

MIAMI BEACH

OFFICE OF THE CITY MANAGER

NO. LTC # **186-2021**

LETTER TO COMMISSION

TO: Mayor Dan Gelber and Members of the City Commission

FROM: Alina T. Hudak, City Manager 

DATE: May 5, 2021

SUBJECT: Office of the Governor Executive Order Suspending All Remaining Local Government Mandates

On May 3, 2021, the Governor issued Executive Order 21-101 (Invalidating All Remaining Local Emergency Orders Based on the COVID-19 Emergency) and Executive Order 21-102 (Suspending All Remaining Local Government Mandates and Restrictions Based on the COVID-19 State of Emergency) (the "Executive Orders").

The Administration has carefully reviewed the Executive Orders, in consultation with the City Attorney's Office. Based on Executive Order 21-102, the City's most recent Emergency Order, which was effective April 29, 2021, is now suspended. As the current City Emergency Order is set to expire on May 5, 2021, at 11:59 p.m., I do not intend to renew or extend the City's Emergency Order at this time.

As discussed at the April 21, 2021 City Commission meeting, notwithstanding the Governor's Order, the City was already in the process of streamlining the remaining limited measures in the City's Emergency Order. Remaining items included the maximum occupancy limits for short-term rentals and the package liquor sale restrictions in certain districts of the City. The main effect of the Governor's action, however, is that the City of Miami Beach would no longer have the ability to enforce the facial covering and social distancing requirements that are defined in Miami-Dade County Emergency Order 33-20.

Notwithstanding the impact of the Executive Orders on the City's emergency authority, the City has adopted a number of policies and practices that are designed to mitigate the public health threats.

With respect to our City government operations, most services have been performed throughout the COVID-19 pandemic, as made possible through the use of technology and online services, and by scheduling appointments. The experience of COVID-19 has accelerated the City's efforts to upgrade our online platforms. We will continue to conduct as much business as possible through online channels, in an effort to provide quality innovative services and expand public access. At the same time, we continue to plan for full "in-person" operations for our customers. To this end, the health, safety and well-being of our employees and the public shall remain my highest priority.

We are collaborating with the County, neighboring cities, and respective attorneys as we adapt our policies to a new legal framework and an evolving emergency response. I understand that

Miami-Dade County will be issuing guidance with respect to these issues in the coming days, and I will keep the City Commission informed as we receive additional information. Note the County Mayor recently issued the following statement: "Miami-Dade County will continue to require key COVID safety precautions including masking, distancing, and disinfecting at all County spaces, including libraries, County parks, and County buildings. A federal mask mandate remains in place for public transit, Miami International Airport, and PortMiami."

I will continue to be proactive and move our efforts forward, particularly as they relate to the following areas:

- As an employer, continue to provide a safe work environment based on CDC guidelines for City workplaces, for the benefit of employees, residents, and customers. This includes employees wearing masks indoors, social distancing, health screening protocols and other best practices to ensure public health and safety in all City-owned buildings, parks, and entertainment venues. As information develops, I will continue to work with the City Attorney's Office on the best approach to the public's wearing of masks within City facilities but note that, at a minimum this will be strongly encouraged;
- As an employer, continue following CDC guidelines for workplace safety. This includes efforts such as high disinfection, signage, hand sanitizers, higher rated air filters, improved outside air, and plexi-glass. Every Department receives a "care package" for employees that includes items such as masks, gloves and personal hand sanitizers on a monthly basis. In addition, electrostatic spray is used in every building every day with 99% effectiveness for disinfection;
- Implementing COVID-19 related benefit programs approved by the Mayor and City Commission, such as the expanded restaurant seating program;
- Continuing the City's communications and outreach efforts, to strongly encourage employees, residents and visitors to be vaccinated against COVID-19 and follow CDC guidance;
- Preserving the City's eligibility for FEMA reimbursements for the City's ongoing COVID-19 relief efforts, by extending the City's Declaration of a State of Emergency, if necessary, for as long as the City incurs costs in responding to the pandemic¹; and
- Collaborating with our public and private sector partners, as we continue to implement necessary safety precautions, in the best interests of the City.

In addition, I have consulted with the City Attorney's Office and our City Clerk, and we will be revising the meeting procedures for the conduct of City Commission meetings. City Commission meetings will be held in the Commission Chambers, and members of the public will have the ability to attend or participate either via Zoom, or in person. In an effort to limit the number of persons in Chambers, the City's professional staff will continue to fully participate in City Commission meetings via Zoom. The City will strongly encourage members of the public to

¹ Note: The City's Declaration of a State of Emergency is a separate matter from the issuance of any emergency measures pursuant to such Declaration. While the Executive Orders suspend and/or invalidate certain "restrictions and mandates on individuals and businesses," the Orders **do not** restrict the City from continuing to declare a State of Emergency or taking any other action in order to obtain reimbursement for COVID-related expenses.

adhere to all applicable CDC guidelines. Additional guidance will also be issued with regard to other board and committee meetings, including the City's land use boards.

Please contact me at alinahudak@miamibeachfl.gov or Rafael Paz, Acting City Attorney, at rafaelpaz@miamibeachfl.gov with any questions.