

EMERGENCY ORDINANCE NO. 20-02

AN EMERGENCY ORDINANCE OF THE CITY OF BELLE ISLE, FLORIDA DECLARING A STATE OF EMERGENCY WITHIN THE CITY OF BELLE ISLE IN ACCORDANCE WITH THE DECLARATION OF EMERGENCY BY THE GOVERNOR; ADOPTING EMERGENCY REGULATIONS TO ADDRESS PREPARATION FOR AND MITIGATION OF COVID-19; PROVIDING FOR SEVERABILITY, NON-CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS a respiratory illness due to a novel coronavirus (a disease now known as COVID-19), was first identified in Wuhan City, Hubei Province, China, and has spread outside of China, impacting many countries, including the United States; and

WHEREAS the State of Florida has been working in close collaboration with the national Centers for Disease Control and Prevention (CDC), with the United States Health and Human Services Agency, and with local health departments since December 2019 to monitor and plan for the potential spread of COVID-19 to the United States; and

WHEREAS on January 23, 2020, the CDC activated its Emergency Response System to provide ongoing support for the response to COVID- 19 across the country; and

WHEREAS on March 1, 2020, Governor Ron DeSantis of the State of Florida issued Executive Order No. 20-51 directing the Florida Department of Health to issue a Public Health Emergency; 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 7, 2020, Governor Ron DeSantis of the State of Florida directed the Director of the Division of Emergency Management to activate the State Emergency Operations Center to Level 2 to provide coordination and response to the COVID-19 emergency; and

WHEREAS on March 9, 2020, Governor Ron DeSantis of the State of Florida issued Executive Order No. 20-52 declaring a state of emergency within the State of Florida in response to the COVID-19 Public Health Emergency; and

WHEREAS in accordance with § 252.38, Florida Statutes, Executive Order No. 20-52 authorizes the City to waive the procedures and formalities otherwise required of the City by law pertaining to (1) Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community; (2) Entering into contracts (however,

the City is cautioned against entering into time and materials contracts without ceiling as defined in 2 CFR 200.318(j) or cost plus percentage contracts as defined by 2 CFR 200.323(d)); (3) Incurring obligations; (4) Employment of permanent and temporary workers; (5) Utilization of volunteer workers; (6) Rental of equipment; (7) Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and (8) Appropriation and expenditure of public funds;

WHEREAS the Florida Department of Public Health has been in regular communication with hospitals, clinics and other health providers and has provided guidance to health facilities and providers regarding COVID-19; and

WHEREAS experts anticipate that while a high percentage of individuals affected by COVID-19 will experience mild flu-like symptoms, some will have more serious symptoms and require hospitalization, particularly individuals who are elderly or already have underlying chronic health conditions; and

WHEREAS it is imperative to prepare for and respond to suspected or confirmed COVID-19 cases in the City of Belle Isle, to implement measures to mitigate the spread of COVID-19, and to prepare to respond to an increasing number of individuals requiring medical care and hospitalization; and

WHEREAS the City must use all available preventative measures to combat the spread of COVID-19, which will require access to services, personnel, equipment, facilities, and other resources, potentially including resources beyond those currently available, to prepare for and respond to any potential cases and the spread of the virus; and

WHEREAS the conditions caused by COVID-19 are likely to require the combined forces of a mutual aid; and

WHEREAS City is granted the authority under § 2(b), Art. VIII of the Florida Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS this Emergency Ordinance is authorized by § 3.13 of the City of Belle Isle's Charter, Chapter 166, Florida Statutes, Section 252.38, Florida Statutes, and other applicable provisions of law; and

WHEREAS, pursuant to § 3.13 of the City Charter, this emergency ordinance must be enacted by a 2/3 vote of the City Council; and

WHEREAS, the City finds that this Ordinance is in the interests of the public health, safety, and welfare.

NOW THEREFORE, BE IT ORDAINED by the City Council of the City of Belle Isle, Florida, pursuant to § 3.13 of the Belle Isle City Charter, §§ 870.043 and 870.047, Florida Statutes, and the Florida Governor’s Executive Order No. 20-52, that:

SECTION 1. RECITALS. The foregoing recitals are ratified and confirmed as being true and correct and are hereby made a part of this Ordinance.

SECTION 2. DECLARATION OF GENERAL STATE OF EMERGENCY. A state of General Emergency is declared to exist by the City Council of the City of Belle Isle, Florida, effective upon adoption of this Ordinance and until 60 days thereafter as provided under § 3.13 of the City Charter.

SECTION 3. DESIGNATION OF LOCAL AUTHORITY. For the purposes of § 870.042, Florida Statutes, the City hereby designates the City Manager as the Designated City Official authorized to exercise the powers conferred in §§ 870.041-870.047, Florida Statutes. In the case of the unavailability, incapacity, or absence of the City Manager or as may be delegated by the City Manager, the Chief of Police or his/her designee will serve as the designated city official. In the case of the unavailability, incapacity, or absence of both the City Manager and Chief of Police, the Mayor, followed by each successive council member in order of seat numbers 1 through 7 in the event of a prior official’s unavailability, incapacity, or absence, will serve as the designated city official. For the purposes of this ordinance, the term “City Manager” refers to the Designated City Official if the City Manager is unavailable, incapacitated, or absent.

