



Brevard County Board of County Commissioners

2725 Judge Fran Jamieson
Way
Viera, FL 32940

Legislation Text

File #: 3155, **Version:** 1

Subject:

Brevard County receipt of \$58,460,088 from the Coronavirus State Fiscal Recovery Fund (CLFRF) under the American Rescue Plan Act (ARPA).

Fiscal Impact:

The County received its initial allocation of \$58,460,088 from ARPA. These funds may be used for (a) to respond to the public health emergency with respect to Coronavirus Disease or its negative economic impacts, (b) to respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers, (c) revenue replacement for the provision of government services to the extent of the reduction in revenue of the county due to the COVID-19 public health emergency, or (d) to make necessary investments in water, sewer, or broadband infrastructure. A second tranche of \$58,460,088 will be paid to Brevard County not earlier than 12 months after the date on which the first tranche was paid (May 19, 2021).

Dept/Office:

County Manager's Office

Requested Action:

It is requested that the Board of County Commissioners discuss and provide direction concerning the framework being initially recommended by staff relating to the allocation of ARPA resources and authorize expenditure of CLFRF funding by the County on qualified expenditures through December 30, 2026. Staff is also requesting Board direction concerning development and implementation of other potential programs eligible for reimbursement and authorize the County Manager to approve all necessary Budget Change Requests.

Summary Explanation and Background:

Pursuant to the Coronavirus State Fiscal Recovery Fund (CLFRF) under the American Rescue Plan Act (ARPA), Brevard County was eligible and received an initial allocation of \$58,460,088 based upon its population. These monies were received on May 19, 2021. In order to receive the money, the County had to certify that the County would only use the funds provided to cover eligible costs incurred by December 31, 2024. Those costs are statutorily limited as follows:

- (A) To respond to the public health emergency with respect to the Coronavirus Disease or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel and hospitality;
- (B) To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers;
- (C) For the provision of government services to the extent of the reduction of revenue due to COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency; or
- (D) To make necessary investments in water, sewer, or broadband infrastructure.

A second tranche of funding (\$58,460,088) will be provided to Brevard County no earlier than May 20, 2022.

Taking into consideration the Board's allocation of and expenditures related to CARES funding Brevard County received

on April 23, 2020 for Public Health and Safety programs as well as other federal funding the County received related to COVID-19, (see attached report) staff is providing the following recommendations for Board consideration and discussion. The outline provided below is not inclusive of all opportunities available for various eligible programs under CLFRF ARPA. However, based on prior Board actions and direction relative to CARES funding and ARPA, staff is offering a general framework for Board discussion so the Board can provide direction for the County's initial allocation of \$58,460,088 of CLFRF under ARPA:

Revenue Replacement Fire Rescue **(\$8.5M)**

Previously approved by Board action of April 20, 2021.

Remaining 2021 CLFRF ARPA for Allocation by the Board **\$50.0M**

Funding Options

1. Investment in Water and Sewer Infrastructure **\$30M - Staff Recommendation**

Categories of eligible projects include treatment, transmission and distribution, source rehabilitation and decontamination, storage, consolidation, and new systems development.

Eligible projects also include: construction of publicly owned treatment works, nonpoint source pollution management, national estuary program projects, decentralized wastewater treatment systems, stormwater systems, water conservation, efficiency and reuse measures, watershed pilot projects, energy efficiency measures for publicly-owned treatment works, water reuse projects, security measures at publicly-owned treatment works, and technical assistance to ensure compliance with the Clean Water Act.

Utilities has prepared a listing of projects eligible for CLFRF ARPA funding as an attachment to this agenda item.

To ensure a program is put in place and funded in accordance with upcoming FDEP requirements, staff would also note that CLFRF ARPA resources dedicated to Water/Wastewater projects would impact the timing and/or rate structure for utility rates that the Board will be asked to consider in the near future.

2. Other Eligible Programs **\$10M - Staff Recommendation**

Specific allocations for each of the programs listed below would be available from the recommended \$10M allocation

- **Revenue Replacement Opportunities**

Entity-Wide General Fund aggregate revenue loss Total - Up to \$18M (less \$8.5M
Fire/Rescue allocation);

For the Board's information, Non-General Fund lost revenues by Sources during 2020/21 were:

- Tourism Tax, \$4.2M
- Save Our Indian River Lagoon (SOIRL) Local ½ Cent Tax, \$2.5M
- Gas Taxes, \$1.8M

These lost revenues could be replenished up to the amounts specified above.

