



Board Agenda Item 38

DATE: May 3, 2022

TO: Board of Supervisors

SUBMITTED BY: Robert W. Bash, Director, Internal Services/Chief Information Officer

SUBJECT: Retroactive Action - American Rescue Plan Act - Coronavirus State and Local Fiscal Recovery Funds

RECOMMENDED ACTION(S):

1. **Approve and authorize the Chairman to approve American Rescue Plan Act State and Local Fiscal Recovery Funds to the Internal Services Department - Information Technology Org 8905:**
 - a. **for the purchase of Communication Improvements for Public Facilities, including upgrades to emergency response radio towers, up to \$1,500,000;**
 - b. **for the purchase of Mobile Workforce Technology, as part of COVID-19 mitigation and prevention, up to \$7,900,000;**
 - c. **for the purchase of Cybersecurity Improvements, including modernization of hardware and software for the County's existing and new broadband infrastructure, up to \$10,000,000; and,**
 - d. **to connect the Hamilton facility and the Juvenile Justice Campus (including the County morgue) with broadband fiber, as a necessary acquisition of emergency response equipment and an adaptation to congregate settings, up to \$2,500,000.**
2. **Adopt Budget Resolution approving the transfer of American Rescue Plan Act State and Local Fiscal Recovery Fund revenues from the Auditor-Controller/Treasurer-Tax Collector Org 1033 to the Internal Services Department - Information Technology Org 8905 in the amount of \$14,000,000 (4/5 vote);**
3. **Adopt Budget Resolution increasing FY 2021-22 appropriations and estimated revenues for the Internal Services Department - Information Technology Org 8905 in the amount of \$14,000,000 (4/5 vote); and,**
4. **Approve and authorize the Director of the Internal Services Department to potentially use annual Job Order Contracting agreements for the implementation of the proposed projects.**

Approval of recommended actions will authorize the Internal Services Department (ISD) to implement the described projects with funds provided through the American Rescue Plan Act (ARPA) - Coronavirus State and Local Fiscal Recovery Funds (SLFRF). Approval of the recommended actions will also increase the ISD - Information Technology (IT) FY 2021-22 appropriations and estimated revenues to implement the projects. This item is countywide.

ALTERNATIVE ACTION(S):

Should your Board not approve the recommended actions, the implementation of these projects will be delayed until another funding source is identified.

FISCAL IMPACT:

There is no increase in Net County Cost associated with recommended action items. Approval of recommended action will increase the ISD - IT ORG 8905 appropriations and estimated revenues in the amount of \$14,000,000 to fund the Communication, Cybersecurity, and Emergency Response Equipment [broadband fiber improvement projects to Hamilton facility and the Juvenile Justice Campus (JJC)]. Costs will be funded through Auditor-Controller/Treasurer-Tax Collector (ACTTC) ORG 1033 - Disaster Claiming, Fund 0026, Subclass 91021.

For the Mobile Workforce Technology, ISD allocated sufficient appropriations and revenues in FY 2021-22, IT ORG 8905, for costs related to this project. Costs have been funded through ACTTC ORG 1033 - Disaster Claiming, Fund 0026, Subclass 91021.

Any unbudgeted cost associated with the implementation of each project that exceeds the ISD-IT's allocation of SLFRF will be assessed by the ISD and accounted for in the ISD's future budgets.

DISCUSSION:

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

The Department of the Treasury's 31 CFR Part 35 Coronavirus State and Local Fiscal Recovery Funds Interim Final Rule ("Interim Final Rule") (for expenditures before April 1, 2022) and Final Rule ("Final Rule") establish a framework for determining the types of programs and services that are eligible under the 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 investments in 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 expended to cover such obligations by December 31, 2026.

On February 1, 2022, your Board approved the Ad-Hoc Committee's expenditure plan, which earmarked funds for proposals that may be funded either in whole or in part by the County's \$194,063,657 allocation of SLFRF. The approved expenditure plan earmarked funds for these major projects to be undertaken by the Department. Although that approved expenditure plan specified projects to be undertaken under certain eligible use categories, after analyzing the Final Rule, the cybersecurity and broadband fiber projects were qualified as eligible uses under different eligible use categories than previously anticipated.

These projects are enumerated Eligible Uses of SLFRF under Category A, as they respond to the COVID-19 public health emergency or its negative impacts, and under D, as infrastructure investment to fund the County's modernization of network security, as follows:

Public Health (Eligible Use Category 1)**1. Communication Improvements for Public Services Facilities, ISD No. 3**

Project Expenditure Category: E.C. 1.7 Public Health, Other COVID-19 Public Health Expenses: Capital Investment to Public Facilities that respond to the COVID-19 public health emergency.

Funding Amount: \$1,500,000

Total Expenditures to Date: \$0

Estimated Start Date:

Estimated Completion Date:

The funds allocated to this project will allow ISD to purchase and install radio towers and associated equipment at the Reedley and Tranquility Public Works and Planning, Road Maintenance and Operation Yard Facilities. Each radio tower will be constructed to an approximate height of 250-feet and designed to enhance communication coverage in the rural areas of the County for public safety and first responders such as Sheriff, Fire, Department of Public Health, and Public Works. The two new radio towers are a key capital investment that will expand the County's wireless communication and improve voice and data communication signals for first responders' mobile devices.

