

MEMORANDUM

Agenda Item No. 8(G)(1)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: July 6, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution ratifying the County Mayor's execution of Award Terms and Conditions from the United States Department of The Treasury for Local Assistance and Tribal Consistency Funds, pursuant to sections 2-9 and 2-10 of the Code; authorizing the County Mayor to receive and expend \$2,202,016.56 in Local Assistance and Tribal Consistency Fund dollars for the provision of public safety services through the Miami-Dade County Corrections and Rehabilitation Department; and authorizing the County Mayor to execute other necessary documents

Resolution No. R-597-23

The accompanying resolution was prepared by the Office of Management and Budget and placed on the agenda at the request of Prime Sponsor Senator René García.


Geri Bonzon-Keenan
County Attorney

GBK/gh

Memorandum



Date: July 6, 2023

To: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor 

Subject: Resolution Ratifying the County Mayor or the County Mayor's designee's execution of Award Terms and Conditions from the United States Department of the Treasury for Local Assistance and Tribal Consistency Fund and Authorizing such funds to be used for public safety services under the Department of Corrections and Rehabilitation

Executive Summary

Miami-Dade County (County) was awarded \$2,202,016.56 in Local Assistance and Tribal Consistency Fund (LATCF) dollars from the United States Department of the Treasury (Treasury). To receive said funds, the County Mayor's designee executed the LATCF Award Terms and Conditions for Eligible Revenue Sharing County Governments (Terms and Conditions) on November 17, 2022.

This item seeks to (1) ratify the County Mayor's designee's execution of the Terms and Conditions, and (2) authorize the Miami-Dade Corrections and Rehabilitation Department (Corrections) to receive and expend the funds for public safety services.

Recommendation

It is recommended the Board of County Commissioners (Board) approve the attached resolution, which ratifies the County Mayor's designee's execution of the Terms and Conditions, attached to the resolution as Exhibit A, for receipt of \$2,202,016.56 in funding. It is also recommended that the Board authorize the receipt and expenditure of such funding for public safety services through Corrections.

Scope

LATCF funds will be used for public safety services provided by Corrections in the current fiscal year, FY 2022-23.

Delegation of Authority

The County Mayor or County Mayor's designee is retroactively authorized to receive the LATCF dollars awarded by the Treasury in the amount of \$2,202,016.56. The County Mayor or County Mayor's designee is further authorized to execute other necessary documents required by the Treasury including, but not limited to, certifications and assurances, for receipt of the total LATCF award.

Fiscal Impact/Funding Source

The Treasury, through the LATCF, awarded the County \$2,202,016.56 in federal funding. The County received a partial payment in the amount of \$1,101,008.28 on December 5, 2022, and will receive the balance during the 2023 calendar year. Matching funds from the County are not required.

Track Record/Monitor

Elena Quevedo, Coordinator for the Program Management Division of the Office of Management and Budget, or other supervisory staff will monitor the use of the LATCF award and administer compliance with federal programmatic, fiscal, and administrative requirements.

Background

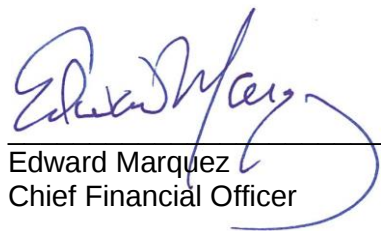
Section 605 of the Social Security Act (Act) established the LATCF. The Act appropriates \$1.5 billion to be disbursed at an amount of \$750 million per year in fiscal years 2022 and 2023, to eligible counties. The statute defines an eligible revenue sharing county as one that is:

- independent of any other unit of local government;
- determined by the Secretary of the Treasury (Secretary), to be the principal provider of government services for the area within its jurisdiction; and
- as determined by the Secretary, experienced a negative revenue impact due to the implementation of a federal program or changes to such program.

The LATCF serves as a general revenue enhancement program for revenue sharing counties that participate in the Payments in Lieu of Taxes and Refugee Revenue Sharing programs and experienced a negative revenue impact because of inconsistent Congressional funding of such federal programs. To that end, when awarding LATCF dollars, the Treasury allocates funds to counties using a formula that accounts for economic conditions of each eligible county.

LATCF dollars may be used for any governmental purpose, including public safety services. However, the LATCF expressly prohibits awarded funds from being used for lobbying or lobbying activities. The LATCF required the County to execute the Terms and Conditions by January 31, 2023, to receive the funding award. The County fulfilled this requirement on November 17, 2022. The grant funds may be retroactively applied to expenses incurred on or after March 15, 2021, and are available until expended.

