

**BY ORDER OF THE MAYOR OF THE CITY OF WINTER SPRINGS  
DECLARATION OF LOCAL EMERGENCY  
HURRICANE IAN RECOVERY**

**WHEREAS**, Hurricane Ian has caused extensive damage within the geographic area of the City of Winter Springs, including extensive damage to bridges and other critical City infrastructure, which poses an immediate threat to the public health, safety, and welfare of the residents of Winter Springs;

**WHEREAS**, on September 22, 2022, Governor Ron DeSantis issued Executive Order 22-218 declaring a state of emergency for several counties within the State of Florida in response to Hurricane Ian, and said Executive Order was expanded on September 24, 2022, for the entire state of Florida via Executive Order 22-219. The Governor's state of emergency remains in effect for Seminole County, Florida, and shall remain in effect until November 22, 2022, unless further extended; and

**WHEREAS**, Chapter 252.38(3)(a), Florida Statutes, provides authority for a political subdivision such as the City of Winter Springs to declare a state of local emergency to exercise certain powers and authority to safeguard lives and property of its citizens; and

**WHEREAS**, the City of Winter Springs is still in the midst of recovering from the damage caused by Hurricane Ian and will need to engage in emergency procurement of construction services to repair roads and bridges within the City; and

**WHEREAS**, pursuant to Section 2-255 of the City Code of the City of Winter Springs, Florida, the Mayor shall have the right to declare a local civil emergency provided the declaration is in writing in the event the City Commission cannot be convened at a meeting in a timely manner to address the local civil emergency.

**NOW, THEREFORE, BE IT DECLARED PURSUANT TO POWER VESTED IN ME, AS MAYOR OF THE CITY OF WINTER SPRINGS, FLORIDA, UNDER SECTION 4.05 OF THE CITY CHARTER AND SECTION 2-255 OF THE CITY CODE**, that the damage caused by Hurricane Ian continues to pose a serious threat to the lives and safety of the residents of the City of Winter Springs and that a state of local emergency is declared effective upon execution of this Declaration by the undersigned Mayor for all the territory within the legal boundaries of the City of Winter Springs.

**Section 1. Recitals.** The foregoing recitals are hereby fully incorporated herein by this reference and are deemed a material part of this resolution.

**Section 2. Declaration.** As Mayor acting pursuant to Section 4.05 of the City Charter and Section 2-255 of the City Code, I hereby authorize the City to exercise its authority and powers pursuant to Florida Statutes section 252.38(3)(a) and Chapter 2, Article VII, of the City Code, and under the direction of the City Manager (or acting City Manager in the absence of the City

Manager) and police chief to the extent necessary to protect the public health, safety, and welfare and the best interests of the City of Winter Springs, which include the powers to take whatever steps are necessary pursuant to the authority granted under Chapter 2, Article VII, of the City Code and Section 252.38(3)(a), Florida Statutes, to protect the public health, safety, and welfare including, but not limited to:

1. To implement the City's emergency management plan to the extent deemed necessary to protect the public health, safety and welfare within the City.
2. To appropriate and expend funds; make contracts; obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for the health and safety of persons and property, including emergency assistance to the victims of any emergency; and direct and coordinate the development of emergency management plans and programs in accordance with the policies and plans set by the federal and state emergency management agencies.
3. To assign and make available for duty the offices and agencies of the City, including the employees, property, or equipment thereof relating to firefighting, engineering, rescue, health, medical and related services, police, transportation, construction, and similar items or services for emergency operation purposes, as the primary emergency management forces of the City for employment within or outside the political limits of the City.
4. To request assistance from the State or Seminole County or assistance from other municipalities or invoke emergency-related mutual-aid assistance by declaring a state of local emergency in the event of an emergency affecting the City of Winter Springs. The duration of each state of emergency declared locally is limited to 7 days; it may be extended, as necessary, in 7-day increments.
5. To waive the procedures and formalities otherwise required of the City pertaining to:
  - a. Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community.
  - b. Entering into contracts.
  - c. Incurring obligations.
  - d. Employment of permanent and temporary workers.
  - e. Utilization of volunteer workers.
  - f. Rental of equipment.
  - g. Acquisition and distribution, with or without compensation, of supplies, materials, and facilities.
  - h. Appropriation and expenditure of public funds.
6. The City shall have the power and authority to enforce all executive emergency orders promulgated by the federal, state and Seminole County Government (including the Seminole County Sheriff) related to Hurricane Ian within the jurisdictional limits of the City of Winter Springs, Florida.

**Section 3.**     **Duty of Officials and Employees.**     All public officials and employees of the City of Winter Springs are hereby directed to exercise the utmost diligence in the discharge of the duties required of them for the duration of the emergency and in the execution of emergency laws, regulations, and directives, state and local.

**Section 4.**     **Duty of Citizens.**     All citizens are called upon and directed to comply with the necessary emergency measures, to cooperate with public officials and civil emergency disaster service forces in executing the emergency operational plans, and to obey and comply with the lawful directions of properly identified public officers.


**Section 5.**     **Severability.**     If any section, subsection, sentence, clause, phrase, word, or portion of this declaration is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereto.

**Section 6.**     **Effective Date.**     This declaration shall become effective immediately upon the execution of this declaration by the undersigned and shall remain in effect for seven (7) days or until terminated by the undersigned or the City Commission in writing.

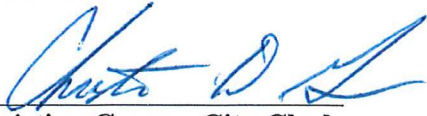
**Section 7.**     **Notice to the City Commission.**     The City Clerk or City Manager is hereby directed to provide a copy of this declaration to all members of the City Commission, City Manager, City Attorney, City Department Directors, and other appropriate government officials. This declaration of a state of emergency and all emergency regulations and actions activated under the provisions of Chapter 2, Article VII, City Code shall be confirmed by the City Commission by resolution within five (5) working days of such declaration or at the next regularly scheduled meeting of the City Commission, whichever occurs first, unless the nature of the emergency renders a meeting of the City Commission extremely impractical.

**Section 8.**     **Notice to the Public.**     Pursuant to Section 2-255(f) of the City Code, the City Manager is hereby directed to post a written notice of this Declaration upon the main bulletin board in the city hall, and shall notify by telephone not less than two (2) newspapers of general circulation within the city, at least three (3) television stations and at least three (3) radio stations broadcasting in Seminole County. When practicable, the City Manager shall also cause the written notice to be published, in its entirety, at least one (1) day each week in a newspaper of general circulation in the city until the state of emergency is declared to be terminated.

**DECLARED** by the Mayor of the City of Winter Springs, Florida, this 8<sup>th</sup> day of November, 2022.

  
\_\_\_\_\_  
**Kevin McCann, Mayor**

**ATTEST:**



**Christian Gowan, City Clerk**

Approved as to legal form and sufficiency  
for the City of Winter Springs only:



**Anthony Garganese, City Attorney**

