

RESOLUTION NO. 2020-030

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA, AUTHORIZING THE CITY MANAGER TO TAKE ANY APPROPRIATE AND NECESSARY ACTION TO PROTECT THE HEALTH AND SAFETY OF THE RESIDENTS OF AND VISITORS TO DANIA BEACH, IN CONNECTION WITH COVID-19, INCLUDING EXERCISING ANY EMERGENCY POWERS PERMITTED UNDER THE CITY CHARTER, BROWARD COUNTY EMERGENCY DECLARATION, THE LOCAL OR STATE EMERGENCY MANAGEMENT PLAN, STATE OR FEDERAL LAW, OR ANY EMERGENCY DECLARATION OR EXECUTIVE ORDER OF APPLICABLE STATE OR FEDERAL AUTHORITIES, SUBJECT TO ADVANCE WRITTEN NOTICE TO THE CITY COMMISSION AND RATIFICATION BY THE CITY COMMISSION AT THE NEXT OFFICIAL PUBLIC MEETING OF THE CITY COMMISSION FOR ANY ACTION NOT OTHERWISE WITHIN THE CURRENT AUTHORITY OF THE CITY MANAGER; AUTHORIZING THE CITY MANAGER TO TAKE ANY APPROPRIATE AND NECESSARY ACTION TO MAINTAIN THE DAY-TO-DAY BUSINESS AND OPERATIONS OF DANIA BEACH IF ISOLATION OR CONTAINMENT MEASURES REGARDING COVID-19 PRECLUDE REGULAR MEETINGS OF THE CITY COMMISSION INCLUDING APPROVING AND EXECUTING AGREEMENTS, APPROVING SOLICITATIONS, RANKINGS, AND BID AWARDS, APPROVING PUBLIC HEARING NOTICES, AND TAKING ANY OTHER ACTION NECESSARY TO ACT IN THE BEST INTEREST OF DANIA BEACH, SUBJECT TO ADVANCE WRITTEN NOTICE TO THE CITY COMMISSION AND RATIFICATION BY THE CITY COMMISSION AT THE NEXT OFFICIAL PUBLIC MEETING OF THE CITY COMMISSION FOR ANY ACTION NOT OTHERWISE WITHIN THE CURRENT AUTHORITY OF THE CITY MANAGER; PROVIDING FOR CONFLICTS; FURTHER, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on March 9, 2020, Governor De Santis declared a state of emergency for the entirety of the state of Florida due to the threat of the Corona Virus, COVID-19; and

WHEREAS, the emergency order allows out-of-state medical personnel to operate in Florida, gives the state more flexibility to purchase masks and equipment needed to set up field hospitals and allows pharmacists to dispense 30-day emergency prescription refills, amongst other emergency powers; and

WHEREAS, on March 10, 2020, Broward County issued a state of emergency for all of Broward County, Level 2, relating to COVID-19; and

WHEREAS, the Broward County Commission approved a motion authorizing the County Administrator to take any appropriate and necessary action to protect the health and safety of

Broward County residents and visitors in connection with COVID-19, including exercising any emergency powers permitted under the Broward County Charter or Broward County Administrative Code, the local or state emergency management plan, state or federal law, or any emergency declaration or executive order of applicable state or federal authorities, subject to advance written notice to the Board and ratification by the Board at the next official public meeting of the County Commission for any action not otherwise within the current authority of the County Administrator; and

WHEREAS, the Broward County Commission also approved a second motion authorizing the County Administrator to take any appropriate and necessary action to maintain the day-to-day business and operations of Broward County if isolation or containment measures regarding COVID-19 preclude regular meetings of the County Commission, including approving and executing agreements, approving solicitations, rankings, and bid awards, approving public hearing notices, and taking any other action necessary to act in the best interest of Broward County, subject to advance written notice to the Board and ratification by the Board at the next official public meeting of the County Commission for any action not otherwise within the current authority of the County Administrator; and

WHEREAS, the Florida Sunshine Law requires all decisions of an elected body to be done during a duly advertised public meeting, open to the general public, and requires all votes to be taken in person (on line voting or voice appearance will not satisfy Sunshine Law quorum requirements); and

WHEREAS, the City of Dania Beach, consistent with the Governor's action, and consistent with the actions of the Broward County Commission, seeks to ensure that the City of Dania Beach can continue to function should COVID-19 preclude the Mayor and City Commission from meeting to vote on material items under circumstances where a physical quorum of the City Commission cannot be obtained; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF DANIA BEACH, FLORIDA:

Section 1. That the above WHEREAS clauses are incorporated by reference into this Resolution.

Section 2. That the City Manager, Ana M. Garcia, is authorized to take any appropriate and necessary action to protect the health and safety of the residents of and visitors to Dania Beach, in connection with COVID-19, including exercising any emergency powers permitted under the City Charter, the Broward County emergency declaration, the local or state emergency management plan, state or federal law, or any emergency declaration or executive order of applicable state or federal authorities, subject to advance written notice to the City Commission and ratification by the City Commission at the next official public meeting of the City Commission for any action not otherwise within the current authority of the City Manager.


Section 3. That the City Manager, Ana M. Garcia, is authorized to take any appropriate and necessary action to maintain the day-to-day business and operations of Dania Beach if isolation or containment measures regarding COVID-19 preclude regular meetings of the City Commission including approving and executing agreements, approving solicitations, rankings, and bid awards, approving public hearing notices, and taking any other action necessary to act in the best interest of Dania Beach, subject to advance written notice to the City Commission and ratification by the City Commission at the next official public meeting of the City Commission for any action not otherwise within the current authority of the City Manager.

Section 4. That all resolutions or parts of resolutions in conflict with this Resolution are repealed to the extent of such conflict.

Section 5. That this Resolution shall be in force and take effect immediately upon its passage and adoption.

PASSED AND ADOPTED on March 10, 2020.


ATTEST:


THOMAS SCHNEIDER, CMC
CITY CLERK




LORI LEWELLEN
MAYOR

APPROVED AS TO FORM AND CORRECTNESS:


THOMAS J. ANSBRO
CITY ATTORNEY