

**RESOLUTION            2021-31719**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CITY RESOLUTION NO. 2020-31474 WHICH ESTABLISHED MEETING PROCEDURES AND RELATED ATTENDANCE REQUIREMENTS FOR THE CITY COMMISSION AND CITY BOARDS AND COMMITTEES, FOR THE LIMITED PURPOSE OF REINSTITUTING THE REQUIREMENT THAT ALL MEMBERS OF THE CITY COMMISSION AND THE CITY'S LAND USE BOARDS BE PHYSICALLY-PRESENT AT MEETINGS WITH CONTINUING ABILITY OF THE PUBLIC TO ATTEND OR PARTICIPATE IN ALL CITY MEETINGS, EITHER IN PERSON OR VIA "ZOOM" OR OTHER ENHANCED REMOTE TECHNOLOGY TO ALLOW FOR SUCH CONTINUED PUBLIC ATTENDANCE AND PARTICIPATION, WITH CITY'S PROFESSIONAL STAFF CONTINUING TO FULLY PARTICIPATE IN COMMISSION MEETINGS REMOTELY, AND WITH ALL REMAINING PROVISIONS IN CITY RESOLUTION 2020-31474 TO REMAIN IN EFFECT FOR THE DURATION OF THE CITY'S STATE OF EMERGENCY.**

**WHEREAS** commencing with the Governor's March 9, 2020 Executive Order 20-52 declaring a Statewide Covid-19 State of Emergency, immediately followed by the Miami Beach City Manager's Declaration of Citywide Emergency of March 12, 2020, the City has been addressing the ongoing COVID-19 public health emergency, while ensuring the continued operation of City government;

**WHEREAS**, consistent with the above, on October 28, 2020, the City Commission adopted its Resolution No. 2020-31474, finding it in the public interest in the face of the ongoing COVID-19 public health emergency to:

- waive all 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 City meetings, thus authorizing the City's Advisory Boards and Committees<sup>1</sup>, as well as the City's Charter Officers (City Manager, City Attorney, City Clerk and Inspector General) and their staff, to continue to meet virtually;
- authorize the City Commission and City Land Use Boards (Board of Adjustment, Planning Board, Design Review Board and Historic Preservation Board) to maintain a physically-present quorum at meetings, with remaining members of the City Commission and Land Use Boards, and the public, to participate virtually due to the extraordinary circumstances presented by the current health emergency;

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<sup>1</sup> See, Resolution No. 2020-31474 at f.n.#9: "All references in this Resolution to the City's "advisory boards and committees" concern those bodies set forth in the City Code, at subparts A and B, as well as the Mayor's City Commission Committees."

- provide that all such virtual meetings/participation shall continue to be compliant with the Florida Constitution and Florida's Government in the Sunshine Law, Chapter 286 Florida Statutes; all to continue until the current Citywide State of Emergency has ended.

**WHEREAS**, pursuant to the City Manager's LTC 186-2021 dated May 5, 2021<sup>2</sup>, towards adapting City policies to a new legal framework and an evolving emergency response; the Manager consulted the City Attorney and City Clerk regarding the above meeting procedures, resulting in their recommendation that City Resolution No. 2020-31474 be amended for the limited purpose of reinstating the requirement that all members of the City Commission and the City's Land Use Boards be physically-present at meetings (no longer permitting non-quorum/remaining members of the City Commission and Land Use Boards not physically present to participate virtually due to the Covid-19 emergency), with continuing ability of the public to attend or participate in all City meetings via Zoom or in person with enhanced remote technology to allow for such continued public attendance and participation, City's professional staff continuing to fully participate in Commission meetings via Zoom, and with all remaining provisions in City Resolution No. 2020-31474 to remain in effect;

**WHEREAS**, in light of the ongoing Citywide State of Emergency, the Mayor and City Commission accept the aforesated recommendations of the City Manager, City Attorney and City Clerk;

**WHEREAS**, the terms of this Resolution shall upon its adoption be incorporated into the City Manager's Declaration of Emergency for implementation, and continue until the current Citywide State of Emergency has ended; and

**WHEREAS**, if any section, sentence, clause or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Resolution.

**NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA**, that the Mayor and City Commission hereby amend City Resolution No. 2020-31474 for the limited purpose of reinstating the requirement that all members of the City Commission and the City's Land Use Boards be physically-present at meetings with continuing ability of the public to

