

# MEMORANDUM

Agenda Item No. 11(A)(10)

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**TO:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners

**DATE:** February 2, 2021

**FROM:** Geri Bonzon-Keenan  
Successor County Attorney

**SUBJECT:** Resolution amending Resolution No. R-1231-20 to provide that any municipalities that have received funds from the County through the 2020 Coronavirus Aid, Relief, and Economic Security Act (CARES Act) Coronavirus Relief Fund for coronavirus disease 2019 (COVID-19) pandemic response shall have until September 30, 2021 to expend such funds

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Keon Hardemon.



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Geri Bonzon-Keenan  
Successor County Attorney

GBK/jp




## MEMORANDUM

(Revised)

**TO:** Honorable Chairman Jose "Pepe" Diaz  
and Members, Board of County Commissioners

**DATE:** February 2, 2021

**FROM:**   
Gen Bonzon-Keenan  
Successor County Attorney

**SUBJECT:** Agenda Item No. 11(A)(10)

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present \_\_\_\_, 2/3 membership \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) \_\_\_\_, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) \_\_\_\_ to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 11(A)(10)  
2-2-21

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AMENDING RESOLUTION NO. R-1231-20 TO PROVIDE THAT ANY MUNICIPALITIES THAT HAVE RECEIVED FUNDS FROM THE COUNTY THROUGH THE 2020 CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (CARES ACT) CORONAVIRUS RELIEF FUND FOR CORONAVIRUS DISEASE 2019 (COVID-19) PANDEMIC RESPONSE SHALL HAVE UNTIL SEPTEMBER 30, 2021 TO EXPEND SUCH FUNDS

**WHEREAS**, coronavirus disease 2019 (“COVID-19”) is an infectious disease caused by severe acute respiratory syndrome coronavirus 2, a novel coronavirus that was first identified in December 2019; and

**WHEREAS**, the disease has spread globally, and on March 11, 2020, the World Health Organization officially declared COVID-19 a pandemic; and

**WHEREAS**, on March 9, 2020, Governor Ron DeSantis issued Executive Order No. 20-52 declaring a state of emergency for the entire State of Florida as a result of COVID-19; and

**WHEREAS**, on March 11, 2020, Mayor Carlos A. Gimenez declared a state of emergency for Miami-Dade County; and

**WHEREAS**, these orders have since been extended; and

**WHEREAS**, as of January 26, 2021, the total number of confirmed cases of COVID-19 worldwide is nearly 100 million, with approximately 25 million cases in the United States, 1.66 million cases in the State of Florida, and 361,000 cases in Miami-Dade County; and

**WHEREAS**, to help address the public health emergency and economic downturn set in motion by the COVID-19 pandemic, the United States Congress passed, and on March 27, 2020 President Donald Trump signed into law, H.R. 748, the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”); and

**WHEREAS**, the CARES Act is a \$2 trillion stimulus package which provided, among other things:

- one-time checks of \$1,200 to Americans earning a certain income;
- \$349 billion in loans to small businesses;
- \$17 billion of assistance to companies deemed crucial to national security;
- grants of \$25 billion for passenger air carriers, \$4 billion for air-cargo carriers, and \$3 billion for certain contractors; and
- a \$150 billion Coronavirus Relief Fund (“CRF”) for state, tribal, and local governments; and

**WHEREAS**, the CARES Act requires that the payments to local governments from the CRF only be used to cover expenses that:

- are necessary expenditures incurred due to the public health emergency with respect to COVID-19;
- were not included in the budget most recently approved as of March 27, 2020 for the state or local government; and
- were incurred during the period that begins on March 1, 2020, and ends on December 30, 2020; and

**WHEREAS**, the State of Florida was allocated \$8.328 billion from the CRF, of which the County received \$474 million; and

**WHEREAS**, on August 4, 2020, this Board adopted Resolution No. R-781-20 authorizing the County Mayor to negotiate and execute interlocal agreements with each of the municipalities in the County, using a total of not-to-exceed \$100,000,000.00 in CARES Act CRF funds allocated as follows: (1) \$75,000,000.00 for reimbursement of FEMA local match eligible expenditures and any CARES Act eligible governmental operations expenditures that are not FEMA reimbursable, and (2) \$25,000,000.00 for municipal programmatic proposals subject to approval in advance by the Board; and

**WHEREAS**, interlocal agreements with municipalities throughout the County were subsequently entered into setting forth the terms of the dissemination of such CARES Act CRF funds to the municipalities for reimbursement of such eligible expenditures; and

**WHEREAS**, on November 13, 2020, this Board adopted Resolution No. R-1158-20 which, among other things, directed the County Mayor to use any CARES Act CRF funds that remain unspent as of December 15, 2020, with the exception of child and adult day care funds reallocated in Resolution No. R-908-20, to offset the County's own expenses related to COVID-19 mitigation and relief, if fiscally possible within legally available means; and

**WHEREAS**, on December 1, 2020, this Board adopted Resolution No. R-1231-20 providing that, notwithstanding Resolution No. R-1158-20, any municipalities that have received CARES Act CRF funds from the County for COVID-19 pandemic response shall have as much time as necessary to expend such funds before the December 30, 2020 deadline imposed by the CARES Act; and

**WHEREAS**, on December 27, 2020, President Donald Trump signed into law H.R. 133, the Consolidated Appropriations Act, 2021 (the “Act”), a \$2.3 trillion spending bill that combined \$900 billion in stimulus relief for the COVID-19 pandemic in the United States with a \$1.4 trillion omnibus spending bill for the 2021 federal fiscal year; and

**WHEREAS**, although the Act did not provide any new direct aid to state and local governments and did not change the rules governing allowable use of funds under the CARES Act CRF, the Act did extend the deadline by which expenditures under the CARES Act CRF must be incurred from December 30, 2020 to December 31, 2021; and

**WHEREAS**, accordingly, this Board desires to amend Resolution No. R-1231-20 to allow any municipalities that have received CARES Act CRF funds from the County for COVID-19 pandemic response until September 30, 2021 to expend such funds,

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA**, that this Board:

**Section 1.** Amends Resolution No. R-1231-20 to allow any municipalities that have received CARES Act CRF funds from the County for COVID-19 pandemic response until September 30, 2021 to expend such funds.

**Section 2.** Authorizes the County Mayor or Mayor’s designee to negotiate and execute any documents necessary to effectuate the purposes of this resolution, including amendments to existing interlocal agreements with the municipalities, following approval of such documents by the County Attorney’s Office for form and legal sufficiency.

The Prime Sponsor of the foregoing resolution is Commissioner Keon Hardemon. It was offered by Commissioner \_\_\_\_\_, who moved its adoption. The motion was seconded by Commissioner \_\_\_\_\_ and upon being put to a vote, the vote was as follows:

Jose "Pepe" Diaz, Chairman	
Oliver G. Gilbert, III, Vice-Chairman	
Sen. René García	Keon Hardemon
Sally A. Heyman	Danielle Cohen Higgins
Eileen Higgins	Joe A. Martinez
Kionne L. McGhee	Jean Monestime
Raquel A. Regalado	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared this resolution duly passed and adopted this 2<sup>nd</sup> day of February, 2021. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA  
BY ITS BOARD OF  
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: \_\_\_\_\_  
Deputy Clerk

Approved by County Attorney as  
to form and legal sufficiency.

MJM

Michael J. Mastrucci