATE OF MAINE

I certify that I have notified the voters of the Town of Lincolnville of the time and place of the Special Town Meeting, August 23, 2021, by posting an attested copy of the Special Town Meeting Warrant at the following locations: Lincolnville Town Office, Beach and Center Post Offices, Lincolnville Center General Store, Drake Corner Store, Western Auto, and Mike's Align & Repair, being public and conspicuous places within the Town of Lincolnville, on August 13, 2021, which is at least seven (7) days prior to the date of the Special Town Meeting.

Dated at Lincolnville, Maine this 13th day of August, 2021.

By: Karen S. Secotte
Karen Secotte
Resident of the Town of Lincolnville

A TRUE COPY, ATTEST

David B. Kinney, Town Clerk

8.13.21
Date

To: Board of Selectmen

From: David Kinney, Town Administrator

Subject: Newsletter

Date: August 20, 2021

SPECIAL TOWN MEETING: 6:00, pm, Monday, August 23, 2021 at the Town Office

A copy of the Special Town Meeting Warrant is behind your meeting agenda.

Board of Selectmen Meeting: Immediately following Special Town Meeting, Monday, August 23, 2021 at the Town Office

AGENDA ITEMS:

1. N/A

2. N/A

3. N/A

4. N/A

5. See meeting minutes enclosed. The suggest motion is:

I move that the Board approve the August 9, 2021 meeting minutes as presented.

6. The West Bay Rotary is offering to provide volunteers to assist in preparing Penobscot Park for public use. We've discussed the volunteers assisting with vegetation management (brush trimming, bittersweet removal, etc.) and possibly, depending on capabilities of volunteers, carpentry work (rot repair, shingle replacement, etc. with picnic structures). JP Fecteau and Peter Lindquist will be present at the meeting to discuss the concept with the Board.

7. Annually the Board of Assessors must meet to set the tax rate, due dates, and sign the commitment papers. Vern Ziegler, Lincolnville's Assessors' Agent, has prepared the enclosed draft of the commitment papers. He will also be present at the meeting to answer any questions.

The net assessment for commitment is derived by adding together the County Tax, the Town Meeting approved Municipal Appropriation, the approved Education Appropriation, and the Overlay. From that figure, the Homestead Reimbursement, the BETE Reimbursement, and the Town Meeting approved other revenue are subtracted leaving the net assessment. For the Board of Assessors, the only discretionary number is the Overlay.

The Board of Assessors can set the overlay anywhere between zero and five percent of the net to be raised by property tax. The purpose of the overlay is to provide a mechanism to round off the tax rate to an even number, to cover the town in the event that some taxpayers do not pay their taxes on a timely basis, and to cover any tax abatements that the town may issue. The recommended amount of overlay amount is $138,367.20 (last year it was $147,896.84). Per the State Statute the overlay could be as high as $333,284.55. Any unused overlay at the end of the fiscal year is included as part of the unassigned fund balance and can then be used, with voter approval, to lower future property tax commitments.

The tax rate is determined by dividing the Net Assessment for Commitment by the Total Taxable Valuation. The tax rate proposed this year is 0.0151 ($15.10 per thousand). This tax rate would be lower than the rate last year (0.0154 or approximately 2% lower). Property owners that haven't altered their property should see a slightly lower property tax bill for the coming year.

The following table provides a percentage breakdown in general terms of where every property tax dollar is distributed:

	FY 22	FY 21	FY 20	FY19	FY 18	FY 17	FY 16	FY 15	FY 14	FY 13	FY 12
Waldo County	14.0	13.8	12.6	12.1	11.8	11.4	11.5	12.5	13.1	12.7	12.0
Municipal	13.1	13.4	14.7	15.3	16.3	16.9	16.7	17.1	17.1	18.4	18.7
Education	72.9	72.8	72.7	72.6	71.9	71.7	71.8	70.4	69.8	68.9	69.3

The suggested motion is: **I move that the Board of Assessors approve and sign the Assessors' Certification of Assessment, the 2021 Municipal Tax Assessment Warrant, the Certificate of Commitment and the Certificate of Assessment to be Returned to Municipal Treasurer as prepared by the Assessors' Agent establishing the tax rate for the fiscal year July 1, 2021 to June 30, 2022 at 0.0151 mils on the dollar and the due dates of October 6, 2021 and April 6, 2022 with interest at 6 percent per annum to be paid on any unpaid portion commencing on October 7, 2021 and April 7, 2022.**

After dispatching these items, it is appropriate to adjourn your meeting as the Board of Assessors and reconvene as the Board of Selectmen. A suggested motion to accomplish this would be**: I move that we adjourn our meeting as the Board of Assessors and reconvene as the Board of Selectmen.**

8. N/A

9. We have sought bids for the supply and stockpiling of winter sand. We received two bids as follows:

Brad Aitken & Sons	$11.85 per cubic yard
Farley Inc.	$11.50 per cubic yard

The Town has worked successfully with each of the contractors in the past. The bid prices are within the budgeted amounts. The Road Commissioner and I are recommending the project be awarded to the apparent low bidder. A suggested motion is: **I move that the 2021 winter sand**

supply and stockpiling bid be awarded to Farley Inc. of Rockport, Maine for the unit price of $11.50 per cubic yard.

10. As you know the ability of the Town conduct remote meetings as authorized by the emergency legislation regarding the State of Civil Emergency ended on July 30, 2021. Per the Board's earlier decision all meetings returned to in person. The applicable State statute has been amended to allow for remote participation/meeting with certain restrictions. The enclosed client alert from Jensen Baird, the amended statute, information from the Maine Municipal Association and a sample policy are enclosed. Given the current state of the pandemic and the possibility of in person gatherings being limited again, it may be prudent for the Board to consider adopting a policy regarding remote meetings. If this is something the Board would like to consider a draft policy can be prepared along with possible revisions to the reopening plan and the Board's Rules of Procedure. The policy would need to be the subject of a public hearing prior to adoption. If the Board would like to pursue the option I'd suggest that the public hearing be set for the Board's next meeting (September 13th). The suggested motion is: **I move that the Board conduct a public hearing concerning a possible policy for remote meetings on Monday, September 13, 2021 as part of our regular meeting.**

11. Selectman Ray requested that this item be included on the Board's agenda to discuss the process for determining the use of the anticipated American Rescue Plan Act (ARPA) funding. The Town anticipates receiving approximately $235,000 (over two years). The first payment has been delayed, see memo from the Maine Municipal Association enclosed. Also enclosed is an estimate sheet of the amount to be received, an article from the Maine Town & City magazine and the Compliance and Reporting Guidance from the U.S. Department of Treasury. As you will see the intended use of the funds while fairly broad has a number of certain restrictions.

The purpose of the relief is to:

- Support urgent COVID-19 response efforts to continue to decrease spread of the virus and bring the pandemic under control
- Replace lost revenue for eligible state, local, territorial, and Tribal governments 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

As I understand it, the Town may use these funds to:

- **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

The funds provide substantial flexibility for the Town to meet local needs—including support for households, small businesses, impacted industries, and essential workers hit by the crisis. A very good resource is Appendix 1 (starting on page 31) of the Compliance and Reporting Guidance.

At this juncture I would suggest that the Board move through this process slowly and methodically. Right now:

- we do not know when we will receive the funds
- we do not know all of the "strings" that will be attached
- the Town will also have until 2026 to expend funds
- the pandemic is still upon us and our priorities today may not be our priorities in the future

What I do suggest is that first the Board become well acquainted with the program, when the program is well known and understood that the Board seek public input on community priorities, and then the Board have discussions regarding priorities before it considers how and when to expend the funds. My recommendation for the next step would be for the Board to familiarize themselves with the program while we await any guidance that should be forthcoming when the State of Maine Department of Administrative and Financial Services is ready to disburse the funds.

12. Voting on State issues will be conducted on Tuesday, November 2, 2021. Prior to a Referendum Election the Town Clerk appoints an Election Warden with the approval of the municipal officers to oversee the polling place. The Warden must be: a U.S. citizen; at least 18 years of age; a registered voter of the municipality; not an officer of a municipal committee of a political party and not on the ballot or have an immediate relative on the ballot. All of that said as Town Clerk I would like to appoint myself as the Election Warden.

A suggested motion would be: **I move that the Board approve the Town Clerk's appointment of David Kinney as Election Warden for the November 2, 2021 Referendum Election.**

13. N/A

14. As this newsletter and packet is being prepared the Finance Director is on vacation so the warrants are not enclosed for your review. The warrants will be available for review at the meeting. The suggested motion is: **I move that the Board approve the Treasurer's and Payroll warrants.**

15. Suggested motion: **I move that we adjourn.**

NON-AGENDA ITEMS:

A) Maine Dot letter to property owner regarding the Jersey barriers adjacent to State Route 52.

B) Lincolnville Boat Club letter regarding State Route 52 crosswalk between the library and the boat club

C) LD 1522 – An Act to Update and Eliminate References in Statute to Selectmen and Overseers of the Poor. Selectman Gerritsen has requested a discussion of a similar measure for local items be conducted at the September 13th Board meeting.

D) Animal Control Officer July log

E) Jensen Baird invitation to Client Seminar – If you care to attend please let me know and we will register you.

5

BOARD OF SELECTMEN
MINUTES OF MEETING
August 9, 2021

Present: Chair, Ladleah Dunn, Vice-Chair, Keryn Laite, Jr., Mike Ray, Jordan Barnett-Parker, and Town Administrator, David Kinney

Excused: Josh Gerritsen

Selectman Barnett-Parker read the quote.

1. **Citizens' Forum**:

   None

2. **Administrator's Report:**

   None

3. **Meetings & Announcements:**

   Administrator Kinney read the meetings and announcements. He noted that the Planning Board would not be meeting Aon August 11th.

4. **Upcoming Community Events:**

   The committal service for David Barrows will be conducted at 3Pm on August 14th in Fletcher Cemetery on High Street with a reception at the Center Community Building following the service.

   The LIA Blueberry Wind Ding will be held Saturday morning at the Lobster Pound.

5. **Meeting Minutes – July 26, 2021**:

   Laite made a motion, seconded by Barnett-Parker, that the Board approves the July 26, 2021 meeting minutes as presented. The motion passed on a 3-0-1 vote (Ray abstained).

6. **Board, Committee, and Commission Appointments**:

   Recreation Commission:

   Barnett-Parker made a motion, seconded by Laite, to appoint Doug Grant to the Recreation Commission as a regular member with a term expiring June 2024. The motion passed on a 4-0-0 vote.

7. **Broadband Committee Discussion of RFP for Broadband Consultant:**

Selectman Ray reviewed the draft RFP and suggested that the committee would like to utilize some staff time to assist in the preparation. The committee hopes to plans to pursue funding sources.

Barnett-Parker stated that he would like to see technical information on the existing infrastructure under #7. He stated that the report would present the town as a whole but a project could be incremental with the goal being 100 mbps symmetrical.

Dunn suggested that the final RFP contain outcomes, goals, statement of purpose and/or a thesis statement.

Committee to schedule a meeting with Town Administrator to seek assistance in completing draft RFP and then the draft would come back to the Board.

8. **Application for Qualified Catering:**

Motion by Ray, second by Barnett-Parker, that the Board approve and sign the Qualified Catering Organization Application for Catered Function as submitted by 111 Maine Catering for an event occurring at 24 Stonecoast Road on August 14, 2021 between the hours of 3:30PM and 10PM. The motion passed on a 4-0-0 vote.

The Board reminded Kinney that the Board's preference is that applicant attendance be requested and that approval is not a forgone conclusion.

9. **Review and Approve Special Town Meeting Warrant for August 23, 2021:**

Motion by Laite, second by Barnett-Parker, that the Board approve and sign the Special Town Meeting warrant for a town meeting to be held at 6PM on Monday, August 23, 2021 at the Town Office. The motion passed on a 4-0-0 vote.

10. **Review Town Office Reopening Plan:**

Motion by Laite, second by Barnett-Parker, that the Board approve the August 9, 2021 Update to the Phased Reopening of Lincolnville Town Office plan. The motion passed on a 4-0-0 vote.

11. **Broadband Update:**

Ray stated that members of the Lincolnville Broadband Committee will soon meet with the Northport Broadband Committee.

12. **Selectmen Update(s):**

Nothing to report.

13. **Treasurer's and Payroll Warrant(s)-Approve & Sign:**

Laite made a motion, seconded by Barnett-Parker, that the Board approve the Treasurer's and Payroll warrants. The motion passed on a 4-0-0 vote.

14. **Adjourn**:

Ray made a motion, seconded by Barnett-Parker, to adjourn. The motion passed on a 4-0-0 vote.

Respectfully submitted,

_____

David B. Kinney
Town Clerk

ASSESSORS' CERTIFICATION OF ASSESSMENT

WE HEREBY CERTIFY, that the pages contained herein, numbered from 1 to 393 inclusive, contain a list and valuation of Estates, Real and Personal, liable to be taxed in the Municipality of LINCOLNVILLE for State, County, District, and Municipal Taxes for the fiscal year July 1, 2021 to June 30, 2022 as they existed on the first day of April 2021.

IN WITNESS THEREOF, we have hereunto set our hands at LINCOLNVILLE this 23rd day of August, 2021.

DRAFT

ASSESSORS OF

LINCOLNVILLE

2021-2022 MUNICIPAL TAX ASSESSMENT WARRANT

STATE OF MAINE, Municipality of LINCOLNVILLE, County of WALDO

TO DAVID B. KINNEY, Tax Collector of LINCOLNVILLE

In the name of the State of Maine you are hereby required to collect of each person named in the list herewith committed to you the amount set down on said list as payable by that person.

ASSESSMENTS	
1. County Tax	$ 935,630.98
2. Municipal Appropriation	$2,264,498.00
3. TIF financing plan amount	$ -0-
4. School/Education Appropriation	$5,430,134.41
5. Overlay (Not to exceed 5% of Net Assessment)	$ 138,367.20
6. **TOTAL ASSESSMENTS**	$8,768,630.59
ALLOWABLE DEDUCTIONS	
7. State Municipal Revenue Sharing	$ 228,631.00
8. Homestead Reimbursement	$ 160,817.27
9. BETE Reimbursement	$ 7,932.79
10. Other Revenue	$1,735,941.39
11. **TOTAL DEDUCTIONS**	$2,133,322.45
Net Assessment for Commitment (Line 6 minus line 11)	**$6,635,308.14**

DRAFT

You are to pay to DAVID B. KINNEY, the Municipal Treasurer, or to any successor in office, the taxes herewith committed, paying on the last day of each month all money collected by you, and you are to complete and make an account of your collections of the whole sum on or before September 30, 2022.

In case of the neglect of any person to pay the sum required by said list until after October 6, 2021 and April 6, 2022, you will add interest to so much thereof as remains unpaid at the rate of 6.00 percent per annum, commencing October 7, 2021 and April 7, 2022 to the time of payment, and collect the same with the tax remaining unpaid.

Given under our hands, as provided by a legal vote of the Municipality and Warrants received pursuant to the Laws of the State of Maine, this 23rd day of August, 2021.

DRAFT

ASSESSORS OF

LINCOLNVILLE

CERTIFICATE OF COMMITMENT

To DAVID B. KINNEY, the Collector of the Municipality of LINCOLNVILLE, aforesaid.

Herewith are committed to you true lists of the assessments of the Estates of the persons wherein named; you are to levy and collect same, of each one their respective amount, therein set down, of the sum total of **$6,635,308.14** (being the amount of the lists contained herein), according to the tenor of the foregoing warrant.

Given under our hands this 23rd day of August, 2021.

DRAFT

ASSESSORS OF

LINCOLNVILLE

CERTIFICATE OF ASSESSMENT TO BE RETURNED TO MUNICIPAL TREASURER
STATE OF MAINE

County of WALDO, ss.

We hereby certify, that we have assessed a tax on the estate, real and personal, liable to be taxed in the Municipality of LINCOLNVILLE for the fiscal year July 1, 2021 to June 30, 2022, at 0.0151 mils on the dollar, on a total taxable valuation of $439,424,380.00.

ASSESSMENTS	
1. County Tax	$ 935,630.98
2. Municipal Appropriation	$2,264,498.00
3. TIF financing plan amount	$ -0-
4. School/Education Appropriation	$5,430,134.41
5. Overlay (Not to exceed 5% of Net Assessment)	$ 138,367.20
6. **TOTAL ASSESSMENTS**	$8,768,630.59

DRAFT

ALLOWABLE DEDUCTIONS	
7. State Municipal Revenue Sharing	$ 228,631.00
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9. BETE Reimbursement	$ 7,932.79
10. Other Revenue	$1,735,941.39
11. **TOTAL DEDUCTIONS**	$2,133,322.45

Net Assessment for Commitment (Line 6 minus line 11) **$6,635,308.14**

Lists of all the same we have committed to DAVID B. KINNEY, Tax Collector of said Municipality, with warrants in due form of law for collecting and paying the same to DAVID B. KINNEY, Municipal Treasurer of said Municipality, or the successor in office, on or before such date, or dates, as provided by legal vote of the Municipality and warrants received pursuant to the laws of the State of Maine. (Title 36 MRSA, Section 712)

Given under our hands this 23rd day of AUGUST, 2021.

DRAFT

ASSESSORS OF

LINCOLNVILLE

JENSEN BAIRD
ATTORNEYS AT LAW

CLIENT ALERT:
NEW LEGISLATION PERMITS CONTINUED USE OF REMOTE MEETINGS, BUT THERE'S A CATCH

In March of 2020, the Maine Legislature passed temporary legislation that allowed public proceedings to be conducted using electronic platforms such as Zoom. (P.L. 2019, c. 617, Pt. G, § 1, codified at 1 M.R.S. § 403-A). However, with Governor Mills set to end Maine's State of Civil Emergency, this emergency legislation will automatically expire on **July 30, 2021**.

But, because the use of remote meetings has proven effective over the last year, the Legislature passed – and Governor Mills has signed – new emergency legislation that allows public bodies (*i.e.*, select boards, planning boards, boards of appeals, county commissioners, utility district boards of trustees, etc.) to continue conducting remote meetings, or allowing board or committee members to participate in in-person meetings remotely – but only if a public body complies with a specific set of criteria. This legislation became effective **June 21, 2021**. (LD 32, P.L. 2021, c. 290, codified at 1 M.R.S. § 403-B).

In order to take advantage of this remote meeting option *after* July 30, 2021, municipalities and counties must take the following steps, and keep the following provisions in mind:

- **Written Policy**: Each public body must, after notice and a hearing, adopt a **written policy**, that sets out how remote meetings, and remote participation by members of the public will occur. While a one-size-fits all policy for each municipality or county may be feasible, note that LD 32 requires that ***each body*** review and adopt this policy separately.

- **In-Person Meetings Are Default**: LD 32 **does not allow** public bodies to permanently switch to exclusively remote meetings. Instead, public bodies' written policies must specify that fully remote meetings, or remote participation by a member of the body in an in-person meeting, may only occur under the following circumstances:
    - During a public emergency or other urgency, such as a pandemic, snow storm, or other major weather event;
    - When a member of the body is ill, or would otherwise have difficulty travelling, that member (but not the entire body) may participate by remote means;
    - Where members of a statewide body, such as the Maine Land Use Planning Commission, are separated by significant distances, such that meeting remotely would be more efficient; or
    - Where a public body's jurisdiction has geographic features that may slow or impede travel – which is particularly the case for island communities, or where some public body members may not be able to travel to a meeting by car.

- **Meaningful Participation by the Public; Documents Available**: As was the case with the previous emergency legislation, members of the public must be afforded a **meaningful** opportunity to participate in remote meetings, ideally by also utilizing Zoom or other electronic medium used by the public body. This also means that members of the public must also be able to **directly communicate** with the public body – simply reading messages from the public into the record is insufficient. Moreover, the public body must provide the public with electronic versions of all documents being reviewed or considered during the public meeting – ideally a scanned PDF document posted on a public website in advance.

- **Sufficient Notice**: As with all public meetings, notice to the public must be provided in advance, in accordance with 1 M.R.S. § 406. However, when conducted remotely, this public notice must include information regarding how the public can participate remotely, *i.e.*, a Zoom link or similar information.

- **Roll Call Vote Required**: As many public bodies have become accustomed to during the COVID-19 pandemic, all votes taken during remote meetings must be conducted by roll-call vote.

- **Town Meetings MUST Be In Person:** Finally, municipalities must be aware that LD 32 **does not allow** town meetings to be conducted remotely.

After **July 30, 2021**, no public body in Maine may continue to conduct remote meetings, or allow for remote participation in in-person meetings, until it has adopted a written policy that complies with LD 32. As such, municipalities and counties are encouraged to reach out to their Jensen Baird attorney soon, to ensure that these required policies are approved before this deadline.

For more information, please call your Jensen Baird attorney or Ben McCall at (207) 775-7271 or **bmccall@jensenbaird.com**.

APPROVED
JUNE 21, 2021
BY GOVERNOR

CHAPTER
290
PUBLIC LAW

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-ONE

S.P. 40 - L.D. 32

An Act Regarding Remote Participation in Public Proceedings

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the state of emergency declared by the Governor pursuant to the Maine Revised Statutes, Title 37-B, section 742 in response to the public health emergency caused by the spread of the novel coronavirus disease referred to as COVID-19 may terminate sooner than 90 days after the adjournment of the First Special Session of the 130th Legislature; and

Whereas, the Maine Revised Statutes, Title 1, section 403-A governs remote participation in public proceedings of certain public bodies but is automatically repealed 30 days after the termination of the state of emergency declared by the Governor; and

Whereas, there is a need to have in place a law that governs remote participation in public proceedings of certain public bodies after the termination of the state of emergency declared by the Governor; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 1 MRSA §403-B is enacted to read:

§403-B. Remote participation in public proceedings

1. Remote participation. This section governs remote methods of participation in public proceedings of certain public bodies. For the purposes of this section, "remote methods" means telephonic or video technology allowing simultaneous reception of information and may include other means when such means are necessary to provide reasonable accommodation to a person with a disability. Public proceedings may not be conducted by text-only means such as e-mail, text messages or chat functions.

