



## Legislation Details (With Text)

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**Title:** A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, CONFIRMING EMERGENCY ORDER NO. 20-04 DUE TO CORONAVIRUS DISEASE 2019 (COVID-19) PANDEMIC; AND PROVIDING FOR AN EFFECTIVE DATE.

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Date	Ver.	Action By	Action	Result
5/20/2020	1	Town Council	adopted	Pass

## MEMORANDUM

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

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

**Date:** May 20, 2020

**Re:** Confirming Town Manager's Emergency Order 20-04  
*Coronavirus Disease 2019 (COVID-19) Pandemic - Park Closures*

### REQUEST

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, CONFIRMING EMERGENCY ORDER NO. 20-04 DUE TO 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. On March 1, 2020, the State Surgeon General and State Health Officer declared 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 tested positive 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.

In response to the COVID-19 pandemic, the following 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*”.

On April 22, 2020, the Town of Cutler Bay (the “Town”) Town Council adopted Resolution No. 20-15, confirming the Town Manager’s Declaration of State of Emergency and Emergency Order 20-01 (Facial Coverings), Emergency Order 20-02 (Zoning in Progress) and Emergency Order 20-03 (Rules of Procedure for Public Meeting) for the Town due to COVID-19.

On April 29, 2020, **Emergency Order No. 20-04** was issued with a commencement date of April 29, 2020 at 11:59 PM. The purpose of the Order was to advise the public that all Town-owned Parks and Recreational Facilities shall remain closed until further notice. Order No. 20-04 was sent to the Town Clerk’s Office for posting, as well as local media outlets (*Attachment “A”*).

## **RECOMMENDATION**

It is recommended that the Town Council adopt the attached Resolution, confirming the Town Manager’s declaration of Emergency Order 20-04 due to Coronavirus Disease 2019 (COVID-19) pandemic.

## **ATTACHMENT(S)**

- Attachment “A” - Town Emergency Order 20-04 (Park Closures)