

RESOLUTION
NUMBER 2023 –

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 IDALIA.

RECITALS

WHEREAS, Governor Ron DeSantis issued Executive Order (EO) No. 23-171 on August 26, 2023, and amended by Executive Order (EO) No. 23-172 on August 28, 2023 declaring a State of Emergency in forty-six counties in the Florida Big Bend and portions of the Florida's Gulf Coast due to the threat that Tropical Storm Idalia poses and potential additional impacts on areas still recovering from Hurricanes Ian and Nicole.

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 to Charlotte County posed by Tropical Storm Idalia, based upon the potential to create excessive rainfall, storm surge, strong winds, hazardous seas and isolated tornadic activity, all of 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. 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, and pursuant to Section 2-1-43 of the Code of Laws and Ordinances of Charlotte County, Florida.

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

- a. perform public work and take whatever action is necessary to ensure the health, safety, and welfare of the community;
- b. enter into contracts;
- c. incur obligations;
- d. employ permanent and temporary workers;
- e. utilize volunteer workers;
- f. rent equipment;
- g. acquire and distribute, with or without compensation supplies, materials and facilities; and
- h. transfer, amend, appropriate and/or expend public funds.
- i. suspend the provisions of the County's Collective Bargaining Agreements (CBAs), in accordance with the Emergency provisions contained in the CBAs, provided, however, that wage rates and monetary fringe benefits shall remain in full force and effect. Upon a determination by the County Administrator that emergency conditions no longer exist, the suspended provisions of the CBAs shall be reinstated.

Section 6. The County Administrator and/or the Emergency Management Director are each delegated the authority to (1) extend this initial declaration of local state of emergency as many times as necessary, and (2) dissolve this local state of emergency (or any extensions thereof) if the event no longer poses a threat to the lives and/or property of Charlotte County residents, or to public property. This delegation of authority to the County Administrator and/or the Emergency Management Director to extend or dissolve this local state of emergency does not require further action by this Board, and is granted whether or not a quorum of the Board is able to meet.

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 August 28, 2023, are hereby ratified.

Section 9. 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.

[SIGNATURE PAGE FOLLOWS]

PASSED AND DULY ADOPTED this 28th day of August, 2023.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: _____
William G. Truex, Chairman

Roger D. Eaton, Clerk of 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, County Attorney
LR23 - 0878 / CA