

RESOLUTION NO. 2022-26

A RESOLUTION OF THE CITY COMMISSION OF WINTER SPRINGS, FLORIDA, DECLARING A STATE OF CIVIL EMERGENCY DUE TO HURRICANE IAN TO COMMENCE AT 8:00 A.M. ON SEPTEMBER 27, 2022; PROVIDING FOR THE FUTURE TERMINATION OF THE CIVIL EMERGENCY BY THE CITY COMMISSION AT A LATER DATE; PROVIDING FOR THE REPEAL OF PRIOR INCONSISTENT RESOLUTIONS; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Section 4.05 and 4.06 of the City Charter and Section 2-255 of the City Code, the City Commission desires to declare a state of civil emergency commencing at 8:00 a.m. on Tuesday, September 27, 2022, due to the impending Hurricane Ian; and

WHEREAS, the City Commission hereby finds that the City will be in a state of emergency commencing at 8:00 a.m. on September 27, 2022, due to the fact that in conjunction with other local, state and federal agencies, the City is and will continue the process of implementing the City's emergency management plan and dealing with the impending Hurricane Ian; and

WHEREAS, the City Commission further finds that it is necessary and reasonable for the City to exercise emergency powers invoked herein in order to protect the public health, safety and welfare of the citizens of Winter Springs; and

WHEREAS, Hurricane Ian has the potential for causing extensive damage to life and properties within all cities and municipalities within the geographic area of the City of Winter Springs and poses an immediate threat; and

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; and

WHEREAS, pursuant to Section 2-255 of the City Code, the City Commission finds that due to the timing of the City Commission meeting on the evening of September 26, 2022, and the impending path and anticipated landfall projections of Hurricane Ian, the City Commission could anticipate the need to declare the state of emergency; and

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

WHEREAS, the City Commission of the City of Winter Springs, Florida, hereby finds this Resolution to be in the best interest of the public health, safety, and welfare of the citizens of

Winter Springs.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF WINTER SPRINGS, FLORIDA, AS FOLLOWS:

Section 1. **Recitals.** The following recitals are true and correct and hereby fully incorporated herein by this reference as part of this Resolution.

Section 2. **Declaring Civil Emergency; Emergency Powers.** Pursuant to Section 2-255 of the City Code, the City Commission hereby declares a State of Civil Emergency, commencing at 8:00 a.m. on September 27, 2022, due to impending Hurricane Ian. Hurricane Ian poses a serious threat to the lives and property of the residents of the City of Winter Springs and a state of local emergency is declared effective at 8:00 a.m. on September 27, 2022, and upon execution of this Resolution, for all the territory within the legal boundaries of the City of Winter Springs.

The City Commission further authorizes the City to exercise its authority and powers pursuant to Section 252.38(3)(a), Florida Statutes, 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 authority and 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 appoint, employ, remove, or provide, with or without compensation, coordinators, rescue teams, fire and police personnel, and other emergency management workers.
4. To establish, as necessary, a primary and one or more secondary emergency operating centers to provide continuity of government and direction and control of emergency operations.
5. 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.

6. 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.

7. 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.

8. 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.

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.

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 3. **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 Resolution 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.

Section 4. **Termination of Declaration of Civil Emergency.** The Declaration of Civil Emergency shall remain in effect within the jurisdictional limits of the City of Winter Springs until terminated by the City Commission by Resolution or for a duration of seven (7) days, whichever is earlier.

Section 5. Repeal of Prior Inconsistent Resolutions. All prior inconsistent resolutions adopted by the City Commission, or parts of resolutions in conflict herewith, are hereby repealed to the extent of the conflict.

Section 6. Severability. If any section, subsection, sentence, clause, phrase, word or provision of this resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, whether for substantive, procedural, or any other reason, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this resolution.


Section 7. Effective Date. This Resolution shall take effect at 8:00 a.m. on September 27, 2022.

RESOLVED by the City Commission of the City of Winter Springs, in a regular meeting assembled on the 26th day of September, 2022.

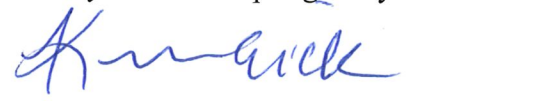


KEVIN McCANN, Mayor

ATTEST:


CHRISTIAN GOWAN, City Clerk

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


KRISTIN EICK, Assistant City Attorney