



December 4, 2020

M E M O R A N D U M

TO: Commissioner Bryan Lober, District 2

RE: Item L.4., Coronavirus Aid, Relief, and Economic Security (CARES) Act

The Board of County Commissioners, in regular session on December 3, 2020, authorized allocating all presently unallocated District 2 CARES funding to the reimburse eligible public safety payroll expenditures and to set-aside resulting unspent dollars into newly created funds and cost centers as outlined:

- authorized the creation of new funds and cost centers, as may be required by individual Commissioners from unspent portion of the funds allocated by said Commissioner for reimbursement of public safety payroll expenditures, into which qualifying expenses may be paid or reimbursed without necessitating further authorization by the Board;
- approved finding payment of costs and expenses related to COVID-19 or any other emergency in the County as qualifying expenses and serving a public benefit and purpose for securing trained personnel to respond to medical emergencies, natural disasters, or major accidents impacting Brevard County residents and that two funds are being requested at this time from unspent portions of the District 2 allocation to the public safety payroll reimbursement expenditures to provide such benefits;
- approved creating a cost center or fund in which District 2 will reimburse \$500,000 in qualifying emergency operations payroll and/or other qualifying expenses, that will have a restriction associated with it, upon its creation, indicating that, absent a majority vote from the Board on or before July 1, 2021, that withdrawals/disbursements from that cost center or fund may only be used for capital expenses related to the construction and/or improvement of the new Emergency Operations Center, and that cost center or fund created will have that restriction explicitly tied to it;

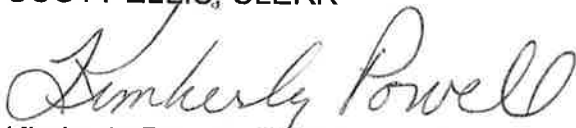
- approved creating a cost center or fund in which District 2 will reimburse an amount equal to the number of full-time equivalent Brevard County Fire Rescue (BCFR) first responders (e.g. Emergency Medical Technicians' (EMTs, Paramedics, Ocean Rescue Division, Firefighters, and similar) times \$2,000, estimating \$900,000, the reimbursement will be tied to BCFR payroll and/or any other qualifying public safety expenses to which staff wishes it to be tied, this cost center or fund will have a restriction associated with it, upon its creation, indicating that, absent a majority vote from the Board on or before July 1, 2021, that withdrawals/disbursements from that cost center or fund may only be used for paying a one-time lump sum (e.g. hazard pay, bonus, or similar) to BCFR first responders in the amount of \$1,500 per full-time equivalent, prorated for those who work part-time, and any remaining funds may be used for any BCFR expense approved by the Board;
- approved the request of any Commissioner, that the County Attorney Office, BCFR, Budget, Human Resources, Housing and Human Services, and County Manager Office staff are directed to timely identify qualifying expenses for reimbursement purposes and to assist in the creation and funding of such funds or cost centers in cooperation with County Finance, this explicitly contemplates staff timely forwarding proposed allocations to TetraTech for review without annotation or comment intended to negatively influence such review;
- approved any Commissioner who allocated CARES funding for the reimbursement of public safety payroll expenditures, who requests the creation of any such fund or cost center may, after its creation and subsequent to its funding with qualifying expenses, cause to be disbursed, from any such fund or cost center, any funds allocated by said Commissioner for any expense(s) for which said Commissioner attests there exists and/or will exist an articulable public health and/or public safety benefit as described;
- authorized the County Manager to approve and execute all necessary Budget Change Requests;
- authorized allocations when providing reimbursement or payment for qualified expenses, are explicitly recognized as resulting in an articulable public health and/or public safety benefit: Any allocation(s) in which funding is made available to first responders, medical practitioners, or medical entities (including hospitals and pharmacies provided such responders, practitioners, and entities are located within Brevard County). In addition, upon hiring by Brevard County, or any municipality within Brevard County with whom BCFR shares an Auto-Aid Agreement, reimbursement is authorized to the new employee of nursing, paramedic, and EMT training program costs (not to exceed the cost of in-state tuition and fees), for purposes of this section, emergency operations personnel may be viewed as first responders; and

- authorized allocations from the newly created funds or cost centers, which may not have to be committed to particular expenditures on or before December 30, 2020, as the funds contained therein would no longer be CARES Act funds given that its deposit into any such fund or cost center would serve as an allocation, and render the resulting funds deposited, no longer falling under the purview of CARES Act requirements.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
SCOTT ELLIS, CLERK

A handwritten signature in cursive script, reading "Kimberly Powell".

Kimberly Powell, Clerk to the Board

/ds

cc: Each Commissioner
County Manager
County Attorney
Human Resources
Housing and Human Services Director
Chief Schollmeyer
Finance
Budget

PROPOSED MOTION:

The instant motion shall not be construed, in any way, to limit the authority delegated, by the Brevard County Board of County Commissioners, on Thursday, November 5, 2020, as clarified on Tuesday, November 10, 2020.

