

Memorandum of Understanding (MOU)
Between Hernando County BOCC and Hernando County Fire and Emergency Services

WHEREAS the American Rescue Plan Act (ARPA) established the State and Local Fiscal Recovery Funds (SLFRF) to provide vital support to state, local, and tribal governments in responding to the economic impacts of the COVID-19 pandemic;

WHEREAS Hernando County has received SLFRF funds under ARPA to address public health, economic recovery, infrastructure improvements, and other eligible uses in accordance with federal guidelines;

WHEREAS Hernando County BOCC is responsible for managing the distribution of the SLFRF funds within the county for eligible and approved projects;

WHEREAS Hernando County Fire and Emergency Services ("HCFES") has been identified as a recipient for SLFRF funding in the amount of \$2,655,196.00 to provide emergency relief from natural disasters;

WHEREAS both Hernando County BOCC and HCFES agree to collaborate to ensure the proper use, reporting, and compliance of SLFRF funds in accordance with ARPA and SLFRF guidelines, and all applicable federal, state, and county requirements;

Now, therefore, the parties agree as follows:

1. Purpose

This MOU formalizes the transfer of SLFRF funds from Hernando County BOCC to HCFES in the amount of \$2,655,196.00 for the purpose of providing emergency relief from natural disasters. The intended scope of work and deliverables are included as Exhibit A.

2. Responsibilities of the Parties

Hernando County BOCC will:

- Oversee the distribution of SLFRF funds and ensure compliance with SLFRF reporting and expenditure requirements.
- Monitor the use of funds and ensure the alignment with the approved project.

HCFES will:

- Utilize the SLFRF funds exclusively for the agreed-upon purpose, as outlined in this agreement.
- Provide all required documentation, reporting, and compliance materials as per SLFRF and ARPA guidelines.

3. Financial Terms

The total amount of SLFRF funds to be transferred under this MOU is \$2,655,196.00. Funds must be used in accordance with the project's approved budget and SLFRF requirements.

4. Duration

This MOU shall take effect on 11/19/2024 and remain in effect until December 31, 2026, unless modified or terminated by mutual agreement.

5. Termination

Either party may terminate this agreement with 30 days' written notice.

By signing below, both Hernando County BOCC and HCFES acknowledge and agree to the terms outlined in this Memorandum of Understanding. This MOU represents the entire agreement between the parties regarding the allocation and use of SLFRF funds, and no modifications or amendments will be valid unless made in writing and signed by both parties.

Signatures

Hernando County BOCC

Name: _____

Title: _____

Date: _____

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

By: Melissa Tartaglia
County Attorney's Office

Hernando County Fire and Emergency Services

Name: [Signature]

Title: Fire Chief

Date: 11/13/24

Exhibit A: Scope of Work

Introduction

Obligated funds may be used to provide emergency relief from natural disasters or the negative economic effects of natural disasters. In order to identify a specific use for funds the two-step process below will be followed:

1. Identify a natural disaster that has occurred or is expected to occur imminently, or a natural disaster that is threatened to occur in the future.
2. Identify emergency relief that responds to the physical or negative economic impacts, or potential physical or negative economic impacts, of the natural disaster. The emergency relief must be related and reasonably proportional to the impact identified.

Duplication of Benefits

When SLFRF funds are used to cover disaster losses, the Stafford Act's prohibition on duplication of benefits applies. Funds may not be provided for financial assistance to a person, business concern, or other entity with respect to disaster losses for which the beneficiary will receive financial assistance under any other program or from insurance or any other source. Recipients may provide assistance with respect to disaster losses to a person, business concern, or other entity that is or may be entitled to receive assistance for those losses from another source, if such person, business concern, or other entity has not received the other benefits by the time of application for SLFRF funds and the person, business concern, or other entity agrees to repay any duplicative assistance to the SLFRF recipient. Recipients also may use SLFRF funds to provide assistance for any portion of disaster losses not covered by other benefits. Recipients are advised to review FEMA's guidance, which describes a "delivery sequence" for assistance for disaster losses. Recipients must treat SLFRF funds as last in the delivery sequence, unless the recipient, in consultation with the appropriate FEMA Regional Administrator or state disaster-assistance administrator, determines that another sequence is appropriate. Recipients also must notify subrecipients and contractors that, when providing assistance in response to a Stafford Act declaration, they are responsible for ensuring that beneficiaries disclose any other assistance received for the same disaster losses prior to receiving assistance with SLFRF funds.

