

MEMORANDUM

Amended
Special Item No. 4

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

DATE: September 30, 2020

FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution directing the County Mayor to develop and implement a forgivable loan or grant program for certain child and adult day care centers in the unincorporated municipal service area that have been impacted by coronavirus disease 2019 (COVID-19) using \$5 million from funds made available through the 2020 Coronavirus Aid, Relief, and Economic Security Act (CARES Act), and up to \$5 million from any other legally available CARES Act funds, including unspent or recaptured CARES Act funds from other programs; authorizing the County Mayor to negotiate and execute any documents necessary to carry out the purposes of this resolution; and requiring reports

Resolution No. R-908-20

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Daniella Levine Cava.



Abigail Price-Williams
County Attorney

APW/uw



MEMORANDUM

(Revised)

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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 _____ Amended
Veto _____ Special Item No. 4
Override _____ 9-30-20

RESOLUTION NO. R-908-20

RESOLUTION DIRECTING THE COUNTY MAYOR OR THE COUNTY MAYOR’S DESIGNEE TO DEVELOP AND IMPLEMENT A FORGIVABLE LOAN OR GRANT PROGRAM FOR CERTAIN CHILD AND ADULT DAY CARE CENTERS IN THE UNINCORPORATED MUNICIPAL SERVICE AREA THAT HAVE BEEN IMPACTED BY CORONAVIRUS DISEASE 2019 (COVID-19) USING \$5 MILLION FROM FUNDS MADE AVAILABLE THROUGH THE 2020 CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (CARES ACT), AND UP TO \$5 MILLION FROM ANY OTHER LEGALLY AVAILABLE CARES ACT FUNDS, INCLUDING UNSPENT OR RECAPTURED CARES ACT FUNDS FROM OTHER PROGRAMS; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR’S DESIGNEE TO NEGOTIATE AND EXECUTE ANY DOCUMENTS NECESSARY TO CARRY OUT THE PURPOSES OF THIS RESOLUTION; AND REQUIRING REPORTS

WHEREAS, in early 2020, the State of Florida and Miami-Dade County began experiencing an outbreak of the infectious disease named coronavirus disease 2019 (“COVID-19”); and

WHEREAS, in response to COVID-19, Governor Ron DeSantis issued Executive Order 20-51, directing the State Health Officer and Surgeon General to declare a public health emergency in the State of Florida and directing the State Health Officer take any action necessary to protect the public health and to follow guidelines established by the United States Centers for Disease Control and Prevention (“CDC”) to control the spread of COVID-19; and

WHEREAS, on March 12, 2020, County Mayor Carlos Gimenez declared a state of emergency in Miami-Dade County; and

WHEREAS, in response to the COVID-19 pandemic, public health officials and the CDC encouraged “social distancing” to reduce the spread of the virus; and

WHEREAS, to enforce social distancing and prevent the spread of COVID-19, Governor DeSantis and Mayor Gimenez issued executive and emergency orders restricting businesses’ and residents’ activities; and

WHEREAS, while these precautions were established to keep people safe, they have had and continue to have a negative financial impact on many County businesses and residents; and

WHEREAS, in an effort to reduce the transmission of COVID-19 and to protect vulnerable older adults, on March 31, 2020, the County shuttered adult day cares; and

WHEREAS, there are more than 150 adult day care centers in the County that cater to older adults living with Alzheimer’s disease and other intense care needs; and

WHEREAS, the COVID-19 pandemic also forced the temporary closure of many childcare centers throughout the county and the country; and

WHEREAS, in a recent national survey conducted by the National Association for the Education of Young Children, only 18 percent of the over 5,000 child care providers that responded expected their child care programs to survive beyond June of 2021; and

WHEREAS, according to the survey, the programs that were operating reported severely reduced enrollment and substantial additional costs for staff, cleaning supplies, and personal protective equipment; and

WHEREAS, many families rely on daycare centers to watch over children and adults with special needs; and

WHEREAS, on September 25, 2020, Governor DeSantis issued Executive Order 20-244, which moved all of Florida’s 67 counties into Phase 3 reopening; and

