

**Board Members**

Joe Neves, District 1, Vice-Chairman  
Richard Valle, District 2  
Doug Verboon, District 3  
Craig Pedersen, District 4, Chairman  
Richard Fagundes, District 5



**Staff**

Edward Hill, County Administrative Officer  
Diane Freeman, Interim County Counsel  
Catherine Venturella, Clerk of the Board

# Board of Supervisors

## Regular Meeting Action Summary

**Date:** Tuesday, September 14, 2021  
**Time:** 9:00 a.m.  
**Place:** Board of Supervisors Chambers, Kings County Government Center  
1400 W. Lacey Boulevard, Hanford, California 93230

☎ (559) 852-2362 ❖ FAX (559) 585-8047 ❖ website: <https://www.countyofkings.com>

**COUNTY OF KINGS PUBLIC MEETING PROTOCOL IN RESPONSE TO CORONAVIRUS COVID-19**

California Governor Gavin Newsom issued Executive Orders N-25-20 and N-29-20 on March 12, 2020 and March 17, 2020, respectively, relating to the convening of public agency meetings in light of the COVID-19 pandemic. The Board of Supervisors will convene their public meetings via video and teleconference. Pursuant to the Executive Orders, and as advised by local Health Officials, the Kings County Board of Supervisors, County staff and interested members of the public may attend the meeting in person. The meeting can also be attended telephonically or by the Internet by sending an email to [bosquestions@co.kings.ca.us](mailto:bosquestions@co.kings.ca.us) on the morning of the meeting for an automated email response with the WebEx meeting information.

**Members of the public who wish to only observe the meeting virtually can do so via the worldwide web at:**  
<https://youtu.be/FM0wgJWoTB0> or go to [www.countyofkings.com](http://www.countyofkings.com) and click on the "Join Meeting" link.

Members of the public who wish to comment may submit written comments on any matter within the Board's subject matter jurisdiction, regardless of whether it is on the agenda for the Board's consideration or action, and those comments will become part of the administrative record of the meeting. Comments will not be read into the record, only the names of who have submitted comments will be read into the record. Written comments received by the Clerk of the Board of Supervisors no later than 8:30 a.m. on the morning of the noticed meeting will be included in the record, those comments received after 8:30 a.m. will become part of the record of the next meeting. To submit written comments by email, please forward them to [bosquestions@co.kings.ca.us](mailto:bosquestions@co.kings.ca.us) or by U.S. Mail, please forward them to: Clerk of the Board of Supervisors, County of Kings, 1400 W. Lacey Blvd., Hanford, CA 93230.

- I. **9:00 AM** **CALL TO ORDER**  
**ROLL CALL – Clerk of the Board**  
**INVOCATION –Pastor Brian Kleinhammer – Koinonia Church**  
**PLEDGE OF ALLEGIANCE**  
**ALL MEMBERS PRESENT**

- II. **UNSCHEDULED APPEARANCES**  
*Any person may directly address the Board at this time on any item on the agenda, or on any other items of interest to the public, that is within the subject matter jurisdiction of the Board. Two (2) minutes are allowed for each item.*  
**Catherine Venturella, Clerk of the Board stated that the following letters were received by the deadline of 8:30 a.m. this morning, distributed to the Board and will become part of the permanent record: Jullie Calkins, Cindy Fagundes, Jack Lungu, Tim Harper, Mary Beth Wynn, Community Behavioral Health Center signed by Boghos Karamanlian, Tom Ellsworth, Lisa Noll, Kathy Guinn, Bill Dollar, Mayra Alvarez, Lisa Zepeda and Christina Falosk.**

**Rohina Fazil, Mental Health Systems stated that she is against the appeal filed on the RFP process and stated that their staff is ready to do the job.**



**Sylvia Reed Drake, Mental Health Systems stated that she is against the appeal filed on the RFP process and stated that their staff is ready to get to work.**

**Nora Lynn, Kings County resident and Kings View employee stated that she is in favor of the appeal due to lack of transparency in reviewing the scoring process.**

**Carolina Davis, Kings County resident and Kings View employee stated that she is here to support Kings View and asked the Board to please review the RFP process.**

**Tal Eslick, consultant for Kings View stated that there were issues related with the RFP and Kings View employs people who live in the community.**

**Beverly Raine, Kings View employee stated that continuity of care is critical and asked the Board to reconsider the RFP process.**

**Alfred Trujillo, Kings View past employee stated that he now owns his own business and asked the Board to reevaluate the RFP process.**

**Alice Parrish, Kings County resident and Kings View employee stated that she in here in support of the appeal of the RFP process.**

**Lisa Rogers, Kings View employee asked the Board to reevaluate the RFP process and stated that during the process the applicants get to see the rubric used in the scoring and have not been given that information.**

**Kelly Maestas, Kings View employee asked the Board to not disrupt services to the children receiving services in Kings County already by Kings View.**

**Ashley Ramstad, Kings View employee asked the Board to consider the appeal and keep Kings View as the provider of services.**

**Angela Garcia, Kings County resident and Kings View employee stated that she is here in support of Kings View.**

**Jason Williams, Kings County resident and Kings View employee stated that he is in support of Kings View in the appeal of the RFP process.**

**Viridiana Perez, In Home Supportive Services worker asked the Board to consider higher wages and more help for the clients.**

**Victoria Sanchez, In Home Supportive Services worker asked the Board to raise the wages for Kings County workers like Tulare and Fresno County and to offer health insurance.**

**Flora Valdovinos, In Home Supportive Services worker asked the Board to consider higher wages and health insurance for workers.**

**Rose Cain, In Home Supportive Services worker asked the Board to consider higher wages and health insurance for workers.**

**Bill Shawhan, CLOCEA Union representative thanked County staff and the Board for working with their representatives to get the four year agreement for the employees of Kings County.**



**Ulises Castellanos, SEIU representative stated that the In Home Supportive Services workers here today took time off from caring for their clients to speak today and there are many more that wanted to be here but could not and stated that the workers would like the Board to consider wages and benefits like Fresno County.**

**Leticia Alaniz, Kings View employee stated that she is here to support Kings View in the appeal of the RPF process.**

**Kelly Vernon, Kings County Chief Probation Officer invited everyone to attend the SB 81 round 2 Juvenile facility and day reporting center ground breaking will be held on September 15, 2021 at 1:30 p.m.**

**David Rolfsema, Kings View employee stated that Kings View is a one stop shop and stated that he is here to support Kings View.**

**Jim Erb, Kings County Department of Finance Director stated that ??? they have identified a minor discrepancy with their RDA distribution and they are evaluating these distributions. He also informed the Board that this is his last meeting as he is retiring today and thanked the Board for the time he had working with them.**

**Supervisor Valle stated that he would not be online for the entire meeting due to being out of town.**

**Edward Hill, County Administrative Officer thanked Jim Erb for his coming to Kings County to complete his career and stated that his guidance was pivotal.**

**III. APPROVAL OF MINUTES**

**A. Report out of Closed Session from August 31, 2021.**

**EDWARD HILL, COUNTY ADMINISTRATIVE OFFICER STATED THAT THE BOARD TOOK NO REPORTABLE ACTION IN CLOSED SESSION ON AUGUST 31, 2021.**