The LATCF requires annual reporting of calendar year obligations and expenditures, beginning calendar year 2022, by March 31, 2023, through the Treasury's online portal. The report has been timely submitted by the County. Reporting is required until all funds have been expended. The Treasury may recoup funds for misuse and failure to complete the annual reporting requirement. The County is also responsible for complying with applicable legal, regulatory, and program requirements in the implementation of its LATCF-funded activities, including the Terms and Conditions and certain provisions of 2 C.F.R. Part 200 (Uniform Guidance), including Subpart F, Audit Requirements.



Edward Marquez
Chief Financial Officer



MEMORANDUM

(Revised)

TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: July 6, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 8(G)(1)

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 _____

Agenda Item No. 8(G)(1)
7-6-23

RESOLUTION NO. R-597-23

RESOLUTION RATIFYING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE'S EXECUTION OF AWARD TERMS AND CONDITIONS FROM THE UNITED STATES DEPARTMENT OF THE TREASURY FOR LOCAL ASSISTANCE AND TRIBAL CONSISTENCY FUNDS, PURSUANT TO SECTIONS 2-9 AND 2-10 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO RECEIVE AND EXPEND \$2,202,016.56 IN LOCAL ASSISTANCE AND TRIBAL CONSISTENCY FUND DOLLARS FOR THE PROVISION OF PUBLIC SAFETY SERVICES THROUGH THE MIAMI-DADE COUNTY CORRECTIONS AND REHABILITATION DEPARTMENT; AND AUTHORIZING THE COUNTY MAYOR OR COUNTY MAYOR'S DESIGNEE TO EXECUTE OTHER NECESSARY DOCUMENTS

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

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

Section 1. Approves and incorporates the foregoing recital as if fully set forth herein.

Section 2. In accordance with sections 2-9 and 2-10 of the Code of Miami-Dade County, Florida, ratifies the County Mayor or County Mayor's designee's execution of the United States Department of the Treasury, Local Assistance and Tribal Consistency Fund, Award Terms and Conditions for Eligible Revenue Sharing County Governments, attached hereto and incorporated herein as Exhibit A.

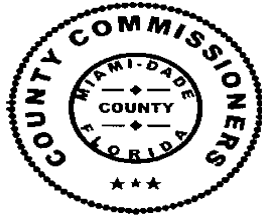
Section 3. Authorizes the County Mayor or County Mayor's designee to receive \$2,202,016.56 in Local Assistance and Tribal Consistency Fund dollars and expend such funds through the Miami-Dade County Corrections and Rehabilitation Department on public safety services.

Section 4. Authorizes the County Mayor or County Mayor's designee to execute other necessary documents required by the United States Department of the Treasury including, but not limited to, certifications and assurances for receipt of the funding identified in section 3.

The foregoing resolution was offered by Commissioner **Danielle Cohen Higgins** , who moved its adoption. The motion was seconded by Commissioner **Juan Carlos Bermudez** and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	aye		
Anthony Rodríguez, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	absent
Roberto J. Gonzalez	aye	Keon Hardemon	absent
Danielle Cohen Higgins	aye	Eileen Higgins	aye
Kionne L. McGhee	aye	Raquel A. Regalado	absent
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 6th day of July, 2023. 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

JUAN FERNANDEZ-BARQUIN, CLERK

Basia Pruna

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to be "SG", followed by a horizontal line.

Shanika A. Graves

OMB Approved No. 1505-0276
 Expiration Date: March 31, 2023

EXHIBIT A

U.S. DEPARTMENT OF THE TREASURY
 LOCAL ASSISTANCE AND TRIBAL CONSISTENCY FUND

Recipient name and address: Miami-Dade County 111 NW First Street, Suite 2910 Miami, Florida 33128	UEI Number: MKEJWVSEURF3 Taxpayer Identification Number: 596000573
Amount of Federal Funds Obligated (Total of Fiscal Year 2022 and Fiscal Year 2023 Tranches): \$ 2202016.56 Total Amount of Federal Funds Obligated: \$ 2202016.56 The Federal Award Date is the date of the Recipient's signature below, provided that all other conditions of the award have been met.	Assistance Listing Number: 21.032 Assistance Listing Title: Local Assistance and Tribal Consistency Fund

Section 605(b) of the Social Security Act (the Act), as added by section 9901 of the American Rescue Plan Act, Pub. L. No. 117-2 (March 11, 2021) authorizes the Department of the Treasury (Treasury) to make payments to certain recipients from the Local Assistance and Tribal Consistency Fund.

