

BAL HARBOUR


- V I L L A G E -

OFFICE OF THE VILLAGE MANAGER

LETTER TO COUNCIL

NO. 044-2020

TO: Mayor Gabriel Groisman and Members of the Village Council

FROM: Jorge M. Gonzalez, Village Manager 

DATE: March 13, 2020

SUBJECT: Declaration of State of Emergency Regarding COVID-19

This Letter to the Council is inform you that following the leads of the Federal, State and Miami-Dade County governments, I have declared a State of Emergency for Bal Harbour Village effective today. This declaration is necessary in order for the Village to access support from the Federal government that is only available under a State of Emergency.

The Village will continue to take action in the best interest, health and safety of the community. Attached for your information is a copy of the signed declaration.

If you any questions, please feel free to contact me directly.

JMG/RMF//DM

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BAL HARBOUR VILLAGE DECLARATION OF A STATE OF EMERGENCY

WHEREAS, a Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza; and

WHEREAS, in late 2019, a new and significant outbreak of COVID-19 emerged in China; and

WHEREAS, the World Health Organization previously declared COVID-19 a Public Health Emergency of International concern; and

WHEREAS, on March 1, 2020, the Florida State Surgeon General and Florida State health Officer declared a Public Health Emergency exists in the State of Florida as a result of COVID-19; and

WHEREAS, on March 2, 2020, Governor DeSantis issued Executive Order 20-51, directing the Florida Department of Health to issue a Public Health Emergency due to COVID-19; and

WHEREAS, on March 7, 2020, Governor DeSantis directed the Director of the Division of Emergency Management to activate the State of Emergency Operations Center to Level 2 to provide coordination and response to the COVID-19 emergency; and

WHEREAS, Governor DeSantis' Executive Order 20-52, issued on March 9, 2020, provides political subdivisions within the State with the authority to waive procedures and formalities otherwise required by law pertaining to:

- performing of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
- entering into contracts;
- incurring obligations;
- employment of permanent and temporary workers;
- utilization of volunteer workers;
- rental of equipment;
- acquisition and distribution, with or without compensation, of supplies, materials and facilities; and
- appropriation and expenditure of public funds; and

WHEREAS, on March 11, 2020, Miami-Dade County Mayor Gimenez issued an Emergency Declaration Order for all of Miami-Dade County due to a case of COVID-19 reported in Miami-Dade County, and another case was confirmed in a Bay Harbor Islands employee on March 12, 2020; and

WHEREAS, on March 13, 2020 President Donald J. Trump declared a National Emergency to combat coronavirus;

WHEREAS, Section 252.38(3)(a) Florida Statutes, gives authority to political subdivisions such as the Village to declare and enact a State of Local Emergency for a period of up to seven (7) days, thereby waiving the procedures and formalities otherwise required of the political subdivision by law; and

WHEREAS, Section 2-354 of the Village Code of Ordinances grants the Village Manager the sole authority to declare a state of emergency, and requires him to promptly file a certificate showing the emergency and the necessity for its declaration with the Village Council; and

WHEREAS, Section 2-354 of the Village Code requires that a declaration of a state of emergency, and any emergency regulations or expenditures made pursuant to the emergency, be confirmed by the Village Council by resolution at the next regular Council meeting; and

WHEREAS, COVID-19 poses a threat to the public health of Florida, of Miami-Dade County and of the Village, and it is therefore necessary to declare a State of Local Emergency to exercise the necessary powers permitted by Chapter 252, Florida Statutes, and Village Code Section 2-353 and 2-354 so as to ensure the preparations and response of the Town will be sufficient to address COVID-19; and

WHEREAS, during the state of emergency, there may be bids or contracts in excess of the \$20,000, which may need to be rejected, awarded or terminated; and

WHEREAS as the Bal Harbour Village Manager, I am responsible to mitigate the dangers presented to the Village's people by this emergency.

NOW, THEREFORE, I, JORGE M. GONZALEZ, as the Bal Harbour Village Manager, by virtue of the authority vested in me by Chapter 252.38(3)(a), Florida Statutes, and Bal Harbour Village Code Chapter 2, Article VIII "Emergency Management" (as detailed therein):

Section 1: I declare a state of emergency exists for Bal Harbour Village.

Section 2: Pursuant to this Declaration, further orders may be issued to protect the health, safety, and welfare of Bal Harbour Village which may specifically include, but are not limited to orders related to the items:


- (1) Evacuation;
- (2) Curfews declaration of areas off limits;
- (3) Suspension or regulation of the sale of, or offer to sell; with or without consideration: alcoholic beverages; explosives; or combustibles;

- (4) Prohibiting the sale or merchandise, goods or services at more than the average retail prices;
- (5) Water use restrictions;
- (6) Suspension of local building regulations;
- (7) Regulating the use of and rationing of fuel, ice and other essentials;
- (8) Emergency procurement and services without formal bidding procedures;
- (9) Closing of public beach areas and other public spaces in Bal Harbour Village'
- (10) Suspension of Bal Harbour Village sponsored events; and,
- (11) Employee Recall order: An order recalling Bal Harbour Village employees from vacation, canceling days off, and mobilizing all personnel required for disaster response.

Section 3: This Declaration of State of Emergency shall activate the emergency plans applicable to the Village, and automatically invoke emergency measures listed in Florida Statutes 870.044 if the emergency relates to overt acts of violence or the imminent threat of such violence as defined in Chapter 870.

Section 4: A written notice of this declaration shall be posted upon the main bulletin board in Village Hall as promptly as practical. A notice of a State of Emergency, or emergency measure declared or ordered and promulgated by virtue of Florida Statutes shall be filed with the Office of the Village Clerk. In addition, representatives of the Village shall notify the local media and residents as soon as possible and, in the manner, most practical and expeditious of the emergency and any measures established pursuant to it.

Section 5: This Declaration of Emergency will continue in effect from day to day until (i) declared to be terminated by the Village Council if practicable, or (ii) certified by the Village Manager that the conditions leading to or causing the emergency no longer exist and the Village's agencies and departments are able to manage the situation without extraordinary assistance, in accordance with Bal Harbour Village Code Section 2-355.

Enacted: 3/13/2020
Signed: 
Village Manager

Date: 3/13/2020 Time: 6:00 PM

WITNESS: 