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RESOLUTION
NUMBER 2024 - 171

AN EMERGENCY RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF CHARLOTTE COUNTY, FLORIDA, DECLARING A STATE OF LOCAL EMERGENCY AND PROVIDING FOR EMERGENCY GOVERNMENTAL OPERATIONS RELATED TO TROPICAL STORM MILTON.

RECITALS

WHEREAS, on September 26, 2024, Hurricane Helene made landfall as category 4 hurricane, causing loss of life, damage to property from widespread coastal and inland flooding, land erosion, damaging winds, and extreme ground water saturation to the Florida Gulf Coast; and

WHEREAS, a state of local emergency declared on September 24, 2024 by Resolution 2024-156 to mitigate, respond to, and recover from the damaging effects of Hurricane Helene is still ongoing today; and

WHEREAS, another tropical disturbance has evolved to become Tropical Storm Milton over the Gulf of Mexico, and its rapid intensification to become a major hurricane is expected over the next day or so bringing disastrous conditions, life-threatening storm surge and wind impacts, and the County is in the projected path/cone; and

WHEREAS, Governor Ron DeSantis issued Executive Order (EO) No. 24-214 on October 5, 2024, declaring a State of Emergency in 35 counties in the Florida Peninsula including Charlotte County due to the threat of Tropical Storm Milton; and

WHEREAS, Charlotte County Code Section 2-1-43 provides that the County Administrator may take all necessary actions to address the emergency when, as is the

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case here, a quorum of the Board of County Commissioners is unable to timely convene, and provides for the procedure and formalities otherwise required by law to be waived; and

WHEREAS, an emergency exists such that an immediate enactment of this resolution pursuant to Section 2-1-43, Charlotte County Code, is necessary.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Charlotte County, Florida:

Section 1. A state of local emergency is hereby declared due to the imminent threat to Charlotte County posed by Tropical Storm Milton, based upon the potential to create excessive rainfall, strong gusty winds, storm surges causing coastal and inland flooding, and widespread power outages, all of which pose a serious threat to public health and safety, and further worsen current impaired conditions.

Section 2. An emergency exists such that the immediate enactment of this resolution pursuant to Section 2-1-43, Charlotte County Code, is necessary.

Section 3. The Board of County Commissioners hereby asserts all powers available to Charlotte County government and all Charlotte County constitutional officers provided in Chapter 252, Florida Statutes.

Section 4. The County Administrator and his designees are provided plenary authority on behalf of Charlotte County Board of County Commissioners to take all actions necessary for protection of persons and property provided in Chapter 252, Florida Statutes, and pursuant to Section 2-1-43 of the Code of Laws and Ordinances of Charlotte County, Florida.

Section 5. Specifically, but not for the purpose of limitation, the County Administrator shall have the power to:

- a. perform public work and take whatever action is necessary to ensure the health, safety, and welfare of the community;
- b. enter into contracts;
- c. incur obligations;
- d. employ permanent and temporary workers;
- e. utilize volunteer workers;
- f. rent equipment;
- g. acquire and distribute, with or without compensation supplies, materials and facilities;
- h. transfer, amend, appropriate and/or expend public funds; and
- i. suspend the provisions of the County's Collective Bargaining Agreements (CBAs), in accordance with the Emergency provisions contained in the CBAs, provided, however, that wage rates and monetary fringe benefits shall remain in full force and effect. Upon a determination by the County Administrator that emergency conditions no longer exist, the suspended provisions of the CBAs shall be reinstated.

Section 6. The County Administrator and/or the Emergency Management Director are each delegated the authority to (1) extend this initial declaration of local state of emergency as many times as necessary, and (2) dissolve this local state of emergency (or any extensions thereof) if the event no longer poses a threat to the lives and/or property of Charlotte County residents, or to public property. This delegation of authority to the County Administrator and/or the Emergency Management Director to extend or

dissolve this local state of emergency does not require further action by this Board and is granted whether or not a quorum of the Board is able to meet.

The foregoing enumeration is not exclusive; the County Administrator shall have power to do all things necessary as conditions dictate, as provided in Chapter 252, Florida Statutes.

Section 7. As provided in Chapter 252, Florida Statutes, all normal formalities related to procurement, hours of employment of County employees, notice provisions and other procedures usually followed or required by law are hereby waived.

Section 8. All actions taken by the County Administrator, or taken at the direction of the County Administrator, on or after October 6, 2024, are hereby ratified.

Section 9. This resolution shall take effect immediately upon signing and shall terminate automatically seven (7) days from this date unless terminated earlier or extended by a document of equal dignity.

[SIGNATURE PAGE FOLLOWS]

PASSED AND DULY ADOPTED this 6th day of October, 2024.

BOARD OF COUNTY COMMISSIONERS
OF CHARLOTTE COUNTY, FLORIDA

By: 
Hector Flores, County Administrator



ATTEST:
Roger D. Eaton, Clerk of Circuit
Court and Ex-officio Clerk of the
Board of County Commissioners

By: 
Deputy Clerk

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

By: 
Janette S. Knowlton, County Attorney
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