




City of North Miami Beach, Florida
Office of the City Manager

TO: The Honorable Mayor and City Commission

CC: Daniel A. Espino, Weiss Serota Helfman, City Attorney
Andrise Bernard, City Clerk
Department Directors

FROM: Esmond K. Scott, City Manager 
William Hernandez, Chief of Police

DATE: December 2, 2020

SUBJECT: Thirty-Eighth Declaration of Continued State of Emergency, City NMB-COVID 19

CITY OF NORTH MIAMI BEACH THIRTY-EIGHTH DECLARATION OF CONTINUED STATE OF EMERGENCY AND EMERGENCY AUTHORIZATION ORDER

Pursuant to Executive Order Nos. 20-51 and 20-52, Florida Governor Ron DeSantis declared a public health emergency as a result of the novel coronavirus ("COVID-19"). On March 11, 2020, Miami-Dade County Mayor, in turn, declared a public health emergency in Miami-Dade County, as a result of mounting presumptive positive cases. The Center for Disease Control and the World Health Organization have identified COVID-19 as a highly contagious virus that will cause widespread transmission and will become a major worldwide pandemic with varying public health implications.

In recognition that the COVID-19 outbreak may require immediate and extraordinary actions by the City of North Miami Beach in order to protect the safety, health, and welfare of the public, and pursuant to the North Miami Beach Code of Ordinances Section 2-29 *Emergency Management*, as well as the authority provided in §252.38(3)(a), Florida Statutes, and §870.043, Florida Statutes, a State of Emergency was declared in the City of North Miami Beach on March 12, 2020 for a period of seven (7) days ("Initial Declaration of Emergency"). In light of the spread of COVID-19, and the continued need for emergency conditions, the City issued Declarations of Continued State of Emergency on March 19, 2020, March 26, 2020, April 2, 2020, April 9, 2020, April 16, 2020, April 23, 2020, April 30, 2020, May 7, 2020, May 14, 2020, May 21, 2020, May 28, 2020, June 4, 2020, June 11, 2020, June 18, 2020, June 25, 2020, July 2, 2020, July 9, 2020, July 16, 2020, July 23, 2020, July 30, 2020, August 6, 2020, August 13, 2020, August 20, 2020, August 27, 2020, September 3, 2020, September 10, 2020, September 17, 2020, September 24, 2020, October 1, 2020, October 8, 2020, October 15, 2020, October 22, 2020, October 29, 2020, November 5, 2020, November 12, 2020, November 19, 2020, and November 26, 2020.

To ensure the City continues to be prepared to respond to COVID-19 related situations and can timely take further steps to protect the safety, health, and welfare of the residents of

Thirty-Eighth Declaration of Continued State of Emergency

page 2

North Miami Beach, the State of Emergency in the City of North Miami Beach is hereby continued from December 3, 2020 for seven (7) days.

The following emergency authorization orders are extended accordingly:

City Manager Esmond K. Scott, Chief of Police William Hernandez, and respective designees are hereby ordered to take whatever prudent and lawful actions are necessary to protect the health, safety, and welfare of the community.

All emergency orders issued during the Initial Declaration of Emergency shall remain in full force and effect during this Thirty-Eighth Declaration of Continued State of Emergency, until such time as the orders are individually or collectively terminated and/or the State of Emergency is cancelled.

Pursuant to Governor Ron DeSantis' Executive Order No. 20-69, the physical quorum requirement for public meetings of the City Commission as provided in the City Charter is hereby suspended. To the extent that a meeting(s) of the City Commission may be necessary, the City may employ communications media technology, such as telephone and video conferencing, as provided in Section 120.54(5)(b)(2), Florida Statutes, for the safe participation of the Mayor, Commission, administration officials, and the public, provided that all other requirements of Chapter 286, Florida Statutes, are followed.

In addition to the authority granted in Section 2-29 Emergency Management, the City Manager and Chief of Police are authorized to exercise all emergency powers provided §252.38(3)(a), *Florida Statutes*, including, but not limited to, the suspension of any local law, rule, or order that would in any way prevent, hinder, or delay any mitigation, response, or recovery action necessary to cope with this emergency. The City reserves any right, benefit, or assistance offered by the State in Executive Order Nos. 20-51 and 20-52, and reserves its right to waive the procedures and formalities otherwise required of the City by law pertaining to the items listed in the executive order.