

RESOLUTION NO. 20 - 163
PINELLAS CARES EXPANDED PROGRAMS

WHEREAS, in response to the emergence of a novel coronavirus and the respiratory disease it causes (“COVID-19”), the World Health Organization (WHO) has officially characterized COVID-19 as a pandemic that constitutes a Public Health Emergency of International Concern; and

WHEREAS, on March 1, 2020, Governor Ron DeSantis issued Executive Order Number 20-51, declaring that appropriate measures to control the spread of COVID-19 in the State of Florida are necessary, and accordingly the State Surgeon General and State Health Officer declared that a Public Health Emergency exists in the State of Florida; and

WHEREAS, on March 9, 2020, Governor Ron DeSantis issued Executive Order Number 20-52 declaring a State of Emergency for the state of Florida in furtherance of efforts to respond to and mitigate the effects of COVID-19 throughout the state; and

WHEREAS, in addition to other subsequent Executive Orders issued by the Governor, the Governor found it necessary and appropriate to take action to slow the spread of COVID-19, and accordingly issued Executive Order 20-91 (EO 20-91) on April 1, 2020, restricting the movements and activities of people throughout the State of Florida as provided therein, shutting down and dramatically negatively effecting many businesses within Pinellas County which continues to date; and

WHEREAS, in order to fully and effectively respond to the developing threats posed by the novel coronavirus and its associated disease (COVID-19), and in coordination with ongoing emergency actions by the state and federal governments, the Pinellas County Board of County Commissioners (Board) passed Resolution 20-16 declaring a local state of emergency in Pinellas County (Resolution), and subsequently extensions and orders have been issued continuing the state of local emergency based on ongoing threats and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community; and

WHEREAS, the Board adopted Resolution 20-20 (Safer at Home Order), and Resolution 20-23 implementing the Governor’s EO 20-91; and

WHEREAS, the County and the Sheriff have issued guidance and enforced the provisions of the Governor’s EO 20-91 and the Board’s Safer at Home Order; and

WHEREAS, on March 27, 2020, Congress passed, and the President signed the “Coronavirus Aid, Relief, and Economic Security Act” (CARES Act); and

WHEREAS, on April 22, 2020, the U.S. Treasury Department (Treasury) issued Guidance for State, Territorial, Local, and Tribal Governments relating to payments made available under section 601(a) of the Social Security Act as added by section 5001 of the CARES Act (Coronavirus Relief Fund); and

WHEREAS, Treasury updated its guidance on June 30, 2020 and September 2, 2020 (Updated Treasury Guidance); and

WHEREAS, Treasury also has issued updated guidance through a series of Frequently Asked Questions on June 24, 2020, August 10, 2020, September 2, 2020, and October 19, 2020 (Updated FAQs); and

WHEREAS, the COVID-19 public health emergency has impacted Pinellas County in virtually every way addressed in the Updated Treasury Guidance and Updated FAQs allowing for a County to expend CARES Act funds; and

WHEREAS, it is necessary and appropriate for Pinellas County to utilize CARES Act funding to alleviate as many of the impacts from COVID-19 as is possible; and

WHEREAS, through previous resolutions adopted by the Board on April 28, 2020 (Res. 20-36 and 20-37) and July 7, 2020 (Res. 20-59 and 20-60) the County has established CARES Act funded programs for those impacted by the COVID-19 public health emergency to: aid individuals and families in need because of COVID-19; provide employment and training programs for employees that have been furloughed due to the public health emergency; aid small businesses that were most impacted by COVID-19 and break down barriers to participating in such relief; aid certain non-profit community support entities that supplement aid to those most in need due to

the COVID-19 impacts in the areas of food programs, homelessness, behavioral health, and legal assistance for evictions; and

WHEREAS, the programs the County has in place, and the programs that are to be established to meet the needs described herein, qualify for and meet the requirements of the CARES Act funding set forth in section 601(d) of the Social Security Act; and

WHEREAS, the Treasury guidance makes clear that COVID-19-related expenses reasonably necessary to the function of government that satisfy the Fund's eligibility criteria are eligible expenditures of the Coronavirus Relief Fund allocation; and

WHEREAS, the Updated FAQs state in pertinent part that the Coronavirus Relief Fund, "is designed to provide ready funding to address unforeseen financial needs and risks created by the COVID-19 public health emergency;" and

WHEREAS, Pinellas County as a local government with a population in excess of 500,000 people is the only entity within Pinellas County that received the Coronavirus Relief Fund monies; and

WHEREAS, other local governments within Pinellas County have had financial expenditures resulting from the COVID-19 public health emergency that may be allowable expenditures under the CARES Act and therefor may be legally eligible for reimbursement by the County from CARES Act funds; and

WHEREAS, maximizing the CARES Act funds' beneficial impacts by reimbursing local governments for some of their eligible expenditures will also permit these local governments to have financially replenished resources in order to continue to respond to the impacts of the COVID-19 public health emergency that will likely continue after December 30, 2020; and

