

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 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.

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, the Champlain Towers building is located in Surfside, Florida, immediately north of 87th Terrace, the City's northern boundary; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, as a result of the emergency efforts in the vicinity of the Champlain Towers building, the City Manager has temporarily closed North Beach Oceanside Park in the interest of the public health, safety and welfare, pursuant to the City Manager's authority under Section 82-2 of the City Code; and

WHEREAS, the significant logistical efforts involved with the response efforts, much of which is taking place within the City, has resulted in the need to cancel events scheduled to take place in the vicinity of the area, including at the North Beach Bandshell; and

WHEREAS, in the coming days, the emergency conditions relating to the building collapse will likely require the City Manager to implement emergency measures, including the temporary closure of certain City streets pursuant to Section 316.008 of the Florida Statutes, the cancellation of events, and other measures in areas north of 63rd Street, in order to maintain public safety and order, and properly support the emergency response, recovery and mitigation efforts; and

WHEREAS, 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; 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, 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 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, 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; and

WHEREAS, on June 27, 2021, pursuant to Miami Beach Charter Section 2.04, Mayor Gelber has called a Special City Commission Meeting on June 28, 2021 at 5:30 p.m. to discuss the City Manager's June 27, 2021 Declaration of a State of Emergency relating to the Champlain Towers Building Collapse and take action with regard to any extension thereof and all associated measures; and

WHEREAS, 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, with the initial extension for a period of seven (7) days, commencing at 12:00 a.m. on June 30, 2021, and ending at 11:59 a.m. on July 6, 2021; and further authorizing the City Manager to continue to extend the Declaration of a State of Emergency for additional increments through July 28, 2021, in accordance with state law; and

WHEREAS, 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 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 August 5, 2021; and

WHEREAS, further, the City Manager requests that the Mayor and City Commission authorize the City Manager to extend the Declaration of a State of Emergency in increments, which would commence on August 6, 2021, and end on September 17, 2021.

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 in support of the ongoing emergency response relating to the Champlain Towers building collapse; said extension for an additional period of seven (7) days, commencing at 12:00 a.m. on July 29, 2021, and ending at 11:59 p.m. on August 5, 2021.
2. The City Manager is further authorized to extend the Declaration of a State of Emergency in the City of Miami Beach in additional increments, which would

commence at 12:00 a.m. on August 6, 2021, and end at 11:59 p.m. on September 17, 2021.

3. 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.

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

ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

7-8-21
Date