Agenda Item #: 3X - 5

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

Meeting Date: November 15, 2022		[X] Consent [] Ordinance	[]Regular []Public Heari	ng
Department: Submitted By: Submitted For:	mitted By: Department of Public Safety			
EXECUTIVE BRIEF				
Motion and Title: Staff recommends motion to receive and file: a Declaration of State of Local Emergency Palm Beach County (County), Florida dated September 26, 2022 for Hurricane Ian.				
Summary: On September 23, 2022, President Joseph R. Biden, Jr. declared that an emergency exists in the State of Florida. On September 23, 2022 Florida Governor Ron DeSantis issued Executive Order 22-218 and declared that a state of emergency exists for twenty four (24) counties, including Palm Beach, due to Tropical Depression Nine. On September 24, 2022, the National Hurricane Center (NHC) advised that Tropical Depression Nine had formed into Tropical Storm Ian. On September 24, 2022, Florida Governor Ron DeSantis issued Executive Order 22-219 (Amending Executive Order 22-218) expanding the state of emergency statewide. On September 26, 2022 at 0500 hours, the NHC advised that Tropical Storm Ian had become Hurricane Ian. The County issued a State of Local Emergency on Monday, September 26, 2022 which remained through October 3, 2022. Hurricane Ian had the capacity to pose a significant, imminent, and dangerous threat to residents, visitors and tourists in the County as well as their real and personal property. The declaration of the State of Local Emergency was necessary to initiate emergent actions taken by the County Administrator to ensure the health, safety and welfare of the community. With the executed State of Local Emergency, resources were available through the Federal Emergency Management Agency (FEMA) Public Assistance. Staff were able to purchase equipment, materials, and supplies without the procedures and formalities otherwise required by the County. Countywide (DB) Background and Justification: The President of the United States declared an emergency exists in the State of Florida on Friday, September 23, 2022. On September 26, 2022, the County declared a State of Florida on Friday, September 23, 2022. On September 26, 2022, the County declared a State of Florida on Friday, September 23, 2022. On September 26, 2022, the County declared a State of Florida on Friday, September 26, 2022. On September 26, 2022, the County declared a State of Local Emergency due to the on-going risk of Hurricane Ia				
Recommended By	: Ileme	Ra	10	12/22
-,-	Departmen	t Director	Da	te
Approved By:	Assistant C	Sounty Administra		/28/22 Ite

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact **Fiscal Years** <u>2023</u> <u>2024</u> <u>2025</u> <u>2026</u> 2027 **Capital Expenditures Operating Costs External Revenues Program Income (County)** In-Kind Match (County) **Net Fiscal Impact** # ADDITIONAL FTE **POSITIONS (Cumulative)** Is Item Included in Current Budget? No Yes Does this item include the use of federal funds? Yes **Budget Account Exp No:** Rev No: B. Recommended Sources of Funds/Summary of Fiscal Impact: *Fiscal impact is undeterminable at this time. The County will request reimbursement of actual expenses associated through FEMA regarding activation pre/during/post Hurricane Ian and other subsequent services related to storm activation Departmental Fiscal Review: II. REVIEW COMMENTS A. OFMB Fiscal and/or Contract Dev. and Control Comments: Contract Administration MG 10/14 Legal Sufficiency: B. Assistant County Attorney

This summary is not to be used as a basis for payment.

C. Other Department Review:

Department Director

PALM BEACH COUNTY, FLORIDA, DECLARATION OF STATE OF LOCAL EMERGENCY EFFECTIVE MONDAY, SEPTEMBER 26, 2022

WHEREAS, the Board of County Commissioners of Palm Beach County has been informed by its emergency management staff of the imminent threat posed by Hurricane Ian; and

WHEREAS, Hurricane Ian, has the capacity to pose a significant, imminent, and dangerous threat to the health, safety, and welfare of the inhabitants of Palm Beach County, Florida, visitors and tourists in Palm Beach County, Florida, as well as their real and personal property; and

WHEREAS, the Governor issued Executive Order No. 22-219 declaring a State of Emergency for all counties in the State of Florida on September 24, 2022; and

WHEREAS, the threat posed by Hurricane Ian requires timely precautions to prepare and protect critical infrastructure within Palm Beach County which began upon the formation of Invest 98L (having become Hurricane Ian); and

WHEREAS, there are exigent circumstances surrounding Hurricane Ian, such that a regular or special/emergency meeting of the Board of County Commissioners may not practically be convened or allow for the Mayor or Vice-Mayor to execute a resolution to declare a state of local emergency; and

WHEREAS, Palm Beach County Code Chapter 9, Article II, Section 9-35 and Section 252.38(3)(a)(5), Florida Statutes, provide that in such event, the County Administrator may declare a state of local emergency.

NOW, THEREFORE, BE IT PROCLAIMED AND DECLARED:

1. The above recitals are true and correct and are incorporated herein by reference.

- 2. I am the County Administrator of Palm Beach County, Florida.
- 3. The exigent circumstances surrounding Hurricane Ian do not allow for a regular or special/emergency meeting of the Board of County Commissioners to practically be convened or allow for the Mayor or Vice-Mayor to execute a resolution to declare a state of local emergency.
- 4. Pursuant to Palm Beach County Code Article II, Section 9-35, in such event, the County Administrator may declare a state of local emergency.
- 5. A state of local emergency hereby exists in Palm Beach County, Florida, effective for seven (7) days beginning at 12:00 p.m., this 26th day of September, 2022.
- 6. On behalf of the Board of County Commissioners, I hereby waive the procedures and formalities otherwise required of Palm Beach County pertaining to:
 - a. Performance of public work and any other prudent action necessary to ensure the health, safety, and welfare of the citizens of Palm Beach County.
 - 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.
- 7. The County Administrator or designee is hereby empowered, authorized, and directed to exercise, on behalf of the Board of County Commissioners, such emergency powers necessary to carry out the provisions of Chapter 252, Florida Statutes and Palm Beach County

Code Article II, Section 9-35 to provide for the health and safety of persons and property including, but not limited to, the powers to direct and compel evacuation of all or part of the population from stricken or threatened areas within Palm Beach County, if such action is deemed necessary to reduce the vulnerability of people in communities of Palm Beach County to damage, injury, and loss of life and property resulting from the imminent threat, as well as any other powers expressly or implicitly conferred pursuant to Chapters 125 and 252, Florida Statutes, Palm Beach County Code Article II, Section 9-35 and any other provision of law or county ordinance.

- 8. This State of Emergency shall extend for a period of 7 days and may be extended as necessary in 7 day increments pursuant to Section 252.38(3)(a)(5) as determined by the County Administrator or designee, or until further action by the Board of County Commissioners terminates such authority or declares that the State of Emergency has ended.
- 9. This Declaration shall be transmitted to the Secretary of State upon adoption and a copy shall be filed with the Clerk of Court.

3 OF 3

PALM BEACH COUNTY, FLORIDA

APPROVED AS TO FORM AND

By: Will ma C Baker Comment

CLERK AND COMPTRO

01/26/2022

Joseph Abruzzo

Clerk of the Circuit Court & Comptroller

Palm Beach County

LEGAL SUFFICIENCY

/s/ Denise Coffman, Esq.

County Attorney