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**RESOLUTION NO. 2020-37**

**A RESOLUTION OF THE MAYOR AND VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, AUTHORIZING THE INTERIM VILLAGE MANAGER TO EXECUTE A MEMORANDUM OF UNDERSTANDING BETWEEN THE DADE COUNTY POLICE BENEVOLENT ASSOCIATION, INC. AND THE VILLAGE OF BISCAYNE PARK, AUTHORIZING A TEMPORARY ONE PERCENT (1%) PAY INCREASE RELATED TO THE COVID-19 PANDEMIC; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal service, and exercise any power for municipal purposes, except when expressly prohibited by law; and; and

**WHEREAS**, The Village of Biscayne Park (“Village”) is currently experiencing the effects of the COVID-19 pandemic which has resulted in a severe drain of resources due to the public health emergency; and

**WHEREAS**, due to the COVID-19 public health emergency first responders have expanded duties with an increased exposure to COVID-19; and

**WHEREAS**, the Coronavirus Aid, Relief and Economic Securities Act (“CARES”) provides a relief fund to state, local, and tribal governments intended to assist in the fight against COVID-19; and

**WHEREAS**, the Dade County Police Benevolent Association, Inc. (“PBA”) and Village are desirous of providing a temporary one percent (1%) pay increase to its police officers assigned to COVID-19 work as set forth in the attached Memorandum of Understanding (“MOU”), for which the Village is eligible for reimbursement under CARES; and

**WHEREAS**, the Village Commission finds it to be in the best interests of the Village and its residents to authorize the Interim Village Manager to execute the MOU between the PBA and the Village, and to expend budgeted funds on behalf of the Village.

**NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, THAT:**

**Section 1. Recitals.** The above recitals are true and correct, and incorporated herein by this reference and are hereby adopted as the legislative and administrative findings of the Village Commission.

**Section 2. Pay Increase MOU.** The MOU between the PBA and the Village authorizing a temporary one percent (1%) pay increase to its police officers assigned to COVID-19 work, attached hereto and incorporated herein as Exhibit “1”, is hereby approved and the Interim Village Manager is authorized to execute the MOU and expend budgeted funds on behalf of the Village. The Interim Village Manager is further authorized to take all necessary steps to seek CARES reimbursement of properly expended Village funds.

1        **Section 3. Severability.** If any section, sentence, clause or phrase herein is held to be invalid  
2 by any court of competent jurisdiction, then said holding shall in no way affect the validity of the  
3 remaining portions of this Resolution.

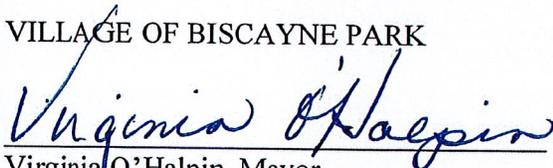
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5        **Section 4. Effective Date.** This Resolution shall become effective immediately upon its  
6 adoption.

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8 **PASSED AND ADOPTED** this 13<sup>th</sup> day of August, 2020.

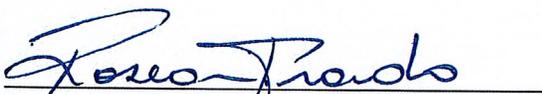
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10 The foregoing Resolution was offered by Commissioner Samaria, who moved its adoption. The motion  
11 was seconded by Mayor O'Halpin, and upon being put to a vote the vote was as follows:

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15	Virginia O'Halpin, Mayor	Yes
16	MacDonald Kennedy, Vice Mayor	Yes
17	Daniel Samaria, Commissioner	Yes
18	Roxanna Ross, Commissioner	Yes
19	William Tudor, Commissioner	Yes
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22 VILLAGE OF BISCA YNE PARK

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26 Virginia O'Halpin, Mayor

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29 ATTEST:

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33 Roseann Prado, Village Clerk

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36 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE  
37 USE AND RELIANCE OF THE VILLAGE OF BISCA YNE PARK ONLY:

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40 \_\_\_\_\_  
41 John R. Herin, Jr., Interim Village Attorney

**MEMORANDUM OF UNDERSTANDING BETWEEN**  
**THE VILLAGE OF BISCAYNE PARK AND**  
**THE DADE COUNTY POLICE BENEVOLENT ASSOCIATION, INC.**

This MEMORANDUM OF UNDERSTANDING ("MOU") is entered this \_\_\_\_ day of **August**, 2020, between the DADE COUNTY POLICE BENEVOLENT ASSOCIATION, INC. ("PBA") and THE VILLAGE OF BISCAYNE PARK ("Village"), jointly referred to as the ("PARTIES").

