

WALK ON #4

ATY

Lee County Board of County Commissioners
Agenda Item Summary

Blue Sheet No. 20041158

1. **REQUESTED MOTION:**

ACTION REQUESTED: Approve fourth 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, August 24, 2004 and August 31, 2004, relating to Hurricane Charley. This extension will be in effect from September 7, 2004 until September 14, 2004.

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of Local Emergencies are only effective for seven (7) days and must be extended in seven (7) day increments until rescinded.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

09-07-2004

4. **AGENDA:**

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

6. **REQUESTOR OF INFORMATION:**

CONSENT

X STATUTE §252.38(3)
(2)(5), F.S.

A. COMMISSIONER

ADMINISTRATIVE

ORDINANCE

B. DEPARTMENT County Attorney

APPEALS

ADMIN. CODE

C. DIVISION General Services

PUBLIC

OTHER

BY: Andrea R. Fraser

X WALK ON

Assistant County Attorney

TIME REQUIRED:

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 August 17, 2004, August 24, 2004, and August 31, 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. This fourth extension will be in effect from September 7, 2004 until September 14, 2004.

8. **MANAGEMENT RECOMMENDATIONS:**

9. **RECOMMENDED APPROVAL:**

Approve a fourth 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	Fraser	OA	OM	RISK	GC	
					9/3/04	9/3/04	9/3/04	9/3/04	1/3/04

10. **COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

CO. ATTY
FORWARDED
TO CO. ADMIN.
9/3/04

RECEIVED BY
COUNTY ADMIN:
9/3/04
3:15 pm SL
COUNTY ADMIN
FORWARDED TO: PR
9/3/04

**BOARD OF COUNTY COMMISSIONERS
WALK ON AGENDA ITEMS
MEETING DATE: September 7, 2004**

WO # DESCRIPTION

WO #1 **ACTION REQUESTED:**
Authorize Chairman to execute Modification #1 to Pre-Disaster Mitigation Agreement with the Department of Community Affairs to extend the agreement to September 3, 2004.
WHY ACTION IS NECESSARY:
Commission Chairman's signature is required to execute the Contract.
WHAT ACTION ACCOMPLISHES:
The Department of Community Affairs has requested this extension. (#20041145-Emergency Management)
REASON FOR WALK ON:
To meet signatory requirements due to the time restraint.

WO #2 **ACTION REQUESTED:**
Adopt an Emergency Ordinance relating to the removal of hurricane debris from public and private property by federal agencies during declared emergencies, to include the removal of damaged residences declared unsafe for habitation.
WHY ACTION IS NECESSARY:
Federal disaster recovery agencies need local approval and authorization to assist in hurricane recovery by utilizing federal resources for the removal of debris from public and private property.
WHAT ACTION ACCOMPLISHES:
Provides authorization to federal agencies to assist with the removal of hurricane debris, to include damaged residences declared unsafe for habitation. (#20041154-County Attorney)
REASON FOR WALK ON:
To provide the U.S. Government with authorization to assist in hurricane debris removal and emergency housing.

WO #3 **ACTION REQUESTED:**
Execute United States Department of Agriculture, Natural Resources Conservation Service (NRCS) Project Agreement No. 65-4209-4-1630 for emergency watershed protection measures to relieve hazards and damages created by Hurricane Charley. NRCS will provide a not to exceed amount of \$342,500 for debris removal and disposal from canals and waterways in Lee County. Approve budget amendment in the amount of \$342,500 for NRCS – Hurricane Charley. Project No. 0767 and approve transfer from General Fund Reserves in the amount of \$114,167 for Lee County contribution.
WHY ACTION IS NECESSARY:
Board approval required for all agreements and transfers from reserves.
WHAT ACTION ACCOMPLISHES:
Provides funding for contract operations to removal debris from canals and waterways in Lee County resulting from Hurricane Charley. (#20042256-Natural Resources)
REASON FOR WALK ON:
Funds will provide for emergency and necessary clean-up to the canals and waterways heavily impacted by Hurricane Charley.

WO #4 **ACTION REQUESTED:**
Approve fourth 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, August 24, 2004 and August 31, 2004, relating to Hurricane Charley. This extension will be in effect from September 7, 2004 until September 14, 2004.
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. (#20041158-County Attorney)
REASON FOR WALK ON:
Actions must be taken as expeditiously as possible as part of the Board's on-going legislative actions concerning Hurricane Charley, and now, Hurricane Frances.

**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: 09-07-04 8:00 AM

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

**MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY**

DATE: September 3, 2004

TO: Elizabeth Walker, Director

Public Works

and

Kathy Geren

Public Resources

FROM:



David M. Owen

Chief Assistant County Attorney

**RE: WALK-ON BLUESHEET NOS. 20041158 AND 20041159 FOR
MEETING OF SEPTEMBER 7, 2004**

Ladies;

The above bluesheets need to be "walked on" next Tuesday in order to approve the fourth extension of the Declaration of State of Local Emergency, originally declared on August 11, 2004, relating to Hurricane Charley (No. 20041158), and to confirm and accept for both filing and the Clerk's Minutes cataloging purposes, Lee County Emergency Resolution Nos. 04-09-01 and 04-09-02 adopted by the Board on September 3, 2004 and September 2, 2004, respectively (No. 20041159).

As with the numerous walk-on bluesheets we have had in recent weeks, the above referenced actions must be taken as expeditiously as possible as part of the Board's on-going legislative actions concerning Hurricane Charley, and now, Hurricane Frances.

As always, thanks for your assistance.

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. 04-09-08**

**EXTENDING DECLARATION OF STATE OF LOCAL
EMERGENCY ENACTED WEDNESDAY, AUGUST 11, 2004
AND EXTENDED AUGUST 17, 2004, AUGUST 24, 2004,
AND AUGUST 31, 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, August 24, 2004, and August 31, 2004, at regularly scheduled Board meetings; 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.

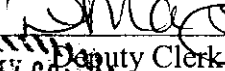
NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA that:

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.
4. The extension of the State of Local Emergency will be in effect from Tuesday, September 7, 2004 to Tuesday, September 14, 2004.

DULY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA, this 7th day of September, 2004.

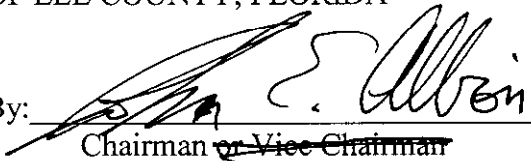
ATTEST: CHARLIE GREEN
CLERK OF COURTS

By: 
Deputy Clerk



10:10 A.M.
(Time)

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: 
Chairman ~~or Vice Chairman~~

APPROVED AS TO FORM:

By: 
Office of the County Attorney