

**RESOLUTION
2020-085**

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF LEVY COUNTY, FLORIDA APPROVING THE LEVY COUNTY CARES PROGRAM PROVIDING ECONOMIC SUPPORT TO LEVY COUNTY BUSINESSES SUFFERING FROM THE EFFECTS OF THE COVID-19 PUBLIC HEALTH EMERGENCY; APPROVING DOCUMENTATION RELATED TO THE LEVY COUNTY CARES PROGRAM; AUTHORIZING THE COUNTY COORDINATOR TO APPROVE APPLICATIONS AND AUTHORIZE PAYMENT FROM THE LEVY COUNTY CARES PROGRAM; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Coronavirus Disease 2019 (“COVID-19”) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza; and

WHEREAS, COVID-19 poses an imminent health risk to Florida residents and visitors, including Levy County residents and visitors; and

WHEREAS, March 13, 2020, President Donald J. Trump enacted a National State of Emergency declaring the ongoing COVID-19 pandemic of sufficient severity and magnitude to warrant an emergency declaration for all states, tribes, territories, and the District of Columbia pursuant to section 501 (b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (“the Stafford Act”); and

WHEREAS, on March 1, 2020, Governor Ron DeSantis issued Executive Order 20-51, directing the Florida Department of Health to issue a public health emergency as result of COVID-19; and

WHEREAS, on March 9, 2020, Governor Ron DeSantis issued Executive Order 20-52, declaring a state of emergency in the State of Florida related to COVID-19 and the effects thereof on the State, and designating the Director of the Division of Emergency Management as the State Coordinating Officer, which state of emergency was extended by issuance of Executive Orders 2020-114 and 2020-166 by Governor DeSantis; and

WHEREAS, pursuant to the authority granted by Article VIII, Section 1, Florida Constitution, Section 125.01, Florida Stat., Chapter 252, Fla. Stat., and Article II, Chapter 30, Levy County Code, on March 17, 2020, the Chairman of the Board of County Commissioners of Levy County (“Board”), issued Emergency Declaration 2020-020, declaring a Local State of Emergency in Levy County, which emergency declaration has been subsequently extended, which emergency declaration and extensions have been properly ratified by the Board; and

WHEREAS, on April 1, 2020, Governor Ron DeSantis issues Executive Order 20-91, which has been subsequently amended by numerous additional Executive Order, which Executive Order 20-91 required all persons in Florida to “limit their movements and personal interactions outside of their home to only those necessary to obtain or provide essential services and or conduct essential activities” and which described essential services and activities; and

WHEREAS, prior to and subsequent to March 9, 2020, in addition to Executive Order 20-91, Governor Ron DeSantis issued numerous Executive Orders related to the state of emergency resulting from COVID-19, including orders suspending and limiting operations relating to restaurants, bars, pubs and nightclubs, and other businesses, and limiting gatherings of individuals; and

WHEREAS, in response to the COVID-19 public health emergency, and as directed by the Governor’s Executive Order 20-91, as amended, the Board issued Emergency Order 2020-026, which limited gatherings of more than ten people in Levy County, which Emergency Order 2020-026 has been subsequently amended and finally rescinded; and

WHEREAS, since the onset of COVID-19 in the United States, in addition to the Executive Orders and Emergency Orders reference, federal, state and local governments and government agencies have issued numerous orders, directives and recommendations in response to COVID-19 in order to protect the health, safety and welfare of citizens, including Levy County citizens; and

WHEREAS, the numerous federal, state and local orders, directives and recommendations issued to address the health, safety and welfare of citizens in response to COVID-19 have had negative direct economic impact by requiring many businesses in Levy County to close or limit operations, and negative indirect economic impact on most businesses in Levy County by causing business interruption and decreased customer demand and by causing voluntary closure or significant reduction or alterations of business operations due to social distancing guidelines; and

WHEREAS, Levy County’s small businesses have been particularly hard-hit with the negative economic impacts arising from the COVID-19 public health emergency and related federal, state and local orders, directives and recommendations; and

WHEREAS, in an attempt to combat the economic hardships being suffered by 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 has been allocated a grant of \$1,937,606, pursuant to Agreement Number Y2293 between the County and the Florida Division of Emergency Management (“FDEM”) (“FDEM Agreement”), which has yet to be signed and dated by FDEM; and

WHEREAS, pursuant to Guidance for State, Territorial, Local, and Tribal Governments issued by the U.S. Treasury Department (“Treasury”) April 22, 2020, and updated in subsequent Guidance documents, Treasury makes clear that expenditures of CARES Act funds by local governments may include expenditures incurred to respond to second-order effects of the COVID-19 public health emergency, including providing economic support through grants to small businesses to reimburse those costs due to business interruption caused by required closures, which may include businesses that close voluntarily due to social distancing or that are affected by decreased customer demand as a result of the COVID-19 public health emergency, provided that the local government finds such expenditures are necessary; and

WHEREAS, due to the direct and indirect negative economic impacts on Levy County small businesses caused by COVID-19 and the related orders, directives and recommendations issued by federal, state and local government and government agencies, the Board desires to adopt the Levy County CARES Program to provide grants from CARES Act funding provided by the FDEM Agreement to Levy County small businesses to assist those businesses with funding for reimbursements for costs due to involuntary business closures or suspensions, business interruptions, voluntary business closures, and decreased customer demand that such businesses have suffered as a result of the COVID-19 public health emergency and related actions by government; 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 adopt and implement the Levy County CARES Program for the public purpose of providing grant assistance to Levy County small businesses that have suffered the negative economic effects from the COVID-19 public health emergency described herein; and

WHEREAS, the Board finds that grants provided pursuant to the Levy County CARES Program are necessary expenditures incurred due to the public health emergency with respect to COVID-19; and

WHEREAS, the grants to be provided pursuant to the Levy County CARES Program 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 provide grants to Levy County small businesses pursuant to the Levy County CARES Program;

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

Section 1. Adoption of Recitals. The recitals set forth above are hereby included as if fully set forth herein.

Section 2. Adoption of Levy County CARES Program. The Levy County CARES Program is hereby adopted for the purpose of providing grant funding from the CARES Act, as provided to Levy County through the FDEM Agreement, to Levy County small businesses that have been negatively economically affected by the COVID-19 public health emergency and related orders, directives and recommendations issued by federal, state and local governments and government agencies. The requirements and restrictions for the Levy County CARES Program as adopted herein are contained in the attached Levy County CARES Program and Guidance and Application/Agreement for the Levy County CARES Program.

Section 3. Approval of Levy County CARES Program Documents. The attached Levy County CARES Program and Guidance, and Application/Agreement for the Levy County CARES Program are hereby approved and adopted for use with the Levy County CARES Program. The County Coordinator is authorized to correct any scrivener's errors in documents approved herein and to otherwise make any formal, but not substantive, changes to these documents as may be necessary.

Section 4. Delegation of Authority. The County Coordinator is hereby delegated the authority to approve applications to the Levy County CARES Program that have been submitted and meet all requirements set forth in the Levy County CARES Program and Guidance and Application/Agreement for the Levy County CARES Program. The County Coordinator is also hereby authorized to approve payments from the CARES Act funds provided by the FDEM Agreement to Levy County CARES Program applicants whose applications have been approved, and for allowed administrative expenses related to the Levy County CARES Program. The County Coordinator may assign or delegate authority to other County staff to review applications for his final review and approval that have been submitted through the Levy County CARES Program.

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

PASSED AND DULY ADOPTED this 21ST day of July, 2020.

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

Matthew Brooks, Chairman

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

Danny J. Shipp

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



Anne Bast Brown, County Attorney

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