WHEREAS, The Village of Biscayne Park is currently experiencing the effects of the COVID-19 pandemic which has resulted in a severe drain of resources due to the public health emergency; and

WHEREAS, due to the COVID-19 public health emergency first responders have expanded duties with an increased exposure to COVID-19; and

WHEREAS, the Coronavirus Aid, Relief and Economic Securities Act ("CARES") provides a relief fund to State, Local, and Tribal governments which is intended to assist in the fight against COVID-19; and

WHEREAS, the PARTIES are desirous of providing the available funding to its first responders such as sworn law enforcement personnel.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the PARTIES intending to be legally bound do hereby stipulate and agree as follows:

1. Sworn law enforcement employees as defined by Chapter 943 Florida Statutes who are included within a bargaining unit covered by a collective bargaining agreement between the Village and the PBA ("Covered Employee"), shall receive a one percent (1%) pay adjustment to their base pay for the performance of their duties specifically related to the coronavirus retroactive to April 01, 2020 as provided in paragraph 2. The Covered Employee's rate of base pay on August 1, 2020 shall be used for the computation of the one percent (1%) pay adjustment regardless of the date in which the work assignment was performed.
2. The one percent (1%) pay adjustment shall be paid only for the time the Covered Employee actually worked on assignments related to the COVID-19 pandemic and shall be applied on an hour for hour basis and not based on the entire shift

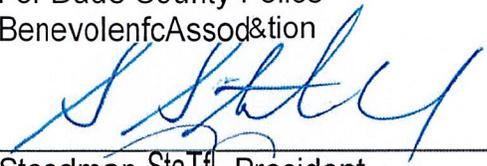
unless applicable. The PBA and the Village both agree that the determination of whether an assignment qualifies for payment of the 1% pay adjustment provided by this MOU and the amount of hours that are eligible for payment of this 1% pay adjustment are entirely within the discretion of the Village, after consultation with the PBA.

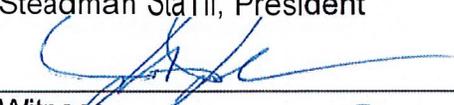
- 3. The one percent (1%) pay adjustment provided by this MOU shall permanently cease to exist effective the first full pay period of December 2020.
- 4. The PARTIES agree and state that no promise, inducement or agreement not expressly contained herein has been made, that this MOU constitutes their entire and final understanding to the subject matter of this agreement, and that the terms of this MOU are contractual and not a mere recital.
- 5. The PARTIES understand that this Memorandum of Understanding and the 1% pay adjustment will be implemented only after ratification by both the PBA's bargaining unit members and the Village Commissioners.

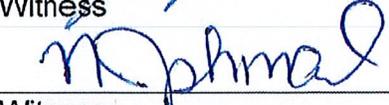
IN WITNESS WHEREOF, the undersigned parties have caused this Agreement to be executed by their duly authorized representatives as of the day and year first above written.

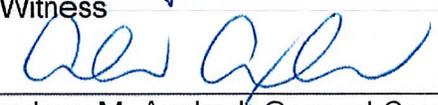
AGREED TO THIS 13 DAY OF AUGUST, 2020.

For Dade County Police  
Benevolent Association

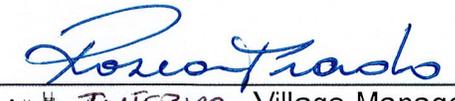
  
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Steadman Staff, President

  
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Andrew M. Axelrad, General Counsel

For Village of Biscayne Park

  
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David **INTERIM**, Village Manager

  
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**Coronavirus Relief Fund  
Frequently Asked Questions  
Updated as of July 8, 2020**

The following answers to frequently asked questions supplement Treasury’s Coronavirus Relief Fund (“Fund”) Guidance for State, Territorial, Local, and Tribal Governments, dated April 22, 2020, (“Guidance”).<sup>1</sup> Amounts paid from the Fund are subject to the restrictions outlined in the Guidance and set forth in section 601(d) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”).

**Eligible Expenditures**

*Are governments required to submit proposed expenditures to Treasury for approval?*

No. Governments are responsible for making determinations as to what expenditures are necessary due to the public health emergency with respect to COVID-19 and do not need to submit any proposed expenditures to Treasury.

*The Guidance says that funding can be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. How does a government determine whether payroll expenses for a given employee satisfy the “substantially dedicated” condition?*

The Fund is designed to provide ready funding to address unforeseen financial needs and risks created by the COVID-19 public health emergency. For this reason, and as a matter of administrative convenience in light of the emergency nature of this program, a State, territorial, local, or Tribal government may presume that payroll costs for public health and public safety employees are payments for services substantially dedicated to mitigating or responding to the COVID-19 public health emergency, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise.

*The Guidance says that a cost was not accounted for in the most recently approved budget if the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. What would qualify as a “substantially different use” for purposes of the Fund eligibility?*

Costs incurred for a “substantially different use” include, but are not necessarily limited to, costs of personnel and services that were budgeted for in the most recently approved budget but which, due entirely to the COVID-19 public health emergency, have been diverted to substantially different functions. This would include, for example, the costs of redeploying corrections facility staff to enable compliance with COVID-19 public health precautions through work such as enhanced sanitation or enforcing social distancing measures; the costs of redeploying police to support management and enforcement of stay-at-home orders; or the costs of diverting educational support staff or faculty to develop online learning capabilities, such as through providing information technology support that is not part of the staff or faculty’s ordinary responsibilities.