2. Requirements. A public body subject to this subchapter may allow members of the body to participate in a public proceeding using remote methods only under the following conditions:

A. After notice and hearing the body has adopted a written policy governing the conditions upon which members of the body and the public may participate in a public proceeding of that body by remote methods;

B. The policy adopted pursuant to paragraph A must provide that members of the body are expected to be physically present for public proceedings except when being physically present is not practicable. Circumstances in which physical presence for one or more members is not practicable may include:

(1) The existence of an emergency or urgent issue that requires the public body to meet by remote methods;

(2) Illness, other physical condition or temporary absence from the jurisdiction of the body that causes a member of the body to face significant difficulties traveling to and attending in person at the location in the notice under section 406;

(3) With respect to a public body with statewide membership, significant distance a member must travel to be physically present at the location in the notice under section 406; and

(4) The area of the public body's jurisdiction includes geographic characteristics that impede or slow travel, including but not limited to islands not connected by bridges;

C. The policy adopted pursuant to paragraph A must provide members of the public a meaningful opportunity to attend by remote methods when members of the body participate by remote methods, and reasonable accommodations may be provided when necessary to provide access to individuals with disabilities;

D. If the body allows or is required to provide an opportunity for public input during the proceeding, an effective means of communication between the members of the body and the public must be provided;

E. Notice of the proceeding must be provided in accordance with section 406. When the public may attend by remote methods pursuant to paragraphs C and D, the notice must include the means by which members of the public may access the proceeding using remote methods. The notice must also identify a location for members of the public to attend in person. The body may not determine that public attendance at a proceeding will be limited solely to remote methods except under the conditions in paragraph B, subparagraph (1);

F. A member of the body who participates in a public proceeding by remote methods is present for purposes of a quorum and voting;

G. All votes taken during a public proceeding using remote methods must be taken by roll call vote that can be seen and heard if using video technology, and heard if using only audio technology, by the other members of the public body and the public; and

H. The public body must make all documents and other materials considered by the public body available, electronically or otherwise, to the public who attend by remote methods to the same extent customarily available to members of the public who attend

the proceedings of the public body in person, as long as additional costs are not incurred by the public body.

3. Remote participation not permitted. This section does not authorize town meetings held pursuant to Title 30-A, section 2524 or regional school unit budget meetings held pursuant to Title 20-A, section 1482-A to be conducted using remote methods.

4. Application. This section does not apply to:

A. The Legislature; or

B. A public body to which specific statutory provisions for remote participation apply.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Remote Board Meetings
Now OK'd Permanently

The Legislature has made remote participation in public board meetings permissible on a permanent basis, but only under limited circumstances. PL 2021, c. 290, was enacted as an emergency measure and took effect on June 21, 2021, with the Governor's signature. It adds a new provision (§ 403-B) to Maine's Freedom of Access Act or FOAA (1 M.R.S. §§ 400-414).

Meanwhile, FOAA's temporary provision (§ 403-A) authorizing remote participation in public board meetings during the COVID-19 pandemic remains in effect until July 30, 2021.

Under the new law board members are expected to be physically present for meetings, but may attend board meetings via remote methods of participation in the case of an emergency or urgent issue that requires the board itself to meet remotely, or an illness or temporary absence that causes a board member significant difficulties in traveling to a meeting.

The public must have a meaningful opportunity to attend via remote methods when board members participate via remote methods. If public input is allowed or required at a meeting, an effective means of communication between the board and the public must also be provided. A board must provide a location where members of the public may attend in person. A board may not limit public attendance to remote methods only except in case of an emergency that requires the board itself to meet remotely.

Remote methods include telephonic or video technology allowing simultaneous reception of information and also permits other means necessary to accommodate disabled persons. But remote participation cannot be by text-only means such as e-mail, text messages, or chat functions

To enable remote participation, a board must first, after public notice and hearing, adopt a written policy governing remote participation by board members and the public that contains the limitations noted above.

Notice of all board meetings is required as usual (see § 406). When the public may attend via remote methods, notice must include the means by which the public may access the meeting remotely, and a location for the public to attend in person (except in case of an emergency).

A board must make all documents and materials to be considered by the board available, electronically or otherwise, to the public who attend remotely to the same extent customarily available to the public who attend in person, provided no additional costs are incurred by the board.

All votes during a board meeting using remote methods must be by roll call vote that can be seen and heard if using video technology, or heard if using audio technology only, by other board members and the public. A board member who participates remotely is considered present for purposes of a quorum and voting.

Remote participation is not permitted for town meetings or regional school unit budget meetings.

As we noted above, FOAA's temporary provision authorizing remote board meetings, which does not require adoption of a local policy, remains in effect until July 30, 2021 (see § 403-A). After that date, boards are not authorized to permit remote participation without first adopting a written policy in compliance with the new law (see § 403-B). For a sample remote participation policy, see this link: _____ *(By R.P.F.)*

SAMPLE

[This sample policy is provided by MMA Legal Services. It adheres to the requirements of 1 M.R.S. § 403-B, and may be tailored to meet the needs of individual board/committees. We strongly encourage municipalities to consult their municipal attorney prior to enacting any policy.]

REMOTE PARTICIPATION POLICY

(name of body)

Pursuant to 1 M.R.S. § 403-B, and after public notice and hearing, the above-named body adopts the following policy to govern the participation, via remote methods, of members of the body and the public in the public proceedings or meetings of the body.

Members of the body are expected to be physically present for meetings except when not practicable, such as in the case of an emergency or urgent issue that requires the body to meet via remote methods, or an illness or temporary absence of a member that causes significant difficulty traveling to the meeting location. The chair or presiding officer of the body, in consultation with other members if appropriate and possible, will make a determination that remote methods of participation are necessary in as timely a manner as possible under the circumstances. A member who is unable to attend a meeting in person will notify the chair or presiding officer of the body as far in advance as possible.

Remote methods of participation may include telephonic or video technology allowing simultaneous reception of information and may include other means necessary to accommodate disabled persons. Remote participation will not be by text-only means such as e-mail, text messages, or chat functions.

The public will be provided a meaningful opportunity to attend via remote methods when any member of the body participates via remote methods. If public input is allowed or required at the meeting, an effective means of communication between the body and the public will also be provided. The public will also be provided an opportunity to attend the meeting in person unless there is an emergency or urgent issue that requires the entire body to meet using remote methods.

Notice of all meetings will be provided in accordance with 1 M.R.S. § 406 and any applicable charter, ordinance, policy, or bylaw. When the public may attend via remote methods, notice will include the means by which the public may access the meeting remotely and will provide a method for disabled persons to request necessary accommodation to access the meeting. Notice will also identify a location where the public may attend the meeting in person. The body will not restrict public attendance to remote methods except in the case of an emergency or urgent issue that requires the body to meet using remote methods of attendance.

The body will make all documents and materials to be considered by the body available, electronically or otherwise, to the public who attend remotely to the same extent customarily available to the public who attend in person, provided no additional costs are incurred by the body.

All votes taken during a meeting using remote methods will be by roll call vote that can be seen and heard if using video technology, or heard if using audio technology only, by other members of the body and the public. A member of the body who participates remotely will be considered present for purposes of a quorum and voting.

This policy will remain in force indefinitely unless amended or rescinded.

Dated: _____ Signed: _____

_____

_____

_____

_____

11

Maine Municipal Association
60 COMMUNITY DRIVE
AUGUSTA, MAINE 04330-9486
(207) 623-8428
www.memun.org

To: Key and Elected Municipal Officials

From: David Barrett, Interim MMA Executive Director

Date: Wednesday, August 4, 2021

RE: American Rescue Plan Act (ARPA) Update

Although MMA had expected the funds allocated to Maine communities under the American Rescue Plan Act of 2021 (ARPA) would be distributed today, the Maine Department of Administrative and Financial Services (DAFS) has decided to apply for a second 30-day extension. As a result, disbursements to the state's 479 non-entitlement communities will be delayed until September.

DAFS is currently finalizing contract negotiations with a national organization, which will be tasked with deploying a website-based portal and assisting the state with implementing and monitoring other aspects of the rescue plan. It is expected that the state's portal will be up and collecting data from communities on or before September 3. The collected data will be used to ensure each municipality receives its federal revenue.

In the meantime we invite you to visit MMA's website at www.memun.org, which on the left-hand side of the main page includes a section dedicated to ARPA. Here you will find the latest updates on the Act, as well as information on the steps your municipality needs to take to prepare to receive the federal revenue.

Municipal officials from non-entitlement communities might find it most beneficial to start exploring the American Rescue Program Act "Non-Entitlement" Allocation, Tools section of the website. Here you will find information on how much revenue your community will receive under the Act. Please note that the total allocation will be distributed over two payments, with the first payment occurring next month and the second payment one year later. The link provided above will also take you to resources describing how to use and account for these federal funds.

Additionally, if your community has not yet completed the ARPA Priorities Survey, please consider doing so. The information you provide will help MMA communicate your investment priorities to state and county officials, non-profit groups and regional organizations. Our goal is to ensure that municipalities have the information necessary to make the best use of these revenues.

Finally, MMA has established an in-house team dedicated to answering your ARPA-related inquiries. Please do not hesitate to contact Kate Dufour or Neal Goldberg, in MMA's State and Federal Relations Program or the attorneys in MMA Legal Services with any questions.

Thank you for your ongoing patience.

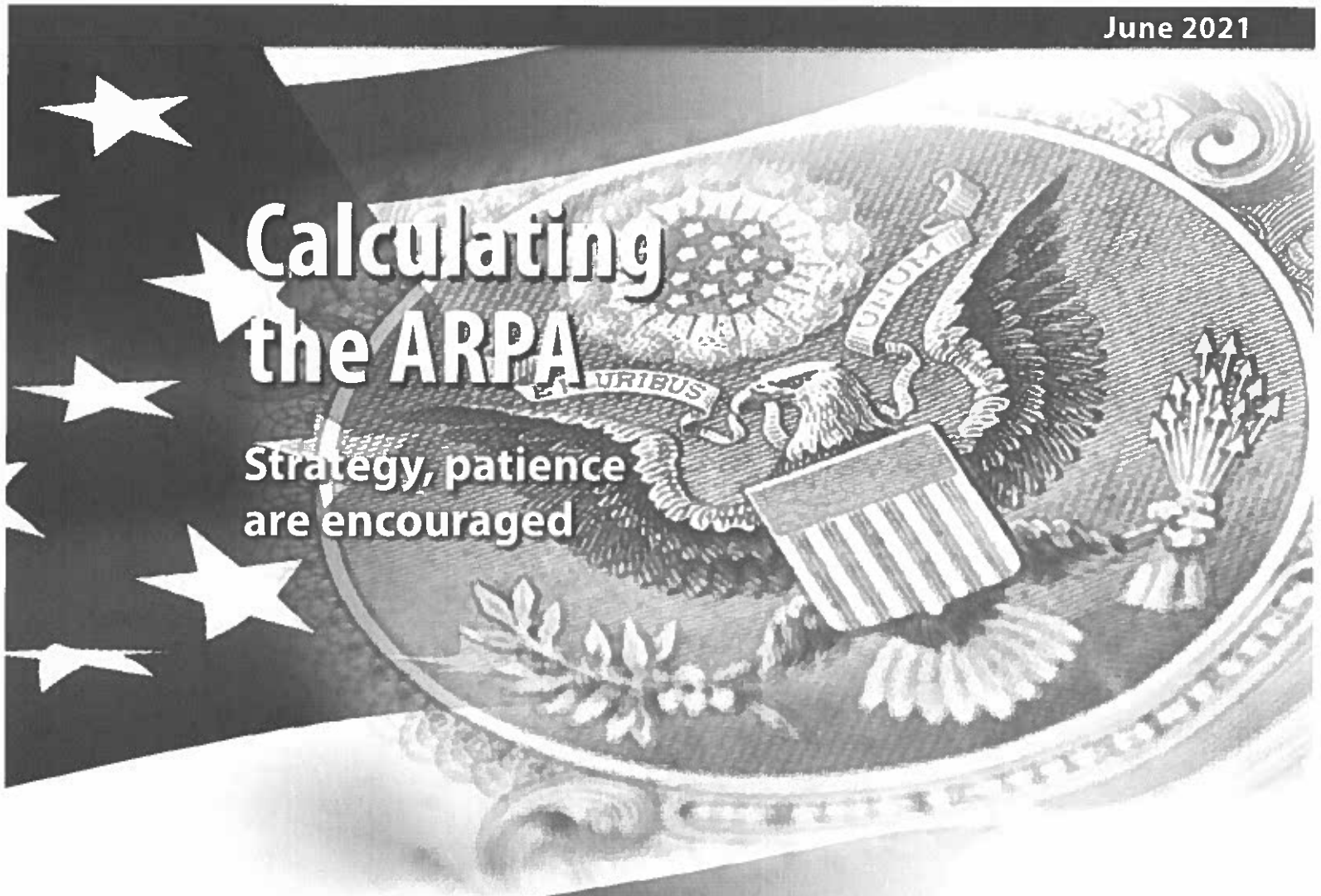
Haynesville town	Aroostook	$	11,828.26
Hebron town	Oxford	$	149,859.80
Hermon town	Penobscot	$	637,141.75
Hersey town	Aroostook	$	7,920.71
Highland plantation	Somerset	$	7,392.66
Hiram town	Oxford	$	173,410.70
Hodgdon town	Aroostook	$	133,807.16
Holden town	Penobscot	$	327,811.70
Hollis town	York	$	501,328.01
Hope town	Knox	$	178,163.13
Houlton town	Aroostook	$	607,465.50
Howland town	Penobscot	$	127,048.16
Hudson town	Penobscot	$	159,787.08
Industry town	Franklin	$	98,322.39
Island Falls town	Aroostook	$	82,164.14
Isle au Haut town	Knox	$	7,075.83
Islesboro town	Waldo	$	59,246.90
Jackman town	Somerset	$	86,071.69
Jackson town	Waldo	$	61,781.52
Jay town	Franklin	$	488,232.44
Jefferson town	Lincoln	$	259,271.17
Jonesboro town	Washington	$	61,992.74
Jonesport town	Washington	$	139,087.63
Kenduskeag town	Penobscot	$	144,156.89
Kennebunk town	York	$	1,227,709.74
Kennebunkport town	York	$	385,580.07
Kingfield town	Franklin	$	102,863.59
Kingsbury plantation	Piscataquis	$	2,851.45
Kittery town	York	$	1,036,979.09
Knox town	Waldo	$	83,325.85
Lagrange town	Penobscot	$	71,708.81
Lake View plantation	Piscataquis	$	8,976.80
Lakeville town	Penobscot	$	10,666.55
Lamoine town	Hancock	$	179,852.88
Lebanon town	York	$	674,949.93
Lee town	Penobscot	$	92,302.65
Leeds town	Androscoggin	$	244,380.24
Levant town	Penobscot	$	314,821.74
Liberty town	Waldo	$	102,229.94
Limerick town	York	$	319,151.73
Limestone town	Aroostook	$	229,489.31
Limington town	York	$	413,777.79
Lincoln plantation	Oxford	$	4,646.82
Lincoln town	Penobscot	$	513,473.10
Lincolnville town	Waldo	$	235,086.61
Linneus town	Aroostook	$	96,104.59
Lisbon town	Androscoggin	$	951,013.01

PRELIMINARY ESTIMATE

Maine Town & City

The magazine of the Maine Municipal Association

June 2021



Calculating the ARPA

Strategy, patience are encouraged

ALSO IN THIS ISSUE

Revaluations in 'wild' market

Farewell to long-time leader

Town Meeting roundups

Overview and resources for American Rescue Plan Act

ARPA includes $65 billion for cities and towns nationally. While details are emerging, here is a summary and look at one key provision.

As Maine municipal leaders know well by now, the Congress and President Biden enacted the American Rescue Plan Act (ARPA), also called the COVID-19 stimulus plan, last March. The act includes many items, but most pertinent to municipalities was funding for cities, towns and plantations if they meet certain requirements.

Funding for local and state governments (also included) was one of the most contested components of the formally enacted ARPA. It had not been included in previous COVID stimulus programs. The Maine Municipal Association and National League of Cities advocated for the inclusion of these funds, seeing the clear impact that COVID-19 had in 2020 and 2021 on various revenue streams and on local and state government services that were needed to respond.

Here's a breakdown of the $350 billion in national Coronavirus State and Local Fiscal Recovery funding under the act:

- $195.3 billion for states and the District of Columbia
- $45.6 billion for "metropolitan cities." In Maine, there are six: Portland, Lewiston, Bangor, South Portland, Biddeford and Auburn.
- $19.5 billion for so-called "non-entitlement" units of local government. In Maine, that includes all cities, towns and plantations not listed above.
- $65.1 billion for counties
- $20 billion for tribal governments
- $4.5 billion for U.S. territories

Before proceeding, it's important to note a few things. First, these funds are not simply "allocated" in the way that one might consider state revenue-sharing and public education funds to be. Rather, cities and towns that wish to receive money through the ARPA must request funding and meet certain requirements.

The list of requirements is too long and, in some ways, too technical to comprehensively cover in this publication. However, **MMA has developed a dedicated website area to examine all of this.** It's easy to find. Simply go to our home page (www.memun.org) and click on the American Rescue Plan Act logo on the upper left of your computer screen. MMA is updating this website area frequently, as details about the ARPA continue to emerge.

The U.S. Treasury Department has stated that "recipients have broad flexibility to decide how to meet the needs of their communities." Experts from the National League of Cities have encouraged municipal leaders to think broadly, and innovatively, in seeking ways to use this funding back home. Here is a list of the categories of eligible uses for ARPA funds:

- Replacing lost public sector revenue
- Investing in water, sewer and broadband infrastructure
- Providing premium pay for essential workers
- Addressing negative effects of the COVID-19 public health emergency (such as economic harm to small businesses and individuals)
- Supporting public health expenditures (such as COVID-19 mitigation efforts)

Since it is so new, ARPA details and strategies continually surface. That's the tricky part. One of the best parts is the deadline to qualify for these funds is not imminent. The first 50% of ARPA funding was delivered to "metropolitan" cities last month; the balance is to be delivered in May 2022. For most towns and cities in Maine, state government will receive the funding and it will be distributed from there.

What follows, from Neal Goldberg of MMA's State & Federal Relations staff, is a guide to how recipients can calculate the extent of revenue reduction, if any. That is necessary to determine what portion of ARPA funds can be assigned to replacing lost public-sector revenue.

Calculating revenue loss for American Rescue Plan Act reporting

The U.S. Department of Treasury's Interim Final Rule permits broad use of funds for the provision of government services to the extent of a municipality's revenue loss. Included in government services, but not limited to, are 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.

In general, recipients will compute the extent of the reduction in revenue by comparing actual revenue to a counterfactual trend representing what could have been expected to occur in the absence of the pandemic.

This approach measures losses in revenue relative to the most recent fiscal year prior to the COVID-19 public health emergency by using the most recent pre-pandemic fiscal year (FY 2019) as the starting point for estimates of revenue growth absent the pandemic. In other words, the counterfactual trend starts with the last full fiscal year prior to the COVID-19 public health emergency

***Neal Goldberg** (ngoldberg@memun.org), legislative analyst with Maine Municipal Association's State & Federal Relations Department, and **Eric Conrad** (econrad@memun.org), Director of Communication & Educational Services, collaborated on this article.*

and then assumes growth at a constant rate in the subsequent years.

Although revenue may decline for reasons unrelated to the COVID-19 public health emergency, to minimize the administrative burden on recipients and taking into consideration the devastating effects of the COVID-19 public health emergency, any diminution in actual revenues relative to the counterfactual pre-pandemic trend would be presumed to have been due to the COVID-19 public health emergency.

For purposes of measuring revenue growth in the counterfactual trend, recipients may use a *growth adjustment* of either 4.1 percent per year or the recipient's average annual revenue growth over the three full fiscal years prior to the COVID-19 public health emergency, whichever is higher.

Recipients should calculate the extent of the reduction in revenue as of four points in time: December 31, 2020; December 31, 2021; December 31, 2022; and December 31, 2023. To calculate the extent of the reduction in revenue at each of these dates, recipients should follow a four-step process which is demonstrated on the next page.

Please contact Neal Goldberg at ngoldberg@memun.org, or at (207)-623-8428, if you need further assistance calculating your municipality's revenue loss due to the pandemic. It should be noted that the Interim Final Rule is still evolving. However the method of calculating revenue loss will likely remain unchanged.

What follows is a four-step process to compute revenue loss. Below each step

USEFUL DEFINITIONS

Base year: The most recent full fiscal year prior to the pandemic, likely ending in June of 2019 for many municipalities.

Counterfactual trend: The revenue expected had the pandemic never occurred.

Growth Adjustment: Either the standardized 4.1% expected national growth rate, or the average of the annual revenue growth over the three full fiscal years prior to the pandemic, whichever is higher.

Point in time: One of four dates in which to calculate revenue loss.

n: The number of months elapsed since the end of the base year.

is the corresponding example of the generic municipality, *Town Alpha.*

Step 1: Identify revenues collected in the most recent full fiscal year prior to the public health emergency (i.e., last full fiscal year before January 27, 2020), called the base year revenue.

Consider Town Alpha, its most recent full fiscal year prior to the pandemic was from July 1, 2018 to June 30, 2019. Town Alpha had a base year revenue of $100.

Step 2: Estimate counterfactual revenue, which is equal to base year revenue*[(1+growth adjustment)^(n/12)], where n is the number of months elapsed since the end of the base year to the calculation date, and growth adjustment is the greater of 4.1 percent and the recipient's average annual revenue growth in the three full fiscal years prior to the public health emergency.

Town Alpha finds that 4.1% is greater than its average annual revenue growth in the three full fiscal years prior to the pandemic (FY 16, FY17, FY 18). This becomes the growth adjustment.

The number of months, n, is determined by counting from the end of the base year (June 30) to the end of the four points in time. In this illustration, n=18 on December 31, 2020; n=30 on December 31, 2021 and so forth.

To determine the counterfactual revenue for the first point in time, December 31, 2020: $100*[(1+0.041)^(18/12)] =$106.2

To determine the counterfactual revenue for the second point in time, December 31, 2021: $100*[(1+0.041)^(30/12)] =$110.6

Step 3: Identify actual revenue, which equals revenues collected over the past twelve months as of the calculation date.

In the twelve months prior to December 31, 2020, Town Alpha had actual revenue of $96.

In the twelve months prior to December 31, 2021, Town Alpha had actual revenue of $105.

Step 4: The extent of the reduction in revenue is equal to counterfactual revenue less actual revenue. If actual revenue exceeds counterfactual revenue, the extent of the reduction in revenue is set to zero for that calculation date.

Revenue loss for the first period in time, December 31, 2020 is:
$106.2-$96=$10.2
Revenue loss for the second period in time, December 31, 2021 is:
$110.6-$105=$5.6 ■

BEST WEBSITE RESOURCES

We recommend four key websites for Maine municipal officials to reference in learning more about the ARPA, how to apply and what qualifies.

U.S. Treasury Department. The program is being administered by the Treasury Department. https://home.treasury.gov. This website includes a portal for Maine's six metropolitan cities to apply. It includes a wealth of information for so-called "non-entitlement" municipalities as well.

National League of Cities. The NLC, which for months advocated for city and town COVID-19 funding, provides regular updates and strategies on the ARPA. www.nlc.org/covid-19-pandemic-response

Maine Municipal Association. We are adding to the national and state sources of ARPA information on a regular basis. www.memun.org

MMA recently posted the recording of a webinar on the APRA at our online Video Training Library. www.memun.org/Member-Center/Video-Training-Library

International City/County Management Association. This global organization of municipal managers is also providing updates on Treasury Department information. www.icma.org

Compliance and Reporting Guidance

State and Local Fiscal Recovery Funds

June 24, 2021

Version: 1.1

Coronavirus State and Local Fiscal Recovery Funds Guidance on Recipient Compliance and Reporting Responsibilities

On March 11, 2021, the American Rescue Plan Act was signed into law, and established the Coronavirus State Fiscal Recovery Fund and Coronavirus Local Fiscal Recovery Funds, which together make up the Coronavirus State and Local Fiscal Recovery Funds ("SLFRF") program. This program is intended to provide support to State, territorial, local, and Tribal governments in responding to the economic and public health impacts of COVID-19 and in their efforts to contain impacts on their communities, residents, and businesses.

This guidance provides additional detail and clarification for each recipient's compliance and reporting responsibilities under the SLFRF program, and should be read in concert with the Award Terms and Conditions, the authorizing statute, the SLFRF implementing regulation, and other regulatory and statutory requirements, including regulatory requirements under the Uniform Guidance (2 CRF Part 200). Please see the Assistance Listing in SAM.gov under assistance listing number (formerly known as CFDA number), 21.027 for more information.

Please Note: This guidance document applies to the SLFRF program only and does not change nor impact reporting and compliance requirements for the Coronavirus Relief Fund ("CRF") established by the CARES Act.

This guidance includes two parts:

Part 1: General Guidance

This section provides an orientation to recipients' compliance responsibilities and the U.S. Department of the Treasury's ("Treasury") expectations and recommends best practices where appropriate under the SLFRF Program.

Part 2: Reporting Requirements

This section provides information on the reporting requirements for the SLFRF program.

Part 1: General Guidance

This section provides an orientation on recipients' compliance responsibilities and Treasury's expectations and recommended best practices where appropriate under the SLFRF program.

Recipients under the SLFRF program are the eligible entities identified in sections 602 and 603 of the Social Security Act as added by section 9901 of the American Rescue Plan Act of 2021 (the "SLFRF statute") that receive a SLFRF award. Subrecipients under the SLFRF program are entities that receive a subaward from a recipient to carry out the purposes (program or project) of the SLFRF award on behalf of the recipient.

Recipients are accountable to Treasury for oversight of their subrecipients, including ensuring their subrecipients comply with the SLFRF statute, SLFRF Award Terms and Conditions, Treasury's Interim Final Rule, and reporting requirements, as applicable.

A. Key Principles

There are several guiding principles for developing your own effective compliance regimes:

- Recipients and subrecipients are the first line of defense, and responsible for ensuring the SLFRF award funds are not used for ineligible purposes, and there is no fraud, waste, and abuse associated with their SLFRF award;
- Many SLFRF-funded projects respond to the COVID-19 public health emergency and meet urgent community needs. Swift and effective implementation is vital, and recipients must balance facilitating simple and rapid program access widely across the community and maintaining a robust documentation and compliance regime;
- SLFRF-funded projects should advance shared interests and promote equitable delivery of government benefits and opportunities to underserved communities, as outlined in Executive Order 13985, On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government; and
- Transparency and public accountability for SLFRF award funds and use of such funds are critical to upholding program integrity and trust in all levels of government, and SLFRF award funds should be managed consistent with Administration guidance per Memorandum M-21-20 and Memorandum M-20-21.

B. Statutory Eligible Uses

As a recipient of an SLFRF award, your organization has substantial discretion to use the award funds in the ways that best suit the needs of your constituents – as long as such use fits into one of the following four statutory categories:

1. To respond to the COVID-19 public health emergency or its negative economic impacts;
2. To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to such eligible workers of the recipient, or by providing grants to eligible employers that have eligible workers who performed essential work;
3. For the provision of government services, to the extent of the reduction in revenue of such recipient due to the COVID–19 public health emergency, relative to revenues collected in the most recent full fiscal year of the recipient prior to the emergency; and
4. To make necessary investments in water, sewer, or broadband infrastructure.

Treasury adopted an Interim Final Rule to implement these eligible use categories and other restrictions on the use of funds under the SLFRF program.[1] It is the recipient's responsibility to ensure all SLFRF award funds are used in compliance with these requirements. In addition, recipients should be mindful of any additional compliance obligations that may apply – for example, additional restrictions imposed upon other sources of funds used in conjunction with SLFRF award funds, or statutes and regulations that may independently apply to water, broadband, and sewer infrastructure projects. Recipients should ensure they maintain proper documentation supporting determinations of costs and applicable compliance requirements, and how they have been satisfied as part of their award management, internal controls, and subrecipient oversight and management.

C. Treasury's Rule

Treasury's Interim Final Rule details recipients' compliance responsibilities and provides additional information on eligible and restricted uses of SLFRF award funds and reporting requirements. Your organization should review and comply with the information contained in Treasury's Interim Final Rule, and any subsequent final rule when building appropriate controls for SLFRF award funds.

1. **Eligible and Restricted Uses of SLFRF Funds.** As described in the SLFRF statute and summarized above, there are four enumerated eligible uses of SLFRF award funds. As a recipient of an award under the SLFRF program, your organization is responsible for complying with requirements for the use of funds. In addition to determining a given project's eligibility, recipients are also responsible for determining subrecipient's or beneficiaries' eligibility and must monitor use of SLFRF award funds.

   To help recipients build a greater understanding of eligible uses, Treasury's Interim Final Rule establishes a framework for determining whether a specific project would be eligible under the SLFRF program, including some helpful definitions. For example, Treasury's Interim Final Rule establishes:

   - A framework for determining whether a project "responds to" a "negative economic impact" caused by the COVID-19 public health emergency;
   - Definitions of "eligible employers", "essential work," "eligible workers", and "premium pay" for cases where premium pay is an eligible use;
   - A definition of "general revenue" and a formula for calculating revenue lost due to the COVID-19 public health emergency;
   - A framework for eligible water and sewer infrastructure projects that aligns eligible uses with projects that are eligible under the Environmental Protection Agency's Drinking Water and Clean Water State Revolving Funds; and
   - A framework for eligible broadband projects designed to provide service to unserved or underserved households, or businesses at speeds sufficient to enable users to generally meet household needs, including the ability to support the simultaneous use of work, education, and health applications, and also sufficiently robust to meet increasing household demands for bandwidth.

   Treasury's Interim Final Rule also provides more information on four important restrictions on use of SLFRF award funds: recipients may not deposit SLFRF funds into a pension fund; recipients that are States or territories may not use SLFRF funds to offset a reduction in net tax revenue caused by the recipient's change in law, regulation, or administrative

[1] Treasury's Interim Final Rule is effective as of May 17, 2021, and public comments are due July 16, 2021. This guidance may be clarified consistent with the final rule. https://www.govinfo.gov/content/pkg/FR-2021-05-17/pdf/2021-10283.pdf

interpretation; and, recipients may not use SLFRF funds as non-Federal match where prohibited. In addition, the Interim Final Rule clarifies certain uses of SLFRF funds outside the scope of eligible uses, including that recipients generally may not use SLFRF funds directly to service debt, satisfy a judgment or settlement, or contribute to a "rainy day" fund. Recipients should refer to Treasury's Interim Final Rule for more information on these restrictions.

2. **Eligible Costs Timeframe.** Your organization, as a recipient of an SLFRF award, may use SLFRF funds to cover eligible costs that your organization incurred during the period that begins on March 3, 2021 and ends on December 31, 2024, as long as the award funds for the obligations incurred by December 31, 2024 are expended by December 31, 2026. Costs for projects incurred by the recipient State, territorial, local, or Tribal government prior to March 3, 2021 are not eligible, as provided for in Treasury's Interim Final Rule.

   Recipients may use SLFRF award funds to provide assistance to households, businesses, and individuals within the eligible use categories described in Treasury's Interim Final Rule for costs that those households, businesses and individuals incurred prior to March 3, 2021. For example,

   a. Public Health/Negative Economic Impacts: Recipients may use SLFRF award funds to provide assistance to households – such as rent, mortgage, or utility assistance – for costs incurred by the household prior to March 3, 2021, provided that the recipient State, territorial, local or Tribal government did not incur the cost of providing such assistance prior to March 3, 2021.
   b. 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.
   c. Revenue Loss: Treasury's Interim Final Rule gives recipients broad latitude to use funds for the provision of government services to the extent of reduction in revenue. While 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, use of funds for government services must be forward looking for costs incurred by the recipient after March 3, 2021.
   d. Investments in Water, Sewer, and Broadband: Recipients may use SLFRF award funds to make necessary investments in water, sewer, and broadband. Recipients may use SLFRF award funds to cover costs incurred for eligible projects planned or started prior to March 3, 2021, provided that the project costs covered by the SLFRF award funds were incurred after March 3, 2021.

   Any funds not obligated or expended for eligible uses by the timelines above must be returned to Treasury, including any unobligated or unexpended funds that have been provided to subrecipients and contractors. For the purposes of determining expenditure eligibility, Treasury's Interim Final Rule provides that "incurred" has the same meaning given to "financial obligation" in 2 CFR § 200.1.

3. **Reporting.** Generally, recipients must submit one initial interim report, quarterly or annual Project and Expenditure reports which include subaward reporting, and in some cases annual Recovery Plan reports. Treasury's Interim Final Rule and Part 2 of this guidance provide more detail around SLFRF reporting requirements.

Assistance Listing

The Assistance Listing for the Coronavirus State and Local Fiscal Recovery Funds (CSLFRF) was published May 28, 2021 on SAM.gov under Assistance Listing Number ("ALN"), formerly known as CFDA Number, **21.027**.

The assistance listing includes helpful information including program purpose, statutory authority, eligibility requirements, and compliance requirements for recipients. The ALN is the unique 5-digit number assigned to identify a federal assistance listing, and can be used to search for federal assistance 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 ALN, 21.019, assigned to the CRF. If you have already received funds or captured the initial number in your records, please update your systems and reporting to reflect the new ALN 21.027 for the SLFRF program. **Recipients must use ALN 21.027 for all financial accounting, subawards, and associated program reporting requirements for the SLFRF awards.**

D. Uniform Administrative Requirements

The SLFRF awards are generally subject to the requirements set forth in the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR Part 200 (the "Uniform Guidance"). In all instances, your organization should review the Uniform Guidance requirements applicable to your organization's use of SLFRF funds, and SLFRF-funded projects. Recipients should consider how and whether certain aspects of the Uniform Guidance apply.

The following sections provide a general summary of your organization's compliance responsibilities under applicable statutes and regulations, including the Uniform Guidance, as described in the 2020 OMB Compliance Supplement Part 3. Compliance Requirements (issued August 18, 2020). Note that the descriptions below are only general summaries and all recipients and subrecipients are advised to carefully review the Uniform Guidance requirements and any additional regulatory and statutory requirements applicable to the program.

1. **Allowable Activities.** Each recipient should review program requirements, including Treasury's Interim Final Rule and the recipient's Award Terms and Conditions, to determine and record eligible uses of SLFRF funds. Per 2 CFR 200.303, your organization must develop and implement effective internal controls to ensure that funding decisions under the SLFRF award constitute eligible uses of funds, and document determinations.

2. **Allowable Costs/Cost Principles.** As outlined in the Uniform Guidance at 2 CFR Part 200, Subpart E regarding Cost Principles, allowable costs are based on the premise that a recipient is responsible for the effective administration of Federal awards, application of sound management practices, and administration of Federal funds in a manner consistent with the program objectives and terms and conditions of the award. Recipients must implement robust internal controls and effective monitoring to ensure compliance with the Cost Principles, which are important for building trust and accountability.

SLFRF Funds may be, but are not required to be, used along with other funding sources for a given project. Note that SLFRF Funds may not be used for a non-Federal cost share or match where prohibited by other Federal programs, e.g., funds may not be used for the State share for Medicaid.[2]

Treasury's Interim Final Rule and guidance and the Uniform Guidance outline the types of costs that are allowable, including certain audit costs. For example, per 2 CFR 200.425, a reasonably proportionate share of the costs of audits required by the Single Audit Act Amendments of 1996 are allowable; however, costs for audits that were not performed, or not in accordance with 2 CFR Part 200, Subpart F are not allowable. Please see 2 CFR Part 200, Subpart E regarding the Cost Principles for more information.

a. Administrative costs: Recipients may use funds for administering the SLFRF program, including costs of consultants to support effective management and oversight, including consultation for ensuring compliance with legal, regulatory, and other requirements.[3] Further, costs must be reasonable and allocable as outlined in 2 CFR 200.404 and 2 CFR 200.405. Pursuant to the SLFRF Award Terms and Conditions, recipients are permitted to charge both direct and indirect costs to their SLFRF award as administrative costs. Direct costs are those that are identified specifically as costs of implementing the SLFRF program objectives, such as contract support, materials, and supplies for a project. Indirect costs are general overhead costs of an organization where a portion of such costs are allocable to the SLFRF award such as the cost of facilities or administrative functions like a director's office.[4][5] Each category of cost should be treated consistently in like circumstances as direct or indirect, and recipients may not charge the same administrative costs to both direct and indirect cost categories, or to other programs. If a recipient has a current Negotiated Indirect Costs Rate Agreement (NICRA) established with a Federal cognizant agency responsible for reviewing, negotiating, and approving cost allocation plans or indirect cost proposals, then the recipient may use its current NICRA. Alternatively, if the recipient does not have a NICRA, the recipient may elect to use the de minimis rate of 10 percent of the modified total direct costs pursuant to 2 CFR 200.414(f).

b. Salaries and Expenses: In general, certain employees' wages, salaries, and covered benefits are an eligible use of SLFRF award funds. Please see Treasury's Interim Final Rule for details.

3. **Cash Management.** SLFRF payments made to recipients are not subject to the requirements of the Cash Management Improvement Act and Treasury's implementing regulations at 31 CFR part 205 or 2 CFR 200.305(b)(8)-(9).

   As such, recipients can place funds in interest-bearing accounts, do not need to remit interest to Treasury, and are not limited to using that interest for eligible uses under the SLFRF award.

4. **Eligibility.** Under this program, recipients are responsible for ensuring funds are used for eligible purposes. Generally, recipients must develop and implement policies and procedures, and record retention, to determine and monitor implementation of criteria for

[2] See 42 CFR 433.51 and 45 CFR 75.306.
[3] Recipients also may use SLFRF funds directly for administrative costs to improve efficacy of programs that respond to the COVID-19 public health emergency. 31 CFR 35.6(b)(10).
[4] 2 CFR 200.413 Direct Costs.
[5] 2 CFR 200.414 Indirect Costs.

determining the eligibility of beneficiaries and/or subrecipients. Your organization, and if applicable, the subrecipient(s) administering a program on behalf of your organization, will need to maintain procedures for obtaining information evidencing a given beneficiary, subrecipient, or contractor's eligibility including a valid SAM.gov registration. Implementing risk-based due diligence for eligibility determinations is a best practice to augment your organization's existing controls.

5. **Equipment and Real Property Management.** Any purchase of equipment or real property with SLFRF funds must be consistent with the Uniform Guidance at 2 CFR Part 200, Subpart D. Equipment and real property acquired under this program must be used for the originally authorized purpose. Consistent with 2 CFR 200.311 and 2 CFR 200.313, any equipment or real property acquired using SLFRF funds shall vest in the non-Federal entity. Any acquisition and maintenance of equipment or real property must also be in compliance with relevant laws and regulations.

6. **Matching, Level of Effort, Earmarking.** There are no matching, level of effort, or earmarking compliance responsibilities associated with the SLFRF award. SLFRF funds may only be used for non-Federal match in other programs where costs are eligible under both SLFRF and the other program and use of such funds is not prohibited by the other program.

7. **Period of Performance.** Your organization should also develop and implement internal controls related to activities occurring outside the period of performance. For example, each recipient should articulate each project's policy on allowability of costs incurred prior to award or start of the period of performance. All funds remain subject to statutory requirements that they must be used for costs incurred by the recipient during the period that begins on March 3, 2021, and ends on December 31, 2024, and that award funds for the financial obligations incurred by December 31, 2024 must be expended by December 31, 2026. Any funds not used must be returned to Treasury.

8. **Procurement, Suspension & Debarment.** Recipients are responsible for ensuring that any procurement using SLFRF funds, or payments under procurement contracts using such funds are consistent with the procurement standards set forth in the Uniform Guidance at 2 CFR 200.317 through 2 CFR 200.327, as applicable. The Uniform Guidance establishes in 2 CFR 200.319 that all procurement transactions for property or services must be conducted in a manner providing full and open competition, consistent with standards outlined in 2 CFR 200.320, which allows for non-competitive procurements only in circumstances where at least one of the conditions below is true: the item is below the micro-purchase threshold; the item is only available from a single source; the public exigency or emergency will not permit a delay from publicizing a competitive solicitation; or after solicitation of a number of sources, competition is determined inadequate.[6] Recipients must have and use documented procurement procedures that are consistent with the standards outlined in 2 CFR 200.317 through 2 CFR 200.320. The Uniform Guidance requires an infrastructure for competitive bidding and contractor oversight, including maintaining written standards of conduct and prohibitions on dealing with suspended or debarred parties. Your organization must ensure adherence to all applicable local, State, and federal procurement laws and regulations.

9. **Program Income.** Generally, program income includes, but is not limited to, income from fees for services performed, the use or rental or real or personal property acquired under Federal awards and principal and interest on loans made with Federal award funds. Program income does not include interest earned on advances of Federal funds, rebates, credits, discounts, or interest on rebates, credits, or discounts. Recipients of SLFRF funds

[6] 2 CFR 200.320(c)(1)-(3) and (5)

should calculate, document, and record the organization's program income. Additional controls that your organization should implement include written policies that explicitly identify appropriate allocation methods, accounting standards and principles, compliance monitoring checks for program income calculations, and records.

The Uniform Guidance outlines the requirements that pertain to program income at 2 CFR 200.307. Treasury intends to provide additional guidance regarding program income and the application of 2 CFR 200.307(e)(1), including with respect to lending programs.

10. **Reporting.** All recipients of federal funds must complete financial, performance, and compliance reporting as required and outlined in Part 2 of this guidance. Expenditures may be reported on a cash or accrual basis, as long as the methodology is disclosed and consistently applied. Reporting must be consistent with the definition of expenditures pursuant to 2 CFR 200.1. Your organization should appropriately maintain accounting records for compiling and reporting accurate, compliant financial data, in accordance with appropriate accounting standards and principles.

    In addition, where appropriate, your organization needs to establish controls to ensure completion and timely submission of all mandatory performance and/or compliance reporting. See Part 2 of this guidance for a full overview of recipient reporting responsibilities.

11. **Subrecipient Monitoring.** SLFRF recipients that are pass-through entities as defined under 2 CFR 200.1 are required to manage and monitor their subrecipients to ensure compliance with requirements of the SLFRF award pursuant to 2 CFR 200.332 regarding requirements for pass-through entities.

    First, your organization must clearly identify to the subrecipient: (1) that the award is a subaward of SLFRF funds; (2) any and all compliance requirements for use of SLFRF funds; and (3) any and all reporting requirements for expenditures of SLFRF funds.

    Next, your organization will need to evaluate each subrecipient's risk of noncompliance based on a set of common factors. These risk assessments may include factors such as prior experience in managing Federal funds, previous audits, personnel, and policies or procedures for award execution and oversight. Ongoing monitoring of any given subrecipient should reflect its assessed risk and include monitoring, identification of deficiencies, and follow-up to ensure appropriate remediation.

    Accordingly, your organization should develop written policies and procedures for subrecipient monitoring and risk assessment and maintain records of all award agreements identifying or otherwise documenting subrecipients' compliance obligations.

12. **Special Tests and Provisions.** Treasury has set a deadline of July 16, 2021, for receipt of public comment on its Interim Final Rule and will adopt a final rule responding to these comments. In addition, Treasury may add clarifications to the implementing guidance.

Across each of the compliance requirements above, Treasury described some best practices for development of internal controls. The table below provides a brief description and example of each best practice.

