

1 EXHIBIT 1

2 ORDINANCE NO. 2020-  
3

4 AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF  
5 THE CITY OF HALLANDALE BEACH, FLORIDA, CREATING  
6 CHAPTER ONE , ARTICLE II, "EMERGENCY MANAGEMENT"  
7 TO CODIFY PROCEDURES FOR EMERGENCY MANAGEMENT;  
8 PROVIDING FOR CONFLICTS; PROVIDING FOR  
9 SEVERABILITY; PROVIDING FOR CODIFICATION;  
10 PROVIDING FOR AN EFFECTIVE DATE.

11 WHEREAS, various Florida Statutes empower municipalities to exercise special powers  
12 during a state of emergency to protect the health, safety and welfare of residents. Two different  
13 statutory structures, Ch. 252 and Ch. 870, grant municipalities the ability to declare a state of  
14 emergency under specified circumstances and the option to exercise extraordinary powers  
15 during the declared state of emergency; and

16 WHEREAS, the Commission has approved emergency provisions applicable to the  
17 beaches and a Comprehensive Emergency Management Plan, but has not codified  
18 authorizations to specify the authority to declare emergencies and exercise specific emergency  
19 powers; and

20 WHEREAS, the City has reviewed its emergency management structure and determined  
21 that it can more efficiently and effectively respond to emergencies if an Emergency Management  
22 Code; and

23 WHEREAS, the purpose of the proposed ordinance is to codify an Emergency  
24 Management authorization that clarifies the City's process as it relates to the state statutory  
25 structures; and

26 WHEREAS, the City Commission deems that it is in the best interest of the residents of  
27 the City of Hallandale Beach to enact the Emergency Management Code.

28 NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY  
29 COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA:  
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31 **SECTION 1.** The foregoing "Whereas" clauses are hereby incorporated herein.  
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33 **SECTION 2.** Article I, "In General" is hereby created in Chapter 1, "General  
34 Provisions," to include existing Sections 1-1 through 1-8. Sections 1-9 through 1-19 will be  
35 designated as "Reserved."

**SECTION 3.** Article II, "Emergency Management," is hereby created in Chapter 1, "General Provisions," to include the Sections 1-20 through 1-24, hereby created to read as follows:

**Chapter 1, Article II "Emergency Management"**

**Sec. 1-20 - EMERGENCY MANAGEMENT STRUCTURE.**

(A) Director of Emergency Management. The City Manager shall act as the Director of Emergency Management or appoint a designated Emergency Manager pursuant to an approved Comprehensive Emergency Operations Plan.

(B) Implementation. The City Manager shall implement, manage and report on all actions authorized and taken under the provisions of this Chapter, as soon as reasonably practicable.

(C) Coordination of actions. The City Manager shall plan for the coordination of those actions necessary for the creation and maintenance of an effective Emergency response capability to prepare for and manage Emergency conditions.

(D) Absence or unavailability of Mayor. For purposes of this Article, the Alternate Presiding Officer shall act in the absence or unavailability of the Mayor. The Alternate Presiding Officer shall be the Vice Mayor, or, in the absence or unavailability of the Vice Mayor, the remaining Commissioner with the longest tenure (or if of equal tenure, the Commissioner whose last name is first alphabetically).

**Sec. 1-22 - DECLARATION OF A STATE OF LOCAL EMERGENCY; GENERAL EMERGENCY.**

(A) The City Manager and the Mayor jointly shall have the authority to declare a state of local emergency pursuant to F.S. Chapter 252. Upon the declaration of a state of local emergency, the City Manager shall advise the City Commission as to the status of the state of local emergency. A majority of the commission may terminate any state of emergency declared by the mayor and city manager at any time by vote at a meeting of the City Commission.

(B) Duration. The duration of a state of local emergency shall be limited to seven days and may be extended as necessary in seven-day increments, in accordance with F.S. Chapter 252.

(C) Public Notice. Notice of a declared state of local emergency or of any emergency measure declared or ordered and promulgated by virtue of Florida Statutes upon the declaration of a state of local emergency, shall be filed with the City Clerk and, if practicable, be posted upon the bulletin board at City Hall as promptly as practicable. The City Manager shall notify the local media and residents as soon as possible and in the manner most practicable and expeditious, utilizing the City's media resources available at the time.

