



# Baldwin County Commission

## Legislation Text

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File #: 22-1510, Version: 1

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**Meeting Type:** BCC Regular Meeting  
**Meeting Date:** 9/20/2022  
**Item Status:** New  
**From:** Cian Harrison, Clerk/Treasurer  
**Submitted by:** Kathy McHugh, Grants Administrator

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### **ITEM TITLE**

Rescind Previous Commission Action Related to Allocation of American Rescue Plan Act (ARPA) Funds for Specific Projects Determined to be Ineligible

### **STAFF RECOMMENDATION**

Rescind action taken by the Baldwin County Commission, during its regularly scheduled meeting on June 15, 2021, more specifically a portion of the staff recommendation regarding Agenda Item BM1, which approved the immediate allocation of ARPA projects based on the internal advisory committee recommendations as follows:

COA Main Office COVID Upgrades Estimated Cost \$11,875.00

Baldwin Together Case Manager Estimated Cost \$25,000.00

BCSO Hazard Pay and Law Enforcement Estimated Cost \$400,000.00

10% Contingency Estimated Cost (prorated for the above projects) \$43,687.50

10% Administrative Costs Estimated Cost (prorated for the above projects) \$43,687.50

Total Estimated Cost \$524,250.00

All other projects approved under Agenda Item BM1 remain as previously approved.

### **BACKGROUND INFORMATION**

**Background:** The Commission previously approved allocation of ARPA funds for nine specific projects; however, funds for three of those projects (i.e., COA Main Office COVID upgrades, Baldwin Together Case Manager and BSCO Hazard Pay and Law Enforcement) have subsequently been determined to be ineligible under the ARPA final rule (31 C.F.R. 35 Subpart A) and/or U.S. Treasury guidance as provided in the Coronavirus State & Local Fiscal Recovery Funds: Overview of the Final Rule and/or Coronavirus State & Local Fiscal Recovery Funds Final Rule: Frequently Asked Questions.

The costs associated with the BCSO Hazard Pay were incurred prior to 03-03-2021, meaning that these were incurred prior to the ARPA “covered period” as defined at 31 CFR §35.2 and are ineligible for reimbursement.

The costs associated with the COA Main Office COVID Upgrades were based on a single quote and purchased using a purchase order during the covered period; however, required mandatory ARPA terms and conditions were not included / attached thereto. As such, associated costs are ineligible for reimbursement.

The costs associated with the Baldwin Together Case Manager were incorporated into a separate Agreement with Community Action Agency of South Alabama and Baldwin Together, as originally approved at the July 21, 2020, regular meeting and subsequently amended to extend the deadline. Since associated costs are included in a separate agreement, these would be ineligible for reimbursement/payment under ARPA based on the fact that this would be a duplication of benefit.

**Previous Commission action/date:** September 6, 2022 - Approved Resolution #2022-163 amending Resolutions #2022-102 (as previously approved on 06-07-2022) and #2022-158 (as previously approved on 08-16-2022) to eliminate and terminate Temporary Premium Pay (TPP) Payments for certain eligible exempt employees whose total wages and remuneration are greater than, or would become greater than as a result of TPP payments, 150% of the higher of Alabama’s or Baldwin County’s (i.e., Daphne-Fairhope-Foley MSA) average annual wage for all occupations as defined by the most recent Bureau of Labor Statistics’ (BLS) Occupational Employment and Wage Statistics (BLS Threshold), which at the time of Resolutions #2022-102 and #2022-158 was \$72,165.00, to be effective immediately.

August 16 2022 - Approved terminating the appropriation of ARPA funds previously approved by resolution of the Commission, including funds appropriated by Resolution #2022-102 for a temporary premium pay program, effective December 31, 2022.

June 7, 2022 - Approved the allocation of the following ARPA project:  
To provide Temporary Premium Pay Program to eligible County Commission and Baldwin County Sheriff’s Office employees as additional compensation, for the first full pay period of each month, effective July 4, 2022, in the amount of \$8.66 per regular hour, and \$12.99 per overtime hour.

The monthly payments will be capped at \$700.00 for full-time employees and \$500.00 for part-time employees, with a lifetime cap of \$25,000.00. TPP payments will include full-time employees and part-time employees only and will end on December 31, 2024, contingent upon the continued need to perform essential work during the COVID-19 public health emergency and continued appropriation and availability of ARPA funds for this purpose, subject to the Commission’s discretion.

The approval also included funding from other County funds for those eligible exempt employees’ total wages and remuneration are greater than, or would become greater than as a result of TPP payments, \$72,165 which is 150% of the higher of Alabama’s or Baldwin County’s (i.e., Daphne-Fairhope-Foley MSA) average annual wage for all occupations as defined by the most recent Bureau

of Labor Statistics Occupational Employment and Wage Statistics.