Table 1: Internal controls best practices

Best Practice	Description	Example
Written policies and procedures	Formal documentation of recipient policies and procedures	Documented procedure for determining worker eligibility for premium pay
Written standards of conduct	Formal statement of mission, values, principles, and professional standards	Documented code of conduct / ethics for subcontractors
Risk-based due diligence	Pre-payment validations conducted according to an assessed level of risk	Enhanced eligibility review of subrecipient with imperfect performance history
Risk-based compliance monitoring	Ongoing validations conducted according to an assessed level of risk	Higher degree of monitoring for projects that have a higher risk of fraud, given program characteristics
Record maintenance and retention	Creation and storage of financial and non-financial records.	Storage of all subrecipient payment information.

E. Award Terms and Conditions

The Award Terms and Conditions of the SLFRF financial assistance agreement sets forth the compliance obligations for recipients pursuant to the SLFRF statute, the Uniform Guidance, and Treasury's Interim Final Rule. Recipients should ensure they remain in compliance with all Award Terms and Conditions. These obligations include the following items in addition to those described above:

1. **SAM.gov Requirements.** All eligible recipients are also required to have an active registration with the System for Award Management (SAM) (https://www.sam.gov). To ensure timely receipt of funding, Treasury has stated that Non-entitlement Units of Government (NEUs) who have not previously registered with SAM.gov may do so after receipt of the award, but before the submission of mandatory reporting.[7]

2. **Recordkeeping Requirements.** Generally, your organization must maintain records and financial documents for five years after all funds have been expended or returned to Treasury, as outlined in paragraph 4.c. of the Award Terms and Conditions. Treasury may request transfer of records of long-term value at the end of such period. Wherever practicable, such records should be collected, transmitted, and stored in open and machine-readable formats.

   Your organization must agree to provide or make available such records to Treasury upon request, and to any authorized oversight body, including but not limited to the Government Accountability Office ("GAO"), Treasury's Office of Inspector General ("OIG"), and the Pandemic Relief Accountability Committee ("PRAC").

3. **Single Audit Requirements.** Recipients and subrecipients that expend more than $750,000 in Federal awards during their fiscal year will be subject to an audit under the Single Audit Act and its implementing regulation at 2 CFR Part 200, Subpart F regarding audit requirements.[8] Recipients and subrecipients may also refer to the Office of

[7] See flexibility provided in https://www.whitehouse.gov/wp-content/uploads/2021/03/M_21_20.pdf.
[8] For-profit entities that receive SLFRF subawards are not subject to Single Audit requirements. However, they are subject to other audits as deemed necessary by authorized governmental entities, including Treasury, the GAO, the PRAC and the Treasury's OIG.

Management and Budget (OMB) Compliance Supplements for audits of federal funds and related guidance and the Federal Audit Clearinghouse to see examples and single audit submissions.

4. **Civil Rights Compliance**. Recipients of Federal financial assistance from the Treasury are required to meet legal requirements relating to nondiscrimination and nondiscriminatory use of Federal funds. Those requirements include ensuring that entities receiving Federal financial assistance from the Treasury do not deny benefits or services, or otherwise discriminate on the basis of race, color, national origin (including limited English proficiency), disability, age, or sex (including sexual orientation and gender identity), in accordance with the following authorities: Title VI of the Civil Rights Act of 1964 (Title VI) Public Law 88-352, 42 U.S.C. 2000d-1 et seq., and the Department's implementing regulations, 31 CFR part 22; Section 504 of the Rehabilitation Act of 1973 (Section 504), Public Law 93-112, as amended by Public Law 93-516, 29 U.S.C. 794; Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. 1681 et seq., and the Department's implementing regulations, 31 CFR part 28; Age Discrimination Act of 1975, Public Law 94-135, 42 U.S.C. 6101 et seq., and the Department implementing regulations at 31 CFR part 23.

   In order to carry out its enforcement responsibilities under Title VI of the Civil Rights Act, Treasury will collect and review information from recipients to ascertain their compliance with the applicable requirements before and after providing financial assistance. Treasury's implementing regulations, 31 CFR part 22, and the Department of Justice (DOJ) regulations, Coordination of Non-discrimination in Federally Assisted Programs, 28 CFR part 42, provide for the collection of data and information from recipients (see 28 CFR 42.406). Treasury may request that recipients submit data for post-award compliance reviews, including information such as a narrative describing their Title VI compliance status.

Part 2: Reporting Guidance

There are three types of reporting requirements for the SLFRF program.

- **Interim Report:** Provide initial overview of status and uses of funding. This is a one-time report. **See Section A, page 13.**
- **Project and Expenditure Report:** Report on projects funded, expenditures, and contracts and subawards over $50,000, and other information. **See Section B, page 15.**
- **Recovery Plan Performance Report:** The Recovery Plan Performance Report (the "Recovery Plan") will provide information on the projects that large recipients are undertaking with program funding and how they plan to ensure program outcomes are achieved in an effective, efficient, and equitable manner. It will include key performance indicators identified by the recipient and some mandatory indicators identified by Treasury. The Recovery Plan will be posted on the website of the recipient as well as provided to Treasury. **See Section C, page 23.**

Table 2: Reporting requirements by recipient type

<table>
<tr><th>Recipient</th><th>Interim Report</th><th>Project and Expenditure Report</th><th>Recovery Plan Performance Report</th></tr>
<tr><td>States, U.S. territories, metropolitan cities and counties with a population that exceeds 250,000 residents</td><td rowspan="4">By August 31, 2021, with expenditures by category</td><td rowspan="3">By October 31, 2021, and then 30 days after the end of each quarter thereafter[9]</td><td>By August 31, 2021, and annually thereafter by July 31 [10]</td></tr>
<tr><td>Metropolitan cities and counties with a population below 250,000 residents which received more than $5 million in SLFRF funding</td><td rowspan="3">Not required</td></tr>
<tr><td>Tribal Governments</td></tr>
<tr><td>Metropolitan cities and counties with a population below 250,000 residents which received less than $5 million in SLFRF funding</td><td rowspan="2">By October 31, 2021, and then annually thereafter[11]</td></tr>
<tr><td>NEUs</td><td>Not required</td></tr>
</table>

The remainder of this document describes these reporting requirements. A users' guide will be provided with additional information on how and where to submit required reports.

[9] Interim Final Rule Page 111
[10] Interim Final Rule page 112
[11] Interim Final Rule Page 111

Comparison to reporting for the CRF

This guidance does not change the reporting or compliance requirements pertaining to the CRF. Reporting and compliance requirements for the SLFRF are separate from CRF reporting requirements. Changes from CRF to SLFRF include:

- **Project, Expenditure, and Subaward Reporting**: The SLFRF reporting requirements leverage the existing reporting regime used for CRF to foster continuity and provide many recipients with a familiar reporting mechanism. The data elements for the Project and Expenditure Report will largely mirror those used for CRF, with some minor exceptions noted in this guidance. The users' guide will describe how reporting for CRF funds will relate to reporting for the SLFRF.
- **Timing of Reports**: CRF reports were due within 10 days of each calendar quarter. SLFRF quarterly reporting will be due 30 days from quarter end.
- **Program and Performance Reporting**: The CRF reporting did not include any program or performance reporting. To build public awareness and accountability and allow Treasury to monitor compliance with eligible uses, some program and performance reporting is required.

A. Interim Report

States, U.S. territories, metropolitan cities, counties, and Tribal governments are required to submit a one-time interim report with expenditures[12] by Expenditure Category from the date of award to July 31, 2021. The recipient will be required to enter obligations[13] and expenditures and, for each, select the specific expenditure category from the available options. See Appendix 1 for Expenditure Categories (EC).

1. Required Programmatic Data

Recipients will also be required to provide the following information if they have or plan to have expenditures in the following Expenditure Categories.

a. Revenue replacement (EC 6.1[14]): Key inputs into the revenue replacement formula in the Interim Final Rule and estimated revenue loss due to the Covid-19 public health emergency calculated using the formula in the Interim Final Rule as of December 31, 2020.
   - Base year general revenue (e.g., revenue in the last full fiscal year prior to the public health emergency)
   - Fiscal year end date
   - Growth adjustment used (either 4.1 percent or average annual general revenue growth over 3 years prior to pandemic)
   - Actual general revenue as of the twelve months ended December 31, 2020
   - Estimated revenue loss due to the Covid-19 public health emergency as of December 31, 2020
   - An explanation of how revenue replacement funds were allocated to government services (Note: additional instructions and/or template to be provided in users' guide)

[12] For purposes of reporting in the SLFRF portal, an expenditure is the amount that has been incurred as a liability of the entity (the service has been rendered or the good has been delivered to the entity).
[13] For purposes of reporting in the SLFRF portal, an obligation is an order placed for property and services, contracts and subawards made, and similar transactions that require payment.
[14] See Appendix 1 for the full Expenditure Category (EC) list. References to Expenditure Categories are identified by "EC" followed by numbers from the table in Appendix 1.

In calculating general revenue and the other items discussed above, recipients should use audited data if it is available. When audited data is not available, recipients are not required to obtain audited data if substantially accurate figures can be produced on an unaudited basis. Recipients should use their own data sources to calculate general revenue, and do not need to rely on revenue data published by the Census Bureau. Treasury acknowledges that due to differences in timing, data sources, and definitions, recipients' self-reported general revenue figures may differ from those published by the Census Bureau. 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. Recipients' reporting should align with their own financial reporting.

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 CRF or SLFRF. 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.

Consistent with the broad latitude provided to recipients to use funds for government services to the extent of reduction in revenue, recipients will be required to submit a description of services provided. This description may be in 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 law enforcement operating expenses and $50 were used for pay-go building of sidewalk infrastructure. As discussed in the Interim Final Rule, these services can include a broad range of services but may not be used directly for pension deposits or debt service.

Reporting requirements will not require tracking the indirect effects of Fiscal Recovery Funds, apart from the restrictions on use of Fiscal Recovery Funds to offset a reduction in net tax revenue. In addition, recipients must indicate that Fiscal Recovery Funds were not used to make a deposit in a pension fund.

b. Distributions to NEUs - States and territories only (EC 7.4): Information on SLFRF distributions to eligible NEUs. Each State and territory will be asked to provide an update on distributions to individual NEUs, including whether the NEU has (1) received funding; (2) declined funding and requested a transfer to the State under Section 603(c)(4) of the Act; or (3) not taken action on its funding. States and territories should be prepared to report on their information, including the following:

- NEU name
- NEU DUNS number
- NEU Taxpayer Identification Number (TIN)
- NEU Recipient Number (a unique identification code for each NEU assigned by the State to the NEU as part of the request for funding)
- NEU contact information (e.g., address, point of contact name, point of contact email address, and point of contact phone number)
- NEU authorized representative name and email address
- Initial allocation and, if applicable, subsequent allocation to the NEU (before application of the 75 percent cap)
- Total NEU reference budget (as submitted by the NEU to the State as part of the request for funding)

- Amount of the initial and, if applicable, subsequent allocation above 75 percent of the NEU's reference budget which will be returned to Treasury
- Payment amount(s)
- Payment date(s)

For each eligible NEU that declined funding and requested a transfer to the State under Section 603(c)(4), the State must also attach a form signed by the NEU, as detailed in the Guidance on Distributions of Funds to Non-Entitlement Units of Local Government.

States with "weak" minor civil divisions (i.e., Illinois, Indiana, Kansas, Missouri, Nebraska, North Dakota, Ohio, and South Dakota) should also list any minor civil divisions that the State deemed ineligible.

B. Project and Expenditure Report

All recipients are required to submit Project and Expenditure Reports.

1. Quarterly Reporting

The following recipients are required to submit quarterly Project and Expenditure Reports:
- States, U.S. territories, and Tribal governments
- Metropolitan cities and counties that received more than $5 million in SLFRF funding

For these recipients, 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 calendar days after the end of each calendar quarter. Quarterly reports are not due concurrently with applicable annual reports. The table below summarizes the quarterly report timelines:

Report	Year	Quarter	Period Covered	Due Date
1	2021	2 and 3	Award Date – September 30	October 31, 2021
2	2021	4	October 1 – December 31	January 31, 2022
3	2022	1	January 1 – March 31	April 30, 2022
4	2022	2	April 1 – June 30	July 31, 2022
5	2022	3	July 1 – September 30	October 31, 2022
6	2022	4	October 1 – December 31	January 31, 2023
7	2023	1	January 1 – March 31	April 30, 2023
8	2023	2	April 1 – June 30	July 31, 2023
9	2023	3	July 1 – September 30	October 31, 2023
10	2023	4	October 1 – December 31	January 31, 2024
11	2024	1	January 1 – March 31	April 30, 2024
12	2024	2	April 1 – June 30	July 31, 2024
13	2024	3	July 1 – September 30	October 31, 2024
14	2024	4	October 1 – December 31	January 31, 2025
15	2025	1	January 1 – March 31	April 30, 2025
16	2025	2	April 1 – June 30	July 31, 2025
17	2025	3	July 1 – September 30	October 31, 2025
18	2025	4	October 1 – December 31	January 31, 2026
19	2026	1	January 1 – March 31	April 30, 2026
20	2026	2	April 1 – June 30	July 31, 2026

Report	Year	Quarter	Period Covered	Due Date
21	2026	3	July 1 – September 30	October 31, 2026
22	2026	4	October 1 – December 31	March 31, 2027

2. Annual Reporting

The following recipients are required to submit annual Project and Expenditure Reports:

- Metropolitan cities and counties that received less than $5 million in SLFRF funding.
- NEUs. To facilitate reporting, each NEU will need a NEU Recipient Number. This is a unique identification code for each NEU assigned by the State to the NEU as part of its request for funding.

For these recipients, the initial Project and Expenditure Report will cover from the date of award to September 30, 2021 and must be submitted to Treasury by October 31, 2021. The subsequent annual reports will cover one calendar year and must be submitted to Treasury by October 31. The table below summarizes the report timelines:

Report	Period Covered	Due Date
1	Award Date – September 30, 2021	October 31, 2021
2	October 1, 2021 – September 30, 2022	October 31, 2022
3	October 1, 2022 – September 30, 2023	October 31, 2023
4	October 1, 2023 – September 30, 2024	October 31, 2024
5	October 1, 2024 – September 30, 2025	October 31, 2025
6	October 1, 2025 – September 30, 2026	October 31, 2026
7	October 1, 2026 – December 31, 2026	March 31, 2027

3. Required Information

The following information will be required in Project and Expenditure Reports:

a. Projects: Provide information on all SLFRF funded projects. Projects are new or existing eligible government services or investments funded in whole or in part by SLFRF funding. For each project, the recipient will be required to enter the project name, identification number (created by the recipient), project expenditure category (see Appendix 1), description, and status of completion. Project descriptions must describe the project in sufficient detail to provide understanding of the major activities that will occur, and will be required to be between 50 and 250 words. Projects should be defined to include only closely related activities directed toward a common purpose. In particular, recipients should review the Required Programmatic Data described below and define their projects at a sufficient level of granularity to report these metrics for a reasonably specific activity or set of activities in each project.

   Note: For each project, the recipient will be asked to select the appropriate Expenditure Category based on the scope of the project (see Appendix 1). Projects should be scoped to align to a single Expenditure Category. For select Expenditure Categories, the recipient will also be asked to provide additional programmatic data (described further below).

b. Expenditures: Once a project is entered the recipient will be able to report on the project's obligations and expenditures. Recipients will be asked to report:
   - Current period obligation
   - Cumulative obligation
   - Current period expenditure
   - Cumulative expenditure

c. Project Status: Once a project is entered the recipient will be asked to report on project status each reporting period, in four categories:
   - Not Started
   - Completed less than 50 percent
   - Completed 50 percent or more
   - Completed

d. Project Demographic Distribution: Recognizing the disproportionate impact of the pandemic-related recession on low-income communities, recipients must report whether certain types of projects[15] are targeted to economically disadvantaged communities, as defined by HUD's Qualified Census Tract.[16] Recipients will be asked to identify whether or not the project is serving an economically disadvantaged community. To minimize the administrative burden on recipients while ensuring that this important aspect of program performance is tracked, recipients may assume that the funds for a project count as being targeted towards economically disadvantaged communities if the project funds are spent on:
   - A program or service is provided at a physical location in a Qualified Census Tract (for multi-site projects, if a majority of sites are within Qualified Census Tracts);
   - A program or service where the primary intended beneficiaries live within a Qualified Census Tract;
   - A program or service for which the eligibility criteria are such that the primary intended beneficiaries earn less than 60 percent of the median income for the relevant jurisdiction (e.g., State, county, metropolitan area, or other jurisdiction); or
   - A program or service for which the eligibility criteria are such that over 25 percent of intended beneficiaries are below the federal poverty line.

   Recipients may use reasonable estimates to determine if a project meets one of these criteria, including identifying the intended beneficiaries of a program or service in terms of income characteristics, geographic location, or otherwise estimating the beneficiaries of a program based on its eligibility criteria. Recipients do not need to track information on each individual beneficiary to make the determination of whether or not the project is serving an economically disadvantaged community. If a recipient is unable to measure economic characteristics of the primary intended beneficiaries of a program or service due to data limitations or for other reasons, that program or service may not be counted as targeted to economically disadvantaged communities. Treasury recognizes that in some circumstances, recipients may fund eligible programs or services that benefit economically disadvantaged communities but may lack adequate data to assess conclusively that such a program or service is targeted to economically disadvantaged communities based on the criteria described above.

e. Subawards: Each recipient shall also provide detailed obligation and expenditure information for any contracts and grants awarded, loans issued, transfers made to other government entities, and direct payments made by the recipient that are greater than or equal to $50,000.

[15] Specifically recipients must report this information for projects in the Expenditure Categories that are marked with "^" in the expenditure category listing in Appendix 1 of this guidance

[16] HUD defines as a QCT as having "50 percent of households with incomes below 60 percent of the Area Median Gross Income (AMGI) or have a poverty rate of 25 percent or more." To view median income area for their jurisdiction, recipients may visit the U.S. Census website on median incomes and select the geography for their jurisdiction and relevant unit of measurement (household or individual) for the project.

Recipients do not also need to submit separate monthly subaward reports to FSRS.gov as required pursuant to the 2 CFR Part 170, Appendix A award term regarding reporting subaward and executive compensation, which is included in the SLFRF Award Terms and Conditions. Treasury will submit this reporting on behalf of recipients using the $50,000 reporting threshold, timing, and data elements discussed in this guidance. If recipients choose to continue reporting to FSRS.gov in addition to reporting directly to Treasury on these funds, they may do so and will be asked to notify Treasury as part of their quarterly submission.

In general, recipients will be asked to provide the following information for each Contract, Grant, Loan, Transfer, or Direct Payment greater than or equal to $50,000:

- Subrecipient identifying and demographic information (e.g., DUNS number and location)
- Award number (e.g., Award number, Contract number, Loan number)
- Award date, type, amount, and description
- Award payment method (reimbursable or lump sum payment(s))
- For loans, expiration date (date when loan expected to be paid in full)
- Primary place of performance
- Related project name(s)
- Related project identification number(s) (created by the recipient)
- Period of performance start date
- Period of performance end date
- Quarterly obligation amount
- Quarterly expenditure amount
- Project(s)
- Additional programmatic performance indicators for select Expenditure Categories (see below)

Aggregate reporting is required for contracts, grants, transfers made to other government entities, loans, direct payments, and payments to individuals that are below $50,000. This information will be accounted for by expenditure category at the project level.

As required by the 2 CFR Part 170, Appendix A award term regarding reporting subaward and executive compensation, recipients must also report the names and total compensation of their five most highly compensated executives and their subrecipients' executives for the preceding completed fiscal year if (1) the recipient received 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards), and received $25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act (and subawards), and (2) if the information is not otherwise public. In general, most SLFRF Recipients are governmental entities with executive salaries that are already disclosed, so no additional information must be reported. The recipient is responsible for the subrecipients' compliance with registering and maintaining an updated profile on SAM.gov.

f. Civil Rights Compliance: Treasury will request information on recipients' compliance with Title VI of the Civil Rights Act of 1964 on an annual basis. This information may include a narrative describing the recipient's compliance with Title VI, along with other questions and assurances.

g. Required Programmatic Data (other than infrastructure projects): For all projects listed under the following Expenditure Categories (see Appendix 1), the information listed must be provided in each report.

1. Payroll for Public Health and Safety Employees (EC 1.9):
   - Number of government FTEs responding to COVID-19 supported under this authority

2. Household Assistance (EC 2.1-2.5):
   - Brief description of structure and objectives of assistance program(s) (e.g., nutrition assistance for low-income households)
   - Number of individuals served (by program if recipient establishes multiple separate household assistance programs)
   - Brief description of recipient's approach to ensuring that aid to households responds to a negative economic impact of Covid-19, as described in the Interim Final Rule

3. Small Business Economic Assistance (EC 2.9):
   - Brief description of the structure and objectives of assistance program(s) (e.g., grants for additional costs related to Covid-19 mitigation)
   - Number of small businesses served (by program if recipient establishes multiple separate small businesses assistance programs)
   - Brief description of recipient's approach to ensuring that aid to small businesses responds to a negative economic impact of COVID-19, as described in the Interim Final Rule

4. Aid to Travel, Tourism, and Hospitality or Other Impacted Industries (EC 2.11-2.12):
   - If aid is provided to industries other than travel, tourism, and hospitality (EC 2.12), a description of pandemic impact on the industry and rationale for providing aid to the industry
   - Brief narrative description of how the assistance provided responds to negative economic impacts of the COVID-19 pandemic
   - For each subaward:
     - Sector of employer (Note: additional detail, including list of sectors to be provided in a users' guide)
     - Purpose of funds (e.g., payroll support, safety measure implementation)

5. Rehiring Public Sector Staff (EC 2.14):
   - Number of FTEs rehired by governments under this authority

6. Education Assistance (EC 3.1-3.5):
   - The National Center for Education Statistics ("NCES") School ID or NCES District ID. List the School District if all schools within the school district received some funds. If not all schools within the school district received funds, list the School ID of the schools that received funds. These can allow evaluators to link data from the NCES to look at school-level demographics and, eventually, student performance.[17]

[17] For more information on NCES identification numbers see https://nces.ed.gov/ccd/districtsearch/ (districts) and https://nces.ed.gov/ccd/schoolsearch/ (schools).

