

MEMORANDUM

Special Item No. 12

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

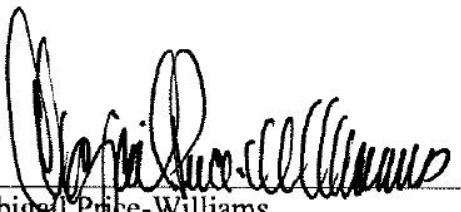
DATE: November 13, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution allocating to the Public Health Trust an amount not to exceed \$3,000,000.00 in unspent funds from the Coronavirus Relief Fund made available through the 2020 Coronavirus Aid, Relief, and Economic Security Act (CARES Act) for vulnerable communities and from other available sources, to fund an additional temporary hazardous duty pay supplement for certain Public Health Trust employees during the coronavirus disease 2019 (COVID-19) pandemic, if fiscally possible within legally available means; directing the Public Health Trust to negotiate with the appropriate collective bargaining units to provide this pay supplement and to execute any documents necessary to carry out the purposes of this resolution; and directing County Mayor to provide reports

Resolution No. R-1157-20

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Vice Chairwoman Rebeca Sosa.


Abigail Price-Williams
County Attorney

APW/smm



MEMORANDUM

(Revised)

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and Members, Board of County Commissioners

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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
Veto _____
Override _____

Special Item No. 12
11-13-20

RESOLUTION NO. R-1157-20

RESOLUTION ALLOCATING TO THE PUBLIC HEALTH TRUST AN AMOUNT NOT TO EXCEED \$3,000,000.00 IN UNSPENT FUNDS FROM THE CORONAVIRUS RELIEF FUND MADE AVAILABLE THROUGH THE 2020 CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (CARES ACT) FOR VULNERABLE COMMUNITIES AND FROM OTHER AVAILABLE SOURCES, TO FUND AN ADDITIONAL TEMPORARY HAZARDOUS DUTY PAY SUPPLEMENT FOR CERTAIN PUBLIC HEALTH TRUST EMPLOYEES DURING THE CORONAVIRUS DISEASE 2019 (COVID-19) PANDEMIC, IF FISCALLY POSSIBLE WITHIN LEGALLY AVAILABLE MEANS; DIRECTING THE PUBLIC HEALTH TRUST TO NEGOTIATE WITH THE APPROPRIATE COLLECTIVE BARGAINING UNITS TO PROVIDE THIS PAY SUPPLEMENT AND TO EXECUTE ANY DOCUMENTS NECESSARY TO CARRY OUT THE PURPOSES OF THIS RESOLUTION; AND DIRECTING COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO PROVIDE REPORTS

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 as a result of COVID-19; and

WHEREAS, these orders have since been extended; and

WHEREAS, as of November 3, 2020, the total number of confirmed cases of COVID-19 worldwide was over 46 million, with approximately 9.38 million cases in the United States, 812,000 cases in the State of Florida, and 188,000 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” (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 CRF monies must be used by December 30, 2020, and any unspent funds must be returned to the federal government; and

WHEREAS, the diagnosis and treatment of patients with COVID-19 places essential workers in the healthcare setting at a higher risk of contracting the disease because of their direct or indirect exposure to patients or infectious materials, including body substances, contaminated medical supplies, devices, and equipment, contaminated environmental surfaces, or contaminated air; and

WHEREAS, the Public Health Trust of Miami-Dade County (the “PHT”) governs and operates the Jackson Health System, and employs essential healthcare workers who must risk their own health and safety when coming into close contact with COVID-19 patients at facilities within the Jackson Health System; and

WHEREAS, pursuant to section 25A-4(j) of the Code, the PHT shall comply with any Commission directive, as set forth from time to time by resolution of the Commission; and

WHEREAS, pursuant to section 25A-4(b)(4) of the Code, if any such directive will result in a financial impact to the PHT, then this Board shall provide County funding to the PHT for implementation of and compliance with the directive for the period of time necessary for implementation or compliance; and

WHEREAS, on July 27, 2020, this Board adopted a motion, memorialized as Resolution No. R-767-20, directing the PHT to negotiate a temporary one percent hazard pay supplement with the collective bargaining agents representing PHT employees who are assigned to work in close contact with positive or suspected coronavirus disease 2019 (COVID-19) patients, and directing the County Mayor or County Mayor's designee to identify legally available funds to be used to fund the temporary hazardous duty pay supplement; and

WHEREAS, as a result, the County provided funds to the PHT for all current PHT employees assigned to work with patients who have tested positive or are under investigation for COVID-19 to receive a temporary one percent hazard pay supplement; and

WHEREAS, this Board now desires to issue a further directive to the PHT to negotiate with the appropriate collective bargaining units to provide an additional temporary pay supplement to further compensate these healthcare employees for the hazardous duties they must perform in providing services to infected patients during the COVID-19 pandemic, if fiscally possible within legally available means; and

WHEREAS, this Board desires to allocate to the PHT an amount not to exceed \$3,000,000.00 in unspent CRF funds made available through the CARES Act for vulnerable communities and any other legally available sources, for the purpose of implementing the additional temporary hazardous duty pay supplement set forth herein,

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. Allocates to the PHT an amount not to exceed \$3,000,000.00 in unspent CRF funds made available through the CARES Act for vulnerable communities and any other legally available sources, including, but not limited to, state, federal and non-governmental organization funds and grants, to fund an additional temporary hazardous duty pay supplement not to exceed one percent of base salary for all current PHT employees assigned to work with patients who tested positive or are under investigation for COVID-19 for the period of March 1, 2020 to December 30, 2020, if fiscally possible within legally available means. This additional allocation, when combined with the County's previous allocation of \$8,000,000.00 to the PHT to provide a one percent hazardous duty pay supplement, is intended to provide a total hazardous duty pay supplement of up to two percent of base salary, with a total fiscal impact of up to \$11,000,000.00.

Section 3. Directs the PHT to negotiate with the appropriate collective bargaining units to provide the additional temporary hazardous duty pay supplement described in section 2 above.

Section 4. Directs the PHT to execute any documents necessary to carry out the purposes of this resolution, 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 to this Board within 30 days of the effective date of this resolution, and every 30 days thereafter, setting forth the amount of funds identified, identifying any necessary reductions, and delineating any further action to be taken by the Board or any other entity to effectuate the allocation of said funds to the PHT for the purpose of conducting the collective bargaining negotiations required by this resolution. Such report shall also update the Board on the progress

of the collective bargaining negotiations between the PHT and the appropriate bargaining units required by this resolution. The County Mayor or County Mayor's designee shall place the completed reports on the next available agendas of the Board pursuant to Ordinance No. 14-65.

The Prime Sponsor of the foregoing resolution is Vice Chairwoman Rebeca Sosa. It was offered by Commissioner **Dennis C. Moss**, who moved its adoption. The motion was seconded by Commissioner **Barbara J. Jordan** 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	aye
Eileen Higgins	absent	Barbara J. Jordan	aye
Joe A. Martinez	aye	Jean Monestime	aye
Dennis C. Moss	aye	Sen. Javier D. Souto	absent
Xavier L. Suarez	absent		

The Chairperson thereupon declared this resolution duly passed and adopted this 13th day of November, 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

By: **Melissa Adames**
Deputy Clerk



Approved by County Attorney as
to form and legal sufficiency.

Marlon D. Moffett