

RESOLUTION NO. 2021-31718

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 MAY 12, 2021, SUCH EXTENSION FOR AN ADDITIONAL PERIOD OF SEVEN (7) DAYS, COMMENCING AT 12:00 A.M. ON MAY 13, 2021, AND ENDING AT 11:59 P.M. ON MAY 19, 2021; FURTHER AUTHORIZING THE CITY MANAGER TO CONTINUE TO EXTEND THE DECLARATION OF A STATE OF EMERGENCY FOR FIVE (5) ADDITIONAL 7-DAY INCREMENTS, WHICH WOULD COMMENCE AT 12:00 A.M. ON MAY 20, 2021, AND END AT 11:59 P.M. ON JUNE 23, 2021; AND PROVIDING THAT THE SUBJECT DECLARATION OF A STATE OF EMERGENCY SHALL BE TERMINABLE BY THE CITY COMMISSION IN ACCORDANCE WITH THE PROVISIONS OF THIS RESOLUTION.

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 (“Declaration of a State of Emergency”); and

WHEREAS, the Declaration has been extended by the City Manager through May 12, 2021, pursuant to Resolution Nos. 2020-31192, 2020-31219, 2020-31245, 2020-31246, 2020-31273, 2020-31280, 2020-31282, 2020-31284, 2020-32187, 2020-31308, 2020-31312, 2020-31372, 2020-31424, 2020-31463, 2020-31506, 2020-31529, 2021-31558, 2021-31598, 2021-31651, and 2021-31691, the findings of which are hereby incorporated by reference; 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, 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 May 13, 2021, and end on May 19, 2021; and

WHEREAS, the Mayor and City Commission hereby acknowledge and consent to the aforesaid 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, 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; and

WHEREAS, on May 3, 2021, Governor Ron DeSantis issued Executive Order 21-102 immediately suspending "all local COVID-19 restrictions and mandates on individuals and businesses"; and

WHEREAS, the State of Emergency declared by Governor DeSantis in Executive Order 20-52, as extended by Executive Orders 20-114, 20-166, 20-192, 20-213, 20-276, 20-316, and 21-45, remains in effect for the entire State of Florida until June 26, 2021; and

WHEREAS, the City's Declaration of a State of Emergency is a separate matter from the issuance of any emergency measures pursuant to such Declaration. While Executive Order 21-102 suspends emergency measures imposed upon individuals and businesses, the Order does not restrict the City from continuing to declare a State of Emergency or taking any other action in order to obtain reimbursement for COVID-related expenses.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, as follows:

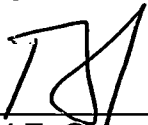
1. The City Manager is hereby authorized to extend the Declaration of a State of Emergency in the City of Miami Beach to address the COVID-19 pandemic; said extension for an additional period of seven (7) days, commencing at 12:00 a.m. on May 13, 2021, and ending at 11:59 p.m. on May 19, 2021.


2. The City Manager is further authorized to extend the Declaration of a State of Emergency in the City of Miami Beach for five (5) additional 7-day increments, which would commence at 12:00 a.m. on May 20, 2021, and end at 11:59 p.m. on June 23, 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.

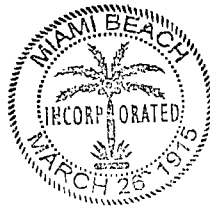
PASSED and ADOPTED this 12 day of May, 2021.

ATTEST:

 5/20/21
 Rafael E. Granado, City Clerk


 Dan Gelber, Mayor

APPROVED AS TO FORM AND
 LANGUAGE AND FOR EXECUTION




 City Attorney NK

5-6-21
 Date


MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Dan Gelber
Members of the City Commission

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

FROM: Rafael Paz, Acting City Attorney 

DATE: May 12, 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 MARCH 12, 2020, IN THE CITY OF MIAMI BEACH TO ADDRESS THE COVID-19 PANDEMIC, AS EXTENDED THROUGH MAY 12, 2021, SUCH EXTENSION FOR AN ADDITIONAL PERIOD OF SEVEN (7) DAYS, COMMENCING AT 12:00 A.M. ON MAY 13, 2021, AND ENDING AT 11:59 P.M. ON MAY 19, 2021; FURTHER AUTHORIZING THE CITY MANAGER TO CONTINUE TO EXTEND THE DECLARATION OF A STATE OF EMERGENCY FOR FIVE (5) ADDITIONAL 7-DAY INCREMENTS, WHICH WOULD COMMENCE AT 12:00 A.M. ON MAY 20, 2021, AND END AT 11:59 P.M. ON JUNE 23, 2021; AND PROVIDING THAT THE SUBJECT DECLARATION OF A STATE OF EMERGENCY SHALL BE TERMINABLE BY THE CITY COMMISSION IN ACCORDANCE WITH THE PROVISIONS OF THIS RESOLUTION.

