

RESOLUTION NO. 19-_____

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

WHEREAS, on Wednesday, August 28, 2019, Hurricane Dorian was declared a major category-5 hurricane with maximum sustained winds of 185 mph; and

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

WHEREAS, Hurricane Dorian 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 August 29, 2019, Florida Governor Ron DeSantis issued Executive Order No. 19-190 declaring a State of Emergency due to Hurricane Dorian, and on September August 30, 2019, 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, on August 30, 2019, the Town Manager issued a Declaration of State of Emergency due to Hurricane Dorian, which was sent to the Town Clerk's Office for posting and local media outlets (*see* Exhibit "A"); and

WHEREAS, on September 3, 2019, 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 Dorian.

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

PASSED and ADOPTED this ____ day of September, 2019.

Attest:

TIM MEERBOTT
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 Tim Meerbott _____

Vice Mayor Sue Ellen Loyzelle _____

Council Member Robert "BJ" Duncan _____

Council Member Michael P. Callahan _____

Council Member Roger Coriat _____