

RESOLUTION NO. 2021-140

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, AUTHORIZING THE EXPENDITURE OF AN AMOUNT NOT EXCEEDING \$40,000.00 OF CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS TO AWARD A GRANT TO ACTION CLEANING SERVICES AP, INC., A FLORIDA CORPORATION, FOR THE PURPOSE OF FUNDING PREMIUM PAY IN THE FORM OF A ONE-TIME, LUMP-SUM PAYMENT IN AN AMOUNT NOT EXCEEDING \$2,000.00 TO EACH SANITATION WORKER IDENTIFIED ON THE LIST ATTACHED AS EXHIBIT "1" TO THIS RESOLUTION, IF ELIGIBLE, PURSUANT TO THE AMERICAN RESCUE PLAN ACT OF 2021, IN RECOGNITION OF THE ESSENTIAL WORK PERFORMED BY EACH DURING THE COVID-19 PUBLIC HEALTH EMERGENCY FOR THE CITY OF HIALEAH; AUTHORIZING THE MAYOR TO MAKE ANY JUSTIFICATIONS, ANALYSIS, REPORTING AND DECISION MAKING NECESSARY TO ADHERE TO THE REQUIREMENTS OF THE STATE AND LOCAL FISCAL RECOVERY FUND OF THE AMERICAN RESCUE PLAN ACT OF 2021 AS IT RELATES TO PREMIUM PAYMENTS; AUTHORIZING THE MAYOR AND THE CITY CLERK, ON BEHALF OF THE CITY TO EXECUTE A SUB-GRANT AGREEMENT IN A FORM APPROVED BY THE CITY ATTORNEY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to the American Rescue Plan Act of 2021 ("American Rescue Plan") adopted March 11, 2021, the Secretary of the Treasury allocated \$66,834,253.00 dollars from the Coronavirus Local Fiscal Recovery Fund ("CLFRF") to the City; and

WHEREAS, pursuant to Hialeah, Fla. Resolution No. 2021-067 (May 25, 2021), the City has accepted and received one half of its allocation; and

WHEREAS, the American Rescue Plan Act, and its implementing regulations and guidelines, authorize the use of funds "to provide premium pay to eligible workers who perform essential work" during the COVID-19 public health emergency; and

WHEREAS, the federal regulations allow the City to use CLFRF funds to provide premium pay to eligible workers through grants awarded to eligible employers; and

WHEREAS, eligible workers are those "workers who are needed to maintain continuity of operations of essential critical infrastructure sectors" including emergency response, sanitation, disinfection, and cleaning work; and

WHEREAS, eligible employers are employers of eligible workers who perform essential work; and

WHEREAS, essential work is defined as work performed by those directly engaged in regular in-person interactions with the public or regular physical handling of items handled or to be handled by the public; and

WHEREAS, essential work does not include any work performed while teleworking from a residence; and

WHEREAS, since March 2020, we have suffered and witnessed the grave health, economic and social impacts of COVID-19 on our lives and in our community;

WHEREAS, COVID-19 has forced us to curb the enjoyment of many rights and privileges of every-day life in a free society in an attempt to lessen the impact of the virus with no clear and definitive end in sight;

WHEREAS, as a community, the City, through the uninterrupted and dedicated work of our employees, has been at the forefront of delivering services to the public to assist in the response to and recovery from the virus;

WHEREAS, since March 2020, our employees have been directly engaged with the public through

1. the administration of federal, state and county funded economic assistance grants and delivery of PPE, food, and implementation of other city initiatives in response to the pandemic;
2. implementation and enforcement of masking orders, social distancing and sanitation guidelines throughout our government operated facilities and throughout businesses in our community;
3. operation of city run testing facilities and city run vaccination sites; and
4. in the everyday delivery of traditional government services such as police, fire, emergency rescue, public works, and permitting and enforcement;

WHEREAS, many other employees, in the performance of their regular duties, provide support to those directly engaged with the public through

1. operation of our emergency response call centers;
2. operation of our dedicated call banks to provide COVID-19 specific information to the public;
3. implementation of sanitation and social distancing measures to maintain a reasonably safe workplace consistent with the advice of health authorities; and
4. operation and maintenance of our information technologies;
5. operation of our other internal support services departments;

WHEREAS, except for a brief period of time immediately following the declaration of emergency at all levels of government in March 2020 and lasting less than 60 days, from March 23, 2020 to May 16, 2020, the City has remained open for in-person business at all times to assist the public through these turbulent times; and

WHEREAS, keeping city hall and all city facilities and services open throughout the pandemic has been instrumental in the economic recovery of our businesses and residents and in preserving the health, safety and welfare of our residents; and

WHEREAS, undoubtedly one of the cornerstones to preventing the spread of COVID-19 has been the implementation and maintenance of more rigorous sanitation standards; and

WHEREAS, the city and its employees could not have continued to serve the public if our sanitation workers had not also assumed the same risks to their health and safety and showed up to work to sanitize, clean and disinfect, in keeping with the more rigorous standards, all our city facilities and city-operated residential buildings; and

WHEREAS, our sanitation workers have been satisfactorily serving the City's needs under contract with Action Cleaning Services since approximately 2009; and

WHEREAS, without the unwavering dedication of our sanitation workers to show up to work, despite facing serious risks to their health and that of their families from exposure to the virus as a result of their interactions with the public, the city would not have been able to function at the level of service it operates, since reopening to the public on May 16, 2020;