**B. Approval of the minutes from the August 31, 2021 regular meeting.**

**ACTION: APPROVED AS PRESENTED (DV, RF, JN, RV, CP-Aye)**

**IV. CONSENT CALENDAR**

**A. Behavioral Health Department:**

1. Consider approving the Agreement with Symetra Life Insurance Company for subordination, non-disturbance, and attornment necessary for property financing by the property owner. **[Agmt 21-116]**
2. a. Consider approving the Agreement with the California Department of Health Care Services for mental health block grant program performance requirements, retroactively effective July 1, 2021 to June 30, 2024; and **[Agmt 21-117]**  
b. Adopt a Resolution authorizing the Director of Behavioral Health to sign the Agreement with the California Department of Health Care Services and any amendments for mental health block grant program performance requirements, retroactively effective July 1, 2021 to June 30, 2024. **[Reso 21-059]**

**B. Community Development Agency:**

1. Consider adopting a revised Resolution No. 20-001 removing the names "Gregory R. Gatzka" and "Chuck Kinney" and simply authorizing the positions of Community Development Agency Director or Deputy Director – Planning, to execute in the name of the County for all required documents. **[Reso 20-001.1]**



**CONSENT CALENDAR CONTINUED**

**C. Department of Finance:**

1. Consider adopting a Resolution establishing property tax rates within Kings County for Fiscal Year 2021-2022. **[Reso 21-060]**

**D. Human Services Agency:**

1. Consider approving an Agreement with the InTelegy Corporation to provide Workload Management Tool software. **[Agmt 21-118]**

**E. Public Health Department:**

1.
  - a. Consider approving an Agreement with the California Department of Public Health for the California Home Visiting Program; and
  - b. Authorize the Director or Assistant Director of Public Health to sign all of the prospective payment invoices related to the program; and
  - c. Adopt the budget change. **(4/5 vote required) [Agmt 21-119]**
2. Consider authorizing the Assistant Director of Public Health to sign the Acceptance of Award for the Real-Time Allotment of Tuberculosis Control Program, the required certifications and all subsequent documentation thereunder to support Tuberculosis prevention and control activities.

**F. Public Works Department:**

1. Consider approving the Deferred Improvement Agreement for Humberto Raya Cabrera and Maria Angelica Perez Cisneros. **[Agmt 21-120]**
2. Consider accepting the dedication for In-Lieu Parcel Map 19-10 (Venoma Kautz and Dean E. Kautz) into the County Maintained Mileage.
3.
  - a. Consider accepting the Final Map for Tract 756 Phase 5; and;
  - b. Authorize the Clerk of the Board to sign the map.

**G. Administration:**

1.
  - a. Consider approving an Agreement with Mojave Water Agency to transfer 5,000 acre feet from Mojave Water Agency to Westlake Farms; and
  - b. Adopt the budget change. **(4/5 vote required)**
2. Consider adopting an amendment to Resolution No. 20-079.1 setting a County-wide limit on campaign contributions for elected County offices. **[Reso 20-079.1]**
3. Consider adopting a Resolution approving the financing and the issuance of the bonds by the California Public Finance Authority for 900 E Broadway, LP for the Citrus Crossing Apartments. **[Reso 21-061]**
4. Consider adopting a Resolution approving the financing and the issuance of the bonds by the California Public Finance Authority for Mangini Place Affordable, LP for Mangini Place Apartments. **[Reso 21-062]**

**ACTION: APPROVED AS PRESENTED (JN, DV, RV, RF, CP-Aye)**

**V.**

**REGULAR AGENDA ITEMS**

**A. County Counsel – Carrie Woolley/Diane Freeman**

1. Consider directing staff to pursue one of four options regarding redistricting public outreach.

**ACTION: APPROVED AS PRESENTED CHOOSING OPTION 4 (RV, DV, JN, RF, CP-Aye)**

**B. Fire Department – William Lynch**

1. Consider approving an Agreement with the City of Avenal for fire services, retroactively effective July 1, 2021 to June 30, 2022. **[Agmt 21-121]**

**ACTION: APPROVED AS PRESENTED (DV, RF, JN, RV, CP-Aye)**



**C. Human Resources – Henie Ring**

1. Consider authorizing the Human Resources Director and designated staff to sign the successor Agreements with the General and Supervisor Units with a term ending June 30, 2025.

**ACTION: APPROVED AS PRESENTED (RF, DV, JN, RV, CP-Aye)**

**D. Public Works Department – Dominic Tyburski**

1.
  - a. Consider adopting a Resolution of Intent to Form a Zone of Benefit in Phase 4-3 of the Armona North Subdivision for infrastructure maintenance; and
  - b. Set a Public Hearing for October 5, 2021 at 10:00 a.m. to hear testimony regarding the formation of Zone of Benefit 4-3; and
  - c. Introduce and waive the first reading of the Ordinance to Impose a Parcel Tax for Road Improvement and Maintenance within Zone of Benefit 4-3. **[Reso 21-063]**

**ACTION: APPROVED AS PRESENTED (DV, JN, RV, RF, CP-Aye)**

**E. Administration – Edward Hill/Larry Spikes**

1.
  - a. Consider adopting a Resolution urging Pacific Gas and Electric and the California Public Utilities Commission to reconsider General Rate Case filing for 2023-2026, request a rate freeze, implement rate reform measures and identify internal cost and spending control measures; and
  - b. Authorize the Chairman to sign a letter to the California Public Utilities Commission voicing concerns over General Rate Case filing for 2023-2026, request a rate freeze, implement rate reform measures and identify internal cost and spending control measures.

**ACTION: THE BOARD VOTED TO TABLE THE ITEM (DV, JN, RV, RF, CP-Aye)**

**F. Public Health Department –Darcy Pickens/Heather Silva**

1. Receive an update on the local emergency in Kings County due to the imminent and proximate threat of exposure of COVID-19 on the residents of the County of Kings and take action as deemed necessary.

**THE BOARD RECEIVED AN UPDATE AND NO OFFICIAL ACTION WAS TAKEN.**

**VI.**

**ADMINISTRATIVE HEARING:**

**A. Information Technology – John Devlin/Evan C. Jones**

Conduct a Hearing and make one of the following findings:.

1. Kings View’s protest lacks merit and Behavioral Health’s recommendation to award RFP 2021-72 to Mental Health Systems, Inc. was reached in a fair and reasonable manner and, therefore, will not be overturned by this Board;
2. Kings View’s protest has merit and this Board finds that all proposals received in response to RFP 2021-72 must be re-evaluated by individuals other than those involved in the initial evaluation committee; or
3. Kings View’s protest has merit and this Board finds RFP 2021-72 a failure, rejects all proposals received in response thereto, and directs Behavioral Health to issue a new RFP for Specialty Mental Health Services to Children and Youth.

