RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO EXTEND THE DECLARATION OF A STATE OF EMERGENCY, DATED MARCH 12, 2020, IN THE CITY OF MIAMI BEACH TO ADDRESS THE COVID-19 PANDEMIC, AS EXTENDED THROUGH FEBRUARY 10, 2021, SUCH EXTENSION FOR AN ADDITIONAL PERIOD OF SEVEN (7) DAYS, COMMENCING AT 12:00 A.M. ON FEBRUARY 11, 2021, AND ENDING AT 11:59 P.M. ON FEBRUARY 17, 2021; FURTHER AUTHORIZING THE CITY MANAGER TO CONTINUE TO EXTEND THE DECLARATION OF A STATE OF EMERGENCY FOR FOUR (4) ADDITIONAL 7-DAY INCREMENTS, WHICH WOULD COMMENCE AT 12:00 A.M. ON FEBRUARY 18, 2021, AND END AT 11:59 P.M. ON MARCH 17, 2021; PROVIDED THAT THE SCOPE OF ANY EMERGENCY MEASURES ORDERED BY THE CITY MANAGER SHALL, CONSISTENT WITH ALL PRIOR EMERGENCY MEASURES IMPOSED BY THE CITY MANAGER TO DATE, BE LIMITED TO RESPOND TO IMMEDIATE THREATS POSED BY THE COVID-19 PANDEMIC; PROVIDING THAT NO EMERGENCY ACTION TAKEN BY THE CITY MANAGER SHALL BE BINDING ON THE CITY COMMISSION BEYOND THE PERIOD OF THE COVID-19 STATE OF EMERGENCY, OR OTHERWISE LIMIT THE ABILITY OF THE CITY COMMISSION TO UNDO ANY ACTION OF THE CITY MANAGER, WHETHER CONTRACTUALLY OR LEGISLATIVELY; FURTHER, PROVIDING THAT THE SUBJECT DECLARATION OF EMERGENCY SHALL BE TERMINABLE BY THE CITY COMMISSION IN ACCORDANCE WITH THE PROVISIONS OF THIS RESOLUTION; AND, FINALLY, PROVIDING THAT THE CITY MANAGER SHALL BE REQUIRED TO CALL A CITY COMMISSION MEETING PRIOR TO ORDERING ANY EMERGENCY MEASURE THAT IS MORE RESTRICTIVE THAN THE EMERGENCY MEASURES IN EFFECT AS OF FEBRUARY 11, 2021.

WHEREAS, coronavirus disease 2019 ("COVID-19"), a severe acute respiratory illness caused by the SARS-CoV-2 virus that can spread rapidly from person to person and cause serious illness or death, constitutes a clear and present threat to the lives, health, welfare and safety of the people of the City of Miami Beach; and

WHEREAS, on March 9, 2020, Governor Ron DeSantis issued Executive Order 20-52, declaring a State of Emergency for the State of Florida related to COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization declared the rapidly spreading coronavirus outbreak a pandemic; 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 12, 2020, the City Manager for the City of Miami Beach declared a State of Emergency for the City of Miami Beach, as COVID-19 poses a health risk to the City's residents, particularly elderly residents and those who are immunosuppressed or otherwise have high risk of medical conditions, which declaration was amended on March 13, 2020, and the findings of which are hereby incorporated by reference; and

WHEREAS, on March 13, 2020, the Mayor and City Commission of the City of Miami Beach unanimously adopted Resolution No. 2020-31192, authorizing the City Manager to extend the duration of the Declaration of a State of Emergency and implement discretionary emergency measures for an additional period of seven (7) days, commencing on March 12, 2020, and ending on March 19, 2020, to address the COVID-19 pandemic and protect the public health, safety and welfare of the people of the City of Miami Beach, the findings of which are hereby incorporated by reference; and

WHEREAS, on March 13, 2020, President Trump declared a national emergency due to COVID-19; and

WHEREAS, on March 18, 2020, the Mayor and City Commission unanimously adopted Resolution No. 2020-31219, authorizing the City Manager to extend the duration of the Declaration of a State of Emergency and implement discretionary emergency measures for an additional period of seven (7) days, commencing on March 19, 2020, and ending on March 26, 2020, to address the COVID-19 pandemic and protect the public health, safety and welfare of the people of the City of Miami Beach, the findings of which are hereby incorporated by reference; and

WHEREAS, the rate of infection throughout the world and in the United States has accelerated rapidly, with more than 100,703,829 confirmed cases worldwide as of January 27, 2021; and

WHEREAS, as the result of the rapid and exponential spread of COVID-19, countries throughout the world have imposed strict measures limiting travel, and ordering citizens to stay at home to avoid or minimize the community spread of COVID-19; and

WHEREAS, Dr. Anthony S. Fauci, the Director of the National Institute of Allergy and Infectious Diseases and the United States government's top infectious disease expert, warned early during the pandemic that COVID-19 could kill between 100,000 to 200,000 Americans, despite social distancing measures already taken across the country; and

WHEREAS, as of January 27, 2021, the United States has recorded over 25,565,874 confirmed cases, with more than 428,015 deaths; and

