

PROPOSED RESOLUTION NO. 2020-R-11

RESOLUTION NO. 3690

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA RATIFYING THE MAYOR'S DECLARATION OF A STATE EMERGENCY DECLARED ON MARCH 27, 2020 DUE TO THE PUBLIC HEALTH THREAT RESULTING FROM THE SPREAD OF THE CORONAVIRUS (COVID-19), PURSUANT TO SECTION 92.14(B) OF THE CITY'S CODE OF ORDINANCES; AUTHORIZING AND DIRECTING THE CITY MANAGER TO TAKE ANY AND ALL ACTIONS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on March 9, 2020, Governor Ron DeSantis signed Executive Order No. 20-52, thereby declaring a public health emergency in the State of Florida due to the public health threat resulting from the spread of the Novel Coronavirus Disease (COVID-19). A copy of the Executive Order is attached hereto as Exhibit "A" and incorporated herein; and

WHEREAS, on March 10, 2020, Mayor Dale V.C. Holness declared a state of emergency in Broward County; and

WHEREAS, on March 27, 2020, Mayor Frank C. Ortis, in accordance with Section 92.14(B) of the City's Code of Ordinances ("City Code"), declared a local state of emergency in the City of Pembroke Pines resulting from the spread of COVID-19; and

WHEREAS, the City Code requires the City Commission to consider a resolution to formally ratify the Mayor's declaration of a state of emergency; and

WHEREAS, it is the innate responsibility of the governing body of each political subdivision of the State of Florida to safeguard the life and property of its residents; and

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WHEREAS, the City Commission finds and determines that it is necessary to ensure that preparations of this City will be adequate to deal with any public health emergency resulting from the spread of COVID-19; and

WHEREAS, the City Commission finds that it is in the best interests of the citizens and residents of the City of Pembroke to ratify the Mayor's declaration of a state of emergency in the due to the public health threat resulting from the spread of the COVID-19.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA THAT:

SECTION 1. The foregoing "WHEREAS" clauses are hereby ratified as true and correct and are confirmed by the City Commission and incorporated herein by this reference.

SECTION 2. Due to the foregoing conditions and in accordance with 92.14(B) of the City's Code of Ordinances, the Mayor has declared, on behalf of the City of Pembroke Pines, that a STATE OF EMERGENCY exists in the City of Pembroke Pines, Florida. The City Commission hereby ratifies the Mayor's declaration. The City Manager is hereby authorized to take any and all action necessary to effectuate the intent of this resolution.

SECTION 3. All Resolutions or parts of Resolutions in conflict herewith, be, and the same are repealed to the extent of such conflict.

SECTION 4. If any clause, section or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such

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unconstitutional or invalid part shall be considered as eliminated and in no way effecting the validity of the other provisions of this Resolution.

SECTION 5. This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA THIS 30TH DAY OF MARCH, 2020.

CITY OF PEMBROKE PINES, FLORIDA

ATTEST:


MARLENE GRAHAM, CITY CLERK

3/30/20 BY: 
MAYOR FRANK C. ORTIS

APPROVED AS TO FORM:


OFFICE OF THE CITY ATTORNEY

ORTIS	<u>AYE</u>
GOOD	<u>AYE</u>
CASTILLO	<u>NA</u>
SCHWARTZ	<u>AYE</u>
SIPLE	<u>AYE</u>



STATE OF FLORIDA

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NUMBER 20-69

(Emergency Management – COVID-19 – Local Government Public Meetings)

WHEREAS, on March 1, 2020, I issued Executive Order 20-51 directing the Florida Department of Health to issue a Public Health Emergency as a result of COVID-19; and

WHEREAS, 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

WHEREAS, on March 9, 2020, I issued Executive Order 20-52 declaring a state of emergency for the entire State of Florida as a result of COVID-19; and

WHEREAS, on March 16, 2020, President Donald J. Trump and the Centers for Disease Control and Prevention (“CDC”) issued the “15 Days to Slow the Spread” guidance advising individuals to adopt far-reaching social distancing measures, such as working from home and avoiding gatherings of more than 10 people; and