January 18, 2022 - Acceptance of ARPA funds for Lost Revenue due to COVID-19 pandemic: The Final Rule offered a standard allowance for revenue loss of \$10 million, allowing recipients to select between a standard amount of revenue loss or complete a full revenue loss calculation. The standard allowance may be used for government services, with streamlined reporting requirements; however, this is a one-time irrevocable selection.

December 7, 2021 - Approved the allocation of the following ARPA project:  
Execute the Association of County Commissions of Alabama Investing in Alabama Counties Program Maintenance and Support Membership Agreement between the Baldwin County Commission and the Association of County Commissions of Alabama (ACCA) for participation in the Association's Investing in Alabama Counties Program.

A flat fee of 6% on the first \$7 million in funds to be received and 4% on any funds to be received in excess of \$7 million, excluding funds designated as Revenue Loss as defined by Treasury's Interim Final Rule. In no case, however, shall the fee be less than 3% of the total funds received by the County, regardless of the amount of funding designated as Revenue Loss.

December 7, 2021 - Approved the allocation of the following ARPA project:  
Temporary Premium Pay - To provide premium pay to eligible Baldwin County Commission and Baldwin County Sheriff's Office employees as additional compensation in the amount of \$12.50 per hour, up to \$1,000.00, for full-time employees and \$12.50 per hour, up to \$725.00, for part-time employees. The designated pay period will be pay period ending December 19, 2021, to be paid concurrently with the regular payroll.

October 19, 2021 - Approved the allocation of the following ARPA project:  
Funds for air-surface hospital grade disinfectant backpack foggers:  
Baldwin County Commission Facilities \$141,898.20  
Baldwin County Sheriff's Office Facilities \$37,872.50  
Total Cost: \$179,770.70

August 3, 2021 - Approved the allocation of the following ARPA project:  
Boros Road Bowl Est: \$1,122,256.00  
10% Contingency Est: \$112,225.00  
10% Administrative Costs Est: \$112,225.00  
Total Estimated Cost: \$1,346,706.00

July 6, 2021 - Approved the allocation of the following ARPA project:  
Magnolia Landfill Recycling Facility Est: \$5,500,000.00  
10% Contingency Est: \$550,000.00  
10% Administrative Costs Est: \$550,000.00  
Total Estimated Cost: \$6,600,000.00

June 15, 2021 - Approved the allocation of the following ARPA projects:  
COA Main Office COVID Upgrades Est: \$11,875.00

Baldwin Together Case Manager Est: \$25,000.00  
Tyler Technologies Software Training Est: \$28,000.00  
Countywide Touchless Bathroom Equipment Est: \$80,459.00  
Set aside for Nonprofits Est: \$100,000.00  
Ionizer in Buildings Est: \$175,000.00  
Document Library Est: \$285,000.00  
BCSO Hazard Pay and Law Enforcement Est: \$400,000.00  
Motorola Projects (2) Est: \$469,181.00  
10% Contingency Est: \$157,451.50  
10% Administrative Costs Est: \$157,451.50  
Total Estimated Cost: \$1,889,418.00

June 1, 2021 - Approved the following action:

Agreement for Coronavirus State & Local Fiscal Recovery Funds, established by the American Rescue Plan Act of 2021 (ARPA), between the U.S. Department of the Treasury and the Baldwin County Commission, which was executed by the Baldwin County Commission Chairman, Joe Davis III, on May 18, 2021, and made part of the June 1, 2021, Baldwin County Commission regular meeting minutes.

February 2, 2021 - Approved the following action:

Contract for Professional Services with Hagerty Consulting, Inc., for the Baldwin County Emergency Management Consulting and Contract Services for Response, Recovery, Mitigation, Preparedness, and Planning based on a time and materials cost with an initial cost not to exceed cost of \$1,500,000.00. Task Order of \$100,000 was issued for ARPA related tasks.

## **FINANCIAL IMPACT**

**Total cost of recommendation:** Return of \$524,250.00 for future reallocation under American Rescue Act Plan Program

**Budget line item(s) to be used:** N/A

**If this is not a budgeted expenditure, does the recommendation create a need for funding?**  
N/A

## **LEGAL IMPACT**

**Is legal review necessary for this staff recommendation and related documents?**  
N/A

**Reviewed/approved by:** N/A

**Additional comments:** N/A

## **ADVERTISING REQUIREMENTS**

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**Is advertising required for this recommendation?** N/A

**If the proof of publication affidavit is not attached, list the reason:** N/A

**FOLLOW UP IMPLEMENTATION**

**For time-sensitive follow up, select deadline date for follow up:** N/A

**Individual(s) responsible for follow up:** Finance/Accounting Staff

**Action required (list contact persons/addresses if documents are to be mailed or emailed):**  
Finance/Accounting Staff to remove projects from Munis

**Additional instructions/notes:** N/A