

Wyoming Administrative Rules

Governor's Office

Community Charitable Relief Program

Chapter 1: Community Charitable Relief Program

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Chapter 1
Community Charitable Relief Program

**EMERGENCY RULES ARE IN EFFECT NO LONGER THAN 120 DAYS AFTER
FILING WITH THE REGISTRAR OF RULES**

Section 1. Authority. These emergency rules are promulgated by the Office of the Governor of the State of Wyoming pursuant to SEA 001, 2020 Special Session, Section 2(a).

Section 2. Purpose. These rules are promulgated for the purpose of providing a regulatory framework to issue grants to each county, the Northern Arapaho Business Council, and the Eastern Shoshone Business Council for purposes of distributing awards to Grantees in Wyoming which incurred COVID-19 related expenditures in directly supporting the Wyoming public and/or suffered a reduction in donation, grant or other income due to the COVID-19 crisis.

Section 3. Definitions.

(a) As used in this program:

(i) “Charitable Organization” means a nonprofit entity, including churches, which qualifies as tax-exempt under either Section 501(c)(3) or Section 501(c)(19) of the Internal Revenue Code and which provided goods, services, or payments to the public related to the COVID-19 public health emergency.

(ii) “CARES Act” means the Coronavirus Aid, Relief, and Economic Security (CARES) Act, P.L. No. 116-136.

(iii) “Funds” means the monies provided to the Government Subdivision under Section 4(a).

(iv) “Government Subdivision” means either a county, represented by the County Commissioners; the Northern Arapaho Tribe, represented by the Northern Arapaho Business Council; or the Eastern Shoshone Tribe, represented by the Eastern Shoshone Business Council. For purposes of this program, the term “Government Subdivision” does not include cities, towns, or any government entity other than a county or Tribal government.

(v) “Grantee” means a Charitable Organization issued an award under this program by a Government Subdivision.

Section 4. Funding Distributions

(a) The Governor’s Office shall distribute funding to each Government Subdivision, using population as a primary allocation metric.

(b) There is no maximum award amount for each Grantee under this program. It is within the full discretion of each Government Subdivision to determine the award amount to issue to each eligible Charitable Organization.

(c) Any approval or denial determination by the Government Subdivision is final.

(d) The Government Subdivision shall use funding allocated under this program only to issue awards to Charitable Organizations that provided COVID-19 related relief to the public, either through the provision of goods, services, or direct payments and/or suffered a reduction in donation, grant or other income due to the COVID-19 crisis.

(e) A Government Subdivision’s acceptance of an award under this program constitutes agreement by the Government Subdivision that:

(i) The Government Subdivision will comply with these rules, including Sections 7 and 8 regarding eligible expenditures or lost income and Section 10 regarding reporting;

(ii) Funds will be spent by the Government Subdivision and any Grantee in a manner consistent with all state and federal laws, including the federal Coronavirus, Aid, Relief, and Economic Security Act (“CARES Act”) and applicable deadlines, as described in Section 5 of these rules;

(iii) The Government Subdivision shall repay to the State any Funds not properly distributed. Among any other appropriate method of seeking repayment, the State may recover any improperly used Funds by withholding monies that would otherwise be paid to the Government Subdivision; and

(iv) Acceptance of funding under this program constitutes agreement by the Government Subdivision and any Grantee to assist and provide the information requested by the auditors during any subsequent audits.

Section 5. Deadline

(a) Government Subdivisions shall issue all awards under this program by the deadline of the federal CARES Act. Presently, that deadline is December 30, 2020.

(i) If Congress extends the federal deadline to spend CARES Act funding, then Government Subdivisions shall have until the new deadline to distribute awards under this program.

(ii) If Congress does not extend the federal deadline to spend CARES Act funding and if the Government Subdivision does not issue awards prior to December 30, 2020, then the Government Subdivision must return to the State all unused Funds.

(b) Government Subdivisions shall return to the State for any unused or unencumbered Funds under this program by March 1, 2021.

Section 6. Grantee Certification

(a) To qualify for an award under this program, the Charitable Organization must certify to the Government Subdivision on the “Grantee Certification” form provided by the Governor’s Office:

(i) That the person certifying has authority and has been authorized to apply and act on behalf of the Charitable Organization;

(ii) That all information provided to the Government Subdivision and any supporting documents and forms is true and accurate;

(iii) That the Charitable Organization is only seeking amounts allowed by the Program;

(iv) That any submitted information is subject to Wyoming Public Records Act and may be disclosed;

(v) That the Charitable Organization has not discriminated against any person on the basis of age, color, disability, marital status, national origin, race religion, or sex in the program or services for which the Charitable Organization is receiving CARES Act funds;

(vi) That the Charitable Organization is not engaged in any activity that is illegal under federal, state, or local law;

(vii) That the Charitable Organization understands that it may be subject to additional federal requirements, including single audit requirements, other audits, or other federal

requirements and agrees to comply and assist in providing any requested documentation for an audit;

(viii) That the Charitable Organization has fully complied with all applicable state and local public health orders during the time period for which they are seeking reimbursement;

(ix) That Funds will only be used for the allowed purposes under the program, and that any use of Funds for unauthorized purposes may require a total or partial repayment of the Funds;

(x) That Funds received under the program must be claimed on the Charitable Organization's Federal Income Tax filings;

(xi) That the Charitable Organization understands that knowingly making a false statement may result in the Government Subdivision requiring total or partial repayment of the Funds, and may result in other penalties and fines;

(xii) That the information provided to support its award under the program is true and accurate in all material respects. That the Charitable Organization understands that knowingly making a false statement to obtain Funds is punishable under the law, including under 18 USC 1343 by imprisonment of not more than thirty years and/or a fine of up to \$1,000,000 and Wyo. Stat. Ann. § 6-3-402 by imprisonment for not more than ten years and/or a fine up to \$10,000; and

(xiii) That the distribution of Funds under this Program by a Government Subdivision to the Charitable Organization is contingent upon the Government Subdivision's actual receipt of those Funds from the Governor's Office.

Section 7. Awards for Charitable Expenditures

(a) Government Subdivisions may issue awards as reimbursements for expenditures under the following conditions:

(i) The expenditure was made by a Charitable Organization within the jurisdiction of the Government Subdivision;

(ii) The expenditure was made between March 19, 2020 and December 30, 2020; and

(iii) The expenditure was incurred for any of the following:

(A) To directly provide a good or service to persons impacted by COVID-19 within the relevant Government Subdivision, as long as such good or service was provided at no cost to the recipient. Goods and services eligible under this subsection include but are not limited to:

- (I) Food;
- (II) Clothing;
- (III) Mental health and counseling services;
- (IV) Childcare;
- (V) Transportation;
- (VI) Job training (i.e. training for a new job upon COVID-related unemployment or underemployment, training to become competent in software necessary to work remotely);
- (VII) Tutoring assistance to students struggling with remote learning;
- (VIII) Legal assistance;
- (IX) Temporary housing;
- (X) COVID testing;
- (XI) COVID-related cleaning services;
- (XII) Social or case management services (i.e. assistance with applying for public benefits);
- (XIII) In-home early child development services (including outreach for testing and for therapy), and
- (XIV) Community health services (i.e. in-home assistance to those managing chronic conditions, who are unable to seek care in out-of-home setting due to COVID);

(B) To provide a direct payment to an individual or family within the relevant Government Subdivision to cover costs for basic needs related to or arising from the COVID-19 pandemic. This may include but is not limited to costs for housing, utilities, internet necessary for telework, telehealth, or distance learning, food, clothing, childcare, or medical expenses (including medical debts);

(C) To cover the Charitable Organization's operational costs of providing goods, services, or direct payments to the public within the Government Subdivision in a safe manner given the health risks caused by COVID-19. This subsection is limited to expenditures for Personal Protective Equipment, testing for personnel, cleaning services for the organization's service location, modifications to the organization's service location (i.e. plastic barriers, spaced out seating), and equipment to allow staff to work remotely.

Section 8. Awards for Lost Donations or Other Revenue

(a) This subsection is only applicable if Congress extends the deadline for spending under the federal CARES Act.