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, to issue orders curtailing mobility and travel, through "Shelter in Place," "Stay at Home," or "Safer at Home" orders, in order to minimize contact through social distancing measures and reduce the risk of COVID-19 infection, with over 316 million Americans subject to such orders as of April 27, 2020, accounting for over 97% of the country's population; and

WHEREAS, on July 12, 2020, the Florida Department of Health (the "FDOH") reported 15,300 additional cases in Florida, shattering both state and national records for daily new cases reported since the start of the pandemic; and

WHEREAS, as of January 27, 2021, the FDOH lists 1,676,171 positive cases of COVID-19 in Florida and 25,833 deaths, with South Florida accounting for approximately 40% of the state's total number of infections – with 168,653 confirmed cases in Broward County, 103,862 confirmed cases in Palm Beach County, and 364,123 confirmed cases in Miami-Dade County; and

WHEREAS, as of January 27, 2021, 4,768 individuals in Miami-Dade County have died due to complications from COVID-19; and

WHEREAS, health experts urge people to practice extreme social distancing in order to "flatten the curve," which refers to the use of protective practices to slow the rate of COVID-19 infection, so that hospitals have sufficient room, supplies, and medical personnel for all of the patients who may need care due to COVID-19; and

WHEREAS, the failure to "flatten the curve" at the early onset of the COVID-19 pandemic in Italy has filled many hospitals in Italy beyond their capacity, forcing emergency rooms to close their doors to new patients, allocate ventilators and ICU beds to patients with highest chances of survival, hire hundreds of new doctors and healthcare personnel, and request emergency supplies of basic medical equipment, like respirator masks, from abroad; and

WHEREAS, COVID-19 continues to impact first responders on a global and national scale – during the first wave of the pandemic in Italy, 8,358 health workers tested positive for coronavirus, according to the Italian National Institute of Health, and over 60 doctors who were infected with the coronavirus died; and

WHEREAS, as Spain overtook China on March 30, 2020, in the number of confirmed coronavirus infections, the pandemic stretched Spanish hospitals to their breaking points – at least six of Spain's 17 regions had reached their limit of ICU beds and three more regions were approaching it, according to Spanish authorities; and

WHEREAS, the COVID-19 outbreak has already overwhelmed some United States hospitals in areas with the highest infection rates, leading the U.S. military to prepare to deploy field hospitals in New York and Seattle, send military hospital ships to Los Angeles and New York City, and task the Army Corps of Engineers to convert hotels and dormitories into treatment facilities for sick patients; and

WHEREAS, the spread of COVID-19 via travel, including business and leisure travel, presents unique challenges to a resort community like Miami Beach, as attracting visitors and tourists is utterly incompatible with social distancing efforts; and

WHEREAS, in spite of warnings from City, County, State, and Federal governmental agencies, including the Centers for Disease Control and Prevention (the "CDC"), thousands of students and other persons congregated in Miami Beach for "Spring Break" and other social activities, and congregated in and around parks, beaches, hotels, restaurants, bars, nightclubs, and other places of public assemblage, without observing the social distancing guidelines recommended by the CDC, thus increasing the risk of transmission; and

WHEREAS, as of April 2, 2020, at least four Miami Beach police officers, one of which was assigned to patrol the Ocean Drive area during a peak "Spring Break" period, contracted COVID-19; and

WHEREAS, there is reason to believe that COVID-19 may be spread amongst the population by various means of exposure, including the propensity to spread person-to-person and the propensity to attach to surfaces for prolonged periods of time, thereby spreading from surface to person and causing property loss and damage in certain circumstances; and

WHEREAS, the media has reported that two religious leaders in the Surfside/Bal Harbour area contracted COVID-19; and

WHEREAS, continued gatherings in places of public assemblage, including without limitation restaurants, bars, theaters, auditoriums, religious institutions, and other meeting places, pose a risk to the health, safety and welfare of the people of the City of Miami Beach; and

WHEREAS, since Miami-Dade County's initial declaration of a State of Emergency, Miami-Dade County has issued various Emergency Orders temporarily closing public and private facilities, including the temporary closure of all non-essential retail and commercial establishments within Miami-Dade County (as such term is defined in Miami-Dade County's Emergency Orders), subject to any further restrictions as may be ordered by municipalities within their jurisdictions; and

WHEREAS, in response to the threat posed by COVID-19 to the health, safety and welfare of the City's residents, since March 12, 2020, the City Manager of the City of Miami Beach has imposed a number of temporary emergency measures in order to reduce community spread, relieve pressure on hospitals and healthcare personnel, protect workers, and maintain social order; and

WHEREAS, many countries have enacted travel restrictions in response to the spread of COVID-19, including the United States, which issued a Level 4 "Do Not Travel" global health advisory, advising United States citizens to avoid all international travel due to the global impact of COVID-19; and

WHEREAS, in an effort to further implement social distancing practices to curb the spread of COVID-19, on March 23, 2020, the City Manager issued a "Safer at Home" Emergency Order, requiring all persons living in the City to remain in their homes to the maximum extent possible, except to engage in essential activities as set forth in the Order; and

