

RESOLUTION  
NUMBER 2016-

AN EMERGENCY RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, DECLARING A STATE OF LOCAL EMERGENCY AND PROVIDING FOR EMERGENCY GOVERNMENTAL OPERATIONS RELATED TO TROPICAL STORM COLIN.

**RECITALS**

**WHEREAS**, on June 6, 2016, Governor Rick Scott issued Executive Order Number 16-136 due to the severe threat Tropical Storm Colin posed to the State of Florida; and

**WHEREAS**, Part I, Chapter 252, Florida Statutes, Section 161.085(3), Florida Statutes, Rule 62B-33.0051(5), Florida Administrative Code, and Charlotte County Code Sections 2-1-36, *et seq.* authorize Charlotte County to declare a state of local emergency by resolution; and

**WHEREAS**, areas of Charlotte County experienced substantial and severe coastal erosion due to the cumulative effect of severe winter storms and the impacts of Tropical Storm Colin; and

**WHEREAS**, structures on Manasota Key, located approximately between Department of Environmental Protection coastal reference monuments designated as R-1 through R-7, within Charlotte County are imminently vulnerable to damage or collapse from ongoing surf action and coastal storm activity and one structure (located at 2750 North Beach Road) has already been deemed unsafe; and

**WHEREAS**, property owners within the affected area may need to take temporary emergency measures to relieve the threat to protect private property or public infrastructure pursuant to authorizations obtained from the Charlotte County Building Department.

Pursuant to Section 161.085, Florida Statutes, such protective measures shall either be removed from the property after 60 days, or the property owner shall apply for a permit from the Department of Environmental Protection to keep the structure as permanent within 60 days of the completion of its emergency installation.

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida:

Section 1. Pursuant to the authority conferred by Chapter 252, Florida Statutes, Section 161.085(3), Florida Statutes, Rule 63B-33.0051, Florida Administrative Code, and Charlotte County Code Section 2-1-36, *et seq.*, and after consultation with state and local authorities, a state of local emergency is hereby declared due to the impacts to Charlotte County posed by Tropical Storm Colin, based upon the excessive rainfall and higher tides which continue to pose a serious threat to public health and safety and have caused or may cause serious flooding, beach erosion and property damage.

Section 2. An emergency exists such that the immediate enactment of this resolution pursuant to Section 2-1-43, Charlotte County Code, is necessary.

Section 3. The Board of County Commissioners hereby asserts all powers available to Charlotte County government and all Charlotte County constitutional officers provided in Chapter 252, Florida Statutes.

Section 4. The County Administrator and his designees are provided plenary authority on behalf of Charlotte County Board of County Commissioners to take all actions necessary for protection of persons and property provided in Chapter 252, Florida Statutes.

Section 5. Specifically, but not for the purpose of limitation, the County Administrator shall have the power to:

- a. direct or compel evacuation of designated areas in his discretion;
- b. prescribe orders related to transportation and evacuation routes;
- c. control ingress and egress to emergency area;
- d. suspend sale, dispensing and transportation of alcoholic beverages, firearms, explosives and combustibles;
- e. make provision for temporary emergency housing;
- f. review and approve plans and specifications as needed to authorize installation of temporary coastal armoring for the protection of private structures or public infrastructure for costal properties located coincident and between Department of Environmental Protection coastal reference monuments designated as R-1 through R-7, pursuant to Section 161.085(3), Florida Statutes, Rule 63B-33.0051(5), Florida Administrative Code, and Charlotte County Code Section 2-1-36, et seq.;
- g. take measures for limiting or suspending lighting, gas, water, electric and water and sewer utilities;
- h. employ all County forces and volunteers necessary to the emergency;
- i. coordinate with other governmental agencies;
- j. enter contracts;
- k. perform public works;
- l. incur obligations;
- m. waive land use codes and regulations;
- n. suspend tipping fees, extend operating hours of the landfill.

Section 6. The foregoing enumeration is not exclusive; the County Administrator shall have power to do all things necessary as conditions dictate, as provided in Chapter 252, Florida Statutes.

Section 7. As provided in Chapter 252, Florida Statutes, all normal formalities related to procurement, hours of employment of County employees, notice provisions and other procedures usually followed or required by law are hereby waived.

Section 8. All actions taken by the County Administrator, or taken at the direction of the County Administrator, on or after June 10, 2016, are hereby ratified.

Section 9. This resolution shall take effect immediately upon signing and shall exist until such time as the threat of damage no longer exists or until a meeting of a quorum of the Board of County Commissioners is convened and the board terminates the state of local emergency.

***(REMAINDER OF PAGE LEFT INTENTIONALLY BLANK-  
SIGNATURE PAGE ON NEXT PAGE)***

PASSED AND DULY ADOPTED this 10<sup>th</sup> day of June, 2016.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

By: \_\_\_\_\_  
William G. Truex, Chairman

ATTEST:  
Barbara T. Scott, Clerk of Circuit  
Court and Ex-officio Clerk to the  
Board of County Commissioners

By \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:

  
\_\_\_\_\_  
Janette S. Knowlton, County Attorney