

CITY OF CORAL GABLES, FLORIDA

EMERGENCY ORDINANCE NO. 2020-09 (AS AMENDED)

AN EMERGENCY ORDINANCE OF THE CITY OF CORAL GABLES, FLORIDA, 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 (*FOR RATIFICATION*)

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, at the April 21, 2020 City Commission meeting, the City Commission found 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; and

WHEREAS, due to the Coronavirus/COVID-19 Pandemic, and in accordance with Resolution No. 2020-74, the April 21st City Commission meeting was held virtually and it came to the City's attention that the platform did not allow certain members of the public to access the meeting; and

WHEREAS, in an abundance of caution, the ordinance is being placed on the May 12th City Commission meeting agenda so as to allow for any member of the public who was unable to speak during the April 21st City Commission meeting to do so and for the Commission's ratification of its adoption of the ordinance.

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 follows¹:

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

¹ Deletions are indicated by ~~strikethrough~~. Insertions are indicated by underline.

- (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 right-of-way. The city manager may, in his or her discretion, expand the 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. REPEALER. All ordinances or parts of ordinances inconsistent or in conflict with the provisions of this Ordinance are hereby repealed.

SECTION 4. SEVERABILITY. 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. CODIFICATION. 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. COMPLIANCE. 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 4/5th vote.

SECTION 7. EFFECTIVE DATE. This Ordinance shall become effective immediately upon passage and adoption herein.

PASSED AND ADOPTED THIS 12th DAY OF MAY, A.D. 2020.

Adopted April 21, 2020

[Moved: Lago

Seconded: Keon

Fors, Keon, Lago, Mena, Valdes-Fauli]

Ratified May 12, 2020

[Moved:

Seconded:

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APPROVED:

RAUL VALDES-FAULI

MAYOR

ATTEST:

BILLY Y. URQUIA

CITY CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

MIRIAM SOLER RAMOS
CITY ATTORNEY