7. Premium Pay (both Public Sector EC 4.1 and Private Sector EC 4.2):
   - List of sectors designated as critical to the health and well-being of residents by the chief executive of the jurisdiction, if beyond those included in the Interim Final Rule (Note: a list of sectors will be provided in the forthcoming users' guide).
   - Number of workers to be served
   - Employer sector for all subawards to third-party employers (i.e., employers other than the State, local, or Tribal government) (Note: a list of sectors will be provided in the forthcoming users' guide).
   - For groups of workers (e.g., an operating unit, a classification of worker, etc.) or, to the extent applicable, individual workers, for whom premium pay would increase total pay above 150 percent of their residing State's average annual wage, or their residing county's[18] average annual wage, whichever is higher, on an annual basis:
     - A brief written narrative justification of how the premium pay or grant is responsive to workers performing essential work during the public health emergency. This could include a description of the essential workers' duties, health or financial risks faced due to COVID-19, and why the recipient government determined that the premium pay was responsive to workers performing essential work during the pandemic. This description should not include personally identifiable information; when addressing individual workers, recipients should be careful not to include this information. Recipients may consider describing the workers' occupations and duties in a general manner as necessary to protect privacy.

8. Revenue replacement (EC 6.1):
   Under the Interim Final Rule, recipients calculate revenue loss using data as of four discrete points during the program: December 31, 2020, December 31, 2021, December 31, 2022, and December 31, 2023. Revenue loss calculated as of December 31, 2020 will be reported in the Interim Report, as described above. For future calculation dates, revenue loss will be reported only in the Quarter 4 reports due January 31, 2022, January 31, 2023, and January 31, 2024. Reporting on revenue loss should include:
   - General revenue collected over the past 12 months as of the most recent calculation date, as outlined in the Interim Final Rule (for example, for the January 31, 2022 report, recipients should provide 12 month general revenue as of December 31, 2021);
   - Calculated revenue loss due to the Covid-19 public health emergency; and
   - An explanation of how the revenue replacement funds were allocated to government services (note: additional instructions and/or template to be provided in user guide).

   In calculating general revenue and the revenue loss due to the COVID-19 public health emergency, recipients should follow the same guidance as described above for the Interim Report.

h. Required Programmatic Data for Infrastructure Projects (EC 5): For all projects listed under the Water, Sewer, and Broadband Expenditure Categories (see Appendix 1), more detailed project-level information is required. Each project will be required to report expenditure data as described above, but will also report the following information:

[18] *County* means a county, parish, or other equivalent county division (as defined by the Census Bureau). See 31 CFR 35.3.

1. All infrastructure projects (EC 5):
   - Projected/actual construction start date (month/year)
   - Projected/actual initiation of operations date (month/year)
   - Location (for broadband, geospatial location data)
   - For projects over $10 million:
     a. A recipient may provide a certification that, for the relevant project, all laborers and mechanics employed by contractors and subcontractors in the performance of such project are paid wages at rates not less than those prevailing, as determined by the U.S. Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the "Davis-Bacon Act"), for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of the State (or the District of Columbia) in which the work is to be performed, or by the appropriate State entity pursuant to a corollary State prevailing-wage-in-construction law (commonly known as "baby Davis-Bacon Acts"). If such certification is not provided, a recipient must provide a project employment and local impact report detailing:
        - The number of employees of contractors and sub-contractors working on the project;
        - The number of employees on the project hired directly and hired through a third party;
        - The wages and benefits of workers on the project by classification; and
        - Whether those wages are at rates less than those prevailing.[19]

        Recipients must maintain sufficient records to substantiate this information upon request.
     b. A recipient may provide a certification that a project includes a project labor agreement, meaning a pre-hire collective bargaining agreement consistent with section 8(f) of the National Labor Relations Act (29 U.S.C. 158(f)). If the recipient does not provide such certification, the recipient must provide a project workforce continuity plan, detailing:
        - How the recipient will ensure the project has ready access to a sufficient supply of appropriately skilled and unskilled labor to ensure high-quality construction throughout the life of the project;
        - How the recipient will minimize risks of labor disputes and disruptions that would jeopardize timeliness and cost-effectiveness of the project; and
        - How the recipient will provide a safe and healthy workplace that avoids delays and costs associated with workplace illnesses, injuries, and fatalities;
        - Whether workers on the project will receive wages and benefits that will secure an appropriately skilled workforce in the context of the local or regional labor market; and
        - Whether the project has completed a project labor agreement.
     c. Whether the project prioritizes local hires.
     d. Whether the project has a Community Benefit Agreement, with a description of any such agreement.

[19] As determined by the U.S. Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the "Davis-Bacon Act"), for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the civil subdivision of the State (or the District of Columbia) in which the work is to be performed.

2. Water and sewer projects (EC 5.1-5.15):
   - National Pollutant Discharge Elimination System (NPDES) Permit Number (if applicable; for projects aligned with the Clean Water State Revolving Fund)
   - Public Water System (PWS) ID number (if applicable; for projects aligned with the Drinking Water State Revolving Fund)

3. Broadband projects (EC 5.16-5.17):
   - Speeds/pricing tiers to be offered, including the speed/pricing of its affordability offering
   - Technology to be deployed
   - Miles of fiber
   - Cost per mile
   - Cost per passing
   - Number of households (broken out by households on Tribal lands and those not on Tribal lands) projected to have increased access to broadband meeting the minimum speed standards in areas that previously lacked access to service of at least 25 Mbps download and 3 Mbps upload
     - Number of households with access to minimum speed standard of reliable 100 Mbps symmetrical upload and download
     - Number of households with access to minimum speed standard of reliable 100 Mbps download and 20 Mbps upload
   - Number of institutions and businesses (broken out by institutions on Tribal lands and those not on Tribal lands) projected to have increased access to broadband meeting the minimum speed standards in areas that previously lacked access to service of at least 25 Mbps download and 3 Mbps upload, in each of the following categories: business, small business, elementary school, secondary school, higher education institution, library, healthcare facility, and public safety organization
     - Specify the number of each type of institution with access to the minimum speed standard of reliable 100 Mbps symmetrical upload and download; and
     - Specify the number of each type of institution with access to the minimum speed standard of reliable 100 Mbps download and 20 Mbps upload

i. Distributions to NEUs - States and territories only (EC 7.4): Information on SLFRF distributions to eligible NEUs. Each State and territory will be asked to provide an update on distributions to individual NEUs, including whether the NEU has (1) received funding; (2) declined funding and requested a transfer to the State under Section 603(c)(4) of the Act; or (3) not taken action on its funding. States and territories should be prepared to report on their information, including the following:
   - NEU name
   - NEU DUNS number
   - NEU Taxpayer Identification Number (TIN)
   - NEU Recipient Number (a unique identification code for each NEU assigned by the State to the NEU as part of the request for funding)
   - NEU contact information (e.g., address, point of contact name, point of contact email address, and point of contact phone number)
   - NEU authorized representative name and email address
   - Initial allocation and, if applicable, subsequent allocation to the NEU (before application of the 75 percent cap)
   - Total NEU reference budget (as submitted by the NEU to the State as part of the request for funding)
   - Amount of the initial and, if applicable, subsequent allocation above 75 percent of the NEU's reference budget which will be returned to Treasury
   - Payment amount(s)
   - Payment date(s)

For each eligible NEU that declined funding and requested a transfer to the State under Section 603(c)(4), the State must also attach a form signed by the NEU, as detailed in the Guidance on Distributions of Funds to Non-Entitlement Units of Local Government.

States with "weak" minor civil divisions (i.e., Illinois, Indiana, Kansas, Missouri, Nebraska, North Dakota, Ohio, and South Dakota) should also list any minor civil divisions that the State deemed ineligible.

j. NEU Documentation (NEUs only): Each NEU will also be asked to provide the following information with their first report submitted by October 31, 2021:
   - Copy of the signed award terms and conditions agreement (which was signed and submitted to the State as part of the request for funding)
   - Copy of the signed assurances of compliance with Title VI of the Civil Rights Act of 1964 (which was signed and submitted to the State as part of the request for funding)
   - Copy of actual budget documents validating the top-line budget total provided to the State as part of the request for funding

C. Recovery Plan Performance Report

States, territories, metropolitan cities, and counties with a population that exceeds 250,000 residents will also be required to publish and submit to Treasury a Recovery Plan performance report ("Recovery Plan"). Each Recovery Plan must be posted on the public-facing website of the recipient by the same date the recipient submits the report to Treasury. This reporting requirement includes uploading a link to the publicly available document report along with providing data in the Treasury reporting portal.

The Recovery Plan will provide the public and Treasury information on the projects recipients are undertaking with program funding and how they are planning to ensure program outcomes are achieved in an effective, efficient, and equitable manner. While this guidance outlines some minimum requirements for the Recovery Plan, each recipient is encouraged to add information to the plan they feel is appropriate to provide information to their constituents on efforts they are taking to respond to the pandemic and promote economic recovery. Each jurisdiction may determine the general form and content of the Recovery Plan, as long as it includes the minimum information determined by Treasury. Treasury will provide a recommended template but recipients may modify this template as appropriate for their jurisdiction. The Recovery Plan will include key performance indicators identified by the recipient and some mandatory indicators identified by Treasury.

The initial Recovery Plan will cover the period from the date of award to July 31, 2021 and must be submitted to Treasury by August 31, 2021. Thereafter, the Recovery Plan 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 (by July 31). The table below summarizes the report timelines:

Annual Report	Period Covered	Due Date
1	Award Date – July 31, 2021	August 31, 2021
2	July 1, 2021 – June 30, 2022	July 31, 2022
3	July 1, 2022 – June 30, 2023	July 31, 2023
4	July 1, 2023 – June 30, 2024	July 31, 2024
5	July 1, 2024 – June 30, 2025	July 31, 2025
6	July 1, 2025 – June 30, 2026	July 31, 2026
7	July 1, 2026 – December 31, 2026	March 31, 2027

The Recovery Plan will include, at a minimum, the following information:

1. Executive Summary
Provide a high-level overview of the jurisdiction's intended and actual uses of funding including, but not limited to: the jurisdiction's plan for use of funds to promote a response to the pandemic and economic recovery, key outcome goals, progress to date on those outcomes, and any noteworthy challenges or opportunities identified during the reporting period.

2. Uses of Funds
Describe in further detail your jurisdiction's intended and actual uses of the funds, such as how your jurisdiction's approach would help support a strong and equitable recovery from the COVID-19 pandemic and economic downturn. Describe any strategies employed to maximize programmatic impact and effective, efficient, and equitable outcomes. Given the broad eligible uses of funds and the specific needs of the jurisdiction, please also explain how the funds would support the communities, populations, or individuals in your jurisdiction. Your description should address how you are promoting each of the following, to the extent they apply:

a. Public Health (EC 1): As relevant, describe how funds are being used to respond to COVID-19 and the broader health impacts of COVID-19 and the COVID-19 public health emergency.
b. Negative Economic Impacts (EC 2): As relevant, describe how funds are being used to respond to negative economic impacts of the COVID-19 public health emergency, including to households and small businesses.
c. Services to Disproportionately Impacted Communities (EC 3): As relevant, describe how funds are being used to provide services to communities disproportionately impacted by the COVID-19 public health emergency.
d. Premium Pay (EC 4): As relevant, describe the approach, goals, and sectors or occupations served in any premium pay program. Describe how your approach prioritizes low-income workers.
e. Water, sewer, and broadband infrastructure (EC 5): Describe the approach, goals, and types of projects being pursued, if pursuing.
f. Revenue Replacement (EC 6): Describe the loss in revenue due to the COVID-19 public health emergency and how funds have been used to provide government services.

Where appropriate, recipients should also include information on your jurisdiction's use (or planned use) of other federal recovery funds including other programs under the American Rescue Plan such as the Emergency Rental Assistance, Housing Assistance, and so forth, to provide broader context on the overall approach for pandemic recovery.

3. Promoting equitable outcomes
Describe efforts to promote equitable outcomes, including how programs were designed with equity in mind. Please include in your description how your jurisdiction will consider and measure equity at the various stages of the program, including:

a. Goals: Are there particular historically underserved, marginalized, or adversely affected groups that you intend to serve within your jurisdiction?
b. Awareness: How equal and practical is the ability for residents or businesses to become aware of the services funded by the SLFRF?
c. Access and Distribution: Are there differences in levels of access to benefits and services across groups? Are there administrative requirements that result in disparities in ability to complete applications or meet eligibility criteria?

d. Outcomes: Are intended outcomes focused on closing gaps, reaching universal levels of service, or disaggregating progress by race, ethnicity, and other equity dimensions where relevant for the policy objective?

Treasury encourages uses of funds that promote strong, equitable growth, including racial equity. Please describe how your jurisdiction's planned or current use of funds prioritizes economic and racial equity as a goal, names specific targets intended to produce meaningful equity results at scale, and articulates the strategies to achieve those targets. In addition, please explain how your jurisdiction's overall equity strategy translates into the specific services or programs offered by your jurisdiction in the following Expenditure Categories:

a. Negative Economic Impacts (EC 2): assistance to households, small businesses, and non-profits to address impacts of the pandemic, which have been most severe among low-income populations. This includes assistance with food, housing, and other needs; employment programs for people with barriers to employment who faced negative economic impacts from the pandemic (such as residents of low-income neighborhoods, minorities, disconnected youth, the unemployed, formerly incarcerated people, veterans, and people with disabilities); and other strategies that provide disadvantaged groups with access to education, jobs, and opportunity.
b. Services to Disproportionately Impacted Communities (EC 3): services to address health disparities and the social determinants of health, build stronger neighborhoods and communities (e.g., affordable housing), address educational disparities (e.g., evidence-based tutoring, community schools, and academic, social-emotional, and mental health supports for high poverty schools), and promote healthy childhood environments (e.g., home visiting, child care).

The initial report must describe efforts to date and intended outcomes to promote equity. Each annual report thereafter must provide an update, using qualitative and quantitative data, on how the recipients' approach achieved or promoted equitable outcomes or progressed against equity goals during the performance period. Please also describe any constraints or challenges that impacted project success in terms of increasing equity. In particular, this section must describe the geographic and demographic distribution of funding, including whether it is targeted toward traditionally marginalized communities.

For the purposes of the SLFRF, equity is defined in the Executive Order 13985 On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, as issued on January 20, 2021.

4. Community Engagement

Please describe how your jurisdiction's planned or current use of funds incorporates written, oral, and other forms of input that capture diverse feedback from constituents, community-based organizations, and the communities themselves. Where relevant, this description must include how funds will build the capacity of community organizations to serve people with significant barriers to services, including people of color, people with low incomes, limited English proficient populations, and other traditionally underserved groups.

5. Labor Practices

Describe workforce practices on any infrastructure projects being pursued (EC 5). How are projects using strong labor standards to promote effective and efficient delivery of high-quality infrastructure projects while also supporting the economic recovery through strong employment opportunities for workers? For example, report whether any of the following practices are being utilized: project labor agreements, community benefits agreements, prevailing wage requirements, and local hiring.

6. Use of Evidence

The Recovery Plan should identify whether SLFRF funds are being used for evidence-based interventions[20] and/or if projects are being evaluated through rigorous program evaluations that are designed to build evidence. Recipients must briefly describe the goals of the project, and the evidence base for the interventions funded by the project. Recipients must specifically identify the dollar amount of the total project spending that is allocated towards evidence-based interventions for each project in the Public Health (EC 1), Negative Economic Impacts (EC 2), and Services to Disproportionately Impacted Communities (EC 3) Expenditure Categories.[21]

Recipients are exempt from reporting on evidence-based interventions in cases where a program evaluation is being conducted. Recipients are encouraged to use relevant evidence Clearinghouses, among other sources, to assess the level of evidence for their interventions and identify evidence-based models that could be applied in their jurisdiction; such evidence clearinghouses include the U.S. Department of Education's What Works Clearinghouse, the U.S. Department of Labor's CLEAR, and the Childcare & Early Education Research Connections and the Home Visiting Evidence of Effectiveness clearinghouses from Administration for Children and Families, as well as other clearinghouses relevant to particular projects conducted by the recipient. In such cases where a recipient is conducting a program evaluation in lieu of reporting the amount of spending on evidence-based interventions, they must describe the evaluation design including whether it is a randomized or quasi-experimental design; the key research questions being evaluated; whether the study has sufficient statistical power to disaggregate outcomes by demographics; and the timeframe for the completion of the evaluation (including a link to completed evaluation if relevant).[22] Once the evaluation has been completed, recipients must post the evaluation publicly and link to the completed evaluation in the Recovery Plan. Once an evaluation has been completed (or has sufficient interim findings to determine the efficacy of the intervention), recipients should determine whether the spending for the evaluated interventions should be counted towards the dollar amount categorized as evidence-based for the relevant project.

For all projects, recipients may be selected to participate in a national evaluation, which would study their project along with similar projects in other jurisdictions that are focused on the same set of outcomes. In such cases, recipients may be asked to share information and data that is needed for the national evaluation.

Recipients are encouraged to consider how a Learning Agenda, either narrowly focused on SLFRF or broadly focused on the recipient's broader policy agenda, could support their overarching evaluation efforts in order to create an evidence-building strategy for their jurisdiction.[23]

Appendix 2 contains additional information on evidence-based interventions for the purposes of the Recovery Plan.

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[20] As noted in Appendix 2, evidence-based refers to interventions with strong or moderate levels of evidence.

[21] Of note, recipients are only required to report the amount of the total funds that are allocated to evidence-based interventions in the areas of Public Health, Negative Economic Impacts, and Services to Disproportionately Impacted Communities that are marked by an asterisk in Appendix 1: Expenditure Categories.

[22] For more information on the required standards for program evaluation, see OMB M-20-12.

[23] For more information on learning agendas, please see OMB M-19-23

7. Table of Expenses by Expenditure Category

Please include a table listing the amount of funds used in each Expenditure Category (See Appendix 1). The table should include cumulative expenses to date within each category, and the additional amount spent within each category since the last annual Recovery Plan.

8. Project Inventory

List the name and provide a brief description of all SLFRF funded projects. Projects are new or existing eligible government services or investments funded in whole or in part by SLFRF funding. For each project, include the project name, funding amount, identification number (created by the recipient and used thereafter in the quarterly Program and Expenditure Report), project Expenditure Category (see Appendix 1), and a description of the project which includes an overview of the main activities of the project, the approximate timeline, primary delivery mechanisms and partners, if applicable, and intended outcomes. Include a link to the website of the project if available. This information will provide context and additional detail for the information reported quarterly in the Project and Expenditure Report.

For infrastructure investment projects (EC 5), project-level reporting will be more detailed, as described for the Project and Expenditure Report above. Projects in this area may be grouped by Expenditure Category if needed, with further detail (such as the specific project name and identification number) provided in the Project and Expenditure Report. For infrastructure projects, descriptions should note how the project contributes to addressing climate change.

9. Performance Report

The Recovery Plan must include key performance indicators for the major SLFRF funded projects undertaken by the recipient. The recipient has flexibility in terms of how this information is presented in the Recovery Plan, and may report key performance indicators for each project, or may group projects with substantially similar goals and the same outcome measures. In some cases, the recipient may choose to include some indicators for each individual project as well as crosscutting indicators.

Performance indicators should include both output and outcome measures. Output measures, such as number of students enrolled in an early learning program, provide valuable information about the early implementation stages of a project. Outcome measures, such as the percent of students reading on grade level, provide information about whether a project is achieving its overall goals. Recipients are encouraged to use logic models[24] to identify their output and outcome measures. While the initial report will focus heavily on early output goals, recipients must include the related outcome goal for each project and provide updated information on achieving these outcome goals in annual reports. In cases where recipients are conducting a program evaluation for a project (as described above), the outcome measures in the performance report should be aligned with those being evaluated in the program. To support their performance measurement and program improvement efforts, recipients are permitted to use funds to make improvements to data or technology infrastructure and data analytics, as well as program evaluations.

10. Required Performance Indicators and Programmatic Data

While recipients have discretion on the full suite of performance indicators to include, a number of mandatory performance indicators and programmatic data must be included. These are necessary to allow Treasury to conduct oversight as well as understand and aggregate program outcomes across recipients. This section provides an overview of the mandatory performance indicators and programmatic data. This information may be included in each recipient's Recovery Plan as they determine most appropriate, including combining with the

[24] A logic model is a tool that depicts the intended links between program investments and outcomes, specifically the relationships among the resources, activities, outputs, outcomes, and impact of a program.

section above, but this data will also need to be entered directly into the Treasury reporting portal. Below is a list of required data for each Expenditure Category:

a. Household Assistance (EC 2.2 & 2.5) and Housing Support (EC 3.10-3.12):
   - Number of people or households receiving eviction prevention services (including legal representation)
   - Number of affordable housing units preserved or developed

b. Negative Economic Impacts (EC 2):
   - Number of workers enrolled in sectoral job training programs
   - Number of workers completing sectoral job training programs
   - Number of people participating in summer youth employment programs

c. Education Assistance (EC 3.1-3.5):
   - Number of students participating in evidence-based tutoring programs[25]

d. Healthy Childhood Environments (EC 3.6-3.9):
   - Number of children served by childcare and early learning (pre-school/pre-K/ages 3-5)
   - Number of families served by home visiting

The initial report should include the key indicators above. Each annual report thereafter should include updated data for the performance period as well as prior period data, and a brief narrative adding any additional context to help the reader interpret the results and understand the any changes in performance indicators over time. To the extent possible, Treasury also encourages recipients to provide data disaggregated by race, ethnicity, gender, income, and other relevant factors.

11. Ineligible Activities: Tax Offset Provision (States and territories only)
The following information is required for Treasury to ensure SLFRF funding is not used for ineligible activities.

In each reporting year, States and territories will report certain items related to the Tax Offset Provision 31 CFR 35.8, as detailed below. As indicated in the Interim Final Rule, Treasury is seeking comment on reporting requirements related to the Tax Offset Provision, including ways to better rely on information already produced by States and territories and to minimize burden.