WHEREAS, other cities in Miami-Dade County, including Miami, Hialeah, Coral Gables, Surfside, North Bay Village, Golden Beach, Aventura, Bay Harbor Islands, and Doral have also issued similar orders for residents; and

WHEREAS, however, domestic air travel remains unrestricted and Florida continues to receive guests and visitors from high risk areas, such as visitors seeking shelter in Florida, potentially further compounding the public health emergency and straining resources for local governments in Florida; and

WHEREAS, on March 23, 2020, Florida Governor Ron DeSantis issued Executive Order No. 20-80, requiring visitors entering the State of Florida through airports from New York, New Jersey, and Connecticut to isolate or quarantine for a period of 14 days following their arrival in Florida, in an effort to stop the spread of COVID-19; and

WHEREAS, subsequently, on March 27, 2020, Governor DeSantis issued Executive Order 20-86, requiring visitors entering the State of Florida from Louisiana to isolate or quarantine for a period of 14 days following their arrival in Florida; and

WHEREAS, on March 27, 2020, Governor DeSantis also issued an executive order suspending operations of all vacation rentals in Florida and prohibiting them from making new reservations or bookings and accepting new guests for check-in for the duration of the order; and

WHEREAS, on March 27, 2020, the United States Congress approved the largest economic relief package in United States history, allocating $2 trillion to provide immediate assistance to individual Americans, small businesses, and major industries on the brink of economic collapse amid the ongoing pandemic; and

WHEREAS, on March 29, 2020, in recognition that extreme social distancing measures are critical to containment of the pandemic, President Trump extended federal social distancing guidelines through April 30, recommending that all Americans must continue to avoid nonessential travel, going to work, eating at bars and restaurants, or gathering in groups of more than 10 persons; and

WHEREAS, on March 30, 2020, Governor DeSantis issued an executive order directing Miami-Dade County, Broward County, Palm Beach County, and Monroe County (which together account for nearly half of Florida's identified COVID-19 cases), to restrict public access to businesses and facilities deemed non-essential pursuant to the guidelines established by Miami-Dade County pursuant to its March 19, 2020 Emergency Order 07-20, as amended; and

WHEREAS, on March 31, 2020, Governor DeSantis issued a stay-at-home order for Miami-Dade County, Broward County, Palm Beach County, and Monroe County; and

WHEREAS, on April 3, 2020, the CDC announced national guidelines recommending that all persons use non-medical grade masks when engaging in any activities outside the home; and

WHEREAS, on April 3, 2020, the City issued an Emergency Order requiring all employees and customers of grocery stores, pharmacies and restaurant facilities to wear a form of covering over their nose and mouth at all times when inside these establishments, and strongly encouraging the use of such coverings in all other essential retail and commercial businesses; and

WHEREAS, in order to create additional capacity in hospitals, the State of Florida has determined that there is an urgent need to construct, rehabilitate and install treatment facilities to house and treat those residents and visitors of the State who are suffering from COVID-19 and non-COVID-19 illnesses; and

WHEREAS, on Wednesday, April 8, 2020, City of Miami Beach Mayor Dan Gelber, along with Governor DeSantis, Miami-Dade County Mayor Carlos Gimenez and Lt. Gen. Todd T. Semonite, Commanding General of the United States Army Corps of Engineers, announced an initiative to repurpose the Miami Beach Convention Center as a temporary medical facility for COVID-19 patients, which will initially include up to 450 beds, with capacity for additional beds if necessary; and

WHEREAS, on April 29, 2020, Governor DeSantis issued Emergency Order 20-112, which, in pertinent part, permitted certain businesses required to close pursuant to previous executive orders to reopen (subject to certain restrictions), effective May 4, 2020; and

WHEREAS, in recognition of widespread transmission of COVID-19 in South Florida, and the need to continue emergency measures in South Florida, Executive Order 20-112 exempted Miami-Dade, Broward, and Palm Beach counties from the reopening provisions of the Order, providing that "allowances for services and activities from . . . this order will be considered in consultation with local leadership"; and

WHEREAS, pursuant to Sections 26-31 and 26-33 of the City Code and Chapter 252 of the Florida Statutes, the City Manager of the City of Miami Beach is authorized to declare a state of emergency and order and promulgate discretionary emergency measures, 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, Section 252.38, 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, in Resolution No. 2020-31219, the Mayor and City Commission further authorized the City Manager to continue 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, on April 2, 2020, and pursuant to Resolution No. 2020-31219, the City Manager extended the Declaration of a State of Emergency for an additional period of seven (7) days, commencing on April 3, 2020, and ending on April 9, 2020; and

WHEREAS, on April 9, 2020, the City Manager extended the Declaration of a State of Emergency for an additional period of seven (7) days, commencing on April 10, 2020, and ending on April 16, 2020; and

WHEREAS, on April 16, 2020, the City Manager extended the Declaration of a State of Emergency for an additional period of seven (7) days, commencing on April 17, 2020, and ending on April 23, 2020; and