Note that a public function does not become a “substantially different use” merely because it is provided from a different location or through a different manner. For example, although developing online instruction capabilities may be a substantially different use of funds, online instruction itself is not a substantially different use of public funds than classroom instruction.

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<sup>1</sup> The Guidance is available at <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>.

***May a State receiving a payment transfer funds to a local government?***

Yes, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act. Such funds would be subject to recoupment by the Treasury Department if they have not been used in a manner consistent with section 601(d) of the Social Security Act.

***May a unit of local government receiving a Fund payment transfer funds to another unit of government?***

Yes. For example, a county may transfer funds to a city, town, or school district within the county and a county or city may transfer funds to its State, provided that the transfer qualifies as a necessary expenditure incurred due to the public health emergency and meets the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, a transfer from a county to a constituent city would not be permissible if the funds were intended to be used simply to fill shortfalls in government revenue to cover expenditures that would not otherwise qualify as an eligible expenditure.

***Is a Fund payment recipient required to transfer funds to a smaller, constituent unit of government within its borders?***

No. For example, a county recipient is not required to transfer funds to smaller cities within the county's borders.

***Are recipients required to use other federal funds or seek reimbursement under other federal programs before using Fund payments to satisfy eligible expenses?***

No. Recipients may use Fund payments for any expenses eligible under section 601(d) of the Social Security Act outlined in the Guidance. Fund payments are not required to be used as the source of funding of last resort. However, as noted below, recipients may not use payments from the Fund to cover expenditures for which they will receive reimbursement.

***Are there prohibitions on combining a transaction supported with Fund payments with other CARES Act funding or COVID-19 relief Federal funding?***

Recipients will need to consider the applicable restrictions and limitations of such other sources of funding. In addition, expenses that have been or will be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds, are not eligible uses of Fund payments.

***Are States permitted to use Fund payments to support state unemployment insurance funds generally?***

To the extent that the costs incurred by a state unemployment insurance fund are incurred due to the COVID-19 public health emergency, a State may use Fund payments to make payments to its respective state unemployment insurance fund, separate and apart from such State's obligation to the unemployment insurance fund as an employer. This will permit States to use Fund payments to prevent expenses related to the public health emergency from causing their state unemployment insurance funds to become insolvent.

***Are recipients permitted to use Fund payments to pay for unemployment insurance costs incurred by the recipient as an employer?***

Yes, Fund payments may be used for unemployment insurance costs incurred by the recipient as an employer (for example, as a reimbursing employer) related to the COVID-19 public health emergency if such costs will not be reimbursed by the federal government pursuant to the CARES Act or otherwise.

***The Guidance states that the Fund may support a “broad range of uses” including payroll expenses for several classes of employees whose services are “substantially dedicated to mitigating or responding to the COVID-19 public health emergency.” What are some examples of types of covered employees?***

The Guidance provides examples of broad classes of employees whose payroll expenses would be eligible expenses under the Fund. **These classes of employees include public safety,** public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. Payroll and benefit costs associated with public employees who could have been furloughed or otherwise laid off but who were instead repurposed to perform previously unbudgeted functions substantially dedicated to mitigating or responding to the COVID-19 public health emergency are also covered. Other eligible expenditures include payroll and benefit costs of educational support staff or faculty responsible for developing online learning capabilities necessary to continue educational instruction in response to COVID-19-related school closures. Please see the Guidance for a discussion of what is meant by an expense that was not accounted for in the budget most recently approved as of March 27, 2020.

***In some cases, first responders and critical health care workers that contract COVID-19 are eligible for workers’ compensation coverage. Is the cost of this expanded workers compensation coverage eligible?***

Increased workers compensation cost to the government due to the COVID-19 public health emergency incurred during the period beginning March 1, 2020, and ending December 30, 2020, is an eligible expense.

***If a recipient would have decommissioned equipment or not renewed a lease on particular office space or equipment but decides to continue to use the equipment or to renew the lease in order to respond to the public health emergency, are the costs associated with continuing to operate the equipment or the ongoing lease payments eligible expenses?***

Yes. To the extent the expenses were previously unbudgeted and are otherwise consistent with section 601(d) of the Social Security Act outlined in the Guidance, such expenses would be eligible.

***May recipients provide stipends to employees for eligible expenses (for example, a stipend to employees to improve telework capabilities) rather than require employees to incur the eligible cost and submit for reimbursement?***

Expenditures paid for with payments from the Fund must be limited to those that are necessary due to the public health emergency. As such, unless the government were to determine that providing assistance in the form of a stipend is an administrative necessity, the government should provide such assistance on a reimbursement basis to ensure as much as possible that funds are used to cover only eligible expenses.

