

WALK ON

Lee County Board Of County Commissioners
Agenda Item Summary

Blue Sheet No. 20060456

1. ACTION REQUESTED/PURPOSE: Confirm and accept for both filing and the Clerk's Minutes purposes, Lee County Resolution Number 06-04-12 relating to the Declaration of Local Emergency Order as adopted by Lee County on Monday, April 10, 2006, relating to the proposed march.

2. WHAT ACTION ACCOMPLISHES: Provides both a Board meeting confirmation and scheduling document for the filing of Emergency Resolutions adopted by the Board.

3. MANAGEMENT RECOMMENDATION: Recommend approval of the Emergency Resolution at a Board meeting facilitating the filing of same with the Minutes Department of the Board.

4. Departmental Category:

WO # 4

5. Meeting Date:

04-11-2006

6. Agenda:

- Consent
- Administrative
- Appeals
- Public
- Walk-On

7. Requirement/Purpose: (specify)

- Statute 252.38, F.S.
- Ordinance 87-01
- Admin. Code
- Other

8. Request Initiated:

Commissioner

Department County Attorney's Office

Division General Services

By: Andrea R. Fraser, Chief Assistant County Attorney

9. Background:

On April 10, 2006, the County enacted Emergency Resolution No. 06-04-12 Declaring a State of Local Emergency as the result of the proposed march in East Fort Myers, Florida. The Resolution was enacted without action at a Board meeting pursuant to Lee County Ordinance No. 87-01 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.

10. Review for Scheduling:

Department Director	Purchasing or Contracts	Human Resources	Other	County Attorney	Budget Services				County Manager/P.W. Director
					Analyst	Risk	Grants	Mgr.	
				<i>Andrea Fraser</i>					

11. Commission Action:

- Approved
- Deferred
- Denied
- Other

LEE COUNTY, FLORIDA
EMERGENCY RESOLUTION NO. - 06-04-12
DECLARING A STATE OF LOCAL EMERGENCY
(As per Ordinance 87-01)

WHEREAS, the Lee County Emergency Operations Center has recognized a danger to residents of East Lee County as the result of a proposed march; and

WHEREAS, the emergency situation has the potential for causing life threatening conditions or damage to persons or public or private property; and

WHEREAS, §252.38 (3) (a) (5), Florida Statutes, provides authority for a political subdivision to declare a State of Local Emergency in order to take whatever action is necessary to ensure the health, safety, and welfare of the community; 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 or her absence, or the County Manager or his designee in the absence of the Chairperson and Vice Chairperson is authorized to declare a State of Local Emergency.

WHEREAS, based upon the above, Lee County is hereby declaring a State of Local Emergency to exist.

NOW THEREFORE, IT IS RESOLVED ON THIS 10th day of April, 2006, that the proposed march in East Fort Myers, Florida on Monday, April 10, 2006, 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 those areas in unincorporated and incorporated portions within the local boundaries of Lee County, Florida, that are effected by the march.

BE IT FURTHER RESOLVED that the Board of County Commissioners hereby exercises its authority and waives all procedures and formalities required by law of a political subdivision, as provided in §252.38 (3) (a) (5), Florida Statutes.

ATTEST: CHARLIE GREEN
CLERK OF COURTS

BY:

Michele S. Cooper

Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

BY:

Robert P. Janes

Robert P. Janes, Vice-Chairman

APPROVED AS TO FORM:

BY:

Audrea B. Jasser

Office of the County Attorney

9 : 00 A .M.
(Time)

MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY

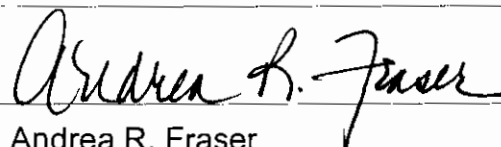
VIA HAND DELIVERY THIS DATE

DATE: April 11, 2006

TO: Shirley Carney

Lee Cares

FROM:



Andrea R. Fraser
Chief Assistant County Attorney

RE: Walk-On Blue Sheet No. 20060456

Please change the Walk-On Blue Sheet No. 20060456 to read as follows:

1. ACTION REQUESTED/PURPOSE: Confirm and accept for both filing and the Clerk's Minutes purposes, Lee County Resolution Number 06-04-12 relating to the Declaration of Local Emergency Order as adopted by Lee County on Monday, April 10, 2006, relating to the proposed march, and authorize repeal of State of Local Emergency Resolution as adopted at the regularly scheduled Board meeting of April 11, 2006.

2. WHAT ACTION ACCOMPLISHES: Provides both a Board meeting confirmation and scheduling document for the filing of Emergency Resolutions adopted by the Board, and authorizes repeal of State of Local Emergency Resolution.

3. MANAGEMENT RECOMMENDATION: Recommend approval of the Emergency Resolution at a Board meeting facilitating the filing of same with the Minutes Department of the Board, and recommend approval of repealing Resolution.

Thank you for your prompt attention to this matter.

ARF/awe

xc: David M. Owen, County Attorney
Lisa Pierce, Supervisor, Minutes Department
Kim Kirton, Public Resources

**LEE COUNTY, FLORIDA
EMERGENCY RESOLUTION NO. ____
REPEALING A STATE OF LOCAL EMERGENCY**

WHEREAS, the proposed march no longer pose a serious threat or danger to the lives and property of the residents of Lee County, Florida.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, that Resolution Number 06-04-12 Declaring a State of Local Emergency to Exist in Lee County, Florida during the Emergency resulting from the Proposed march of April 10, 2006, is hereby repealed effective this 11th day of April, 2006.

Commissioner _____ offered the foregoing Resolution and moved its adoption, which was seconded by Commissioner _____ and, upon being put to a vote, the vote was as follows:

Robert P. Janes	_____
Douglas R. St. Cerny	_____
Ray Judah	_____
Tammara Hall	_____
John E. Albion	_____

DULY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, this 11th day of April, 2006 at ____:____.M.

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____

ATTEST:
CHARLIE GREEN, CLERK

APPROVED AS TO FORM:

By: _____
Deputy Clerk

By: _____
Office of the County Attorney