- Alternatively, Treasury guidance provides that revenue loss can also be used for maintenance of infrastructure or pay-go spending for building new infrastructure, including roads, modernization of cybersecurity, including hardware, software, and protection of critical infrastructure; health services; environmental remediation; school or educational services; and the provision of police, fire and other public safety services.

- **Negative Economic Impact**

- Disproportionately Impacted Communities/Economically Disadvantaged.

In recognition of the disproportionate impacts of COVID-19 virus on health and economic outcomes in low income communities, Treasury's FAQ's identify a broad range of services and programs that are considered to be in response to the public health emergency when provided in these communities. Treasury will presume certain types of services are eligible uses when provided in a Qualified Census Tract (QCT), or to families living in QCT's.

These services can be provided to other populations, households or geographic areas disproportionately impacted by the pandemic where such determinations are able to be supported.

- Addressing health disparities and social determinants of health, including: community health workers, public benefits navigators, remediation of lead paint or other lead hazards, and community violence intervention programs;
- Building stronger neighborhoods and communities, including: supportive housing and other services for individuals experiencing homelessness, development of affordable housing, and housing vouchers and assistance relocation to neighborhoods with higher levels of economic opportunity;
- Addressing educational disparities exacerbated by COVID-19, including early learning services, educational services like tutoring or afterschool programs and supports for students' social, emotional, and mental health needs; and
- Promoting healthy childhood environments, including: childcare, home visiting

programs for families with young children, and enhanced services for child welfare-involved families and foster youth.

- ❖ Parks & Recreation (example: Expansion of Summer and After-Care Programs, Assistance with food and nutritional programs)
- ❖ Community-wide Programs/Initiatives (example: Boys & Girls Club - educational enrichment programs for childhood welfare)

➤ Household Assistance

Assistance to households includes, but is not limited to: food assistance; rent, mortgage, or utility assistance; counseling and legal aid to prevent eviction or homelessness; cash assistance; emergency assistance for burials, home repairs, weatherization, or other needs; internet access or digital literacy assistance; or job training to address negative economic or public health impacts experienced due to a worker's occupation or level of training.

➤ Small Business and Non-Profits continuing to experience a negative economic impact resulting from the COVID-19 healthcare emergency. Includes but is not limited to:

- Loans or grants to mitigate financial hardship such as declines in revenues or impacts of periods of business closure, for example by supporting payroll and benefits costs, costs to retain employees, mortgage, rent, or utilities costs, and other operating costs;
- Technical assistance, counseling, or other services to assist with business planning needs

➤ Tourism, Travel, Hospitality

Aid provided to tourism, travel and hospitality industries should respond to the negative economic impacts of the pandemic.

- **Premium Pay**

Those eligible for premium pay are essential workers in critical infrastructure sectors who regularly perform in-person work, interact with others at work, or physically handle items handled by others.

Critical infrastructure sectors include healthcare, education and childcare, transportation, sanitation, public health and safety, among others. Governments have discretion to add additional sectors to this list, as long as sectors are considered critical to protect the health and well-being of residents.

Treasury's Interim Final Rule emphasizes the need to prioritize premium pay for lower income workers. Premium pay that would increase a worker's total pay above 150% of the State's average annual wage (Based on the US Bureau of Labor Statistics preliminary annual weekly wage -\$83,304) will require specific justification for how it responds to the needs of these workers.

3. Reserves for Future Use

\$10M - Staff Recommendation

The timeline for utilization of CLFRF under ARPA is significantly longer than the timeline that was available under CARES. ARPA funds must be encumbered by December 31, 2024. The funds must be expended by December 31, 2026. This provides the Board the opportunity to evaluate, over time, the community's needs and further COVID-19 impacts and further deliberate on how these funds ought to be expended.

Additionally, CLFRF under ARPA provides identical parameters for counties and how separately provided for funding to Brevard's municipalities funding can be utilized. Some types of programs the Board may be interested in pursuing may duplicate programs that municipalities may implement. On the other hand, various municipalities may be interested in partnering with the County to leverage additional dollars into programs both the County and municipality may be interested in funding together. Waiting to see how such programs unfold on the federal, state and municipal levels may be desirable to assure resources are allocated in a way that best serves Brevard's community minimizing duplication of efforts and/or taking advantage of partnership and leveraging opportunities with municipalities or other agencies. Upon Board direction being provided on what programs to pursue, staff will engage with municipalities and other agencies to explore such opportunities.

Clerk to the Board Instructions: