

**TELECONFERENCE
SPECIAL COUNCIL MEETING**

MONDAY, MARCH 23, 2020
5:00 P.M.

CONFERENCE CALL No.: 1-888-204-5987
ACCESS CODE: 8379827

1. **CALL TO ORDER/ROLL CALL OF MEMBERS**
2. **PUBLIC COMMENTS:** *ANY PERSON WISHING TO ADDRESS THE COUNCIL STATE YOUR NAME AND ADDRESS, PRIOR TO MAKING THE STATEMENT, FOR THE RECORD.*
3. **RESOLUTION:**
 - A. A RESOLUTION OF THE VILLAGE COUNCIL OF INDIAN CREEK VILLAGE, FLORIDA, **DECLARING A STATE OF EMERGENCY DUE TO COVID-19/NOVEL CORONAVIRUS; AUTHORIZING THE VILLAGE MANAGER TO ISSUE SUCH FURTHER ORDERS AS DEEMED NECESSARY TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF THE VILLAGE RESIDENTS; AUTHORIZING THE ISSUANCE OF EMERGENCY ORDER NO. 20-01 RESTRICTING ACCESS TO THE VILLAGE; AND PROVIDING FOR AN EFFECTIVE DATE.** **TAB 1**
4. **REPORTS AND RECOMMENDATIONS:**
 - A. VILLAGE MANAGER
 - 1.) ANNOUNCEMENT: ISSUANCE OF EMERGENCY ORDER 20-01- IMPLEMENTING ADDITIONAL RESTRICTIONS AMID THE COVID-19 OUTBREAK **TAB 2**
5. **SCHEDULE OF TENTATIVE FUTURE MEETINGS:**
 - A. REGULAR COUNCIL MEETING
TUESDAY, MAY 19, 2020, 8:30 A.M., COUNCIL CHAMBER
 - B. REGULAR COUNCIL MEETING
TUESDAY, JUNE 16, 2020, 8:30 A.M., COUNCIL CHAMBER
6. **ADJOURNMENT**



MEMORANDUM

VILLAGE COUNCIL
BERNARD KLEPACH, MAYOR
JAVIER HOLTZ, VICE MAYOR
ROBERT DIENER
IRMA BRAMAN
IRWIN E. TAUBER

DATE: March 23, 2020
TO: Honorable Mayor and Council Members
FROM: Jennifer Medina, Village Manager
RE: Declaration of State of Emergency- COVID-19

It is recommended that the Village Council approve the attached resolution declaring a State of Emergency for Indian Creek Village due to COVID-19 (“Coronavirus”).

The coronavirus is an acute respiratory illness that can spread among humans through respiratory transmission. COVID-19 emerged in China, causing outbreaks that has now spread globally.

Upon the approval of this resolution, the Village Manager under this declared State of Emergency will be authorized to issue additional necessary restrictive measures to protect the health, safety, and welfare of Village residents.

RESOLUTION NO. 803

A RESOLUTION OF THE VILLAGE COUNCIL OF INDIAN CREEK VILLAGE, FLORIDA, DECLARING A STATE OF EMERGENCY DUE TO COVID-19/NOVEL CORONAVIRUS; AUTHORIZING THE VILLAGE MANAGER TO ISSUE SUCH FURTHER ORDERS AS DEEMED NECESSARY TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF THE VILLAGE RESIDENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, COVID-19/novel Coronavirus (“COVID-19”) is a severe acute respiratory illness that can spread among humans through respiratory transmission; and

WHEREAS, in December 2019, COVID-19 emerged in China, causing outbreaks of COVID-19 that has now spread globally; and

WHEREAS, on March 1, 2020, the Governor of Florida Ron DeSantis issued Executive Order Number 20-51 directing the State Health Officer and Surgeon General to declare a public health emergency due to the discovery of COVID-19 in Florida; and

WHEREAS, on March 9, 2020, the Governor of Florida Ron DeSantis issued Executive Order Number 20-52 declaring a State of Emergency for the state of Florida related to COVID-19; and

WHEREAS, on March 12, 2020, United States President Donald J. Trump issued a proclamation declaring a national emergency concerning COVID-19; and

WHEREAS, on March 12, 2020, Miami-Dade County Mayor Carlos Gimenez declared a local state of emergency related to COVID-19, which was extended on March 18, 2020; and

WHEREAS, COVID-19 poses a health risk to the residents of Indian Creek Village, Florida (the “Village”), particularly elderly residents and those who are immunosuppressed or otherwise have high-risk medical conditions; and

WHEREAS, the Centers for Disease Control (CDC) has issued guidance entitled, “15 Days to Slow the Spread,” encouraging social distancing and maintaining a 6-foot separation between residents to slow the spread of infection and that events with more than 10 attendees either be cancelled or held virtually; and

