

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber and Members of the City Commission

CC: Alina T. Hudak, City Manager
Rafael Granado, City Clerk

FROM: Rafael Paz, Acting City Attorney



DATE: July 28, 2021

SUBJECT: 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 JUNE 27, 2021, IN THE CITY OF MIAMI BEACH IN SUPPORT OF THE ONGOING EMERGENCY RESPONSE RELATING TO THE CHAMPLAIN TOWERS BUILDING COLLAPSE, WITH THE INITIAL EXTENSION FOR A PERIOD OF SEVEN (7) DAYS, COMMENCING AT 12:00 A.M. ON JULY 29, 2021, AND ENDING AT 11:59 A.M. ON AUGUST 5, 2021; FURTHER AUTHORIZING THE CITY MANAGER TO CONTINUE TO EXTEND THE DECLARATION OF A STATE OF EMERGENCY IN INCREMENTS, IF NECESSARY, WHICH WOULD COMMENCE AT 12:00 A.M. ON AUGUST 6, 2021, AND END AT 11:59 P.M. ON SEPTEMBER 17, 2021; PROVIDING THAT NO EMERGENCY ACTION TAKEN BY THE CITY MANAGER SHALL BE BINDING ON THE CITY COMMISSION BEYOND THE PERIOD OF THE STATE OF EMERGENCY, AND FURTHER PROVIDING THAT THE DECLARATION OF EMERGENCY SHALL BE TERMINABLE BY THE CITY COMMISSION BY RESOLUTION, AT A DULY NOTICED MEETING.

BACKGROUND/HISTORY

The attached Resolution requests authorization, pursuant to City Code Sections 26-31 and 26-33, to further extend the duration of the Declaration of a State of Emergency, dated June 27, 2021, in order to obtain reimbursement for expenses incurred in the ongoing emergency response relating to the Champlain Towers building collapse.

In the early morning of June 24, 2021, a portion of the residential building located at 8777 Collins Avenue ("Champlain Towers"), experienced a major structural collapse, a tragedy resulting in significant loss of life. On June 24, 2021, Governor Ron DeSantis issued Executive Order 21-148, declaring a state of emergency relating to the building collapse, and directing state and local government agencies to identify personnel to assist in response, recovery and mitigation needs threatened by this emergency. On June 24, 2021, Miami-Dade County Mayor Daniella Levine Cava issued a Miami-Dade County Declaration of Local State of Emergency, which includes all of Miami-Dade County, both incorporated and unincorporated. On June 25, 2021, President Joseph R. Biden declared that an emergency exists in the State of Florida due to the emergency conditions relating to the building collapse and ordered Federal assistance to supplement State and local response efforts.

The Champlain Towers building is located in Surfside, Florida, immediately north of 87th Terrace, the City's northern boundary. Since June 24, 2021, the City immediately deployed substantial resources in support of the response, recovery and mitigation efforts, pursuant to the Governor's Executive Order 21-148 and Miami-Dade County's Declaration of a Local State of Emergency. The City has made available personnel from multiple departments, including police, fire, public works, sanitation, and other departments, and has also made available vehicles and heavy equipment for the removal of construction debris, among other resources. Due to the proximity of the Champlain Towers building to the City's northern boundary, a significant portion of the staging for the emergency response efforts is taking place within the City, including use of City streets, property and other facilities for search and rescue command centers, the use of City parking lots for personnel and equipment, and the use of City property to support the significant media presence on the scene of this national tragedy.

As the City has been incurring substantial expenses in support of the emergency response since June 24, 2021, State FEMA representatives at the scene have recommended that the City declare its own state of emergency to request state assistance or take any other action in order to obtain reimbursement for City's emergency response efforts.

On June 27, 2021, pursuant to the authority vested in her under Florida law, City Manager Alina T. Hudak declared a state of emergency relating to the building collapse. At the June 28, 2021 Special City Commission Meeting, the Mayor and City Commission adopted Resolution No. 2021-31760, authorizing the City Manager to extend the Declaration of a State of Emergency, dated June 27, 2021, commencing at 12:00 a.m. on June 30, 2021, through July 28, 2021, in accordance with state law.

ANALYSIS

The attached Resolution authorizes the City Manager to extend the Declaration of a State of Emergency in the City of Miami Beach, in increments in order to obtain reimbursement for expenses incurred in the ongoing emergency response relating to the Champlain Towers building collapse, which would commence on July 29, 2021, and end on September 17, 2021.

RAP/FA/ag