WHEREAS, on March 17, 2020, I wrote a letter to Attorney General Ashley Moody seeking an advisory opinion regarding concerns raised by local government bodies about their ability to hold meetings through teleconferencing and other technological means in order to protect the public and follow the CDC guidance regarding social distancing; and

WHEREAS, on March 19, 2020, Attorney General Ashley Moody delivered an opinion to me indicating that certain provisions of Florida law require a physical quorum be present for local government bodies to conduct official business, and that local government bodies may only conduct meetings by teleconferencing or other technological means if either a statute permits a quorum to be present by means other than in person, or that the in person requirement for constituting a quorum is lawfully suspended during the state of emergency; and

WHEREAS, it is necessary and appropriate to take action to ensure that COVID-19 remains controlled, and that residents and visitors in Florida remain safe and secure;

NOW, THEREFORE, I, **RON DESANTIS**, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section (1)(a) of the Florida Constitution, Chapter 252, Florida Statutes, and all other applicable laws, promulgate the following Executive Order to take immediate effect:

Section 1. I hereby suspend any Florida Statute that requires a quorum to be present in person or requires a local government body to meet at a specific public place.

Section 2. Local government bodies may utilize communications media technology, such as telephonic and video conferencing, as provided in section 120.54(5)(b)2., Florida Statutes.

Section 3. This Executive Order does not waive any other requirement under the Florida Constitution and "Florida's Government in the Sunshine Laws," including Chapter 286, Florida Statutes.

Section 4. This Executive Order shall expire at the expiration of Executive Order 20-52, including any extension.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 20th day of March, 2020


RON DESANTIS, GOVERNOR

ATTEST:


SECRETARY OF STATE

2020 MAR 20 AM 9:38

FILED

CITY OF PEMBROKE PINES

Declaration of a State of Emergency (Novel Coronavirus Disease 2019)

WHEREAS, on March 9, 2020, Governor Ron DeSantis signed Executive Order No. 20-52, thereby declaring a public health emergency in the State of Florida due to public health threat resulting from the spread of the Novel Coronavirus Disease 2019 (“COVID-19”); and

WHEREAS, on March 10, 2020, Broward County Administrator Bertha Henry declared a state of emergency in Broward County; and

WHEREAS, on March 11, 2020, the World Health Organization declared the COVID-19 outbreak a global pandemic; and

WHEREAS, on March 17, 2020, Governor Ron DeSantis signed Executive Order No. 20-68, thereby suspending the sale of alcoholic beverages at bars, pubs and nightclubs for thirty (30) days, limiting gatherings on public beaches, limiting restaurant occupancy, and requiring social distancing and employee screening, among other things; and

WHEREAS, in accordance with Executive Order No. 2-68, all bars and nightclubs in the State of Florida are ordered to be closed for thirty (30) days; and

WHEREAS, COVID-19 has physically contaminated property in Florida contributing to the need the for closure of certain businesses, as detailed in the Governor’s Executive Orders; and

WHEREAS, as of March 26, 2020, there are 503 confirmed cases of COVID-19 in Broward County, including a number of cases in the City of Pembroke Pines (the “City”); and

WHEREAS, on March 26, 2020, Broward County Administrator Bertha Henry executed an emergency order urging all resident of Broward County to stay home unless engaging in essential business; and

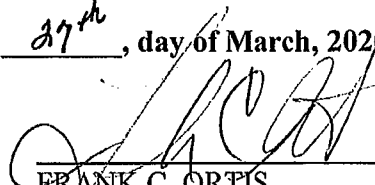
WHEREAS, Section 92.14 of the City’s Code of Ordinances authorizes the Mayor or the City Manager to declare that a state of emergency exists in the City for a period not to exceed (7) days, unless extended by the Governor; and

WHEREAS, the state of emergency in the State of Florida, as declared by Governor Ron DeSantis, effectively extends this state of emergency in the City of Pembroke Pines until such time that the public health emergency no longer exists in the State; and

WHEREAS, following the declaration of a state of emergency in the City, the Mayor or the City Manager has the expressed authority to exercise emergency powers and take action as determined necessary and appropriate for the protection of life, health, and property, and the alleviation of suffering and the rapid restoration of public facilities and services; and

NOW, THEREFORE, I, FRANK C. ORTIS, pursuant to the authority set forth in Ch. 252, F.S., and Section 92.14 of the City's Code of Ordinances, hereby declare the City of Pembroke Pines to be in a state of emergency and, in accordance with the City Code, authorize the City Manager to take any and all action necessary to protect the health, safety and welfare of the citizens and residents of the City.

