

MEMORANDUM

Amended
Special Item No. 4

TO: Honorable Chairwoman Audrey M. Edmonson
and Members, Board of County Commissioners

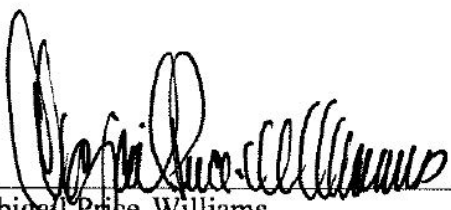
DATE: August 24, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution approving an amount not to exceed \$16,000,000.00 in funds made available through the 2020 Coronavirus Aid, Relief, and Economic Security Act (CARES Act) to provide a temporary hazardous duty pay supplement for all County and municipal first responders and sworn County corrections officers in geographic Miami-Dade County for the duration of the County's coronavirus disease 2019 (COVID-19) state of emergency; directing the County Mayor to develop, implement, and administer an emergency fund or grant for municipalities within geographic Miami-Dade County to provide the temporary hazardous duty pay supplement for municipal first responders; authorizing the County Mayor to execute any documents necessary to carry out the purposes of the emergency fund or grant; and requiring a report

Resolution No. R-785-20

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Vice Chairwoman Rebeca Sosa, and Co-Sponsors Commissioner Esteban L. Bovo, Jr., Commissioner Daniella Levine Cava, Commissioner Jose "Pepe" Diaz, Chairwoman Audrey M. Edmonson, Commissioner Eileen Higgins, Commissioner Barbara J. Jordan, Commissioner Joe A. Martinez, Commissioner Jean Monestime, Commissioner Dennis C. Moss and Senator Javier D. Souto.


Abigail Price-Williams
County Attorney

APW/smm



MEMORANDUM

(Revised)

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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	Amended
Veto	_____		Special Item No. 4
Override	_____		8-24-20

RESOLUTION NO. R-785-20

RESOLUTION APPROVING AN AMOUNT NOT TO EXCEED \$16,000,000.00 IN FUNDS MADE AVAILABLE THROUGH THE 2020 CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (CARES ACT) TO PROVIDE A TEMPORARY HAZARDOUS DUTY PAY SUPPLEMENT FOR ALL COUNTY AND MUNICIPAL FIRST RESPONDERS AND SWORN COUNTY CORRECTIONS OFFICERS IN GEOGRAPHIC MIAMI-DADE COUNTY FOR THE DURATION OF THE COUNTY’S CORONAVIRUS DISEASE 2019 (COVID-19) STATE OF EMERGENCY; DIRECTING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO DEVELOP, IMPLEMENT, AND ADMINISTER AN EMERGENCY FUND OR GRANT FOR MUNICIPALITIES WITHIN GEOGRAPHIC MIAMI-DADE COUNTY TO PROVIDE THE TEMPORARY HAZARDOUS DUTY PAY SUPPLEMENT FOR MUNICIPAL FIRST RESPONDERS; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO EXECUTE ANY DOCUMENTS NECESSARY TO CARRY OUT THE PURPOSES OF THE EMERGENCY FUND OR GRANT; AND REQUIRING A REPORT

WHEREAS, the current state of emergency as a result of the coronavirus disease 2019 (COVID-19) pandemic requires the extraordinary efforts of all first responders and sworn County corrections officers within geographic Miami-Dade County to keep our community safe and healthy; and

WHEREAS, to help blunt the impact of the 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” (the “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 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 United States Department of the Treasury (the “Treasury”) has released its CRF Guidance for State, Territorial, Local, and Tribal Governments, which says that the payments to local governments can be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency; and

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

WHEREAS, the Treasury has also released Frequently Asked Questions pertaining to the CRF, which provides that a county receiving CRF payments may, but is not required to, transfer CRF funds to cities within the county's borders, provided that the transferred funds are used by the cities for eligible expenditures under section 601(a) of the Social Security Act as implemented in the CRF Guidance; and

