

RESOLUTION 22-34

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, PROCLAIMING A LOCAL STATE OF EMERGENCY; AND PROVIDING AN EFFECTIVE DATE.

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, the State of Florida and Lee County have declared a state of local emergency due to the threat that **Hurricane Ian** poses to Lee County; and

WHEREAS, at the time of the execution of this proclamation, the National Hurricane Center has recognized the potential danger to coastal residents of Florida from **Hurricane Ian**; and

WHEREAS, the Town has lengthy evacuation times in order to evacuate residents and others from the hazards of a hurricane; and

WHEREAS, the aforesaid **Hurricane** has the potential for causing extensive damage to public utilities, public buildings, public communication systems, public streets and roads, public drainage systems, commercial and residential buildings and areas; and

WHEREAS, Ordinance 18-15 provides that where it is not possible to obtain a quorum to convene an emergency meeting to declare a state of local emergency, certain offices are authorized to declare the state of local emergency.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN OF FORT MYERS BEACH AS FOLLOWS:

Section 1. The above recitals are true and correct and are hereby incorporated by reference as though fully set forth herein.

Section 2. **Hurricane Ian** may pose a serious threat to the lives and property 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 1:15 PM on the 26th day of September 2022.

Section 3. This proclamation is an emergency measure necessary for the protection of the public safety, due to the proximity of **Hurricane Ian**.

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 **prohibition set forth in Section 7 of Ordinance 18-15 regarding the use of fresh water** supplied by the County or local water company for any purpose other than cooking, drinking or bathing is hereby waived at this time.

Section 7. The Town Manager or designee is hereby designated as the declaring official for purposes of implementing the emergency and disaster ordinances of the Town. The Town Manager or designee will exercise all powers necessary to protect the health and safety of the public set forth in any Executive Order that may be 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 so as to minimize the overall damage to the Town of Fort Myers Beach, Florida.

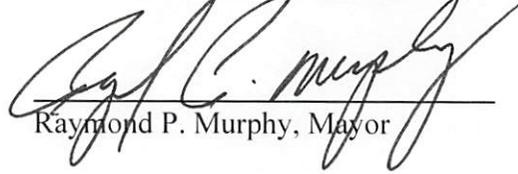
Section 8. The state of local emergency shall remain in effect until terminated as provided in Section 4 of Ordinance 18-15.

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

Raymond P. Murphy, Mayor	aye
Rexann Hosafros, Vice Mayor	aye
Dan Allers, Council Member	aye
Jim Atterholt, Council Member	aye
Bill Veach, Council Member	aye

ADOPTED this 26th day of September 2022 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH


Raymond P. Murphy, Mayor

ATTEST:


Amy Baker, 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 26th day of September 2022.