



## OFFICE OF THE TOWN MANAGER

Rafael G. Casals, ICMA-CM, CFM

Town Manager

# Memorandum

To: Honorable Mayor and Town Council

From: Rafael G. Casals, ICMA-CM, CFM

Date: January 20, 2021

Re: **Confirming Town Manager's Emergency Order 20-04 Amendment No. 5**  
Coronavirus Disease 2019 (COVID-19) Pandemic

### REQUEST

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, CONFIRMING AMENDMENT NO. 5 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"*.





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On April 22, 2020, 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.

On May 20, 2020, the Town Council adopted Resolution No. 20-25, confirming the Town Manager's Emergency Order No. 20-04 (Park Closures) due to COVID-19.

On June 17, 2020, 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.

On July 15, 2020, 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 October 28, 2020, the Town Council adopted Resolution No. 20-69, confirming the Town Manager's Amendment No. 3 and Amendment No. 4 (Park Closures Revision) to Emergency Order No. 20-04 due to COVID-19.

On October 16, 2020, Emergency Order No. 20-04, Amendment No. 5 was issued with a commencement date of October 19, 2020 at 12:01 a.m. The purpose of the Emergency Order was to allow the playgrounds and outdoor fitness equipment at Lakes by the Bay Park, Cutler Ridge Park, Blue Heron Park, Saga Bay Park, Saga Lake Park to reopen. Additionally, allowing two (2) other Town Parks to reopen, along with their playgrounds and fields: Bel-Aire Park and Whispering Pines Park. Emergency Order No. 20-04, Amendment No. 5 was provided to the Town Clerk's Office for posting, as well as local media outlets.

### **ASSOCIATED EMERGENCY ORDER DOCUMENTS**

The following documents are available for public review with the Town Clerk's Department.

- October 16, 2020: Emergency Order 20-04 Amendment No. 5 Signed
- October 16, 2020: Emergency Order 20-04 Amendment No. 5 Posting
- October 16, 2020: Emergency Order 20-04 Amendment No. 5 Media Outlet Distribution

### **RECOMMENDATION**

It is recommended that the Town Council adopt the attached Resolution, which confirms the Town Manager's issuance of Amendment No. 5 to Emergency Order No. 20-04 due to Coronavirus Disease 2019 (COVID-19) pandemic.

