

RESOLUTION 18-23  
THE TOWN OF FORT MYERS BEACH, FLORIDA  
RESOLUTION PROCLAIMING A STATE OF LOCAL EMERGENCY DUE TO  
JULY/AUGUST 2018 RED DRIFT ALGAE, BLUE-GREEN ALGAE AND FISH KILLS .

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 severe **Red Tide and Algae Blooms** impact on the local environment; 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. The **July/August 2018 Red Drift Algae, Blue-Green Algae and Fish Kills** may pose a serious threat to the environment, economy 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.

Section 3. This proclamation is an emergency measure necessary for the protection of the public safety, due to the algae and fish kill.

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 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 7<sup>th</sup> DAY OF AUGUST, 2018.

ATTEST:

TOWN OF FORT MYERS BEACH

By:   
Michelle D. Mayher, Town Clerk

By:   
Tracey Gore, Mayor

Approved as to legal form and legal sufficiency by:

  
Peterson Law Group, Town Attorney