



**OFFICE OF THE SHERIFF**  
COLLIN COUNTY, TEXAS

JIM SKINNER, SHERIFF

To: Hon. Chris Hill, County Judge  
Hon. Cheryl Williams, Susan Fletcher, Darrell Hale, and Duncan Webb, Commissioners

From: Sheriff Jim Skinner *JOS*

Date: Monday, July 6, 2020

**Re: Request for CARES Act Funds to Purchase Wellness and Leadership Training**

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I ask you to approve the use of \$146,650 in CARES Act funds to purchase online classes on officer wellness and crisis leadership from Falcon, Inc. The program would train 250–300 officers over 24 months in 2–4-hour remote video sessions as part of the SO's COVID-19 response. The SO would like to use CARES Act funds to pay for the training, even if Falcon delivers a substantial portion of it in calendar year 2021.

The SO would need the Commissioners Court to (1) approve the use of CARES Act funds for this purpose and (2) grant an exemption from the usual competitive-bidding requirements of state purchasing law.

**Summary**

This project meets the CARES Act's standards. First, Treasury advises that a local government may use CARES Act funds for training, and Falcon developed its curriculum to respond to the stresses of the pandemic. Second, the County did not account for these particular expenditures in its FY20 budget. Third, the County can incur—that is, pay for<sup>1</sup>—this training before December 30, 2020.

**Discussion**

**1. CARES Act**

I ask you to approve paying for 100% of this training with CARES Act funds. As long as the County pays Falcon for the training before December 30, 2020, this will meet the CARES Act's requirements. The Act does not require all of the training to be completed by December 30, 2020.

Under the CARES Act, Pub. L. No. 116-136, a county “shall use the funds . . . to cover only those costs” of the county that (1) “are necessary expenditures incurred due to the public health emergency,” COVID-19; (2) “were not accounted for” in the county's most recent budget; and

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<sup>1</sup> U.S. Treasury, Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments, at 2 (Apr. 22, 2020) (“A cost is ‘incurred’ when the responsible unit of government has expended funds to cover the cost.”), <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>.

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(3) “were incurred during the period that begins March 1, 2020, and ends on December 30, 2020.” 42 U.S.C. § 801(d).

First, Falcon’s curriculum specifically focuses on officer wellness and crisis leadership in the context of the pandemic, and I listed officer wellness as a candidate for use of CARES Act funds in my May 1, 2020 letter to the Commissioners. CARES Act funds may be used for training.<sup>2</sup>

From Falcon’s resiliency-and-wellness curriculum, I’ve selected courses entitled:

- Building the Foundation: Wellness, Resilience & a Fresh Mindset,
- Coping, Managing Emotions, Forgiveness, and Letting Go, and
- Creating a Vision, Using Structure, and Staying Gritty.

From Falcon’s crisis-leadership curriculum, I’ve selected:

- Leadership: Before, During, and After a Crisis,
- Making Your Words an Asset, not a Liability: How to Improve What Your say & How You Say It, and
- Strength-Based Leadership

Falcon’s materials (attached) describe the courses in more detail.

Second, the County did not account for this type of training in its FY20 budget.

Third, Treasury states that “[a] cost is ‘incurred’ when the responsible unit of government has expended funds to cover the cost.”<sup>3</sup> Treasury also says that a county may make prepayments on a contract with CARES Act funds to the extent doing so “would be consistent with [the county’s] ordinary course policies and procedures.”<sup>4</sup> The County has frequently paid in advance for training

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<sup>2</sup> See U.S. Treasury, Coronavirus Relief Fund Frequently Asked Questions, at 4 (May 4, 2020) (stating that funds may be used to “cover employment and training programs for employees [who] have been furloughed due to the public health emergency”), <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Frequently-Asked-Questions.pdf>.

<sup>3</sup> U.S. Treasury, Coronavirus Relief Fund Guidance for State, Territorial, Local, and Tribal Governments, at 2 (Apr. 22, 2020), <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>.

<sup>4</sup> U.S. Treasury, Coronavirus Relief Fund Frequently Asked Questions, at 6 (May 4, 2020) (“May counties pre-pay with CARES Act funds for expenses such as a one or two-year facility lease, such as to house staff hired in response to COVID-19? A government should not make prepayments on contract using payments from the Fund to the extent that doing so would not be consistent with its ordinary course policies and procedures.”), <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Frequently-Asked-Questions.pdf>.

on the SO's behalf. It is typical for the County to pay months in advance for deputy sheriffs and detention officers to attend conferences and training programs and for the officers to attend later.

## **2. Exemption for Professional Services**

I also you to grant an exemption from the usual competitive-bidding requirements under Section 262.024(a)(4), Local Gov't Code, for a professional service. A professional service "comprehends labor and skill that is predominantly mental or intellectual, rather than physical or manual" and "members of disciplines requiring special knowledge or attainment and a high order of learning, skill and intelligence."<sup>5</sup> Falcon's instructors meet this definition of professional. Descriptions, and their CVs are attached.

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<sup>5</sup> Tex. Att'y Gen. Op. No. JM-1136 (1990), at 3; *see also* Tex. Att'y Gen. Op. No. JC-0136 (1999), at 4 (describing professional services the same way). The Professional Services Procurement Act, Gov't Code, Chapter 2254, addresses a county's contracting for services from an accountant, architect, physician, optometrist, nurse, landscape architect, or engineer, and is distinct from the professional-services exemption in Section 262.024(a)(4), Local Gov't Code.