



City of Mount Dora
510 North Baker Street
Mount Dora, Florida 32757
352-735-7126

Mount Dora City Council
Mount Dora City Hall Board Room
510 North Baker Street, Mount Dora, Florida 32757
November 9, 2022, 5:30 PM

WORK SESSION AGENDA

CALL TO ORDER

ROLL CALL

ACTION ITEMS

1. Request Adoption of **Resolution No. 2022-78**, State of Emergency
Related to Hurricane Nicole

ADJOURNMENT

PURSUANT TO SECTION 286.0105, FLORIDA STATUTES, IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE AT THIS MEETING WITH RESPECT TO ANY MATTER CONSIDERED AT ANY MEETING OR HEARING, SUCH PERSON MAY NEED A RECORD OF THESE PROCEEDINGS. FOR SUCH PURPOSE, A PERSON MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDINGS IS MADE WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED. VERBATIM RECORD WILL NOT BE PROVIDED BY THE CITY OF MOUNT DORA.

NOTICE: IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990, PERSONS NEEDING A SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING SHOULD CONTACT THE CITY CLERK AT LEAST 48 HOURS PRIOR TO THE PROCEEDINGS. TELEPHONE (352) 735-7126 FOR ASSISTANCE. IF HEARING IMPAIRED, TELEPHONE THE FLORIDA RELAY SERVICE NUMBERS, (800) 955-8771 (TDD) OR (800) 955-8770 (VOICE) FOR ASSISTANCE.

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510 N. Baker St.
Mount Dora, FL 32757
352-735-7126

DATE: November 9, 2022

TO: Honorable Mayor and City Council Members

FROM: Patrick C. Comiskey, City Manager *Patrick C. Comiskey*

SUBJECT: Request Adoption of **Resolution No. 2022-78**, State of Emergency Related to Hurricane Nicole

Introduction:

This is a request for City Council to approve Resolution No. 2022-78, Pertaining to the State of Local Emergency Stemming from Hurricane Nicole.

Discussion:

In preparation for Hurricane Nicole and in accordance with City of Mount Dora policies and practices, Resolution No. 2022-78 was created pertaining to the state of local emergency that may result from Hurricane Nicole.

On November 7, 2022, Governor DeSantis issued Executive Order Number 22-253, and amended the same on November 9, 2022, through the issuance of Executive Order Number 22-255, declaring a state of emergency for the entire State of Florida, including Lake County.

Staff is requesting authorization to declare a state of emergency in preparation for hurricane activities, allowing for the protection of the citizens of Mount Dora and the assets of the City of Mount Dora.

Budget Impact:

In the event any expenses are incurred as a result of Hurricane Nicole, a budget amendment will be presented to City Council at the next regular City Council meeting, indicating the fund accounts to be adjusted as a result of emergency expenses.

Strategic Impact:

Public Safety

Recommendation:

City Council to adopt Resolution No. 2022-78.

Attachment(s):

1. Resolution 2022-78.STATE OF EMERGENCY.Hurricane Nicole.SGS

Prepared by: Jeanann Hand, Interim City Clerk

Reviewed by: Sherry Sutphen, City Attorney

Patrick Comiskey, City Manager

RESOLUTION NO. 2022-78

A RESOLUTION OF THE CITY OF MOUNT DORA, FLORIDA, PERTAINING TO THE LOCAL STATE OF EMERGENCY STEMMING FROM HURRICANE NICOLE; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR THE DECLARATION OF A LOCAL STATE OF EMERGENCY; PROVIDING FOR THE INAPPLICABILITY OF EMERGENCY EVENT RESPONSE 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, the National Hurricane Center has reported that Hurricane Nicole will impact Florida's East Cost and could affect portions of the state which are still recovering from Hurricane Ian; 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 all of Florida's peninsula; and

WHEREAS, the threat posed by Hurricane 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, and amended the same on November 9, 2022, through the issuance of Executive Order Number 22-255, declaring a state of emergency for portions of the State of Florida, including Lake 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 City 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 THE CITY OF MOUNT DORA, FLORIDA, AS FOLLOWS:

SECTION 1. Legislative Findings and Intent. The City of Mount Dora 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 Hurricane Nicole which poses a threat to the State of Florida, as declared by Governor DeSantis, includes Lake County and the City of Mount Dora. To the extent necessary under the circumstances and as the status of Hurricane Nicole changes, certain procedures and formalities otherwise required of the City may be waived, as collectively determined by the Mayor, the City Manager and the City Attorney, to ensure that the City 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. Emergency Event Response Pay Not Applicable. 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 City; thus, emergency event response pay, as set forth in Section 6.12 B, of the City of Mount Dora Employment Policy, shall not be applicable unless otherwise deemed necessary by the City Council.

SECTION 4. Establishment and Enforcement of Curfew. The Mayor and City Manager are hereby authorized to establish and enforce a curfew within the incorporated areas of the City of Mount Dora, Florida, if deemed necessary and appropriate during the local state of emergency declared by this Resolution and are further authorized to modify and terminate that curfew to the extent necessary under the circumstances and as the status of Hurricane Nicole changes.

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 City Council, 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 City Manager 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 City Manager may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such City employees as deemed effectual and prudent.

SECTION 7. Savings Clause. All prior actions of the City of Mount Dora pertaining to the state of local emergency related to Hurricane 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 City Clerk 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.

Signatures on Following Page

PASSED AND ADOPTED this 9th day of November, 2022.

CRISSY STILE
MAYOR of the City of Mount Dora, Florida

ATTEST:

Jeanann Hand
Interim City Clerk

For the use and reliance of City of
Mount Dora only. Approved as to form
and legal sufficiency



Sherry G. Sutphen
City Attorney