

**RESOLUTION NO. 2021- 100**

RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, ACCEPTING A GRANT AWARD FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HUD) THROUGH THE PASSING OF THE CORONAVIRUS AID, RELIEF, AND ECONOMIC SECURITY (CARES) ACT, IN THE AMOUNT OF \$3,533,102.00 OF COMMUNITY DEVELOPMENT BLOCK GRANT COVID-19 (CDBG-CV-3), ATTACHED AS EXHIBIT "A"; FURTHER AUTHORIZING THE MAYOR, OR HIS DESIGNEE, DIRECTOR OF GRANTS AND HUMAN SERVICES, ON BEHALF OF THE CITY, TO EXECUTE ALL OTHER NECESSARY DOCUMENTS IN FURTHERANCE THEREOF.

**WHEREAS**, the President of the United States of America declared a national emergency on March 13, 2020, in response to the Coronavirus (COVID-19) pandemic; and

**WHEREAS**, the Governor of the State of Florida signed Executive Order 20-52 on March 9, 2020, declaring a state of emergency for Florida, in response to the Coronavirus (COVID-19) pandemic; and

**WHEREAS**, the Mayor of Miami-Dade County signed and declared a local state of emergency in Miami-Dade County on March 9, 2020, with emergency extensions throughout 2020, in response to the Coronavirus (COVID-19) pandemic; and

**WHEREAS**, the Mayor of the City of Hialeah signed and declared an Emergency Order declaring a local state of emergency in the City of Hialeah on March 16, 2020, with emergency extensions throughout 2020; and

**WHEREAS**, the Coronavirus Aid, Relief, and Economic Security (CARES) Act was signed into law by the President of the United States of America on March 27, 2020; and

**WHEREAS**, the CARES Act provides an allocation of Community Development Block Grant COVID-19 (CDBG-CV 3) Program funds awarded to the City of Hialeah, through the U.S. Department of Housing and Urban Development (HUD); and

**WHEREAS**, the Mayor and City Council of the City of Hialeah, through the approval of this resolution, accepts \$3,533,102.00 from the U.S. Department of Housing & Urban Development (HUD) under CDBG-CV 3; and

**WHEREAS**, the City finds it is in the best interest to accept these funds to address community issues that are a direct result of Coronavirus (COVID-19) and to initiate preventative programs.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

**Section 1:** The foregoing facts and reconciliations contained in the preamble to this resolution are hereby incorporated and adopted by reference as it fully set forth herein.

**Section 2:** The City of Hialeah, Florida, hereby accepts and ratifies a grant award from the U.S. Department of Housing and Urban Development (HUD) through the Community Development Block Grant COVID-19 (CDBG-CV-3) Program in the amount of \$3,533,102.00 to address community issues that are a direct result of Coronavirus (COVID-19), attached as Exhibit "A", and to initiate preventative programs. and further authorizes the Mayor, or his designee, the Director of Grants and Human Services Annette Quintana, on behalf of the City, to execute all necessary documents in furtherance thereof. All action to date by officers of the City in furtherance and performance of this program is hereby approved, confirmed, and ratified.

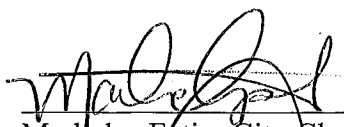
**Section 3:** This resolution shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

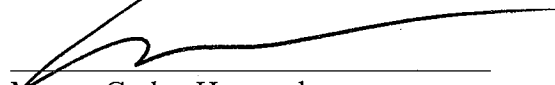
PASSED AND ADOPTED this 10 day of August, 2021.

  
\_\_\_\_\_  
Jesus Tundidor  
Council President

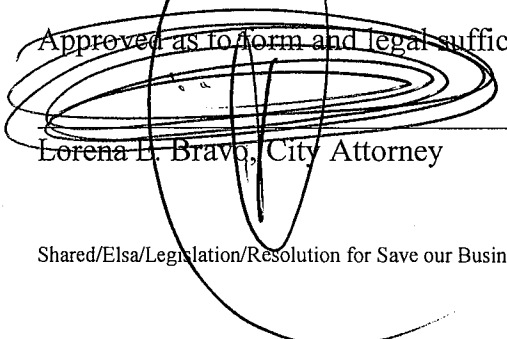
Attest:

Approved on this 23 day of August, 2021.

