

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, URGING MIAMI-DADE COUNTY MAYOR GIMENEZ TO PROMPTLY AUTHORIZE THE CITY OF MIAMI BEACH TO RE-OPEN POOLS IN MULTI-FAMILY RESIDENTIAL BUILDINGS WITHIN ITS GEOGRAPHIC BOUNDARIES, WHICH, IF OPENED, WOULD BE SUBJECT TO THE FOLLOWING: (1) SOCIAL DISTANCING REQUIREMENTS OF MIAMI-DADE COUNTY EO 21-20 AND APPLICABLE CDC GUIDELINES; (2) GUIDELINES OF THE MIAMI BEACH CITY MANAGER AND THE CITY'S HEALTH ADVISORY COMMITTEE ON TIMING FOR IMPLEMENTATION, ENFORCEMENT, AND ADDITIONAL RESTRICTIONS, AS DEEMED NECESSARY; (3) DISCRETION OF PROPERTY MANAGERS AND CONDOMINIUM ASSOCIATIONS TO KEEP THEIR BUILDINGS' POOLS OR POOL DECKS CLOSED, OR OPEN WITH ADDITIONAL RULES AS DEEMED NECESSARY; AND (4) EACH BUILDING MAINTAINING A PLAN TO ENSURE COMPLIANCE WITH OCCUPANCY LIMITS, SOCIAL DISTANCING, SANITATION AND ANY OTHER APPLICABLE REQUIREMENTS.

WHEREAS, during March and April of 2020, the accelerating infection rate for COVID-19 led at least 42 states (including Florida), and countless local governments, including Miami-Dade County and the City of Miami Beach, to issue orders curtailing mobility, recreational activities, and travel, through "Shelter in Place," "Stay at Home," or "Safer at Home" orders, to minimize contact through social distancing measures and reduce the risk of COVID-19 infection, with over 316 million Americans subject to such orders, accounting for over 97% of the country's population; and

WHEREAS, on March 12, 2020, Miami-Dade County Mayor Carlos Gimenez declared a State of Emergency for all of Miami-Dade County due to the threats associated with COVID-19; and

WHEREAS, on March 18, 2020, Mayor Gimenez issued Miami-Dade County Emergency Order ("EO") No. 06-20, ordering the closure of all publicly-owned and privately-owned parks, beaches and recreational facilities in the incorporated and unincorporated areas of Miami-Dade County, to limit the spread of COVID-19; and

WHEREAS, on March 31, 2020, Mayor Gimenez issued EO No. 15-20, ordering the closure of all pools, hot tubs, golf courses, tennis courts, basketball courts, fitness centers, gymnasiums and other common use amenities in multi-family residential buildings; and

WHEREAS, on April 27, 2020, Mayor Gimenez issued EO No. 21-20, ordering the re-opening of parks, golf courses, marinas and boat ramps, subject to social distance requirements, such as the requirement to wear a facial covering and maintain a six-foot distance separation between persons; and

WHEREAS, on April 27, 2020, Mayor Gimenez issued Amendment No. 1 to EO No. 15-20, ordering the re-opening of certain specified amenity areas in multi-family residential buildings, namely tennis courts, golf courses, and basketball courts, subject to the same social distancing requirements of Emergency Order 21-20, but otherwise requiring pools and fitness centers within residential buildings to remain closed; and

WHEREAS, as Miami-Dade County's emergency orders set the minimum standards applicable county-wide, the City can only be stricter than Miami-Dade County, but otherwise the City cannot reopen areas that the County has ordered to remain closed; and

WHEREAS, as of May 22, 2020, all pools within residential buildings remain closed; and

WHEREAS, on April 27, 2020, Palm Beach County issued Palm Beach County Emergency Order No. 5, ordering the opening of community pools consistent with CDC social distancing guidelines; and

WHEREAS, on April 28, 2020, Broward County issued Broward County Emergency Order No. 20-08, ordering the opening, with restrictions, of pools and pool decks located in multi-family housing developments, condominium developments, condominium hotels, or single-family homeowner associations; and

WHEREAS, similar to Broward County's recent steps to re-open pools in multi-family residential buildings, the re-opening of pools in multi-family residential buildings should be prioritized as part of the initial phased re-opening of Miami-Dade County, subject to continued social distancing restrictions consistent with all applicable CDC guidelines; and

WHEREAS, the re-opening of pools and pool decks in Miami-Dade County would provide a much-needed reprieve to residents who would benefit from additional access to outdoor areas where some research indicates the virus is less likely to spread; access to such areas could be implemented safely by condominium associations and property managers, while serving residents' physical and mental well-being; and

WHEREAS, the re-opening of pools and pool decks in multi-family residential buildings would also provide residents with an additional, and safe, option for outdoor recreational use, and would thereby result in fewer residents using recently-opened -- and crowded -- public parks and public recreational areas, thereby facilitating social distancing efforts; and

WHEREAS, reopening pools would benefit residents across all socio-economic backgrounds, as many buildings in the City, including apartment buildings, have pools, and these areas are not exclusive to luxury, high-rise condominiums; and

WHEREAS, members of the City's Health Advisory Committee have recommended that pools and pool decks be opened subject to social distancing measures -- concurring that scientific data increasingly suggests that risk of transmission drops substantially when people are out-of-doors as long as they observe social distancing; and

WHEREAS, if the restrictions in Miami-Dade County EO 15-20 were lifted, condominium associations and building property managers would still retain the ability to close or limit access to their pools and pool decks at their discretion, if doing so is in the best interests of the building and its residents; and

WHEREAS, while formulating recommendations, the City Manager and the City's Health Advisory Committee will incorporate input from the multi-family buildings throughout the City, including South Beach, Mid Beach, and North Beach; and

WHEREAS, although Miami-Dade County Mayor Gimenez indicated potential enforcement concerns county-wide, this would not be an issue for the County in the City of Miami

Beach; property managers and condominium associations, along with City's Code Compliance division, would be required to and responsible for implementing and enforcing their compliance plans in accordance with the guidelines issued by the City and its Health Advisory Committee regarding multi-family pools, thereby mitigating any County concern regarding the County's enforcement resources; and

WHEREAS, at the May 13, 2020 City Commission meeting, the Mayor and City Commission unanimously adopted a resolution urging Mayor Gimenez to allow reopening of the Citi Bike bicycle sharing services within the City – the request set forth in this Resolution is offered in the same spirit of collaboration with the County; and

WHEREAS, based on the foregoing, the Mayor and City Commission of Miami Beach urge Miami-Dade Mayor Carlos Gimenez to authorize municipalities to re-open pools in multi-family residential buildings within their jurisdictions, subject to the social distancing requirements of Miami-Dade County EO 21-20 and applicable CDC guidelines.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and the City Commission hereby urge Miami-Dade County Mayor Gimenez to promptly authorize the City of Miami Beach to re-open pools in multi-family residential buildings within its geographic boundaries, which, if opened, would be subject to the following: (1) social distancing requirements of Miami Dade County EO 21-20 and applicable CDC guidelines; (2) guidelines of the Miami Beach City Manager and the City's Health Advisory Committee on timing for implementation, enforcement, and additional restrictions, as deemed necessary; (3) discretion of property managers and condominium associations to keep their buildings' pools or pool decks closed, or open with additional rules as deemed necessary; and (4) each building maintaining a plan to ensure full compliance with occupancy limits, social distancing, sanitation and any other applicable requirements.

PASSED and ADOPTED this ____ day of _____, 2020.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

(sponsored by Commissioner Mark Samuelian)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

City Attorney

5/19/20

Date