

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Authorize Chairman to sign resolution establishing a procedure for declaring a State of Local Emergency when the Board of County Commissioners cannot meet.

**WHY ACTION IS NECESSARY:** The Board will not convene in regular session again until July 27, which makes declaring a State of Local Emergency difficult and untimely under current procedures.

**WHAT ACTION ACCOMPLISHES:** Authorizes the Board Chairman, Vice Chairman or other Board Member present in the county to declare a State of Local Emergency should a natural or human caused event cause conditions posing a serious and immediate threat to lives and property of Lee County residents.

**2. DEPARTMENTAL CATEGORY:**  
**COMMISSION DISTRICT #:**

*C7B*

**3. MEETING DATE:**

*06-29-2004*

**4. AGENDA:**

**5. REQUIREMENT/PURPOSE:**  
*(Specify)*

**6. REQUESTOR OF INFORMATION:**

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

- STATUTE
- ORDINANCE
- ADMIN. CODE
- OTHER

- A. COMMISSIONER \_\_\_\_\_
- B. DEPARTMENT \_\_\_\_\_
- C. DIVISION Public Safety
- BY: John D. Wilson, Director

**7. BACKGROUND:** The current procedure for declaring a State of Local Emergency to address emergency conditions requires three or more members the Board of County Commissioners to meet either in a regular or emergency session. This procedure will be difficult to employ during the planned hiatus of regularly scheduled Board meetings during July. The schedules of individual Board members during this time may also make convening an emergency session of the Board problematic.

The attached resolution proposes a structured procedure to allow a Board member to declare a State of Local Emergency should conditions warrant it without having to convene a quorum of the Board to enact the enabling resolution. This procedure would be in effect until the Board meets again in August. Chapters 125 and 252, Florida Statutes provide the authority for the Board to enact such a resolution in the interest of protecting the public's health and safety from events causing harm to life and property.

Attachment: Resolution establishing procedure to declare a State of Local Emergency.

**8. MANAGEMENT RECOMMENDATIONS:** Staff recommends executing the resolution. It provides a timely process to address emergency conditions should they occur during a time when the Board will not be holding regularly scheduled meetings.

**9. RECOMMENDED APPROVAL:**

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
					OA	OM	Risk	GC	
<i>[Signature]</i>	<i>Cindy Logan 6/14/04</i>	<i>N/A</i>		<i>[Signature]</i>	<i>P.W. 6/15/04</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>	<i>[Signature]</i>

**10. COMMISSION ACTION:**

- \_\_\_\_\_ APPROVED
- \_\_\_\_\_ DENIED
- \_\_\_\_\_ DEFERRED
- \_\_\_\_\_ OTHER

Rec. by CoAtty  
Date: *6/14/04*  
Time: *4:30 PM*  
Forwarded To: \_\_\_\_\_

RECEIVED BY COUNTY ADMIN: *[Signature]*  
*6/15/04*  
*3:30 PM*  
COUNTY ADMIN FORWARDED TO: *[Signature]*  
*6/15/04*  
*3:30 PM*

*HS*

LEE COUNTY RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE BOARD OF COUNTY  
COMMISSIONERS OF LEE COUNTY, FLORIDA,  
RELATING TO AUTHORIZING THE BOARD CHAIRMAN,  
VICE CHAIRMAN OR OTHER BOARD MEMBER TO  
DECLARE A STATE OF LOCAL EMERGENCY.**

WHEREAS, Chapters 125 and 252, Florida Statutes, provide authority for political subdivisions to enact Emergency Resolutions when it is determined that immediate enactment is necessary in order to declare a State of Local Emergency due to natural or human caused conditions posing a serious and immediate threat to the lives and property of the residents of the County; and,

WHEREAS, the Board of County Commissioners of Lee County, Florida, may find it necessary to promulgate a Resolution declaring a State of Local Emergency in order to protect human and animal life and to avert the destruction of real and personal property that could result from these conditions; and,

WHEREAS, when such conditions occur, the public's health and safety may be endangered by these conditions; and,

WHEREAS, the Board of County Commissioners of Lee County, Florida, will not be meeting in regular session until July 27, 2004.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, that:

1. The Board of County Commissioners authorizes the Chairman or the Vice Chairman or any other Board Member present in the County to act on the Board's behalf up through July 26, 2004, to declare a State of Local Emergency should such action be necessary to protect and safeguard the safety, health and welfare of the citizens of Lee County from the effects of any natural or human caused condition that poses a serious and immediate threat to the public's health, safety and welfare.
  
2. If such a State of Local Emergency is declared, it shall be in effect for seven (7) consecutive days unless sooner rescinded by the Chairman, Vice Chairman or any other member of the Board of County Commissioners of Lee County, Florida.

DULY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, this \_\_\_\_ day of \_\_\_\_\_, 2004.

ATTEST: CHARLIE GREEN  
CLERK OF COURTS

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: \_\_\_\_\_  
Deputy Clerk

By: \_\_\_\_\_  
Chairman or Vice Chairman

APPROVED AS TO FORM:

By: \_\_\_\_\_  
Office of the County Attorney

\_\_\_\_:\_\_\_\_\_.M.  
(Time)