

To: File
From: COUNTY
Date: 12/7/23
Re: 911 Central Dispatch Encryption Project ARPA Eligibility

Purpose and Overview

This memo documents the decision-making process that Livingston County (“the County”) undertook to assess the eligibility of providing funding to Livingston County 911 Central Dispatch to purchase upgraded equipment radio consoles and consolettes to support encryption algorithms at the cost of \$141,485.

Background

On March 11, 2021, the United States Congress passed the American Rescue Plan Act (ARPA) of 2021.¹ ARPA is a \$1.9 trillion economic stimulus package to respond to the negative public health and economic impacts of the COVID-19 health pandemic. The State and Local Fiscal Recovery Fund (SLFRF), included in the stimulus package, provides \$350 billion for “eligible state, local, territorial, and tribal governments to respond to the COVID-19 emergency and bring back jobs.”² The United States Treasury (“the Treasury”) published the Final Rule for SLFRF eligibility on January 6, 2022 with an effective date of April 1, 2022.³

The Final Rule outlines four broad categories of funding eligibility:

- 1) To respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
- 2) To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers;
- 3) For the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency; and
- 4) To make necessary investments in water, sewer, or broadband infrastructure.⁴

Project Objectives

The Livingston County 911 Central Dispatch would like to upgrade radio consoles and consolettes to support encryption algorithms. The Motorola radio consoles and consolette upgrades are a necessary component to the Sheriff Department’s need to have functional encryption on their portable/mobile radios.

Radio encryption prevents the public from listening in on radio communications and it allows responders to share information securely preventing information from crime scenes, fire, and

¹ 117th Congress. H.R.1319: American Rescue Plan Act of 2021. December 8, 2023. <https://www.congress.gov/bill/117th-congress/house-bill/1319/text>

² U.S. Department of Treasury. Coronavirus State and Local Fiscal Recovery Funds. Accessed December 8, 2023.. <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-recovery-funds>

³ U.S. Department of Treasury. Coronavirus State and Local Fiscal Recovery Funds: Final Rule. Accessed December 8, 2023.. <https://home.treasury.gov/system/files/136/SLFRF-Final-Rule.pdf>

⁴ ibid

medical scenes from being broadcast to those who are not privy to this information. It protects responders' safety, minimizing the risk of ambushes or any other unsavory act of aggression towards responders because real time clear and concise information would not be understood.

Eligibility Considerations

The Final Rule allows SLFRF funds to be used to pay for "government services" in an amount equal to the revenue loss experienced by the recipient due to the COVID-19 public health emergency.⁵ This is the most flexible eligible use category within SLFRF and allows some uses as "government services" that do not clearly fit within the other SLFRF eligibility categories. Examples of eligible expenditures in this category include general government administration and facilities, construction of schools and hospitals, and provision of public safety services⁶.

The Encryption Project would be considered a "government service" and therefore would be eligible within this expenditure category. There are no additional "*impacted*" and "*disproportionately impacted*" qualifications within the 6.1 Provision of Government Services category.

There are no other eligibility categories which this project could be assigned to without significant risk of ineligibility based on SLFRF guidance.

Reporting Requirements

After reviewing the expenditure categories provided by the Treasury in the SLFRF Compliance & Reporting Guidance, the County determined that 6.1 *Provision of Government Services* is the most appropriate category for required reporting.⁷

In each quarterly Project and Expenditure Report due starting January 31, 2022 and 30 days after the end of each quarter thereafter, the County acknowledges it must provide the following data:

- Project obligation and expenditure information
- Narrative description of the project

⁵ U.S. Department of Treasury. Coronavirus State and Local Fiscal Recovery Funds: Final Rule. Page. 9
<https://home.treasury.gov/system/files/136/SLFRF-Final-Rule.pdf>

⁶ US Department of the Treasury. Coronavirus State & Local Fiscal Recovery Funds: Overview of the Final Rule. Page 11.
<https://home.treasury.gov/system/files/136/SLFRF-Final-Rule-Overview.pdf>

⁷ U.S. Department of the Treasury. State and Local Fiscal Recovery Funds Compliance and Reporting Guidance, Version 5.3. Accessed December 8, 2023.. <https://home.treasury.gov/system/files/136/SLFRF-Compliance-and-Reporting-Guidance.pdf>