



# Board Agenda Item 44

DATE: August 22, 2023

TO: Board of Supervisors

SUBMITTED BY: David Luchini, RN, PHN, Director, Department of Public Health

SUBJECT: Allocation of American Rescue Plan Act - State and Local Fiscal Recovery Funds to the Department of Public Health for Building Improvements and Repairs Project.

RECOMMENDED ACTION(S):

1. **Approve proposed amendment to the County of Fresno's American Rescue Plan Act - State Local Fiscal Recovery Fund (ARPA-SLFRF) expenditure plan, approved on February 1, 2022, amending the scope of work for the earmarked Staffing - Infectious Disease/Chronic Disease (\$3,500,000), to be implemented by the Department of Public Health, to use a portion of the earmarked funds to instead fund the Brix-Mercer Improvements and Repairs Project, with a proposed funding of \$2,800,000;**
2. **Approve the allocation of American Rescue Plan Act - State and Local Fiscal Recovery Funds in the total amount of \$2,800,000 to the Department of Public Health Org 5620 for the following:**
  - a. **Overhaul, replace, and make the upgrades necessary to maintain functionality and restore full use of the elevator cars located at the Department of Public Health Brix-Mercer Complex at 1221 Fulton Street in the amount of \$2,116,000; and**
  - b. **Upgrade Immunization Clinic Vaccine Refrigerated Room add new backup HVAC electrical connections to maintain continuity of operations at the Department of Public Health Brix-Mercer Complex, in the amount of \$109,250; and**
  - c. **Complete required upgrades and improvements to public access areas of the Department of Public Health Brix-Mercer Complex to comply with the Americans with Disabilities Act, in the amount of \$155,000; and**
  - d. **Complete Phase II of the Department of Public Health Brix-Mercer Complex Re-Roof Project, in the amount of \$419,750; and**
3. **Adopt Budget Resolution increasing FY 2023-24 appropriations and estimated revenues for the Department of Public Health Org 5620 in the amount of \$2,800,000 for facility project costs related to the Brix/Mercer Complex (4/5 vote)**

There is no additional Net County Cost associated with the recommended actions. Approval of the first recommended action will amend the ARPA-SLFRF expenditure plan to accept the proposed change in scope of work to address immediate and critical infrastructure needs at the Brix-Mercer Complex (BMC). The remaining funds earmarked for the Infectious Disease/Chronic Disease project (\$700,000) will be allocated at a later Board date. Approval of the second recommended action will authorize the Department of Public Health (DPH) to implement the described projects for the improvement of the BMC with funds from the ARPASLFRF. Approval of the third recommended action will increase DPH Fiscal Year (FY) 2023-24 appropriations and estimated revenues to implement the projects. This item is countywide.

ALTERNATIVE ACTION(S):

Should your Board not approve the recommended actions, the SLFRF funds would not become available to the DPH to implement these necessary and deferred facility repairs and improvements. The proposed public facility improvements will be delayed until another funding source becomes available to DPH.

FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended actions. Approval of the recommended actions will increase the Public Health Org. 5620 appropriations and estimated revenues in the amount of \$2,800,000 to fund four facility repairs/improvement projects. Costs incurred by DPH to implement the facility projects will be processed through claim reimbursement with the Auditor-Controller /Treasurer-Tax Collector. Sufficient appropriations are included in the Auditor-Controller/Treasurer-Tax Collector's FY 2023-24 Recommended Budget Org. 1033 - Disaster Claiming, Fund 0026, Subclass 91021. Any unbudgeted costs associated with the implementation of these projects that exceed the DPH allocation of SLFRF will be assessed by DPH and accounted for in future budgets.

DISCUSSION:

The ARPA established the SLFRF Program, which delivered \$350 billion to state, local and Tribal governments across the country to support their response and recovery from the COVID-19 public health emergency.

