

WALK ON #2

ATY

Lee County Board of County Commissioners
Agenda Item Summary

Blue Sheet No. 20041086

1. **REQUESTED MOTION:**

ACTION REQUESTED: Approve second extension of Declaration of State of Local Emergency originally declared on August 11, 2004, and extended for an additional seven (7) days on August 17, 2004, relating to Hurricane Charley.

WHY ACTION IS NECESSARY: State of Local Emergencies are only effective for seven (7) days and must be extended in seven (7) day increments until rescinded.

WHAT ACTION ACCOMPLISHES: Allows the County to waive the procedures and formalities otherwise required, in order to take whatever actions are necessary to ensure the health, safety and welfare of the County.

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

3. **MEETING DATE:**

08-24-2004

4. **AGENDA:**

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

<input type="checkbox"/> CONSENT	<input checked="" type="checkbox"/> STATUTE	\$252,38(3) (2)(5), F.S.
<input type="checkbox"/> ADMINISTRATIVE	<input type="checkbox"/> ORDINANCE	
<input type="checkbox"/> APPEALS	<input type="checkbox"/> ADMIN. CODE	
<input type="checkbox"/> PUBLIC	<input type="checkbox"/> OTHER	
<input checked="" type="checkbox"/> WALK ON		
TIME REQUIRED:		

6. **REQUESTOR OF INFORMATION:**

A. COMMISSIONER

B. DEPARTMENT County Attorney

C. DIVISION General Services

BY: David M. Owen

Chief Assistant County Attorney

7. **BACKGROUND:**

On Friday, August 13, 2004, Hurricane Charley, a Category 4 hurricane, impacted Lee County causing major damage to public utilities, public communication systems, public streets and roads, public drainage systems, commercial and residential buildings and area. The extension of the State of Local Emergency continues to allow the County to take whatever action is necessary to ensure the health, safety and welfare of the community.

On Tuesday, August 17, 2004, the Board of County Commissioners extended Lee County Resolution No. 04-08-61 for an additional seven (7) days in order to address County needs as the result of Hurricane Charley.

8. **MANAGEMENT RECOMMENDATIONS:**

9. **RECOMMENDED APPROVAL:**

Approve a second seven (7) day extension to Lee County Resolution No. 04-08-61.

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
N/A	N/A	N/A	N/A	8/20/04	OA	OM	RISK	GC	
					8/20/04	8/20/04	8/20/04	8/20/04	

10. **COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

8/20/04
3:55pm

RECEIVED BY
COUNTY ADMIN:
8/20/04
320
COUNTY ADM
FORWARDED TO:
8/20/04
340

**LEE COUNTY, FLORIDA
EMERGENCY RESOLUTION NO. 04-08-78**

**EXTENDING DECLARATION OF STATE OF LOCAL
EMERGENCY ENACTED WEDNESDAY, AUGUST 11, 2004
AND EXTENDED AUGUST 17, 2004**

WHEREAS, the Board of County Commissioners declared a State of Local Emergency on Wednesday, August 11, 2004 in anticipation of approaching Hurricane Charley; and,

WHEREAS, the Board of County Commissioners extended the State of Local Emergency on Tuesday, August 17, 2004, at a regularly scheduled Board meeting; and,

WHEREAS, Hurricane Charley caused major damage to public utilities, public communication systems, public streets and roads, public drainage systems, commercial and residential buildings and areas; and,

WHEREAS, Section 252.38(3)(2)(5), Fla. Stat., provides authority for political subdivisions, such as Lee County to declare a State of Local Emergency and to waive the procedures and formalities otherwise required of political subdivisions in order to take whatever action is necessary to ensure the health, safety and welfare of the community.

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

1. Hurricane Charley impacted Lee County as a Category 4 hurricane on Friday, August 13, 2004, causing major damage to public utilities, public communication systems, public streets and roads, public drainage systems, commercial and residential buildings and areas.
2. The Board of County Commissioners hereby exercises its authority and waives

the procedures and formalities required by law for political subdivisions, as provided in Section 252.38(3)(2)(5), Fla. Stat..

3. The extension of the State of Local Emergency is limited to seven (7) days; however, it may be extended, as deemed necessary by the Board of County Commissioners for additional terms in seven (7) day increments.

DULY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA, this 24th day of August, 2004.

ATTEST: CHARLIE GREEN
CLERK OF COURTS

By: Michelle B. Cooper
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: [Signature]
~~Chairman or Vice Chairman~~

APPROVED AS TO FORM:

By: [Signature]
Office of the County Attorney

11:07 A.M.
(Time)



BOARD OF COUNTY COMMISSIONERS
WALK ON AGENDA ITEMS
MEETING DATE: August 24, 2004

WO # DESCRIPTION

WO #1 **ACTION REQUESTED:**
Confirm and accept for both filing and the Clerk's Minutes purposes, Lee County Resolution Nos. 04-08-61 and 04-08-62, relating to the Declaration of Local Emergency and Evacuation Order as adopted by the County on August 11, 2004 and August 12, 2004, respectively, relating to Hurricane Charley.
WHY ACTION IS NECESSARY:
Approval of the Emergency Resolutions at a Board meeting facilitates the filing of same with the minutes of the Board.
WHAT ACTION ACCOMPLISHES:
Provides both a Board meeting confirmation and scheduling document for the filing of Emergency Resolutions adopted by the Board. (#20041083-County Attorney)
REASON FOR WALK ON:
To expedite confirmation and filing of two Emergency Resolutions adopted last week without benefit of Board action at a regular meeting.

