

**COUNTY OF MILWAUKEE**  
Inter-Office Communication

**Date:** February 10, 2022

**To:** Marcelia Nicholson, Chairwoman, Milwaukee County Board of Supervisors

**From:** Joe Lamers, Director of Office of Strategy, Budget, and Performance

**Subject:** The Office of Strategy, Budget, and Performance is requesting retroactive authorization to apply for, and accept, and complete an administrative fund transfer for the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) Public Assistance Program for disaster operations in a pandemic

**File Type:** Action Report

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**REQUEST**

The Office of Strategy, Budget and Performance (SBP) is requesting retroactive authorization to apply for, and accept, and complete an administrative fund transfer for the U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) Public Assistance Program for disaster operations in a pandemic.

**POLICY**

Milwaukee County Code of General Ordinances 56.06(1): "Review and approval of federal and state grant and funding applications. All county officers and department heads are to refrain from applying for federal, state or private grants of assistance and from employing personnel to implement programs authorized by such grants until the application for the grant has been approved by the standing committees of the county board having jurisdiction over such office or department and by the county board". If the application has been approved by the county board, then approval for acceptance of the grant award is not required. County board approval to submit a grant application shall not be required if a grant does not require a county match, either with county funding or in-kind services, and is not contrary to the adopted budget or any existing policy, including federal and state regulations/statutes and is consistent with the role and mission of the requesting department.

**BACKGROUND**

Under the March 13, 2020 COVID-19 nationwide emergency declaration<sup>1</sup> and subsequent major disaster declarations for COVID-19, state, local, tribal, and territorial (SLTT) government entities and certain private nonprofit (PNP) organizations are eligible to apply for assistance under the FEMA Public Assistance (PA) Program<sup>2</sup>. On January 21, 2021, the President issued the "Memorandum to Extend Federal Support to Governors' Use of the National Guard to Respond to COVID-19 and to Increase

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<sup>1</sup> <http://www.fema.gov/news-release/2020/03/13/covid-19-emergency-declaration>

<sup>2</sup> See <http://www.fema.gov/assistance/public/program-overview> for more information.

Reimbursement and Other Assistance Provided to States,”<sup>3</sup> which authorized FEMA to provide funding to all PA Applicants for the safe opening and operation of eligible facilities. Such assistance “may include funding for the provision of personal protective equipment and disinfecting services and supplies.” On August 17, 2021, the President issued the “Memorandum on Maximizing Assistance to Respond to COVID-19,”<sup>4</sup> which directed FEMA to “provide a 100 percent Federal cost share for all work eligible for assistance under PA Category B, pursuant to sections 403 (42 U.S.C. 5170b), 502 (42 U.S.C. 5192), and 503 (42 U.S.C. 5193) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121 et seq. (Stafford Act) , including work described in section 3(a) of the Presidential Memorandum of January 21, 2021.

The declarations for COVID-19 authorize FEMA to provide assistance for emergency measures necessary as a result of the pandemic<sup>5</sup>. The types of emergency protective measures that FEMA may provide funding for include the following if not funded by the U.S. Department of Health & Human Services or another Federal agency:

- Emergency Operation Centers
- Personal Protective Equipment (PPE)
- Emergency medical care
  - Treatment of COVID-19 patients
  - Temporary facilities
  - Testing
- Sheltering when necessary to address public health and safety needs
- Purchase and distribution of commodities such as food when necessary to address public health and safety
- Security and law enforcement
- Communication of health and safety information to the public

Grant requirements for Public Assistance:

- Legal Responsibility: Applicants must have the legal responsibility for the work
- Documentation: Applicants need to provide documentation necessary to support the costs they are claiming
- Federal Acquisition Regulations: Federal procurement regulations are mandatory for the Federal grant programs (e.g. Public Assistance)
- Duplication of benefits: FEMA Public Assistance prohibits duplications of benefits for other sources, such as other Federal grant programs and insurance
- Environmental and Historic Preservation Requirements
- Equal access and delivery of services to people with disabilities

The FEMA Program Administration funds allow Milwaukee County to preserve the American Rescue Plan Act (ARPA) funds allocation for COVID-19. In 2021, Milwaukee County submitted reimbursement claims

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<sup>3</sup> <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/21/extend-federal-support-to-governors-use-of-national-guard-to-respond-to-covid-19-and-to-increase-reimbursement-and-other-assistance-provided-to-states/>

<sup>4</sup> [Memorandum on Maximizing Assistance to Respond to COVID-19 | The White House](#)

<sup>5</sup> [PowerPoint Presentation \(naco.org\)](#)

totaling \$1,610,627.43 for eligible COVID-19 expenses incurred in 2020. FEMA has indicated that this \$1.6M claim has been accepted, as indicated in Attachment B. FEMA Program Administration funds have not been received by Milwaukee County that included over 250 claims such as:

- Cleaning
- PPE
- Communication/PR
- Clare Hall
- Medical Examiner's Office
- Emergency Housing
- Food

In 2022, Milwaukee County intends to submit an estimated reimbursement claim amount of \$2,270,245.96<sup>6</sup> for eligible COVID-19 expenses incurred in 2021.

Milwaukee County can continue to submit reimbursement claims for eligible COVID-19 costs and will not require non-federal matching funds from January 1, 2022 until at least April 1, 2022. SBP will monitor the eligible timeline for reimbursement claims going forward.

#### **ALIGNMENT TO STRATEGIC PLAN**

Describe how the item aligns to the objectives in the [strategic plan](#):

1C: Increase the number of County contracts awarded to minority and women-owned businesses

2A: Determine what, where, and how we deliver services to advance health equity

2B: Break down silos across County government to maximize access to and quality of services offered

2C: Apply a racial equity lens to all decisions

3A: Invest "upstream" to address root causes of health disparities

3B: Enhance the County's fiscal health and sustainability

3C: Dismantle barriers to diverse and inclusive communities

#### **RECOMMENDATION**

Approve the request to retroactively apply for, and accept, and complete an administrative fund transfer for the U.S. Department of Homeland Security's FEMA Public Assistance Program for disaster operations.

#### **FISCAL EFFECT**

The 2021 and 2022 estimated grant amount totals \$3,880,873.39 of eligible COVID-19 expenses anticipated to be reimbursed to Milwaukee County. These claims will provide reimbursement for COVID-19 related expenses. The claims will have a positive impact on the County's bottom line, and they will also allow the County to maximize use of American Rescue Plan Act (ARPA) funds.

#### **TERMS**

The term of the FEMA Program Administration began on March 13, 2020 and has an anticipated close date of April 1, 2022. FEMA will fund 100 percent of eligible COVID-19 costs and will not require non-federal matching funds through April 1, 2022<sup>7</sup>.

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<sup>6</sup> Based on 2020 claims and current FEMA guidance,

<sup>7</sup> [FEMA offers support to combat latest COVID surge \(naco.org\)](#)

**VIRTUAL MEETING INVITES**

N/A

**PREPARED BY:**

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*JOSEPH LAMERS*

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Joe Lamers

Director of the Office of Strategy, Budget and Performance

**ATTACHMENTS:**

Attachment A: Coronavirus (COVID-19 Pandemic) Safe Opening and Operation Work Eligible for Public Assistance (Interim)

Attachment B: FEMA Provides \$1.6 Million to Milwaukee County