On Thursday, November 5, 2020, the Brevard County Board of County Commissioners formally delegated authority to allocate \$25M of federal CARES Act funding such that each County Commissioner receives \$5M to allocate as he or she wishes provided: (1) the recipient(s) is/are located within Brevard County and (2) the allocation is deemed to be "low" risk by our outside consultant, TetraTech.

This action was explicitly clarified and discussed, in much detail, on Tuesday, November 10, 2020, by the Brevard County Board of County Commissioners, at a duly noticed meeting of that body.

Since that date, staff has identified various concerns with respect to the limits of the authority delegated by the Brevard County Board of County Commissioners.

I move to allocate all presently unallocated District 2 CARES funding to the reimburse eligible public safety payroll expenditures and to set-aside resulting unspent dollars into newly created funds and cost centers as outlined in this motion.

While such action was never proscribed, in order to cure any potential issue(s), I move that the Brevard County Board of County Commissioners explicitly authorizes the creation of new funds and cost centers, as may be requested by individual commissioners from unspent portion of the funds allocated by said commissioner for the reimbursement of public safety payroll expenditures, into which qualifying expenses may be paid or reimbursed without necessitating further authorization by the Brevard County Board of County Commissioners. The allocation into any such fund or cost center must still be vetted by TetraTech and found to be "low" risk. The Board finds payment of costs and expenses of the following are qualifying expenses and serve a public benefit and purpose:

Upon any expenses related to COVID-19 or related to any other emergency in Brevard County:

for securing trained personnel to respond to medical emergencies, natural disasters or major accidents impacting Brevard County residents. To provide such public benefits, two funds are requested at this time from unspent portion of the District 2 allocation to the public safety payroll reimbursement expenditures.

The first will be a cost center (or fund) in which we will reimburse \$500,000 in qualifying emergency operations payroll and/or other qualifying expenses. That cost center (or fund) will have a restriction associated with it, upon its creation, indicating that, absent a majority vote from the BoCC on or before July 1, 2021, that withdrawals/disbursements from that cost center (or fund) may only be used for capital expenses related to the construction and/or improvement of the new EOC. The cost center or fund will be created with that restriction explicitly tied to it.

The second will be a cost center (or fund) in which we will reimburse an amount equal to the number of FTE BCFR first responders (e.g., EMTs, paramedics, ocean rescue employees, firefighters, and similar) times \$2000. I estimate this will amount to roughly \$900,000. The reimbursement will be tied to BCFR payroll and/or any other qualifying public safety expenses to which staff wishes it to be tied. This cost center (or fund) will have a restriction associated with it, upon its creation, indicating that, absent a majority vote from the BoCC on or before July 1, 2021, that withdrawals/disbursements from that cost center (or fund) may only be used for paying a one- time lump sum (e.g., hazard pay, bonus, or similar) to BCFR first responders in the amount of \$1500 per FTE, prorated for those who work part-time. Any remaining funds may be used for any BCFR expense approved by the BoCC.

In addition, I move that upon the request of any County Commissioner, the CAO, BCFR, Budget, HR, Housing & Human Services, and CMO staff are directed to timely ~~identity~~identify qualifying expenses for reimbursement purposes and to assist in the creation and funding of such funds or cost centers in cooperation with County Finance. This explicitly contemplates staff timely forwarding proposed allocations to TetraTech for review without annotation or comment intended to negatively influence such review.

Without additional action, on the part of the Brevard County Board of County Commissioners, I move any individual commissioner who allocated CARES funding for the reimbursement of public safety payroll expenditures, who requests the creation of any such fund or cost center may, after its creation and subsequent to its funding with qualifying expenses, cause to be disbursed, from any such fund or cost center, any funds allocated by said commissioner for any expense(s) for which said commissioner attests there exists and/or will exist an articulable public health and/or public safety benefit. as described above; Authorize County Manager to approve and execute all necessary budget change requests

The following allocations, when providing reimbursement or payment for qualified expenses, are explicitly recognized as resulting in an articulable public health and/or public safety benefit: Any allocation(s) in which funding is made available to first responders, medical practitioners, or medical entities (including hospitals and pharmacies), provided such responders, practitioners and entities are located within Brevard County). In addition, upon hiring by Brevard County, or any municipality within Brevard County with whom Brevard County Fire Rescue shares an auto-aid agreement, reimbursement is authorized to the new employee of nursing, paramedic & EMT training programsprogram costs and/or studentsstudent (not to exceed the cost of in-state tuition and fees). For purposes of this section, emergency operations personnel may be viewed as first responders.

It is believed that allocations from newly created funds or cost centers, as contemplated in the above motion, may not have to be committed to particular expenditures on or before December 30, 2020 as the funds contained therein would no longer be CARES Act funds given that their deposit into any such fund or cost center would serve as an allocation and render the resulting funds deposited no longer falling under the purview of CARES Act requirements.