**SUPERVISOR PEDERSEN OPENED THE ADMINISTRATIVE HEARING, TESTIMONY WAS RECEIVED FROM: LISA LEWIS, KATIE ARNST, AMANDA NUGENT DIVINE, MICHAEL KOSAREFF, LISA ROGERS AND BEVERLY RAINE. THE BOARD TOOK THE ITEM UNDER CONSIDERATION AND WILL DELIBERATE IN CLOSED SESSION ON THE SEPTEMBER 21, 2021 MEETING AGENDA AND WILL RETURN WITH A DECISION ON THE SEPTEMBER 28, 2021 MEETING AGENDA.**



**VII.**

**BOARD MEMBER ANNOUNCEMENTS OR REPORTS**

*On their own initiative, Board Members may make a brief announcement or a brief report on their own activities. They may ask questions for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda (Gov. Code Section 54954.2a).*

**Supervisor Verboon stated that he participated in the Valley Voice preparation meeting with focus mostly on funding for Highway 99 and water infrastructure, attended the Greater Kings County Chamber of Commerce Salute to Agriculture event on September 10, 2021 and attended the Sheriff's Posse crab feed on September 11, 2021.**

**Supervisor Neves stated that he attended the Housing Authority of Kings County food distribution, COVID-19 test and vaccination event and the CalViva Health Public Policy meeting on September 1, 2021, participated in the Kings Waste & Recycling Authority interviews for private enterprise of services on September 8, 2021, participated in the the State Controllers Office Committee meeting and announced Lemoore High School football on September 10, 2021, announced at Lemoore Raceway on September 11, 2021 and participated in the Kings Federal Credit Union audit meeting on September 13, 2021.**

**Supervisor Pedersen stated that the presented proclamations at the Greater Kings County Chamber of Commerce Salute to Agriculture event on September 10, 2021.**

- ◆ Board Correspondence: **None**
- ◆ Upcoming Events: **Edward Hill stated Hanford Planning Commission notice of public hearing regarding Hanford Island Annexations and Rezoning for their meeting on September 14, 2021 at 5:30 p.m. in the Counsel Chambers of the Civic Auditorium, Groundbreaking Ceremony for Senate Bill 81 round 2. Juvenile Facility & Day Reporting Center on September 15, 2021 at 1:30 p.m., Public Safety Luncheon on September 24, 2021 at the Hanford Civic Center at 11:00 a.m., American Legion Post 100 Lemoore & the City of Lemoore presents Gold Star and Fallen Hero Families Memorial Tree Ceremony at Lemoore Veterans Park on September 26, 2021 at 2:00 p.m. and the Links for Life Pink Passion Picnic at Hanford Civic Auditorium on October 20, 2021 at 10:30 a.m.**
- ◆ Information on Future Agenda Items: **Edward Hill stated that the following items would be on a future agenda: Behavioral Health service Agreement with Plumlee's Board and Care for Adult Residential Care Services, Public Health COVID-19 update and Flu Administration Fee Waiver, Child Support Services Plan of Cooperation between Kings County Superior Court and the Department of Child Support Services.**



**VIII.**

**CLOSED SESSION:**

- ◆ **Conference with Real Property Negotiator: 2 Cases [Govt. Code Section 54956.8]**  
 Property: 8748 Idaho Ave., Hanford, CA 93230  
 (APN 061-270-043)  
 Negotiating Parties: Edward Hill/Larry Spikes/William Lynch/Diane Freeman
- ◆ **Conference with Real Property Negotiator: 2 Cases [Govt. Code Section 54956.8]**  
 Property: 1222 W. Lacey Blvd., Hanford, CA 93230  
 Negotiating Parties: Edward Hill/Larry Spikes/Diane Freeman
- ◆ **Significant Exposure to Litigation: 1 Case [Govt. Code Section 54956.9 (d)(2)]**
- ◆ **Significant Exposure to Litigation: 2 Cases [Govt. Code Section 54956.9 (d)(2)(e)(3)]**
- ◆ **Personnel Matter: [Govt. Code Section 54957]**  
*Public Employee Appointment: County Counsel*
- ◆ **Personnel Matter: [Govt. Code Section 54957]**  
*Public Employee Appointment: Director of Finance*
- ◆ **Conference with Labor Negotiator/Meet and Confer: [Govt. Code Section 54957.6]**  
 Negotiators: Edward Hill, Larry Spikes, Henie Ring, Che Johnson of Liebert Cassidy Whitmore
  - General –CLOCEA
  - Supervisors – CLOCEA
  - Blue Collar –SEIU
  - Probation Officer’s Association
  - Firefighter’s Association
  - Detention’s Deputy Association
  - Prosecutor’s Association
  - Deputy Sheriff’s Association
  - Unrepresented Management

**IX.**

**ADJOURNMENT**

The next regularly scheduled meeting will be held on Tuesday September 21, 2021 at 9:00 a.m.

***FUTURE MEETINGS AND EVENTS***

September 21	9:00 AM	Regular Meeting
September 28	9:00 AM	Regular Meeting
October 5	9:00 AM	Regular Meeting
October 12	9:00 AM	Regular Meeting
October 19	9:00 AM	Regular Meeting

*Agenda backup information and any public records provided to the Board after the posting of the agenda will be available for the public to review at the Board of Supervisors office, 1400 W. Lacey Blvd, Hanford, for the meeting date listed on this agenda.*

## Venturella, Catherine

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**From:** Jullie Calkins <jcalkins@kingsview.org>  
**Sent:** Monday, September 13, 2021 10:21 AM  
**To:** BOS Questions  
**Subject:** Support for Kings View

Good morning. My name is Jullie Calkins.

I have been a part of the Kings View team for one year.

I am writing to support Kings View regarding the appeal for the Specialty Mental Health Services Children's Services RFP. Kings View has a long-standing community partnership with Kings County for over 58 years.

I ask that you put Kings County children first and not subject them to a disruption in essential care

*Kind regards,  
Jullie*

**Jullie Calkins**  
she, her, hers  
<https://www.mypronouns.org/>  
*Recovery & Activities Coordinator*  
Sunrise Mountain Wellness Center  
1300 Hilltop Dr, Suite B  
Redding, CA 96003  
Cell: (530) 440-1874  
[www.kingsview.org](http://www.kingsview.org)



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## Venturella, Catherine

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**From:** Amanda N. Divine <anugentdivine@kingsview.org>  
**Sent:** Monday, September 13, 2021 12:20 PM  
**To:** BOS Questions  
**Cc:** Tal Eslick  
**Subject:** sent on behalf of CF (a Kings county resident)

Cindy Fagundes  
111 W Fargo ave  
Hanford, CA 93230

9-8-2021

Date

To Whom it may concern:

I have been advised Kings View will no longer be a service provider for children's counseling services, due to the contract being awarded to another agency. I am writing this in support of Kings View appeals process. This is very concerning for myself as the guardian of 5 nieces and nephews who I have custody of. I have utilized Kings View counselors for my nieces and nephews off and on for 11 years.

Currently, I have 2 children actively in counseling with Kings view counselors and feel it will be detrimental to their mental health to transition them to a different therapist. One who suffers from major depressive disorder, PTSD and separation anxiety. She is very guarded and shuts down emotionally. However, she has established a rapport with her current therapist and has been able to break through some barriers with her. I am very concerned this will not be the case if of when she is assigned to someone else. She needs the stability and security of having her current therapist. She has been through terrible trauma and for me this is adding more stress to their already fragile mental state.

Also, my nephew 6 years old is having a very difficult time and is currently in counseling with Claudia. He also suffers from PTSD, separation anxiety and ADHD. Both children are in TBS services. He is very withdrawn and has trouble talking about what is bothering him. Again, the impact of changing his mental health counselor would be detrimental, setting him back yet again.