WHEREAS, on April 22, 2020, the Mayor and City Commission unanimously adopted Resolution No. 2020-31245, authorizing the City Manager to extend the duration of the Declaration of a State of Emergency and implement discretionary emergency measures for an additional period of seven (7) days, commencing on April 24, 2020, and ending on April 30, 2020, to address the COVID-19 pandemic and protect the public health, safety and welfare of the people of the City of Miami Beach, the findings of which are hereby incorporated by reference; and

WHEREAS, Resolution No. 2020-31245 further authorized the City Manager to extend the Declaration of a State of Emergency in the City of Miami Beach, on April 30, 2020, for an additional 7-day increment, which would commence on May 1, 2020, and end on May 7, 2020; and

WHEREAS, on April 30, 2020, the City Manager extended the Declaration of a State of Emergency for an additional period of seven (7) days, commencing on May 1, 2020, and ending on May 7, 2020; and

WHEREAS, on May 1, 2020, the Mayor and City Commission adopted Resolution No. 2020-31246, and authorized the City Manager to extend the Declaration of a State of Emergency in the City of Miami Beach, for an additional 7-day increment, which would commence on May 8, 2020, and end on May 14, 2020, to address the COVID-19 pandemic and protect the public health, safety and welfare of the people of the City of Miami Beach, the findings of which are hereby incorporated by reference; and

WHEREAS, on May 7, 2020, the City Manager extended the Declaration of a State of Emergency for an additional seven (7) days, commencing on May 8, 2020 and ending on May 14, 2020; and

WHEREAS, on May 13, 2020, the Mayor and City Commission adopted Resolution No. 2020-31273, authorizing the City Manager to extend the Declaration of a State of Emergency for an additional seven (7) days, commencing on May 15, 2020 and ending on May 21, 2020, and further authorizing the City Manager to extend the Declaration of a State of Emergency by one (1) additional day, commencing at 12:00 a.m. on May 22, 2020, and ending at 11:59 p.m. on May 22, 2020; and

WHEREAS, on May 14, 2020, the City Manager extended the Declaration of a State of Emergency for an additional seven (7) days, commencing on May 15, 2020 and ending on May 21, 2020; and

WHEREAS, on May 15, 2020, Miami-Dade County Mayor Carlos Gimenez issued Emergency Order 23-20, effective May 18, 2020, permitting certain retail and commercial establishments and other establishments or facilities in Miami-Dade County to reopen, subject to strict compliance with social distancing guidelines issued by the County ("EO 23-20"); and

WHEREAS, the provisions of EO 23-20 serve as minimum standards, and municipalities may impose more stringent standards within their jurisdictions; and

WHEREAS, on May 16, 2020, and pursuant to the City's Declaration of a State of Emergency, the City Manager issued the City's Phase 1 Reopening Order, permitting certain retail and commercial establishments to reopen subject to strict compliance with social distancing guidelines in EO 23-20, and the additional requirements set forth in the City's Order; and

WHEREAS, on May 21, 2020, the City Manager extended the Declaration of a State of Emergency for one (1) additional day, commencing at 12:00 a.m. on May 22, 2020 and ending at 11:59 p.m. on May 22, 2020; and

WHEREAS, on May 22, 2020, the City Commission adopted Resolution No. 2020-31280, authorizing the City Manager to extend the duration of the Declaration for an additional period of seven (7) days, commencing on May 23, 2020, and ending on May 29, 2020; and

WHEREAS, on May 22, 2020, pursuant to Resolution No. 2020-31280, the City Manager extended the Declaration of a State of Emergency for additional seven (7) days, commencing at 12:00 a.m. on May 23, 2020, and ending at 11:59 p.m. on May 29, 2020; and

WHEREAS, on May 28, 2020, the Mayor and City Commission adopted Resolution No. 2020-31282, authorizing the City Manager to extend the Declaration of a State of Emergency for additional seven (7) days, commencing on May 30, 2020 and ending on June 5, 2020; and

WHEREAS, on May 29, 2020, pursuant to Resolution No. 2020-31282, the City Manager extended the Declaration of a State of Emergency for additional seven (7) days, commencing on May 30, 2020 and ending on June 5, 2020; and

WHEREAS, on May 29, 2020, and pursuant to the City's Declaration of a State of Emergency, the City Manager issued the City's Phase 2 Reopening Order, permitting commercial lodging establishments, swimming pools, and beaches to reopen effective June 1, 2020, subject to strict compliance with social distancing guidelines in EO 23-20, and the additional requirements set forth in the City's Order; and

WHEREAS, on June 5, 2020, the Mayor and City Commission adopted Resolution No. 2020-31284, authorizing the City Manager to extend the Declaration of a State of Emergency for additional seven (7) days, commencing on June 6, 2020 and ending on June 12, 2020; and

WHEREAS, on June 5, 2020, pursuant to Resolution No. 2020-31284, the City Manager extended the Declaration of a State of Emergency for additional seven (7) days, commencing on June 6, 2020 and ending on June 12, 2020; and

