

CITY OF BUNNELL, FLORIDA
PROCLAMATION 2022-01 DECLARING STATE OF LOCAL
EMERGENCY
(Tropical Storm/Hurricane Nicole)

WHEREAS, Chapter 21, Bunnell Code of Ordinances, and Section 252.38(3), Florida Statutes, authorize the City of Bunnell to declare a state of local emergency and to waive the procedures and formalities otherwise required of political subdivisions by law; and

WHEREAS, a state of local emergency proclamation is allowed for seven (7) days with appropriate extensions pursuant to law; and

WHEREAS, the National Hurricane Center predicts that from November 9, 2022 and continuing through at least November 12, 2022, a Tropical Storm/Hurricane named Nicole will be traveling along the East Coast and possibly through Northeast Florida, including the City of Bunnell; and

WHEREAS, on November 7, 2022 the Honorable Ron DeSantis, Governor of the State of Florida, issued Executive Order Number 22-253 declaring a state of emergency in the State of Florida due to Tropical Storm/Hurricane Nicole; and

WHEREAS, Tropical Storm/Hurricane Nicole is traversing the northern Caribbean Sea and may strengthen in force as it approaches Florida; and

WHEREAS, Tropical Storm/Hurricane Nicole poses a severe threat to the State of Florida, including the City of Bunnell; and

WHEREAS, the Governor's declaration of emergency extends to every county in Florida and for that purpose the State has activated its Division of Emergency Management to execute the State's Comprehensive Emergency Management Plan to cope with the emergency; and

WHEREAS, there is the potential for damage to public buildings, public communications systems, public streets and roads, public drainage systems, and to commercial and residential buildings countywide; and

WHEREAS, the City of Bunnell should take timely precautions to protect public and private property and members of the public from the potential effects of Hurricane Matthew; and

WHEREAS, it is the recommendation of the City Manager that a state of local emergency be declared for the City of Bunnell and that this Proclamation declaring a state of local emergency be adopted; and

WHEREAS, time and circumstances, namely the late hour on a Tuesday prior to the arrival of Tropical Storm/Hurricane Nicole, prevent a quorum of the Bunnell City Commission from meeting, and accordingly, pursuant to Section 21-3, Bunnell Code of

Ordinances, the Mayor of the City of Bunnell is authorized to declare a state of emergency.

NOW THEREFORE, BE IT DECLARED AS FOLLOWS:

1. I, Catherine D. Robinson, as Mayor of the City of Bunnell, Florida, in accordance with the powers vested in me pursuant to Chapter 252, Florida Statutes, and Chapter 21, Bunnell Code of Ordinances, do hereby proclaim the existence of a state of local emergency in the City of Bunnell, Florida, as identified above. This Proclamation shall commence at 07:00 AM on November 9, 2022 and shall terminate automatically seven (7) days from this date unless terminated earlier or extended by a document of equal dignity herewith.
2. Pursuant to Chapter 21, Bunnell Code of Ordinances, and Resolution 2011-23, adopting the City of Bunnell Mutual-Aid Disaster and Hurricane Response Plan, the City Manager is authorized to take all actions necessary and appropriate to protect human life and property, including the promulgation of rules and orders as may be necessary subject to the limitations of Section 252.33, Florida Statutes, and the aforementioned ordinances and resolutions. This declaration further authorizes the City Manager to utilize all lawful authority granted to the City of Bunnell by Federal, State, County, or City Emergency Management Laws, Rules, Regulations, Orders and, including, but not limited to, Section 252.46 and Section 252.38(3)(a)(1) through Section 252.38(3)(a)(5), Florida Statutes, inclusive, Section 12-34, Flagler County Code, and Chapter 21, Bunnell Code of Ordinances.
3. All existing laws, ordinances, and rules inconsistent with the provisions of Sections 252.31 to Section 252.905, Florida Statutes, inclusive, or inconsistent with any rule or order specifically promulgated under this declaration shall be suspended during this period of time and to the extent that such conflict exists.
4. The City Manager may suspend, toll or extend the time requirements, notice requirements and deadlines for final action on applications for permits, licenses, rates and other approvals under the Bunnell Code of Ordinances, to the extent necessary to accommodate the emergency.
5. Pursuant to Section 252.38(3)(a)(5), Florida Statutes, the City hereby exercises its authority and waives the procedures and formalities otherwise required of a political subdivision by law, pertaining to:
 - Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
 - Entering into contracts;
 - Incurring obligations;
 - Employment of permanent and temporary workers;
 - Utilization of volunteer workers;
 - Rental of equipment;

- Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and
 - Appropriation and expenditure of public funds
6. The City Manager shall follow FEMA guidelines in procuring services, materials, labor and equipment necessary to respond to the emergency, including recovery efforts. The City Manager shall abide by the "Uniform Administrative Requirements, Cost Principles, and Audit Requirements" for federal awards, codified at 2 C.F.R. §§200.317 through 200.326.
 7. Any person violating any rule or order issued pursuant to this Proclamation or any person who willfully fails or refuses to comply with the order or orders of any duly authorized law enforcement officer or personnel charged with the responsibility for the enforcement of such orders shall, upon conviction therefor, be punished as provided by Section 252.50, Florida Statutes, and by such other laws as may be applicable to the offense.
 8. Pursuant to Section 21-6, Bunnell Code of Ordinances, the continued state of emergency declared by this Proclamation may be modified in whole or in part or may be terminated at any time upon a vote of a majority of a quorum of the Bunnell City Commission. This declaration shall remain in effect for no longer than seven (7) days unless terminated or modified earlier, or extended in accordance with law.
 9. If any provision of this Proclamation is invalidated by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions of this Proclamation, which shall have the full force and effect of law.

DONE AND ORDERED in Bunnell, Flagler County, Florida, this 8th day of November 2022.


 Catherine D. Robinson, Mayor

Approved as to form:

ATTEST:

 Vose Law Firm, City Attorney



 Kristen Bates, CMC, City Clerk