In conclusion, please consider the impact this is going to have on all the children in services, and even those that have graduated (1 of mine included) that have that security of knowing if they need they can go back and possibly be reassigned to their previous therapist if needed. It has been my experience with my 5 nieces and nephews that is key part of their sound mental health.

Sincerely,

Cindy Fagundes

August 13, 2021

Dear Alice,

It was nice speaking with you today. Kings View Behavioral Health Services and Adventist Health St. Helena and Adventist Health Vallejo have worked together for many years. Our staff at both campuses remark on the valuable and professional services that you offer for behavioral health patients.

All communities have faced increased mental health challenges especially related to Covid 19. According to the CDC, symptoms of anxiety disorders and depressive disorders increased considerably in 2020 compared to 2019. At Adventist Health, we are also seeing increased levels of adverse mental health conditions, substance abuse, and suicidal ideation. We are so grateful to Kings View for assisting with discharge planning. Your services are vital in assuring patients returning to your communities are safe and receiving ongoing treatment.

Sincerely,

Jack Lungu  
Administrative Director Behavioral Health  
Adventist Health St Helena  
Adventist Health Vallejo

June 6<sup>th</sup>, 2021

Kings County Department of Behavioral Health  
460 Kings County Drive, Ste 101  
Hanford, CA 93230

To whom it may concern:

This is a letter of support for Kings View's Children's Services based in Hanford California.

As a long time, resident of Kings County, I can attest to the important services Kings View has offered to the community over the last fifty plus years.

Having an adopted daughter, I am aware of the needs of children who face challenges and the importance of allowing them to keep the same counselor who has helped them. Given COVID-19 the stress to children is enormous and the increase in need for Kings View's services has never been more important.

I hope that the County recognizes the work produced by Kings View and renew' s its contract which has served the County well for nearly six decades.

There are many residents of Kings County who are employed by Kings View and it would be a same to have these families without a job.

Think of the community and our needs. Keep Kings View and their dedicated and talented staff who serve us well.

Regards,

Tim Harper

(559) 356-0888

June 8, 2021

Kings County Department of Behavioral Health  
460 Kings County Drive, Ste 101  
Hanford, CA 93230

To whom it may concern:

I was asked to write a letter regarding Kings View<sup>1</sup> and the important services they offer to our local communities within the Central Valley. I did not know the value of their services and what they offered until a crisis affected my family (my sister, her husband and their teenage son). I have been given permission to share their story but not to use their real names.

To give you some background, I was raised in Hanford, attended Hanford High School and met Beverly Raine thru friends of my family way back in 1982. Beverly and I became very good friends, so good that she rode my dad's horses' all the times, we attended College of the Sequoias together, had fun in Shaver and Huntington Lakes and have remained friends ever since.

Here is my story. Approximately a year and a half ago, my sister and her husband (I'll call her Susan and her husband Rich) were facing serious issues with their eldest son who I will call Zack. Zack who suffers from multiple disabilities such as Obsessive-Compulsive Disorder (OCD), Attention Deficit Hyperactivity Disorder (ADHD), which these two disorders fight against each other, nonverbal learning disorder, epilepsy earlier in his life and the possibility of being high level autistic. Because of these factors, Zack social skills are not the best and because of that, those he went to high school with looked at him differently and soon became their target to be bullied. In the beginning it started with a small group and then other groups joined in making it more intense. When Zack came round them, they would respond to him by saying "F... off!", "Get away from me!", "You are stupid!", "Go kill yourself!", stare at him until they made him feel uncomfortable. He would then leave. At lunch they would turn their backs on him, make more snide remarks etc. They harassed him to the point where Zack almost reached his end point. On top of that he was afraid to tell anyone at school in fear of retaliation and as a result the harassment continued.

As one would guess, this treatment affected him in a profound way. The effects were; he would come home at 3:00 p.m. and go straight to his room and stay there for hours at a time. He would not talk to anyone. Susan, his mom, would check in on him, he would then get mad at her and tell her that he wanted to be left alone. One time he stayed in his room until 8:00 p.m. trying to process what had happened that day. Zack begged not to go to school on certain days. He would have anxiety attacks, he couldn't sleep, his grades went down, he became depressed, he would cry, and he didn't want to live. He also stopped eating, lost weight, gave up on trying to be social, and lost his confidence. He also lost the opportunity to just be a teenager, experience happy times that would serve as good memories for him. Instead, he has memories of severe harassment, exclusion, and isolation which unfortunately these memories will stay with him forever.

What Zack was going thru not only affected him but his parents as well. Susan and Rich were in constant stress and worry. They did not know what to do. They were in a state of hopelessness because of the following:

1. When Susan and Rich initially complained to the high school, the high school only informed them of what the protocol was.
2. They didn't tell them what they could do. They weren't aware of their rights.
3. They were not made aware that Zack had legal rights due to his disabilities.
4. They felt they were kept in the dark and were forced to fend for themselves when trying to solve their son's issue at the high school.
5. They became overwhelmed at what they didn't know, and time was a factor finding answers and solutions.
6. They also felt manipulated by the school's system, feeling misled, because they felt the school/district were protecting themselves from possible future lawsuits.
7. The school would not label Zack's treatment from students as bullying on their records.
8. When Susan and Rich requested a transfer for him to a different high school they were denied twice. The first reason was the high school wanted to teach Zack skills in dealing with bullying so when transferred at a later date, it would be a successful transfer. (That does not make sense!) The second request was denied for unknown reasons but the request was accompanied by a doctor's note from Zack's pediatrician. His doctor knew all the issues, and was concerned for his wellbeing.

The steps that were taken to alleviate their son's issues had gone into the fourth month with no resolution in sight. Susan felt hopeless, frustrated, and mad. It started to affect her health. Approximately five months later, she had to have emergency surgery and she feels stress was the main factor that brought on her medical issue.

When Susan would tell me what was going, it killed me. I was frustrated in how much time has passed with no resolve and thought there has to be a way to get help fast and solve this issue. Because bullying and the effects of it have been brought out in the open for last 20 plus years, one would think our society/communities and school systems would have figured out what to do and overcome these issues. It is obvious that it is not the case. I was concerned for not only Zack, but for my sister, her husband, my mother and others. When my mother would hear what was going on, you can see the hurt going thru her. She is the recipient of two open heart surgeries within the last three years, she does not handle stress well at all.

I was desperate to find answers. I knew Beverly worked in mental health but what I knew she was responsible for marketing. I did not know that Kings View had services that addressed children's/adolescence's issues like bullying, parents and student rights etc. I called Beverly on a Sunday, she was kind enough to invite us over to her house and listen to my sister's story. When she heard what has been going on, she offered supportive services (from Kings View) and advised my sister that students with disabilities have legal rights and so do the parents. She further explained how they can help. Beverly gave us so much hope, light and direction at a time when there was darkness and no direction. My sister, prior to talking to Beverly, was depressed, overwhelmed and could not take much more. After the visit, Susan and I drove to Hanford and told our mom what was discussed and it brought some relief.

