RESOLUTION NO. 23-24-211

A RESOLUTION OF HIGHLANDS COUNTY, FLORIDA, PERTAINING TO THE LOCAL STATE OF EMERGENCY STEMMING FROM TROPICAL STORM HELENE; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR THE DECLARATION OF A LOCAL STATE OF EMERGENCY; PROVIDING FOR THE ESTABLISHMENT AND ENFORCEMENT OF CURFEW; PROVIDING FOR DISASTER ESSENTIAL EMPLOYEE DESIGNATIONS AND OVERTIME PAY; PROVIDING FOR THE DURATION OF THE LOCAL STATE OF EMERGENCY; PROVIDING FOR THE IMPLEMENTATION OF ADMINISTRATIVE ACTIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SCRIVENER'S ERRORS, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, on September 23, 2024, Governor DeSantis issued Executive Order 24-208, declaring a state of emergency for forty-one counties in Florida related to Potential Tropical Cyclone Nine, however, did not include Highlands County; and

WHEREAS, due to forecast models indicating that atmospheric and oceanic conditions are highly conducive for Potential Tropical Cyclone Nine to develop into a tropical, on September 24, 2024, Governor DeSantis issued Executive Order 24-209, amending Executive Order 24-208, this time including Highlands County among others as being affected by the system; and

WHEREAS, the National Weather Service has since upgraded Potential Tropical Cyclone Nine to Tropical Storm Helene; and

WHEREAS, there is a risk of significant to rapid intensification of this system with a likelihood of forming a major hurricane before approaching the northeastern Gulf Coast of Florida's peninsula; and

WHEREAS, due to the system's size, there is a significant possibility of life-threatening storm surge, wind and rainfall impacts which will extend well away from the center of the system, resulting in farther inland penetration; and

WHEREAS, the water tables and riverine levels across much of west-central Florida remain in above normal stage due to recent storm events and additional heavy rainfall could cause significant riverine flooding; and

WHEREAS, these impacts could damage the operational capability of critical infrastructure of Highlands County; and

WHEREAS, Florida Statutes, Section 252.38, declares it the innate responsibility of local government to safeguard the life and property of its citizens; and

WHEREAS, Florida Statutes, Section 252.38(3)(a)(5), provides authority for political subdivisions to declare a state of local emergency and to waive the procedures and formalities, otherwise required of political subdivisions, in order to take whatever action is necessary to ensure the health, safety and welfare of the community; and

WHEREAS, Section 252.34, Florida Statutes defines "emergency" as any occurrence, or threat thereof, whether natural, technological, or manmade, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property; and

WHEREAS, the County has determined that it is in the best interest of its employees, citizens and visitors to extend the local state of emergency and further revise the parameters related to the same.

NOW, THEREFORE, BE IT RESOLVED BY HIGHLANDS COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. Legislative Findings and Intent. Highlands County has complied with all requirements and procedures of Florida law in processing this Resolution. The above recitals are hereby adopted.

SECTION 2. Declaring a Local State of Emergency. The state of emergency stemming from Tropical Storm Helene poses a threat to much of the State of Florida, as declared by Governor DeSantis. To the extent necessary under the circumstances and as the status of Tropical Storm Helene changes, certain procedures and formalities otherwise required of the County may be waived, as collectively determined by the Chair of the Board of County Commissioners, the County Administrator and the County Attorney, to ensure that the County can continue providing day to day operations with as little disruption as possible. The procedures and formalities which may be waived are set forth in Florida Statutes, Section 252.38(3)(a)(5), and include but are not limited to:

a. Performance of public work and taking whatever prudent action is necessary to ensure the health, safety and welfare of the public;
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 of expenditure of public funds;
i. temporary modifications to working environment and procedures.

SECTION 3. Establishment and Enforcement of Curfew. The Highlands County Sheriff is hereby authorized to establish and enforce a curfew within the unincorporated areas of Highlands County, Florida, during the state of local emergency declared by this Resolution and is further authorized to modify and terminate that curfew to the extent necessary under the circumstances and as the status of Tropical Storm Helene changes.

SECTION 4. Disaster Essential Employee Designations and Overtime Pay. For the duration of the state of emergency, as declared hereby, there shall not be a suspension of the day to day operations of the County; thus, certain employees will need to be designated as disaster essential. The County Administrator shall work with each department to determine disaster essential positions. The County Administrator shall have the authority to reject a position as disaster essential or to reject the payment of unverified overtime hours pursuant to Highlands County Personnel Manual, Policy 704.

SECTION 5. Duration of Local State of Emergency. This declared state of local emergency shall remain in full force and effect from the date of adoption of this Resolution, and shall automatically expire seven (7) days after adoption but may be extended by a majority vote of the County, as necessary, in seven (7) day increments for a total duration of not more than forty-two (42) days.

SECTION 6. Implementation of Administrative Actions. The County Administrator is hereby authorized and directed to take such action as may be deemed necessary and appropriate in order to implement the provisions of this Resolution. The County Administrator may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such County employees as deemed effectual and prudent.

SECTION 7. Savings Clause. All prior actions of Highlands County pertaining to the state of local emergency related to Tropical Storm Helene, as well as any and all matters relating thereto, are hereby ratified and affirmed consistent with the provisions of this Resolution.

SECTION 8. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this Resolution, as determined by the County Administrator and City Attorney, may be corrected.

SECTION 9. Conflicts. All Resolutions or parts of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 10. Severability. If any Section or portion of a Section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Resolution.

SECTION 11. Effective Date. This Resolution shall become effective immediately upon adoption.

[Signatures on Following Page]

DONE AND ADOPTED, this 25th day of September 2024.

(SEAL)

BOARD OF COUNTY COMMISSIONERS OF HIGHLANDS COUNTY, FLORIDA

By: _____
Kevin Roberts, Chairperson

ATTEST:

_____
Jerome Kaszubowski, Clerk