The Final Rule lists enumerated eligible uses to respond to the public health emergency, under the subcategory of COVID-19 mitigation and prevention. One enumerated use under the subcategory is improvements to or construction of emergency operations centers and acquisition of emergency response equipment (e.g., emergency response radio systems). The County's public safety and first responders experienced an increased volume of emergency responses required by the severe COVID-19 medical emergencies due to the COVID-19 public health emergency. The proposed upgrades to the County radio towers, and associated equipment, will enhance communication coverage in the rural areas for public safety and first responders. These upgrades will respond to the COVID-19 public health emergency by enhancing the County's ability to provide reliable emergency responses to COVID-19 related emergencies. For this project, ISD will need to successfully complete and meet the substantive requirements of the Written Justification process, for projects between \$1 million and \$10 million.

2. Mobile Workforce Technology, ISD No. 4

Project Expenditure Category: E.C. 1.7 Public Health, Other COVID-19 Public Health Expenses: Capital Investment to Public Facilities that respond to the COVID-19 public health emergency.

Funding Amount: \$7,900,000

Total Expenditures to Date: \$0

Estimated Start Date:

Estimated Completion Date:

The funds allocated to this project funded the purchase of mobile technology in response to the COVID-19 public health emergency, which forced the County to transition over 8,000 employees to telework during the pandemic, to mitigate and prevent the spread of COVID-19. ISD purchased laptops, docking stations, monitors, and supporting equipment that assisted employees to telework.

The Final Rule lists enumerated eligible uses to respond to the public health emergency, under the subcategory of COVID-19 mitigation and prevention. The Treasury provided an expansive list of enumerated eligible uses to mitigate and prevent COVID-19, including "other public health responses." The COVID-19 public health emergency had a negative public health impact on the employees of the County, as well as on the public. The provision of this equipment that enabled the County employees to telework responded to the negative public health impact of the COVID-19 public health emergency before vaccines were widely available, because this equipment allowed County staff to continue to provide essential services to the public, while social distancing, according

to the guidance of health officials, thereby preventing and mitigating the spread of COVID-19. This prevented illness and death among County staff and the public and helped alleviate the burden on local hospitals. For this project, ISD will need to successfully complete and meet the substantive requirements of the Written Justification process, for projects between \$1 million and \$10 million.

3. Emergency Response Equipment ISD No. 6

Project Expenditure Category: E.C. 1.7 Public Health, Other COVID-19 Public Health

Expenses: Capital Investment to Public Facilities that respond to the COVID-19 public health emergency.

Funding Amount: \$2,500,000

Total Expenditures to Date: \$0

Estimated Start Date:

Estimated Completion Date:

The funds allocated to this project will allow ISD to expand the County's fiber network to essential public facilities that are not currently connected to broadband and replace leased communication networks obtained through private companies. County fiber installation and extension is planned to occur at the JJC, and the County's Hamilton facility, which houses the dispatchers for the Sheriff's Office. Both locations are currently underserved or unserved with reliable high-speed broadband. The project will connect and/or enhance high-speed broadband to County facilities that lack reliable internet speed, and will complement radio communication infrastructure, and improve emergency dispatch communication for first responders.

In the Final Rule, the Treasury enumerated several projects that were examples of eligible capital expenditures under the Public Health Impacts category, including improvements to or construction of emergency operations centers and acquisition of emergency response equipment (e.g., emergency response radio systems). For the Hamilton Facility (located at 4551 E. Hamilton), the installation of new broadband or upgrade of existing broadband would improve the County's emergency response equipment and improve the County's speed of response to emergencies, including COVID-19 related emergencies, under the Public Health Impacts category. For the connection of the JJC to broadband, this is an eligible capital improvement as the acquisition of emergency response equipment and an adaptation to congregate living facilities, as the JJC is an incarceration setting. The provision of County broadband to this facility will allow the JJC to be connected to the County network, which may be essential in the event of an emergency, when the JJC staff must manage its population of incarcerated youth. The County morgue is also located at the JJC location, and the provision of broadband to the morgue as part of this project will assist in the County's emergency response, in the event of large-scale public health emergency deaths. For this project, ISD will need to successfully complete and meet the substantive requirements of the Written Justification process, for projects between \$1 million and \$10 million.

Infrastructure (Eligible Use Category 5)

4. Cybersecurity Improvements, ISD No. 5

Project Expenditure Category: E.C. 5.21 Broadband: Other projects

Expenses: Infrastructure Investment, Broadband

Funding Amount: \$10,000,000

Total Expenditures to Date: \$0

Estimated Start Date:

Estimated Completion Date:

The funds allocated to this project will allow ISD to fund the County's modernization of network security, which will strengthen cybersecurity of the County's network against cyber-attacks and cyber-intrusion threats. The Final Rule allows for modernization of cybersecurity for existing and new

broadband infrastructure as an eligible use under sections 60(c)(1)(D) and 603(c)(1)(D), as such investments are necessary for reliability and resiliency of broadband infrastructure.

Each project is tentatively scheduled to begin, pending your Board's approval of the funds. These ISD projects recommended for funding total \$21.9 million. Detailed scopes of work, project timelines, including project start and completion dates, and key performance indicators for ISD's projects will be provided to the County Administrative Office on a quarterly and annual basis. Approval of recommended item #4 would allow the Director of ISD to utilize JOC agreements for the implementation of the proposed projects, if needed.

REFERENCE MATERIAL:

BAI #3, February 1, 2022
BAI #7, August 24, 2021
BAI #7, July 13, 2021
BAI #36.1, May 25, 2021

ATTACHMENTS INCLUDED AND/OR ON FILE:

On file with Clerk - Resolution (ORG 1033)
On file with Clerk - Resolution (ORG 8905)

CAO ANALYST:

Sonia M. De La Rosa