Kings View has tremendous value to a community. The need is great and what is happening today with all the issues such as COVID etc., it intensifies what problems one may already have. Parents don't know the answers, many times they are not given the answers when seeking them, and as a result tragedy can happen. Becoming aware of resources in one's community can make a huge difference and can save a

soul, a family and those close to them. I have learned first hand, no one, no matter what one's background is like, can predict if they or one of their family members will experience a mental health crisis. It happens to so many and for those who are closest to someone experiencing a crisis, one has to react quickly and find the answers so the end result(s) do not end in a grueling existence or become a tragedy. Please support Kings View's Children's services. THEY ARE NEEDED in every community.

I do want to end this letter by letting you know where Zack is now at. A few days after talking with Beverly, Zack's high school agreed to transfer him to a different high school. As a result, Zack entered into a healthier environment and is much happier. He talks to his parents and family, he is eating, smiling, laughing, and sleeping so much better. He doesn't lock himself in his room. His grades are back up to A's and B's, he got onto the honor roll for the first-time for the spring 2020 semester. His anxiety has been cut in half; his social skills have gotten better but is still guarded. His parents can now relax and not worry as much

If the district did not respond when they did, Susan would have initiated the services with Kings View immediately. She would have utilized the services to help Zack emotionally but also to help her with dealing with the school system. It is a fight that is frustrating, it should be easier for parents to find out what to do, not be tossed around and left in the dark. Whether a family lives in Kings County, Fresno County etc., every community needs these services and support. It is too important to ignore.

Sincerely,

Mary Beth Wynn

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August 18, 2021

**Community Behavioral Health Center**  
7171 N. Cedar Ave.  
Fresno, CA 93720

To Whom It May Concern,

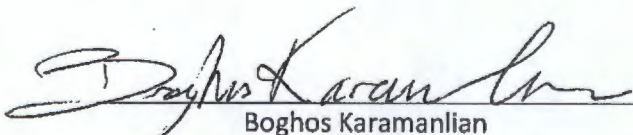
Community Behavioral Health Center is a 73 bed psychiatric hospital holding contracts with various surrounding counties to provide acute emergency psychiatric care. Case management communication with the counties is essential for patients to have a smooth transition to outpatient services. It is a highly held belief that there is a correlation between a patient's successful recovery and having timely aftercare follow up with outpatient services. Kings View services for Kings County has been exceptionally proficient in coordinating care for Kings County patients with our hospital. It is a privilege to work with Kings View.

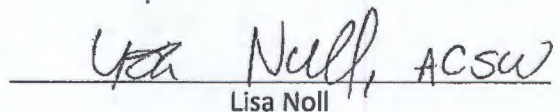
Kings View's case management illustrates a genuine concern for their patients/clients. Kings View contacts us within 24 hours of an admission to provide collateral information as available. This helps us to understand the needs of the patient and what treatment has already been provided. We are able to focus our care based on the information provided. We periodically will talk with them throughout a patient's stay to discuss a patient's progress and aftercare needs. This may include involving patient family members as appropriate. As we approach discharge, Kings View ensures the County patients have a timely aftercare appointment. In some cases, Kings View will assist with addressing housing needs and transportation.

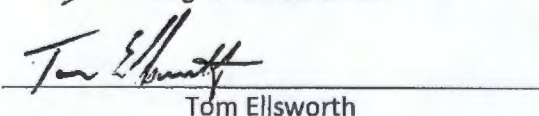
Kings View is always timely with answering phone calls or returning phone calls. They have answers to most questions. When necessary, they will investigate an answer to a question and get back to us timely. They are well aware of the fast pace and needs for patients who are in an acute care hospital and consistently rise to the occasion.

We are honored to work with such a highly efficient and effective team as Kings View's case management team, and hope to work with them for years to come.

Sincerely,

  
Boghos Karamanlian

  
Lisa Noll

  
Tom Ellsworth

**Badasci, Diane**

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**From:** Kathy Guinn <kguinn@kingsview.org>  
**Sent:** Monday, September 13, 2021 4:44 PM  
**To:** BOS Questions  
**Subject:** BOS Meeting 9-14-21

Good afternoon,

My name is Kathy Guinn, a member of the Kings View team for almost 12 years in Mental Health programs.

Before that I was part of the MHSA team for Tulare County that had oversight for agreements and contracts for the MHSA program, including children's services.

Kings View was one of the agencies that were reviewed and researched and our team found them to be innovative, dynamic and truly caring with an impeccable reputation. Tulare County HHSA was proud to award Kings View South One Stop (TAY and youth) and Mobile Programs (all ages) the mental health contracts for specialty services. Kings View provides services to this day to Tulare County residents.

Kings View also went on to be awarded the PATH program and the Warm Line (which has now expanded to Kings Co).

I am here to show my support for this wonderful agency that I am grateful to be a part of with regard to the appeal for the Specialty Mental Health Services, Children's Services RFP.

I implore you to put Kings County children first and not endanger their treatment with possible harmful disruption in essential care. Also remember the 58 year relationship with Kings View providing vital services to Kings County residents.



**Kathy Guinn, Program Development Manager**  
**Kings View Managed Care**  
Porterville, Ca. 93257  
(559) 216-0483  
[kguinn@kingsview.org](mailto:kguinn@kingsview.org)

*“Some of our finest work comes through service to others”*  
**Gordon B. Hinckley**

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## **Badasci, Diane**

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**From:** Bill Dollar <bdollar@kingsview.org>  
**Sent:** Monday, September 13, 2021 4:24 PM  
**To:** BOS Questions  
**Cc:** Amanda N. Divine  
**Subject:** Specialty Mental Health Services Children's Services RFP

Good morning. My name is Bill Dollar. I have been a part of the Kings View team for 25 years.

I am here to support Kings View regarding the appeal for the Specialty Mental Health Services Children's Services RFP. Kings View has a long-standing community partnership with Kings County for over 58 years.

I ask that you put Kings County children first and not subject them to a disruption in essential care.

Respectfully,

**Bill Dollar**  
**Chief Information Officer**  
**Kings View**  
**7170 N. Financial Drive, Suite 110**  
**Fresno, CA 93720**  
**b. (559) 256-7625**  
**m. (559) 317-7487**  
**[www.kingsview.org](http://www.kingsview.org)**

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**Badasci, Diane**

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**From:** Mayra Alvarez <malvarez@kingsview.org>  
**Sent:** Monday, September 13, 2021 4:21 PM  
**To:** BOS Questions  
**Subject:** Public Comment for Board Meeting Tomorrow Morning

Good afternoon. My name is Mayra Alvarez.

I have been a part of the Kings View team for 11 years and I am proud of the work all my colleagues perform. WE all stand true to the mission of Kings View, "To provide community behavioral health and social services to those with limited resources, in the spirit of Christ's example of love, compassion, and respect for all persons." I feel that our team in Kings County has worked hard to fulfill this mission and it would be unfortunate to see their services interrupted to their clients and the staff employment jeopardized if this decision is approved.

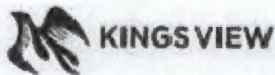
I am here to support Kings View regarding the appeal for the Specialty Mental Health Services Children's Services RFP. Kings View has a long-standing community partnership with Kings County for over 58 years.

I ask that you put Kings County children first and not subject them to a disruption in essential care.