***May Fund payments be used for COVID-19 public health emergency recovery planning?***

Yes. Expenses associated with conducting a recovery planning project or operating a recovery coordination office would be eligible, if the expenses otherwise meet the criteria set forth in section 601(d) of the Social Security Act outlined in the Guidance.

***Are expenses associated with contact tracing eligible?***

Yes, expenses associated with contract tracing are eligible.

***To what extent may a government use Fund payments to support the operations of private hospitals?***

Governments may use Fund payments to support public or private hospitals to the extent that the costs are necessary expenditures incurred due to the COVID-19 public health emergency, but the form such assistance would take may differ. In particular, financial assistance to private hospitals could take the form of a grant or a short-term loan.

***May payments from the Fund be used to assist individuals with enrolling in a government benefit program for those who have been laid off due to COVID-19 and thereby lost health insurance?***

Yes. To the extent that the relevant government official determines that these expenses are necessary and they meet the other requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance, these expenses are eligible.

***May recipients use Fund payments to facilitate livestock depopulation incurred by producers due to supply chain disruptions?***

Yes, to the extent these efforts are deemed necessary for public health reasons or as a form of economic support as a result of the COVID-19 health emergency.

***Would providing a consumer grant program to prevent eviction and assist in preventing homelessness be considered an eligible expense?***

Yes, assuming that the recipient considers the grants to be a necessary expense incurred due to the COVID-19 public health emergency and the grants meet the other requirements for the use of Fund payments under section 601(d) of the Social Security Act outlined in the Guidance. As a general matter, providing assistance to recipients to enable them to meet property tax requirements would not be an eligible use of funds, but exceptions may be made in the case of assistance designed to prevent foreclosures.

***May recipients create a “payroll support program” for public employees?***

Use of payments from the Fund to cover payroll or benefits expenses of public employees are limited to those employees whose work duties are substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

***May recipients use Fund payments to cover employment and training programs for employees that have been furloughed due to the public health emergency?***

Yes, this would be an eligible expense if the government determined that the costs of such employment and training programs would be necessary due to the public health emergency.

***May recipients use Fund payments to provide emergency financial assistance to individuals and families directly impacted by a loss of income due to the COVID-19 public health emergency?***

Yes, if a government determines such assistance to be a necessary expenditure. Such assistance could include, for example, a program to assist individuals with payment of overdue rent or mortgage payments to avoid eviction or foreclosure or unforeseen financial costs for funerals and other emergency individual needs. Such assistance should be structured in a manner to ensure as much as possible, within the realm of what is administratively feasible, that such assistance is necessary.

***The Guidance provides that eligible expenditures may include expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. What is meant by a “small business,” and is the Guidance intended to refer only to expenditures to cover administrative expenses of such a grant program?***

Governments have discretion to determine what payments are necessary. A program that is aimed at assisting small businesses with the costs of business interruption caused by required closures should be tailored to assist those businesses in need of such assistance. The amount of a grant to a small business to reimburse the costs of business interruption caused by required closures would also be an eligible expenditure under section 601(d) of the Social Security Act, as outlined in the Guidance.

***The Guidance provides that expenses associated with the provision of economic support in connection with the public health emergency, such as expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures, would constitute eligible expenditures of Fund payments. Would such expenditures be eligible in the absence of a stay-at-home order?***

Fund payments may be used for economic support in the absence of a stay-at-home order if such expenditures are determined by the government to be necessary. This may include, for example, a grant program to benefit small businesses that close voluntarily to promote social distancing measures or that are affected by decreased customer demand as a result of the COVID-19 public health emergency.

***May Fund payments be used to assist impacted property owners with the payment of their property taxes?***

Fund payments may not be used for government revenue replacement, including the provision of assistance to meet tax obligations.

***May Fund payments be used to replace foregone utility fees? If not, can Fund payments be used as a direct subsidy payment to all utility account holders?***

Fund payments may not be used for government revenue replacement, including the replacement of unpaid utility fees. Fund payments may be used for subsidy payments to electricity account holders to the extent that the subsidy payments are deemed by the recipient to be necessary expenditures incurred due to the COVID-19 public health emergency and meet the other criteria of section 601(d) of the Social Security Act outlined in the Guidance. For example, if determined to be a necessary expenditure, a government could provide grants to individuals facing economic hardship to allow them to pay their utility fees and thereby continue to receive essential services.

***Could Fund payments be used for capital improvement projects that broadly provide potential economic development in a community?***

In general, no. If capital improvement projects are not necessary expenditures incurred due to the COVID-19 public health emergency, then Fund payments may not be used for such projects.

However, Fund payments may be used for the expenses of, for example, establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity or improve mitigation measures, including related construction costs.

