

RESOLUTION NO. 2022-26

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH DAYTONA, FLORIDA, DECLARING A STATE OF LOCAL EMERGENCY IN RESPONSE TO HURRICANE NICOLE; MAKING FINDINGS; AND PROVIDING FOR PENALTIES, CONFLICTS, SEVERABILITY, AN EFFECTIVE DATE, AND A TERMINATION DATE.

WHEREAS, Section 252.38(3), Florida Statutes, authorizes the City of South Daytona to declare a state of local emergency and to waive the procedures and formalities otherwise required of political subdivisions by law; and

WHEREAS, a state of local emergency Resolution is allowed for seven (7) days with appropriate extensions pursuant to law; and

WHEREAS, on November 7, 2022, the Honorable Ron DeSantis, Governor of the State of Florida, declared a state of emergency in Florida due to Hurricane Nicole; and

WHEREAS, Hurricane Nicole poses a severe threat to the City of South Daytona; and

WHEREAS, the Governor's declaration of emergency includes Volusia County along with other counties of the state and for that purpose the State has activated its Division of Emergency Management to execute the State's Comprehensive Emergency Management Plan to cope with the emergency; and

WHEREAS, there is the potential for damage to public buildings, public communications systems, public streets and roads, public drainage systems, and to commercial and residential buildings city-wide; and

WHEREAS, the City of South Daytona should take timely precautions to protect public and private property and members of the public from the potential effects of Hurricane Nicole; and

WHEREAS, it is the recommendation of the City Manager that a state of local emergency be declared for the City of South Daytona and that this Resolution declaring a state of local emergency be adopted.

THEREFORE, under the powers vested in it pursuant to Chapter 252, Florida Statutes, the City of South Daytona does hereby proclaim the existence of a state of local emergency in the City of South Daytona, Florida, as identified above.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOUTH DAYTONA AS FOLLOWS:

SECTION 1. State of Local Emergency – F.S. Chapter 252.

1. The City Council of the City of South Daytona, Florida, in accordance with the powers vested in it pursuant to Chapter 252, Florida Statutes, does hereby proclaim the existence of a state of local emergency in the City of South Daytona, Florida, as identified above.
2. The City Manager is authorized to take all actions necessary and appropriate to protect human life and property, including the promulgation of rules and orders as may be necessary subject to the limitations of Section 252.33, Florida Statutes. This Resolution further authorizes the City Manager to utilize all lawful authority granted to the City of South Daytona by Federal, State, County, or City Emergency Management Laws, Rules, Regulations, Orders and, including, but not limited to, Section 252.46 and Section 252.38(3)(a)(1) through Section 252.38(3)(a)(5), Florida Statutes, inclusive.
3. All existing laws, ordinances, and rules inconsistent with the provisions of Sections 252.31 to Section 252.905, Florida Statutes, inclusive, or inconsistent with any rule or order specifically promulgated under this Resolution shall be suspended during this period of time and to the extent that such conflict exists.
4. The City Manager may suspend, toll or extend the time requirements, notice requirements and deadlines for final action on applications for permits, licenses, rates and other approvals under the City of South Daytona Code of Ordinances, to the extent necessary to accommodate the emergency.
5. Pursuant to Section 252.38(3)(a)(5), Florida Statutes, the City hereby exercises its authority and waives the procedures and formalities otherwise required of a political subdivision by law, pertaining to:
 - Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
 - Entering into contracts;
 - Incurring obligations;
 - Employment of permanent and temporary workers;
 - Utilization of volunteer workers;
 - Rental of equipment;
 - Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and
 - Appropriation and expenditure of public funds.
6. The City Manager shall follow FEMA guidelines in procuring services, materials, labor and equipment necessary to respond to the emergency, including recovery efforts. The City Manager shall abide by the “Uniform Administrative Requirements, Cost Principles, and Audit Requirements” for federal awards, codified at 2 C.F.R. §§200.317 through 200.326. All provisions of the Comprehensive Emergency Management Plan (CEMP) relating to this type of event shall be implemented.

SECTION 2. Penalties for Violations.

Any person violating any rule or order issued pursuant to this Proclamation or any person who willfully fails or refuses to comply with the order or orders of any duly authorized law enforcement officer or personnel charged with the responsibility for the enforcement of such orders shall, upon conviction therefor, be punished as provided by Section 252.50, Florida Statutes, and by such other laws as may be applicable to the offense.

SECTION 3. Conflicts.

Any and all Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

SECTION 4. Severability.

If any provision or portion of this Resolution or the application is held invalid, the invalidity shall not affect other provisions, portions or applications of the Resolution, which can be given effect without the invalid provision, portion or application, and to this end the provisions, portions, or applications of this Resolution are declared severable.

SECTION 6. Effective Date and Termination Date.

This Resolution shall take effect immediately upon its adoption by the City Council and shall terminate automatically seven (7) days from this date unless terminated earlier or extended by a document of equal dignity herewith.

THIS RESOLUTION IS APPROVED ON ITS FIRST AND ONLY READING this 8th day of November 2022
by the City Council of the City of South Daytona, Florida, and shall become effective upon its adoption.

CITY OF SOUTH DAYTONA, FLORIDA

William C. Hall, Mayor

ATTEST: _____
James L. Gillis Jr, City Manager

APPROVED AS TO FORM AND LEGALITY:

Wade C. Vose, City Attorney