WHEREAS, on June 12, 2020, the Mayor and City Commission adopted Resolution No. 2020-31287, authorizing the City Manager to extend the Declaration of a State of Emergency for an additional seven (7) days, commencing at 12:00 a.m. on June 13, 2020 and ending at 11:59 p.m. on June 19, 2020, and further authorizing the City Manager to extend the Declaration of a State of Emergency for an additional period of five (5) days, commencing at 12:00 a.m. on June 20, 2020, and ending at 11:59 p.m. on June 24, 2020; and

WHEREAS, on June 12, 2020, pursuant to Resolution No. 2020-31287, the City Manager extended the Declaration of a State of Emergency for an additional seven (7) days, commencing on June 13, 2020 and ending on June 19, 2020; and

WHEREAS, on June 19, 2020, pursuant to Resolution No. 2020-31287, the City Manager extended the Declaration of a State of Emergency for an additional five (5) days, commencing on June 20, 2020, and ending on June 24, 2020; and

WHEREAS, on June 24, 2020, the Mayor and City Commission adopted Resolution No. 2020-31308, authorizing the City Manager to extend the Declaration of a State of Emergency for an additional seven (7) days, commencing at 12:00 a.m. on June 25, 2020 and ending at 11:59 p.m. on July 1, 2020, and further authorizing the City Manager to extend the Declaration of a State of Emergency for two (2) additional 7-day increments, and one (1) additional 2-day increment, commencing at 12:00 a.m. on July 2, 2020, and ending at 11:59 p.m. on July 17, 2020; and

WHEREAS, on June 24, 2020, and pursuant to Resolution No. 2020-31308, the City Manager extended the Declaration of a State of Emergency for an additional seven (7) days, commencing on June 25, 2020, and ending on July 1, 2020; and

WHEREAS, commencing on June 28, 2020, and in response to a rapid increase in the rate of new cases of COVID-19, Miami-Dade County Mayor Carlos Gimenez issued a number of emergency orders, intended to close certain facilities, limit public gatherings, and curb the spread of COVID-19:

- Amendment No. 4, dated June 28, 2020, to Emergency Order 23-20, prohibiting the sale of alcoholic beverages for on-site consumption between 12:01 a.m. and 6:00 a.m. each day, and ordering the closure of hookah lounges;
- Emergency Order 25-20, dated June 28, 2020, closing all beaches in Miami-Dade County commencing Friday, July 3, 2020, and extending through Monday, July 6, 2020; and prohibiting parades;
- Amendment No. 5, dated June 30, 2020, to Emergency Order 23-20, closing restaurants and other food service establishments for on-premises dining between 12:01 a.m. and 6:00 a.m. each day;
- Amendment No. 1, dated June 30, 2020, to Emergency Order 25-20, imposing restrictions on the operation of hotel pools;
- Amendment No. 1, dated July 2, 2020, to Emergency Order 20-20, requiring all persons throughout Miami-Dade County to wear a mask or other facial covering when in public, subject to certain exceptions;

- Emergency Order 26-20, closing all movie theaters, concert houses, auditoriums, playhouses, bowling alleys, arcades, indoor amusement facilities, and casinos;
- Emergency Order 27-20, imposing a curfew throughut Miami-Dade County, effective from 10:00 p.m. each night through 6:00 a.m. the next morning;
- Amendment No. 1, dated July 3, 2020, to Emergency Order 26-20, ordering the closure of outdoor amusement facilities, adult theaters, special cabarets, and unlicensed massage establishments; and
- Amendment No. 2, dated July 7, 2020, to Emergency Order 26-20, closing banquet halls and ballrooms; requiring masks or facial coverings to be worn inside gyms and fitness centers; limiting restaurants and cafeterias to outdoor service only for on-site consumption between the hours of 6:00 a.m. and 10:00 p.m. each day, and requiring that outdoor on-premises service cease at 10:00 a.m.; and imposing occupancy restrictions on short-term vacation rentals, and prohibiting new rental agreements entered into except on a monthly basis; and

WHEREAS, on July 1, 2020, and pursuant to Resolution No. 2020-31308, the City Manager extended the Declaration of a State of Emergency for an additional seven (7) days, commencing on July 2, 2020, and ending on July 8, 2020; and

WHEREAS, on July 8, 2020, and pursuant to Resolution No. 2020-31308, the City Manager extended the Declaration of a State of Emergency for an additional seven (7) days, commencing on July 9, 2020, and ending on July 15, 2020; and

WHEREAS, on July 15, 2020, the City Manager extended the Declaration of a State of Emergency for an additional two (2) days, commencing on July 16, 2020, and ending on July 17, 2020; and

WHEREAS, on July 17, 2020, the Mayor and City Commission adopted Resolution No. 2020-31312, authorizing the City Manager to extend the Declaration of a State of Emergency for an additional seven (7) days, commencing at 12:00 a.m. on July 18, 2020 and ending at 11:59 p.m. on July 24, 2020, and further authorizing the City Manager to extend the Declaration of a State of Emergency for one (1) additional 5-day increment, commencing at 12:00 a.m. on July 25, 2020, and ending at 11:59 p.m. on July 29, 2020; and