***The Guidance includes workforce bonuses as an example of ineligible expenses but provides that hazard pay would be eligible if otherwise determined to be a necessary expense. Is there a specific definition of “hazard pay”?***

**Hazard pay means additional pay for performing hazardous duty or work involving physical hardship, in each case that is related to COVID-19.**

***The Guidance provides that ineligible expenditures include “[p]ayroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.” Is this intended to relate only to public employees?***

Yes. This particular nonexclusive example of an ineligible expenditure relates to public employees. A recipient would not be permitted to pay for payroll or benefit expenses of private employees and any financial assistance (such as grants or short-term loans) to private employers are not subject to the restriction that the private employers’ employees must be substantially dedicated to mitigating or responding to the COVID-19 public health emergency.

***May counties pre-pay with CARES Act funds for expenses such as a one or two-year facility lease, such as to house staff hired in response to COVID-19?***

A government should not make prepayments on contracts using payments from the Fund to the extent that doing so would not be consistent with its ordinary course policies and procedures.

***Must a stay-at-home order or other public health mandate be in effect in order for a government to provide assistance to small businesses using payments from the Fund?***

No. The Guidance provides, as an example of an eligible use of payments from the Fund, expenditures related to the provision of grants to small businesses to reimburse the costs of business interruption caused by required closures. Such assistance may be provided using amounts received from the Fund in the absence of a requirement to close businesses if the relevant government determines that such expenditures are necessary in response to the public health emergency.

***Should States receiving a payment transfer funds to local governments that did not receive payments directly from Treasury?***

Yes, provided that the transferred funds are used by the local government for eligible expenditures under the statute. To facilitate prompt distribution of Title V funds, the CARES Act authorized Treasury to make direct payments to local governments with populations in excess of 500,000, in amounts equal to 45% of the local government's per capita share of the statewide allocation. This statutory structure was based on a recognition that it is more administratively feasible to rely on States, rather than the federal government, to manage the transfer of funds to smaller local governments. Consistent with the needs of all local governments for funding to address the public health emergency, States should transfer funds to local governments with populations of 500,000 or less, using as a benchmark the per capita allocation formula that governs payments to larger local governments. This approach will ensure equitable treatment among local governments of all sizes.

For example, a State received the minimum \$1.25 billion allocation and had one county with a population over 500,000 that received \$250 million directly. The State should distribute 45 percent of the \$1 billion it received, or \$450 million, to local governments within the State with a population of 500,000 or less.

***May a State impose restrictions on transfers of funds to local governments?***

Yes, to the extent that the restrictions facilitate the State's compliance with the requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance and other applicable requirements such as the Single Audit Act, discussed below. Other restrictions are not permissible.

***If a recipient must issue tax anticipation notes (TANs) to make up for tax due date deferrals or revenue shortfalls, are the expenses associated with the issuance eligible uses of Fund payments?***

If a government determines that the issuance of TANs is necessary due to the COVID-19 public health emergency, the government may expend payments from the Fund on the interest expense payable on TANs by the borrower and unbudgeted administrative and transactional costs, such as necessary payments to advisors and underwriters, associated with the issuance of the TANs.

***May recipients use Fund payments to expand rural broadband capacity to assist with distance learning and telework?***

Such expenditures would only be permissible if they are necessary for the public health emergency. The cost of projects that would not be expected to increase capacity to a significant extent until the need for distance learning and telework have passed due to this public health emergency would not be necessary due to the public health emergency and thus would not be eligible uses of Fund payments.

***Are costs associated with increased solid waste capacity an eligible use of payments from the Fund?***

Yes, costs to address increase in solid waste as a result of the public health emergency, such as relates to the disposal of used personal protective equipment, would be an eligible expenditure.

***May payments from the Fund be used to cover across-the-board hazard pay for employees working during a state of emergency?***

No. The Guidance says that funding may be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. Hazard pay is a form of payroll expense and is subject to this limitation, so Fund payments may only be used to cover hazard pay for such individuals.

***May Fund payments be used for expenditures related to the administration of Fund payments by a State, territorial, local, or Tribal government?***

Yes, if the administrative expenses represent an increase over previously budgeted amounts and are limited to what is necessary. For example, a State may expend Fund payments on necessary administrative expenses incurred with respect to a new grant program established to disburse amounts received from the Fund.

***May recipients use Fund payments to provide loans?***

Yes, if the loans otherwise qualify as eligible expenditures under section 601(d) of the Social Security Act as implemented by the Guidance. Any amounts repaid by the borrower before December 30, 2020, must be either returned to Treasury upon receipt by the unit of government providing the loan or used for another expense that qualifies as an eligible expenditure under section 601(d) of the Social Security Act. Any amounts not repaid by the borrower until after December 30, 2020, must be returned to Treasury upon receipt by the unit of government lending the funds.

***May Fund payments be used for expenditures necessary to prepare for a future COVID-19 outbreak?***

Fund payments may be used only for expenditures necessary to address the current COVID-19 public health emergency. For example, a State may spend Fund payments to create a reserve of personal protective equipment or develop increased intensive care unit capacity to support regions in its jurisdiction not yet affected, but likely to be impacted by the current COVID-19 pandemic.

