Memorandum

MIAMI-DADE COUNTY

Date: July 20, 2021

Agenda Item No. 12(A)(1)

To: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

From: Daniella Levine Cava
Mayor

Daniella Levine Cava

Subject: Ratification of Emergency Order Issued in Response to the Surfside Building Collapse

Pursuant to Section 8B-7 of the Miami-Dade County Code, certain orders that I sign during a State of Local Emergency require ratification by the Board of County Commissioners. By way of this memorandum, I respectfully request that you ratify the following emergency order:

- Emergency Order 01-21, which I signed on July 2, 2021, ordered all pertinent County personnel to immediately prepare for the controlled demolition of the remaining structure of Champlain Towers South.

In the spirit of collaboration and in compliance with the 24-hour noticing requirements of Ordinance No. 20-86, this order was shared with you via email and posted on the web at: www.miamidade.gov/global/emergency/building-collapse/home.page. This order is also attached for your convenient reference, and I am happy to answer any questions you may have about it.

Attachment

MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: July 20, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 12(A)(1)

Please note any items checked.

_____	**"3-Day Rule" for committees applicable if raised**
_____	**6 weeks required between first reading and public hearing**
_____	**4 weeks notification to municipal officials required prior to public hearing**
_____	**Decreases revenues or increases expenditures without balancing budget**
_____	**Budget required**
_____	**Statement of fiscal impact required**
_____	**Statement of social equity required**
_____	**Ordinance creating a new board requires detailed County Mayor's report for public hearing**
✓	**No committee review**
_____	**Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve**
_____	**Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 12(A)(1)
7-20-21

RESOLUTION NO. _____

RESOLUTION RATIFYING SURFSIDE BUILDING COLLAPSE EMERGENCY ORDER ENACTED BY THE MIAMI-DADE COUNTY MAYOR

WHEREAS, this Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board ratifies Surfside Building Collapse Emergency Order 01-21 enacted by the Miami-Dade County Mayor on July 2, 2021.

The foregoing resolution was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Jose "Pepe" Diaz, Chairman
Oliver G. Gilbert, III, Vice-Chairman

Sen. René García	Keon Hardemon
Sally A. Heyman	Danielle Cohen Higgins
Eileen Higgins	Joe A. Martinez
Kionne L. McGhee	Jean Monestime
Raquel A. Regalado	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared this resolution duly passed and adopted this 20th day of July, 2021. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Lauren E. Morse

MIAMI-DADE COUNTY DECLARATION EMERGENCY ORDER 01-21

WHEREAS, section 252.38(3)(a), Florida Statutes, grants authority to political subdivisions to exercise certain emergency management powers to provide for the health and safety of persons and property; and

WHEREAS, in connection with those emergency management powers, section 252.38, Florida Statutes, further grants authority to political subdivisions to declare and enact a Local State of Emergency, and waive the procedures and formalities otherwise required of the political subdivision by law; and

WHEREAS, under chapter 8B of the Code of Miami-Dade County, the County Mayor is responsible for the overall emergency management function in Miami-Dade County and is authorized to declare a Local State of Emergency in and for Miami-Dade County and to issue executive orders and to take various actions to address such emergency; and

WHEREAS, in the early morning hours of June 24, 2021, a portion of the residential building located at 8777 Collins Avenue, known as Champlain Towers South (the "Disaster Site"), collapsed; and

WHEREAS, the County declared a Local State of Emergency related to the collapse on June 24, 2021, and extended that Local State of Emergency for an additional seven days on July 1, 2021; and

WHEREAS, Governor Ron DeSantis issued Executive Order 21-148, declaring a State of Emergency throughout Miami-Dade County as a result of the collapse; and

WHEREAS, Miami-Dade County provides fire and rescue services within the Town of Surfside, and Miami-Dade County first responders were immediately deployed to the Disaster Site and its surrounding area to aid in the search and rescue operation at the disaster site; and

WHEREAS, search and rescue and family reunification operations are still ongoing; however, a substantial number of individuals are still unaccounted for; and

WHEREAS, Miami-Dade County recognizes the extreme potential for significant loss of life; and

WHEREAS, residents of the portion of Champlain Towers South which remained standing (the "Remaining Structure") were evacuated; and

WHEREAS, the Remaining Structure is not structurally sound, and has begun to behave in ways indicating that it may collapse; and

