



# Town of Cutler Bay

Town Hall  
10720 Caribbean Blvd  
Cutler Bay, FL 33189

## Memorandum

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**File #:** Item # 2020-110, **Version:** 1

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## MEMORANDUM

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

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

**Date:** June 17, 2020

**Re:** Confirming Town Manager's Emergency Order 20-05 and Emergency Order 20-04 Amendment No. 1 and Amendment No. 2.  
*Coronavirus Disease 2019 (COVID-19) Pandemic*

### REQUEST

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, CONFIRMING EMERGENCY ORDER NO. 20-05 AND AMENDMENTS 1 AND 2 TO EMERGENCY ORDER 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. 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”.*

During the April 22, 2020 Regular Town Council Meeting, the 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.

During the May 20, 2020 Regular Town Council Meeting, the Town Council adopted Resolution No. 20-25, confirming the Town Manager’s Emergency Order 20-04 (Park Closures) for the Town due to COVID-19.

On May 16, 2020, ***Emergency Order No. 20-05*** was issued with a commencement date of May 18, 2020 at 11:59 PM. The purpose of the Order was to permit the expansion of outdoor dining. Order No. 20-05 was sent to the Town Clerk’s Office for posting, as well as local media outlets (*Attachment “A”*).

On May 19, 2020, ***Emergency Order 20-04 Amendment No. 1*** was issued with a commencement date of May 19, 2020 at 11:59 p.m. The purpose of the Order was to open Lakes by the Bay Park and Cutler Ridge Park with restrictions. Order No. 20-04 Amendment No. 1 was sent to the Town Clerk’s Office for posting, as well as local media outlets (*Attachment “B”*).

On May 28, 2020, ***Emergency Order 20-04 Amendment No. 2*** was issued with a commencement date of May 31, 2020 at 11:59 p.m. The purpose of the Order was to open Blue Heron Park, Lincoln City Park, Saga Bay Park and Saga Lake Park with restrictions. Order No. 20-04 Amendment No. 2 was sent to the Town Clerk’s Office for posting, as well as local media outlets (*Attachment “C”*).

## **RECOMMENDATION**

It is recommended that the Town Council adopt the attached Resolution, confirming the Town Manager’s issuance of Emergency Order 20-05 and Amendments No. 1 and 2 to Emergency Order 20-04 due to Coronavirus Disease 2019 (COVID-19) pandemic.

## **ATTACHMENT(S)**

- Attachment “A” - Town Emergency Order 20-05 (outdoor Dining Expansion)
- Attachment “B” - Town Emergency Order 20-04 Amendment No. 1 (Park Reopening)
- Attachment “C” - Town Emergency Order 20-04 Amendment No. 2 (Park Reopening)