***May funds be used to satisfy non-federal matching requirements under the Stafford Act?***

Yes, payments from the Fund may be used to meet the non-federal matching requirements for Stafford Act assistance to the extent such matching requirements entail COVID-19-related costs that otherwise satisfy the Fund's eligibility criteria and the Stafford Act. Regardless of the use of Fund payments for such purposes, FEMA funding is still dependent on FEMA's determination of eligibility under the Stafford Act.

***Must a State, local, or tribal government require applications to be submitted by businesses or individuals before providing assistance using payments from the Fund?***

Governments have discretion to determine how to tailor assistance programs they establish in response to the COVID-19 public health emergency. However, such a program should be structured in such a manner as will ensure that such assistance is determined to be necessary in response to the COVID-19 public health emergency and otherwise satisfies the requirements of the CARES Act and other applicable law. For example, a per capita payment to residents of a particular jurisdiction without an assessment of individual need would not be an appropriate use of payments from the Fund.

***May Fund payments be provided to non-profits for distribution to individuals in need of financial assistance, such as rent relief?***

Yes, non-profits may be used to distribute assistance. Regardless of how the assistance is structured, the financial assistance provided would have to be related to COVID-19.

***May recipients use Fund payments to remarket the recipient's convention facilities and tourism industry?***

Yes, if the costs of such remarketing satisfy the requirements of the CARES Act. Expenses incurred to publicize the resumption of activities and steps taken to ensure a safe experience may be needed due to

the public health emergency. Expenses related to developing a long-term plan to reposition a recipient's convention and tourism industry and infrastructure would not be incurred due to the public health emergency and therefore may not be covered using payments from the Fund.

***May a State provide assistance to farmers and meat processors to expand capacity, such to cover overtime for USDA meat inspectors?***

If a State determines that expanding meat processing capacity, including by paying overtime to USDA meat inspectors, is a necessary expense incurred due to the public health emergency, such as if increased capacity is necessary to allow farmers and processors to donate meat to food banks, then such expenses are eligible expenses, provided that the expenses satisfy the other requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance.

***The guidance provides that funding may be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. May Fund payments be used to cover such an employee's entire payroll cost or just the portion of time spent on mitigating or responding to the COVID-19 public health emergency?***

As a matter of administrative convenience, the entire payroll cost of an employee whose time is substantially dedicated to mitigating or responding to the COVID-19 public health emergency is eligible, provided that such payroll costs are incurred by December 30, 2020. An employer may also track time spent by employees related to COVID-19 and apply Fund payments on that basis but would need to do so consistently within the relevant agency or department.

***May Fund payments be used to cover increased administrative leave costs of public employees who could not telework in the event of a stay at home order or a case of COVID-19 in the workplace?***

The statute requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. As stated in the Guidance, a cost meets this requirement if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget or (b) the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. If the cost of an employee was allocated to administrative leave to a greater extent than was expected, the cost of such administrative leave may be covered using payments from the Fund.

**Questions Related to Administration of Fund Payments**

***Do governments have to return unspent funds to Treasury?***

Yes. Section 601(f)(2) of the Social Security Act, as added by section 5001(a) of the CARES Act, provides for recoupment by the Department of the Treasury of amounts received from the Fund that have not been used in a manner consistent with section 601(d) of the Social Security Act. If a government has not used funds it has received to cover costs that were incurred by December 30, 2020, as required by the statute, those funds must be returned to the Department of the Treasury.

***What records must be kept by governments receiving payment?***

A government should keep records sufficient to demonstrate that the amount of Fund payments to the government has been used in accordance with section 601(d) of the Social Security Act.

***May recipients deposit Fund payments into interest bearing accounts?***

Yes, provided that if recipients separately invest amounts received from the Fund, they must use the interest earned or other proceeds of these investments only to cover expenditures incurred in accordance with section 601(d) of the Social Security Act and the Guidance on eligible expenses. If a government deposits Fund payments in a government's general account, it may use those funds to meet immediate cash management needs provided that the full amount of the payment is used to cover necessary expenditures. Fund payments are not subject to the Cash Management Improvement Act of 1990, as amended.

***May governments retain assets purchased with payments from the Fund?***

Yes, if the purchase of the asset was consistent with the limitations on the eligible use of funds provided by section 601(d) of the Social Security Act.

***What rules apply to the proceeds of disposition or sale of assets acquired using payments from the Fund?***

If such assets are disposed of prior to December 30, 2020, the proceeds would be subject to the restrictions on the eligible use of payments from the Fund provided by section 601(d) of the Social Security Act.

***Are Fund payments to State, territorial, local, and tribal governments considered grants?***

No. Fund payments made by Treasury to State, territorial, local, and Tribal governments are not considered to be grants but are "other financial assistance" under 2 C.F.R. § 200.40.