  
\_\_\_\_\_  
Marbelys Fatjo, City Clerk

  
\_\_\_\_\_  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

  
\_\_\_\_\_  
Lorena E. Bravo, City Attorney

# Funding Approval/Agreement


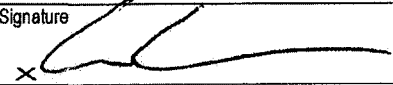
Title I of the Housing and Community Development Act (Public Law 930383)  
 HI-00515R of 20515R

U.S. Department of Housing and Urban Development  
 Office of Community Planning and Development  
 Community Development Block Grant Program

OMB Approval No. 2506-0193  
 exp 5/31/2018

1. Name of Grantee (as shown in item 5 of Standard Form 424) City of Hialeah	3a. Grantee's 9-digit Tax ID Number 596000335	3b. Grantee's 9-digit DUNS Number 078476975
2. Grantee's Complete Address (as shown in item 5 of Standard Form 424) Department of Grants and Human Services 501 Palm Ave, First Floor Hialeah, FL 33010-4719	4. Date use of funds may begin 10/01/2020	
	5a. Project/Grant No. 1 B-20-MW-12-0008	6a. Amount Approved \$3,533,102
	5b. Project/Grant No. 2	6b. Amount Approved

**Grant Agreement:** This Grant Agreement between the Department of Housing and Urban Development (HUD) and the above named Grantee is made pursuant to the authority of Title I of the Housing and Community Development Act of 1974, as amended, (42 USC 5301 et seq.). The Grantee's submissions for Title I assistance, the HUD regulations at 24 CFR Part 570 (as now in effect and as may be amended from time to time), and this Funding Approval, including any special conditions, constitute part of the Agreement. Subject to the provisions of this Grant Agreement, HUD will make the funding assistance specified here available to the Grantee upon execution of the Agreement by the parties. The funding assistance specified in the Funding Approval may be used to pay costs incurred after the date specified in item 4 above provided the activities to which such costs are related are carried out in compliance with all applicable requirements. Pre-agreement costs may not be paid with funding assistance specified here unless they are authorized in HUD regulations or approved by waiver and listed in the special conditions to the Funding Approval. The Grantee agrees to assume all of the responsibilities for environmental review, decision making, and actions, as specified and required in regulations issued by the Secretary pursuant to Section 104(g) of Title I and published in 24 CFR Part 58. The Grantee further acknowledges its responsibility for adherence to the Agreement by sub-recipient entities to which it makes funding assistance hereunder available.

U.S. Department of Housing and Urban Development (By Name) Ann D. Chavis		Grantee Name (Contractual Organization) City of Hialeah	
Title CPD Director		Title Mayor Carlos Hernandez	
Signature 	Date 04/22/2021	Signature 	Date 04/23/2021

7. Category of Title I Assistance for this Funding Action:  Entitlement, Sec 106(b)	8. Special Conditions (check one) <input type="checkbox"/> None <input checked="" type="checkbox"/> Attached	9a. Date HUD Received Submission 4/9/2021 CV-3	10. check one <input type="checkbox"/> a. Orig. Funding Approval <input checked="" type="checkbox"/> b. Amendment Amendment Number
		9b. Date Grantee Notified 4/22/2021	
		9c. Date of Start of Program Year 10/01/2020	

11. Amount of Community Development Block Grant		FY (2020)	
a. Funds Reserved for this Grantee		\$3,533,102	
b. Funds now being Approved		\$3,533,102	
c. Reservation to be Cancelled (11a minus 11b)			

12a. Amount of Loan Guarantee Commitment now being Approved N/A	12b. Name and complete Address of Public Agency N/A
<b>Loan Guarantee Acceptance Provisions for Designated Agencies:</b> The public agency hereby accepts the Grant Agreement executed by the Department of Housing and Urban Development on the above date with respect to the above grant number(s) as Grantee designated to receive loan guarantee assistance, and agrees to comply with the terms and conditions of the Agreement, applicable regulations, and other requirements of HUD now or hereafter in effect, pertaining to the assistance provided it.	12c. Name of Authorized Official for Designated Public Agency N/A
	Title N/A
	Signature N/A

### HUD Accounting use Only

Batch	TAC	Program	Y	A	Reg	Area	Document No.	Project Number	Category	Amount	Effective Date (mm/dd/yyyy)	F
	153											
	176											
			Y					Project Number		Amount		
			Y					Project Number		Amount		

Date Entered PAS (mm/dd/yyyy)	Date Entered LOCCS (mm/dd/yyyy)	Batch Number	Transaction Code	Entered By	Verified By
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## Additional CDBG-CV-3 Requirements

In addition to the terms and conditions in the Funding Approval/Agreement, the following requirements apply to Grantees receiving CDBG-CV funds in accordance with the Coronavirus Aid, Relief and Economic Security Act (CARES Act) (Pub. L. 116-136).

