

**Lee County Board of County Commissioners  
Agenda Item Summary**

Blue Sheet No. 20041309

**1. REQUESTED MOTION:**

**ACTION REQUESTED:** Confirm and accept for both filing and the Clerk's Minutes purposes, Lee County Resolution Nos. 04-09-19 and 04-09-20, relating to the Declaration of Local Emergency and Suspension of Tolls on the County's Tolled Bridges as adopted by the County on September 10, 2004, relating to Hurricane Ivan.

**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.

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

*C12A*

**3. MEETING DATE:**

*10-26-2004*

**4. AGENDA:**

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

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

- STATUTE §252.38, F.S.
- ORDINANCE 87-01
- ADMIN. CODE
- OTHER State Exec. Order No. 04-206

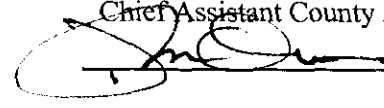
**6. REQUESTOR OF INFORMATION:**

A. COMMISSIONER

B. DEPARTMENT County Attorney

C. DIVISION General Services

BY: David M. Owen  
Chief Assistant County Attorney



**7. BACKGROUND:**

On September 10, 2004, the County enacted two (2) Emergency Resolutions pursuant to County Ordinance and general law as the result of the potential landfall strike from Hurricane Ivan. The Resolutions were enacted without action at a Board meeting and now need after-the-fact confirmation by the Board in order to properly file same in the County's Minutes of its Emergency Legislative actions relating to Hurricane Ivan.

**8. MANAGEMENT RECOMMENDATIONS:**

**9. RECOMMENDED APPROVAL:**

Confirm Lee County Resolution Nos. 04-09-19 and 04-09-20 and file in the County's Minutes.

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	<i>10/7/04</i>	OA	OM	RISK	GC	<i>10-7-04</i>
					<i>10/7</i>	<i>10/7</i>	<i>10/7</i>	<i>10/7</i>	

**10. COMMISSION ACTION:**

- APPROVED
- DENIED
- DEFERRED
- OTHER

RECEIVED BY  
COUNTY ADMIN:  
*10-7-04*  
*2:00*  
COUNTY ADMIN  
FORWARDED TO:  
*10/7/04*  
*cpm*

CO. ATTY  
FORWARDED  
TO CO. ADMIN.  
*11:20 AM*

*RK*

*DDS*

**LEE COUNTY, FLORIDA**  
**EMERGENCY RESOLUTION NO. 04-09-19**  
**DECLARING A STATE OF LOCAL EMERGENCY**

**WHEREAS**, the National Hurricane Center has identified a potential danger to coastal residents of Florida from Hurricane Ivan, in anticipation of a Hurricane Watch being posted over the weekend of September 11 through September 12, 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 Hurricane Ivan will be at that point in time coinciding with Lee County's estimated evacuation times; and

**WHEREAS**, Hurricane Ivan 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 Hurricane Ivan 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 10 day of September, 2004.



CHARLIE GREEN, CLERK  
By: [Signature]  
Deputy Clerk

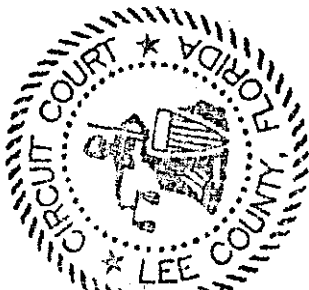
2:46 P.M.  
(Time)

BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: [Signature]  
Chairman

APPROVED AS TO FORM:

By: [Signature]  
Office of the County Attorney  
County of Lee



I Charlie Green, Clerk of the Circuit Court for Lee County, Florida, do hereby certify this document to be a true and correct copy of the original document filed in the Minutes Department.

Given under my hand and official seal at Fort Myers, Florida, this 10<sup>th</sup> day of September, A.D. 2004

CHARLIE GREEN, CLERK  
By: [Signature]  
Deputy Clerk

**LEE COUNTY, FLORIDA  
EMERGENCY RESOLUTION NO. 04-09-20**

**SUSPENDING ALL COLLECTION OF TOLLS FOR THE  
CAPE CORAL, MIDPOINT MEMORIAL & SANIBEL TOLL FACILITIES**

WHEREAS, the Board of County Commissioners has declared a State of Local Emergency because of the serious health and safety threat to the lives and property of residents of Lee County, Florida from Hurricane Ivan; and,

WHEREAS, the suspension of the collection of tolls furthers the orderly exit of those voluntarily evacuating the Barrier Islands and other areas that may be impacted by Hurricane Ivan; and,

WHEREAS, Lee County Ordinance No. 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, that:

It is ordered that the collection of tolls at the Tolls Facilities of Cape Coral, Midpoint Memorial and Sanibel are suspended upon notification by the County Administrator to the Public Works Director or his designee.

Done this 10<sup>th</sup> day of September, 2004.



BOARD OF COUNTY COMMISSIONERS  
OF LEE COUNTY, FLORIDA

By: *Ronald D. Huel*  
County Administrator

ATTEST:  
CHARLIE GREEN, CLERK

By: *Joia Pierce*  
Deputy Clerk

2 : 48 P.M.  
(Time)

APPROVED AS TO FORM:

By: *Walter R. Jones*  
Office of the County Attorney