

RESOLUTION NO. 70-20 – COVID-19

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF DELRAY BEACH, FLORIDA, DECLARING A STATE OF EMERGENCY PURSUANT TO CHAPTER 95 OF THE CITY CODE OF ORDINANCES AND AUTHORIZING THE CITY MANAGER TAKE ANY AND ALL ACTIONS DEEMED NECESSARY, IN ACCORDANCE THEREWITH, TO PROTECT AND PRESERVE THE HEALTH, SAFETY, WELFARE, LIVES, AND PROPERTY OF THE CITIZENS OF THE CITY OF DELRAY BEACH AND THE PUBLIC AT LARGE; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

WHEREAS, on March 1, 2020, Governor Ron Desantis issued Executive Order 20-51 (Established COVID-19 Response Protocol and Directs Public Health Emergency) declaring a State of Emergency in every county in the State of Florida;

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 case in Delray Beach, 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 of Delray Beach 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, in response to Executive Order 20-51 and in accordance with Chapter 95 of the City of Delray Beach Code of Ordinances, Mayor, Shelly Petrolia has declared a State of Emergency within the City of Delray Beach; and

WHEREAS, this declaration is being issued in accordance with Chapter 95 of the City of Delray Beach Code of Ordinances in order to activate and implement the City's Emergency Management system.

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

Section 1. A declaration of a State of Emergency is hereby proclaimed on March ____, 2020 within the City of Delray Beach, Florida.

Section 2. The City Manager, or designee, is hereby authorized take any and all actions deemed necessary, at his/her discretion, to protect and preserve the health, safety, welfare, lives, and property of the citizens of the City of Delray Beach and the public at-large.

Section 3. The City Manager, or designee, may find it necessary to issue further declarations and/or resolutions, in order to protect the lives and property of the public, which may include, but shall not be limited to:

- A. Establish curfews, including, but not limited to, the prohibition of or restrictions on pedestrian and vehicular movement, standing and parking, except for the provisions of designated essential services, such as fire, police, emergency medical services (including the transportation of patients and emergency calls by physicians or other approved medical personnel), and City personnel services;
- B. Implement Emergency procurement procedures;
- C. Declare certain areas of the City off limits and closed to all nonessential personnel;
- D. Make provisions for the availability and use of temporary emergency housing and the emergency warehousing of materials;
- E. Establish an emergency operating center and employee shelter in addition to or in place of those provided for in the Palm Beach County's emergency plan.
- F. Declare that during an emergency it shall be unlawful for any person, firm or corporation operating within the City to charge more than the normal, average retail price for any merchandise, goods, or services sold during the emergency. The average retail price as used herein is defined to be that price at which similar merchandise, goods or services were being sold during the ninety (90) days immediately preceding the emergency or a markup which is not a larger percentage over wholesale cost than was being added to wholesale cost before the emergency;
- G. Confiscate merchandise, equipment, vehicles, or property needed to alleviate the emergency. Reimbursement shall be within sixty (60) days and at customary value charged for the items during the ninety (90) days previous to the emergency;
- H. In cooperation with Palm Beach County emergency management and on behalf of the City, call on the National Guard of the Army, Coast Guard or other law enforcement divisions as necessary to assist in the mitigation of the emergency or to help maintain law and order, rescue and traffic control; and
- I. Activate the statewide mutual aid system.

Section 4. This State of Emergency shall remain in full force and effect until terminated by the City Manager, with such termination to be ratified by the City Commission, if practicable, or upon the certification of the Mayor.

CONFIRMED, APPROVED AND RATIFIED on this the ____ day of March, 2020.

Shelly Petrolia, Mayor

ATTEST:

Katerri Johnson, MPA, CMC, City Clerk

Lynn Gelin, City Attorney