

HIGHLANDS COUNTY BOARD OF COUNTY COMMISSIONERS

Friday, August 02, 2024

4:00 PM

600 S. Commerce Ave. Sebring, FL 33870

AGENDA

1 MEETING CALLED TO ORDER

2 INVOCATION:

3 PLEDGE OF ALLEGIANCE:

4 ACTION AGENDA:

- 4.A *Request approval of Resolution 23-24-170 declaring a state of local emergency.*
Corey Admundsen, Emergency Management Manager
No fiscal impact.

[Resolution 23-24-170.STATE OF EMERGENCY.Invest 97L.SGS.pdf](#)

RESOLUTION NO. 23-24-170

A RESOLUTION OF HIGHLANDS COUNTY, FLORIDA, PERTAINING TO THE LOCAL STATE OF EMERGENCY STEMMING FROM INVEST 97L; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR THE DECLARATION OF A LOCAL STATE OF EMERGENCY; PROVIDING FOR THE ESTABLISHMENT AND ENFORCEMENT OF CURFEW; PROVIDING FOR DISASTER ESSENTIAL EMPLOYEE DESIGNATIONS AND OVERTIME PAY; PROVIDING FOR THE DURATION OF THE LOCAL STATE OF EMERGENCY; PROVIDING FOR THE IMPLEMENTATION OF ADMINISTRATIVE ACTIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SCRIVENER'S ERRORS, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the National Hurricane Center is tracking what has been identified as Invest 97L; and

WHEREAS, Invest 97L is a well-defined tropical wave currently approaching eastern Cuba and is projected to form a tropical depression over the weekend as it moves toward Florida's peninsula; and

WHEREAS, while there is still much uncertainty related to the system's potential and eventual tract, heavy rainfall and localized flooding and possible isolated tornadic activity remain the primary and immanent threats; and

WHEREAS, Florida Statutes, Section 252.38, declares it the innate responsibility of local government to safeguard the life and property of its citizens; and

WHEREAS, Florida Statutes, Section 252.38(3)(a)(5), provides authority for political subdivisions 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, Section 252.34, Florida Statutes defines "emergency" as any occurrence, or threat thereof, whether natural, technological, or manmade, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property; and

WHEREAS, the County has determined that it is in the best interest of its employees, citizens and visitors to extend the local state of emergency and further revise the parameters related to the same.

NOW, THEREFORE, BE IT RESOLVED BY HIGHLANDS COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. Legislative Findings and Intent. Highlands County has complied with all requirements and procedures of Florida law in processing this Resolution. The above recitals are hereby adopted.

SECTION 2. Declaring a Local State of Emergency. The state of emergency stemming from Invest 97L. To the extent necessary under the circumstances and as the status of Invest 97L changes, certain procedures and formalities otherwise required of the County may be waived, as collectively determined by the Chairman of the Board of County Commissioners, the County Administrator and the County Attorney, to ensure that the County can continue providing day to day operations with as little disruption as possible. The procedures and formalities which may be waived are set forth in Florida Statutes, Section 252.38(3)(a)(5), and include but are not limited to:

- a. Performance of public work and taking whatever prudent action is necessary to ensure the health, safety and welfare of the public;
- b. entering into contracts;
- c. incurring obligations;
- d. employment of permanent and temporary workers;
- e. utilization of volunteer workers;
- f. rental of equipment;
- g. acquisition and distribution, with or without compensation, of supplies, materials and facilities;
- h. appropriation of expenditure of public funds;
- i. temporary modifications to working environment and procedures.

SECTION 3. Establishment and Enforcement of Curfew. The Highlands County Sheriff is hereby authorized to establish and enforce a curfew within the unincorporated areas of Highlands County, Florida, during the state of local emergency declared by this Resolution and is further authorized to modify and terminate that curfew to the extent necessary under the circumstances and as the status of Invest 97L changes.

SECTION 4. Disaster Essential Employee Designations and Overtime Pay. For the duration of the state of emergency, as declared hereby, there shall not be a suspension of the day to day operations of the County; thus, certain employees will need to be designated as disaster essential. The County Administrator shall work with each department to determine disaster essential positions. The County Administrator shall have the authority to reject a position as disaster essential or to reject the payment of unverified overtime hours pursuant to Highlands County Personnel Manual, Policy 704.

SECTION 5. Duration of Local State of Emergency. This declared state of local emergency shall remain in full force and effect from the date of adoption of this Resolution, and shall automatically expire seven (7) days after adoption but may be extended by a majority vote of

the County, as necessary, in seven (7) day increments for a total duration of not more than forty-two (42) days.

SECTION 6. Implementation of Administrative Actions. The County Administrator is hereby authorized and directed to take such action as may be deemed necessary and appropriate in order to implement the provisions of this Resolution. The County Administrator may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such County employees as deemed effectual and prudent.

SECTION 7. Savings Clause. All prior actions of Highlands County pertaining to the state of local emergency related to Invest 97L, as well as any and all matters relating thereto, are hereby ratified and affirmed consistent with the provisions of this Resolution.

SECTION 8. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this Resolution, as determined by the County Administrator and City Attorney, may be corrected.

SECTION 9. Conflicts. All Resolutions or parts of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 10. Severability. If any Section or portion of a Section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Resolution.

SECTION 11. Effective Date. This Resolution shall become effective immediately upon adoption.

DONE AND ADOPTED, this 2nd day of August 2024.

**BOARD OF COUNTY COMMISSIONERS
OF HIGHLANDS COUNTY, FLORIDA**

(SEAL)

By: _____
Kevin Roberts, Chairman

ATTEST:

Jerome Kaszubowski, Clerk