

**RESOLUTION NO.**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH COUNTY, FLORIDA, APPROVING THE INTERLOCAL AGREEMENT FOR FEDERALLY-FUNDED SUBAWARD (“AGREEMENT”) BETWEEN THE CITY OF MIAMI BEACH, FLORIDA AND MIAMI-DADE COUNTY, FLORIDA, FOR CORONAVIRUS RELIEF FUND REIMBURSEMENT FROM MIAMI-DADE COUNTY FOR ELIGIBLE EXPENDITURES PURSUANT TO THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY ACT, AND AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO FINALIZE THE AGREEMENT WITH MIAMI-DADE COUNTY; AND FURTHER AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT.**

**WHEREAS**, in March 2020, the United States Congress passed, and 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 Federal 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 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 Coronavirus Disease 2019 (“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**, the United States Department of the Treasury (the “Treasury”) has released guidance for State, territorial, local and Tribal governments pertaining to the CRF (“CRF Guidance”); and

**WHEREAS**, the CRF FAQ provides that CRF payments made by the Treasury to State, territorial, local, and Tribal governments are considered “other financial assistance” under 2 Code of Federal Regulations (C.F.R.) § 200.40; and

**WHEREAS**, the CRF FAQ further provides that a county receiving CRF payments may, but is not required to, transfer CRF funds to smaller cities within the county’s borders, provided that the transferred funds are used by the cities for eligible expenditures under Section 601(a) of the Social Security Act as implemented in the CRF Guidance; and

**WHEREAS**, 2 C.F.R. §200.92 states that a “subaward may be provided through any form of legal Agreement, including an Agreement that the County considers a contract”; and

**WHEREAS**, at the August 4, 2020 Special Meeting of the Miami-Dade Board of County Commissioners (the “Board”), the Board allocated a total of not-to-exceed \$100,000,000 in CARES Act funds to the municipalities in the County as follows: \$75,000,000 for reimbursement of FEMA local match eligible expenditures as well as CARES Act eligible governmental operations expenditures that are not FEMA reimbursable, and \$25,000,000 for municipal programmatic proposals subject to approval in advance by the Board; and

**WHEREAS**, the primary purpose of the Interlocal Agreement for Federally-Funded Subaward (“Agreement”) is to ensure the effective and timely dissemination of CRF dollars to reimburse the Municipality for such eligible expenditures, as permitted by Section 601(a) of the Social Security Act as implemented in the CRF Guidance and FAQ, and as authorized by the Board; and

**WHEREAS**, this Agreement is not a legal requirement of the Treasury, but rather is a voluntary Agreement to provide funding to the municipality if all conditions are met to enable the County and municipality to remain in compliance with the Treasury’s Office of Inspector General’s memoranda and subsequent addenda regarding CRF Monitoring, Reporting and Record Retention Requirements; and

**WHEREAS**, the Administration recommends that the Mayor and City Commission approve the Interlocal Agreement for Federally-Funded Subaward.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby approves the Interlocal Agreement for Federally-Funded Subaward (“Agreement”) between the City of Miami Beach, Florida and Miami-Dade County, Florida, for Coronavirus Relief Fund reimbursement from Miami-Dade County for eligible expenditures pursuant to the Coronavirus Aid, Relief, and Economic Securities Act, and authorizes the City Manager and City Attorney to finalize the Agreement with Miami-Dade County; and further authorizes the City Manager to execute the Agreement.

PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2020.

ATTEST:

\_\_\_\_\_  
Dan Gelber, Mayor

\_\_\_\_\_  
Rafael E. Granado, City Clerk

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney

 8/19/2020  
Date