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VILLAGE OF ESTERO, FLORIDA

RESOLUTION NO. 2019 - 15

**A RESOLUTION OF THE VILLAGE COUNCIL OF THE
VILLAGE OF ESTERO, FLORIDA, DECLARING A
STATE OF LOCAL EMERGENCY AND PROVIDING
FOR EMERGENCY GOVERNMENTAL OPERATIONS
RELATED TO HURRICANE DORIAN IF DEEMED
NECESSARY AND IN CONJUNCTION WITH LEE
COUNTY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Village of Estero places the highest premium on safety of life and property in the Village during storm events; and

WHEREAS, Hurricane Dorian poses a serious potential threat to the residents and property of the Village of Estero; and

WHEREAS, Hurricane Dorian has the potential for causing extensive damage to public utilities, public buildings, public communication systems, public streets and roads, public drainage systems, commercial and residential buildings and areas; and

WHEREAS, the Governor of the State of Florida has promulgated Executive Orders Nos. 19-189 and 19-190, wherein he found that a State of Emergency exists within the state of Florida; and

WHEREAS, Chapter 252, Florida Statutes, authorizes municipalities to declare a state of local emergency and to waive procedures and formalities otherwise required of municipalities to take whatever prudent action is necessary to ensure the health, safety, and welfare of the Village in the event of a state of local emergency; and

WHEREAS, the Village of Estero relies on the Village Council and staff for leadership during storm events; and

WHEREAS, there may be instances when it is difficult or impossible to obtain a quorum of Council membership for the purpose of convening an emergency meeting during a state of local emergency; and

WHEREAS, the Village Council desires to designate and delegate to the Village Manager the authority provided under Chapter 252 to respond to the emergency should a quorum of the Village Council be physically unable to meet.

NOW, THEREFORE, be it resolved by the Village Council of the Village of Estero, Florida that the Village of Estero hereby declares a State of Local Emergency.

46 **Section 1.** The Village Council of the Village of Estero, Florida, if deemed
47 necessary and in conjunction with Lee County, hereby declares a state of local emergency
48 and the Council desires the Village Manager to avail himself to all powers available to
49 Village government provided in Chapter 252, Florida Statutes.
50

51 **Section 2.** The Village Manager is provided plenary authority on behalf of the
52 Village Council of the Village of Estero to take all actions necessary for protection of
53 persons and property authorized by law.
54

55 **Section 3.** As provided in Chapter 252 all normal formalities related to
56 procurement, incurring of obligations, and expenditure of public funds usually followed or
57 required by law are hereby waived.
58

59 **Section 4.** All actions taken by the Village Manager, or taken at the direction of
60 the Village Manager pursuant to this Resolution are hereby ratified.
61

62 **Section 5.** The prior Declaration of a State of Local Emergency, attached hereto
63 as Exhibit A, is similarly ratified.
64

65 **Section 6.** This Resolution shall take effect immediately upon adoption.
66

67 **ADOPTED BY THE VILLAGE COUNCIL** of the Village of Estero, Florida this
68 4th day of September, 2019.
69

70 Attest:

VILLAGE OF ESTERO, FLORIDA

71
72
73 By: Kathy Hall
74 Kathy Hall, MMC Village Clerk
75

By: Bill Ribble
Bill Ribble, Mayor

76
77 Reviewed for legal sufficiency:

78
79
80 By: Burt Saunders
81 Burt Saunders, Esq., Village Attorney
82
83

84 Exhibit A: Declaration of a State of Local Emergency

EXHIBIT A
VILLAGE OF ESTERO, FLORIDA

**DECLARATION OF A STATE OF LOCAL
EMERGENCY AND PROVIDING FOR EMERGENCY
GOVERNMENTAL OPERATIONS RELATED TO
HURRICANE DORIAN; AND PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, the Village of Estero places the highest premium on safety of life and property in the Village during storm events; and

WHEREAS, Hurricane Dorian poses a serious potential threat to the residents and property of the Village of Estero; and

WHEREAS, Hurricane Dorian has the potential for causing extensive damage to public utilities, public buildings, public communication systems, public streets and roads, public drainage systems, commercial and residential buildings and areas; and

WHEREAS, the Governor of the State of Florida has promulgated Executive Orders Nos. 19-189 and 19-190, wherein he found that a State of Emergency exists within the state of Florida; and

WHEREAS, Chapter 252, Florida Statutes, authorizes municipalities to declare a state of local emergency and to waive procedures and formalities otherwise required of municipalities to take whatever prudent action is necessary to ensure the health, safety, and welfare of the Village in the event of a state of local emergency; and

WHEREAS, the Village of Estero relies on the Village Council and staff for leadership during storm events; and

WHEREAS, the Village Council previously adopted Ordinance No. 2018-08 authorizing the Mayor to declare a state of local emergency and delegate to the Village Manager the authority provided under Chapter 252 to respond to the emergency should a quorum of the Village Council be physically unable to meet.

NOW, THEREFORE, the Mayor of the Village of Estero, Florida hereby declares a State of Local Emergency.

Section 1. The Mayor of the Village of Estero, Florida, hereby declares a state of local emergency and desires the Village Manager to avail himself to all powers available to Village government provided in Chapter 252, Florida Statutes.

Section 2. As authorized by Ordinance No. 2018-08, the Village Manager is provided plenary authority on behalf of the Village Council of the Village of Estero to take all actions necessary for protection of persons and property authorized by law.

46 **Section 3.** As provided in Chapter 252 all normal formalities related to
47 procurement, incurring of obligations, and expenditure of public funds usually followed or
48 required by law are hereby waived.
49

50 **Section 4.** This Declaration is effective immediately but must be ratified by the
51 Village Council at their next available meeting.
52

53 **ADOPTED BY THE MAYOR** of the Village of Estero, Florida this 30th day of
54 ~~September~~ ^{K4} August, 2019.

55
56 Attest:

VILLAGE OF ESTERO, FLORIDA

57
58
59 By: Kathy Hall
60 Kathy Hall, MMC Village Clerk

By: Bill Ribble
Bill Ribble, Mayor

61
62
63 Reviewed for legal sufficiency:

64
65
66 By: Derek Rooney
67 Derek Rooney, Esq., Asst. Village Attorney