

RESOLUTION  
NUMBER 2017-

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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 HURRICANE IRMA.

RECITALS

WHEREAS, as of 11:00 a.m. on Monday, September 4, 2017, Hurricane Irma was a major hurricane located approximately 560 miles east of the Leeward Islands with maximum sustained winds of 120 mph; and

WHEREAS, the five-day forecast from the National Hurricane Center predicts that, on Saturday, September 9, 2017, Hurricane Irma will be a major hurricane located somewhere north of Cuba and south of Andros Island in the Bahamas; and

WHEREAS, current forecast models predict that Hurricane Irma will head into the Straits of Florida as a major hurricane and will make landfall somewhere in South Florida or Southwestern Florida as a major hurricane, traveling up the entire spine of Florida; and

WHEREAS, Hurricane Irma poses a severe threat to the entire State of Florida including Charlotte County, and requires that timely precautions are taken to protect the communities, critical infrastructure, and general welfare of this State; and

WHEREAS, Chapter 2-1 of the Charlotte County Code, and Section 252.38(3), Florida Statutes authorize Charlotte County to declare a state of local emergency and to waive the procedures and formalities otherwise required of political subdivisions of laws; and

WHEREAS, a state of local emergency proclamation is allowed for seven (7) days with appropriate extensions pursuant to law; and

WHEREAS, Governor Rick Scott issued Executive Order No. 17-235 declaring a state of emergency on September 4, 2017, due to the severe threat that Hurricane Irma poses to the entire State of Florida; and

WHEREAS, even if Charlotte County is not directly impacted, the County desires to be positioned to assist other hurricane evacuees upon request by the State; and

WHEREAS, the Governor's declaration of emergency extends to every county in Florida and for that purpose the State has activated its Division of Emergency Management to execute the State's Comprehensive Emergency Management Plans to cope with the emergency; and

WHEREAS, it is the recommendation of the County Administrator and the Emergency Manager that a state of local emergency be declared for Charlotte County and that this Resolution declaring a local state of emergency be adopted.

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

Section 1. A state of local emergency is hereby declared due to the imminent threat posed by Hurricane Irma, based upon the potential to create excessive rainfall, higher tides and gale-force winds, which may pose a serious threat to public health and safety and 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.

a. Pursuant to Section 2-1-43, Charlotte County Code, this Resolution authorizes the County Administrator, and, in his absence, the Deputy County Administrator or the Assistant County Administrator or in their absences, the Director of the Office of Emergency Management, to take all actions necessary and appropriate to protect human life and property, including the promulgation of rules and orders (including evacuations) as may be necessary subject to the limitations of Section 252.33, Florida Statutes. All rules and orders promulgated hereunder must be filed with the Clerk of Court. This declaration further authorizes the County Administrator, and in his absence, the Deputy County Administrator or the Assistant County Administrator, and in their absences, the Director of the Office of Emergency Management, to utilize all lawful authority granted to Charlotte County by the Charlotte County Comprehensive Emergency Management Plan and by Federal, State or County Emergency Management Laws, Rules, Regulations, Orders, and, including, but not limited to, Sections 252.46 and Section 252.38(3), Florida Statutes and Chapter 2-1 of the Charlotte County Code. Any such actions taken will be reported to or reviewed by the Board of County Commissioners as is practical under the circumstances.

b. All existing laws, ordinances, and rules inconsistent with the provisions of Sections 252.31 to Section 252.905, Florida Statutes, inclusive, or inconsistent with any rule or order specifically promulgated under this declaration shall be suspended during the period of time and to the extent that such conflict exists.

c. The County Administrator may suspend, toll or extend the time requirements, notice requirements, and deadlines for final action on applications for

permits, licenses, rates and other approvals under the Charlotte County Code, to the extent necessary to accommodate the emergency.

Section 5. Pursuant to Section 252.38(3), Florida Statutes, the County hereby exercises its authority and waives the procedures and formalities otherwise required of a political subdivision by law, pertaining to:

a. Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community.

b. Entering into contracts.

c. Incurring obligations.

d. Employment of permanent and temporary workers.

e. Utilization of volunteer workers.

f. Rental of equipment.

g. Acquisition and distribution, with or without compensation, of supplies, materials, and facilities.

h. Appropriation and expenditure of public funds.

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. Any person violating any rule or order pursuant to this Resolution or any person who willfully fails or refuses to comply with the order or orders of any duly

authorized law enforcement officer or personnel charged with the responsibility for the enforcement of such orders will, upon conviction, be punished as provided by Section 252.50, Florida Statutes, and by such other laws as may be applicable to the offense.

Section 9. All actions taken by the County Administrator, or taken at the direction of the County Administrator, on or after September 5, 2017, are hereby ratified.

Section 10. This Resolution shall take effect immediately upon signing and shall terminate automatically seven (7) days from this date unless terminated earlier or extended by a document of equal dignity.

Section 11. If any provision of this Resolution is invalidated by a Court of competent jurisdiction, such invalidity shall not affect the remaining provisions of this Resolution, which shall have the full force and effect of law.

PASSED AND DULY ADOPTED this 5th day of September, 2017.

BOARD OF COUNTY COMMISSIONERS  
OF CHARLOTTE COUNTY, FLORIDA

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

ATTEST:  
Roger D. Eaton, Clerk of the Circuit  
Court and Ex-Officio Clerk to the  
Board of County Commissioners

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

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:  
By: Janette S. Knowlton  
Janette S. Knowlton, County Attorney  
LR 2017-0047 / CA