

# MEMORANDUM

Agenda Item No. 11(A)(17)

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**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

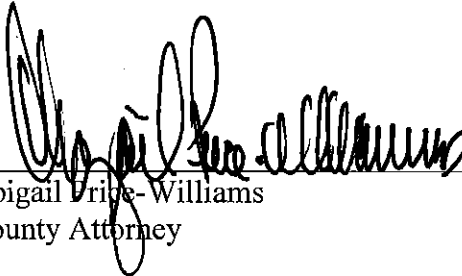
**DATE:** June 5, 2018

**FROM:** Abigail Price-Williams  
County Attorney

**SUBJECT:** Resolution urging the Federal  
Emergency Management Agency  
and the Florida Division of  
Emergency Management to  
continue to allow school districts  
to directly apply for federal and  
state reimbursements for costs  
incurred in opening schools as  
hurricane shelters

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The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.

  
Abigail Price-Williams  
County Attorney

APW/smm

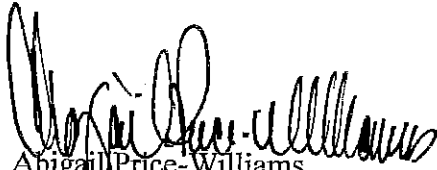


# MEMORANDUM

(Revised)

**TO:** Honorable Chairman Esteban L. Bovo, Jr.  
and Members, Board of County Commissioners

**DATE:** June 5, 2018

**FROM:**   
Abigail Price-Williams  
County Attorney

**SUBJECT:** Agenda Item No. 11(A)(17)

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 \_\_\_\_, 3/5's \_\_\_\_, unanimous \_\_\_\_) 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)(17)  
6-5-18

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

RESOLUTION URGING THE FEDERAL EMERGENCY  
MANAGEMENT AGENCY AND THE FLORIDA DIVISION OF  
EMERGENCY MANAGEMENT TO CONTINUE TO ALLOW  
SCHOOL DISTRICTS TO DIRECTLY APPLY FOR FEDERAL  
AND STATE REIMBURSEMENTS FOR COSTS INCURRED IN  
OPENING SCHOOLS AS HURRICANE SHELTERS

**WHEREAS**, local governments in Florida have a responsibility to ensure the safety of residents and visitors during hurricanes by opening and staffing hurricane evacuation shelters; and

**WHEREAS**, school boards are mandated by law to “participate in emergency management by providing facilities and necessary personnel to staff such facilities” and Florida law additionally requires that school districts make available for sheltering “schools, ... which are suitable for use as public hurricane evacuation shelters”; and

**WHEREAS**, the County and the School Board of Miami-Dade County have for years worked as partners in ensuring the safety of local residents and visitors during hurricanes; and

**WHEREAS**, for years, the Federal Emergency Management Agency (FEMA) and the State Department of Emergency Management (SDEM) have allowed the School Board to directly apply to such agencies for reimbursement of costs incurred by the School Board as a result of sheltering operations; and

**WHEREAS**, SDEM has recently indicated it will no longer allow school boards to directly apply for reimbursement of sheltering costs, and has indicated that the County must first reimburse the School Board for costs incurred, with the County then being the only entity eligible to apply for reimbursement; and

**WHEREAS**, this change will force the County, as well as local governments around the state to expend funds which are properly subject to reimbursement, to act as a pass through for another government agency, and to potentially expose the taxpayers for costs which are not ultimately reimbursed; and

**WHEREAS**, FEMA's 2018 Public Assistance Policy Guide specifically contemplates that local school districts may directly apply for reimbursement; and

**WHEREAS**, the Stafford Act, 44 C.F.R. § 206.2(a)(2), expressly contemplates that school districts may apply for reimbursement of costs arising from sheltering operations; and

**WHEREAS**, there is no apparent legal basis for barring school districts from applying for reimbursement; and

**WHEREAS**, barring school districts from applying for reimbursement risks upsetting the partnership between the County and the School Board which has helped to ensure reliable sheltering options in Miami-Dade County and which has for years helped secure public safety,

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

**Section 1.** Urges FEMA and SDEM to continue to allow school districts to directly apply for federal and state reimbursements for costs incurred in opening schools as hurricane shelters.

**Section 2.** Directs the Clerk of the Board to transmit a certified copy of this resolution to Members of the Florida Congressional Delegation, the Governor, the Senate President, the House Speaker, the Chair and Members of the Miami-Dade State Legislative Delegation, the Chair and Members of the School Board of Miami-Dade County, the FEMA Administrator and the Director of SDEM.

**Section 3.** Directs the County's federal and state lobbyists to advocate for the legislative action described in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2018 Federal and State Legislative Packages to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. 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:

Esteban L. Bovo, Jr., Chairman	
Audrey M. Edmonson, Vice Chairwoman	
Daniella Levine Cava	Jose "Pepe" Diaz
Sally A. Heyman	Barbara J. Jordan
Joe A. Martinez	Jean Monestime
Dennis C. Moss	Rebeca Sosa
Sen. Javier D. Souto	Xavier L. Suarez
District 5 – Vacant	

The Chairperson thereupon declared the resolution duly passed and adopted this 5<sup>th</sup> day of June, 2018. 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.

JMM/FR

David M. Murray