

EMERGENCY RESOLUTION 2022-13

AN EMERGENCY RESOLUTION OF THE CITY COMMISSION OF THE CITY OF BUNNELL, FLORIDA DECLARING A STATE OF LOCAL EMERGENCY FOR TROPICAL STORM/HURRICANE IAN

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 September 26, 2022 and continuing through at least October 3, 2022 a Tropical Storm/Hurricane named Ian will be traveling from the West Florida Coast across the State of Florida to the East Coast and possibly through the Florida peninsula and has the potential to make landfall in Florida as Hurricane Dorian; and

WHEREAS, on September 24, 2022 the Honorable Ron DeSantis, Governor of the State of Florida, issued Executive Order Number 22-219 amending Executive Order 22-18 declaring a state of emergency in the State of Florida due to Tropical Storm/Hurricane Ian; and

WHEREAS, Tropical Storm/Hurricane Ian is traversing the northern Caribbean Sea with the expectation that sustained winds of 100+ miles per hour will be reached and may continue to strengthen in force as it approaches Florida; and

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

WHEREAS, the Governor's declaration of emergency extends to Florida's Peninsula and portions of the Florida Big Bend, North Florida and Northeast 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 Tropical Storm/Hurricane Dorian; 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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF BUNNELL, FLORIDA:

1. In accordance with the powers vested in the City pursuant to Chapter 252, Florida Statutes, and Chapter 21, Bunnell Code of Ordinances, the City Commission of the City of Bunnell does hereby proclaim the existence of a state of local emergency in the City of Bunnell, Florida, as identified above. This Proclamation shall commence at 7:30 AM on September 27, 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)(I) 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 Resolution 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 therefore, 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 Resolution 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 Resolution 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 26th day of September 2022, effective as of September 27, 2022 at 7:30 AM.



Catherine D. Robinson, Mayor



SEAL

Approved as to form and legality for use
and reliance by the City of Bunnell, Florida


Vose Law Firm, City Attorney



Kristen Bates, CMC
City Clerk