The Department of the Treasury's 31 CFR Par 35 Coronavirus State and Local Fiscal Recovery Funds Interim Final Rule ("Interim Final Rule") and Final Rule ("Final Rule") establish a framework to determining the type of programs and services that are eligible under ARPA. SLFRF may be used for eligible activities under four general categories:

- A. Respond to the COVID-19 public health emergency or its negative economic impacts;
- B. Provide premium pay for essential workers;
- C. Replace public sector revenue loss, subject to certain limitations; and,
- D. Make necessary infrastructure investments in water, sewer, and broadband.

The Final Rule permits SLFRF to be used to cover costs for eligible activities within those four general categories for the period that begins March 3, 2021 and ends on December 31, 2024. Recipients must return any funds to the U.S. Department of the Treasury which are not obligated by December 31, 2024, and any funds not expected to cover such obligations by December 31, 2026.

On February 1, 2022, your Board approved the Ad-Hoc Committee's expenditure plan recommendations, indicating proposed use of the ARPA funds. The recommendations were presented by the County Administrative Office's (CAO) establishing an ARPA - SLFRF expenditure plan to prioritize various internal and external partner requests for the County's allocation of \$194,063,657. The approved expenditure plan earmarked \$3,500,000 for Staffing-Infectious Disease/Chronic Disease to be undertaken by DPH. DPH has not returned to your Board to request the allocation of SLFRF, because during the vetting process, DPH received an unanticipated award to fund the Infectious Disease Monitoring (IDM) project through the Future of Public Health Agreement with the California Department of Public Health (CDPH). The CDPH award is being utilized to support the IDM project, which provides funding to maintain staffing levels for infectious disease control in the County. The infectious diseases included in this project were, but are not limited to, COVID-19, Tuberculosis, STDs, HIV, mPox, Measles, and others.

The recommended actions propose to reassign and allocate a portion of the earmarked funding to DPH so that critical and deferred building infrastructure improvements to the DPH facility can be made. The proposed project is an enumerated Eligible Use of SLFRF under Category A, as it responds to the COVID-19 public health emergency or its negative impacts, as follows:

**Public Health (Eligible Use Category 1)**

**1. Department of Public Health Brix-Mercer Improvements and Repairs (BMI) Project.**

Project Expenditure Category: E.C 1.14 Public Health, Other Public Health Services

Funding Amount: \$2,800,000

Total Expenditures to Date: \$0

Estimated Start Date: September 6, 2023

Estimated Completion Date: August 31, 2025

Funds allocated for the BMI Project will allow for DPH to make critical and necessary improvements to its headquarters located at the Brix-Mercer Complex (BMC) without further delay. The following projects are:

- A. Overhaul, replace, and make the upgrades necessary to maintain functionality and restore full use of the elevator cars.** These elevators are used daily by County staff, contractors, and County residents to get between the different programs and divisions in the building. The total number of units in the building consist of four elevator cars, two at the rear of the complex for County staff and movement of freight or supplies and two at the front utilized by staff and the public.

The elevator electronic components were last upgraded in August 2001 and have outlived their useful life of 12 to 15 years. The mechanical components vary in age, with most parts being last updated in 1979, however, some parts date back earlier. These components were recommended in 2001 to be repaired or replaced, however, due to lack of funding, only the electronics were repaired. The internal components of the car were last updated in 1979 and are showing signs of wear from constant use.

Because of these elevators having multiple pieces that have outlived their useful life, DPH has been affected by the loss of use of up to 75% of its elevator cars in the BMC. This proposed project will complete a major overhaul of the elevators to allow for complete repairs which will lower maintenance costs. The dollars allocated are an estimate along with contingency of 15% to allow for potential changes or price increases.

- B. Upgrade Immunization Clinic Vaccine Refrigerated Room add new backup HVAC electrical connections to maintain continuity of operations.** The DPH Immunizations Clinic stores the County's vaccines including Measles Mumps and Rubella, Polio, Tuberculosis, COVID, and annual flu supply for the benefit of County residents. These refrigerators are connected to our backup generator so that in the event of power loss, the refrigerators would continue to provide a constant temperature to the vaccines. However, when the power fails, the HVAC in these rooms does not operate and causes the temperature to raise dramatically in the room. Once the room temperature is above 77 degrees Fahrenheit, the vaccines cannot be removed from the refrigerators which complicates efforts assist in an emergency. This upgrade would allow DPH to relocate this room to an exterior wall in the BMC and place the system on its own independent HVAC system that is connected to the backup generator. This allows for continuity of operations in and to keep the county's vaccine supplies refrigerated at their optimal temperatures. The dollars allocated are an estimate along with contingency of 15% to allow for potential changes or price increases.