***Are Fund payments considered federal financial assistance for purposes of the Single Audit Act?***

Yes, Fund payments are considered to be federal financial assistance subject to the Single Audit Act (31 U.S.C. §§ 7501-7507) and the related provisions of the Uniform Guidance, 2 C.F.R. § 200.303 regarding internal controls, §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.

***Are Fund payments subject to other requirements of the Uniform Guidance?***

Fund payments are subject to the following requirements in the Uniform Guidance (2 C.F.R. Part 200): 2 C.F.R. § 200.303 regarding internal controls, 2 C.F.R. §§ 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.

***Is there a Catalog of Federal Domestic Assistance (CFDA) number assigned to the Fund?***

Yes. The CFDA number assigned to the Fund is 21.019.

***If a State transfers Fund payments to its political subdivisions, would the transferred funds count toward the subrecipients' total funding received from the federal government for purposes of the Single Audit Act?***

Yes. The Fund payments to subrecipients would count toward the threshold of the Single Audit Act and 2 C.F.R. part 200, subpart F re: audit requirements. Subrecipients are subject to a single audit or program-

specific audit pursuant to 2 C.F.R. § 200.501(a) when the subrecipients spend \$750,000 or more in federal awards during their fiscal year.

***Are recipients permitted to use payments from the Fund to cover the expenses of an audit conducted under the Single Audit Act?***

Yes, such expenses would be eligible expenditures, subject to the limitations set forth in 2 C.F.R. § 200.425.

***If a government has transferred funds to another entity, from which entity would the Treasury Department seek to recoup the funds if they have not been used in a manner consistent with section 601(d) of the Social Security Act?***

The Treasury Department would seek to recoup the funds from the government that received the payment directly from the Treasury Department. State, territorial, local, and Tribal governments receiving funds from Treasury should ensure that funds transferred to other entities, whether pursuant to a grant program or otherwise, are used in accordance with section 601(d) of the Social Security Act as implemented in the Guidance.

**FAQs**  
First Responder Temporary 1% Hazardous Pay COVID-19  
CARES (CRF) Reimbursement

1. Q. Is the 1% Hazardous Pay just on base pay? Is the 1% bonus based on “base pay” or “extended pay” (supplemental premiums per collective bargaining agreement)?  
A. Base pay. It is not a bonus.
  
2. Q. What level of detail (documentation) will Miami-Dade County require?  
A. Each municipality will need to submit the following documentation through the online Grants Management System:
  1. Payroll documentation that outlines the following information:
    - i. Name,
    - ii. Job title and function,
    - iii. Days and hours worked
    - iv. Pay rate and fringe benefit rate
  2. Hazard pay policy for your municipality
  3. Regular pay policy
  4. If hazard pay is not represented separately on the payroll documentation, a salary rate sheet for all employees being claimed
  
3. Q. Is the 1% supplement a pay increase or lump sum bonus?  
A. The one percent is applied to base pay. It is not a bonus. For **administrative ease** as allowed under the US Treasury FAQs, the temporary 1% hazard pay may be applied to all sworn officers for hours physically worked **ONLY**. The temporary 1% hazard pay is **NOT** to be paid on any leave hours or considered as the regular rate of pay for the purposes of any other leave payouts, separation pay or any other type of payment. Refer to Q #2 for documentation required.
  
4. Q. Because there are other pay considerations when employees are paid, is this considered a “lump” sum payment?  
B. You can pay as a lump sum payment/adjustment to pay. The temporary 1% hazard pay is **NOT** to be paid on any leave hours or considered the regular rate of pay for the purposes of any other leave payouts, separation pay or any other type of payment. Refer to Q #2 for documentation required.
  
5. Q. If it is a pay increase, is it based on all hours worked during the relevant time period; if it is a bonus, is it based on all worked during the relevant time period or only straight time hours? For employees who fall within the definition of public safety employees, will all their hours worked during the relevant time period be eligible for the pay supplement?  
A. Only hours **physically** worked may be considered for payment of the temporary 1% Hazard Pay. No leave hours (vacation, sick, education, jury duty, personal time off, administrative leave, etc.) are eligible for the temporary 1% Hazard Pay.
  
