



Fort Myers Beach Town Council

Council Chambers
2525 Estero Blvd.
Fort Myers Beach, FL 33931

Local State of Emergency – Hurricane Ian

Agenda

Monday, September 26, 2022
ORDER OF BUSINESS

1:00 PM

- I. CALL TO ORDER
- II. INVOCATION
- III. PUBLIC COMMENT
- IV. LOCAL STATE OF EMERGENCY - HURRICANE IAN

A. Resolution 22-34; Local State of Emergency - Hurricane Ian

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.

V. ADJOURNMENT

NOTE: THIS MEETING IS TELEVISED LIVE ON COMCAST CHANNEL 98, YOUTUBE AND THE TOWN'S WEBSITE. IF A PERSON DECIDES TO APPEAL A DECISION MADE BY THE COUNCIL IN ANY MATTER CONSIDERED AT THIS MEETING/HEARING, SUCH PERSONS MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, TO INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH ANY SUCH APPEAL IS TO BE BASED.



For special accommodations, please notify the Town Clerk's Office at least 72 hours in advance. (239) 765-0202



Help for the hearing impaired is available through the Assistive Listening System. Receivers can be obtained from the Town Clerk's Office.

In accordance with the Americans with Disabilities Act (ADA), persons needing a special accommodation to participate in the Board's proceedings should contact the Town Clerk's Office not later than three days prior to the proceedings.

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, 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 ____ (time) AM/PM on ____ 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 _____ and seconded by _____, and upon being put to a vote, the result was as follows:

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

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.

STATE OF FLORIDA

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NUMBER 22-219

(Amending Executive Order 22-218, Emergency Management – Tropical Depression Nine)

WHEREAS, on September 23, 2022, I issued Executive Order 22-218 and declared a state of emergency exists for several counties in Florida's Peninsula and the Florida Keys due to Tropical Depression Nine; and

WHEREAS, as of 11:00 PM EDT on September 23, 2022, Tropical Depression Nine strengthened into Tropical Storm Ian, with maximum sustained winds of 40 miles per hour; and

WHEREAS, as of 8:00 AM EDT on September 24, 2022, Tropical Storm Ian was approximately 855 miles southwest of Key West, Florida; and

WHEREAS, Tropical Storm Ian is forecasted to become a major hurricane before making landfall along Florida's West Coast; and

WHEREAS, the Florida Division of Emergency Management, working together with the National Hurricane Center to evaluate weather predictions, has determined there is a continuing risk of dangerous storm surge, heavy rainfall, flash flooding, strong winds, hazardous seas, and isolated tornadic activity for Florida's Peninsula and portions of the Florida Big Bend, North Florida, and Northeast Florida; and

WHEREAS, the threat posed by Tropical Storm Ian requires that timely precautions are taken to protect the communities, critical infrastructure, and general welfare of Florida; and

WHEREAS, as Governor, I am responsible to meet the dangers presented to Florida and its people by this emergency.

NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section 1(a) of the Florida Constitution and by the Florida

Emergency Management Act, as amended, and all other applicable laws, promulgate the following Executive Order, to take immediate effect:

Section 1. Section 1 of Executive Order 22-218 is amended to read as follows:

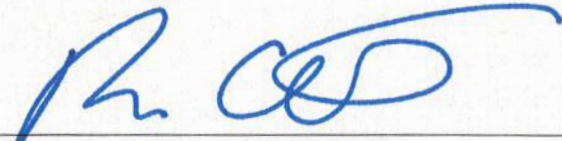
Because of the foregoing conditions, which are projected to constitute a major disaster, I declare a state of emergency exists in the State of Florida.

Section 2. Except as amended herein, Executive Order 22-218 is ratified and reaffirmed.

Section 3. This Executive Order is effective immediately and shall expire upon the expiration of Executive Order 22-218.

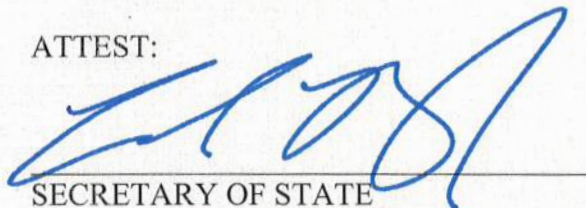


IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 24th day of September, 2022.



RON DESANTIS, GOVERNOR

ATTEST:



SECRETARY OF STATE

2022 SEP 24 PM 12:38
DEPARTMENT OF STATE
TALLAHASSEE, FL

FILED

**LEE COUNTY, FLORIDA
EMERGENCY RESOLUTION NO. 22-09-31
DECLARING A STATE OF LOCAL EMERGENCY
(As per Ordinance 87-01)**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
LEE COUNTY, FLORIDA RELATING TO THE DECLARATION OF A
STATE OF LOCAL EMERGENCY RELATING TO HURRICANE IAN.**

WHEREAS, the National Hurricane Center has recognized the danger to coastal residents of Florida from Hurricane Ian; and

WHEREAS, Lee County requires an extensive period of time to evacuate threatened residents from the hazards of a hurricane; and

WHEREAS, the current error of the National Hurricane Center's meteorological forecast does not allow for an accurate prediction of where the track of Hurricane Ian will be at that point in time coinciding with Lee County's estimated evacuation time; and

WHEREAS, Hurricane Ian has the potential for causing life threatening conditions and 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, §252.38(3)(a)(5), Florida Statutes, provides authority for political subdivisions to declare a State of Local Emergency and to waive the procedures and formalities otherwise required of political subdivisions in order to take whatever action is necessary to ensure the health, safety, and welfare of the community; and

WHEREAS, the Governor issued Executive Order 22-218 (Attachment A), declaring a State of Emergency for 24 counties, including Lee County, in the potential path of Hurricane Ian; and

WHEREAS, Lee County Ordinance Number 87-01, states that when a quorum of the Board of County Commissioners is unable to meet, the Chairperson of the Board of County Commissioners, or the Vice-Chairperson in his/her absence, or the County Administrator or his/her designee in the absence of the Chairperson, or Vice-Chairperson is authorized to declare a State of Local Emergency.

NOW, THEREFORE, IT IS RESOLVED this ____ day of September, 2022, that Hurricane Ian poses a serious threat to the lives and property of the residents of Lee County and that a State of Local Emergency shall be declared effective immediately for all unincorporated and incorporated areas within the local boundaries of Lee County, Florida.

BE IT FURTHER RESOLVED that the Board of County Commissioners hereby exercises its authority and waives the procedures and formalities required by law of a political subdivision, as authorized under §252.38, Florida Statutes.

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Chair of Designee

ATTEST:
KEVIN C. KARNES, CLERK

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY:

By: _____
Deputy Clerk

By: _____
Office of the County Attorney

_____:_____.M.
(Time)