WHEREAS, on July 29, 2020, the Mayor and City Commission adopted Resolution No. 2020-31372, authorizing the City Manager to extend the Declaration for an additional seven (7) days, commencing at 12:00 a.m. on July 30, 2020, and ending at 11:59 p.m. on August 5, 2020, and further authorizing the City Manager to extend the Declaration for six (6) additional 7-day increments, commencing at 12:00 a.m. on August 6, 2020, and ending at 11:59 p.m. on September 16, 2020; and

WHEREAS, on July 29, 2020, and pursuant to Resolution No. 2020-31372, the City Manager extended the Declaration of a State of Emergency for an additional seven (7) days, commencing on July 30, 2020, and ending on August 5, 2020; and

WHEREAS, on August 5, 2020, and pursuant to Resolution No. 2020-31372, the City Manager extended the Declaration of a State of Emergency for an additional seven (7) days, commencing on August 6, 2020, and ending on August 12, 2020; and

WHEREAS, on August 12, 2020, and pursuant to Resolution No. 2020-31372, the City Manager extended the Declaration of a State of Emergency for an additional seven (7) days, commencing on August 13, 2020, and ending on August 19, 2020; and

WHEREAS, on August 19, 2020, and pursuant to Resolution No. 2020-31372, the City Manager extended the Declaration of a State of Emergency for an additional seven (7) days, commencing on August 20, 2020, and ending on August 26, 2020; and

WHEREAS, on August 26, 2020, and pursuant to Resolution No. 2020-31372, the City Manager extended the Declaration of a State of Emergency for an additional seven (7) days, commencing on August 27, 2020, and ending on September 2, 2020; and

WHEREAS, on September 2, 2020, and pursuant to Resolution No. 2020-31372, the City Manager extended the Declaration of a State of Emergency for an additional seven (7) days, commencing on September 3, 2020, and ending on September 9, 2020; and

WHEREAS, on September 9, 2020, and pursuant to Resolution No. 2020-31372, the City Manager extended the Declaration of a State of Emergency for an additional seven (7) days, commencing on September 10, 2020, and ending on September 16, 2020; and

WHEREAS, on September 16, 2020, the Mayor and City Commission adopted Resolution No. 2020-31424, authorizing the City Manager to extend the Declaration for an additional seven (7) days, commencing at 12:00 a.m. on September 17, 2020, and ending at 11:59 p.m. on September 23, 2020, and further authorizing the City Manager to extend the Declaration for three (3) additional 7-day increments, which would commence at 12:00 a.m. on September 24, 2020, and end at 11:59 p.m. on October 14, 2020; and

WHEREAS, on September 16, 2020, and pursuant to Resolution No. 2020-31424, the City Manager extended the Declaration of a State of Emergency for an additional seven (7) days, commencing on September 17, 2020, and ending on September 23, 2020; and

WHEREAS, on September 23, 2020, and pursuant to Resolution No. 2020-31424, the City Manager extended the Declaration of a State of Emergency for an additional seven (7) days, commencing on September 24, 2020, and ending on September 30, 2020; and

WHEREAS, on September 25, 2020, Governor DeSantis issued Executive Order 20-244, stating that economic harms resulting from COVID-19 closures have exacerbated the State of Emergency; and

WHEREAS, Executive Order 20-244 moves the State of Florida into Phase 3 of its reopening plan, requiring local governments to provide economic impact analysis on the restaurant industry and explanation of why limits are necessary for public health if the local government intends to reduce capacity below 100 percent, and requiring all other businesses to open as part of Phase 3; and

WHEREAS, on September 26, 2020, Miami-Dade County Mayor Carlos Gimenez issued Emergency Order 30-20, authorizing every retail and commercial establishment and any other establishment or facility in the County to open, provided that each such establishment complies with specific capacity, social distancing, and other requirements, including the applicable activity-specific requirements in the "Moving To A New Normal Handbook" ("EO 30-20"); and

WHEREAS, the findings in EO 30-20 as to the economic impact analysis on the restaurant industry, and explanation of why limits on capacity are necessary for public health, are hereby incorporated by reference as if fully set forth herein; and

WHEREAS, on September 30, 2020, and pursuant to Resolution No. 2020-31424, the City Manager extended the Declaration of a State of Emergency for an additional seven (7) days, commencing on October 1, 2020, and ending on October 7, 2020; and

WHEREAS, on October 7, 2020, and pursuant to Resolution No. 2020-31424, the City Manager extended the Declaration of a State of Emergency for an additional seven (7) days, commencing on October 8, 2020, and ending on October 14, 2020; and

WHEREAS, on October 14, 2020, the Mayor and City Commission adopted Resolution No. 2020-31463, authorizing the City Manager to extend the Declaration for an additional seven (7) days, commencing at 12:00 a.m. on October 15, 2020, and ending at 11:59 p.m. on October 21, 2020, and further authorizing the City Manager to extend the Declaration for four (4) additional 7-day increments, which would commence at 12:00 a.m. on October 22, 2020, and end at 11:59 p.m. on November 18, 2020; and

WHEREAS, on October 14, 2020, and pursuant to Resolution No. 2020-31463, the City Manager extended the Declaration of a State of Emergency for an additional seven (7) days, commencing on October 15, 2020, and ending on October 21, 2020; and