Thank you,

*Mayra Alvarez*

**Mayra Alvarez**  
**Mental Health Specialist**  
Youth Empowerment Program  
Skills4Success  
126 N. D Street  
Madera, CA 93638  
Office: (559) 673-0167  
Cell Phone: (559) 470-7119  
Fax: (559) 216-0235  
[malvarez@kingsview.org](mailto:malvarez@kingsview.org)



**Mission Statement:** *To provide community behavioral health and social services to those with limited resources, in the spirit of Christ's example of love, compassion, and respect for all persons.*

## Badasci, Diane

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**From:** lisa zepeda <tiredlz@yahoo.com>  
**Sent:** Tuesday, September 14, 2021 7:52 AM  
**To:** BOS Questions  
**Subject:** 9/14/2021 Agenda Board Item related to Kings View

Hi,

My name is Lisa Zepeda and I am a Kings County resident. I have lived here most of my life and returned here after college to serve the people in my community. I am also an employee of Kings View for the past 10 years serving consumers in our County who have mental health needs. I am not able to attend the board meeting this morning due to a training related to my role as a Clinician, but wanted to send this email in support of the agenda item related to the RFP process recently related to our Children's Services Department. As a member of this community I have been proud to share where I work and not so much for the namesake, but more of the opportunity to work alongside hardworking and passionate peers on a daily basis. I was saddened to hear about the selection of our contract not being renewed after working so tirelessly through a pandemic and significant budget cuts, especially the timing. I would ask for your consideration to just review the recent selection process as well as the many years our organization has served our community.

Respectfully submitted,

Lisa Zepeda  
Kings County Resident-Hanford

**Badasci, Diane**

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**From:** Christina Falosk <cfalosk@kingsview.org>  
**Sent:** Monday, September 13, 2021 4:35 PM  
**To:** BOS Questions  
**Subject:** Specialty Mental Health Services

Good morning. My name is Christina Falosk

I have been a part of the Kings View team for 1 year.

I am here to support Kings View regarding the appeal for the Specialty Mental Health Services Children's Services RFP. Kings View has a long-standing community partnership with Kings County for over 58 years.

I ask that you put Kings County children first and not subject them to a disruption in essential care.

*Kind Regards,*

*Christina Falosk*  
**Christina Falosk**

Sent from Mail for Windows

Agreements Reached During The Pandemic

County	Ratified	Wage rate	Benefits	Expiration Date	Note
Yuba	10/29/2019	\$14.65	.45	12/31/2022	
Mendocino	11/15/2019	\$15.00		12/31/2022	
San Bernardino	12/10/2019	\$14.50	\$0.32	1/31/2023	
Fresno	1/15/2020	\$14.60	\$0.85	12/31/2022	
San Joaquin	3/24/2020	\$14.50	\$0.70	3/31/2023	
Contra Costa	5/8/2020	\$15.00	\$1.31	6/30/2022	
Napa	5/13/2020	\$15.45	\$0.40	6/30/2023	
Sonoma	9/15/2020	\$15.00	\$0.85	9/30/2023	\$15.35 on 7/1
Inyo	9/29/2020	\$14.50	Reopener	9/30/2023	\$14.75 on 7/1
Yolo	9/29/2020	\$14.75	\$0.60	9/30/2023	
Marin	11/30/2020	\$15.40	\$0.82	12/31/2021	
San Mateo	12/17/2020	\$15.25	\$1.00	12/31/2023	\$16.70 on 4/1

# FACT SHEET: The Coronavirus State and Local Fiscal Recovery Funds Will Deliver \$350 Billion for State, Local, Territorial, and Tribal Governments to Respond to the COVID-19 Emergency and Bring Back Jobs

May 10, 2021

*Aid to state, local, territorial, and Tribal governments will help turn the tide on the pandemic, address its economic fallout, and lay the foundation for a strong and equitable recovery*

Today, the U.S. Department of the Treasury announced the launch of the Coronavirus State and Local Fiscal Recovery Funds, established by the American Rescue Plan Act of 2021, to provide \$350 billion in emergency funding for eligible state, local, territorial, and Tribal governments. Treasury also released details on how these funds can be used to respond to acute pandemic response needs, fill revenue shortfalls among these governments, and support the communities and populations hardest-hit by the COVID-19 crisis. With the launch of the Coronavirus State and Local Fiscal Recovery Funds, eligible jurisdictions will be able to access this funding in the coming days to address these needs.

State, local, territorial, and Tribal governments have been on the frontlines of responding to the immense public health and economic needs created by this crisis – from standing up vaccination sites to supporting small businesses – even as these governments confronted revenue shortfalls during the downturn. As a result, these governments have endured unprecedented strains, forcing many to make untenable choices between laying off educators, firefighters, and other frontline workers or failing to provide other services that communities rely on. Faced with these challenges, state and local governments have cut over 1 million jobs since the beginning of the crisis. The experience of prior economic downturns has shown that budget pressures like these often result in prolonged fiscal austerity that can slow an economic recovery.

To support the immediate pandemic response, bring back jobs, and lay the groundwork for a strong and equitable recovery, the American Rescue Plan Act of 2021 established the Coronavirus State and Local Fiscal Recovery Funds, designed to deliver \$350 billion to state, local, territorial, and Tribal governments to bolster their response to the COVID-19 emergency and its economic impacts. Today, Treasury is launching this much-needed relief to:

- Support urgent COVID-19 response efforts to continue to decrease spread of the virus and bring the pandemic under control;
- Replace lost public sector revenue to strengthen support for vital public services and help retain jobs;
- Support immediate economic stabilization for households and businesses; and,
- Address systemic public health and economic challenges that have contributed to the unequal impact of the pandemic on certain populations.

The Coronavirus State and Local Fiscal Recovery Funds provide substantial flexibility for each jurisdiction to meet local needs—including support for households, small businesses, impacted industries, essential workers, and the communities hardest-hit by the crisis. These funds also deliver resources that recipients can invest in building, maintaining, or upgrading their water, sewer, and broadband infrastructure.

Starting today, eligible state, territorial, metropolitan city, county, and Tribal governments may request Coronavirus State and Local Fiscal Recovery Funds through the Treasury Submission Portal. Concurrent with this program launch, Treasury has published an Interim Final Rule that implements the provisions of this program.

### **FUNDING AMOUNTS**

The American Rescue Plan provides a total of \$350 billion in Coronavirus State and Local Fiscal Recovery Funds to help eligible state, local, territorial, and Tribal governments meet their present needs and build the foundation for a strong recovery. Congress has allocated this funding to tens of thousands of jurisdictions. These allocations include:

<b>Type</b>	<b>Amount (\$ billions)</b>
States & District of Columbia	\$195.3
Counties	\$65.1
Metropolitan Cites	\$45.6
Tribal Governments	\$20.0
Territories	\$4.5
Non-Entitlement Units of Local Government	\$19.5

Treasury expects to distribute these funds directly to each state, territorial, metropolitan city, county, and Tribal government. Local governments that are classified as non-entitlement units will receive this funding through their applicable state government. Treasury expects to provide further guidance on distributions to non-entitlement units next week.

Local governments should expect to receive funds in two tranches, with 50% provided beginning in May 2021 and the balance delivered 12 months later. States that have experienced a net increase in the unemployment rate of more than 2 percentage points from February 2020 to the latest available data as of the date of certification will receive their full allocation of funds in a single payment; other states will receive funds in two equal tranches. Governments of U.S. territories will receive a single payment. Tribal governments will receive two payments, with the first payment available in May and the second payment, based on employment data, to be delivered in June 2021.

