

MEMORANDUM

Special Item No. 13

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

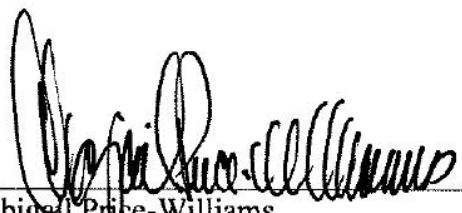
DATE: November 13, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution directing the County Mayor to reallocate any unspent or recaptured Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funds previously set aside for vulnerable communities and the unincorporated municipal service area, in an amount not to exceed \$13 million, to the United Way of Miami-Dade Inc. for the short-term hardship assistance pandemic relief program to assist with basic needs living expenses income-constrained Miami-Dade County residents affected by the coronavirus disease 2019 (COVID-19); and further directing the County Mayor to use any CARES Act funds that remain unspent as of December 15, 2020 to offset the County's COVID-19 related expenses, providing an exception

Resolution No. R-1158-20

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



Abigail Price-Williams
County Attorney

APW/uw



MEMORANDUM

(Revised)

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

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County Attorney

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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. 13
11-13-20

RESOLUTION NO. R-1158-20

RESOLUTION DIRECTING THE COUNTY MAYOR TO REALLOCATE ANY UNSPENT OR RECAPTURED CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (CARES ACT) FUNDS PREVIOUSLY SET ASIDE FOR VULNERABLE COMMUNITIES AND THE UNINCORPORATED MUNICIPAL SERVICE AREA, IN AN AMOUNT NOT TO EXCEED \$13 MILLION, TO THE UNITED WAY OF MIAMI-DADE INC. FOR THE SHORT-TERM HARDSHIP ASSISTANCE PANDEMIC RELIEF PROGRAM TO ASSIST WITH BASIC NEEDS LIVING EXPENSES INCOME-CONSTRAINED MIAMI-DADE COUNTY RESIDENTS AFFECTED BY THE CORONAVIRUS DISEASE 2019 (COVID-19); AND FURTHER DIRECTING THE COUNTY MAYOR TO USE ANY CARES ACT FUNDS THAT REMAIN UNSPENT AS OF DECEMBER 15, 2020 TO OFFSET THE COUNTY’S COVID-19 RELATED EXPENSES, PROVIDING AN EXCEPTION

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, 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 \$1,200.00 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, CRF monies must be used by December 30, 2020, and any residual returned to the federal government; and

WHEREAS, this Board has approved legislation allocating CARES Act CRF funds to assist various groups of individuals, organizations, and small businesses impacted by or at risk from COVID-19; and

WHEREAS, in particular, on July 16, 2020, this Board adopted Resolution No. R-701-20 authorizing a \$20 million grant agreement to the United Way of Miami-Dade Inc. (“United Way”), for a short-term, hardship assistance pandemic relief program to assist income-constrained residents with basic needs living expenses, such as food, utilities, and rental assistance; and

WHEREAS, the Board has been receiving reports from the administration relating to such programs and to the expenditure of the Cares Act CRF funds; and

WHEREAS, according to the report provided to the Board on October 26, 2020, certain of the programs, including the United Way basic needs program, are on track to expend their allocated funds prior to the December 30, 2020 expenditure deadline; and

WHEREAS, other programs appear unlikely to timely expend the funds; and

WHEREAS, in Resolution No. R-778-20, this Board recognized that, given the overwhelming need within the County, it is not in the best interest of the residents of the County that any funds be returned to the federal government and, accordingly, directed the County Mayor to develop and implement a procedure to recapture and reallocate CARES Act funds to ensure the funds are expended by the December 30, 2020 deadline; and

WHEREAS, consistent with this goal, on September 30, 2020 this Board passed Resolution No. R-908-20 reallocating up to \$5 million of unspent or recaptured CARES Act funds to be used for the child and adult day care program; and

WHEREAS, in addition, this Board wishes to reallocate any unspent or recaptured CARES Act funds previously set aside for vulnerable communities and the unincorporated municipal service area (“UMSA”), in an amount not to exceed \$13 million to the United Way for the basic needs living expenses program; and

WHEREAS, in addition, this Board wishes to use any additional CARES Act funds that remain unspent as of December 15, 2020 to offset the County’s own expenses related to COVID-19 mitigation and relief,

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. Directs the County Mayor to reallocate any unspent or recaptured CARES Act funds previously set aside by the Board for vulnerable communities and the unincorporated municipal service area (“UMSA”), in an amount not to exceed \$13 million, to the United Way for the basic needs living expenses program as previously authorized by this Board in Resolution No. R-701-20.

Section 3. Directs the County Mayor to use any CARES Act funds that remain unspent as of December 15, 2020 to offset the County’s own expenses related to COVID-19 mitigation and relief, if fiscally possible within legally available means, provided, however, this will not apply to the child and adult day care funds reallocated in Resolution No. R-908-20.

The Prime Sponsor of the foregoing resolution is Commissioner Joe A. Martinez. 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.

LCK

Leigh C. Kobrinski