

**RESOLUTION NO. 17-\_\_\_**

**A RESOLUTION OF THE TOWN COUNCIL OF THE  
TOWN OF CUTLER BAY, FLORIDA, CONFIRMING A  
DECLARATION OF STATE OF EMERGENCY DUE TO  
HURRICANE IRMA; AND PROVIDING FOR AN  
EFFECTIVE DATE.**

**WHEREAS**, on Monday, September 4, 2017, Hurricane Irma was declared a major hurricane with maximum sustained winds of 120 mph; and

**WHEREAS**, the National Hurricane Center forecasted that Hurricane Irma would make landfall in South Florida as a major hurricane; and

**WHEREAS**, Hurricane Irma posed a severe threat to the entire State of Florida and required timely precautions to be taken to protect communities, critical infrastructure, and general welfare; and

**WHEREAS**, on September 4, 2017, Florida Governor Rick Scott issued Executive Order No. 17-235 declaring a State of Emergency due to Hurricane Irma, and on September 5, 2017, Miami-Dade County Mayor Carlos 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**, on September 6, 2017, the Town Manager issued a Declaration of State of Emergency due to Hurricane Irma, which was sent to the Town Clerk's Office for posting and local media outlets (*see* Exhibit "A"); and

**WHEREAS**, on September 18, 2017, the Town Manager terminated the State of Emergency, which was sent to the Town Clerk's Office for posting, as well as local media outlets, as conditions causing the emergency no longer existed and the Town's departments were able to manage the situation without extraordinary assistance (*see* Exhibit "B"); 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 declaration of State of Emergency for the Town of Cutler Bay due to Hurricane Irma.

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

PASSED and ADOPTED this \_\_\_\_ day of September, 2017.

Attest:

\_\_\_\_\_  
PEGGY R. BELL  
Mayor

\_\_\_\_\_  
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 Peggy R. Bell	_____
Vice Mayor Sue Ellen Loyzelle	_____
Council Member Mary Ann Mixon	_____
Council Member Michael P. Callahan	_____
Council Member Roger Coriat	_____