

EMERGENCY RESOLUTION 2020-06

AN EMERGENCY RESOLUTION OF THE CITY COMMISSION OF THE CITY OF BUNNELL, FLORIDA DECLARING A STATE OF LOCAL EMERGENCY FOR COVID-19

WHEREAS, Chapter 21, Bunnell Code of Ordinances, and Section 252.38(3), Florida Statutes, authorize the City of Bunnell to declare a state of local emergency and to waive the procedures and formalities otherwise required of political subdivisions by law; and

WHEREAS, on January 30, 2020, the World Health Organization (WHO) declared the outbreak of the Novel Coronavirus a Public Health Emergency of International Concern; and

WHEREAS, on January 31, 2020, the Secretary of the U.S. Department of Health and Human Services declared a Public Health Emergency for 2019 Novel Coronavirus; and

WHEREAS, on February 11, 2020, the WHO announced a name for the new coronavirus disease, "COVID-19," and on March 11, 2020 characterized COVID-19 as a pandemic; and

WHEREAS, the Governor of Florida issued Executive Order 20-51 on March 1, 2020, directing the State Health Officer and Surgeon General to declare a Public Health Emergency in the State of Florida; and

WHEREAS, the Governor of Florida issued Executive Order 20-52 on March 9, 2020, declaring a statewide State of Emergency due to the projected spread of COVID-19; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency to help the country combat the rapidly spreading COVID-19; and

WHEREAS, the timely execution of the mitigation, response, and recovery aspects of Flagler County's emergency management plan, as it relates to COVID-19 is negatively impacted by the application of certain regulatory processes; and

WHEREAS, for these reasons, the Emergency Management Director, the County Administrator, and the Director of the Florida Department of Health in Flagler County have recommended the Chair of the Board of County Commissioners declare a state of local emergency; and

WHEREAS, this Emergency Resolution is not pursuant to the provision of Florida Statutes, Section 252.38 (3)(a)(5) since this is not "an emergency affecting only one political subdivision," and therefore is not subject to the state statutory seven-day limit of duration; and

WHEREAS, the impending nature of this situation necessitates that this Resolution be considered at an Emergency Meeting of the City Commission, and pursuant to Section 3.08 of the Bunnell City Charter, an attempt to notify the public of the emergency meeting has been made, and the City Commission finds that the matter considered is of such importance that the community's health, safety, welfare, lives or the City's finances are in immediate peril.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF BUNNELL, FLORIDA:

1. In accordance with the powers vested in the City pursuant to Chapter 252, Florida Statutes, and Chapter 21, Bunnell Code of Ordinances, the City Commission of the City of Bunnell does hereby proclaim the existence of a state of local emergency in the City of Bunnell, Florida, as identified above. This Proclamation shall commence at 8:00 AM on March 18, 2020 and shall terminate by a document of equal dignity herewith.
2. Pursuant to Chapter 21, Bunnell Code of Ordinances, and Resolution 2011-23, adopting the City of Bunnell Mutual-Aid Disaster and Hurricane Response Plan, the City Manager is authorized to take all actions necessary and appropriate to protect human life and property, including the promulgation of rules and orders as may be necessary subject to the limitations of Section 252.33, Florida Statutes, and the aforementioned ordinances and resolutions. This declaration further authorizes the City Manager to utilize all lawful authority granted to the City of Bunnell by Federal, State, County, or City Emergency Management Laws, Rules, Regulations, Orders and, including, but not limited to, Section 252.46 and Section 252.38(3)(a)(1) through Section 252.38(3)(a)(5), Florida Statutes, inclusive, Section 12-34, Flagler County Code, and Chapter 21, Bunnell Code of Ordinances.
3. All existing laws, ordinances, and rules inconsistent with the provisions of Sections 252.31 to Section 252.905, Florida Statutes, inclusive, or inconsistent with any rule or order specifically promulgated under this declaration shall be suspended during this period of time and to the extent that such conflict exists.

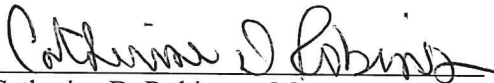
The City Manager may suspend, toll or extend the time requirements, notice requirements and deadlines for final action on applications for permits, licenses, rates and other approvals under the Bunnell Code of Ordinances, to the extent necessary to accommodate the emergency.

4. Pursuant to Section 252.38(3)(a)(5), Florida Statutes, the City hereby exercises its authority and waives the procedures and formalities otherwise required of a political subdivision by law, pertaining to:
 - Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
 - Entering into contracts;
 - Incurring obligations;
 - Employment of permanent and temporary workers;
 - Utilization of volunteer workers;
 - Rental of equipment;
 - Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and
 - Appropriation and expenditure of public funds
5. The City Manager shall follow FEMA guidelines in procuring services, materials, labor and equipment necessary to respond to the emergency, including recovery efforts. The City Manager shall abide by the "Uniform Administrative Requirements, Cost Principles, and Audit Requirements" for federal awards, codified at 2 C.F.R. §§200.317 through

200.326.

6. Any person violating any rule or order issued pursuant to this Resolution or any person who willfully fails or refuses to comply with the order or orders of any duly authorized law enforcement officer or personnel charged with the responsibility for the enforcement of such orders shall, upon conviction therefore, be punished as provided by Section 252.50, Florida Statutes, and by such other laws as may be applicable to the offense.
7. Pursuant to Section 21-6, Bunnell Code of Ordinances, the continued state of emergency declared by this Resolution may be modified in whole or in part or may be terminated at any time upon a vote of a majority of a quorum of the Bunnell City Commission.
8. If any provision of this Resolution is invalidated by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions of this Proclamation, which shall have the full force and effect of law.


DONE AND ORDERED in Bunnell, Flagler County, Florida, this 18th day of March 2020, effective as of 8:00 AM.


Catherine D. Robinson, Mayor

Approved as to form and legality for use
and reliance by the City of Bunnell, Florida

Wade C. Vose, City Attorney

SEAL



Kristen Bates, CMC
City Clerk