WHEREAS, on October 21, 2020, and pursuant to Resolution No. 2020-31463, the City Manager extended the Declaration of a State of Emergency for an additional seven (7) days, commencing on October 22, 2020, and ending on October 28, 2020; and

WHEREAS, on October 28, 2020, and pursuant to Resolution No. 2020-31463, the City Manager extended the Declaration of a State of Emergency for an additional seven (7) days, commencing on October 29, 2020, and ending on November 4, 2020; and

WHEREAS, on November 4, 2020, and pursuant to Resolution No. 2020-31463, the City Manager extended the Declaration of a State of Emergency for an additional seven (7) days, commencing on November 5, 2020, and ending on November 11, 2020; and

WHEREAS, on November 11, 2020, and pursuant to Resolution No. 2020-31463, the City Manager extended the Declaration of a State of Emergency for an additional seven (7) days, commencing on November 12, 2020, and ending on November 18, 2020; and

WHEREAS, on November 18, 2020, the Mayor and City Commission adopted Resolution No. 2020-31506, authorizing the City Manager to extend the Declaration for an additional seven (7) days, commencing at 12:00 a.m. on November 19, 2020, and ending at 11:59 p.m. on November 25, 2020, and further authorizing the City Manager to extend the Declaration for two (2) additional 7-day increments, which would commence at 12:00 a.m. on November 26, 2020, and end at 11:59 p.m. on December 9, 2020; and

WHEREAS, on November 18, 2020, and pursuant to Resolution No. 2020-31506, the City Manager extended the Declaration of a State of Emergency for an additional seven (7) days, commencing on November 19, 2020, and ending on November 25, 2020; and

WHEREAS, on November 25, 2020, and pursuant to Resolution No. 2020-31506, the City Manager extended the Declaration of a State of Emergency for an additional seven (7) days, commencing on November 26, 2020, and ending on December 2, 2020; and

WHEREAS, on December 2, 2020, and pursuant to Resolution No. 2020-31506, the City Manager extended the Declaration of a State of Emergency for an additional seven (7) days, commencing on December 3, 2020, and ending on December 9, 2020; and

WHEREAS, on December 9, 2020, the Mayor and City Commission adopted Resolution No. 2020-31529, authorizing the City Manager to extend the Declaration for an additional seven (7) days, commencing at 12:00 a.m. on December 10, 2020, and ending at 11:59 p.m. on December 16, 2020, and further authorizing the City Manager to extend the Declaration for four (4) additional 7-day increments, which would commence at 12:00 a.m. on December 17, 2020, and end at 11:59 p.m. on January 13, 2021; and

WHEREAS, on December 9, 2020, and pursuant to Resolution No. 2020-31529, the City Manager extended the Declaration of a State of Emergency for an additional seven (7) days, commencing on December 10, 2020, and ending on December 16, 2020; and

WHEREAS, on December 16, 2020, and pursuant to Resolution No. 2020-31529, the City Manager extended the Declaration of a State of Emergency for an additional seven (7) days, commencing on December 17, 2020, and ending on December 23, 2020; and

WHEREAS, on December 23, 2020, and pursuant to Resolution No. 2020-31529, the City Manager extended the Declaration of a State of Emergency for an additional seven (7) days, commencing on December 24, 2020, and ending on December 30, 2020; and

WHEREAS, on December 30, 2020, and pursuant to Resolution No. 2020-31529, the City Manager extended the Declaration of a State of Emergency for an additional seven (7) days, commencing on December 31, 2020, and ending on January 6, 2021; and

WHEREAS, on January 6, 2021, and pursuant to Resolution No. 2020-31529, the City Manager extended the Declaration of a State of Emergency for an additional seven (7) days, commencing on January 7, 2021, and ending on January 13, 2021; and

WHEREAS, on January 13, 2021, the Mayor and City Commission adopted Resolution No. 2021-31558, authorizing the City Manager to extend the Declaration for an additional seven (7) days, commencing at 12:00 a.m. on January 14, 2021, and ending at 11:59 p.m. on January 20, 2021, and further authorizing the City Manager to extend the Declaration for three (3) additional 7-day increments, which would commence at 12:00 a.m. on January 21, 2021, and end at 11:59 p.m. on February 10, 2021; and

WHEREAS, on January 13, 2021, and pursuant to Resolution No. 2020-31558, the City Manager extended the Declaration of a State of Emergency for an additional seven (7) days, commencing on January 14, 2021, and ending on January 20, 2021; and

WHEREAS, on January 20, 2021, and pursuant to Resolution No. 2020-31558, the City Manager extended the Declaration of a State of Emergency for an additional seven (7) days, commencing on January 21, 2021, and ending on January 27, 2021; and

WHEREAS, on January 27, 2021, and pursuant to Resolution No. 2020-31558, the City Manager extended the Declaration of a State of Emergency for an additional seven (7) days, commencing on January 28, 2021, and ending on February 3, 2021; and

WHEREAS, on February 3, 2021, and pursuant to Resolution No. 2020-31558, the City Manager extended the Declaration of a State of Emergency for an additional seven (7) days, commencing on February 4, 2021, and ending on February 10, 2021; and