WHEREAS, the CDC guidelines are based upon the amount of community spread within a community and become more stringent where there is minimal to moderate or substantial community spread; and

WHEREAS, as of March 22, 2020, there are more than 937 cases of COVID-19 in Florida, including over 177 in Miami-Dade County; and

WHEREAS, minimization of contact is necessary to avoid risk of COVID-19 infection for the residents of the Village; and

WHEREAS, Section 252.46, Florida Statutes, directs local governments to act consistent with Federal recommendations in responding to emergency situations; and

WHEREAS, Section 252.38(3)(a), Florida Statutes, grants political subdivisions, such as the Village, the power and authority to take certain actions during an emergency; and

WHEREAS, responding to the threat posed by COVID-19 may require extraordinary and immediate actions by the Village in order to protect the public health, safety, and welfare; and

WHEREAS, the Village Council desires to declare a state of emergency due to COVID-19 effective as of 6:00 p.m. on March 23, 2020, that will be in effect until further notice, and authorizes the issuance of the Declaration of State of Emergency attached hereto as Exhibit “A”; and

WHEREAS, the Village Council recognizes that further orders may be needed and wishes to authorize the Village Manager to issue such emergency orders as deemed necessary to protect the health, safety, and welfare of the community; and

WHEREAS, the Village Council desires to authorize the Village Manager to exercise the emergency powers set forth in Section 2-61 of the Village's Code of Ordinances, without further action of the Village Council; and

WHEREAS, the Village Council finds that there is a compelling governmental interest to protect the health, safety, and welfare of the residents of the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF INDIAN CREEK, FLORIDA, AS FOLLOWS:

Section 1. Recitals Adopted. That each of the above-stated recitals are hereby adopted, confirmed, and incorporated herein.

Section 2. Declaration of State of Emergency. That the Village Council declares a state of emergency due to COVID-19 effective as of 6:00 p.m. on March 23, 2020, that will be in effect until further notice, and authorizes the issuance of the Declaration of State of Emergency attached hereto as Exhibit "A."

Section 3. Authorization. That the Village Council hereby authorizes the Village Manager to issue such further emergency orders as deemed necessary to protect the health, safety, and welfare of the Village residents, in accordance with Federal, State, and County laws, regulations, and orders, including but not limited to all powers under Chapter 252, F.S. Further, the Village Council authorizes the Village Manager to exercise the emergency powers set forth in Section 2-61 of the Village's Code of Ordinances, without further action of the Village Council.

Section 4. **Enforcement.** The Village Police Department is authorized to enforce the provisions of this Resolution, the Declaration, and any Orders issued pursuant thereto.

Section 5. **Effective Date.** That this Resolution shall be effective immediately upon adoption.

PASSED and ADOPTED this 23rd day of March, 2020.

BERNARD KLEPACH, MAYOR

ATTEST:

MARILANE LIMA, VILLAGE CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
VILLAGE ATTORNEY

EXHIBIT A

INDIAN CREEK VILLAGE, FLORIDA DECLARATION OF STATE OF EMERGENCY

WHEREAS, COVID-19/novel Coronavirus (“COVID-19”) is a severe acute respiratory illness that can spread among humans through respiratory transmission; and

WHEREAS, in December 2019, COVID-19 emerged in China, causing outbreaks of COVID-19 that has now spread globally; and

WHEREAS, on March 1, 2020, the Governor of Florida Ron DeSantis issued Executive Order Number 20-51 directing the State Health Officer and Surgeon General to declare a public health emergency due to the discovery of COVID-19 in Florida; and

WHEREAS, on March 9, 2020, the Governor of Florida Ron DeSantis issued Executive Order Number 20-52 declaring a State of Emergency for the state of Florida related to COVID-19; and

WHEREAS, on March 12, 2020, United States President Donald J. Trump issued a proclamation declaring a national emergency concerning COVID-19; and

WHEREAS, on March 12, 2020, Miami-Dade County Mayor Carlos Gimenez declared a local state of emergency related to COVID-19, which was extended on March 18, 2020; and

WHEREAS, COVID-19 poses a health risk to the residents of Indian Creek Village, Florida (the “Village”), particularly elderly residents and those who are immunosuppressed or otherwise have high-risk medical conditions; and

WHEREAS, the Centers for Disease Control (CDC) has issued guidance entitled, “15 Days to Slow the Spread,” encouraging social distancing and maintaining a 6-foot separation between residents to slow the spread of infection and that events with more than 10 attendees either be cancelled or held virtually; and

