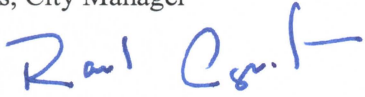


COMMISSION MEMORANDUM

TO: Honorable Mayor Dan Gelber and Members of the City Commission
Jimmy Morales, City Manager

FROM: Raul J. Aguila 
City Attorney

DATE: October 28, 2020

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, SETTING FORTH STATEMENTS OF PUBLIC NEED FOR PURPOSES OF SERVING THE PUBLIC INTEREST DURING THE ONGOING COVID 19 PUBLIC HEALTH EMERGENCY, BY ESTABLISHING POST-NOVEMBER 1, 2020 STANDARDS AND PROCEDURES FOR ATTENDANCE AT MEETINGS OF THE CITY COMMISSION, CITY COMMISSION COMMITTEES, AND CITY BOARDS.

As a matter of further addressing the ongoing COVID-19 public health emergency, and for purposes of safeguarding uninterrupted the City of Miami Beach's health, safety and welfare, the attached Resolution confronts the imminent threat presented to our community as a result of the upcoming November 1, 2020 deadline by which Governor DeSantis's EO 20-69, authorizing virtual City public meetings with members' remote attendance, will expire. This Resolution thus expresses the Mayor and City Commission's statements of public need (including, without limitation, as discussed and expressed at the September 29, 2020 Commission Meeting) to continue said virtual public meetings during this health emergency; thereby establishing and clarifying the City's post-November 1, 2020 standards and procedures for attendance at meetings of the City Commission and stated City Boards and Committees, summarized as follows:

- The City Commission and City Land Use Boards (consisting of the Board of Adjustment, Planning Board, Design Review Board and Historic Preservation Board) shall maintain a physically-present quorum at meetings requiring action, with remaining City Commission and Land Use Board members who are not physically present to participate virtually.
- The City's Advisory Boards and Committees subject to this Resolution, including, without limitation, the City Commission Committee (consisting of the Land Use and Sustainability Committee; the Finance and Economic Resiliency Committee; and the Neighborhood and Quality of Life Committee), 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 (except re: Charter Officers, when otherwise directed by the City Commission).

- In accordance with authority provided in the Governor's EO 20-52 and Florida statutory law, the Mayor and City Commission hereby waive, during this public health emergency, any and all applicable requirements within the City's Charter, Code of Ordinances, Resolutions or other City policy that may require the physical presence of quorum/board members or Charter Officers/staff at any said City public meeting.
- All virtual meetings/participation shall be compliant with the Florida Constitution and Florida's Government in the Sunshine Law, Chapter 286 Florida Statutes.
- The terms of this Resolution shall be incorporated into the City Manager's Declaration of Emergency for implementation, commencing November 1, 2020, and continue until the *current* Citywide State of Emergency has ended.

Finally, it should be noted that in the event the Governor's EO 20-69 is extended in its entirety beyond November 1, 2020, the terms of this Resolution shall not take effect on said date, and all public meetings of the City shall thus continue to be held virtually with City personnel's remote attendance, consistent with EO 20-69.