



## Legislation Details (With Text)

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**Title:** 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.

**Sponsors:**

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**Attachments:** 1. Manager Memo-Confirming State of Emergency-Hurricane Dorian, 2. Manager Memo-Attachment A-State of Emergency Declaration, 3. Manager Memo-Attachment B-State of Emergency Termination, 4. Resolution-Confirming State of Emergency-Hurricane Dorian, 5. Resolution-Exhibit A-State of Emergency Declaration, 6. Resolution-Exhibit B-State of Emergency Termination

Date	Ver.	Action By	Action	Result
9/18/2019	1	Town Council	adopted	Pass

## MEMORANDUM

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

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

**Date:** September 18, 2019

**Re:** Confirming Town Manager's Declaration of State of Emergency  
*Hurricane Dorian*

### REQUEST

**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.**

### BACKGROUND AND ANALYSIS

On Saturday, August 31, 2019, Hurricane Dorian made landfall in the Abacos Islands in the Bahamas. Hurricane Dorian was predicted by the National Hurricane Center to be a major category-5 hurricane affecting the entire State of Florida and required timely precautions to be taken to protect the communities, critical infrastructure, and general welfare.

In preparation for Hurricane Dorian, Florida Governor Ron DeSantis declared a State of Emergency by Executive Order No. 19-190 effective on Thursday, August 29, 2019. Subsequently, Miami-Dade County Mayor Carlos A. Gimenez declared a State of Emergency for Miami-Dade County effective on Friday, August 30, 2019.

It was imperative for the Town of Cutler Bay (the “Town”) to move swiftly to protect our residents and community resources. A State of Emergency for the Town was declared on August 30, 2019 in accordance with Chapter 12, Article II, Section 12-23 of the Town Code of Ordinances (the “Code”). The Declaration was sent to the Town Clerk’s Office for posting, as well as local media outlets (*Attachment “A”*).

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”*.

The State of Emergency declaration was terminated on September 3, 2019, and the Declaration was sent to the Town Clerk’s Office for posting as well as local media outlets (*Attachment “B”*) as conditions causing the emergency no longer existed, and the Town’s departments were able to manage the situation without extraordinary assistance.

## **RECOMMENDATION**

It is recommended that the Town Council adopt the attached Resolution, confirming the Town Manager’s declaration of State of Emergency due to Hurricane Dorian.

## **ATTACHMENTS**

- Attachment “A” - State of Emergency Declaration (*dated August 30, 2019*)
- Attachment “B” - State of Emergency Termination (*dated September 3, 2019*)