

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, URGING MIAMI-DADE COUNTY MAYOR GIMENEZ TO AUTHORIZE MUNICIPALITIES TO RE-OPEN POOLS IN MULTI-FAMILY RESIDENTIAL BUILDINGS WITHIN THEIR RESPECTIVE JURISDICTIONS, SUBJECT TO THE SOCIAL DISTANCING REQUIREMENTS OF MIAMI-DADE COUNTY EO 21-20 AND APPLICABLE CDC GUIDELINES.**

**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 5, 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**, 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**, 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 authorize municipalities to re-open pools in multi-family residential buildings within their respective jurisdictions, subject to the social distancing requirements of Miami-Dade County EO 21-20 and applicable CDC guidelines.

**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  


  
\_\_\_\_\_  
Date