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<sup>2</sup> The Manager notified the City Commission of the Governor's recent Executive Orders #21-101 (effective July 1, 2021) and 21-102 (effective May 3, 2021). Following a review of EO 21-102 and in consultation with the City Manager and County personnel, the Acting City Attorney has determined that said EO removes the City's authority to impose requirements related to COVID-19 on private businesses or private individuals on private property, but does not currently restrict the City from continuing to declare a State of Emergency, from maintaining and/or imposing restrictions regarding its performance of public operations on City property, or taking any other action in order to obtain reimbursement for COVID-related expenses.

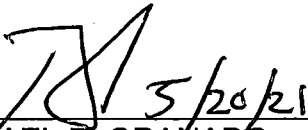
attend or participate in all City meetings either in person or via "Zoom" or other enhanced remote technology to allow for such continued public attendance and participation, with City's professional staff continuing to fully participate in Commission meetings via Zoom, and with all remaining provisions in City Resolution 2020-31474 to remain in effect; terms of this resolution upon its adoption to be incorporated into the City Manager's declaration of emergency for implementation and continue until the current Citywide state of emergency has ended.

**PASSED and ADOPTED** this 12 day of May, 2021.

**ATTEST:**



DAN GELBER  
MAYOR



RAFAEL E. GRANADO  
CITY CLERK



APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION



City Attorney

PAZ

5-10-21

Date

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
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, AMENDING CITY RESOLUTION NO. 2020-31474 WHICH ESTABLISHED MEETING PROCEDURES AND RELATED ATTENDANCE REQUIREMENTS FOR THE CITY COMMISSION AND CITY BOARDS AND COMMITTEES, FOR THE LIMITED PURPOSE OF REINSTITUTING THE REQUIREMENT THAT ALL MEMBERS OF THE CITY COMMISSION AND THE CITY'S LAND USE BOARDS BE PHYSICALLY-PRESENT AT MEETINGS WITH CONTINUING ABILITY OF THE PUBLIC TO ATTEND OR PARTICIPATE IN ALL CITY MEETINGS, EITHER IN PERSON OR VIA "ZOOM" OR OTHER ENHANCED REMOTE TECHNOLOGY TO ALLOW FOR SUCH CONTINUED PUBLIC ATTENDANCE AND PARTICIPATION, WITH CITY'S PROFESSIONAL STAFF CONTINUING TO FULLY PARTICIPATE IN COMMISSION MEETINGS REMOTELY, AND WITH ALL REMAINING PROVISIONS IN CITY RESOLUTION 2020-31474 TO REMAIN IN EFFECT FOR THE DURATION OF THE CITY'S STATE OF EMERGENCY.

### BACKGROUND/HISTORY

On October 28, 2020, the Mayor and City Commission adopted its "hybrid" meeting procedures pursuant to Resolution No. 2020-31474, to authorize the City Commission and City's Land Use Boards (Board of Adjustment, Planning Board, Design Review Board and Historic Preservation Board) to maintain a physically-present quorum at meetings, with remaining members of the City Commission and Land Use Boards, and the public, participating virtually due to the extraordinary circumstances of the ongoing State of Emergency.

On April 27, 2021, Governor DeSantis issued Executive Order 21-94, extending the State of Emergency throughout the State of Florida until June 26, 2021.

As the City transitions back to full "in person" operations in the next few months, the proposed Resolution amends Resolution No. 2020-31474 for the limited purpose of reinstating the requirement that all members of the City Commission and the City's Land Use Boards be physically-present at meetings, with the public having the ability to attend or participate in all City meetings either in person, or via Zoom or other enhanced remote technology.

Under the proposed Resolution, City's professional staff will continue to fully participate in Commission meetings via Zoom, and all remaining provisions in City Resolution No. 2020-31474 will otherwise remain in effect, including the provisions authorizing the City's advisory boards and committees to continue to meet virtually for the duration of the City's State of Emergency.

### SUPPORTING SURVEY DATA

N/A

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

### Legislative Tracking

Office of the City Attorney

### ATTACHMENTS:

#### **Description**

- Resolution