- C. Complete required upgrades and improvements to public access areas.** The Department of Public Health serves a diverse clientele. The main entrances to the BMC are not in compliance with the Americans with Disabilities Act of 1991. This results in those who have certain disabilities from being able to freely access our facility to conduct business such as restaurant plan checks, birth or death certificate requests, immunization, and tuberculosis clinics. DPH is the only facility in the area that tests, treats, or takes tuberculosis patients, making this repair even more critical.

These upgrades will allow for a mechanically operated door system to be installed at the main and rear entrances. Additional modifications not included in this request, but on the DPH's radar include the installation of assistance bars in the restrooms and updated signage to include braille lettering.

The dollars allocated are an estimate along with contingency of 15% to allow for potential changes or price increases.

**D. Complete Phase II of the Department of Public Health Brix-Mercer Complex Re-Roof Project.**

On August 9, 2022, your Board approved ARPA - SLFRF funding in the amount of \$225,000 for the re-roof of the Brix-Mercer Complex. Upon receiving bids for the re-roofing, the cost was determined to only cover the cost of one of the two primary roofs of the building. This amount will allow for the second primary roof and other smaller secondary roofs to be completed.

The funds allocated to this project will allow the Department to fund necessary facility repairs at the BMC. During the winter seasons, the facility requires routine roofing crack or hole repairs to stop water leaks from entering the building. Portions of the roof are estimated to be over 25 years old and are in dire need of replacement. Replacement of the roof will address a capital investment need, will allow for the continued delivery of critical public services, and protect the facility from experiencing additional water damage during the wet seasons. The dollars allocated are an estimate along with contingency of 15% to allow for potential changes or price increases.

The Final Rule lists enumerated eligible uses to respond to the public health emergency, under the subcategory of COVID-19 mitigation and prevention. Applicable enumerated uses include improvements to emergency operations centers, improvements to COVID-19 testing sites and laboratories, and costs of establishing public health data systems. The County's Office of Emergency Services (OES) is located at the DPH facility, and the DPH facility is integral to the County's public health response to public emergencies. Like other eligible uses of SLFRF funds in this category, capital expenditures must be reasonably proportional response to a public health or negative economic impact of the pandemic. DPH would need to successfully complete and meet the substantive requirements of the Treasury's Written Justification process for projects between \$1 to \$10 million for this project, as part of the County's demonstration that the project is a related and reasonably proportional response to the harm identified. Making investments to improve the BMC ensures that DPH can provide a safe workspace for essential employees, remove any potential health hazards, improve the facility's resiliency for future years, and continue to provide essential public health services, including services related to the COVID-19 pandemic, to the public. In addition to the COVID-19 pandemic, DPH has also had other major impacts that have resulted in a delay of these repairs, including the 2015-2016 Zika Virus outbreak, 2016 Mercer Basement Flood, the 2018 Brix-Mercer Basement Flood, and the 2020 Creek Fire response.

Finally, it should also be noted that the Brix Building of the BMC was constructed in 1922 and is over 100 years old. This places the Brix Building as one of only a handful of buildings in the County's building inventory to be of this age. Buildings of this vintage do require DPH staff to be aware and cautious about keeping up with ongoing maintenance. By approving the BMI project, DPH will be able to better provide for upkeep of the facilities, continue to provide essential services and will not be hindered during public health emergencies by inoperable, inaccessible, or failed equipment.

REFERENCE MATERIAL:

BAI # 47, August 9, 2022  
BAI # 3, February 1, 2022

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolution

CAO ANALYST:

George Uc