WO #2 **ACTION REQUESTED:**
Approve second extension of Declaration of State of Local Emergency originally declared on August 11, 2004, and extended for an additional seven (7) days on August 17, 2004, relating to Hurricane Charley.
WHY ACTION IS NECESSARY:
State of Local Emergencies are only effective for seven (7) days and must be extended in seven (7) day increments until rescinded.
WHAT ACTION ACCOMPLISHES:
Allows the County to waive the procedures and formalities otherwise required, in order to take whatever actions are necessary to ensure the health, safety and welfare of the County. (#20041086-County Attorney)
REASON FOR WALK ON:
To ensure compliance with regulatory requirements.

BOARD: ALBION COY JUDAH JANES ST. CERNY
COMMISSION RECEPTION DESK
DONALD STILWELL, COUNTY MANAGER
WILLIAM HAMMOND, DEPUTY COUNTY MANAGER
HOLLY SCHWARTZ, ASSISTANT COUNTY MANAGER

ANTONIO MAJUL, BUDGET SERVICES
BOB GRAY, DEPUTY CO ATTORNEY
JAMES LAVENDER, PUBLIC WORKS
PUBLIC RESOURCES OFFICE
LISA PIERCE, MINUTES

DATE AND TIME DISTRIBUTED: 08-20-04 4:45 PM

Distributed by: Kathy Geren
Division of Public Resources
Phone: 335-2215

**MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY**

DATE: August 20, 2004

TO: Elizabeth Walker, Director

Public Resources

and

Kathy Geren

Public Resources

FROM:



David M. Owen
Chief Assistant County Attorney

**RE: WALK-ON BLUESHEETS NOS. 20041086, 20041087 AND 20041088
FOR MEETING OF AUGUST 24, 2004**

Ladies;

The above bluesheets need to be "walked on" next Tuesday in order to ensure compliance with regulatory requirements concerning the extension of the Declared State of Local Emergency, the rescission of the County's Evacuation Order and the entering into an Agreement with a Federal agency.

As part of the Board's continuing legislative actions concerning Hurricane Charley, and the daily changing of circumstances surrounding the storm, these actions need to be taken as expeditiously as possible in order to keep the Board's business in order with respect to actions taken pursuant to Hurricane Charley.

Thanks.

DMO/dm

xc: Robert W. Gray, Deputy County Attorney
Donald D. Stilwell, County Manager
Pete Winton, Assistant to the County Manager
Lisa Pierce, Supervisor, Minutes Department

**LEE COUNTY, FLORIDA
EMERGENCY RESOLUTION NO. 04-08-61
DECLARING A STATE OF LOCAL EMERGENCY**

WHEREAS, the National Hurricane Center has identified a potential danger to coastal residents of Florida from Tropical Storm/Hurricane Charley, by posting a HURRICANE watch from **August 11, 2004 to August 13, 2004** ; and

WHEREAS, Lee County requires an extensive period of time to evacuate threatened residents from the hazards of a hurricane; and

WHEREAS, the current error of the National Hurricane Center's meteorological forecast does not allow for an accurate prediction of where the track of **Tropical Storm/Hurricane Charley** will be at that point in time coinciding with Lee County's estimated evacuation times; and

WHEREAS, **Tropical Storm/Hurricane Charley** has the potential for causing life threatening conditions and 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, §252.38 (3)(2)(5), Florida Statutes, provides authority for political subdivisions, such as Lee County, to declare a State of Local Emergency and to waive the procedures and formalities otherwise required of political subdivisions in order to take whatever action is necessary to ensure the health, safety, and welfare of the community; and

WHEREAS, Lee County Ordinance Number 87-01, states that when a quorum of the board of County Commissioners is unable to meet, the Chairperson of the Board of County Commissioners, or the Vice-Chairperson in his/her absence, or the County Administrator or his/her designee in the absence of the Chairperson, or Vice-Chairperson is authorized to declare a State of Local Emergency.

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

1. That Tropical Storm/Hurricane Charley poses a serious threat to the lives and property of the residents of Lee County and that a State of Local Emergency shall be declared, effective immediately for all unincorporated and incorporated areas within the boundary of Lee County, Florida.
2. That the Board of County Commissioners hereby exercises its authority and waives the procedures and formalities required by law for political subdivision, as provided in §252.38 (3)(2)(5), Florida Statutes.
3. The duration of this State of Local Emergency is limited to seven (7) days; however, it may be extended, as deemed necessary by the Board of County Commissioners for additional terms in seven (7) day increments.

DULY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF
LEE COUNTY, FLORIDA, this 11th day of August, 2004.



BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____

Chairman

APPROVED AS TO FORM:

By: _____

Office of the County Attorney

ATTEST:

CHARLIE GREEN, CLERK

By: Michelle B. Cooper
Deputy Clerk

3 : 35 P. .M.
(Time)