

RESOLUTION 20-13
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION PROCLAIMING A STATE OF LOCAL EMERGENCY

WHEREAS, Chapter 252, Florida Statutes, authorizes the waiver of procedures and formalities, otherwise required of municipalities, to take whatever prudent action is necessary to ensure the health, safety, and welfare of the community in the event of a state of emergency; and

WHEREAS, Florida Statute 252.38 specifically authorizes municipalities to declare a state of local emergency and to waive the procedures and formalities otherwise required of political subdivisions required by law pertaining to performance of public work and taking whatever action is necessary to ensure the health, safety, and welfare of the community such as but not limited to entering into contracts; incurring obligations; employing permanent and temporary workers; utilizing volunteer workers; renting of equipment; acquiring and distributing supplies, materials and facilities with or without compensation, and appropriating and expending public funds; and

WHEREAS, the Town of Fort Myers Beach, Florida (Town), pursuant to its inherent home rule powers under Florida Constitution and otherwise has adopted certain emergency procedures in Ordinance 18-15 and is otherwise authorized to activate the Town's emergency plan; and

WHEREAS, Ron DeSantis, Governor of Florida issued Executive Order 20-51 declaring a public health emergency due the public threat of **COVID-19**; and

WHEREAS, Fort Myers Beach is ranked as one the highest tourist destinations in Lee County; and

WHEREAS, at the time of the execution of this proclamation, the Centers for Disease Control (CDC) has recognized the potential danger to residents of Florida from the outbreak; and

WHEREAS, the aforesaid virus has the potential for causing a public health emergencies.

IT IS HEREBY RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

Section 1. The above "Whereas" clauses are incorporated herein as findings of fact and conclusions of law as though fully set forth herein.

Section 2. **COVID-19** may pose a serious threat to the lives of the citizens of the Town of Fort Myers Beach. Accordingly, a state of local emergency is hereby declared and proclaimed within the territorial limits of the Town of Fort Myers Beach, Florida, effective Friday, March 13, 2020.

Section 3. This proclamation is an emergency measure necessary for the protection of the public safety, due to **COVID-19**.

Section 4. As provided in F.S. 252.38(3)(a) and Town Ordinance 18-15, the Town Council, through the undersigned official, hereby waives the procedures and formalities otherwise required by law of a municipality.

Section 5. The mandatory curfew set forth in Section 7 of Ordinance 18-15 is hereby waived and there is no mandatory curfew imposed at this time.

Section 6. The Town Manager or designee is hereby designated as the declaring official for purposes of implementing the emergency ordinance of the Town. The Town Manager or designee will exercise all powers set forth in any Executive Order that maybe issued by the Governor, as well as Chapter 252, Florida Statutes. This proclamation also authorizes the Town Manager or designee to utilize government employees and volunteers to assist in securing private property as may be necessary for the health, safety and welfare of the residents and public of Fort Myers Beach, Florida.

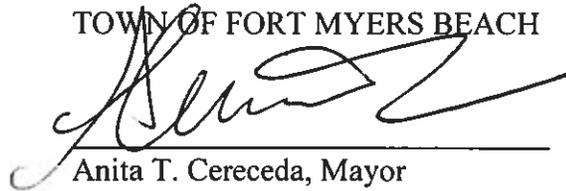
Section 7. The state of local emergency shall remain in effect until terminated as provided in Section 4 of Ordinance 18-15.

The foregoing Resolution was adopted by the Town Council upon a motion by Vice Mayor Murphy and seconded by Council Member Hosafros, and upon being put to a vote, the result was as follows:

Anita Cereceda, Mayor	aye
Ray Murphy, Vice Mayor	aye
Joanne Shamp, Councilmember	aye
Rexann Hosafros Councilmember	aye
Bruce Butcher, Councilmember	aye

ADOPTED this 13th day of March, 2020 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH



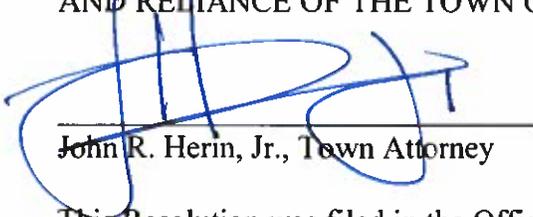
Anita T. Cereceda, Mayor

ATTEST:



Michelle D. Mayher, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:



John R. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 19th day of March 2020.