



CITY OF ANNA MARIA

P.O. Box 779, 10005 Gulf Drive, Anna Maria, FL 34216 Phone (941) 708-6130 Fax (941) 708-6134

AGENDA

SEPTEMBER 6, 2017 AT 1:30 P.M. CITY COMMISSION EMERGENCY MEETING

Pledge of Conduct: We may disagree, but we will be respectful of one another. We will direct all comments to the issues. We will avoid personal attacks.

CALL TO ORDER

PLEDGE TO THE FLAG


ROLL CALL

EMERGENCY MEETING

General Public Comment regarding non-agenda items and items not scheduled for future agendas will be taken at the beginning of the meeting with a limitation of three minutes. The Commission's intent is that General Public comment is to be used for the public to inform the Commission of new issues within the City. Public Comment regarding agenda items will be taken with each agenda item with a limitation of three minutes.

1. Hurricane Irma Preparation Discussion - Mayor
2. State of Local Emergency Declaration Resolution R17-730 - Vose

Adjournment

 (FSS 286.26) IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND FLORIDA STATE STATUTES, PERSONS WITH DISABILITIES NEEDING SPECIAL ASSISTANCE TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE CITY CLERK FOR ASSISTANCE AT LEAST THREE BUSINESS DAYS PRIOR TO THE MEETING (941) 708-6130. SHOULD ANY INTERESTED PARTY SEEK TO APPEAL ANY DECISION MADE WITH RESPECT TO ANY MATTER CONSIDERED AT THIS MEETING, THEY WILL NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS BE MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

RESOLUTION NO. R17-730

A RESOLUTION OF THE CITY OF ANNA MARIA, FLORIDA, DECLARING A STATE OF LOCAL EMERGENCY DUE TO THE APPROACH OF HURRICANE IRMA; PROVIDING THE CITY WITH POWERS, INCLUDING, BUT NOT LIMITED TO THOSE PURSUANT TO FLORIDA STATUTES, CHAPTER 252, AND CITY CODE CHAPTER 2, ARTICLE VI; PROVIDING FOR PENALTIES FOR VIOLATIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE AND A TERMINATION DATE

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

WHEREAS, Chapter 2, Article VI of the City Code of the City of Anna Maria authorizes certain powers in the event of a local state of emergency; and

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

WHEREAS, on September 4, 2017, the Honorable Rick Scott, Governor of the State of Florida, issued Executive Order 17-235 declaring a state of emergency in the State of Florida due to Hurricane Irma; and

WHEREAS, the Honorable Rick Scott stated in his Executive Order that “Hurricane Irma poses a severe threat to the entire State of Florida and requires that timely precautions are taken to protect the communities, critical infrastructure, and general welfare of this State”; and

WHEREAS, Hurricane Irma is currently a Category 4 hurricane and may strengthen in force as it approaches Florida, and current forecast models predict that Hurricane Irma will travel up the entire spine of the State of Florida; and

WHEREAS, Hurricane Irma poses a severe threat to the entire State of Florida, including the City of Anna Maria; and

WHEREAS, the Governor’s declaration of emergency extends to every county in Florida 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 Anna Maria should take timely precautions to protect public and private property and members of the public from the potential effects of Hurricane Irma; and

WHEREAS, it is the recommendation of the Mayor that a state of local emergency be declared for the City of Anna Maria and that this Resolution declaring a state of local emergency be adopted; and

WHEREAS, the impending nature of the storm necessitates that this Resolution be considered at an Emergency Meeting of the City Commission, an attempt to notify the public of the emergency meeting has been made, and the City Commission finds that the matter considered is of such importance that the community's health, safety, welfare, lives and the City's finances are in immediate peril.

NOW THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

1. The City Commission of the City of Anna Maria, 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 Anna Maria, Florida, as identified above.
2. The Mayor (reference to whom shall also encompass the Chairman of the City Commission in the absence of the Mayor) 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 Mayor to utilize all lawful authority granted to the City of Anna Maria 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 Mayor 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 Anna Maria 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 Mayor shall follow FEMA guidelines in procuring services, materials, labor and equipment necessary to respond to the emergency, including recovery efforts. The Mayor 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.

SECTION 2. State of Local Emergency – Chapter 2, Article VI, City of Anna Maria City Code.