6. Q. Are part-time employees eligible for the pay supplement?  
A. Yes.

7. Q. Is it pensionable?  
A. Depends on your pension plan. Seek guidance with your respective pension provider. The County has sought guidance from Florida Retirement System (FRS) and is pending a response (as of 8/7/2020).
8. Q. What about reimbursement for the impact if it is pensionable?  
A. If it is in accordance with your normal pay policies and deemed pensionable by your pension provider, yes, you may seek reimbursement. In addition to the required documentation indicated in #Q.2, you should provide information on applicable fringe rates as it relates to pension rates (employer rate).
9. Q. Will the county be paying these individuals directly or will money be provided to each city/jurisdiction and each city pays their employees directly?  
A. Each municipality will be responsible for paying their employees, unless other arrangements are made with the municipality and the County, as is the case with those employees who are contracted with Miami-Dade County.
10. Q. Is the temporary 1% Hazard Pay subject to Fica/Mica?  
A. Yes.
11. Q. Is there a definition of “public safety” – does it include dispatchers, code officers, other employees who support public safety? What definition do we use to define “1<sup>st</sup> responder” /“public safety personnel?” Sworn Fire and Police? Dispatchers? Code officers? Or is it “essential personnel” defined by the City? What staff is the County including as “first responders” for the supplement? Is it just sworn Police and Fire or does this extend to civilian support, code compliance, Public Safety Communications and Ocean Rescue? Is it for all first responders and not just for those assigned to a COVID squad or specific task force?  
A. For administrative ease, all public safety, sworn officers which include Police, Fire and Corrections personnel may be eligible for the temporary 1% Hazard Pay for hours physically worked for the approved time periods. It does not include “civilian” or “all essential employees”.
12. Q. Should each individual city/jurisdiction develop its own MOU and send to Miami-Dade County?  
A. Each municipality should work collaboratively with their collective bargaining partners to memorialize via MOU or other agreed upon understanding (or a ratification process if required) the parameters of the temporary 1% Hazard Pay (base pay, eligibility of personnel, method of payment, time period of eligibility, frequency of payment, etc.).
13. Q. The presentation indicates an effective date of March 1, 2020 through December 30, 2020 – is March 1<sup>st</sup> the date Miami-Dade County declared the emergency? Or is it effective from when the municipality declared the emergency? Since we are in July, is the 1% lump sum to be issued to employees for a future date – until December?  
A. Reimbursement may be requested for the period of March 1, 2020 through December 30, 2020.
14. Q. How will this 1% monies be paid to the City? In other words, will we send you a bill indicating the amounts we would be paying our employees?  
A. Each Municipality will need to provide an invoice and payment will be made on actual expenditures related to the temporary 1% Hazard Pay upon submittal of the invoice and supporting documentation as described in Q#2. You will need to upload all invoices and supporting

documentation into the **Grant Management System (County's online portal)**. Further instructions will be provided on how to access.

15. Q. Because we (West Miami) are a small agency of less than 25 officers, all of our officers including members of the command staff have at one point or another dedicated time to mitigate the impact of the pandemic. Visiting business, ensuring closures and following the Mayor's Executive Orders have made all of our employees vulnerable. In addition, we have also had three of our officers test positive for COVID.
  - A. Refer to #11 regarding classifications eligible for reimbursement.
16. Q. Please note that the Town of Miami Lakes police patrol services are provided through a contract with Miami-Dade County in which we are invoiced quarterly. This means we do not have police officers on our payroll, and as such, we are reaching out to get a better understanding of the how this will affect us as a contract municipality, and clarification on documentation we need to submit, if any.
  - A. The County will include the temporary payment to the "contracted employees" directly in their regular Miami-Dade County paychecks. As is the case with all payroll expenses, the County will seek reimbursement from the Town of Miami Lakes through the already established procedures after which the Town of Miami Lakes may seek CARES Act reimbursement for the applicable temporary 1% Hazard Pay.

ITEM 6.a  
August 13, 2020



CARLOS A. GIMENEZ  
MAYOR  
MIAMI-DADE COUNTY

July 29, 2020

Dear Union and Municipal Leaders:

Our first responders are always at the front lines, ready to serve in any emergency. The COVID-19 pandemic is an emergency without precedent, requiring extraordinary efforts of our first responders to keep our community safe and healthy. At the July 27, 2020 Special Meeting of the Board of County Commissioners, the Board accepted a report regarding the utilization of CARES Act funding. One of the recommended allocations is the payment of a one (1) percent hazardous duty supplement for all first responders in geographic Miami-Dade County substantially dedicated to mitigating the impact of the pandemic, as allowed by the CARES Act legislation. This supplement will be paid retroactively to the beginning of the declared emergency and continue until the emergency declaration is lifted, but consistent with CARES Act legislation, no later than December 31, 2020.

So that we may expedite the payment of this supplement, please develop the appropriate memoranda of understanding or other documentation to allow the application of such supplement as required by your respective collective bargaining agreements and submit to Miami-Dade County via [Edward.Marquez@miamidade.gov](mailto:Edward.Marquez@miamidade.gov) as quickly as possible. Each jurisdiction should also submit appropriate payroll documentation in order to support the funding required for each department to provide the supplement. Authorization of the payments will be authorized through the interlocal agreements to be used for CARES Act reimbursements which will be approved by the Board of County Commissioners.

As a former firefighter, I know that first responders are prepared to put themselves in dangerous situations when they respond to emergencies. However, what has been required of our first responders during this pandemic is without compare and deserves recognition and remuneration.

Sincerely,

A handwritten signature in blue ink, appearing to be "Carlos A. Gimenez", written in a cursive style.