Recipient hereby agrees, as a condition to receiving such payment(s) from Treasury, to the terms and conditions attached hereto.

Recipient: Miami-Dade County

DocuSigned by:

 ADB00901C42B434...

Authorized Representative: David Clodfelter

Title: Director, Office of Management & Budget

Date signed: 11/17/2022

MDC008

OMB Approved No. 1505-0276

Expiration Date: March 31, 2023

U.S. DEPARTMENT OF THE TREASURY
LOCAL ASSISTANCE AND TRIBAL CONSISTENCY FUND
AWARD TERMS AND CONDITIONS FOR ELIGIBLE REVENUE SHARING COUNTY
GOVERNMENTS

1. Payment of Funds.

- a. Recipient understands that the Department of the Treasury (Treasury) will disburse funds under this award (the award funds) in two tranches, subject to any remedial actions taken pursuant to section 7 or any offsets imposed to satisfy any debt owed pursuant to section 9 of these award terms and conditions.
- b. In addition to the limitations provided in paragraph (a), payments under this award will be subject to the availability of funding, and, should the provisions of section 605 of the Social Security Act (42 U.S.C. § 805) addressing allocations or recipient eligibility be amended or the amount of the appropriation for implementation of such section be reduced, Treasury may reallocate the amount of the appropriation that remains available and adjust Recipient's total award amount accordingly. In the event Recipient's total award amount is reduced, the amount of a second tranche payment may be reduced to account for the receipt of amounts disbursed in the first tranche.
- c. If eligible revenue sharing county governments other than Recipient decline or do not claim the amounts allocated to them by Treasury from the Local Assistance and Tribal Consistency Fund, Treasury may supplement this award with an additional allocation to Recipient. The amount of this additional allocation will be determined by Treasury in its discretion as provided in section 605 of the Act and will be subject to the limitations provided in paragraphs a and b.
- d. Any change in an allocation will be deemed an amendment to this award to increase or decrease the total award amount, as applicable, unless, in the case of an increased allocation, Recipient declines the increased total award amount.

2. Use of Funds.

- a. The award funds may be used to cover any cost incurred on or after March 15, 2021, for any governmental purpose other than a lobbying activity, as provided in paragraph b.
- b. Recipients may not use the award funds directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device, intended or designed to influence in any manner a Member of Congress, a jurisdiction, or an official of any government, to favor, adopt, or oppose, by vote or otherwise, any legislation, law, ratification, policy, or appropriation, whether before or after the introduction of any bill, measure, or resolution proposing such legislation, law, ratification,

policy, or appropriation.

- c. Recipient must expend and account for the funds in accordance with the financial management, procurement, and conflicts of interest standards, laws, policies, and procedures applicable to Recipient's expenditure of and accounting for its own funds.

3. Reporting. Recipient agrees to submit an annual project and expenditure report to Treasury for this award in the form provided by Treasury. Recipient acknowledges total award and expenditure amounts may be publicly disclosed.

4. Cost Sharing. Cost sharing or matching funds are not required to be provided by Recipient.

5. Compliance with Applicable Law and Regulations.

- a. Recipient agrees to comply with the requirements of section 605 of the Act and guidance issued by Treasury regarding the Local Assistance and Tribal Consistency Fund program. Recipient acknowledges that the funds constitute federal financial assistance and are subject to federal law applicable to federal financial assistance. Recipient also agrees to comply with all other applicable federal statutes, regulations, and executive orders in the course of its use of the award funds.

b. Federal regulations applicable to this award include, without limitation, the following:

- i. Title VI of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d et seq.) and Treasury's implementing regulations at 31 C.F.R. Part 22, which prohibit discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance;
- ii. The Fair Housing Act, Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§ 3601 et seq.), which prohibits discrimination in housing on the basis of race, color, religion, national origin, sex, familial status, or disability;
- iii. Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance;
- iv. The Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101 et seq.), and Treasury's implementing regulations at 31 C.F.R. Part 23, which prohibit discrimination on the basis of age in programs or activities receiving federal financial assistance;
- v. Title II of the Americans with Disabilities Act of 1990, as amended (42 U.S.C. §§ 12101 et seq.), which prohibits discrimination on the basis of disability under programs, activities, and services provided or made available by state and local governments or instrumentalities or agencies thereto;