The terms "reporting year," "baseline," "covered change," "net reduction in total spending," and "tax revenue" are defined in the Interim Final Rule, 31 CFR 35.3. For purposes of calculating a net reduction in total spending, total spending for the fiscal year ending 2019 should be reported on an inflation-adjusted basis, consistent with the Interim Final Rule, 31 CFR 35.3. Similarly, for purposes of calculating baseline, tax revenue for the fiscal year 2019 should be reported on an inflation-adjusted basis, consistent with the Interim Final Rule, 31 CFR 35.3.

For purposes of reporting actual tax revenue and calculating tax revenue for the fiscal year ending 2019,[26] (a) if available, recipients should report information using audited financials and (b) recipients may provide data on a cash, accrual, or modified accrual basis, but must be consistent in their approach across all reporting periods. Similarly, for purposes of calculating

[25] For more information on evidence-based tutoring programs, refer to the U.S. Department of Education's 2021 ED COVID-19 Handbook (Volume 2), which summarizes research on evidence-based tutoring programs (see the bottom of page 20.
[26] Tax revenue for fiscal year ending 2019 is relevant for calculating the recipient's baseline.

a net reduction in total spending, recipients should report data using audited financials where available.

a. Revenue-reducing Covered Changes:
For each reporting year, a recipient must report the value of covered changes that the recipient predicts will have the effect of reducing tax revenue in a given reporting year (revenue-reducing covered changes), similar to the way it would in the ordinary course of its budgeting process. The value of these covered changes may be reported based on estimated values produced by a budget model, incorporating reasonable assumptions, that aligns with the recipient government's existing approach for measuring the effects of fiscal policies, and that measures relative to a current law baseline. The covered changes may also be reported based on actual values using a statistical methodology to isolate the change in year-over-year revenue attributable to the covered change(s), relative to the current law baseline prior to the change(s). Estimation approaches should not use dynamic methodologies that incorporate the projected effects of the policies on macroeconomic growth. In general and where possible, reported values should be produced by the agency of the recipient government responsible for estimating the costs and effects of fiscal policy changes. Recipients must maintain records regarding the identification and predicted effects of revenue-reducing covered changes.

b. Baseline Revenue:
Baseline has the meaning defined in the Interim Final Rule, 31 CFR 35.3.

Whether the revenue-reducing covered changes are in excess of the *de minimis*.
Recipients must determine whether the aggregate value of the revenue-reducing covered changes in the reporting year is less than one percent of baseline revenue.

c. Actual Tax Revenue:
Actual tax revenue means the actual tax revenue received by the recipient government in the reporting year. Tax revenue has the meaning defined in the Interim Final Rule, 31 CFR 35.3.

d. Reduction in Net Tax Revenue:
The reduction in net tax revenue is equal to baseline revenue minus actual tax revenue in each reporting year. If this value is zero or negative, there is no reduction in net tax revenue.

e. Any revenue-increasing covered changes:
A recipient must report the value of covered changes that have had or that the recipient predicts will have the effect of increasing tax revenue in a given reporting year (revenue-increasing covered changes), similar to the way it would in the ordinary course of its budgeting process. The value of these covered changes may be reported based on estimated values produced by a budget model, incorporating reasonable assumptions, that aligns with the recipient's existing approach for measuring the effects of fiscal policies, and that measures relative to a current law baseline. The covered changes may also be reported based on actual values using a statistical methodology to isolate the change in year-over-year revenue attributable to the covered change(s), relative to the current law baseline prior to the change(s). Estimation approaches should not use dynamic methodologies that incorporate the projected effects of the policies on macroeconomic growth. In general and where possible, reporting should be produced by the agency of the recipient responsible for estimating the costs and effects of fiscal policy changes.

Recipients should maintain records regarding revenue-reducing covered changes and estimates of such changes.

f. Net reduction in total spending, and tables of specific spending cuts:
Recipients must report on spending cuts. To calculate the amount of spending cuts that are available to offset a reduction in tax revenue, the recipient must first consider whether there has been a reduction in total net spending, excluding Fiscal Recovery Funds (net reduction in total spending). As in the Interim Final Rule, 35 CFR 35.3, net reduction in total spending is measured as the recipient government's total spending for a given reporting year excluding Fiscal Recovery Funds, subtracted from its total spending for its fiscal year ending in 2019, adjusted for inflation using the Bureau of Economic Analysis's Implicit Price Deflator for the gross domestic product of the United States. If that subtraction yields a positive value, there has been a net reduction; if it yields zero or a negative value, there has not been a net reduction. If there has been no net reduction in total spending, a recipient will have no spending cuts to offset a reduction in net tax revenue.

Next, a recipient must determine and aggregate the value of spending cuts in each "reporting unit," as defined below. For each reporting unit, the recipient must report (1) the amount of the reduction in spending in the reporting unit relative to its inflation-adjusted FY 2019 level, (2) the amount of any Fiscal Recovery Funds spent in the reporting unit, and (3) the amount by which the reduction in spending exceeds the Fiscal Recovery funds spent in the reporting unit. If a recipient has not spent amounts received from the Fiscal Recovery Funds in a reporting unit, the full amount of the reduction in spending counts as a covered spending cut and may be included in aggregate spending cuts. If the recipient has spent amounts received from the Fiscal Recovery Funds, such amounts generally would be deemed to have replaced the amount of spending cut, and only reductions in spending above the amount of Fiscal Recovery Funds spent on the reporting unit would be eligible to offset a reduction in net tax revenue. Only such amounts above the amount of Fiscal Recovery Funds spent on the reporting unit should be included in the aggregate of spending cuts.

To align with existing reporting and accounting, the Interim Final Rule considers the department, agency, or authority from which spending has been cut and whether the recipient government has spent amounts received from the Fiscal Recovery Funds on that same department, agency, or authority. Recipients may also choose to report at a more granular sub-department level. Recipients are encouraged to define and report spending in departments, sub-departments (e.g., bureaus), agencies, or authorities (each a "reporting unit") in a manner consistent with their existing budget process and should, to the extent possible, report using the same reporting unit in each reporting year. For example, if a State health department maintains separate budgets for different units (e.g., medical and public health units), those units may be reported and considered separately. Spending cuts must be reported relative to FY 2019 spending levels, adjusted for inflation, and excluding Fiscal Recovery Funds from reporting year spending levels.

Recipients should maintain records regarding spending cuts. As discussed in the Interim Final Rule, in order to help ensure governments use Fiscal Recovery Funds in a manner consistent with the prescribed eligible uses and do not use Fiscal Recovery Funds to indirectly offset a reduction in net tax revenue resulting from a covered change, Treasury will monitor changes in spending throughout the covered period. Evasions of the Tax Offset Provision may be subject to recoupment.

Appendix 1: Expenditure Categories

The Expenditure Categories (EC) listed below must be used to categorize each project as noted in Part 2 above. The term "Expenditure Category" refers to the detailed level (e.g., 1.1 COVID-10 Vaccination). When referred to as a category (e.g., EC 1) it includes all Expenditure Categories within that level.

1: Public Health	
1.1	COVID-19 Vaccination ^
1.2	COVID-19 Testing ^
1.3	COVID-19 Contact Tracing
1.4	Prevention in Congregate Settings (Nursing Homes, Prisons/Jails, Dense Work Sites, Schools, etc.)*
1.5	Personal Protective Equipment
1.6	Medical Expenses (including Alternative Care Facilities)
1.7	Capital Investments or Physical Plant Changes to Public Facilities that respond to the COVID-19 public health emergency
1.8	Other COVID-19 Public Health Expenses (including Communications, Enforcement, Isolation/Quarantine)
1.9	Payroll Costs for Public Health, Safety, and Other Public Sector Staff Responding to COVID-19
1.10	Mental Health Services*
1.11	Substance Use Services*
1.12	Other Public Health Services
2: Negative Economic Impacts	
2.1	Household Assistance: Food Programs* ^
2.2	Household Assistance: Rent, Mortgage, and Utility Aid* ^
2.3	Household Assistance: Cash Transfers* ^
2.4	Household Assistance: Internet Access Programs* ^
2.5	Household Assistance: Eviction Prevention* ^
2.6	Unemployment Benefits or Cash Assistance to Unemployed Workers*
2.7	Job Training Assistance (e.g., Sectoral job-training, Subsidized Employment, Employment Supports or Incentives)* ^
2.8	Contributions to UI Trust Funds
2.9	Small Business Economic Assistance (General)* ^
2.10	Aid to Nonprofit Organizations*
2.11	Aid to Tourism, Travel, or Hospitality
2.12	Aid to Other Impacted Industries
2.13	Other Economic Support* ^
2.14	Rehiring Public Sector Staff
3: Services to Disproportionately Impacted Communities	
3.1	Education Assistance: Early Learning* ^
3.2	Education Assistance: Aid to High-Poverty Districts ^
3.3	Education Assistance: Academic Services* ^
3.4	Education Assistance: Social, Emotional, and Mental Health Services* ^
3.5	Education Assistance: Other* ^
3.6	Healthy Childhood Environments: Child Care* ^
3.7	Healthy Childhood Environments: Home Visiting* ^
3.8	Healthy Childhood Environments: Services to Foster Youth or Families Involved in Child Welfare System* ^

3.9	Healthy Childhood Environments: Other* ^
3.10	Housing Support: Affordable Housing* ^
3.11	Housing Support: Services for Unhoused Persons* ^
3.12	Housing Support: Other Housing Assistance* ^
3.13	Social Determinants of Health: Other* ^
3.14	Social Determinants of Health: Community Health Workers or Benefits Navigators* ^
3.15	Social Determinants of Health: Lead Remediation ^
3.16	Social Determinants of Health: Community Violence Interventions* ^
4: Premium Pay	
4.1	Public Sector Employees
4.2	Private Sector: Grants to Other Employers
5: Infrastructure[27]	
5.1	Clean Water: Centralized Wastewater Treatment
5.2	Clean Water: Centralized Wastewater Collection and Conveyance
5.3	Clean Water: Decentralized Wastewater
5.4	Clean Water: Combined Sewer Overflows
5.5	Clean Water: Other Sewer Infrastructure
5.6	Clean Water: Stormwater
5.7	Clean Water: Energy Conservation
5.8	Clean Water: Water Conservation
5.9	Clean Water: Nonpoint Source
5.10	Drinking water: Treatment
5.11	Drinking water: Transmission & Distribution
5.12	Drinking water: Transmission & Distribution: Lead Remediation
5.13	Drinking water: Source
5.14	Drinking water: Storage
5.15	Drinking water: Other water infrastructure
5.16	Broadband: "Last Mile" projects
5.17	Broadband: Other projects
6: Revenue Replacement	
6.1	Provision of Government Services
7: Administrative	
7.1	Administrative Expenses
7.2	Evaluation and Data Analysis
7.3	Transfers to Other Units of Government
7.4	Transfers to Non-entitlement Units (States and territories only)

*Denotes areas where recipients must identify the amount of the total funds that are allocated to evidence-based interventions (see Use of Evidence section above for details)

^Denotes areas where recipients must report on whether projects are primarily serving disadvantaged communities (see Project Demographic Distribution section above for details)

[27] Definitions for water and sewer Expenditure Categories can be found in the EPA's handbooks. For "clean water" expenditure category definitions, please see: https://www.epa.gov/sites/production/files/2018-03/documents/cwdefinitions.pdf. For "drinking water" expenditure category definitions, please see: https://www.epa.gov/dwsrf/drinking-water-state-revolving-fund-national-information-management-system-reports.

Appendix 2: Evidenced-Based Intervention Additional Information

What is evidence-based?
For the purposes of the SLFRF, evidence-based refers to interventions with strong or moderate evidence as defined below:

Strong evidence means the evidence base that can support causal conclusions for the specific program proposed by the applicant with the highest level of confidence. This consists of one or more well-designed and well-implemented experimental studies conducted on the proposed program with positive findings on one or more intended outcomes.

Moderate evidence means that there is a reasonably developed evidence base that can support causal conclusions. The evidence base consists of one or more quasi-experimental studies with positive findings on one or more intended outcomes OR two or more non-experimental studies with positive findings on one or more intended outcomes. Examples of research that meet the standards include: well-designed and well-implemented quasi-experimental studies that compare outcomes between the group receiving the intervention and a matched comparison group (i.e., a similar population that does not receive the intervention).

Preliminary evidence means that the evidence base can support conclusions about the program's contribution to observed outcomes. The evidence base consists of at least one non-experimental study. A study that demonstrates improvement in program beneficiaries over time on one or more intended outcomes OR an implementation (process evaluation) study used to learn and improve program operations would constitute preliminary evidence. Examples of research that meet the standards include: (1) outcome studies that track program beneficiaries through a service pipeline and measure beneficiaries' responses at the end of the program; and (2) pre- and post-test research that determines whether beneficiaries have improved on an intended outcome.

Revision Log

Version	Date Published	Summary of changes
1.0	June 17, 2021	Initial publication
1.1	June 24, 2021	• Pg. 12, removed references to "summary" level with respect to reporting by Expenditure Categories in the Interim Report to avoid confusion. • Pg. 13, revised the coverage period end date for the Interim Report from June 30, 2021 to July 31, 2021 to align with the IFR. • Pg. 13, removed references to "summary" level with respect to reporting by Expenditure Categories in the Interim Report to avoid confusion. • Pg. 31, removed references to "summary level" with respect to Expenditure Categories in Appendix 1 to avoid confusion.

(A)

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
REGION 2
98 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0098

Janet T. Mills
GOVERNOR

Bruce A. Van Note
COMMISSIONER

RECEIVED

AUG 16 2021

Matthew Lawson
Erin Flanagan
296 West Appleton Road
Appleton, ME 04862

RE: Jersey Barriers in the right of way of Route 52 in Lincolnville

Dear Mr. Lawson and Mrs. Flanagan,

This letter is regarding the jersey barriers within the highway right of way (ROW) and the illegal attachment of a dock to the guardrail on Route 52 in Lincolnville.

Department personnel were recently ditching along Route 52 in the Towns of Camden and Lincolnville. While doing so it was brought to my attention that there are concrete jersey barriers in front of your property within the highway ROW. These jersey barriers prevent the Department from completing necessary maintenance on this stretch of highway and are considered deadly fixed objects (DFO) which present a danger to the traveling public. If you wish to retain the jersey barriers for use elsewhere please remove them by August 30, 2021. If you fail to act by to August 30, 2021 the Department will remove and dispose of the jersey barriers as it sees fit.

Upon making a sight visit to investigate issues with the ditching project it was noted that there is also a dock across form the jersey barriers that has been attached to the guardrail posts. Attachment of a dock to the guardrail cannot be allowed. Please remove the attachment to the guardrail within 30 days or I will seek the Department's legal remedies provided by Maine law.

If there is any reason you cannot complete these requests within the allotted time frame or if you have any questions I can be reached at (207) 624-8224.

Sincerely,

Brian Reeves
Midcoast Region Engineer
MaineDOT

CC: David B. Kinney, Lincolnville Town Administrator
Chip Kelley, Transportation Claims Specialist

(B)

RECEIVED

August 8, 2021

AUG 12 2021

Town of Lincolnville

attn: Select Board

Lincolnville Community Alliance

attn: Jim and Cindy Dunham

At the recent sidewalk tour hosted by the Lincolnville Select Board and the Maine DOT, it was brought to our attention that the crosswalk at the Library and Lincolnville Boat Club (LBC) is not up to MDOT standards. The person who originally reviewed and approved the crosswalk for the Maine DOT was part of their two-person team on the walk and he expressed disappointment that the structures on each end of the crosswalk had not been installed per MDOT and ADA (Americans with Disabilities Act) standards.

I asked him if there were drawings of the crosswalk requirements as part of the MDOT standard specifications and he said yes. Attached are copies from the MDOT website showing what is required as part of a crosswalk. Examples of this can be seen in all the crosswalks recently rebuilt in Camden.

The concern is that the MDOT representative was unhappy with the existing crosswalk and said he could ask for its removal since it is not up to their and ADA standards. The bulk of this required structure is not adjoining the LBC property since the selected location on the north side is on the property abutting the LBC.

The Lincolnville Community Alliance (LCA) is also included since they had the initial lead on the location, design, and installation of the crosswalk. Could you please advise us on what the Town and LCA has for plans to make the crosswalk meet MDOT and ADA standards.

Also, we would like an update on the sidewalk installation schedule.

Thank you.

Gary Neville

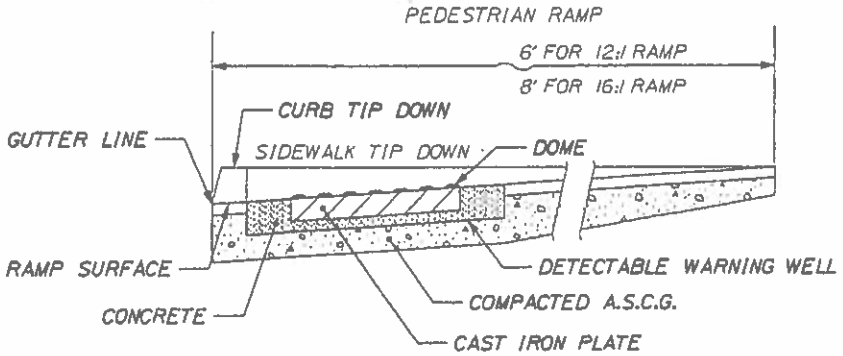
Lincolnville Boat Club

Gary Neville

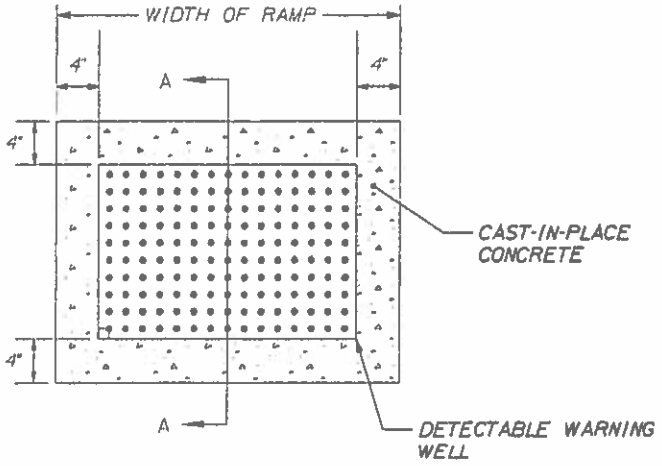
# DETECTABLE WARNINGS
608(02)

VIEWS AND DETAILS OF THE DETECTABLE WARNING

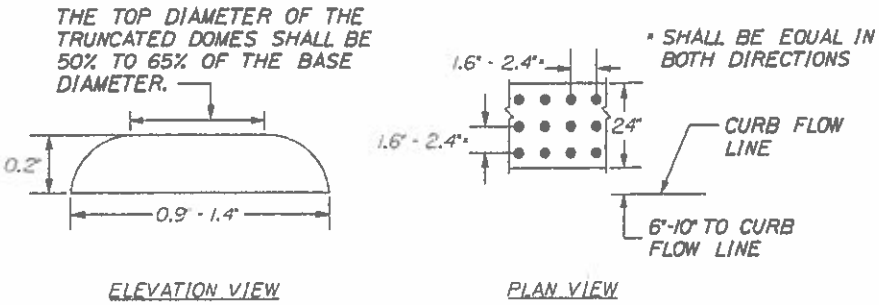
(NOT TO SCALE)



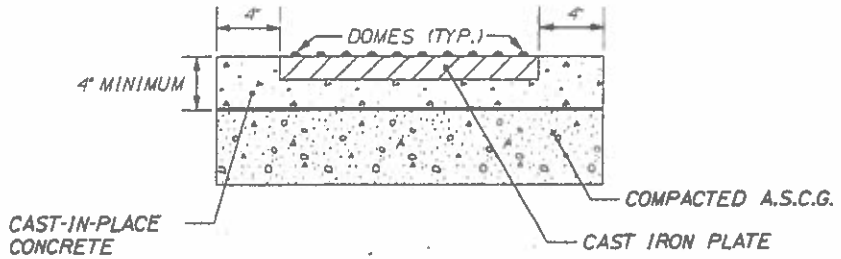
SIDE SECTION VIEW OF
DETECTABLE WARNING, WELL, CURB AND GUTTER



PLAN VIEW OF
DETECTABLE WARNING AND WELL

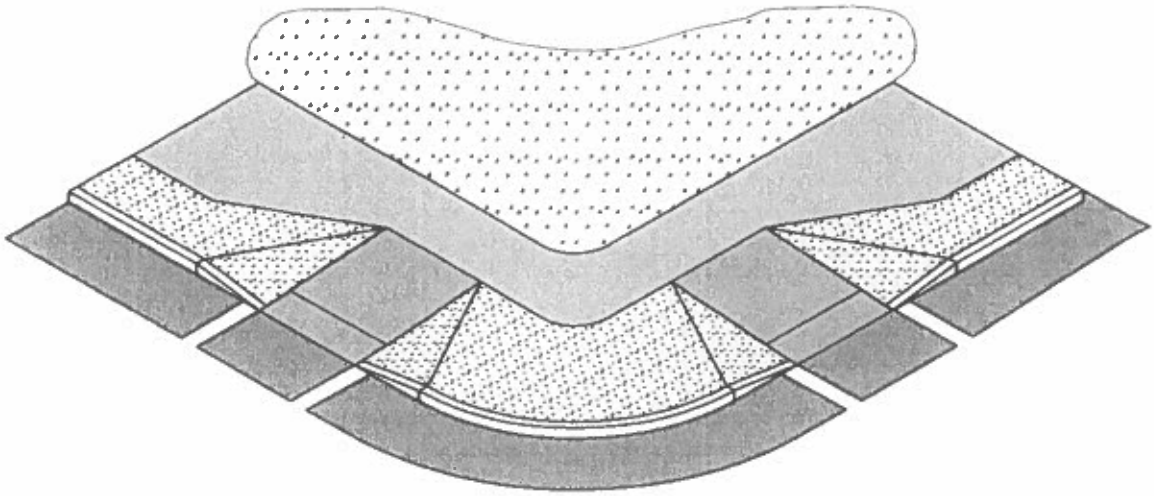


DOME AND DETECTABLE WARNING DETAILS

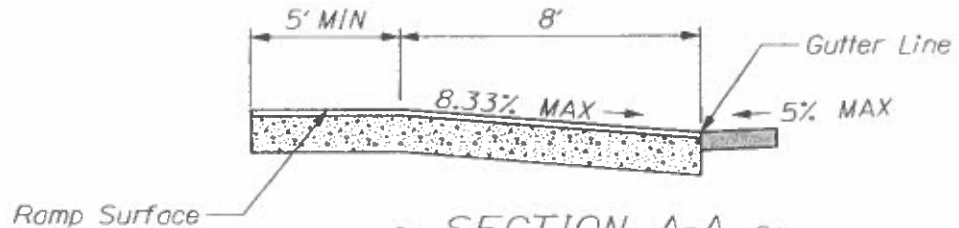


SECTION A-A

NOTE: ALL DETECTABLE WARNING AREAS SHALL START 6-10" FROM THE FLOW LINE OF THE CURB, BE 24" IN DEPTH, AND COVER THE COMPLETE WIDTH OF THE RAMP AREA ONLY.