WHEREAS, as the County moves into Phase 3 reopening, businesses will reopen and individuals will be returning to work or leaving their households in search of work; and

WHEREAS, child care and adult daycare are essential components of a well-functioning economy; and

WHEREAS, on August 4, 2020, this Board adopted Resolution No. R-779-20 setting County policy that the County shall consider the unincorporated municipal service area (“UMSA”) a municipality for purposes of allocating and distributing funds made available through the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”), the proposed Health and Economic Recovery Omnibus Emergency Solutions Act (“HEROES Act”), or similar legislation providing federal funds to local governments to assist with the public health emergency caused by COVID-19; and

WHEREAS, this Board also adopted, on August 4, 2020, Resolution No. R-781-20 authorizing the County Mayor or County Mayor’s designee to negotiate and execute interlocal grant agreements with each of the municipalities in the County, using a total of not-to-exceed \$100 million in CARES Act funds; and

WHEREAS, following the allocation of not-to-exceed \$100 million in CARES Act funds to municipalities pursuant to Resolution No. R-781-20, approximately \$37 million in CARES Act remained unallocated and the Board expressed an intent to use these funds in UMSA; and

WHEREAS, from those remaining funds this Board wishes to allocate \$5 million to child and adult day care centers in UMSA that have been impacted by COVID-19; and

WHEREAS, this Board also wishes to allocate up to \$5 million from any other unspent or recaptured CARES Act funds to assist child and adult day care centers countywide,

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

Section 1. Directs the County Mayor or the County Mayor's designee to develop and implement a forgivable loan or grant program (the "program") for child and adult day care centers in the unincorporated municipal service area that have been impacted by coronavirus disease 2019 (COVID-19), using \$5 million from funds made available through the 2020 Coronavirus Aid, Relief, and Economic Security Act ("CARES Act"). In the event any CARES Act funds previously allocated by the Board for other programs or services is unspent or recaptured, up to \$5 million of such funds should be reallocated for the program and used countywide. In developing the program, the County Mayor or County Mayor's designee shall explore a partnership with the Early Learning Coalition and the Alliance for Aging. In developing the program, the County Mayor or County Mayor's designee shall: (i) require that the day care centers demonstrate financial loss due to COVID-19, (ii) provide for a uniform maximum loan or grant amount per organization, (iii) ensure that those receiving these loans or grants avoid duplication and have not made up their financial losses through other assistance, such as assistance already received through county, city, state, or federal loan or grant programs established in response to COVID-19 or insurance, and (iv) to the extent legally permissible under the CARES Act, make such funds available for the payment of business expenses, including employee payroll costs. Funding for the program shall be equally distributed across the unincorporated municipal service area to the extent feasible, and, with respect to any unspent or recaptured CARES Act funds, equally distributed among the 13 commission districts to the extent feasible.

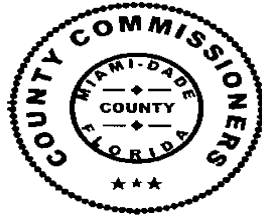
Section 2. Authorizes the County Mayor or the County Mayor's designee to negotiate and execute any documents necessary to carry out the purposes of this resolution, following approval of such documents by the County Attorney's Office for legal form and sufficiency.

Section 3. Directs the County Mayor or the County Mayor's designee to provide a written report to this Board within 15 days of the effective date of this resolution detailing the status of the development and implementation of the program, including a recommendation on the distribution of funding between child and adult day care centers, 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 30 days detailing the status of the program until funding for the program is exhausted. The County Mayor or County Mayor's designee shall place the completed reports on agendas of the Board pursuant to Ordinance No. 14-65.

The Prime Sponsor of the foregoing resolution is Commissioner Daniella Levine Cava. It was offered by Commissioner **Daniella Levine Cava** , who moved its adoption. The motion was seconded by Commissioner **Sally A. Heyman** and upon being put to a vote, the vote was as follows:

Audrey M. Edmonson, Chairwoman	absent		
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	aye
Xavier L. Suarez	absent		

The Chairperson thereupon declared this resolution duly passed and adopted this 30th day of September, 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
Shanika A. Graves