



D 2020 295

EXECUTIVE ORDER

Amending Executive Orders D 2020 070, D 2020 081, and D 2020 216 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, D 2020 081, and 2020 216 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. The Consolidated Appropriations Act, 2021, which was signed into law on December 28, 2020, extended the deadline for expenditure of the CARES Act Coronavirus Relief Fund from December 30, 2020 until December 31, 2021. 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. On October 9, 2020, I issued Executive Order D 2020 216, amending Executive Orders 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 Executive Order amends Executive Orders D 2020 070, D 2020 081, and D 2020 216 to reflect that the Consolidated Appropriations Act, 2021, allows CARES funds to be accessible past December 30, 2020 until December 31, 2021 and to indicate that Coronavirus Relief Fund dollars may be reallocated to ensure appropriate support for ongoing Federal reporting and monitoring.

II. Amendment

Section II of Executive Order D 2020 070, as amended by Executive Order D 2020 081 and D 2020 216, is amended as follows:

1. Add Section II.D as follows:

If Coronavirus Relief Fund recipients and/or subrecipients choose to continue to expend CARES Act Fund dollars beyond the original December 30, 2020 deadline, a small portion of the funds that remain unexpended beyond December 30, 2020 may be reallocated to ensure appropriate support for ongoing Federal reporting and monitoring beyond the Act's original expiration date. The Governor's Office will work with recipients and/or subrecipients to effectuate this reallocation.

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 Orders D 2020 081 and D 2020 216, shall remain in full force and effect as originally promulgated.



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

A handwritten signature in blue ink that reads "Jared Polis".

Jared Polis
Governor