

# ARPA Task Force

Minutes for 01.18.2022, 8:10 am-9:40 am

Meeting Rooms 1A & 1B

Presiding: Steve Matheson, Kootenai County Treasurer

## 1. Call to Order and Roll Call

Meeting was called to order at 8:10 AM.

Task Force

**In-person:** Steven Matheson, Jim Brannon, Nanci Plouffe, Dena Darrow, Jody Bieze, Julina Hildreth, Kaitlin Smith

**via Teams:** Pat Braden

Other Attendees

**In-person:** William Le

**via Teams:** Amy Voeller (Innovia), Necia Maiani (Welch Comer),

## 2. Changes to the Agenda (Action)

No changes to the agenda were proposed.

## 3. Presiding Officer's Remarks

Presiding Officer Steve Matheson did not have any opening remarks.

## 4. Announcements

Steve Matheson announced his attendance of a meeting of the [North Idaho Patriots] last Friday. This group has sent out a notice of tomorrow's Elected Official's meeting, and its members are likely to attend.

Steve Matheson attended Friday's meeting on invitation, and will accept any other invitations he receives to explain Kootenai County's ARPA process and to give people chances to express their questions and concerns.

Jody Bieze reported on a statement made to a journalist from the CDA Press. The journalist asked technical questions regarding whether accepting ARPA funds comes with hidden or unusual obligations. Jody Bieze sent a reply answering these questions. At this time, the reply does not appear to have been quoted or referenced in any news articles.

## 5. Approval of Minutes (Action)

A motion to approve the meeting minutes for 11 January 2022 was made by Jim Brannon. Motion seconded and passed.

## 6. Public Comment

William Le commented to bring to the attention of the Task Force a news article about potential recoupment by the U.S. Treasury of ARPA funds allocated to the state of Arizona.

Amy Voeller commented to encourage the Task Force to consider the requests of external entities while evaluating and recommending projects, not only requests from within the County.

## 7. SLFRF Final Rule (Discussion)

The Task Force reviewed primary concerns brought up as members continue to review the Treasury's Final Rule. Jody Bieze stated that the Final Rule provides a clarified definition for capital expenditures and requirements for documentation of capital expenditures which the Task Force will need to fully understand and carefully review. Jim Brannon shared his impression that the Final Rule pushes towards social programs and premium pay rather than construction projects.

Kaitlin Smith noted that the Final Rule also expands upon requirements for documentation supporting the assertion that selected projects serve beneficiaries which were impacted or disproportionately impacted by the COVID-19 public health emergency, and the Task Force must account for this required documentation while constructing its project recommendations for presentation to the Board.

Regarding concerns within Kootenai County's community about hidden obligations attached to ARPA funds, Pat Braden noted that two executive orders are listed within ARPA documents as being applicable to SLFRF funding, that these two executive orders pass to Kootenai County as suggestions, and that these and other requirements provided for ARPA funds must be followed whenever the County uses federal funds. Regarding the Final Rule, he added that, though capital expenditures are less encouraged under the Final Rule, they are still permitted. Jody Bieze concurred and added that the Final Rule continually reiterates its intent to provide flexibility in how funds may be spent within the provided categories of eligibility, not to prescribe a limited and specific number of allowable uses.

Steve Matheson asked Pat Braden to confirm that, in his legal opinion, he agrees that accepting ARPA funds does not come with hidden or unusual obligations attached, and he is comfortable with continuing to move forward with project and evaluation and recommendation. Pat Braden confirmed that he does agree, and is fully comfortable with moving forward.

Steve Matheson stated that he intends to confirm with the BOCC that they do not intend to return ARPA Funds, and asked the Task Force to review the ARPA timeline which will be presented at the January 19 Elected Officials Meeting. The Task Force agreed that the timeline in question must include sufficient space for members of the Task Force to read the Final Rule in full and ensure that every project eventually recommended to the board is thoroughly underpinned with understanding of the Final Rule and documentation proving the project's eligibility.

Steve Matheson requested that Jody Bieze, Kaitlin Smith, and Pat Braden attend the Elected Officials Meeting to speak on behalf of the ARPA Task Force, and they agreed.

Steve Matheson reported his intent to ask the BOCC for confirmation of the Board's continued intent to keep and use the Kootenai County allocation of ARPA funding, and Elected Officials' intent to maintain their current requests for ARPA funding, before moving forward.

The Task Force will continue reviewing the Final Rule, and include further discussion of the Rule in next week's meeting agenda.