(b) Government Subdivisions may issue awards as reimbursements for lost donation-revenue or other revenue under the following conditions:

(i) The Charitable Organization is headquartered in or had its principal operations within the jurisdiction of the Government Subdivision issuing the award;

(ii) The Charitable Organization is privately or publicly owned, and is not a governmental entity or a government-owned entity;

(iii) More than fifty percent (50%) of the Charitable Organization's primary work is located in Wyoming;

(iv) At least sixty percent (60%) of the Charitable Organization's employees are employed in Wyoming;

(v) The Charitable Organization generated less revenue between March 19, 2020 and December 30, 2020 than it did between March 19, 2019 and December 30, 2019; and

(vi) That loss in revenue was a direct result of an interruption caused by COVID-19, including but not limited to the following circumstances:

(A) The Charitable Organization ordinarily holds a fundraising event between the months of March and December, but was required to cancel that fundraising event in 2020 due to COVID-19 or public health restrictions;

(B) The Charitable Organization ordinarily holds a fundraising event between the months of March and December, but was required to modify the attendance limits of that fundraising event in 2020 due to COVID-19 or public health restrictions, and the Charitable Organization generated less donation revenue from the event in 2020 than it did in 2019;

(C) The Charitable Organization ordinarily receives grant funding that was not available due to COVID-19; or

(D) The Charitable Organization received fewer donations, or donations in smaller amounts, due to COVID-19 and its impacts on donors.

(vii) Funding under this subsection can be used by all eligible Charitable Organizations except churches to cover administrative and operational costs. However, a church may only use an award issued under this subsection to cover costs of directly providing COVID-19 related goods or services to the community.

(c) Awards issued for lost donation-revenue or other revenue must be calculated using the following formula:

(i) Qualifying gross loss to donation revenue; minus

(ii) Any state or federal loans, grants, business interruption stipend program funds, relief program funds, or mitigation program funds issued as relief relating to COVID-19.

Section 9. Prohibitions

(a) Awards shall not:

(i) Be used by the Charitable Organization to reimburse any donors;

(ii) Cover ordinary expenditures of the Charitable Organization which are unrelated to COVID-19;

(iii) Cover shortfalls related to a decrease in donations to the Charitable Organization except as provided in Section 8;

(iv) Cover any expenditures that were reimbursed by other CARES Act funding to the Charitable Organization, regardless of whether such funding was provided through a state or federal agency;

(v) Cover any costs for goods or services that would benefit the Government Subdivision, including any expenditures which the State Loan and Investment Board denied for relief under the Coronavirus Relief Grant program;

(vi) Be issued to healthcare providers to cover healthcare services which were billed but never paid;

(vii) Cover costs that the Government Subdivision would otherwise be responsible for covering.

Section 10. Reporting

(a) Within thirty (30) days of issuing an award under this program, Government Subdivisions shall report to the Governor’s Office on a “Government Subdivision Certification” form provided by the Governor’s Office the following information:

- (i) The identity of the Charitable Organization which received the award;
- (ii) The award amount issued to each Grantee; and
- (iii) A brief description of the eligible expenditures to be covered by the award.

(b) The Certification must be signed by someone with authority to bind the Government Subdivision and include a certification that the Government Subdivision has complied with these rules and any applicable federal and state law.

(c) A separate Certification must be provided for each Grantee.

Section 11. Audit.

(a) Each Government Subdivision is responsible for obtaining from the Grantee and maintaining any documentation necessary to demonstrate that awards issued under this program complied with these rules and were used by the Grantee only for eligible expenditures under these rules until after the completion of any federal audit. This includes the executed Grantee Certification Form.

(b) Government Subdivisions may enter into a contract with any Grantee to ensure proper spending of awards issued, although this program does not require Government Subdivisions to do so. However, Government Subdivisions must take appropriate steps to insure that the Grantee is properly spending the Funds and is otherwise meeting all the requirements of the act.

(c) The Governor’s Office may conduct and contract for audits of Government Subdivisions and Grantees to ensure Funds were used in a manner that complied with these rules, state law, and federal law.

(d) If the Government Subdivision expends an aggregate amount of seven hundred fifty thousand dollars (\$750,000.00) or more in federal funds during its fiscal year, it must undergo an organization-wide financial and compliance single audit. The Government

Subdivision agrees to comply with the audit requirements of the U.S. General Accounting Office Government Auditing Standards and Audit Requirements of 2 C.F.R. Part 200, Subpart F.

(e) A Government Subdivision must fully reimburse the State for any award amount which was misspent by either the Government Subdivision or the Grantee. The State may offset future funding to the relevant Government Subdivision in order to make any reimbursement owed under this subsection.