Identifying Natural Disasters

The Interim Final Rule (IFR)¹ defines a natural disaster as a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, or fire, in each case attributable to natural causes, that causes or may cause substantial damage, injury, or imminent threat to civilian property or persons. A natural disaster may also include another type of natural catastrophe, attributable to natural causes, that causes or may cause substantial damage, injury, or imminent threat to civilian property or persons.

Identifying Emergency Relief

The IFR defines emergency relief as assistance that is needed to save lives and to protect property and public health and safety, or to lessen or avert the threat of catastrophe. The assistance must be related and reasonably proportional to the physical or negative economic impacts of the natural disaster that has occurred or is expected to occur imminently, or to the potential physical or negative economic impacts of a natural disaster that is threatened to occur in the future. If responding to a natural disaster that has occurred or is expected to occur imminently, recipients must identify a natural disaster that meets Treasury's definition above and an emergency declaration or designation for the recipient's geography and jurisdiction in the form of:

- An emergency declaration pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act;
- An emergency declaration by the Governor of a state pursuant to respective state law;
- An emergency declaration by a Tribal government; or

¹ [Coronavirus State & Local Fiscal Recovery Funds: Overview of the Interim Final Rule, U.S. Department of the Treasury, August 2023.](#)

- A designation of an event of a natural disaster by the chief executive (or equivalent) of a recipient government as long as the chief executive documents the event satisfies the definition of natural disaster provided above.

If providing assistance to lessen or avert the threat of a future natural disaster, recipients should document evidence of historical patterns or predictions of natural disasters that would reasonably demonstrate the likelihood of future occurrence of a natural disaster in its community. Recipients should use this evidence to support its determination that mitigation measures would be related and reasonably proportional to the threat of a natural disaster.

Scope of Services

A non-exhaustive list of the use of obligated funding includes those listed below in the eligible use categories of a “Declared or Designated Natural Disaster” and “Threat of Future Natural Disasters”. To assess whether additional types of emergency relief would be eligible under this category beyond the non-exhaustive list provided below, recipients should first identify a natural disaster and then identify emergency relief that responds to the natural disaster’s physical or negative economic impacts according to the standards discussed above.

Declared or Designated Natural Disasters

Temporary housing:

- Rental assistance, reimbursement for hotel costs
- Temporary housing units when individuals are facing challenges finding permanent housing due to shortages caused by a natural disaster
- Temporary emergency housing including congregate and non-congregate shelter
- Shelter following an evacuation

Food assistance:

- Financial assistance for lost wages: Supplemental benefits for individuals participating in state unemployment insurance programs or the Department of Labor’s DUA program at the time of the disaster or following the disaster. The supplemental benefit may not exceed \$400 a week for the duration of the need for emergency relief.

Other immediate needs - Additional eligible uses to address other immediate needs:

Emergency protective measures, including:

- Transportation and pre-positioning equipment and resources
- Flood fighting
- Firefighting
- Supplies and commodities
- Medical care and transport
- Evacuation and sheltering
- Childcare
- Demolition of structures
- Search and rescue to locate survivors, household pets and service animals
- Use or lease of temporary generators for facilities that provide essential community services
- Dissemination of information to the public to provide warnings and guidance about health and safety hazards
- Searching to locate and recover human remains
- Storage and interment of unidentified human remains
- Mass mortuary services
- Construction of emergency berms or temporary levees to provide protection from floodwaters or landslides
- Emergency repairs necessary to prevent further damages
- Buttressing, shoring or bracing facilities to stabilize them or prevent collapse
- Emergency slope stabilization
- Mold remediation
- Extracting water and clearing mud, silt, or other accumulated debris
- Taking actions to save the lives of animals
- Snow removal

In addition to eligible uses summarized above, recipients may also use SLFRF funds to address other immediate needs such as those listed below.

