

RESOLUTION NO. 20-__

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, CONFIRMING EMERGENCY ORDER NO. 20-06, EMERGENCY ORDER NO. 20-07, AMENDMENT 1 TO EMERGENCY ORDER NO. 20-06, AND AMENDMENT NO. 1 TO EMERGENCY ORDER NO. 20-07 DUE TO THE CORONAVIRUS DISEASE 2019 (COVID-19) PANDEMIC; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in late 2019, a new significant outbreak of Coronavirus Disease 2019 (COVID-19) emerged throughout the World and was declared a Public Health Emergency of International Concern by the World Health Organization; and

WHEREAS, on March 1, 2020, the State Surgeon General and State Health Officer declared a Public Health Emergency exists in the State of Florida as a result of COVID-19 and confirmed eight (8) counties in Florida (including Miami-Dade County) to have tested positive for the disease; and

WHEREAS, on March 9, 2020, Florida Governor Ron DeSantis issued Executive Order No. 20-52 declaring a State of Emergency due to COVID-19, and on March 12, 2020, Miami-Dade County Mayor Carlos A. Gimenez issued a County-wide Declaration of a State of Emergency; and

WHEREAS, Chapter 12, Article II, Section 12-23 of the Town of Cutler Bay's (the "Town") Code of Ordinances states, "The Town Manager shall have the sole authority to declare a state of emergency hereunder [...] Any declaration of a state of emergency and all emergency regulations activated under the provisions of this article and any emergency expenditures made hereunder pursuant to section 12-22 (9) shall be confirmed by the Town Council by Resolution no later than the next regular meeting, or as reasonably as possible, unless the nature of the emergency renders a meeting of the Town Council impossible"; and

WHEREAS, during the April 22, 2020 Regular Town Council meeting, the Town Council adopted Resolution No. 20-15, confirming the Town Manager's Declaration of State of Emergency and Emergency Orders No. 20-01 (Facial Coverings), 20-02 (Zoning in Progress), and 20-03 (Rules of Procedure for Public Meeting) for the Town due to COVID-19; and

WHEREAS, during the May 20, 2020 Regular Town Council Meeting, the Town Council adopted Resolution No. 20-25, confirming the Town Manager's Emergency Order No. 20-04 (Park Closures) for the Town due to COVID-19; and

WHEREAS, during the June 17, 2020 Regular Town Council Meeting, the Town Council adopted Resolution No. 20-29, confirming the Town Manager's Emergency Order No. 20-05 (Outdoor Dining Expansion), Amendment No. 1 (Park Reopening) and Amendment No. 2 (Park Reopening) to Emergency Order No. 20-04 for the Town due to COVID-19; and

WHEREAS, on June 25, 2020 the Town Manager issued Emergency Order No. 20-06 to provide procedures for virtual Quasi-Judicial Hearings, which Order was sent to the Town Clerk's Office for posting and distribution to local media outlets (Exhibit "A"); and

WHEREAS, on June 26, 2020 the Town Manager issued Emergency Order No. 20-07 to repeal Emergency Order No. 20-01 and adopt more stringent standards regarding facial coverings, which Order was sent to the Town Clerk's Office for posting and distribution to local media outlets (Exhibit "B"); and

WHEREAS, on July 2, 2020 the Town Manager issued Amendment No. 1 to Emergency Order No. 20-06 to amend the virtual Quasi-Judicial Hearing procedures, which Order was sent to the Town Clerk's Office for posting and distribution to local media outlets (Exhibit "C"); and

WHEREAS, on July 2, 2020 the Town Manager issued Amendment No. 1 to Emergency Order No. 20-07 to repeal Emergency Order No. 20-07 in its entirety and replaced it with the adopted Amendment No. 1 to Miami-Dade County Emergency Order No. 20-20 relating to masks or other facial coverings, which Order was sent to the Town Clerk's Office for posting and distribution to local media outlets (Exhibit "D"); and

WHEREAS, the Town Council finds that this Resolution is in the best interest and welfare of the residents of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, THAT:

Section 1. Recitals. The above Recitals are true and correct and are incorporated herein by this reference.

Section 2. Confirmation. In accord with section 12-23 of the Town's Code, the Town Council hereby confirms the Town Manager's issuance of Emergency Order No. 20-06, Emergency Order No. 20-07, Amendment No. 1 to Emergency Order No. 20-06, and Amendment No. 1 to Emergency Order No. 20-07.

Section 3. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this ____ day of July, 2020.

TIM MEERBOTT
Mayor

Attest:

DEBRA E. EASTMAN, MMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE TOWN OF CUTLER BAY:

WEISS SEROTA HELFMAN
COLE & BIERMAN, P.L.
Town Attorney

Moved By: _____
Seconded By: _____

FINAL VOTE AT ADOPTION:

Mayor Tim Meerbott	_____
Vice Mayor Sue Ellen Loyzelle	_____
Council Member Robert “BJ” Duncan	_____
Council Member Michael P. Callahan	_____
Council Member Roger Coriat	_____