## **8. Posting Evaluation Materials Online (Discussion)**

The Task Force reviewed and discussed a list of items for potential inclusion on Kootenai County's public ARPA webpage. The following are public record and are available upon request. The Task Force agrees that the Evaluation Plan is appropriate to post. The Task Force agrees that the overview spreadsheets prepared for the Elected Officials Meeting, which list each project request under review, are appropriate to post but should be preceded by email notifications to each project requester communicating that their agency names and requested funding amounts shall be posted publicly. The Task Force agreed that completed eligibility assessments and evaluation packets are appropriate to post, but only final drafts and only once assessment and evaluation are completed for all projects. The Task Force agreed it is appropriate that publicly-posted evaluation packets include evaluation score pages only, and that the full rubrics with the evaluators' comments should be available upon request but not posted to the webpage.

The Task Force agreed that posting a spreadsheet listing each evaluated project in order of its evaluation score would be redundant. Instead, the final recommendation documents prepared for the BOCC after evaluation is finished will be appropriate to post.

Steve Matheson departed the meeting at 8:59 AM and appointed Jody Bieze to act as Presiding Officer in his stead.

**9. Potential Revisions to Evaluation Plan due to Final Rule (Discussion)**

Jim Brannon stated he did not think the Final Rule causes any need for revision of the Evaluation Plan, and other Task Force members concurred. Kaitlin Smith noted that the expanded requirement for documentation in the Final Rule makes it important to ensure that the Evaluation Plan includes a step for requesting documentation from entities whose projects have been tentatively selected for recommendation, before providing those recommendations to the BOCC. The Task Force concurred. The Evaluation Plan will be reviewed and revised to ensure the inclusion of this point.

**10. Eligibility Re-Assessments due to Final Rule (Discussion)**

Pat Braden reiterated that the BOCC project request for an addition to the Kootenai County Justice Building needs a close review of its eligibility in light of the requirements for capital expenditures described in the Final Rule.

Kaitlin Smith reported on other projects which will need revised eligibility assessments, and will need to be evaluated. Projects already evaluated for project priority will not need to be re-evaluated.

The Task Force had a small sidebar discussion circling back to items number 8 and 9 on the agenda. Julina Hildreth asked whether, after the Board's final project selection, the Task Force would be responsible for contacting applicants to inform them of final project results. Jim Brannon stated that such decision will be part of a BOCC meeting, and will accordingly be reported through regular BOCC channels. Kaitlin Smith reiterated that the Task Force will need to contact certain applicants to obtain documentation supporting their eligibility after their projects are tentatively selected for recommendation and before project recommendations are presented to the BOCC.

**11. Updates: Ongoing Tasks/Project Information (Discussion)**

Master Plan Meeting Docs

Revenue Loss Calculation

EO Meeting

KC EMSS PPE for CARES

Dena Darrow confirmed that the BOCC will be having a meeting before the end of the month to go over designs for the proposed Justice Building addition, and a full update will be available in mid-February.

Nanci Plouffe asked whether revenue loss calculation is still needed, or if it can be struck from the agenda going forward. Pat Braden agreed that the item can be struck.

The Task Force discussed the January 19 Elected Officials Meeting while addressing agenda item number 7. Jim Brannon, Steve Matheson, Jody Bieze, Pat Braden, and Kaitlin Smith will attend.

Discussing the CARES eligibility of the KC EMSS request for reimbursement of PPE through ARPA funding was placed on hold in a previous meeting. Jody Bieze explained that the purchase of PPE has been going through the Office of Emergency Management (OEM) to facilitate coordinated and cost-effective administration throughout the County's departments, but that the OEM is currently out of funds budgeted for PPE and more requests for PPE are forthcoming, including from the District Court. Julina Hildreth expressed caution regarding the use of CARES funding on an entity which is not a direct department of the County. The Task Force agreed to further review the subject of purchase or reimbursement of PPE as an agenda item at the next Task Force meeting.

**12. Confirmation of Next Meeting (Action)**

The next ARPA Task Force meeting has been confirmed for Tuesday January 25th at 8:10 AM. The meeting shall be held in the third floor Board Room.

**13. Adjournment**

Jim Brannon moved to adjourn the meeting. Motion seconded and passed. Meeting adjourned at 9:20 AM.

Kootenai County does not discriminate against individuals or groups on the basis of disability in the admission or access to, or treatment in, its public meetings, programs, or activities. Further information, or requests for assistance or accommodations, can be arranged by contacting the Kootenai County ARPA Task Force at [ARPA@kcgov.us](mailto:ARPA@kcgov.us) with 48-hour notice.