- Debris removal, including the clearance, removal, and disposal of vegetable debris (such as tree limbs, branches, stumps, or tress), construction and demolition debris, sand, mud, silt, gravel, rocks, boulders, white goods, and vehicle and vessel wreckage.
- Public infrastructure repair, including roads, bridges, and utilities damaged by a natural disaster, restoring the infrastructure to its pre-disaster size, capacity, and function. Recipients may incorporate mitigation measures into the repair project by following the requirements described in the mitigation section below.
- Increased operational costs including payroll costs and costs for government facilities and government services used before, during or after a natural disaster.
- Cash assistance for uninsured or underinsured disaster-caused expenses such as repair or replacement of personal property and vehicles, or funds for moving and storage, medical, dental, childcare, funeral expenses, behavioral health services, and other miscellaneous items.
- Cash assistance for low-income households that have been impacted by a natural disaster.
 - Low-income households are ones with (i) income at or below 185 percent of the Federal Poverty Guidelines for the size of the household based on the most recently published poverty guidelines by the Department of Health and Human Services or (ii) income at or below 40 percent of area median income for the county and size of household based on the most recently published data by the Department of Housing and Urban Development.
- Home repairs for primary residences not covered by insurance that have become uninhabitable because of natural disaster to make the residence habitable again. Recipients may incorporate mitigation measures into the repair project by following the requirements described in the mitigation section below.

Threat of Future Natural Disasters

Mitigation Activities to lessen or avert the threat of a natural disaster and its potential physical or negative economic impacts, including structure elevation, mitigation reconstruction, dry flood proofing, structural retrofitting, non-structure retrofitting, wind retrofit, and infrastructure retrofit. Mitigation activities may be stand-alone projects that reduce or eliminate the potential impacts of the threat of natural disaster and may also be incorporated into repair or reconstruction projects that address the impacts of a natural disaster.

Written Justification

For mitigation activities with total expected capital expenditures of \$1 million or greater, written justification requirements must be met and a written justification must be completed.

A Written Justification includes:

- Description of emergency relief to be provided and potential impact to be addressed: Recipients must provide a description of the specific mitigation activities to be provided, and why the emergency relief is needed to lessen or avert the potential impacts of the natural disaster that is threatened to occur in the future. When appropriate, recipients may provide quantitative information on the extent and type of assistance needed, such as the number of individuals or entities that may be affected. Recipients must use the documented evidence of historical patterns or predictions of natural disasters that would reasonably demonstrate the likelihood of future occurrence of a natural disaster in their communities, along with considerations of efficacy, cost, cost effectiveness, and time to delivery, to support their determinations that mitigation activities would be related and reasonably proportional.
- Explanation of why a capital expenditure is appropriate: Recipients must provide an assessment demonstrating why a mitigation activity capital expenditure is appropriate to address the specified potential impact identified. The assessment must include an explanation of why existing equipment and facilities, or policy changes or additional funding to pertinent programs or services, would be inadequate to addressing the potential impact of the threat of a natural disaster and why policy changes or additional funding to pertinent programs or services would be insufficient without the corresponding capital expenditures.

- Comparison of the proposed capital expenditure against alternative capital expenditures: Recipients must provide an objective comparison of the proposed mitigation capital expenditure against at least two alternative capital expenditures and demonstrate why their proposed capital expenditure is superior to alternative capital expenditures that could be made. Specifically, recipients must assess the proposed capital expenditure against at least two alternative types or sizes of capital expenditures that are potentially effective and reasonably feasible. Where relevant, recipients must compare the proposal against the alternative of improving existing capital assets already owned or leasing other capital assets. Recipients must use quantitative data when available, although they are encouraged to supplement with qualitative information and narrative description. Recipients that complete analyses with minimal or no quantitative data must provide an explanation for doing so.