WHEREAS, the Council finds the work performed by these sanitation workers and continue to perform, from the beginning of the federally declared emergency in March 2020 to the present, is essential under the American Rescue Plan and its implementing rules and regulations; and

WHEREAS, notwithstanding the availability of vaccines and health measures taken by our government to combat the virus, COVID-19 remains a serious threat to the health of all who contract the virus with unknown deleterious long term after effects; and

WHEREAS, the U.S. death toll to date exceeds 625,000, over 41,000 deaths have occurred in Florida alone, and Miami-Dade County leads the State in both total cases and number of deaths; and

WHEREAS, in consideration and acknowledgement of the heightened risk to sanitation workers who had to be physically present at the government facilities to provide essential services to the public and city employees, for many of whom the costs associated with illness were hardest to bear financially, and in recognition of the dangers to the health of our sanitation workers posed by person-to-person contact with the public in the

performance of their duties the Council finds it justified and appropriate to provide premium pay to these workers;

WHEREAS, the premium pay will not exceed \$13 per hour in addition to wages or remuneration the worker otherwise received and does not exceed the American Rescue Plan Act cap per employee established within the Rules.

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

Section 1: The above recitations in the preamble are hereby incorporated by this reference in their entirety.

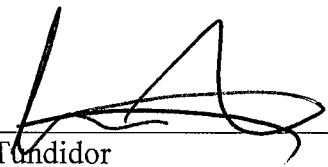
Section 2: The expenditure of Coronavirus State and Local Fiscal Recovery funds in an amount not exceeding \$40,000.00 to award a grant to Action Cleaning Services AP, Inc, a Florida corporation, for the purpose of providing premium pay in the form of a one-time, lump sum payment not exceeding \$2,000.00 to each eligible sanitation worker pursuant to the American Rescue Plan Act of 2021, identified in the list attached as Exhibit 1 to this Resolution, in recognition of the essential work performed by each from the beginning of the Federally Declared Emergency on March 12, 2020, through August 20, 2021, is hereby approved. This premium pay shall be retrospectively applied. The premium pay is intended to compensate essential workers for heightened risk due to COVID-19, it is entirely additive to a worker's regular rate or wages and other remuneration and is not a reduction nor a substitution for a worker's normal earnings.

Section 3: The Mayor is hereby directed and authorized to conduct any further justifications, analysis, reporting and decision making necessary to adhere to the requirements of the State and Local Fiscal Recovery Fund of the American Rescue Plan Act of 2021 as it relates to premium payments.

Section 4: The Mayor, and the City Clerk, are hereby authorized to sign on behalf of the City a sub-grant agreement in a form approved by the City Attorney.

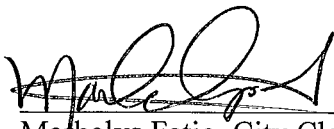
Section 5: This resolution shall become effective upon signature of the Mayor of the City of Hialeah, Florida or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED AND ADOPTED this 12 day of October, 2020.




Jesus Tundidor
Council President

Attest: Approved on this 21 day of October, 2020.

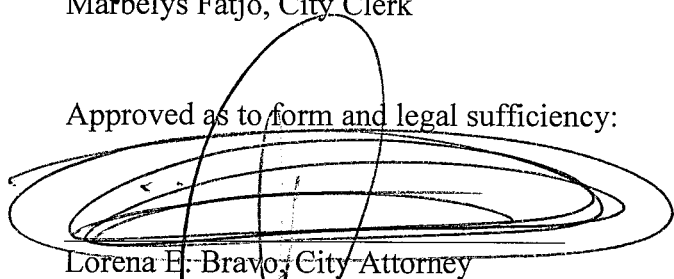


Marbelys Fatjo, City Clerk



Mayor Carlos Hernandez

Approved as to form and legal sufficiency:



Lorena E. Bravo, City Attorney

Resolution was adopted by 6-0-1 vote with Councilmembers, De la Rosa, Garcia-Roves, Hernandez, Perez, Tundidor, and Zogby voting "Yes" and with Council Member Cue-Fuente absent.

ACTION CLEANING SERVICES AP, INC, a Florida Corporation
Sanitation Employees for City of Hialeah, Florida

<u>Name</u>	<u>Facility</u>
DULCE MORGADO	CITY HALL
MARIA GOMEZ	CITY HALL
NERELYS ROJAS	JFK
DORA DIAZ	911 - VILLA AIDA
MIDIALI CHIRINO	BUILDING 300
JULIA SUSANA GIRON	POLICE
ADELGIZA CANETE FERNANDEZ	WATER
ZORAIDA CAMPO	POLICE
MARIBEL CHANG	FIRE BUILDING
LIBRADA M SANCHEZ	POLICE
YAIMARAY DOMINGUEZ VEJERANO	CONSTRUCTION
ILEANA PEREZ	BUILDING 300
HANOI ESTEBAN SILVA	BUILDING 55
HIPOLITO E DUARTE	BUILDING TERESITA
JUANA RODRIGUEZ	NEIGHBORHOOD

ACTION CLEANING SERVICES AP, INC, a Florida Corporation
Sanitation Employees for City of Hialeah, Florida

<u>Name</u>	<u>Facility</u>
JOSEFA QUESADA LAZO	911
ARGENTINA AVENDANO GAITAN	VILLA ALEGRIA
ISMARY ROJAS	POLICE
KAREM ISAZA	BUILDING 32