



## Office of the Town Manager

Rafael G. Casals, ICMA-CM, CFM  
Town Manager

# MEMORANDUM

**To:** Honorable Members of the Town Council

**From:** Rafael G. Casals, ICMA-CM, CFM, Town Manager

**Date:** October 28, 2020

**Re:** Confirming Town Manager's Emergency Order 20-04  
Amendment No. 3 and Amendment No. 4.  
*Coronavirus Disease 2019 (COVID-19) Pandemic*

## REQUEST

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, CONFIRMING AMENDMENTS 3 AND 4 TO EMERGENCY ORDER NO. 20-04, DUE TO THE CORONAVIRUS DISEASE 2019 (COVID-19) PANDEMIC; AND PROVIDING FOR AN EFFECTIVE DATE.**

## BACKGROUND AND ANALYSIS

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 (WHO). On March 1, 2020, the State Surgeon General and State Health Officer declared that 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 positive cases for the disease. COVID-19 poses a health risk to Town residents (particularly elderly residents) and responding to the threat may require extraordinary and immediate actions by the Town in order to protect the public health, safety, and welfare of its residents and visitors.

In response to the COVID-19 pandemic, the following Emergency Orders have been declared:

- March 9, 2020: State of Emergency, Governor Ron DeSantis of the State of Florida;
- March 12, 2020: Local State of Emergency, Mayor Carlos A. Gimenez of Miami-Dade County;
- March 13, 2020: National Emergency, President Donald J. Trump of the United States.

Section 12-23 of the Town Code 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*".





During the April 22, 2020 Regular Town Council Meeting, the Town Council adopted Resolution No. 20-15, confirming the Town Manager’s Declaration of a State of Emergency and Emergency Order No. 20-01 (Facial Coverings), Emergency Order No. 20-02 (Zoning in Progress) and Emergency Order No. 20-03 (Rules of Procedure for Public Meetings) due to COVID-19.

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) due to COVID-19.

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 due to COVID-19.

During the July 15, 2020 Regular Town Council Meeting, the Town Council adopted Resolution No. 20-39, confirming the Town Manager’s Emergency Order No. 20-06 (Virtual Quasi-Judicial Hearings), Emergency Order No. 20-07 (Facial Coverings), Amendment No. 1 (Quasi-Judicial Hearings Conduct Revision) to Emergency Order No. 20-06 and Amendment No. 1 (Adopting Miami-Dade County Emergency Order No. 20-20) to Emergency Order No. 20-07 due to COVID-19.

On September 11, 2020, Emergency Order No. 20-04, Amendment No. 3 was issued with a commencement date of September 14, 2020 at 12:01 a.m. The purpose of the Emergency Order was to open Cutler Ridge Pool with restrictions. Emergency Order No. 20-04, Amendment No. 3 was provided to the Town Clerk’s Office for posting, as well as local media outlets (Attachment “A”).

On September 14, 2020, Emergency Order No. 20-04 Amendment No. 4 was issued with a commencement date of September 15, 2020 at 12:01 a.m. The purpose of the Emergency Order was to extend the hours of operation for parks with sports lighting (Lakes by the Bay Park, Cutler Ridge Park, and Saga Bay Tennis Courts). Emergency Order No. 20-04, Amendment No. 4 was provided to the Town Clerk’s Office for posting, as well as local media outlets (Attachment “B”).

### **RECOMMENDATION**

It is recommended that the Town Council adopt the attached Resolution, confirming the Town Manager’s issuance of Amendments No. 3 and No. 4 to Emergency Order No. 20-04 due to Coronavirus Disease 2019 (COVID-19) pandemic.

### **ATTACHMENT(S)**

- Attachment “A” – Town Emergency Order 20-04, Amendment No. 3 (Pool Reopening)
- Attachment “B” – Town Emergency Order 20-04, Amendment No. 4 (Sports Lighting)

