

**CITY OF CORAL GABLES, FLORIDA**

**ORDINANCE NO. 2020-09**

AN EMERGENCY ORDINANCE OF THE CITY COMMISSION AMENDING CHAPTER 27- STATE OF EMERGENCY ORDINANCE, SECTION 27-4 “CITY MANAGER; EMERGENCY OPERATIONS CENTER (DIRECTOR OF PUBLIC SAFETY) POWERS” IN ORDER TO ADDRESS SITUATIONS CREATED BY PROLONGED STATES OF EMERGENCY, GRANTING THE CITY MANAGER THE AUTHORITY TO EXPAND ADMINISTRATIVE REVIEWS AND REVOKE CERTIFICATES OF USE IN CERTAIN SITUATIONS, AND REFLECTING CHANGES TO THE CITY’S ORGANIZATIONAL CHART; PROVIDING FOR A REPEALER PROVISION, SEVERABILITY CLAUSE, CODIFICATION, ENFORCEABILITY, AND AN EFFECTIVE DATE.

**WHEREAS**, on March 12, 2020, the Mayor of the City of Coral Gables, Florida declared a state of emergency for the City of Coral Gables as authorized by Chapter 252.38(3)(a), Florida Statutes, and Section 27-2(c)(6) of the City Code in response to the Novel Coronavirus Disease-2019 (COVID-19); and

**WHEREAS**, as the Novel Coronavirus Disease (COVID-19) continues to spread in the area and the City, County, and State remain in a state of emergency; and

**WHEREAS**, the current City Code provisions regarding emergency situations and emergency powers do not contemplate such prolonged and ongoing states of emergency; and

**WHEREAS**, given the communicable nature of the virus, the City has suspended all advisory board meetings until future notice, and has suspended all quasi-judicial board meetings for the month of April; and

**WHEREAS**, the indefinite nature of this state of emergency, along with the CDC recommended social distancing guidelines will continue to prohibit regularly scheduled in-person board and commission meetings for an extended period; and

**WHEREAS**, though the City of Coral Gables is following and enforcing all guidelines and executive/emergency orders, including the Governor’s Executive Orders 20-91 and 20-92, Miami- Dade County Emergency Order 12-20, and the City’s own “Safer at Home” Declaration, residents and businesses in Coral Gables continue to access City services and require City staff to review and approve applications, permits, and respond to resident inquiries; and

**WHEREAS**, granting the City Manager the authority to expand the types of administrative reviews to balance the prolonged nature of this current emergency and with the

property rights and interests that residents and businesses have in continuing to conduct businesses with and within the City; and

**WHEREAS**, the position of Director of Public Safety no longer exists, and the City Code should be updated to reflect that the Fire Chief oversees the Emergency Management Division and serves as head of the Emergency Operations Center; and

**WHEREAS**, during local states of emergency the City Manager should be authorized, consistent with his or her authority in the City Charter and City Code, to delegate certain tasks and responsibilities to department directors as well as assistant city managers; and

**WHEREAS**, should a local business continue to operate in violation of any city, county, or statewide emergency orders, the City Manager should have the authority to revoke that business's certificate of use in order to ensure the public health, safety, and welfare; and

**WHEREAS**, the City Commission finds that the amendments contemplated in this Emergency Ordinance are necessary in order to provide the residents and businesses of Coral Gables with City services and in order to continue necessary business throughout the City during prolonged states of emergency;

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA:**

**SECTION 1.** That the foregoing “**WHEREAS**” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

**SECTION 2.** That Chapter 27 “State of Emergency Ordinance”, Section 27-4 “City Manager; Emergency Operations Center (Director of Public Safety) Powers” be hereby amended as follows<sup>1</sup>:

Sec. 27-4. - City manager; emergency operations center (~~director of public safety~~) powers.

- (a) The city manager shall exercise all powers delegated to him or her by the mayor, when the declaration of state of emergency is issued, and shall take all prudent and lawful actions necessary to protect the health, safety, and welfare of the community and its residents.
- (b) The city manager shall designate members of the emergency operations center staff consistent with applicable law, with the ~~director of public safety~~ Fire Chief or his or her designee serving as head of the emergency operations center and coordinator of the city's emergency response effort.
- (c) The city manager may, in his or her discretion, grant extensions of special event permits, suspend or reschedule special events, and take any action necessary to secure city property and or the city's rights-of-way. The city manager may, in his or her discretion, expand the

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<sup>1</sup> Deletions are indicated by ~~strike through~~. Insertions are indicated by underline.

types of administrative reviews permissible in the zoning code and city code, during prolonged states of emergency (defined as those local states of emergency lasting more than three (3) continuous weeks during which the scheduling of in-person board or committee meetings would be unsafe or impractical), to allow for the continuity of reviews and approvals. The city manager may, in his or her discretion, revoke the certificate of use of any business that continues to operate in the City, following both verbal and written warnings, in violation of any city, county, state, or national emergency order. A certificate of use revoked under these circumstances will be reactivated at the conclusion of the state of emergency or following the revocation of the specific emergency order which the business was operating in violation of. Revocation of a certificate of use under this subsection may be appealed, in writing, to the City Clerk within fourteen (14) days of the written revocation of the certificate of use. The City Manager or his or her designee shall have five (5) days to respond in writing. A special magistrate appointed by the City will review the filings within seven (7) days of receipt and will render a written order.

- (d) The city manager, in conjunction with the ~~director of public safety~~ Fire Chief or his or her designee, shall coordinate with other governmental agencies to ensure the city's actions are consistent with the emergency management plans for the State of Florida and Miami-Dade County.
- (e) The city manager may require that utilities provide detailed and geographically specific outage information to him or her or his or her delegates.
- (f) The city manager may, in his or her discretion, delegate all or part of this authority to assistant city managers and department directors.

**SECTION 3.** All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

**SECTION 4.** If any section, part of section, paragraph, clause, phrase or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be affected.

**SECTION 5.** It is the intention of the Commission of the City of Coral Gables, Florida, that the provisions of this Ordinance shall become and be made part of the City of Coral Gables Code of Ordinances; and that the sections of this “ordinance” may be changed to “section”, “article”, or such other appropriate word or phrase in order to accomplish such intentions. If the Official Code of the City of Coral Gables Tables of Contents or other reference portions is affected by these provisions, then changes are approved as a part of this Ordinance.

**SECTION 6.** Given that the City has been under a declared State of Emergency since March 12, 2020 and for the purpose of providing for the continuity of City services during a prolonged state of emergency, this ordinance is hereby declared an emergency measure, waiving second reading and pre-publication and requiring 4/5<sup>th</sup> vote.

**SECTION 7.** This Ordinance shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY-FIRST DAY OF APRIL, A.D., 2020.

(Moved: Lago / Seconded: Keon)

(Yeas: Fors, Jr., Keon, Lago, Mena, Valdes-Fauli)

(Unanimous: 5-0 Vote)

(Agenda Item: E-1)

APPROVED:

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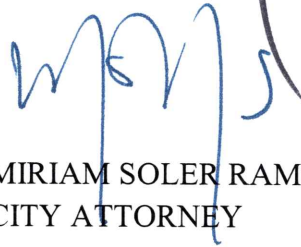
RAUL VALDES-FAULI  
MAYOR

ATTEST:

A handwritten signature in blue ink, appearing to read 'B.Y. Urquia'.

BILLY Y. URQUIA  
CITY CLERK

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

A handwritten signature in blue ink, appearing to read 'M. Soler Ramos'.

MIRIAM SOLER RAMOS  
CITY ATTORNEY