SECTION 4. EMERGENCY POWERS & WAIVER. As authorized by the Florida Governor’s Executive Order No. 20-52, the City hereby opts to waive all procedures and formalities otherwise required of the City by law, which procedures and formalities pertain to the following:

- a. Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
- b. Entering into contracts;
- c. Incurring obligations;
- d. Employment of permanent and temporary workers;
- e. Utilization of volunteer workers;
- f. Rental of equipment;
- g. Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and
- h. Appropriation and expenditure of public funds.

SECTION 5. AUTHORITY TO MITIGATE SPREAD OF COVID-19. The City Manager or his/her designee is hereby empowered, authorized, and directed to exercise on behalf of the City Council, such emergency powers necessary to carry out the applicable provisions of Chapter 252, Florida Statutes, §§ 870.041 – 870.047, Florida Statutes, and any current or further

Executive Orders of the Office of the Governor pertaining to COVID-19, including, but not limited to, the powers to direct and compel evacuation, sequester, or quarantine of all or part of the population if such action is deemed necessary to reduce the vulnerability of people in communities of the City of Belle Isle to damage, injury, illness, and loss of life or property resulting from the imminent threat, as well as any other powers expressly or implicitly conferred pursuant to Chapters 166 and 252, Florida Statutes, §§ 870.041 – 870.047, Florida Statutes, and any other provision of applicable state or federal law or City ordinance. The City Manager or his/her designee are further provided, to the extent permitted by law or any applicable executive or emergency order, the authority to close public spaces or otherwise cancel, rescind, close, or postpone any special events, assemblies, or gatherings, scheduled or unscheduled, within the City where COVID-19 may be spread or otherwise transmitted to others. The City Manager may further close any public offices, facilities, parks, or buildings of the City or otherwise limit access thereto to further assist in any quarantine or isolation efforts. To assist in maintaining safe and sanitary living and functioning conditions and protect property from immediate threat, the City Manager shall have the power, but not the obligation, to authorize and issue sanitary processes and supplies to reduce or otherwise mitigate potential sources of contagion. The City Manager is further authorized to enter into temporary lease or license agreements for real property which is necessary for creating and operating temporary medical staging areas to process, quarantine, and/or otherwise treat any persons diagnosed with or suspected of being infected by COVID-19.

SECTION 6. MEETING PROCEDURES. During this declared state of emergency and in the interest of minimizing exposure to COVID-19, the City Council, pursuant to the authority provided by Executive Order No. 20-52 and its emergency authority under § 252.38, Florida Statutes, is hereby permitted to meet via videoconferencing or telephonic means, provided that such meetings are noticed, to the extent feasible under the circumstances, pursuant to the appropriate notice requirements, whether such meeting is a regular, special, or emergency meeting. A quorum for any such meetings will be three (3) or more Commission members, whether physically or virtually present. The Commission is authorized to vote at such meetings on any measures the Commission deems necessary for the continued orderly operation and administration of the City and the management and mitigation of conditions arising from the declared emergency. For such meetings, the City will, to the extent possible or otherwise feasible, ensure that Commission members attending the meeting remotely can both hear any Commission or public comment and speak to the Commission and the public. The City must also, to the extent possible or otherwise feasible or advisable (given the nature of the contagion), further provide interactive internet access to the public and make computers or other similar systems available for citizens without internet access at designated places within the City. Upon the conclusion of the state of emergency, any and all Commission actions taken at meetings held via videoconferencing or telephonic means must be reviewed and, subject to the Commission's discretion and receipt of public comment, ratified at a regular meeting of the City Commission noticed and conducted according to the City's ordinary rules and procedures. Notwithstanding the above, in the event the Governor or the Florida Attorney General gives an order or guidance

to local governments that allows more flexibility than the foregoing, the City shall have such additional flexibility consistent with such guidance.

SECTION 7. DURATION. The authority granted pursuant to this emergency ordinance extends only for the period established in § 3.13 of the City’s Charter or until otherwise terminated by the City Council or the City’s Designated City Official pursuant to Section 3 of this Ordinance *supra*. For the purposes of §§ 870.041 – 870.047, Florida Statutes, this Ordinance serves as the Designated City Official’s request for an extension of the 72 hour time limit imposed pursuant to § 870.047, Florida Statutes, and, upon approval by the City Council, the council’s concurrence as to the extension of such 72 hour period through the sixty (60) day duration of this Ordinance as set forth in § 3.13 of the City’s Charter.

SECTION 8. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional.

SECTION 9. NON-CODIFICATION. Given the temporary nature and effect of this Ordinance, it is the intent of the City Commission that this Ordinance will not be codified.

SECTION 10. EFFECTIVE DATE. This Ordinance shall become effective upon adoption by the City Council of the City of Belle Isle, Florida, and remain in effect for sixty days thereafter as further specified in Section 7 of this Ordinance *supra* and authorized by § 3.13 of the City’s Charter.

First Reading on _____, 2020.

Second Reading and Adoption this _____ day of _____, 2020.

City of Belle Isle, Florida

Nicholas Fouraker

Attest:

Yolanda Quiceno, CMC, City Clerk