

RESOLUTION 17-27  
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 10-08 and is otherwise authorized to activate the Town's emergency plan; and

WHEREAS, the Board of County Commissioners of Lee County, Florida, declared a state of local emergency due to the threat that **Hurricane Irma** 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 Irma**; 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 10-08 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.

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. **Hurricane Irma** 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 10:00 AM on Wednesday, September 6, 2017.

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

Section 4. As provided in F.S. 252.38(3)(a) and Town Ordinance 10-08, 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 10-08 is hereby waived and there is no mandatory curfew imposed at this time.

Section 6. The **prohibition set forth in Section 7 of Ordinance 10-08 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 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.

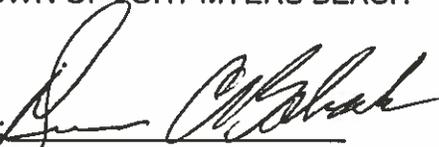
Section 8. The state of local emergency shall remain in effect until terminated as provided in Section 4 of Ordinance 10-08.

DULY ADOPTED THIS 6<sup>TH</sup> DAY OF SEPTEMBER, 2017.

ATTEST:

TOWN OF FORT MYERS BEACH

By:   
Michelle D. Mayher, Town Clerk

By:   
Dennis C. Boback, Mayor

Approved as to legal form and legal sufficiency by:

  
Peterson Law Group, Town Attorney