

RESOLUTION NO. 21-__

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.

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 (WHO); and

WHEREAS, 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; 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, on April 22, 2020, 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) due to COVID-19; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, on July 15, 2020, the Town Council adopted Resolution No. 20-39, confirming the Town Manager's issuance of Emergency Order No. 20-06 (Virtual Quasi-Judicial Hearings), Emergency Order No. 20-07 (Facial Coverings), Amendment No. 1 (Quasi-Judicial Hearing 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; and

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

WHEREAS, on October 16, 2020, the Town Manager issued Amendment No. 5 to Emergency Order No. 20-04, to reopen the playgrounds and outdoor fitness equipment at Lakes by the Bay Park, Cutler Ridge Park, Blue Heron Park, Saga Bay Park, Saga Lake Park, and to reopen the playgrounds and fields at 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; 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 accordance with Section 12-23 of the Town's Code, the Town Council hereby confirms the Town Manager's issuance of Amendment No. 5 to Emergency Order No. 20-04, attached hereto as Exhibit "A."

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

PASSED and ADOPTED this ____ day of January, 2021.

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 Michael P. Callahan _____

Council Member Robert "BJ" Duncan _____

Council Member Suzy Lord _____

Council Member Roger Coriat _____