WHEREAS, as continued measures are required to address the COVID-19 pandemic, the City Manager hereby requests that the Mayor and City Commission authorize the City Manager to extend the Declaration of a State of Emergency in the City of Miami Beach, for an additional 7-day increment, which would commence on February 11, 2021, and end on February 17, 2021; and

WHEREAS, the City Manager hereby further requests that the Mayor and City Commission provide authorization to continue to extend the Declaration of a State of Emergency for four (4) additional 7-day increments, which would commence at 12:00 a.m. on February 18, 2021, and end at 11:59 p.m. on March 17, 2021; and

WHEREAS, the Mayor and City Commission hereby acknowledge and consent to the aforestated 7-day incremental extension and the additional incremental extensions; provided, however, that at any duly-noticed regular or special City Commission meeting, the Mayor and City Commission may determine whether any further extensions of the City Manager's Declaration of a State of Emergency are necessary and warranted; and

WHEREAS, on March 20, 2020, the Florida Governor issued Executive Order 20-69, which (i) suspended any Florida Statute that requires a quorum to be present in person or requires a local government body to meet at a specific public place, and (ii) permits local government bodies to utilize communications media technology such as telephonic and video conferencing; and

WHEREAS, the use of communications media technology to hold public meetings permits the City Commission, the City's land use boards, and the City's other boards and committees to conduct public business, while mitigating the public health risks associated with in-person gatherings; and

WHEREAS, Executive Order 20-69 expired on November 1, 2020; and

WHEREAS, on October 28, 2020, the Mayor and City Commission adopted Resolution No. 2020-31474, making certain legislative findings concerning the COVID-19 public health emergency, and adopting a policy for attendance at public meetings. Specifically, the Resolution provides as follows:

(1) The City's advisory boards and commtitees, as well as the City's Charter Officers (City Manager, City Attorney, City Clerk, and Inspector General) and their staff, shall continue to meet virtually;

(2) Commencing November 1, 2020, the City Commission and Land Use Boards shall maintain a physically-present quorum at meetings requiring action, with remaining City Commissioners and Land Use Board members who are not physically present to participate virtually, due to the extraordinary circumstances presented by the current public health emergency;

(3) Any applicable requirements within the City Charter, Code of Ordinances, Resolutions, or other City policy that may require the physical presence of quorum/board members or Charter officers/staff at public meetings are hereby waived; and

(4) All virtual meetings/participation shall continue to be compliant with the Florida Constitution and Florida's Government in the Sunshine Law, at Chapter 286, Florida Statutes.

A copy of Resolution No. 2020-31474 is attached to this Declaration and incorporated herein as Exhibit "A"; and

WHEREAS, in December 2020, the Food and Drug Administration granted emergency use authorizations for the Pfizer-BioNTech and Moderna mRNA coronavirus vaccines and, since then, distribution of these vaccines has begun; and

WHEREAS, "herd immunity," also known as "population immunity," is the indirect protection from an infectious disease that happens when a population is immune either through vaccination or immunity developed through previous infection; and

WHEREAS, the World Health Organization (WHO) "supports achieving 'herd immunity' through vaccination, not by allowing a disease to spread through any segment of the population, as this would result in unnecessary cases and deaths"; and

WHEREAS, according to the WHO, "to safely achieve herd immunity against COVID-19, a substantial proportion of a population would need to be vaccinated, lowering the overall amount of virus able to spread in the whole population"; and

WHEREAS, until "herd immunity" or "population immunity" is achieved through widespread vaccination, social distancing, masking, and other measures must remain in place to control the spread of COVID-19; and

WHEREAS, should the currently scheduled meetings of the Mayor and City Commission be canceled 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 at 12:00 a.m. on February 11, 2021, and ending at 11:59 p.m. on February 17, 2021.

2. 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 at 12:00 a.m. on February 18, 2021, and end at 11:59 p.m. on March 17, 2021.

3. The scope of any emergency measures ordered by the City Manager pursuant to the Declaration of a State of Emergency shall, consistent with all prior emergency measures imposed by the City Manager to date, be limited to respond to immediate threats posed by the COVID-19 pandemic. Further, no emergency action taken by the City Manager shall be binding on the City Commission beyond the period of the COVID-19 State of Emergency, or otherwise limit the ability of the City Commission to undo any action of the City Manager, whether contractually or legislatively.

4. The City Commission may, at a duly-noticed City Commission meeting, determine whether the then-current extension of the Declaration of a State of Emergency should be rescinded, or whether any further extensions are warranted. Should the currently scheduled meetings of the Mayor and City Commission be canceled 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.

5. The City Manager shall be required to call a City Commission meeting prior to ordering any emergency measure that is more restrictive than the emergency measures in effect as of February 11, 2021.

PASSED and **ADOPTED** this _____day of _____, 2021.

ATTEST:

_____
Dan Gelber, Mayor

_____
Rafael E. Granado, City Clerk

APPROVED AS TO FORM AND
LANGUAGE AND FOR EXECUTION

_____ 2-(-2)
City Attorney NK Date