

HIGHLANDS COUNTY BOARD OF COUNTY COMMISSIONERS
Tuesday, November 08, 2022
9:00 AM
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 to declare a state of local emergency.*
Highlands County Fire Rescue Chief Laney Stearns and Deputy Chief Mark Ellis
[Resolution 22-23-26 Subtropical Storm Nicole.docx](#)

5 ADJOURN:

Any person who decides to appeal any decision made by this Board of County Commissioners of Highlands County, Florida, in public hearing or meeting is hereby advised that he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which such appeal is to be based.

The Board of County Commissioners of Highlands County, Florida, does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of the Board's functions, including one's access to, participation, employment or treatment in its programs or activities. "Anyone requiring reasonable accommodation as provided for in the Americans With Disabilities Act or Section 286.26 Florida Statutes should contact Human Resources, ADA Coordinator at: 863-402-6509 (voice), or via Florida Relay Service 711, or by e-mail: hrmanager@highlandsfl.gov." Requests for CART or interpreter services should be made as soon as possible but no later than 48 hours in advance to permit coordination of the service.

Please note our new website address: www.highlandsfl.gov/

Any invocation that may be offered before the official start of the Commission meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Commission, and the Commission is not allowed by law to endorse the religious beliefs or views of this, or any other speaker.

**HIGHLANDS COUNTY
COUNTY COMMISSION AGENDA ITEM**

DATE OF ACTION REQUEST: November 8, 2022

PRESENTER: Highlands County Fire Rescue Chief Laney Stearns and Deputy Chief Mark Ellis

SUBJECT/TITLE: Request approval to declare a state of local emergency.

STATEMENT OF ISSUE

The approval of a Resolution declaring a state of local emergency will authorize taking any other action necessary to carry out the services and responsibilities of the County associated with the declared State of Emergency, including the opening of and emergency transportation to shelters, and provision of supplies, equipment and other resources.

RECOMMENDED ACTION

Move approval to declare a state of local emergency

Attachments: [Resolution 22-23-26 Subtropical Storm Nicole.docx](#)

RESOLUTION NO. 22-23-26

A RESOLUTION OF HIGHLANDS COUNTY, FLORIDA, PERTAINING TO THE LOCAL STATE OF EMERGENCY STEMMING FROM THE SUBTROPICAL STORM NICOLE; 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, on November 6, 2022, the National Hurricane Center reported that Invest 98L has strengthened into Subtropical Storm Nicole; and

WHEREAS, the National Hurricane Center predicts that Subtropical Storm Nicole will approach Florida's east coast at or near Category 1 Hurricane strength and could make landfall on Florida by late Wednesday, November 9, 2022; and

WHEREAS, there is a risk of dangerous storm surge, heavy rainfall, flash flooding, strong winds, hazardous seas, and the potential for isolated tornadic activity for much of Florida's east coast; and

WHEREAS, the threat posed by Subtropical Storm Nicole requires that timely precautions are taken to protect the communities, critical infrastructure and general welfare of Florida; and

WHEREAS, on November 7, 2022, Governor DeSantis issued Executive Order Number 22-253, declaring a state of emergency including Highlands County; 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 Subtropical Storm Nicole which poses a threat to much of the State of Florida, as declared by Governor DeSantis, includes Highlands County, Florida. To the extent necessary under the circumstances and as the status of Subtropical Storm Nicole changes, certain procedures and formalities otherwise required of the County may be waived, as collectively determined by the Chair 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 Subtropical Storm Nicole 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 Subtropical Storm Nicole, 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 ____ day of November 2022.

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

By: _____
Kathleen G. Rapp, Chairperson

(SEAL)

ATTEST:

Jerome Kaszubowski, Clerk