### **USES OF FUNDING**

Coronavirus State and Local Fiscal Recovery Funds provide eligible state, local, territorial, and Tribal governments with a substantial infusion of resources to meet pandemic response needs and rebuild a stronger, more equitable economy as the country recovers. Within the categories of eligible uses, recipients have broad flexibility to decide how best to use this funding to meet the needs of their communities. Recipients may use Coronavirus State and Local Fiscal Recovery Funds to:



- **Support public health expenditures**, by funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, and certain public health and safety staff;
- **Address negative economic impacts caused by the public health emergency**, including economic harms to workers, households, small businesses, impacted industries, and the public sector;
- **Replace lost public sector revenue**, using this funding to provide government services to the extent of the reduction in revenue experienced due to the pandemic;
- **Provide premium pay for essential workers**, offering additional support to those who have borne and will bear the greatest health risks because of their service in critical infrastructure sectors; and,
- **Invest in water, sewer, and broadband infrastructure**, making necessary investments to improve access to clean drinking water, support vital wastewater and stormwater infrastructure, and to expand access to broadband internet.

Within these overall categories, Treasury’s Interim Final Rule provides guidelines and principles for determining the types of programs and services that this funding can support, together with examples of allowable uses that recipients may consider. As described below, Treasury has also designed these provisions to take into consideration the disproportionate impacts of the COVID-19 public health emergency on those hardest-hit by the pandemic.

#### 1. **Supporting the public health response**

Mitigating the impact of COVID-19 continues to require an unprecedented public health response from state, local, territorial, and Tribal governments. Coronavirus State and Local Fiscal Recovery Funds provide resources to meet these needs through the provision of care for those impacted by the virus and through services that address disparities in public health that have been exacerbated by the pandemic. Recipients may use this funding to address a broad range of public health needs across COVID-19 mitigation, medical expenses, behavioral healthcare, and public health resources. Among other services, these funds can help support:

- **Services and programs to contain and mitigate the spread of COVID-19, including:**
  - ✓ Vaccination programs
  - ✓ Medical expenses
  - ✓ Testing
  - ✓ Contact tracing
  - ✓ Isolation or quarantine
  - ✓ PPE purchases
  - ✓ Support for vulnerable populations to access medical or public health services
  - ✓ Public health surveillance (e.g., monitoring for variants)
  - ✓ Enforcement of public health orders
  - ✓ Public communication efforts
  - ✓ Enhancement of healthcare capacity, including alternative care facilities
  - ✓ Support for prevention, mitigation, or other services in congregate living facilities and schools
  - ✓ Enhancement of public health data systems
  - ✓ Capital investments in public facilities to meet pandemic operational needs
  - ✓ Ventilation improvements in key settings like healthcare facilities

- **Services to address behavioral healthcare needs exacerbated by the pandemic, including:**
  - ✓ Mental health treatment
  - ✓ Substance misuse treatment
  - ✓ Other behavioral health services
  - ✓ Hotlines or warmlines
  - ✓ Crisis intervention
  - ✓ Services or outreach to promote access to health and social services
- **Payroll and covered benefits expenses** for public health, healthcare, human services, public safety and similar employees, to the extent that they work on the COVID-19 response. For public health and safety workers, recipients can use these funds to cover the full payroll and covered benefits costs for employees or operating units or divisions primarily dedicated to the COVID-19 response.

## 2. Addressing the negative economic impacts caused by the public health emergency

The COVID-19 public health emergency resulted in significant economic hardship for many Americans. As businesses closed, consumers stayed home, schools shifted to remote education, and travel declined precipitously, over 20 million jobs were lost between February and April 2020. Although many have since returned to work, as of April 2021, the economy remains more than 8 million jobs below its pre-pandemic peak, and more than 3 million workers have dropped out of the labor market altogether since February 2020.

To help alleviate the economic hardships caused by the pandemic, Coronavirus State and Local Fiscal Recovery Funds enable eligible state, local, territorial, and Tribal governments to provide a wide range of assistance to individuals and households, small businesses, and impacted industries, in addition to enabling governments to rehire public sector staff and rebuild capacity. Among these uses include:

- **Delivering assistance to workers and families**, including aid to unemployed workers and job training, as well as aid to households facing food, housing, or other financial insecurity. In addition, these funds can support survivor's benefits for family members of COVID-19 victims.
- **Supporting small businesses**, helping them to address financial challenges caused by the pandemic and to make investments in COVID-19 prevention and mitigation tactics, as well as to provide technical assistance. To achieve these goals, recipients may employ this funding to execute a broad array of loan, grant, in-kind assistance, and counseling programs to enable small businesses to rebound from the downturn.
- **Speeding the recovery of the tourism, travel, and hospitality sectors**, supporting industries that were particularly hard-hit by the COVID-19 emergency and are just now beginning to mend. Similarly impacted sectors within a local area are also eligible for support.
- **Rebuilding public sector capacity**, by rehiring public sector staff and replenishing unemployment insurance (UI) trust funds, in each case up to pre-pandemic levels. Recipients may also use this funding to build their internal capacity to successfully implement economic relief programs, with investments in data analysis, targeted outreach, technology infrastructure, and impact evaluations.

### 3. Serving the hardest-hit communities and families

While the pandemic has affected communities across the country, it has disproportionately impacted low-income families and communities of color and has exacerbated systemic health and economic inequities. Low-income and socially vulnerable communities have experienced the most severe health impacts. For example, counties with high poverty rates also have the highest rates of infections and deaths, with 223 deaths per 100,000 compared to the U.S. average of 175 deaths per 100,000.

Coronavirus State and Local Fiscal Recovery Funds allow for a broad range of uses to address the disproportionate public health and economic impacts of the crisis on the hardest-hit communities, populations, and households. Eligible services include:

- **Addressing health disparities and the social determinants of health**, through funding for community health workers, public benefits navigators, remediation of lead hazards, and community violence intervention programs;
- **Investments in housing and neighborhoods**, such as services to address individuals experiencing homelessness, affordable housing development, housing vouchers, and residential counseling and housing navigation assistance to facilitate moves to neighborhoods with high economic opportunity;
- **Addressing educational disparities** through new or expanded early learning services, providing additional resources to high-poverty school districts, and offering educational services like tutoring or afterschool programs as well as services to address social, emotional, and mental health needs; and,
- **Promoting healthy childhood environments**, including new or expanded high quality childcare, home visiting programs for families with young children, and enhanced services for child welfare-involved families and foster youth.

Governments may use Coronavirus State and Local Fiscal Recovery Funds to support these additional services if they are provided:

- within a Qualified Census Tract (a low-income area as designated by the Department of Housing and Urban Development);
- to families living in Qualified Census Tracts;
- by a Tribal government; or,
- to other populations, households, or geographic areas disproportionately impacted by the pandemic.

### 4. Replacing lost public sector revenue

State, local, territorial, and Tribal governments that are facing budget shortfalls may use Coronavirus State and Local Fiscal Recovery Funds to avoid cuts to government services. With these additional resources, recipients can continue to provide valuable public services and ensure that fiscal austerity measures do not hamper the broader economic recovery.

