

RESOLUTION 2022-16

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, DECLARING A STATE OF EMERGENCY, AND ENACTING THE POWERS OF CHAPTER 14, ARTICLE III, EMERGENCY MANAGEMENT, PROVIDING FOR CONFLICT AND AN EFFECTIVE DATE.

WHEREAS, on September 24, 2022 by Executive Order Number 22-219, Governor Ron DeSantis declared a State of Emergency for every county in the State of Florida due to the imminent approach of Tropical Storm Ian which is forecasted to become a major hurricane and strike Florida's West Coast; and

WHEREAS; on September 26, 2022 the Flagler County Board of County Commissioners adopted a Proclamation declaring a State of Local Emergency; and

WHEREAS, the City Officials and staff are following the orders and recommendations of the Florida Division of Emergency Management, and our County Emergency Management Director; and

WHEREAS, the health safety and welfare of the City of Flagler Beach residents, business, and visitors and staff is of the utmost importance to the City; and

WHEREAS, additional future measures may be needed to protect the community, and to enable the City to respond to emergency situations, it is necessary to waive the procedures and formalities otherwise required of the City; and

WHEREAS, the City's beaches are vulnerable to additional erosion from storm and tidal events from which the City continues to recover, having steadily and continually lost sand volumes after Hurricanes Matthew, Irma, and Dorian, along with subsequent volume of losses due to Nor'easters and king tides; and

WHEREAS, Hurricane Ian's toll on the ability of the City's beaches to withstand future storm or tidal events and thereby avert catastrophic damages requires the City, in coordination with Flagler County, to assess pre-Hurricane Ian conditions pursuant to this declaration and to create a working baseline to determine sand volume loss for future mitigation; and

WHEREAS, the Flagler Beach Code of Ordinance, Chapter 14, Article III, Emergency Management, empowers the City Commission to declare that a state of emergency exists within the City, consistent with Chapter 252, Florida Statutes; and

WHEREAS, Section 252.38(3), Florida Statutes, provides authority for local governments, such as the City of Flagler Beach, to take actions in emergency situations and to waive the procedures and formalities otherwise required of political subdivisions by law pertaining to:

performing of public work and taking whatever action is necessary to ensure the health, safety, and welfare of the community; entering into contracts; incurring obligations; employing of permanent and temporary workers; utilizing of volunteer workers; renting equipment; acquiring and distributing, with or without compensation, of supplies, materials and facilities; and appropriating and expending of public funds.

NOW THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, AS FOLLOWS:

SECTION 1. The City Commission of the City of Flagler Beach, does hereby find that the circumstances set forth above do indeed exist, and that Hurricane Ian poses a serious threat to the lives and property of the residents of the City of Flagler Beach and that a state of local emergency is hereby declared, effective immediately, pertaining to all territory within the legal boundaries and jurisdictional limits of the City of Flagler Beach.

SECTION 2. The City Manager is hereby delegated the power and authority to take all actions necessary to address the emergency situations that may arise as a result of the Tropical Storm/Hurricane Ian in accordance with the provisions of State law and emergency management procedures outlined in Resolution 2022-16 or that may have been adopted by the City, as well as by any State and Federal Disaster Assistance procedures.

SECTION 3. This resolution shall become effective immediately upon its execution and shall terminate automatically within seven (7) days unless otherwise terminated or extended.

PASSED AND ADOPTED THIS 27TH DAY OF SEPTEMBER 2022.

ATTEST:


Penny Overstreet, City Clerk

CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION


Ken Bryan, Chair