1. The Mayor may establish curfews, including but not limited to the prohibition of or restrictions on pedestrian and vehicular movement, standing and parking, except for the provision of designated essential services such as fire, police, and hospital services, including the transportation of patients thereto, utility emergency repairs and emergency calls by physicians.
2. The Mayor may prohibit the sale or distribution of any alcoholic beverage, with or without the payment or a consideration therefore.
3. The Mayor may prohibit the possession by any person in a public place of any portable container containing any alcoholic beverage.
4. The Mayor may close places of public assembly with designated exceptions.
5. The Mayor may prohibit the sale or other transfer of possession, with or without consideration, of gasoline or any other flammable or combustible liquid altogether or except by delivery into a tank properly affixed to any operable motor-driven vehicle, bike, scooter, boat, or airplane and necessary for the propulsion thereof.
6. The Mayor may prohibit the possession in any public place of any portable container containing gasoline or any other flammable or combustible liquid.
7. The Mayor may utilize all available sources of the city government as reasonably necessary to cope with the disaster emergency, including emergency expenditures not to exceed \$10,000.00.

8. The Mayor may declare certain areas off limits.
9. The Mayor may make provisions for availability and use of temporary emergency housing and emergency warehousing of materials.
10. The Mayor may establish emergency operating centers and shelters in addition to or in place of those provided for in the city's or county's emergency plan.
11. The Mayor may declare that during an emergency it shall be unlawful and an offense against the city for any person to use the fresh water supplied by the county for any purpose other than cooking, drinking, bathing and sanitary purposes.
12. The Mayor may declare that during an emergency it shall be unlawful and an offense against the city for any person operating within the city to charge more than the normal average retail price for any merchandise, goods or services sold during the emergency. The average retail price is that price at which similar merchandise, goods or services were being sold during the 90 days immediately preceding the emergency or at a markup that is no larger a percentage over wholesale costs prior to the emergency.
13. The Mayor may confiscate merchandise, equipment, vehicles or property needed to alleviate the emergency. Reimbursement shall be within 60 days and at a customary value charged for the item during the 90 days preceding the emergency.
14. On behalf of the city, the Mayor may call on the resources of the state, Federal Emergency Management Agency, or other political subdivisions of the state as necessary to assist in the mitigation of the emergency or to help maintain law and order, rescue and traffic control.
15. The Mayor may limit the hours business establishments may remain open.

SECTION 3. Penalties for Violations.

Any person violating any rule or order issued pursuant to this Resolution 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. In the alternative, pursuant to Section 2-271 of the Code of the City of Anna Maria, any person who refuses to comply with or who violates any section of this Resolution, or the emergency measures which may be made effective pursuant to this Resolution shall be punished according to law and, upon conviction of such offenses, shall be guilty of a second degree misdemeanor. Each day of continued non-compliance or violation shall constitute a separate offense. In addition, any licensee of the city found guilty of violating any provision of this article or the emergency measures which may be

made effective pursuant to this article may have his license suspended or revoked by the city commission. Nothing contained in this section shall prevent the city from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy any refusal to comply with or violation of this article or the emergency measures which may be made effective pursuant to this article. Such other lawful action shall include but shall not be limited to an equitable action for injunctive relief or any action at law for damage.

SECTION 4. Conflicts.

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

SECTION 5. 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 Commission and approval by the Mayor in accordance with the Charter of the City of Anna Maria, and shall terminate automatically seven (7) days from this date unless terminated earlier or extended by a document of equal dignity herewith.

SECTION 7. Direction to Implement.

The City Commission directs the Mayor to implement this Resolution.

PASSED AND ADOPTED, by the City Commission of the City of Anna Maria, Florida, in regular session assembled, this 6th day of September, 2017.

Doug Copeland, Commissioner
Nancy Yetter, Commissioner
Brian Seymour, Commissioner
Carol Carter, Commissioner
Dale Woodland, Commissioner

Doug Copeland, Chairman

I hereby approve this Resolution:

Dan Murphy, Mayor

_____, 2017

ATTEST:

Approved as to form and legality for
the use and reliance of the City of
Anna Maria only

LeAnne Addy, City Clerk

Gretchen R. H. "Becky" Vose
City Attorney