WHEREAS, ongoing search and rescue operations at the site were forced to halt on July 1, 2021, due to the fear that the Remaining Structure would also collapse, and cause additional damage and serious injury or loss of life, including to the hundreds of search and rescue personnel on site; and

WHEREAS, in the event the Remaining Structure were to collapse uncontrollably, it could collapse into the roadway or onto adjacent buildings, putting additional lives and property at risk; and

WHEREAS, in the event the Remaining Structure were to collapse uncontrollably, it would pose an imminent threat to the health and safety of the residents who live immediately adjacent to the Disaster Site, as the collapse would cause the release of material and debris which may include hazardous organic and inorganic materials and which may also generate harmful airborne particulates and odors; and

WHEREAS, in the event the Remaining Structure were to collapse uncontrollably, it would pose an imminent threat to the health and safety of residents who live immediately adjacent to the Disaster Site, as such collapse could lead to additional fires, such as the ones which have occurred intermittently on the Disaster Site since the collapse; and

WHEREAS, the Miami-Dade Fire Rescue Department continues to maintain jurisdiction over the Disaster Site as it continues ongoing search and rescue efforts; and

WHEREAS, pursuant to section 8-8 of the Code, the County has authority to prevent any imminent threat posed by a violation of the Florida Building code throughout the unincorporated and incorporated areas of Miami-Dade County; and

WHEREAS, pursuant to section 8-5 of the Code, the County has authority over the disposition of unsafe structures throughout the unincorporated and incorporated areas of Miami-Dade County; and

WHEREAS, pursuant to chapter 14 of the Code, the County may take such actions as are necessary to prevent a violation of the State Fire Code or an imminent threat to human health due to fire risks; and

WHERAS, the Miami-Dade Police Department has also asserted jurisdiction over the Disaster Site as a potential crime scene and to preserve evidence; and

WHEREAS, section 252.46, Florida Statutes, and section 8B-7(2)(O) of the Code of Miami-Dade County authorize the Mayor to issue any orders necessary for the protection of life and safety; and

WHEREAS, the annual hurricane season for the Atlantic began on June 1, 2021, and during such time, Miami-Dade County is at an elevated risk of tropical windstorm events; and

WHEREAS, the County's interest in preventing an uncontrolled collapse of the Remaining Structure, and the attendant risks to human health, is paramount; and

WHEREAS, the County has consulted with engineers, including engineers employed by the federal government and the State of Florida, and those engineers do not believe that that the Remaining Structure can be salvaged; and

WHEREAS, the above-mentioned engineers as well as experts within the Miami-Dade Fire Rescue Department, have determined that it is not safe to enter into the structure except as needed to protect human lives,

THEREFORE, as County Mayor of Miami-Dade County, I hereby order:

1. All pertinent County personnel shall immediately prepare for the controlled demolition of the Remaining Structure. This Order authorizes the procurement of engineering and construction services on an expedited basis. The Remaining Structure shall be demolished as soon as plans for the demolition are approved and an appropriately licensed contractor is under contract. The demolition shall provide for preservation of evidentiary materials to the extent possible and to the extent consistent with health and safety.

2. Any authority of the Town of Surfside with respect to the permitting of construction or demolition activities on the site are suspended for the duration of the Local State of Emergency, and the County's Building Official shall have sole and exclusive jurisdiction over such activities the Disaster Site. Permitting requirements for such activities are waived for the duration of the Local State of Emergency. All construction or demolition activities which would typically require a permit shall be performed under the supervision of County personnel.

3. All formalities of chapter 8, chapter 14, and chapter 24 of the Code which would prevent an immediate response to this imminent threat are waived.

4. Subject to applicable law, this order shall remain in effect for the duration of the Local State of Emergency unless terminated earlier by the County.

5. This order shall be effective as of 6:00 p.m., July 3, 2021.

6. This order shall be provided to all appropriate media consistent with the requirements of section 8B-7(2)(n) of the Code of Miami-Dade County

Enacted:
Signed: Daniella Levine Cava
COUNTY MAYOR

Date: 7/2/21 Time: 5 : 35 PM

Witness: Jeanette Vazquez (Jeannette Vazquez)

Cancelled:
Signed: _____
COUNTY MAYOR

Date: _____ Time: ___:___

Witness: _____