

**RESOLUTION  
2020-113**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEVY COUNTY, FLORIDA AMENDING THE LEVY COUNTY CARES PROGRAM ADOPTED BY RESOLUTION 2020-085, APPROVING ADDITIONAL EXPENDITURES FROM THE LEVY COUNTY CARES PROGRAM FOR ADMINISTRATIVE AND LEGAL EXPENSES AND FOR ADDITIONAL GRANT AWARDS TO QUALIFIED LEVY COUNTY SMALL BUSINESSES SUFFERING FROM THE EFFECTS OF THE COVID-19 PUBLIC HEALTH EMERGENCY; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, in an attempt to combat the economic hardships facing the American public due to the COVID-19 public health emergency, on March 27, 2020, President Donald Trump signed the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) into law; and

**WHEREAS**, the CARES Act provided funds to the State of Florida for use by the Florida local governments, of which Levy County was initially allocated a grant of \$1,937,606, pursuant to Agreement Number Y2293 between the County and the Florida Division of Emergency Management (“FDEM Grant”); and

**WHEREAS**, the COVID-19 public health emergency continues to impact the County and, based upon the best available information, the COVID-19 public health emergency is almost certain to continue to impact the County up to and until December 30, 2020, the end of the covered period as defined by the CARES Act; and

**WHEREAS**, on July 21, 2020, the Board of County Commissioners (“Board”) adopted Resolution 2020-085 approving the Levy County CARES Program (the “Program”) to be funded by the FDEM Grant, approving documentation related to the Program, and authorizing the County Coordinator to approve applications and payments from the Program; and

**WHEREAS**, the primary purpose of the Program is to assist qualifying Levy County small businesses with the negative economic impacts to those businesses

arising from the COVID-19 public health emergency and any related federal, state and local orders, directives or recommendations; and

**WHEREAS**, prior to the application deadline of August 28, 2020, more than 300 applications for the Program were received and processed by County staff, resulting in over \$1,350,000 in Program grant funds being provided to Levy County small businesses that met the Program requirements that demonstrated an adverse financial impact due to the COVID-19 public health emergency (“Qualified Levy County Small Businesses”), to assist with the negative economic impacts on those businesses from the COVID-19 public health emergency and any related government orders, directives or recommendation; and

**WHEREAS**, the Board incurred administrative and legal expenses related to the adoption, implementation, and administration of the Program, including but not limited to the review and administration of Program documents and applications from businesses for grants from Program funds, and issuance of grant awards from the Program to Qualified Levy County Small Businesses; and

**WHEREAS**, the Board finds that, while the grant amounts provided under the Program to Qualified Levy County Small Businesses offered some assistance to those businesses to address negative financial impacts arising from COVID-19 and any related government orders, directives or recommendations, the negative financial impacts on those Qualified Levy County Small Businesses exceeded the small grant amounts the Board was able to provide pursuant to the Program; and

**WHEREAS**, due to the COVID-19 public health emergency, general economic activity remains below average due to limited re-openings and/or due to less than normal economic activity as people continue to limit potential exposure to COVID-19 by avoiding engaging in non-essential economic activity, and limiting engaging in essential economic activity, and that such depressed economic activity is almost certain to continue up to and until December 30, 2020; and

**WHEREAS**, it is administratively infeasible to process applications for financial loss due to the COVID-19 public health emergency on a continuous basis for each small business Program applicant and it is reasonable to assume that Qualified Levy County Small Businesses will continue to experience financial business interruption over the next several months; and

**WHEREAS**, the long-term economic sustainability of small businesses in the County is vital to the overall economy of the County; and

**WHEREAS**, the Board finds and determines that providing additional financial assistance to Qualified Levy County Small Businesses through the Program is a

reasonably necessary expenditure incurred due to COVID-19, as the majority of such businesses have demonstrated COVID-19-related losses and expenses in excess of the current maximum grant award, and given the ongoing nature of the COVID-19 public health emergency, the adverse financial impacts suffered by such Qualified Levy County Small Businesses are likely to continue through December 30, 2020; and

**WHEREAS**, the Board desires to amend the Program to allow for expenditures from Program funds to pay for the Board's administrative and legal expenses related to the adoption, implementation and administration of the Program, as well as to provide additional grant funds to previously Qualified Levy County Small Businesses; and