- 1) The Grantee agrees to comply with the requirements in the CARES Act that apply to CDBG-CV grants and must use the CDBG-CV grant funds to prevent, prepare for and respond to coronavirus.
- 2) The grantee agrees to comply with the requirements of the Housing and Community Development Act of 1974 (42 USC 5301 et seq.) and implementing regulations at 24 CFR part 570, as now in effect and as may be amended from time to time, and as modified by the rules, waivers and alternative requirements published by HUD from time to time. Rules, waivers and alternative requirements of Federal Register notices applicable to CDBG-CV grants are hereby incorporated into and made a part of the grant agreement.
- 3) The Grantee may use CDBG-CV funds as reimbursement for previously incurred costs, provided that those costs are allowable and consistent with the CARES Act's purpose to prevent, prepare for and respond to coronavirus.
- 4) The grantee agrees to establish and maintain adequate procedures to prevent any duplication of benefits as required by section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155), as amended by section 1210 of the Disaster Recovery Reform Act of 2018 (division D of Public Law 115-254; 132 Stat. 3442).
- 5) The period of performance for the funding assistance specified in the Funding Approval/Agreement ("Funding Assistance") shall be six years. It shall begin on the date specified in item 4 in the Funding Approval/Agreement and shall end six years later, on the month and day specified in item 4. The Grantee shall not incur any obligations to be paid with the Funding Assistance after this period of performance.
- 6) The Recipient shall attach a schedule of its indirect cost rate(s) in the format set forth below to the executed Funding Approval/Agreement that is returned to HUD. The Recipient shall provide HUD with a revised schedule when any change is made to the rate(s) described in the schedule. The schedule and any revisions HUD receives from the Recipient shall be incorporated herein and made a part of this Funding Approval/Agreement, provided that the rate(s) described comply with 2 CFR part 200, subpart E.

Administering <u>Department/Agency</u>	<u>Indirect cost rate</u>	Direct <u>Cost Base</u>
<del>N/A</del>	<del>_____%</del>	<del>_____</del>
<del>_____</del>	<del>_____%</del>	<del>_____</del>
<del>_____</del>	<del>_____%</del>	<del>_____</del>
<del>_____</del>	<del>_____%</del>	<del>_____</del>
<del>_____</del>	<del>_____%</del>	<del>_____</del>

**Instructions:** The Recipient must identify each agency or department of the Recipient that will carry out activities under the grant, the indirect cost rate applicable to each department/agency (including if the de minimis rate is used per 2 CFR §200.414(f)), and the type of direct cost base to which the rate will be applied (for example, Modified Total Direct Costs (MTDC)). Do not include indirect cost rates for subrecipients.

- 7) In addition to the conditions contained in the Funding Approval/Agreement (form HUD 7082), the grantee shall comply with requirements established by the Office of Management and Budget (OMB) concerning the Dun and Bradstreet Data Universal Numbering System (DUNS); the System for Award Management (SAM.gov.); the Federal Funding Accountability and Transparency Act as provided in 2 CFR part 25, Universal Identifier and General Contractor Registration; and 2 CFR part 170, Reporting Subaward and Executive Compensation Information.
  
- 8) The grantee shall ensure that no CDBG-CV funds are used to support any Federal, State, or local projects that seek to use the power of eminent domain, unless eminent domain is employed only for a public use. For the purposes of this requirement, public use shall not be construed to include economic development that primarily benefits private entities. Any use of funds for mass transit, railroad, airport, seaport or highway projects as well as utility projects which benefit or serve the general public (including energy-related, communication-related, water-related and wastewater-related infrastructure), other structures designated for use by the general public or which have other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfield as defined in the Small Business Liability Relief and Brownfields Revitalization Act (Public Law 107-118) shall be considered a public use for purposes of eminent domain.

- 9) The Grantee or unit of general local government that directly or indirectly receives CDBG-CV funds may not sell, trade, or otherwise transfer all or any such portion of such funds to another such entity in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under title I of the Act.
  
- 10) E.O. 12372-Special Contract Condition - Notwithstanding any other provision of this agreement, no funds provided under this agreement may be obligated or expended for the planning or construction of water or sewer facilities until receipt of written notification from HUD of the release of funds on completion of the review procedures required under Executive Order (E.O.) 12372, Intergovernmental Review of Federal Programs, and HUD's implementing regulations at 24 CFR Part 52. The recipient shall also complete the review procedures required under E.O. 12372 and 24 CFR Part 52 and receive written notification from HUD of the release of funds before obligating or expending any funds provided under this agreement for any new or revised activity for the planning or construction of water or sewer facilities not previously reviewed under E.O. 12372 and implementing regulations.
  
- 11) CDBG-CV funds may not be provided to a for-profit entity pursuant to section 105(a)(17) of the Act unless such activity or project has been evaluated and selected in accordance with Appendix A to 24 CFR 570 - "Guidelines and Objectives for Evaluating Project Costs and Financial Requirements." (Source – This condition is included as requirement on the use of fiscal year 2020 CDBG funds by the Community Development Fund heading, Department of Housing and Urban Development Appropriations Act, 2020, Public Law 116-94, and is made applicable to this grant by the CARES Act).