RESOLUTION NO. 22 - 90

WHEREAS, the weather system presently identified as Tropical Storm Ian by the National Hurricane Center ("Ian") poses a serious potential threat to the residents and property of Pinellas County; and

WHEREAS, the current forecast error of the National Hurricane Center does not allow for a precise track of Ian to determine the threat level from wind damage or rain or the related protective measures required; and

WHEREAS, Ian has the potential for causing substantial damage to public utilities, public buildings, public communication systems, public streets and roads, public drainage systems, commercial and residential buildings and areas; and

WHEREAS, the Governor of the State of Florida, in Executive Order 22-218, found that a state of emergency exists within specified Counties within the State of Florida, including Pinellas County; and

WHEREAS, Section 252.38(3)(a)5, Florida Statutes, provides authority for a political subdivision such as Pinellas County to declare a state of local emergency and to exercise emergency powers; and

WHEREAS, Pursuant to §252.38(1), Florida Statutes, and Pinellas County Charter section 2.04 (k), the County has jurisdictional authority over the entire county for emergency management purposes;

NOW, THEREFORE, BE IT RESOLVED AND DECLARED by the Board of County Commissioners of Pinellas County, Florida, this 24th day of September 2022:

1) That in light of the serious threat to the lives and property of Pinellas County residents posed by Ian, the Board of County Commissioners hereby exercises its authority, and waives the procedures and formalities required by law of a political subdivision, as provided in Section 252.38(3)(a)5, Florida Statutes, by declaring a state of local emergency; and

2) That the state of local emergency shall exist as of 4:07 p.m. on this 24th day of September 2022, for all territory within the legal boundaries of Pinellas County. All unincorporated and incorporated areas shall be embraced by the provisions of this Resolution; and

3) That all provisions of the Comprehensive Emergency Management Plan (CEMP) relating to this type of event shall be implemented; and

4) That during the state of local emergency, the Sheriff is designated as the Chief Law Enforcement Officer for Pinellas County; and

5) That, in accordance with Section 252.38(2), Florida Statutes, actions of the several municipalities within Pinellas County must be coordinated with County Emergency Management and not conflict with any order of the Official Authority; and

6) That the Official Authority as designated pursuant to Pinellas County Code Section 34-27 is authorized to issue any necessary order; and

7) That residents of Pinellas County are urged to pay close attention to the news media for information for news regarding public safety and orders of evacuation should evacuation become necessary; and

8) That the County Administrator or his designee, is empowered to order mandatory evacuations as evolving conditions may require pursuant to the Board adopted Comprehensive Emergency Management Plan (CEMP). Any such evacuation shall remain in force until ended by further order. Any unauthorized person located in, or attempting to enter, an evacuation area after the stated completion time for an evacuation order issued as contemplated herein shall be in violation of F.S. §252.50, and subject to the penalties therein; and

9) That the County Administrator, or designee, will monitor disaster-related debris and, that even though debris removal from private rights-of-way remains the responsibility of the property owner, in the event of widespread debris, the County Administrator or designee is empowered to take necessary action to remove disaster-debris which: (a) presents an immediate threat to public health, safety, or life; or (b) poses an immediate threat of significant damage to improved public or private property; or (c) the removal of which is necessary to ensure economic recovery of the affected community to the benefit of the community at large, including but not limited to the restoration of bus and school bus services, scheduled trash collection, and postal and other delivery services; and

10) That the Board of County Commissioners hereby delegates authority to the County Administrator for the duration of this emergency declaration to appropriate funds from reserves as necessary to support emergency operations and response in a timely manner, and further, to suspend budgetary controls to the extent necessary to accomplish this purpose. The aforementioned authority is subject to after-the-fact ratification of the Board.

Commissioner Peters offered the foregoing Resolution and moved its adoption, which was seconded by Commissioner Flowers, and upon roll call the vote was:

AYES: Justice, Long, Eggers, Flowers, Gerard, Peters, and Seel.

NAYS: None.

ABSENT AND NOT VOTING: None.

4:07 P.M.
[time]

APPROVED AS TO FORM
By: *Miles Belknap*
Office of the County Attorney

PCAO 399813