JARED POLIS
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D 2020 081

EXECUTIVE ORDER

Amending Executive Order D 2020 070 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 Order D 2020 070 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 COVID19. 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 during the period that begins on March 1, 2020, and ends on December 30, 2020. As Governor, I have the authority to direct the expenditure of these federal funds.

Pursuant to the CARES Act, I certified to the United States Department of the Treasury on April 15, 2020, 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.

This Executive Order amends 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 units of local government.

II. Amendments

Section II.A.4 of Executive Order D 2020 070 is amended to read as follows:

> 4. Thirty-seven million dollars ($37,000,000) for FY 2020-21 to be transferred from the CARES Act Fund to the State Education Fund for expenditures incurred to respond to second-order effects of the COVID-19 emergency, in particular the increased number of at-risk pupils due to the COVID-19-driven recession.

Section II.A.10 of Executive Order D 2020 070 is amended to read as follows:

> 10. Two hundred seventy-five million dollars ($275,000,000) for FY 2019-20 and FY 2020-21 in the CARES Act Fund shall remain available for units of local government that did not receive a direct distribution of funds in the CARES Act, for eligible expenses pursuant to the CARES Act. The distribution will be informed by the recommendations from the Local Government consortium hosted by DOLA, as well as best practices from other states.

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 shall remain in full force and effect as originally promulgated.

GIVEN under my hand and
the Executive Seal of the State
of Colorado, this twenty-
eighth day of May, 2020

Jared Polis
Governor