WHEREAS, the CDC guidelines are based upon the amount of community spread within a community and become more stringent where there is minimal to moderate or substantial community spread; and

WHEREAS, as of March 22, 2020, there are more than 937 cases of COVID-19 in Florida, including over 177 in Miami-Dade County; and

WHEREAS, minimization of contact is necessary to avoid risk of COVID-19 infection for the residents of the Village; and

WHEREAS, Section 252.46, Florida Statutes, directs local governments to act consistent with Federal recommendations in responding to emergency situations; and

WHEREAS, Section 252.38(3)(a), Florida Statutes, grants political subdivisions, such as the Village, the power and authority to take certain actions during an emergency; and

WHEREAS, responding to the threat posed by COVID-19 may require extraordinary and immediate actions by the Village in order to protect the public health, safety, and welfare; and

WHEREAS, the Village Council adopted a resolution declaring a state of emergency due to COVID-19 effective as of 6:00 p.m. on March 23, 2020, that will be in effect until further notice; and

WHEREAS, further emergency orders may be needed and issued by the Village Manager as deemed necessary to protect the health, safety, and welfare of the community; and

WHEREAS, the Village Manager is authorized to exercise the emergency powers set forth in Section 2-61 of the Village's Code of Ordinances, without further action of the Village Council; and

WHEREAS, the Village Council finds that there is a compelling governmental interest to protect the health, safety, and welfare of the residents of the Village.

NOW, THEREFORE, as Mayor of Indian Creek Village, Florida, I hereby declare a State of Local Emergency, effective as of 6:00 p.m. on March 23, 2020, that will be in effect until further notice. Pursuant to this Declaration, further orders may be issued to protect the health, safety, and welfare of the community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of Indian Creek Village, Florida to be affixed this 23rd day of March, 2020 at __:__ p.m. (EST).

Bernard Klepach, Village Mayor

Attest:

Marilane Lima, Village Clerk



MEMORANDUM

VILLAGE COUNCIL
BERNARD KLEPACH, MAYOR
JAVIER HOLTZ, VICE MAYOR
ROBERT DIENER
IRMA BRAMAN
IRWIN E. TAUBER

DATE: March 23, 2020
TO: Honorable Mayor and Council Members
FROM: Jennifer Medina, Village Manager
RE: Emergency Order No. 20-01 - COVID-19

Upon Council's approval of Resolution 803, declaring the State of Emergency for Indian Creek Village due to COVID-19 ("Coronavirus"); I hereby find it reasonable and necessary to restrict access to the Village in order to protect the health, safety and welfare of Village residents. The attached Emergency Order no. 20-01 identifies these access restrictions.

**INDIAN CREEK VILLAGE, FLORIDA
OFFICE OF THE VILLAGE MANAGER
EMERGENCY ORDER NO. 20-01**

On March 23, 2020, the Village Council declared a State of Emergency due to COVID-19/Novel Coronavirus. As Village Manager for Indian Creek Village, Florida, and pursuant to the authority vested under the declared State of Emergency due to COVID-19/Novel Coronavirus, as well as, in accordance with Section 252.38 of the Florida Statutes; I hereby declare the following order restricting access to the Village, which are reasonable and necessary in response to this State of Emergency (the "Order"):

1. Residential Access. Access by any means to the Village shall be limited to residential property owners/occupants, their immediate family members, guests (not more than 10 guests at any one time), residential employees/personnel and individuals performing property maintenance.
2. Non-Residential Access-Indian Creek Country Club Access. Pursuant to Miami-Dade County Emergency Order No. 06-20, as amended, the Indian Creek Country Club closed. Therefore, all access by any means to the Village shall be limited to essential administrative, managerial, or maintenance personnel.
3. Delivery/Transportation Services Personnel Access. These access limitations shall not apply to delivery/transportation service personnel.
4. Governmental Access. These access limitations shall not apply to individuals providing essential government services including but not limited to Police and life safety personnel.
5. Parking. All vehicular parking shall be within each individual lot/ property. No off-site parking shall be permitted.

I further find that the provisions of this Emergency Order are narrowly tailored and the least restrictive means to achieve the goal of mitigating and slowing the spread of COVID-19. Accordingly, I hereby issue this Order **effective March 23, 2020 at 5:00 p.m.** within the jurisdictional limits of Indian Creek Village. This Emergency Order shall expire upon the expiration of the existing Indian Creek Village State of Emergency. This Emergency Order may be cancelled earlier by action of the Village Manager.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of Indian Creek Village, Florida to be affixed this 23rd day of March, 2020 at ___:___ a.m./p.m. (EST).

Jennifer Medina, Village Manager

Attest:

Marilane Lima, Village Clerk