BACKGROUND/HISTORY

The attached Resolution requests authorization, pursuant to City Code Section 26-35, to further extend the duration of the Declaration of a State of Emergency, dated March 12, 2020, in order to continue to address threats associated with the coronavirus disease 2019 ("COVID-19") pandemic.

On March 12, 2020, the City Manager declared a State of Emergency for the City of Miami Beach, on the basis that the COVID-19 pandemic 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 (the "Declaration").

The Declaration has been extended by the City Manager through May 12, 2021, pursuant to Resolution Nos. 2020-31192, 2020-31219, 2020-31245, 2020-31246, 2020-31273, 2020-31280, 2020-31282, 2020-31284, 2020-32187, 2020-31308, 2020-31312, 2020-31372, 2020-31424,

2020-31463, 2020-31506, 2020-31529, 2021-31558, 2021-31598, 2021-31651, and 2021-31691.

ANALYSIS

The attached Resolution authorizes the City Manager to extend the duration of the Declaration for an additional period of seven (7) days, commencing at 12:00 a.m. on May 13, 2021, and ending at 11:59 p.m. on May 19, 2021. Further, the Resolution authorizes the City Manager to continue to extend the declaration of a State of Emergency for five (5) additional 7-day increments, which would commence at 12:00 a.m. on May 20, 2021, and end at 11:59 p.m. on June 23, 2021.

On May 3, 2021, Governor Ron DeSantis issued Executive Order 21-102 immediately suspending "all local COVID-19 restrictions and mandates on individuals and businesses." EO 21-102 operated to suspend the City's most recent Emergency Order, which was set to expire at 11:59 p.m. on May 5, 2021.

The City's Declaration of a State of Emergency is a separate matter from the issuance of any emergency measures pursuant to such Declaration. While Executive Order 21-102 suspended emergency measures imposed upon individuals and businesses, the Order does not restrict the City from continuing to declare a State of Emergency or taking any other action in order to obtain reimbursement for COVID-related expenses.

The State of Emergency declared by Governor DeSantis in Executive Order 20-52, as extended by Executive Orders 20-114, 20-166, 20-192, 20-213, 20-276, 20-316, and 21-45, remains in effect for the entire State of Florida until June 26, 2021.

MIAMI BEACH

COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission
FROM: Rafael A. Paz, Acting City Attorney
DATE: May 12, 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 MARCH 12, 2020, IN THE CITY OF MIAMI BEACH TO ADDRESS THE COVID-19 PANDEMIC, AS EXTENDED THROUGH MAY 12, 2021, SUCH EXTENSION FOR AN ADDITIONAL PERIOD OF SEVEN (7) DAYS, COMMENCING AT 12:00 A.M. ON MAY 13, 2021, AND ENDING AT 11:59 P.M. ON MAY 19, 2021; FURTHER AUTHORIZING THE CITY MANAGER TO CONTINUE TO EXTEND THE DECLARATION OF A STATE OF EMERGENCY FOR FIVE (5) ADDITIONAL 7-DAY INCREMENTS, WHICH WOULD COMMENCE AT 12:00 A.M. ON MAY 20, 2021, AND END AT 11:59 P.M. ON JUNE 23, 2021; AND PROVIDING THAT THE SUBJECT DECLARATION OF A STATE OF EMERGENCY SHALL BE TERMINABLE BY THE CITY COMMISSION IN ACCORDANCE WITH THE PROVISIONS OF THIS RESOLUTION.

BACKGROUND/HISTORY

Memorandum and Resolution to be submitted via Supplemental Agenda.

SUPPORTING SURVEY DATA

N/A

Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

No

Does this item utilize G.O. Bond Funds?

No

Strategic Connection

Non-Applicable

Legislative Tracking

