

RESOLUTION NO. 2020 - _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXTEND THE DURATION OF THE DECLARATION OF A STATE OF EMERGENCY IN THE CITY OF MIAMI BEACH TO ADDRESS THE COVID-19 PANDEMIC, BEYOND THE 72-HOUR TIME PERIOD SET FORTH IN SECTION 26-35 OF THE CITY CODE, AND BEYOND THE 7-DAY PERIOD SET FORTH IN CHAPTER 252 OF THE FLORIDA STATUTES; SUCH EXTENSION FOR AN ADDITIONAL PERIOD OF SEVEN (7) DAYS, COMMENCING ON MARCH 19, 2020, AND ENDING ON MARCH 26, 2020; AND, ON MARCH 26, 2020, THE CITY MANAGER IS FURTHER AUTHORIZED TO EXTEND THE DECLARATION OF A STATE OF EMERGENCY IN THE CITY OF MIAMI BEACH, FOR FOUR (4) ADDITIONAL 7-DAY INCREMENTS, WHICH WOULD COMMENCE ON MARCH 26, 2020, AND END ON APRIL 23, 2020; AND PROVIDED FURTHER, THAT THE SUBJECT DECLARATION OF EMERGENCY SHALL BE TERMINABLE BY THE CITY COMMISSION IN ACCORDANCE WITH THE PROVISIONS OF THIS RESOLUTION.

WHEREAS, a new and significant outbreak of Coronavirus Disease 2019 emerged from China in late 2019; and

WHEREAS, the Coronavirus Disease 2019 ("COVID-19") is a severe and acute respiratory illness that can spread amongst persons by respiratory transmission and presents with symptoms similar to those of influenza; and

WHEREAS, the World Health Organization has declared COVID-19 to be a Public Health Emergency of International Concern and, on Wednesday, March 11, 2020, the World Health Organization declared the rapidly spreading COVID-19 disease a worldwide pandemic, which will likely spread to all countries around the World; and

WHEREAS, Florida Governor Ron DeSantis issued an Executive Order on March 1, 2020 directing the Surgeon General of the State of Florida to issue a public health emergency and, in response to the pandemic outbreak of COVID-19, Governor DeSantis declared a State of Emergency on March 9, 2020 based upon its impact to the State of Florida; and

WHEREAS, COVID-19 has impacted one-hundred and twenty-seven (127) countries around the globe, and these countries have reported that approximately 174,134 individuals have contracted COVID-19, with nearly 6,684 people having died from this disease; and

WHEREAS, Miami-Dade County Mayor Carlos Gimenez declared a State of Emergency for Miami-Dade County on March 11, 2020, and, subsequently suspended the operation of the Miami-Dade County Youth Fair, the Miami Open tennis tournament, the MIA 5K run, and all major events at the American Airlines Arena, including similar activities and events; and

WHEREAS, to control the spread of COVID-19 and mitigate its effects, Section 26-31 of the City Code authorizes the City Manager to determine there exists an imminent threat to public peace or order and to the general welfare of the City exists, and to declare a State of

Emergency and impose certain discretionary emergency measures to protect the public health, safety and welfare of the residents and visitors to the City of Miami Beach; and

WHEREAS, the City Manager has determined that, pursuant to Section 26-31, such State of Emergency exists in the City and, on March 12, 2020, issued a Declaration of a State of Emergency in the City of Miami Beach; and

WHEREAS, the City Manager is authorized, pursuant to Section 26-33 of the City Code and Chapter 252 of the Florida Statutes, to order and promulgate any (or all) of those discretionary emergency measures, in whole or in part, with such limitations and conditions as the City Manager may deem appropriate; and

WHEREAS, pursuant to City Code Section 26-35, the duration of such Declaration of a State of Emergency (and any such discretionary emergency measures implemented pursuant thereto) is limited to a period of 72 consecutive hours, unless an extension is authorized by the City Commission by duly enacted resolution in a regular or special session of the City Commission; and

WHEREAS, notwithstanding the preceding, Section 252.38 of the Florida Statutes provides that the duration of each State of Emergency declared locally is limited to a period of seven (7) days; however, Section 252.38 also provides that such local State of Emergency may be extended, as necessary, in 7-day increments; and

WHEREAS, the Mayor and City Commission of the City of Miami Beach, at a specially held session on March 13, 2020, unanimously passed and adopted Resolution No. 2020-31192, expressly authorizing the City Manager to extend the duration of the Declaration of a State of Emergency (and those discretionary emergency measures implemented, or to be implemented, thereto) for a period of seven (7) days commencing March 12, 2020, and ending on March 19, 2020, to address the COVID-19 pandemic, and in order to protect the public health, safety and welfare; and

WHEREAS, the City Manager hereby requests that the City Commission grant him the authority to extend the Declaration of a State of Emergency in the City of Miami Beach (to continue to implement any current or future discretionary emergency measures) in accordance with the extended time period provided under Florida law; and

WHEREAS, the City Manager hereby requests that the Mayor and City Commission approve the continuation of the Declaration of a State of Emergency in the City of Miami Beach, for a period of seven (7) days, commencing on March 19, 2020, and ending on March 26, 2020; and

WHEREAS, the City Manager hereby further requests that the City Commission provide him the authorization, which authorization shall commence on March 26, 2020, to extend the Declaration of a State of Emergency in the City of Miami Beach, for four (4) additional 7-day increments, which would commence on March 26, 2020, and end on April 23, 2020; and

WHEREAS, the Mayor and City Commission hereby acknowledges and consents to the aforesaid 7-day incremental extensions; provided, however that, at its regularly scheduled meeting on April 22, 2020, the Mayor and City Commission may determine whether any further extensions of the City Manager's Declaration of a State of Emergency (beyond April 22, 2020) are necessary and warranted; and

WHEREAS, should the April 22, 2020 meeting of the Mayor and City Commission be cancelled or rescheduled to a subsequent date, the City Manager shall call a special emergency meeting of the City Commission, pursuant to Section 2.04 of the City Charter, for the express purpose of terminating or continuing to extend the Declaration of a State of Emergency.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, as follows:

1. The City Manager is hereby authorized to extend the Declaration of a State of Emergency in the City of Miami Beach to address the COVID-19 pandemic; said extension for an additional period of seven (7) days, commencing on March 19, 2020, and ending on March 26, 2020.
2. The City Manager is further authorized to extend the Declaration of a State of Emergency in the City of Miami Beach, on March 26, 2020, for four (4) additional 7-day increments, which would commence on March 26, 2020, and end on April 23, 2020.
3. The City Commission may, at its regularly scheduled meeting on April 22, 2020, determine whether any further extensions of the Declaration of a State of Emergency are warranted. Should the April 22, 2020 meeting of the Mayor and City Commission be cancelled or rescheduled to a subsequent date, the City Manager shall call a special emergency meeting of the City Commission, pursuant to Section 2.04 of the City Charter, for the express purpose of terminating or continuing to extend the Declaration of a State of Emergency.

PASSED and ADOPTED this ____ day of _____, 2020.

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

3-17-20

Date

MAF