

County of Monroe
The Florida Keys



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Filed and Recorded in Official Records of
MONROE COUNTY KEVIN MADOK, CPA

MONROE COUNTY
DECLARATION OF A STATE OF EMERGENCY

Subject: Hurricane Ian

WHEREAS, the Governor has declared a state of emergency throughout the state due to Hurricane Ian; and

WHEREAS, I previously declared a state of local emergency on Friday, September 23, 2022 for Monroe County due to the storm; and

WHEREAS, the storm caused wind, flood, and other damage when it impacted Monroe County; and

WHEREAS, Monroe County has now entered into the clean up and recovery phase following the storm; and

WHEREAS, the threat of danger to the populace inhabiting Monroe County as it recovers from the subject storm may require expedient action in order to protect the health, safety and welfare of the community; and

WHEREAS, F.S. 252.38 states that safeguarding the life and property of its citizens is an innate responsibility of the governing body of each political subdivision of the state; and

WHEREAS, F.S. 252.38(3)(a)5. and Section 11-1 of the Monroe County Code authorizes the County Mayor, Mayor Pro Tem, or Sheriff, to declare and enact a State of Local Emergency for a period of up to seven (7) days, which may then be extended in seven (7) day increments if necessary, after consultation with the Director of Emergency Management; and

WHEREAS, during a declared state of emergency, the County shall have the power and authority:

1. 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.
2. To appoint, employ, remove, or provide, with or without compensation, coordinators, rescue teams, fire and police personnel, and other emergency management workers.
3. 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.

4. To assign and make available for duty the offices and agencies of the political subdivision, 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 political subdivision for employment within or outside the political limits of the subdivision.
5. To request state assistance or invoke emergency-related mutual-aid assistance by declaring a state of local emergency in the event of an emergency affecting only one political subdivision. The duration of each state of emergency declared locally is limited to 7 days; it may be extended, as necessary, in 7-day increments.
6. To waive the procedures and formalities otherwise required of the political subdivision by law 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 subject to limitations set forth in Section 11-3 of the County Code and after meeting the requirements of the Monroe County Purchasing Policy and requirements of any federal and state programs and grant awarding agencies.
 - 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.
7. To implement and exercise the authority set forth in Sections 11-1 through 11-4 of the County Code.
8. Notwithstanding the forgoing, nothing in this declaration waives sovereign immunity or the restrictions imposed by the emergency contracting and purchasing provisions of Monroe County's currently applicable purchasing policy.

NOW THEREFORE, pursuant to consultation with the Director of Emergency Management and as Mayor of Monroe County, I hereby declare and enact a State of Local Emergency for all of Monroe County, including municipalities, for a period of seven (7) days, **which shall begin at 4:30 p.m. on September 30, 2022.** Pursuant to this Declaration, all procedures and formalities otherwise required of Monroe County, as listed above, are hereby waived. The Director of Emergency Management is hereby ordered to take whatever actions are necessary to protect the health, safety and welfare of this community. Emergency Directives, signed by the Mayor, Mayor Pro Tem, Sheriff, or Emergency Management Director during the State of Emergency, shall have the full force of law as specified in Monroe County Code Section 11-3(b)(4)a.

Signed:


David P. Rice, Mayor



Date: September 30, 2022

Time: 3:02 am/pm

Approved as to Form – Robert B. Shillinger, County Attorney