

**BY ORDER OF THE DEPUTY MAYOR OF CITY OF WINTER SPRINGS  
DECLARATION OF CIVIL EMERGENCY**

**WHEREAS**, Hurricane Irma has the potential for causing extensive damage to life and properties within all cities and municipalities within the geographic area of the City of Winter Springs and poses an immediate threat; and

**WHEREAS**, on Monday, September 4, 2017, Governor Rick Scott issued Executive Order 17-235, declaring a State of Emergency in all 67 Counties within the State of Florida in response to Hurricane Irma; and

**WHEREAS**, Hurricane Irma has the potential for causing extensive damage to public utilities, public buildings, public streets and roads, public drainage systems, commercial and residential building and areas; and

**WHEREAS**, Chapter 252.38(3)(a), Florida Statutes, provides authority for a political subdivision such as the City of Winter Springs to declare a state of local emergency and to exercise certain powers and authority to safeguard the lives and property of its citizens; and

**WHEREAS**, pursuant to Section 2-255 of the City Code of the City of Winter Springs, Florida, the Mayor shall have the right to declare a civil emergency provided the declaration is in writing in the event the City Commission cannot be convened a meeting in a timely manner to address the civil emergency; and

**WHEREAS**, Section 4.05 of the City Charter provides that the Deputy Mayor shall act as Mayor in the Mayor's absence; and

**WHEREAS**, Mayor Charles Lacey is currently out of the country and unavailable and therefore, as Deputy Mayor, I am authorized by City Charter to act as Mayor and by Section 2-255(a) to issue this Declaration.

**NOW, THEREFORE, BE IT DECLARED PURSUANT TO POWER VESTED IN ME, AS DEPUTY MAYOR OF THE CITY OF WINTER SPRINGS, FLORIDA UNDER SECTION 4.05 OF THE CITY CHARTER AND SECTION 2-255 OF THE CITY CODE**, that Hurricane Irma poses a serious threat to the lives and property of the residents of the City of Winter Springs and that a state of local emergency is declared effective this 8<sup>th</sup> day of September, 2017 for all the territory within the legal boundaries of the City of Winter Springs.

**SECTION 1.**        **Recitals.** The foregoing recitals are hereby fully incorporated herein by this reference and are deemed a material part of this resolution.

**SECTION 2.** As Deputy Mayor acting pursuant to Section 4.05 of the City Charter and Section 2-255(a) of the City Code, I hereby authorize the City to exercise its authority and powers pursuant to Florida Statutes 252.38(3)(a) and Chapter 2, Article VII, of the City Code, and under the direction of the city manager (or acting city manager in the absence of the city manager) and police chief to the extent necessary to protect the public health, safety and welfare and the best interests of the City of Winter Springs, which include the authority and powers to take whatever steps are necessary pursuant to the authority granted under Chapter 2, Article VII of the City Code and Section 252.38(3)(a), Florida Statutes to protect the public health, safety and welfare including, but not limited to:

1. To implement the City's emergency management plan to the extent deemed necessary to protect the public health, safety and welfare within the City.
2. To appropriate and expend funds; make contracts; obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for the health and safety of persons and property, including emergency assistance to the victims of any emergency; and direct and coordinate the development of emergency management plans and programs in accordance with the policies and plans set by the federal and state emergency management agencies.
3. To appoint, employ, remove, or provide, with or without compensation, coordinators, rescue teams, fire and police personnel, and other emergency management workers.
4. To establish, as necessary, a primary and one or more secondary emergency operating centers to provide continuity of government and direction and control of emergency operations.
5. To assign and make available for duty the offices and agencies of the City, including the employees, property, or equipment thereof relating to firefighting, engineering, rescue, health, medical and related services, police, transportation, construction, and similar items or services for emergency operation purposes, as the primary emergency management forces of the City for employment within or outside the political limits of the City.
6. To request assistance from the State or Seminole County or assistance from other municipalities or invoke emergency-related mutual-aid assistance by declaring a state of local emergency in the event of an emergency affecting the City of Winter Springs. The duration of each state of emergency declared locally is limited to 7 days; it may be extended, as necessary, in 7-day increments.
7. To waive the procedures and formalities otherwise required of the City pertaining to:

- a. Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community.
- 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 and expenditure of public funds.

8. The City shall have the power and authority to enforce all executive emergency orders promulgated by the federal, state and Seminole County Government (including the Seminole County Sheriff) related to Hurricane Irma within the jurisdictional limits of the City of Winter Springs, Florida.

**SECTION 3.** All public officials and employees of the City of Winter Springs are hereby directed to exercise the utmost diligence in the discharge of the duties required of them for the duration of the emergency and in the execution of emergency laws, regulations and directives, state and local.

**SECTION 4.** All citizens are called upon and directed to comply with the necessary emergency measures, to cooperate with public officials and civil emergency disaster service forces in executing the emergency operational plans, and to obey and comply with the lawful directions of properly identified public officers.

**SECTION 5.** **Severability.** If any section, subsection, sentence, clause, phrase, word, or portion of this declaration is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereto.

**SECTION 6.** **Effective Date.** This declaration shall become effective immediately upon the execution of this declaration by the undersigned and shall remain in effect until terminated by the undersigned or the City Commission in writing.

**SECTION 7.** **Notice to the City Commission.** The City Clerk or City Manager is hereby directed to provide a copy of this declaration to all members of the City Commission, City Manager, City Attorney, City Department Directors, and other appropriate government officials. This declaration of a state of emergency and all emergency regulations and actions activated under the provisions of Chapter 2, Article VII, City Code shall be confirmed by the City Commission by resolution within five (5) working days of such declaration or at the next regularly scheduled meeting of the City Commission, whichever occurs

first, unless the nature of the emergency renders a meeting of the City Commission extremely impractical.

**DECLARED** by the Deputy Mayor of the City Commission of the City of Winter Springs, Florida, this 8<sup>th</sup> day of September, 2017.



**Pam Carroll, Deputy Mayor**

**ATTEST (City Seal):**



**Andrea Lorenzo Luaces,  
City Clerk**

**Approved as to legal form and sufficiency for  
the City of Winter Springs only:**



**ANTHONY A. GARGANESE, City Attorney**