~ ISOMETRIC VIEW ~
(not to scale)



~ SECTION A-A ~
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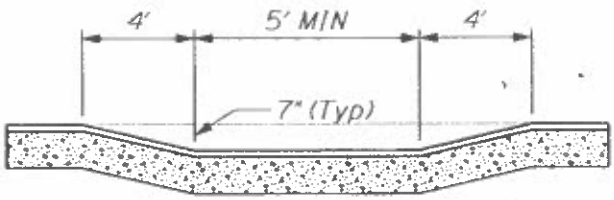

~ SECTION B-B ~
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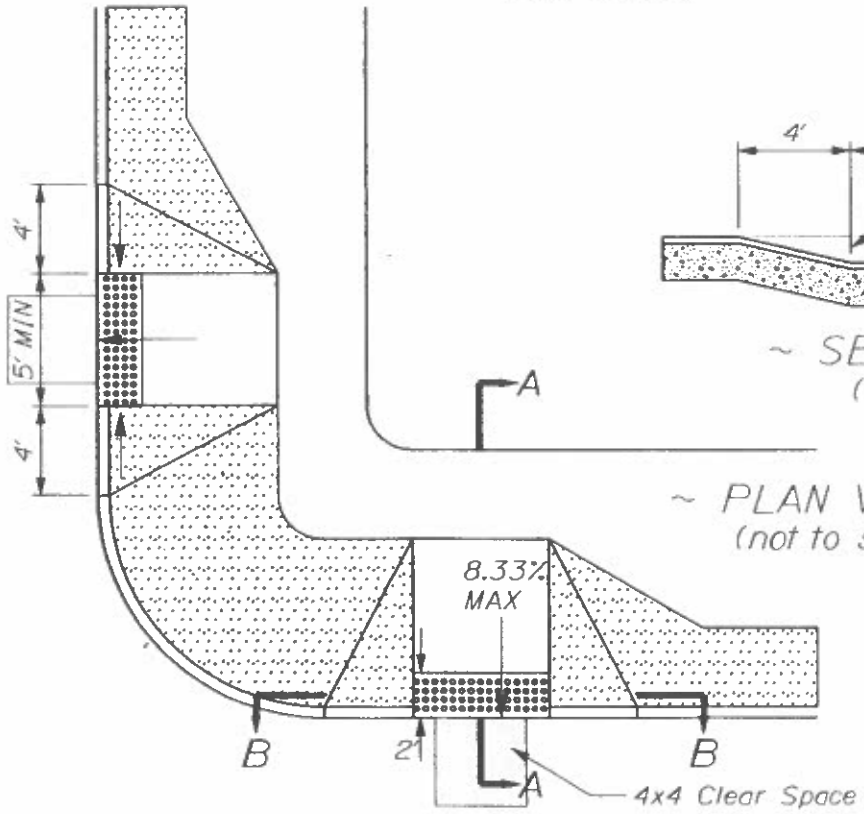
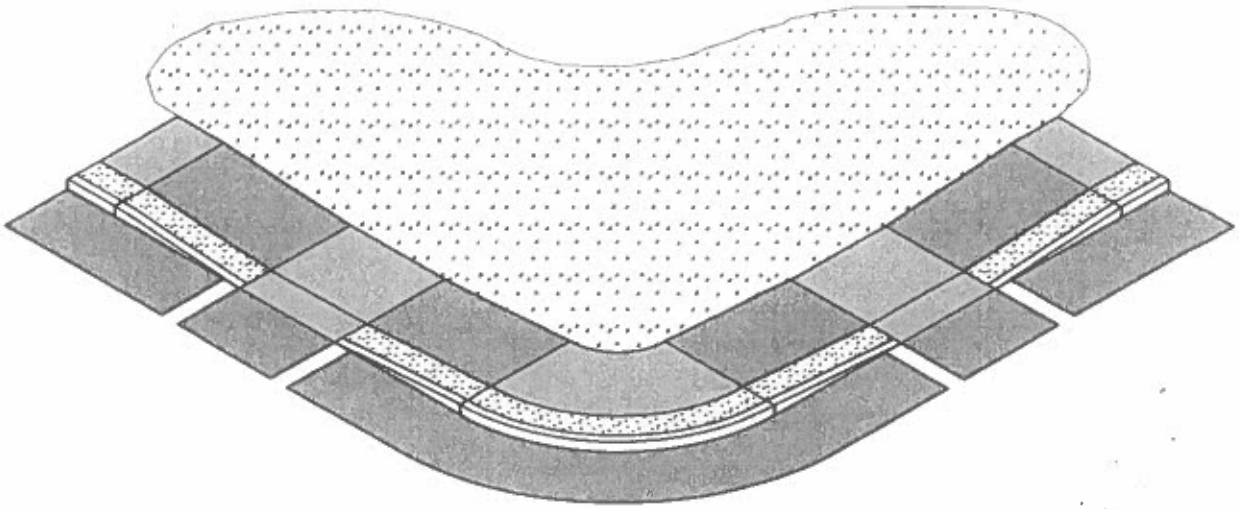


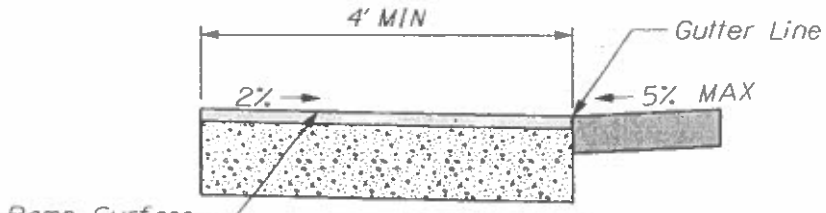
~ PLAN VIEW ~
(not to scale)

PERPENDICULAR PEDESTRIAN RAMP - ESPLANADE

801(24)



~ ISOMETRIC VIEW ~
(not to scale)



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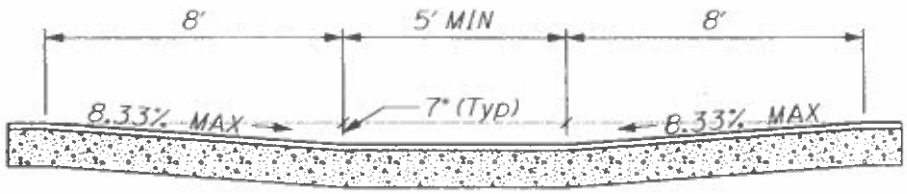
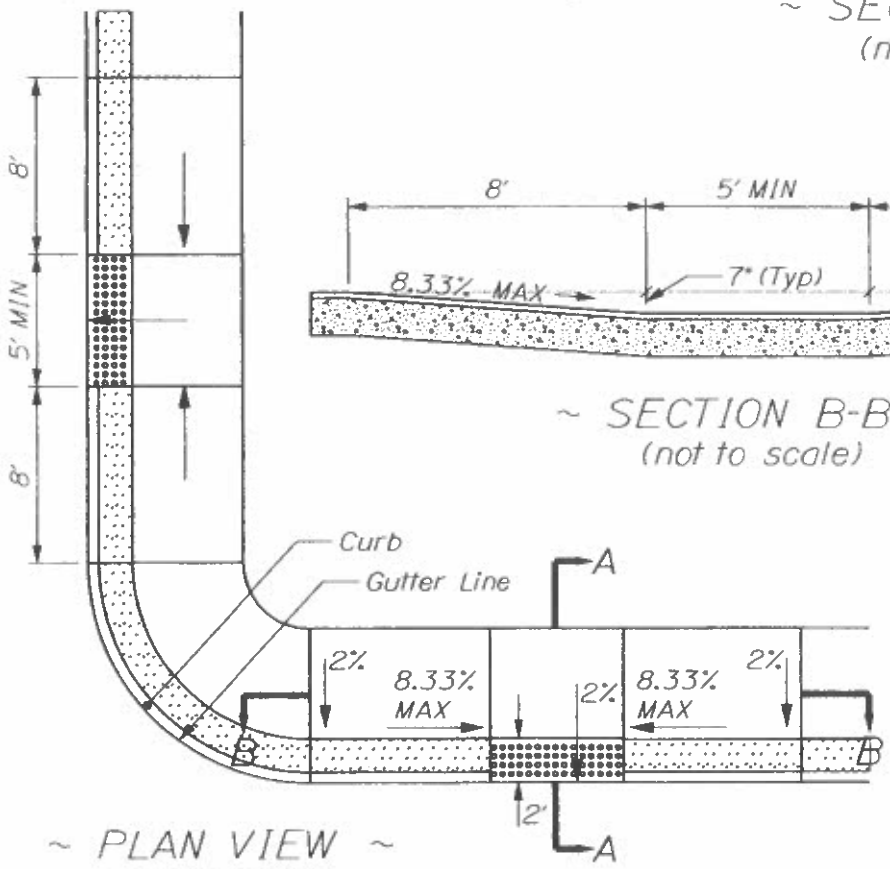
(not to scale)



~ SECTION B-B ~
(not to scale)



~ PLAN VIEW ~
(not to scale)

PARALLEL PEDESTRIAN RAMP - ESPLANADE

801(23)

APPROVED
JUNE 17, 2021
BY GOVERNOR

CHAPTER
275
PUBLIC LAW

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-ONE

H.P. 1126 - L.D. 1522

An Act To Update and Eliminate References in Statute to Selectmen and Overseers of the Poor

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 1 MRSA §72, sub-§12, as repealed and replaced by PL 1977, c. 479, §1, is amended to read:

12. Municipal officers. "Municipal officers" means the mayor and aldermen or councillors of a city, the ~~selectmen~~ members of the select board or councillors of a town and the assessors of a plantation.

Sec. 2. 5 MRSA §1742-B, first ¶, as amended by PL 2005, c. 489, §1, is further amended to read:

The Department of Administrative and Financial Services, Bureau of General Services, referred to as "the bureau" in this section, shall provide written notification to the municipal manager or, in the absence of a manager, the ~~first selectman~~ chair of the municipal officers of a state construction project or public improvement within the boundaries of that municipality as soon as practicable after beginning the schematic design process. If a municipality intends to review and issue building permits on state construction projects and public improvements, the municipality must file a notice of intent with the bureau no later than 45 days following receipt of notification by the bureau of the state construction project or public improvement. Once the required notice is filed, the projects and improvements to state-owned or leased buildings must comply with municipal ordinances governing the construction and alteration of buildings, ~~provided that~~ as long as the municipal building code standards are as stringent as, or more stringent than, the code for state buildings. Prior to requesting bids, the bureau shall obtain or it shall require the project designer to obtain municipal approval of the project plans and specifications. Contractors and subcontractors shall obtain all necessary municipal building permits and the project must be subject to municipal inspections.

Sec. 3. 17 MRSA §2795, 2nd ¶ is amended to read:

When application is made for such license, said officers shall assign a time and place for its consideration, and give at least 14 days' public notice thereof, in such manner as they

think proper, at the expense of the applicant. Any person aggrieved by the decision of the ~~selectmen~~ select boards of towns in granting or refusing such license may appeal therefrom within 30 days to the Superior Court held in said county, which court may appoint a committee of 3 disinterested persons, as is provided in relation to appeals from location of highways. Said committee ~~shall~~ must be sworn and shall give 14 days' notice of the time and place of their hearing to the parties interested, view the premises, hear the parties~~,~~ and affirm, reverse or annul the decision of said ~~selectmen~~ select board, and their decision ~~shall be~~ is final. Pending such appeal from granting such license, the Superior Court may enjoin the erection of such building and engine.

Sec. 4. 17 MRSA §3205, 5th ¶ is amended to read:

The municipal officers of cities shall take action upon the acceptance hereof upon receipt of a petition therefor signed by at least 100 registered voters in said city and shall hold such public hearings thereon as they may ~~deem~~ consider necessary. The ~~selectmen~~ select board or other municipal officers of towns shall insert an article in the warrant for the next annual town meeting for the acceptance of the provisions of this section after receipt of a petition therefor signed by at least 25 registered voters of such town.

Sec. 5. 18-C MRSA §5-704, as enacted by PL 2017, c. 402, Pt. A, §2 and affected by PL 2019, c. 417, Pt. B, §14, is amended to read:

§5-704. Nomination of public guardian or conservator

1. Nomination of public guardian. Any person who is eligible to petition for appointment of a guardian under section 5-302, subsection 1, including the commissioner of any state department, the head of any state institution, the ~~overseers of the poor~~ board of overseers and the welfare director or health officer of any municipality, may nominate the public guardian.

2. Nomination of public conservator. Any person who is eligible to petition for appointment of a conservator under section 5-402, subsection 1, including the commissioner of any state department, the head of any state institution, the ~~overseer of the poor~~ board of overseers and the welfare director or health officer of any municipality, may nominate the public conservator.

3. Article applies to proceedings for determining appointment. Except as supplemented by section 5-705, the proceedings for determining the appointment of a public guardian or conservator are governed by the provisions of this Article for the appointment of guardians and conservators generally.

Sec. 6. 21-A MRSA §1, sub-§26, as enacted by PL 1985, c. 161, §6, is amended to read:

26. Municipal officers. "Municipal officers" means the mayor and aldermen or councillors of a city, the ~~selectmen~~ members of the select board or councillors of a town and the assessors of a plantation.

Sec. 7. 23 MRSA §2103, first ¶, as amended by PL 2015, c. 494, Pt. A, §27, is further amended to read:

When a highway survey has not been properly recorded or preserved or the termination and boundaries cannot be ascertained, the select board ~~of selectmen~~ or municipal officers

of any municipality may use and control for highway purposes 1 1/2 rods on each side of the center of the traveled portion of such way.

Sec. 8. 23 MRSA §2701, as amended by PL 1985, c. 80, is further amended to read:

§2701. Powers and duties

The road commissioner, under the direction of a majority of the ~~selectmen~~ members of the select board, ~~shall have~~ has charge of the repairs of all highways and bridges within the towns and ~~shall have~~ has authority to employ the necessary personnel and equipment and purchase material for the repair of highways and bridges. The road commissioner shall give bond to the satisfaction of the ~~selectmen~~ select board and ~~be~~ is responsible to ~~them~~ the select board for the expenditure of money and discharge of ~~his~~ the road commissioner's duties generally. In the absence of a statute, charter provision or ordinance to the contrary, any decision involving the duties and responsibilities of the road commissioner ~~shall~~ must be made by a majority of the ~~selectmen~~ members of the select board, whose decision ~~shall be~~ is final. The road commissioner's compensation ~~shall~~ must be such sum as the legislative body votes annually. The road commissioner shall render to the ~~selectmen~~ select board monthly statements of ~~his~~ the road commissioner's expenditures and may not receive ~~no~~ any money from the treasury, except on the order of the ~~selectmen~~ select board.

If a majority of the ~~selectmen determine~~ members of the select board determines that a condition exists in any town way ~~which~~ that creates a hazard and renders the way unsafe for travelers with motor vehicles, the ~~selectmen~~ select board shall give written notice to the road commissioner of this condition and order ~~him~~ the road commissioner to eliminate it or take interim measures to protect the public within 24 hours. If the road commissioner fails to act as directed by the ~~selectmen~~ select board, a majority of the ~~selectmen~~ members of the select board may enter contracts or take any other steps necessary to eliminate the safety hazard.

Sec. 9. 23 MRSA §2702 is amended to read:

§2702. Regular inspections

Road commissioners shall go over the roads in their towns, or cause it to be done, in April, May, June, August, September, October and November in each year, remove the loose obstructions to the public travel and, whenever so directed by the ~~selectmen~~ select board, remove all shrubbery and bushes growing within the limits of highways, not planted or cultivated therein for the purpose of profit or ornamentation, having care for the proper preservation of shade trees, and repair such defects as may occur from time to time, rendering travel dangerous, or they shall give notice of such defects to the municipal officers under a penalty of $5 for neglect of such duty.

Sec. 10. 23 MRSA §2751 is amended to read:

§2751. Division by municipal officers

When a way is established on a line between towns, their municipal officers shall divide it crosswise and assign to each town its portion thereof by metes and bounds, which, within one year thereafter, being accepted by each town at a legal meeting, ~~shall render~~ renders each town liable in the same manner as if the way were wholly within the town. When a division of it is not so made, the ~~selectmen~~ select board of either town may petition the county commissioners, who shall give notice by causing a copy of such application with

their order thereon appointing a time and place of hearing to be served upon the clerk of each town 30 days, or by causing it to be published in some newspaper printed in the county for 3 weeks, previous to the time appointed, and after hearing the parties, they may make such division.

Sec. 11. 26 MRSA §935, 3rd ¶, as enacted by PL 1985, c. 294, §§2 and 3, is amended to read:

The board shall, upon the request of the Governor or the mayor of a city or the ~~selectman~~ select board of a town, investigate and report upon any labor controversy if, in its opinion, it threatens the public welfare.

Sec. 12. 26 MRSA §1043, sub-§28, as amended by PL 2011, c. 678, Pt. C, §8, is further amended to read:

28. Governmental entity. "Governmental entity" means the State of Maine~~,~~ and its instrumentalities, political subdivisions and school administrative units as represented by their elected or appointed governing bodies and includes, without limitation, city and town councils, select boards ~~of selectmen~~, boards of county commissioners, municipally owned and operated hospitals and administrative entities formed under Title 30-A, chapter 115. In the case of school administrative units, governing bodies include, without limitation, municipal school committees, school administrative district directors and community school district school committees. In the case of special purpose districts, governing bodies include, without limitation, boards of directors or trustees.

Sec. 13. 28-A MRSA §2, sub-§21, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

21. Municipal officers. "Municipal officers" means the mayor and aldermen or councillors of a city, the ~~selectmen~~ members of the select board or councillors of a town and the assessors of plantations.

Sec. 14. 30-A MRSA §52, sub-§1, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

1. Municipal offices. ~~No~~ A person holding the office of county commissioner may not at the same time hold either the office of mayor or assessor of a city or ~~the office of selectman~~ be a member of a select board or hold the office of assessor of a town.

Sec. 15. 30-A MRSA §722, sub-§2, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

2. Municipal officials. "Municipal officials" means the mayor, aldermen, councillors or manager of a city and the ~~selectmen~~ members of the select board, councillors or manager of a town located in Androscoggin County.

Sec. 16. 30-A MRSA §822, sub-§2, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

2. Municipal officials. "Municipal officials" may include the mayor, aldermen, councillors or manager of a city, the ~~selectmen~~ members of the select board, councillors or manager of a town and the assessors of a plantation located in Piscataquis County.

Sec. 17. 30-A MRSA §822, sub-§3, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

3. Municipal officers. "Municipal officers" means the elected mayor, aldermen or councillors of a city, the ~~selectmen~~ members of the select board or councillors of a town and the assessors of a plantation located in Piscataquis County.

Sec. 18. 30-A MRSA §852, sub-§2, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

2. Municipal officers. "Municipal officers" means the mayor, councillors or ~~selectmen~~ members of the select board.

Sec. 19. 30-A MRSA §892, sub-§4, as enacted by PL 1991, c. 204, §2, is amended to read:

4. Municipal officer; definition. The term "municipal officer," as it refers to the Oxford County Budget Advisory Committee in this section, means a ~~selectman~~ member of the select board or council member.

Sec. 20. 30-A MRSA §1605, sub-§8, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10 and PL 2003, c. 689, Pt. B, §6, is further amended to read:

8. Evaluation of need of dependents. The welfare director or the board of overseers ~~of the poor~~ of the municipality in which the prisoner's dependents reside, or the Department of Health and Human Services, shall at the request of the court investigate and report to the court the amount necessary for the support of the prisoner's dependents.

Sec. 21. 30-A MRSA §2001, sub-§10, ¶A, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

A. The ~~selectmen~~ members of the select board or councillors of a town; or

Sec. 22. 30-A MRSA §2521, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

§2521. Call of town meeting

Each town meeting ~~shall~~ must be called by a warrant. The warrant must be signed by a majority of the ~~selectmen~~ members of the select board, except as follows.

1. First town meeting. The first town meeting ~~shall~~ must be called in the manner provided in the act of incorporation.

2. Majority of ~~selectmen~~ members of select board. If, for any reason, a majority of the ~~selectmen~~ members of the select board do not remain in office, a majority of those remaining may call a town meeting.

3. Petition of 3 voters, if no ~~selectmen~~ select board. When a town, once organized, is without ~~selectmen~~ a select board, a notary public may call a meeting on the written petition of any 3 voters.

4. Petition by voters, if ~~selectmen refuse~~ select board refuses. If the ~~selectmen~~ select board unreasonably ~~refuse~~ refuses to call a town meeting, a notary public may call the meeting on the written petition of a number of voters equal to at least 10% of the number of votes cast in the town at the last gubernatorial election, but in no case less than 10.