WHEREAS, it is necessary and appropriate to provide aid to these additional Pinellas County local governments that satisfy the CARES Act Fund's eligibility criteria; and

WHEREAS, while some nonprofit community partners have seen an increased demand for many services and assistance in response to impacts from COVID-19, in the areas of food programs, homelessness, behavioral health, and legal assistance for evictions, other categories of nonprofit entities that benefit the community have seen serious impacts from COVID-19, similar to those of the impacted for-profit business community; and

WHEREAS, under the current County CARES Act funded programs, the County has awarded grants to the for-profit Performing Arts, Museums and Spectator Sports (NAICS 711-712) based on the impacts to those entities from the COVID-19 public health emergency; and

WHEREAS, nonprofit organizations in these same NAICS categories derive the largest portion of their revenues from program income, including tuition, class fees, and admission fees;

WHEREAS, these nonprofit entities have seen business revenue impacts due to COVID-19 related closures, and decreased customer traffic due to COVID-19 concerns and implementation of physical distancing which impacts visitor/customer capacity; and

WHEREAS, according to a survey conducted by Americans for the Arts nationally, financial losses to nonprofit arts and cultural organizations are an estimated \$5.5 billion as of May 18, 2020. They also have lost 210 million admissions due to cancelled events, resulting in a \$6.7 billion loss in event-related spending by audiences at local businesses (restaurants, lodging, retail). The economic impact of these losses is \$2.0 billion in lost government revenue and 348,000 jobs no longer being supported; and

WHEREAS, according to survey data from 64 arts and cultural nonprofit organizations in Pinellas County, 97% have cancelled events and lost attendance of 541,884 attendees countywide with a total financial direct impact of \$8.4 million to area organizations; and

WHEREAS, while these nonprofit arts and cultural organizations have seen economic damages from the COVID-19 public health emergency, many have also incurred additional costs associated with operational changes taken directly as a result of the pandemic including but not limited to: additional cleaning, facility mitigation, and increased online programming; and

WHEREAS, according to a study conducted by Americans for the Arts, Nonprofit Arts and Cultural Organizations in Pinellas County and their audiences have a direct economic impact of over \$240 million. This direct spending supports more than 7,200 full-time jobs countywide providing \$155 million in household income paid to residents; and

WHEREAS, it is necessary and appropriate to provide aid to these additional nonprofit organizations that satisfy the CARES Act Fund's eligibility criteria; and

WHEREAS, pursuant to §252.38(1), Florida Statutes, and Pinellas County Charter section 2.04 (k), the County has jurisdictional authority over the entire county for emergency management purposes; and

WHEREAS, as a direct result of the impacts that continue from the COVID-19 public health emergency it is necessary for the County to continue and expand the currently existing Pinellas CARES Act funded programs to allow and enable more nonprofit businesses impacted by the pandemic to obtain financial aid, and to support other Pinellas County local governments.

NOW, THEREFORE, BE IT RESOLVED AND DECLARED by the Board of County Commissioners of Pinellas County, Florida, this 17th day of November 2020:

The Board of County Commissioners finds in addition to the Whereas clauses above, as follows:

- 1) It is necessary and appropriate for the County to expand programs to address the needs of the community as outlined in the Whereas clauses due to the COVID-19 public health emergency as broadly as the limited CARES Act funds allow.

- 2) The County Administrator is directed to implement expanded programs within the amounts received by the County under the CARES Act consistent with the policies and goals of this Resolution. The County Administrator is further authorized to make such administrative

adjustments to the programs, allocations, and expenditures among any CARES Act funded County programs as may be necessary or prudent consistent with the goals and policies herein and within the guidelines established by Treasury as they may be amended or supplemented from time to time.

Severability.

Any provision(s) within this Order that conflict(s) with any State or Federal law or constitutional provision, or conflict(s) with or are superseded by a current or subsequently-issued Executive Order of the Governor or the President of the United States, shall be deemed inapplicable and deemed to be severed from this Order, with the remainder of the Order remaining intact and in full force and effect. To the extent application of some or all of the provisions of this Order is prohibited on the sovereign land of a federally or state recognized sovereign Indian tribe, such application is expressly excluded from this Order.

Effective Date; Duration.

This Order is effective immediately upon filing with the Clerk of the Circuit Court which will happen at the close of this meeting.

This Order is in addition to the Executive Orders issued by Governor DeSantis.

This Order applies to incorporated and unincorporated areas within Pinellas County, but has no application outside of Pinellas County.

This order and prior resolutions and emergency orders remain in force and effect unless modified or superseded.

Commissioner _____ Peters _____ offered the foregoing Resolution and moved its adoption, which was seconded by Commissioner _____ Seel _____, and upon roll call the vote was:

AYES: Gerard, Eggers, Flowers, Justice, Long, Peters, and Seel.

NAYS: None.

ABSENT AND NOT VOTING: None.

APPROVED AS TO FORM

Doc 303782 By: Donald S. Crowell Page 6 of 6
Office of the County Attorney