EFFECTIVE IMMEDIATELY on this 27th, day of March, 2020.



FRANK C. ORTIS
Mayor



City of Pembroke Pines, FL

601 City Center Way
Pembroke Pines, FL
33025
www.ppines.com

Agenda Request Form

Agenda Number: 4.

File ID: 2020-R-11

Type: Resolution

Status: Passed

Version: 1

**Agenda
Section:**

In Control: City Commission

File Created: 03/10/2020

Short Title: Proposed Resolution 2020-R-11: Mayor's State of
Emergency-COVID-19 Coronavirus

Final Action: 03/30/2020

Title: MOTION TO ADOPT PROPOSED RESOLUTION 2020-R-11.

PROPOSED RESOLUTION 2020-R-11 IS A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PEMBROKE PINES, FLORIDA RATIFYING THE MAYOR'S DECLARATION OF A STATE OF EMERGENCY DECLARED ON MARCH 27, 2020 DUE TO THE PUBLIC HEALTH THREAT RESULTING FROM THE SPREAD OF THE CORONAVIRUS (COVID-19), PURSUANT TO SECTION 92.14(B) OF THE CITY'S CODE OF ORDINANCES; AUTHORIZING AND DIRECTING THE CITY MANAGER TO TAKE ANY AND ALL ACTIONS NECESSARY TO EFFECTUATE THE INTENT OF THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

***Agenda Date:** 03/30/2020

Enactment Date: 03/30/2020

Agenda Number: 4.

Enactment Number: 3690

Internal Notes:

Attachments: 1. Proposed Resolution 2020-R-11 State of Emergency - COVID-19, 2. Declaration of a State of Emergency-Pembroke Pines-Novel Coronavirus Disease 2019, 3. Executive Order 20-69 Governor DeSantis

Indexes:

1	City Commission	03/30/2020	adopt	Pass
Action Text: A motion was made by Vice Mayor Siple, seconded by Commissioner Schwartz, to adopt Proposed Resolution 2020-R-11 to ratify the Mayor's Declaration of a State of Emergency declared March 27, 2020 due to the COVID-19 Coronavirus. The motion carried by the following vote:				
Aye: - 4 Mayor Ortis, Vice Mayor Siple, Commissioner Schwartz, and Commissioner Good Jr.				
Nay: - 0				

SUMMARY EXPLANATION AND BACKGROUND:

1. On March 9, 2020, Governor Ron DeSantis signed Executive Order No. 20-52, thereby declaring a public health emergency in the State of Florida due to the public health threat resulting from the spread of the Novel Coronavirus Disease (COVID-19). A copy of the Executive Order is attached hereto as Exhibit "A" and incorporated herein.

2. On March 10, 2020, Mayor Dale V.C. Holness declared a state of emergency in Broward County.

3. On March 27, 2020, Mayor Frank C. Ortis, in accordance with Section 92.14(B) of the City's Code of Ordinances ("City Code"), declared a local state of emergency in the City of Pembroke Pines resulting from the spread of COVID-19; and

4. The City Code requires the City Commission to consider a resolution to formally ratify the Mayor's declaration of a state of emergency; and

5. It is the innate responsibility of the governing body of each political subdivision of the State of Florida to safeguard the life and property of its residents; and

6. The City Commission finds and determines that it is necessary to ensure that preparations of this City will be adequate to deal with any public health emergency resulting from the spread of COVID-19; and

7. The City Commission finds that it is in the best interests of the citizens and residents of the City of Pembroke to ratify the Mayor's declaration of a state of emergency in the due to the public health threat resulting from the spread of the Novel Coronavirus Disease (COVID-19).

FINANCIAL IMPACT DETAIL: N/A