**Sec. 1-23 - EMERGENCY POWERS, DUTIES AND RESPONSIBILITIES OF THE CITY MANGER.**

(A) During a declared state of emergency, the City Manager shall have the following powers, duties and responsibilities:

(1) The authority to exercise all powers granted to the municipality by Florida Law during a declared state of emergency.

(2) *Emergency Orders.* The authority to issue and direct enforcement of orders necessary for the protection of life and property, establishment of public order, and control of adverse conditions affecting public welfare resulting from an Emergency. Orders issued by the City Manager may be amended, suspended or repealed by a majority vote of the City Commission. Orders issued pursuant to this section must be filed with the City Clerk, shall have the full force and effect of law and be may be enforced in any manner applicable to the enforcement of ordinances.

(3) *Curfew.* The authority to establish, by order, a curfew for the duration, or any portion, of a state of local emergency.

(3) *Emergency awareness program.* To develop and manage the City's Emergency awareness public information program.

(4) *Public assistance.* To apply for public assistance or other Disaster relief funding.

(5) *Emergency expenditures.* To utilize available funds of the City as necessary to cope with the Emergency, including Emergency expenditures, as appropriated by the City Commission for Emergencies.

(6) *Emergency contracts.* During a state of emergency or during a state of local emergency, to enter into contracts addressing situations arising out of the Emergency.

**Sec. 1-24 - DECLARATION OF A STATE OF LOCAL EMERGENCY PERTAINING TO ACTS OF VIOLENCE.**

(A) The City Manager shall be the designated city official with the authority to declare a state of emergency and exercise of all discretionary measures pursuant to F.S. Chapter 870, regarding an Emergency Pertaining to Acts of Violence.

(B) *Duration.* A state of emergency shall commence upon the declaration and shall terminate at the end of a period of 72 consecutive hours thereafter, unless prior to the end of the 72-hour period the City Manager, or the City Commission, shall have terminated the state of emergency. Any extension of the 72-hour period shall be accomplished by the City Commission by resolution, unless the nature of the Emergency renders a meeting of the City Commission impossible. If it is not possible for the City Commission to meet, the City Manager and the Mayor jointly shall have the authority to extend such 72-hour period.

(C) *Notice.* Upon the declaration of a state of emergency, the City Manager shall, if practicable, post a written notice of such declaration upon the bulletin board at City

Hall and shall, as promptly as practicable, file 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. The City Manager shall notify the local media and residents as soon as possible and in the manner most practicable and expeditious, utilizing the City's media resources available at the time.

(D) Meeting of the City Commission. Upon the declaration of a state of emergency, the City Manager shall ensure that a meeting of the City Commission shall be called as soon as possible, in order to apprise the City Commission as to the status of the state of emergency, and the City Commission may take such actions as deemed necessary.

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#### **SECTION 4. SEVERABILITY**

If any portion of this Ordinance is determined by any Court to be invalid, the invalid portion shall be stricken, and such striking shall not affect the validity of the remainder of this Ordinance.

#### **SECTION 5. INCLUSION IN CODE**

It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the City of Hallandale Beach Code; and that the sections of this Ordinance may be renumbered or relettered and the word "Ordinance" may be changed to "section," "article," or such appropriate word or phrase in order to accomplish such intentions.

**SECTION 6. Effective Date.** This Ordinance shall take effect immediately upon adoption.

PASSED AND ADOPTED ON 1<sup>ST</sup> reading on July 15, 2020

PASSED AND ADOPTED ON 2<sup>ND</sup> reading on \_\_\_\_\_, 2020.

\_\_\_\_\_  
JOY COOPER  
MAYOR

SPONSORED BY: CITY ADMINISTRATION

ATTEST:

\_\_\_\_\_  
JENORGEN M. GUILLEN, CMC  
CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY  
AND FORM

#### **FINAL VOTE ON ADOPTION**

|                        |       |
|------------------------|-------|
| Mayor Cooper           | _____ |
| Vice Mayor Javellana   | _____ |
| Commissioner Butler    | _____ |
| Commissioner Lazarow   | _____ |
| Commissioner Lima-Taub | _____ |

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JENNIFER MERINO  
CITY ATTORNEY

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