Many state, local, territorial, and Tribal governments have experienced significant budget shortfalls, which can yield a devastating impact on their respective communities. Faced with budget shortfalls and pandemic-related uncertainty, state and local governments cut staff in all 50 states. These budget shortfalls and staff cuts are particularly problematic at present, as these entities are on the front lines of battling the COVID-19 pandemic and helping citizens weather the economic downturn.

Recipients may use these funds to replace lost revenue. Treasury's Interim Final Rule establishes a methodology that each recipient can use to calculate its reduction in revenue. Specifically, recipients will compute the extent of their reduction in revenue by comparing their actual revenue to an alternative representing what could have been expected to occur in the absence of the pandemic. Analysis of this expected trend begins with the last full fiscal year prior to the public health emergency and projects forward at either (a) the recipient's average annual revenue growth over the three full fiscal years prior to the public health emergency or (b) 4.1%, the national average state and local revenue growth rate from 2015-18 (the latest available data).

For administrative convenience, Treasury's Interim Final Rule allows recipients to presume that any diminution in actual revenue relative to the expected trend is due to the COVID-19 public health emergency. Upon receiving Coronavirus State and Local Fiscal Recovery Funds, recipients may immediately calculate the reduction in revenue that occurred in 2020 and deploy funds to address any shortfall. Recipients will have the opportunity to re-calculate revenue loss at several points through the program, supporting those entities that experience a lagged impact of the crisis on revenues.

Importantly, once a shortfall in revenue is identified, recipients will have broad latitude to use this funding to support government services, up to this amount of lost revenue.

#### **5. Providing premium pay for essential workers**

Coronavirus State and Local Fiscal Recovery Funds provide resources for eligible state, local, territorial, and Tribal governments to recognize the heroic contributions of essential workers. Since the start of the public health emergency, essential workers have put their physical well-being at risk to meet the daily needs of their communities and to provide care for others.

Many of these essential workers have not received compensation for the heightened risks they have faced and continue to face. Recipients may use this funding to provide premium pay directly, or through grants to private employers, to a broad range of essential workers who must be physically present at their jobs including, among others:

- ✓ Staff at nursing homes, hospitals, and home-care settings
- ✓ Workers at farms, food production facilities, grocery stores, and restaurants
- ✓ Janitors and sanitation workers
- ✓ Public health and safety staff
- ✓ Truck drivers, transit staff, and warehouse workers
- ✓ Childcare workers, educators, and school staff
- ✓ Social service and human services staff

Treasury's Interim Final Rule emphasizes the need for recipients to prioritize premium pay for lower income workers. Premium pay that would increase a worker's total pay above 150% of the greater of the state or county average annual wage requires specific justification for how it responds to the needs of these workers.

In addition, employers are both permitted and encouraged to use Coronavirus State and Local Fiscal Recovery Funds to offer retrospective premium pay, recognizing that many essential workers have not yet received additional compensation for work performed. Staff working for third-party contractors in eligible sectors are also eligible for premium pay.

#### **6. Investing in water and sewer infrastructure**

Recipients may use Coronavirus State and Local Fiscal Recovery Funds to invest in necessary improvements to their water and sewer infrastructures, including projects that address the impacts of climate change.

Recipients may use this funding to invest in an array of drinking water infrastructure projects, such as building or upgrading facilities and transmission, distribution, and storage systems, including the replacement of lead service lines.

Recipients may also use this funding to invest in wastewater infrastructure projects, including constructing publicly-owned treatment infrastructure, managing and treating stormwater or subsurface drainage water, facilitating water reuse, and securing publicly-owned treatment works.

To help jurisdictions expedite their execution of these essential investments, Treasury's Interim Final Rule aligns types of eligible projects with the wide range of projects that can be supported by the Environmental Protection Agency's Clean Water State Revolving Fund and Drinking Water State Revolving Fund. Recipients retain substantial flexibility to identify those water and sewer infrastructure investments that are of the highest priority for their own communities.

Treasury's Interim Final Rule also encourages recipients to ensure that water, sewer, and broadband projects use strong labor standards, including project labor agreements and community benefits agreements that offer wages at or above the prevailing rate and include local hire provisions.

#### **7. Investing in broadband infrastructure**

The pandemic has underscored the importance of access to universal, high-speed, reliable, and affordable broadband coverage. Over the past year, millions of Americans relied on the internet to participate in remote school, healthcare, and work.

Yet, by at least one measure, 30 million Americans live in areas where there is no broadband service or where existing services do not deliver minimally acceptable speeds. For millions of other Americans, the high cost of broadband access may place it out of reach. The American Rescue Plan aims to help remedy these shortfalls, providing recipients with flexibility to use Coronavirus State and Local Fiscal Recovery Funds to invest in broadband infrastructure.

Recognizing the acute need in certain communities, Treasury's Interim Final Rule provides that investments in broadband be made in areas that are currently unserved or underserved—in other words, lacking a wireline connection that reliably delivers minimum speeds of 25 Mbps download and 3 Mbps upload. Recipients are also encouraged to prioritize projects that achieve last-mile connections to households and businesses.

Using these funds, recipients generally should build broadband infrastructure with modern technologies in mind, specifically those projects that deliver services offering reliable 100 Mbps download and 100

Mbps upload speeds, unless impracticable due to topography, geography, or financial cost. In addition, recipients are encouraged to pursue fiber optic investments.

In view of the wide disparities in broadband access, assistance to households to support internet access or digital literacy is an eligible use to respond to the public health and negative economic impacts of the pandemic, as detailed above.

## 8. Ineligible Uses

Coronavirus State and Local Fiscal Recovery Funds provide substantial resources to help eligible state, local, territorial, and Tribal governments manage the public health and economic consequences of COVID-19. Recipients have considerable flexibility to use these funds to address the diverse needs of their communities.

To ensure that these funds are used for their intended purposes, the American Rescue Plan Act also specifies two ineligible uses of funds:

- **States and territories may not use this funding to directly or indirectly offset a reduction in net tax revenue due to a change in law from March 3, 2021 through the last day of the fiscal year in which the funds provided have been spent.** The American Rescue Plan ensures that funds needed to provide vital services and support public employees, small businesses, and families struggling to make it through the pandemic are not used to fund reductions in net tax revenue. Treasury's Interim Final Rule implements this requirement. If a state or territory cuts taxes, they must demonstrate how they paid for the tax cuts from sources other than Coronavirus State Fiscal Recovery Funds—by enacting policies to raise other sources of revenue, by cutting spending, or through higher revenue due to economic growth. If the funds provided have been used to offset tax cuts, the amount used for this purpose must be paid back to the Treasury.
- **No recipient may use this funding to make a deposit to a pension fund.** Treasury's Interim Final Rule defines a "deposit" as an extraordinary contribution to a pension fund for the purpose of reducing an accrued, unfunded liability. While pension deposits are prohibited, recipients may use funds for routine payroll contributions for employees whose wages and salaries are an eligible use of funds.

Treasury's Interim Final Rule identifies several other ineligible uses, including funding debt service, legal settlements or judgments, and deposits to rainy day funds or financial reserves. Further, general infrastructure spending is not covered as an eligible use outside of water, sewer, and broadband investments or above the amount allocated under the revenue loss provision. While the program offers broad flexibility to recipients to address local conditions, these restrictions will help ensure that funds are used to augment existing activities and address pressing needs.