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EXECUTIVE ORDER

Amending Executive Orders D 2020 070 and D 2020 081 Directing the Expenditure of Federal Funds Pursuant to the Coronavirus Aid, Relief, and Economic Security Act of 2020

Pursuant to the authority vested in the Governor of the State of Colorado and, in particular, pursuant to Article IV, Section 2 of the Colorado Constitution, I, Jared Polis, Governor of the State of Colorado, hereby issue this Executive Order amending Executive Orders D 2020 070 and D 2020 081 directing the expenditure of federal funds pursuant to the Coronavirus Aid, Relief, and Economic Security Act of 2020 (CARES Act), Public Law 116-136.

I. Background and Purpose

The CARES Act provides emergency assistance in response to the coronavirus disease 2019 (COVID-19) pandemic. The CARES Act established the Coronavirus Relief Fund, which provides payments to state, local, and tribal governments navigating the impact of COVID-19. Colorado's State government received approximately $1.674 billion from the Coronavirus Relief Fund pursuant to the CARES Act. Under the CARES Act, a state must use the funds from the Coronavirus Relief Fund to cover expenses that (1) are necessary expenditures incurred due to the COVID-19 public health emergency (COVID-19 emergency); (2) were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for the State; and (3) were incurred between March 1, 2020 and December 30, 2020. As Governor, I have the authority to direct the expenditure of these federal funds.

Pursuant to the CARES Act, on April 15, 2020 I certified to the United States Department of the Treasury that the State's proposed use of the funds from the Coronavirus Relief Fund would comply with the specified purposes in the CARES Act. The State of Colorado has created the CARES Act Fund to receive Coronavirus Relief Fund moneys prior to allocation for eligible expenditures.

My administration, along with other State, local, and federal authorities, has taken a wide array of actions to mitigate the effects of the pandemic, prevent further spread, and protect against overwhelming our health care resources. The funds received by the State from the Coronavirus Relief Fund are essential for mitigating the effects of the pandemic.

On May 18, 2020, I issued Executive Order D 2020 070 disbursing those funds for various purposes. On May 28, 2020, I issued Executive Order D 2020 081, amending Executive Order D 2020 070, to change the fund source for the accounting of certain CARES Act Fund

dollars for education and to clarify the permissible uses of CARES Act Fund dollars for local governments.

This Executive Order amends Executive Order D 2020 070 and D 2020 081 to reallocate certain CARES Act Fund dollars to support recovery for small businesses and individuals across the State from the impacts of COVID-19, and to meet changing needs identified by agencies. This reallocation is based on updated estimates for agency staffing and caseload costs necessary to support the State's economic recovery.

II. Amendments

Section II.A. of Executive Order D 2020 070, as amended by Executive Order D 2020 081, is amended as follows:

1. Replace Section II.A.2. with the following:

   One million dollars ($1,000,000) for FY 2019-20 was transferred from the CARES Act Fund to the Colorado Department of Corrections for expenditures to comply with public health measures pertaining to maintaining State prisons, including sanitation and effectively implementing social distancing measures. An additional six million and two hundred thousand dollars ($6,200,000) for FY 2020-21 will be transferred from the CARES Act Fund to the Colorado Department of Corrections for personnel services expenditures.

2. Replace Section II.A.5. with the following:

   Two million dollars ($2,000,000) for FY 2019-20 and two million dollars ($2,000,000) for FY 2020-21 was transferred to from the CARES Act Fund to CDHS for expenditures incurred to respond to second-order effects of the COVID-19 emergency, specifically for increased caseloads due to the COVID-19-driven recession. For FY 2020-21, thirteen million dollars ($13,000,000) was allocated from the CARES Act Fund to CDHS for such expenditures. Other than the funds allocated in this Section, no other funds shall be transferred to CDHS for such expenditures at this time.

3. Replace Section II.A.9. with the following:

   For FY 2019-20, twenty-five million, three hundred fifty-five thousand, four hundred ninety-seven dollars ($25,355,497) of the CARES Act Fund was allocated for payroll expenses and other necessary expenditures for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 emergency. For FY 2020-21, fifty-seven million, five hundred ninety-one thousand, one hundred forty-two dollars ($57,591,142) in the CARES Act Fund was transferred for such payroll expenses and other necessary expenditures for public safety, public health, health care, human services, and similar employees

whose services are substantially dedicated to mitigating or responding to the COVID-19 emergency.

4. Add new Sections II.A.11., II.A.12., II.A.13. to the end of Section II.A., which state the following:

    11. Six million dollars ($6,000,000) for FY 2020-21 shall be transferred from the CARES Act Fund through the Colorado Economic Development Commission to the existing program established by Senate Bill 20-222, to provide additional grants to small businesses to meet overwhelming requests for financial assistance as a result of the COVID-19 public health emergency.

    12. One hundred thousand dollars ($100,000) for FY 2020-21 shall be transferred from the CARES Act Fund to the Food Pantry Assistance Grant Program to supplement funds provided by House Bill 20-1422 to aid Colorado food pantries and food banks in the purchase of foods to meet the needs of expanding numbers of clientele as a result of the COVID-19 public health emergency.

    13. Two million six hundred thousand dollars ($2,600,000) for FY 2020-21 shall be transferred from the CARES Act Fund to DOLA to supplement the funding provided by HB 20-1410 for housing assistance to support those who have been economically impacted by COVID-19.

III. Duration

This Executive Order shall remain in effect unless modified or rescinded by future Executive Order of the Governor. In all other respects, Executive Order D 2020 070, as amended by Executive Order D 2020 081, shall remain in full force and effect as originally promulgated.

GIVEN under my hand and the Executive Seal of the State of Colorado, this ninth day of October, 2020.

Jared Polis
Governor