Sec. 23. 30-A MRSA §2524, sub-§2, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

2. Moderator elected and sworn. The clerk, or in the clerk's absence a ~~selectman~~ member of the select board or constable, shall open the meeting by:

A. Calling for the election of a moderator by written ballot;

B. Receiving and counting the votes for moderator; and

C. Swearing in the moderator.

Sec. 24. 30-A MRSA §2524, sub-§3, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

3. Moderator presides. As soon as the moderator has been elected and sworn, the moderator shall preside over and supervise the voting at the meeting and may appoint a deputy moderator to assist the moderator. If the moderator is absent or is unable to carry out the duties, the clerk, or in the clerk's absence a ~~selectman~~ member of the select board or constable, may call for the election of a deputy moderator to act in the absence of the moderator.

A. All persons shall be silent at the moderator's command. A person may not speak before that person is recognized by the moderator. A person who is not a voter in the town may speak at the meeting only with the consent of 2/3 of the voters present.

(1) If any person, after a command for order by the moderator, continues to act in a disorderly manner, the moderator may direct that person to leave the meeting. If the person refuses to leave, the moderator may have that person removed by a constable and confined until the meeting is adjourned.

B. When a vote declared by the moderator is immediately questioned by at least 7 voters, the moderator shall make it certain by polling the voters or by a method directed by the municipal legislative body.

C. The moderator shall serve until the meeting is adjourned. The moderator is subject to the same penalties for neglect of official duty as other town officials.

Sec. 25. 30-A MRSA §2525, sub-§1, ¶B, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

B. ~~Selectmen~~ Select board; and

Sec. 26. 30-A MRSA §2526, sub-§3, ¶A, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

A. In order to hold ~~the~~ office ~~of selectman~~ as a member of a select board, a person must be a voter in the town in which that person is elected.

Sec. 27. 30-A MRSA §2526, sub-§4, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

4. ~~Selectmen~~ Select boards and overseers. The following provisions apply to ~~selectmen~~ select boards and overseers.

A. A town may determine at a meeting held at least 90 days before the annual meeting whether 3, 5 or 7 will be elected to each board and their terms of office.

(1) Once the determination has been made, it stands until revoked at a meeting held at least 90 days before the annual meeting.

(2) If a town fails to fix the number, 3 ~~shall~~ must be elected. If a town fails to fix the term, it is for one year.

B. When others have not been elected, the ~~selectmen~~ select board shall serve as board of overseers ~~of the poor~~.

C. A ~~selectman~~ member of the select board may also serve as a member of the board of assessors.

D. A town, in electing ~~selectmen~~ members of the select board and overseers, may designate one of them as ~~chairman~~ chair of the board.

(1) If no person is designated as ~~chairman~~ chair, the board shall elect by ballot a ~~chairman~~ chair from its own membership, before assuming the duties of office. When no member receives a majority vote, the clerk shall determine the ~~chairman~~ chair by lot.

E. If the town fails to fix the compensation of these officials at its annual meeting, they ~~shall be paid~~ are entitled to $10 each per day for every day actually and necessarily employed in the service of the town.

Sec. 28. 30-A MRSA §2526, sub-§5, ¶A, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended by amending subparagraph (3) to read:

(3) When a town has chosen a single assessor under this paragraph, the ~~selectmen~~ select board shall appoint the assessor for a term not exceeding 5 years.

Sec. 29. 30-A MRSA §2526, sub-§5, ¶C, as amended by PL 2003, c. 234, §1, is further amended to read:

C. When a town has not elected a full board of assessors, the ~~selectmen~~ members of the select board shall serve as assessors as provided in Title 36, section 703. A ~~selectman~~ member of the select board who is an assessor pursuant to this paragraph and Title 36, section 703 or any person who serves as both a ~~selectman~~ member of the select board and a tax assessor may resign the position of assessor without resigning

~~the~~ office ~~of selectman~~ as a member of the select board. The position of assessor must then be filled by appointment pursuant to section 2602, subsection 2. A person elected to the State Legislature who resigns the position of assessor pursuant to this paragraph may continue to serve concurrently as ~~selectman~~ a member of the select board and member of the State Legislature. If a person who is serving in the State Legislature or in another office incompatible with the position of assessor resigns the position of assessor pursuant to this paragraph before that person has performed any duties as tax assessor, that person may not be deemed to have vacated the previously held position of State Legislator or other office that is incompatible with the office of assessor.

Sec. 30. 30-A MRSA §2526, sub-§6, ¶B, as amended by PL 1991, c. 235, is further amended to read:

B. The board of assessment review consists of 3 members and 2 alternates appointed by the ~~selectmen~~ select board. The municipality, when adopting such a board, may fix the compensation of the members. Initially, one member must be appointed for one year, one member for 2 years and one member for 3 years, and one of the alternates must be appointed for one year and one alternate for 2 years. Thereafter, the term of each new member or alternate is 3 years.

Sec. 31. 30-A MRSA §2526, sub-§7, ¶B, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

B. A road commissioner appointed by the ~~selectmen~~ select board may be removed from office for cause by the ~~selectmen~~ select board.

Sec. 32. 30-A MRSA §2526, sub-§7, ¶C, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

C. The select board ~~of selectmen~~ may act as a board of road commissioners.

Sec. 33. 30-A MRSA §2528, sub-§2, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

2. Designation, number and terms of officials. At the time of acceptance, the town shall determine, by a separate article in the warrant, which other officials are to be elected according to this section, and may determine the number and terms of ~~selectmen~~ members of the select board, assessors and overseers according to section 2526.

A. After the determination under this subsection, a town may not change the designation, number or terms of town officials, except at a meeting held at least 90 days before the annual meeting.

Sec. 34. 30-A MRSA §2602, sub-§2, as amended by PL 1991, c. 270, §3, is further amended to read:

2. Vacancy in office other than ~~selectman~~ member of select board or school committee. When there is a vacancy in a town office other than ~~that of selectman~~ a vacancy on the select board or school committee, the ~~selectmen~~ select board may appoint a qualified person to fill the vacancy.

Sec. 35. 30-A MRSA §2602, sub-§3, as amended by PL 1991, c. 270, §3, is further amended to read:

3. Vacancy in office of ~~selectman~~ member of select board. When there is a vacancy ~~in the office of selectman~~ on the select board, the ~~selectmen~~ select board may call a town meeting to elect a qualified person to fill the vacancy.

Sec. 36. 30-A MRSA §2631, sub-§2, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

2. Government. The government of each town under this subchapter ~~shall~~ must consist of a town meeting, an elected select board ~~of selectmen~~, an elected school committee, an appointed town manager and any other officials and employees that may be appointed under this subchapter, general law or ordinance. Other town officials may be elected by ballot, including, but not limited to, moderator, assessors, board of overseers ~~of the poor~~, clerk and treasurer. The election of officials at the last annual town meeting ~~shall~~ must require that those town offices continue to be filled by election until the town designates otherwise.

Sec. 37. 30-A MRSA §2632, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

§2632. Qualifications of town manager

1. Selection by board; professional qualification. The ~~selectmen~~ select board shall choose the town manager solely on the basis of executive and administrative qualifications with special reference to actual experience in, or knowledge of, the duties of office under this subchapter.

2. Residency. The town manager need not be a resident of the town or State when appointed, but, while in office, may reside outside the town or State only with the approval of the select board ~~of selectmen~~.

3. Prohibited offices. A town manager may not serve as moderator, ~~selectman~~ or be a member of the select board, assessor or member of the school committee.

Sec. 38. 30-A MRSA §2633, sub-§2, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

2. Compensation. The ~~selectmen~~ select board shall determine the compensation of the town manager.

Sec. 39. 30-A MRSA §2633, sub-§3, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

3. Removal, suspension. The ~~selectmen~~ select board may remove or suspend the town manager for cause in accordance with the following procedures.

A. The ~~selectmen~~ select board shall file a written preliminary resolution with the town clerk stating the specific reasons for the proposed removal. A copy of that resolution ~~shall~~ must be delivered to the manager within 10 days of filing.

B. Within 20 days of receiving the resolution, the manager may reply in writing and request a public hearing.

C. Upon request for a public hearing, the ~~selectmen~~ select board shall hold one at least 10 days but not more than 30 days after the request is filed.

D. After the public hearing or at the expiration of the time permitted the manager to request the public hearing, if no such request is made, the ~~selectmen~~ select board may adopt or reject the resolution of removal.

E. The ~~selectmen~~ select board may suspend the manager from duty in the preliminary resolution, but the manager's salary may not be affected until the final resolution of removal has been adopted.

Sec. 40. 30-A MRSA §2634, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

§2634. Absence or disability of town manager

The town manager may designate a qualified administrative official of the town to perform the manager's duties during a temporary absence or disability, subject to confirmation by the ~~selectmen~~ select board. If the town manager does not make this designation, the ~~selectmen~~ select board may appoint a town official to perform the manager's duties during the absence or disability and until the manager returns or the disability ceases.

Sec. 41. 30-A MRSA §2635, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

§2635. ~~Board of selectmen~~ Select board to act as a body; administrative service to be performed through town manager; committees

It is the intention of this subchapter that the select board ~~of selectmen~~ as a body shall exercise all administrative and executive powers of the town except as provided in this subchapter. The select board ~~of selectmen~~ shall deal with the administrative services solely through the town manager and ~~shall~~ may not give orders to any subordinates of the manager, either publicly or privately. This section does not prevent the select board ~~of selectmen~~ from appointing committees or commissions of its own members or of citizens to conduct investigations into the conduct of any official or department, or any matter relating to the welfare of the town.

Sec. 42. 30-A MRSA §2636, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

§2636. Powers and duties of town manager

The town manager:

1. Executive and administrative officer. Is the chief executive and administrative official of the town;

2. Administer offices. Is responsible to the ~~selectmen~~ select board for the administration of all departments and offices over which the ~~selectmen have~~ select board has control;

3. Execute laws and ordinances. Shall execute all laws and ordinances of the town;

4. Department head. Shall serve in any office as the head of any department under the control of the ~~selectmen~~ select board when directed by the ~~selectmen~~ select board;

5. Appoint department heads. Shall appoint, subject to confirmation by the ~~selectmen~~ select board, supervise and control the heads of departments under the control of the ~~selectmen~~ select board when the department is not headed by the town manager under subsection 4;

6. Appoint town officials. Unless otherwise provided by town ordinance, shall appoint, supervise and control all town officials whom the municipal officers are required by law to appoint, except members of boards, commissions, committees and single assessors; and appoint, supervise and control all other officials, subordinates and assistants, except that the town manager may delegate this authority to a department head and report all appointments to the select board ~~of selectmen~~;

7. Purchasing agent. Shall act as purchasing agent for all departments, except the school department, ~~provided~~ except that the town or the ~~selectmen~~ select board may require that all purchases greater than a designated amount must be submitted to sealed bid;

8. Attend meetings of ~~selectmen~~ select board. Shall attend all meetings of the select board ~~of selectmen~~, and the town manager may attend meetings when the manager's removal is being considered;

9. Make recommendations. Shall make recommendations to the select board ~~of selectmen~~ for the more efficient operation of the town;

10. Attend town meetings. Shall attend all town meetings and hearings;

11. Inform of financial condition. Shall keep the select board ~~of selectmen~~ and the residents of the town informed as to the town's financial condition;

12. Collect data. Shall collect data necessary to prepare the budget;

13. Assist residents. Shall assist, insofar as possible, residents and taxpayers in discovering their lawful remedies in cases involving complaints of unfair vendor, administrative and governmental practices; and

14. Remove appointments. Has exclusive authority to remove for cause, after notice and hearing, all persons whom the manager is authorized to appoint and report all removals to the select board ~~of selectmen~~.

Sec. 43. 30-A MRSA §2637, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

§2637. Transitional provisions

The ~~selectmen~~ select board, by resolve, may provide for the orderly transition of the town government. These resolves may not infringe upon the rights of any official or employee of the town and may not be inconsistent with this subchapter.

Sec. 44. 30-A MRSA §2638, sub-§2, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

2. Selection of manager. The ~~selectmen~~ select boards of the contracting towns shall act as a joint board for the purposes of selecting and removing for cause the manager, ~~provided~~ except that each town has a single vote.

Sec. 45. 30-A MRSA §2638, sub-§3, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

3. Compensation. The agreement must contain a formula establishing the percentage of the manager's compensation to be contributed by each town. The ~~selectmen~~ select boards shall determine the manager's total compensation acting as a joint board, each town having a single vote.

Sec. 46. 30-A MRSA §4356, sub-§3, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

3. Extension by ~~selectmen~~ select board. In municipalities where the municipal legislative body is the town meeting, the ~~selectmen~~ select board may extend the moratorium in compliance with subsection 2 after notice and hearing.

Sec. 47. 30-A MRSA §4702, sub-§1, ¶B, as amended by PL 2017, c. 234, §3 and affected by §42, is further amended to read:

B. The area of operation of the housing authority of a municipality does not include any area that lies within the municipal boundaries of any municipality for which a municipal housing authority has been organized, without the consent by resolution of the legislative body or the ~~selectmen~~ select board of the other municipality.

Sec. 48. 30-A MRSA §4702, sub-§15, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

15. ~~Selectmen~~ Select board. "~~Selectmen~~ Select board" means the members of the select board ~~of selectmen~~ of the town or, if the town has no ~~selectmen~~ select board, the officers charged with the duties customarily imposed on the select board ~~of selectmen~~ of a town.

Sec. 49. 30-A MRSA §4721, sub-§2, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

2. Procedure. The municipal legislative body shall consider the need for an authority on its own motion or upon the filing of a petition with the mayor of the city or the ~~selectmen~~ select board of the town. This petition must be signed by 25 voters of the city or town and assert that there is a need for an authority to function in the municipality and request that the municipal legislative body declare that need.

Sec. 50. 30-A MRSA §4721, sub-§4, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

4. Appointment of commissioners. Upon the adoption of a resolution by the municipal legislative body, the mayor of the city or the ~~selectmen~~ select board of the town shall appoint the commissioners of the authority under section 4723, subsection 1.

Sec. 51. 30-A MRSA §4725, as amended by PL 2011, c. 560, §2, is further amended to read:

§4725. Removal of commissioners

A commissioner may be removed from office for inefficiency, neglect of duty or misconduct in office after hearing by the legislative body of a city, the ~~selectmen~~ select board of a town, or, in the case of the Maine State Housing Authority, the Governor. The commissioner must be given a copy of the charges at least 10 days before the hearing and must be given an opportunity to be heard in person or to be represented by counsel. If a commissioner is removed, a record of the proceedings, together with the charges and the findings on the charges, must be filed in the office of the clerk or, in the case of the Maine State Housing Authority, in the office of the Secretary of State. This section does not apply to the director of the Maine State Housing Authority, who may be removed by the commissioners pursuant to section 4723, subsection 2, paragraph C.

Sec. 52. 30-A MRSA §7007, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

§7007. Duties of officials

Assessors of plantations ~~shall be~~ are considered the ~~selectmen~~ members of the select board of the plantation for the purpose of performing the duties performed by the ~~selectmen~~ select boards of towns. Treasurers, collectors and constables of plantations must give the same bond as similar officials of towns are required to give, to be approved in the same manner. The valuation of property for the assessment of taxes in plantations, as well as the assessment, collection and disposal of taxes, ~~shall~~ must be the same as in towns.

Sec. 53. 32 MRSA §83, sub-§17-B, ¶A, as enacted by PL 2015, c. 6, §1, is amended to read:

A. The ~~selectmen~~ members of the select board or councillors of a town; or

Sec. 54. 36 MRSA §501, sub-§4 is amended to read:

4. Municipal officers. "Municipal officers" ~~shall mean~~ means the mayor, councillors and aldermen of cities, the ~~selectmen~~ members of the select board of towns and the assessors of plantations.

Sec. 55. 36 MRSA §703, as amended by PL 1991, c. 270, §4, is further amended to read:

§703. ~~Selectmen~~ Select board to act as assessors

If any municipality does not choose assessors and is not a part of a primary assessing area, the ~~selectmen~~ members of the select board are the assessors, and each of them must be sworn as an assessor. A ~~selectman~~ member of the select board who is an assessor pursuant to this paragraph may resign the position of assessor without resigning ~~the~~ office ~~of selectman~~ as a member of the select board. The position of assessor must then be filled by appointment pursuant to Title 30-A, section 2602, subsection 2.

David Kinney

From: Heidi Blood <hjb04915@yahoo.com>
Sent: Sunday, August 1, 2021 10:07 AM
To: David Kinney
Subject: ACO update

Lincolnville July 2021

July 5- I received three letters back from unlicensed dog owners. Perhaps they have moved. I gave the names to Karen.

July 5- I got a social media message from Ashley Jacobs that Phil Moodys cows were loose again, this is the third time in a month they have been loose. I cannot issue a summons until they have been loose 3 times in 7 days or 5 times in 30 days. I called Phil Moody and he went to get the cows.

July 9- I received a phone call from dispatch and several social media messages about a yellow lab male running loose near the ferry terminal. I went to the location and was able to catch the dog. It had no collar or tags on so I delivered it to PAWS and made a post on social media about where the dog was if anyone recognized it.

37.3 miles

July 14- received a call from dispatch that Alyssa Doty is missing her orange tabby cat from Heal Road.

July 14- got a call from David regarding a situation on Poland Road.

July 14- mailed out 12 final warnings to unlicensed dog owners.

12 stamps

July 14- got a call from Heather St Clair asking for recommendations for a possible rabid cat. She owns the cat and the cat is an indoor animal, that is not current on rabies vaccination. The cat has been acting extremely aggressive a recently bit her boyfriend severely. She has had the cat to the

vets office, their recommendation was e10 day then 45 day quarantine. Which she said has passed. I told her if the cat is still alive it likely did not have rabies, but I recommended she calls Maine CDC and take their advice.

July 14- Spoke with David Kinney and Frank Terrio regarding a place on Poland Road with horses, chickens and goats. I went to the residence of Michael Keating and he allowed me to walk around the property to view and inspect the animals and their surroundings. All of the animals appeared to be in good health and all have clean surroundings. The chicken coop was not filthy, nor was the barn where the horses and goats stay. The fencing keeps in the two larger goats and horses without issue. I did view two young goats running around their yard, and I told him technically they should be fenced as well and if they caused a disturbance at other camps or in the roadway, I would have to address it.

20.4 miles

July 20- I got a Facebook message from someone who found two dogs on Springbrook drive. I shared the dogs pictures trying to locate owner. The finder messaged me back quickly and said he found the owners.

July 22- I got a call from Frank the code enforcement officer, asking me to call Amy Keating regarding her neighbors goats getting loose. I spoke with Amy and familiarized her with the law of animal trespass. I told her that because no one person owns the water, I could not do anything about the goats getting into the pond. She said they are often on her property too. I told her if she could document with dates, times and pictures when the goats are on her property. She said she would. She asked if I could wait a bit before contacting the Keatings, as she fears retaliation. I told her it was best if I sent them a written warning notice, advising them of the animal trespass violations and quite possibly a town ordinance, or Dept of Agriculture violation regarding the animals in the water. She agreed. I mailed out a warning notice for animal trespass to Mike and Sherry Keating at their Owls Head address.

1 stamp and envelope.

July 22- I received a social media message from Leslie Lang, who was complaining of Marielle Rodman walking her dogs at Lincolnville Central school, after she had been spoken to by Paul Russo and others at the school in the past. I called and spoke with Mr Russo, he confirmed that as recent as yesterday, he had confronted Mariella and told her (pointing out signs) that no dogs were allowed on school grounds. Mr Russo also told me that she Has been seen not cleaning up after her dogs while on school property. I mailed a warning notice to Mariella, stating the violations of both school policy and local Ordinance of Lincolnville, as the field where she walks her dogs is clearly posted NO DOGS and is owned by the town of Lincolnville.

1 stamp and one envelope

July 26- I received a call from Sherry Keating saying she received the notice I sent her about Animal trespass. She argued that the goats are always on her property, as she owns the road. I told her that I had complaints of the animals being ON property that she does not own. I told her again, like the letter states, if 3 or more calls a week or 5 or more calls a month come in. She will be summonsed for animal trespass. I urged her to either stake out the goats, or fence them in.

July 26- Got a call from dispatch, regarding someone trapping a cat in Lincolnville. I told the gentleman to take the cat to PAWS. I shared a photo of the cat on social media in case it has an owner.

July 28- I got a call from dispatch asking me to make contact with Betty Ann Burns who wants to adopt a stray cat that was at her house and taken to PAWS. I called her and we spoke, I told her who to talk w at PAWS about adoption and I would be happy to put in a good word for them.

July 30- I received a few phone calls from the last people with unlicensed dogs. 2 of them asked for an extension to get their dogs to the vets for rabies vaccinations. I agreed, and told them they would still have to pay the state mandated late fee, but I would not issue additional fines.

Total

57.7 miles

14 stamps

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JB JENSEN BAIRD
ATTORNEYS AT LAW

INVITATION TO MUNICIPAL CLIENT SEMINAR

It's time for Jensen Baird's biennial Municipal Client Seminar presented by our Government Services Practice Group. Our purpose is to review current legal issues, new laws enacted by the First Regular Session and First Special Session of the 130th Maine Legislature (*non-emergency laws from the First Special Session become effective October 18, 2021*) and the implications of these new laws for Maine municipalities and their elected officials, appointed officials and employees. Our seminar is presented free of charge and will be held at:

DoubleTree Hotel (across from the Maine Mall)
363 Maine Mall Road
South Portland, Maine
THURSDAY, SEPTEMBER 16, 2021

Agenda: 5:30 – 6:00 p.m. Check-In
6:00 – 6:30 p.m. Light Supper
6:30 – 8:30 p.m. Program

- New Legislation Overview (*including Election Law, Solar Arrays, Remote Meetings and FOAA Training, Tiny Homes, Deferred Collection of Property Taxes for Seniors Program and More!*)
- New State and Federal Court Cases of Significance to Local Governments

This is an in-person event (no remote option). We can't wait to see you!

If officials from your municipality plan to attend (elected, appointed and/or employees), please complete the enclosed Registration Form and return it by Friday, September 3, 2021. (We need a head count for meal purposes.) We look forward to seeing you there. Thank you.

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