

RESOLUTION NO. 20-21

A RESOLUTION OF THE CITY OF CLEARWATER, FLORIDA ESTABLISHING THE CLEARWATER'S BACK TO BUSINESS GRANT AND PROFESSIONAL SERVICES PROGRAM TO SUPPORT ECONOMIC DEVELOPMENT THROUGH SMALL BUSINESS GRANTS AND TECHNICAL SUPPORT; PROVIDING FOR THE TERMS OF THE PROGRAM; MAKING FACTUAL DETERMINATIONS AND LEGISLATIVE FINDINGS OF A PUBLIC PURPOSE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Secretary of Health and Human Services (HHS) of the United States declared a public health emergency on January 31, 2020 in response to a novel new coronavirus known as SARS-CoV-2 (Coronavirus) and its resulting respiratory disease, (Covid-19); and

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

WHEREAS, in response to the Governor's direction, the Florida State Health Officer and State Surgeon General declared a public health emergency on March 1, 2020; and

WHEREAS, to mitigate the spread and effect of Covid-19, the Governor of the State of Florida declared a state of emergency for the State of Florida by issuing Executive Order 20-52 on March 9, 2020; and

WHEREAS the World Health Organization declared a global pandemic on March 12, 2020 due to the Coronavirus and Covid-19; and

WHEREAS the Pinellas County Board of County Commissioners declared a state of emergency on March 13, 2020 by passing Resolution 20-16; and

WHEREAS the City of Clearwater declared a state of emergency for the City of Clearwater on March 18, 2020, with subsequent extensions necessary to mitigate the ongoing threat of Covid-19; and

WHEREAS, on March 17, 2020, the Governor of the State of Florida issued Executive order 20-68, curtailing, among other things, bars, pubs, and nightclubs, and restricted restaurant occupancy and hours for alcohol service; and

WHEREAS, on March 20, 2020, the Governor of the State of Florida issued Executive order 20-71, which required all restaurants to close except for takeout and delivery services, and ordered the closure of all gyms; and

WHEREAS, Pinellas County issued Safer-at-Home Order 20-20, effective March 26, 2020; and

WHEREAS, effective April 3, 2020, the Governor of the State of Florida issued Executive Order 20-91, and Pinellas County passed Resolution 20-23 on April 2, 2020, effectuating the Governor's Executive order 20-91, both of which required non-essential businesses, including small businesses in Clearwater, to cease operations and provided for certain enumerated essential businesses to continue operations with significant restrictions; and

WHEREAS, as a result of the series of Executive Orders, Stay at Home Orders, local declarations, and overall efforts to contain the spread of Covid-19 at the federal, state and local levels, small businesses in Clearwater have been forced to minimize operations or completely cease operations, resulting in severe, mounting economic damage; and

WHEREAS, due to the economic impact of the COVID-19 pandemic, the federal government adopted the Coronavirus Aid, Relief and Economic Security Act (CARES) to provide \$376 billion in relief to small businesses, among others, and the State of Florida, through its Department of Economic Opportunity, has initiated programs to provide financial relief to small businesses, and Pinellas County has implemented its Pinellas Cares Small Business Grants Program; and

WHEREAS, the City of Clearwater finds it necessary to support small businesses within Clearwater by adopting and implementing the Clearwater's Back to Business Grant and Professional Services Program to provide direct emergency relief to small businesses in order to retain economic development within Clearwater despite the full or partial mandatory closures; and

WHEREAS, by this Resolution, the City Council of the City of Clearwater adopts and directs the implementation of the Clearwater's Back to Business Grant and Professional Services Program through small business grants and professional support to sustain small businesses and promote economic developments goals that are in the best interest of the health, and well-being of the citizens of Clearwater; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLEARWATER
FLORIDA:

Section 1. The City Council of the City of Clearwater hereby makes the following factual determinations and legislative findings:

- a. That the above Whereas clauses are a summary describing a global health pandemic and the actions taken by governments at all levels to mitigate the spread and damage done by the novel coronavirus which causes the respiratory disease Covid-19. The Whereas clauses are hereby incorporated into these findings.
- b. The Florida Legislature finds and declares in §166.021(8)(a) that the State of Florida faces increasing competition from other states and countries for retention of private businesses, and as a result, there is a need to enhance and expand economic activity by attracting and retaining activities conducive to economic promotion, thereby stabilizing the economy, enhancing and preserving purchasing power and employment opportunities for its residents.
- c. The Florida Legislature declares in §166.021(8)(a) that it is necessary and in the public interest to facilitate the growth and creation of business enterprises in the municipalities of the state.
- d. The Florida Legislature expressly declares in §166.021(b) that the governing body of a municipality may expend public funds to attract and retain business enterprises, and the use of public funds toward the achievement of such economic development goals constitutes a public purpose.

- e. Public policy, namely, maintaining and preserving the health and welfare of the citizens of the nation, the State of Florida, and more specifically, Clearwater, has dictated the full or partial closure of small businesses through no fault of their own.
- f. Small businesses are vital to Clearwater’s economic development, the employment of its citizens, and the vitality of its culture, the permanent closure of which will have drastic detrimental impacts including but not limited to, unemployment, poverty, homelessness, crime and a massive negative impact on the general health of Clearwater citizens.
- g. The national unemployment rate as a result of Covid-19 is approaching the level of the Great Depression.
- h. Clearwater’s Back to Business Grant and Professional Services Program serves a public purpose as contemplated by the Florida Legislature in §166.021 by providing emergency financial support to qualifying, impacted small businesses to fund employee wages, pay vendor bills and rent, and fund necessary professional services in order to sustain and retain the businesses in the City of Clearwater during the Covid-19 pandemic.
- i. By Clearwater providing support to small businesses through the Clearwater’s Back to Business Grant and Professional Services Program, and counteracting the negative impacts as described above, the public experiences substantial benefit.
- j. The Clearwater’s Back to Business Grant and Professional Services Program does not cause the City of Clearwater to absorb any existing, new, or ongoing financial liability or debt, directly, or indirectly, from the grantees of the Program, nor does it result in the City of Clearwater entering into stock ownership in, or joint ownership of, the businesses supported.

Section 2. The Clearwater’s Back to Business Grant and Professional Services Program, attached and incorporated herein as Exhibit “A”, is hereby adopted.

Section 3. The City Manager or his designee shall implement the Program, oversee applications and related processes thereunder.

Section 4. Each provision of this Resolution shall be separate and severable, and if any provision or portion hereof is held to be invalid by a court of competent jurisdiction, that portion shall be deemed not to be included and the remainder of this Resolution shall be unaffected.

Section 5. This resolution shall take effect immediately upon adoption and shall terminate on December 31, 2020, unless extended or earlier terminated by the City Council of the City of Clearwater.

PASSED AND ADOPTED this _____ day of _____, 2020.

 Frank V. Hibbard
 Mayor

Approved as to form:

Attest:

 Laura Mahony
 Assistant City Attorney

 Rosemarie Call
 City Clerk