- vi. Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 C.F.R. §§ 200.100-110, 203, and 303, and Subpart F (Audit Requirements).
- vii. Universal Identifier and System for Award Management (SAM), 2 C.F.R. Part 25, Subparts A, B, and D, pursuant to which the award term set forth in Appendix A to 2 C.F.R. Part 25 is hereby incorporated by reference.
- viii. The provisions of Reporting Subaward and Executive Compensation Information, 2 C.F.R. Part 170 applicable to executive compensation but not to subawards, pursuant to which the subsections of the award term set forth in Appendix A to 2 C.F.R. Part 170 applicable to executive compensation are hereby incorporated by reference.
- ix. OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement), 2 C.F.R. Part 180, including the requirement to include a term or condition in all lower tier covered transactions (contracts and subcontracts described in 2 C.F.R. Part 180, subpart B) that the award is subject to 2 C.F.R. Part 180 and Treasury's implementing regulation at 31 C.F.R. Part 19.
- x. Governmentwide Requirements for Drug-Free Workplace, 31 C.F.R. Part 20.
- xi. Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. §§ 4601-4655) and implementing regulations.
- xii. Generally applicable federal environmental laws and regulations.

6. Maintenance of and Access to Records.

- a. Recipient will maintain records and financial documents sufficient to evidence compliance with section 605 of the Act, this award agreement, and implementing guidance issued by Treasury for a period of five (5) years after all funds have been expended or returned to Treasury.
- b. Recipient acknowledges that Treasury, including the Treasury Office of Inspector General, and the Government Accountability Office or their authorized representatives will have the right of access to records of Recipient in order to conduct audits or other investigations.

7. Remedial Actions. In the event of Recipient's noncompliance with section 605 of the Act, these terms and conditions, other applicable laws, guidance, or any reporting or other program requirements, Treasury may take any of the following remedies:

- a. Impose additional conditions on the receipt of the second tranche of the award;
- b. Temporarily withhold the second tranche of the award in whole or in part;

- c. Require recoupment of payments under this award;
 - d. Terminate the Federal award;
 - e. Initiate suspension or debarment proceedings as authorized under 2 C.F.R. part 180 and Treasury regulations; and
 - f. Take other remedies that may be legally available.
8. False Statements. Recipient understands that making false statements or claims in connection with this award is a violation of federal law and may result in criminal, civil, or administrative sanctions, including fines, imprisonment, civil damages and penalties, debarment from participating in federal awards or contracts, and/or any other remedy available by law.
9. Debts Owed the Federal Government.
- a. Any funds paid to Recipient (1) in excess of the amount to which Recipient is finally determined to be authorized to retain under the terms of this award; or (2) that are determined by Treasury to be subject to a repayment obligation and have not been repaid by Recipient shall constitute a debt to the federal government.
 - b. Any debts determined to be owed the federal government must be paid promptly by Recipient. A debt is delinquent if it has not been paid by the date specified in Treasury's initial written demand for payment, unless other satisfactory arrangements have been made or if the Recipient knowingly or improperly retains funds that are a debt as defined in paragraph (a). Treasury will take any actions available to it to collect such a debt.
10. Disclaimer.
- a. The United States expressly disclaims any and all responsibility or liability to Recipient or third persons for the actions of Recipient or third persons resulting in death, bodily injury, property damages, or any other losses resulting in any way from the performance of this award or any other losses resulting in any way from the performance of this award or any contract, or subcontract under this award.
 - b. The acceptance of this award by Recipient does not in any way establish an agency relationship between the United States and Recipient.
11. Amendments.
- a. The terms of this award may be amended with the written approval of Recipient and Treasury.
 - b. In addition, Treasury reserves the right to amend the terms of this award if required by U.S. law or regulation without the consent of Recipient.

- c. Notwithstanding the above, Treasury may, upon reasonable notice to Recipient, unilaterally amend this agreement for the sole purpose of making ministerial or administrative changes or correcting scrivener's errors.

PAPERWORK REDUCTION ACT NOTICE

The estimated burden associated with the collection of information provided for in section 6 of the terms and conditions is 15 minutes per response. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Office of Privacy, Transparency and Records, Department of the Treasury, 1500 Pennsylvania Ave., N.W., Washington, D.C. 20220. DO NOT send the form to this address. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.