**WHEREAS**, pursuant to s. 252.38(1), Fla. Stat., and Chapter 30, Article II, Levy County Code, Levy County has jurisdictional authority over the entire county for emergency management purposes; and

**WHEREAS**, pursuant to the Article VIII, Section 1, Florida Constitution, and s. 125.01, Fla. Stat., Levy County has the authority to amend the Program for the public purposes of paying the Board's administrative and legal expenses related to the adoption, implementation and administration of the Program, and of providing additional grant assistance to previously Qualified Levy County Small Businesses from Program funds; and

**WHEREAS**, the Board finds that its administrative and legal expenses related to the Program adoption, implementation and administration, are necessary expenditures incurred due to the public health emergency with respect to COVID-19; and

**WHEREAS**, the Board finds that additional grant assistance to previously Qualified Levy County Small Businesses are necessary expenditures incurred due to the public health emergency with respect to COVID-19; and

**WHEREAS**, the Board's administrative and legal expenses related to the Program adoption, implementation and administration, and any additional funds to be provided to previously Qualified Levy County Small Businesses were not accounted for in the County budget most recently approved as of March 27, 2020; and

**WHEREAS**, the Board finds that it is of great public importance and public purpose and necessary for the benefit of the public health, safety and welfare to amend the Program to provide for payment from the Program funds of the Board's administrative and legal expenses related to the adoption, implementation and administration of the Program, and of additional grant funds to Qualified Levy County Small Businesses;

**NOW THEREFORE, BE IT THEREFORE RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEVY COUNTY:**

**Section 1. Adoption of Recitals.** The recitals of Resolution 2020-085 and this Resolution as set forth above are hereby included as if fully set forth herein.

**Section 2. Amendment of Levy County CARES Program.**

(a) The Levy County CARES Program approved by Resolution 2020-085 is hereby amended to allow for expenditures of funds from the Program for administrative and legal expenses related to the adoption, administration and implementation of the Program, to be expended prior to any additional grants as provided in Section 2(b) of this Resolution; provided such expenditures meet the requirements of the FDEM Agreement and any related guidance from the United States Department of the Treasury.

(b) The Levy County CARES Program adopted by Resolution 2020-085 is hereby amended to allow for additional grant awards from the Program funds to Levy County small businesses: (i) that submitted an application to the County for a grant from the Program prior to August 28, 2020; (ii) whose application was found by the County Coordinator to demonstrate adverse financial impact due to the COVID-19 health emergency and any related government orders, directives or recommendations, and to meet all other requirements of the Program contained in the Levy County CARES Program and Guidance and the Application/Agreement for the Levy County CARES Program approved by Resolution 2020-085; and (iii) that were awarded a grant and distributed grant funds pursuant to the Program. A Levy County small business that meets all these requirements will be referred to herein as a "Qualified Levy County Small Business."

Any Program funds remaining after payments for administrative and legal expenses pursuant to Section 2(a) have been made will be divided equally among all of the Qualified Levy County Small Businesses, with the same amount going to each business. Payments of the additional Program grant funds pursuant to this Section 2(b) will be distributed to each Qualified Levy County Small Business to the address contained in each business' respective original application.

**Section 3. Delegation of Authority.** The County Coordinator is hereby delegated the authority to approve expenditures from the Levy County CARES Program funds that meet the requirements contained in this Resolution.

**Section 4. Limitation of Expenditures.** The expenditures of the Program funds authorized by this Resolution will not exceed the \$1,937,606 awarded to the County pursuant to the FDEM Agreement. If any additional CARES Act funds are awarded to the County pursuant to an amendment to the FDEM Agreement, or a new agreement with the Florida Department of Emergency Management, those additional

funds will be addressed in a separate resolution, policy or program to be developed and adopted by the Board.

**Section 5. Effective Date.** This Resolution will become effective immediately upon adoption.

**PASSED AND DULY ADOPTED** this 6<sup>th</sup> day of October, 2020.

**BOARD OF COUNTY COMMISSIONERS  
LEVY COUNTY, FLORIDA**

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Matthew Brooks, Chairman

**ATTEST:** Danny J. Shipp, Clerk of the  
Circuit Court and Ex Officio Clerk to the  
Board of County Commissioners

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Danny J. Shipp

APPROVED AS TO FORM:

  
Anne Bast Brown, County Attorney

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