

RESOLUTION

ROCK COUNTY BOARD OF SUPERVISORS

Brent Sutherland
INITIATED BY



3/10/2023
DATE DRAFTED

Awarding the Contract for the Renovation of the Probate Vault

WHEREAS, The Probate Vault space on 3rd floor of the Courthouse is currently empty; and

WHEREAS, funds of \$450,000 were budgeted to convert the vacated room into a functioning hearing room; and

WHEREAS, Venture Architects worked with the Judges, Court Commissioners, Clerk of Courts, Rock County IT and Facilities Management to design a very functional hearing room; and

WHEREAS, specifications were drafted, and bids solicited with (2) two contractors submitting bids for construction; and

WHEREAS, the lowest, most responsive, and responsible bidder was Glen Fern out of Lake Geneva, WI.

NOW, THEREFORE, BE IT RESOLVED, that the Rock County Board of Supervisors duly assembled this 23rd day of March, 2023 does hereby approve and authorize awarding a contract in the amount of \$285,500 to Glen Fern of Lake Geneva, WI for the renovation of the former probate vault space.

BE IT FURTHER RESOLVED, a contingency fund of \$29,000 will be established to cover any unforeseeable issues that arise.

BE IT FURTHER RESOLVED, approves contracting with AVI systems for video conferencing equipment under UW- State Contract #22-5174 in the amount of \$131,274.47.

BE IT FURTHER RESOLVED, that the video conferencing equipment in the amount of \$131, 274.47, will be funded using ARPA funds instead of sales tax revenue., and the sales tax revenue originally designated for this purpose will be set aside for the highway budget to reduce borrowing and amend the 2023 budget as follows:

Account	Budget	Increase (Decrease)	Amended Budget
<u>Highway</u>			
41-4300-4320-49100	3,659,000	(131,274)	3,577,726
<u>Debt Revenue</u>			
41-4300-4320-41500	750,000	131,274	881,274
<u>Sales Tax Revenue</u>			
<u>Facilities Management</u>			
18-1842-0000-41500	1,003,500	(131,274)	872,226
<u>Sales Tax Revenue</u>			
18-1842-0000-68030	-0-	(131,274)	(131,274)
<u>Allocate to ARPA</u>			
<u>ARPA</u>			
19-1980-0000-42100	27,092,619	131,274	27,223,893
<u>ARPA Federal Revenue</u>			

19-1980-2399-67200
Capital Improvements

-0-

131,274

131,274

FISCAL NOTE:

The use of sales tax revenue for the funding of Highway road projects is consistent with the goal of using sales tax revenue for capital items/projects. However, I have the same concerns about the allowability of using ARPA funds for the video conferencing equipment as detailed in the County Administrator's note. I am required to disclose these types of concerns to our auditors during the Single Audit. Audit findings are reported to all state and federal funding agencies.

Sherry Oja
Finance Director

LEGAL NOTE:

The County Board is authorized to take this action pursuant to Wis. Stat. §§ 59.01 & 59.51. Pursuant to Wis. Stat. § 59.52(29) and RCCO § 2.224, the purchase of public works, or supplies over \$25,000 must be awarded to the lowest, responsible bidder. Pursuant to RCCO § 2.221, purchases over \$100,000 must be approved by the Board of Supervisors by resolution. Pursuant to the Amendment offered by General Services Committee, the Resolution now proposes an Amendment to the 2023 Budget and requires a 2/3 vote of the entire membership of the County Board pursuant to Wis. Stat. § 65.90(5)(a).

Richard Greenlee
Corporation Counsel

ADMINISTRATIVE NOTE:

The project is recommended. Below is information I have provided previously to the Board regarding using ARPA funds for these Court videoconferencing projects.

The remaining ARPA funding must be spent in the allocation of ARPA funds commonly referred to as "COVID response" funding, which has more specific requirements than "lost revenue" funding and must be spent in the categories of 1) providing premium pay for essential workers, 2) responding to public health and negative economic impacts, and 3) investing in broadband, sewer, and water infrastructure.

The amendment to the resolution proposes expenditures on court videoconferencing technology under the negative economic impacts category. The resolution correctly quotes the ARPA Final Rule as allowing the following:

"Technology infrastructure resources to improve access to and the user experience of government information technology systems, including upgrades to hardware and software as well as improvements to public-facing websites or to data management systems, to increase public access and improve public delivery of government programs and services (including in the judicial, legislative, or executive branches)."

However, this quote is from the section about "Effective Service Delivery" for programs in the Public Health/Economic Impacts category, and specifically refers to technology that is to be used "to improve the design and execution of programs responding to the COVID-19 pandemic and to improve the efficacy of programs addressing the negative economic impacts."

Resolution R-22-98 authorized the purchase of videoconferencing equipment for several courtrooms. This project was an extension of a project initially funded through Resolution 18-6B-038 in June 2018 to upgrade outdated court videoconferencing equipment. The purpose of this equipment is to securely connect the courtrooms to off-site facilities, including the Rock County jail, Youth Services Center, State of Wisconsin correctional facilities, and State mental health institutes, in order to facilitate remote appearances in court proceedings. It should be noted that the required capability for remote court appearances preceded the pandemic.

Based on the purpose of this project, I conclude the following:

- 1) This project does not "increase public access" as noted in the Final Rule since it is directed for use by stakeholder agencies only and not the general public. Based on the excerpt from the Final Rule quoted above, increasing public access is a required element of such ARPA-funded technology infrastructure projects.
- 2) This project began before COVID, and therefore is not in response to COVID, nor does it respond to the negative economic impacts of COVID.
- 3) The resolution notes a similar sounding project from North Carolina, which appears to be justified based on "encouraging social distancing due to the COVID-19 pandemic," which is not applicable to the Rock County project.

As such, I do not believe that this project meets the intent of the ARPA Final Rule and, therefore, I do not believe it is an eligible expense.

It is fair to acknowledge that others locally or nationally may come to a different conclusion about whether this project is ARPA -eligible. If the Board decides to proceed with this resolution and use ARPA funds for this project, and given the level of federal resources that are currently being applied to auditing local government ARPA spending, there is likely minimal risk that the federal government will ever question this expenditure or seek repayment for unallowable expenses. However, the likelihood of not getting caught is not a justification for proceeding with this resolution if the Board's determination is that the project is not ARPA-eligible.

Josh Smith
County Administrator

Committee Action

General Services Committee

Supervisor Zoril made a motion to amend the motion to add a clause containing wording “BE IT FURTHER RESOLVED, that the video conferencing equipment in the amount of \$131, 274.47, will be funded using ARPA funds instead of sales tax revenue, and the sales tax revenue originally designated for this purpose will be set aside for the highway budget to reduce borrowing”, second by supervisor Cullen. The motion to amend passes with Supervisors Zoril, Fox and Cullen voting AYE and Supervisors Brien and Wilson voting NO.

Finance Committee

Supervisor Farrell moved to remove the amendment and utilize sales tax to fund this project, second by Supervisor Clasen. This motion to remove the amendment and utilize sales tax to fund the project passed with Supervisors Mawhinney, Farrell, Clasen, and Bostwick voting AYE and Supervisor Fox voting NAY.