

**CITY OF NORTH MIAMI DECLARATION OF STATE OF EMERGENCY
TROPICAL STORM ETA**

WHEREAS, Chapter 252.38(3)(a), Florida Statutes, gives authority to political subdivisions to declare and enact a State of Local Emergency for a period of up to seven (7) days, thereby waiving the procedures and formalities otherwise required of the political subdivision by law; and

WHEREAS, as of 11:00 a.m. on November 6, 2020, the National Hurricane Center reported that *Tropical Storm Eta* has maximum sustained winds of 35 mph and that the progress of *Tropical Storm Eta* may require that Tropical Storm or Hurricane watches for South Florida be issued later in the day on November 6, 2020; and

WHEREAS, *Tropical Storm Eta* is expected to impact Miami-Dade County and create weather conditions that may require extraordinary and immediate actions by Miami-Dade County in order to protect the public health, safety, and general welfare of the community; and

WHEREAS, pursuant to Section 2-419 (a), North Miami Code of Ordinances (NMCO) the City Manager has the sole authority to declare a state of emergency; and

WHEREAS, “*Emergency*” is defined by Section 2-415 to mean “a condition which threatens or adversely affects the public health, safety, general welfare or security and which is or threatens to be beyond the control of those public and private agencies normally responsible for the management of such a condition, resulting from an act of imminent threatened act of war, riot, terrorism, mob or other acts of violence; from conflagration, explosion, hazardous materials incident or release; from a weather event such as a flood, hurricane or tornado; from a disruption in the city's utility, or other utility system, or from any other cause”; and

Now, therefore, I, Theresa Therilus, Esq., City Manager, by virtue of the power vested in me by the North Miami Code of Ordinances and Florida Statutes, hereby take the following actions:

Section 1. Declaration of State of Emergency. Because of the foregoing conditions, I declare a state of emergency in the City of North Miami, Florida.

Section 2. Activation of Emergency Plans. All applicable emergency plans are activated.

Section 3. Legislative Action. A resolution ratifying this declaration of a state of emergency will be set on the next regularly scheduled City Council meeting.

Section 4. Duration. This state of emergency shall continue in effect from day-to-day until declared to be terminated by the City Manager or City Council in accordance with section 2-420.

Section 5. Notice. Written notice of this declaration of a state of emergency shall be posted in the main bulletin board in City Hall, and shall, be filed in the office of the City Clerk a notice of a declared state of emergency, or emergency measure declared or ordered and promulgated by virtue of Florida Statutes.

Section 6. Media Advisories. Public Information Officer is authorized to notify the local media by telephone, if practicable.

Section 7. Emergency Management. To ensure the health, safety and welfare of the community, and for purposes of emergency management, all procedures and formalities required by the NMCO are hereby waived pertaining to the appropriation of funds, making contracts, incurring obligations, obtaining and distributing equipment, materials and supplies.

Section 8. Evacuation Orders. Mandatory order(s) directing the evacuation of appropriate areas of the City of North Miami deemed to be in eminent danger from disaster will be issued as needed.

Section 9. Cancellation of Scheduled Meetings and Events. All meetings and events of the City of North Miami, Florida impacted by Tropical Storm Eta will be cancelled and rescheduled.


Section 10. Other. Such other orders as are immediately necessary for the protection of life and property will be issued; provided that any such orders shall, at the earliest practicable time, be presented to the Mayor and City Council for ratification.

IT IS FURTHER RESOLVED that during the existence of said emergency the powers, functions, and duties of the City Manager/designee of the City of North Miami be those prescribed by State law and the ordinances, resolutions, and approved plans of the City of North Miami in order to mitigate the effects of said emergency.

Dated: 11/8/2020 _____


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Theresa Therilus
By: _____
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Theresa Therilus, Esq., City Manager

ATTEST:

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Vanessa Joseph, Esq., City Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

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Jeff P. H. Cazeau, Esq., City Attorney