

MEMORANDUM

Special Item No. 4

TO: Honorable Acting Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: December 7, 2020

FROM: Geri Bonzon-Keenan
Successor County Attorney

SUBJECT: Resolution reallocating a total of not-to-exceed \$1,911,530.38 of unspent Coronavirus Aid, Relief, and Economic Security Act (CARES Act) funds from the Hospitality Industry Grant Program to the small nonprofit support grants program to alleviate financial hardships caused by the coronavirus disease 2019 (COVID-19) pandemic, notwithstanding Resolution No. R-1158-20; and authorizing the County Mayor to negotiate and execute documents

Resolution No. R-1234-20

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Eileen Higgins and Co-Sponsors Commissioner Sally A. Heyman and Commissioner Kionne L. McGhee.



Gerri Bonzon-Keenan
Successor County Attorney

GBK/jp



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(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 Daniella Levine Carr Mayor
Veto _____
Override _____

Special Item No. 4

12-7-20

RESOLUTION NO. R-1234-20

RESOLUTION REALLOCATING A TOTAL OF NOT-TO-EXCEED \$1,911,530.38 OF UNSPENT CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT (CARES ACT) FUNDS FROM THE HOSPITALITY INDUSTRY GRANT PROGRAM TO THE SMALL NONPROFIT SUPPORT GRANTS PROGRAM TO ALLEVIATE FINANCIAL HARDSHIPS CAUSED BY THE CORONAVIRUS DISEASE 2019 (COVID-19) PANDEMIC, NOTWITHSTANDING RESOLUTION NO. R-1158-20; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO NEGOTIATE AND EXECUTE DOCUMENTS

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 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-703-20, directing the County Mayor to establish the Hospitality Industry Grant Program to provide relief to local independently owned and operated restaurants and non-home based caterers, using \$30 million of CARES Act CRF funds; and

WHEREAS, on July 21, 2020, this Board adopted Resolution No. R-750-20 directing the County Mayor to develop and implement a forgivable loan or grant program to assist small nonprofit organizations, with 25 or fewer employees, that have been impacted by COVID-19, using \$10 million of CARES Act CRF funds; and

WHEREAS, thereafter, the Public Housing and Community Development Department, in partnership with The Miami Foundation Inc., developed the Nonprofit Support Grants Program, which has assisted over 347 small nonprofit organizations and expended nearly all of the allotted funds; and

WHEREAS, there are approximately 77 eligible applications on hold with the Nonprofit Support Grants Program that could be awarded pending the receipt of \$1,911,530.38 in additional funds; and

WHEREAS, this Board has been receiving reports from the County Mayor's administration (the "administration") relating to programs and the expenditure of the Cares Act CRF funds; and

WHEREAS, according to the report provided to this Board on December 1, 2020, certain of the programs, including the Nonprofit Support Grants Program, are on track to expend their allocated funds prior to the December 30, 2020 expenditure deadline; and

WHEREAS, other programs, the administration reports, such as the Hospitality Industry Grant Program, appear unlikely to expend their allocated funds by the December 30, 2020 deadline; 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 the CARES Act funds to ensure the funds are expended by the December 30, 2020 deadline; and

WHEREAS, in Resolution No. R-1158-20, this Board, among other things, directed 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; and

WHEREAS, notwithstanding Resolution No. R-1158-20, this Board wishes to reallocate certain unspent CARES Act funds from the Hospitality Industry Grant Program to the Nonprofit Support Grants Program,

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

Section 1. The foregoing recitals are adopted as if fully set forth herein.

Section 2. Notwithstanding the provisions of Resolution No. R-1158-20, this Board reallocates a total of not-to-exceed \$1,911,530.38 of unspent CARES Act CRF funds that were

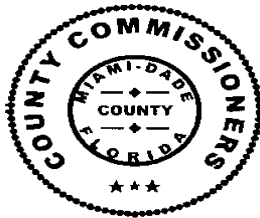
previously allocated by the Board in Resolution No. R-703-20 for the Hospitality Industry Grant Program, to the Nonprofit Support Grants Program authorized by this Board in Resolution No. R-750-20.

Section 3. This Board authorizes the County Mayor or County Mayor’s designee to negotiate and execute any documents necessary to carry out the purpose of this resolution, following approval of such documents by the County Attorney’s Office for form and legal sufficiency.

The Prime Sponsor of the foregoing resolution is Commissioner Eileen Higgins and the Co-Sponsors are Commissioner Sally A. Heyman and Commissioner Kionne L. McGhee. It was offered by Commissioner **Eileen Higgins**, 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:

	Rebeca Sosa, Acting Chairwoman	aye	
Jose “Pepe” Diaz	aye	Sen. René García	aye
Oliver G. Gilbert, III	aye	Keon Hardemon	aye
Sally A. Heyman	aye	Danielle Cohen Higgins	aye
Eileen Higgins	aye	Joe A. Martinez	absent
Kionne L. McGhee	aye	Jean Monestime	aye
Raquel A. Regalado	aye	Sen. Javier D. Souto	aye

The Chairperson thereupon declared this resolution duly passed and adopted this 7th day of December, 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