WHEREAS, the CRF monies must be used by December 30, 2020, and any unspent funds must be returned to the federal government; and

WHEREAS, on April 7, 2020, this Board adopted a motion to provide a temporary pay supplement of one percent of base salary for sworn personnel in the Miami-Dade Police Department, Miami-Dade Fire Rescue Department, and Miami-Dade Corrections and Rehabilitation Department for the duration of the County's COVID-19 state of emergency, utilizing legally available funding sources, including any potential CARES Act or FEMA reimbursements; and

WHEREAS, in presentations to this Board on July 27 and August 4, 2020, the County Mayor proposed allocating \$16 million in CARES Act funds to provide a temporary hazardous duty pay supplement for both County and municipal first responders, as well as sworn County corrections officers; and

WHEREAS, this Board desires to recognize all first responders who must put themselves in dangerous situations when they respond to emergencies during the COVID-19 pandemic by directing the County Mayor or County Mayor's designee to use an amount not to exceed \$16

million in funding made available through the CARES Act to provide a temporary one percent hazardous duty pay supplement for all County and municipal first responders and sworn County corrections officers in geographic Miami-Dade County whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency, as allowed by the CARES Act legislation,

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

Section 1. Adopts the foregoing recitals as if fully set forth herein.

Section 2. Approves an amount not to exceed \$16,000,000.00 in CARES Act funds to provide a temporary hazardous duty pay supplement of one percent of base salary for all County and municipal first responders and sworn County corrections officers in geographic Miami-Dade County whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency, for the duration of the County's COVID-19 state of emergency. This temporary one percent hazardous duty pay supplement shall include paid leave hours of covered employees who must be absent from work because of COVID-19 as the result of the exposure of their job.

Section 3. Directs the County Mayor or County Mayor's designee to develop, implement and administer an emergency fund or grant to municipalities within geographic Miami-Dade County to be used to provide the temporary hazardous duty pay supplement to municipal first responders out of the \$16,000,000.00 in CARES Act funds set forth in this resolution. Participation in this program is voluntary by the municipalities within geographic Miami-Dade County, and no municipality is obligated to participate in this emergency fund or grant program.

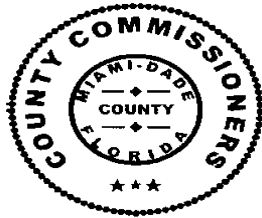
Section 4. Authorizes the County Mayor or County Mayor's designee to execute any documents necessary to carry out the purposes of the grant, following approval of such documents by the County Attorney's office for legal form and sufficiency.

Section 5. Directs the County Mayor or County Mayor's designee to provide a written report within 30 days of the effective date of this resolution detailing the status of the development and implementation of the fund or grant or explaining why it has not been developed or implemented. Upon implementation, the County Mayor or County Mayor's designee shall provide a written report to this Board every 60 days thereafter, detailing the status of the municipalities and cities that have received financial assistance from the grant, until funding for the grant is exhausted. The completed reports shall be placed on agendas of the Board pursuant to Ordinance No. 14-65.

The Prime Sponsor of the foregoing resolution is Vice Chairwoman Rebeca Sosa, and the Co-Sponsors are Commissioner Esteban L. Bovo, Jr., Commissioner Daniella Levine Cava, Commissioner Jose "Pepe" Diaz, Chairwoman Audrey M. Edmonson, Commissioner Eileen Higgins, Commissioner Barbara J. Jordan, Commissioner Joe A. Martinez, Commissioner Jean Monestime, Commissioner Dennis C. Moss and Senator Javier D. Souto. It was offered by Commissioner **Rebeca Sosa**, who moved its adoption. The motion was seconded by Commissioner **Esteban L. Bovo, Jr.** and upon being put to a vote, the vote was as follows:

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

The Chairperson thereupon declared this resolution duly passed and adopted this 24th day of August, 2020. 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

Melissa Adames

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in blue ink, appearing to read "MSY", is written over a horizontal line.

Marlon D. Moffett