

RESOLUTION NO. 24-32

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA, EXTENDING THE STATE OF LOCAL EMERGENCY DECLARED IN RESOLUTION 24-31 REGARDING HURRICANE MILTON; INVOKING EMERGENCY POWERS AND AUTHORIZING MUNICIPAL OFFICERS TO CONTINUE TO TAKE ALL NECESSARY EMERGENCY MEASURES; PROVIDING FOR THE INCORPORATION OF RECITALS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR THE ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, the Town of Dundee (the "Town") is a Florida municipal corporation vested with home rule authority pursuant to the Municipal Home Rule Powers Act (F.S. Chapter 166) and Article VIII, §2 of the Florida Constitution; and

WHEREAS, pursuant to Section 2(b), Article VIII of the Florida Constitution and Chapter 166, Florida Statutes, the Town is vested with governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions, and render municipal services, including the general exercise of any power for municipal purposes; and

WHEREAS, on Saturday, October 5, 2024, and on Sunday, October 6, 2024, the Governor of the State of Florida issued Executive Orders 24- 214 and 24- 215 declaring that a State of Emergency existed in Polk County, Florida, as a consequence of Hurricane Milton; and

WHEREAS, on Monday, October 7, 2024, in Declaration of State of Local Emergency 24- 01, Polk County, Florida government declared a local state of emergency within all of Polk County, Florida as a result of Hurricane Milton and extended same on October 14, 2024 pursuant to Chapter 252, Florida Statutes; and

WHEREAS, on Monday October 7, 2024, the Town Commission of the Town of Dundee, Florida adopted Resolution No. 24-31 and declared a local state of emergency within the Town of Dundee, Florida, as a result of Hurricane Milton pursuant to Chapter 252 Florida Statutes; and

WHEREAS, pursuant to Chapter 252 of the Florida Statutes, commonly known as the *State Emergency Management Act*, political subdivisions of the State of Florida such as the Town of Dundee have the power to:

- (1) 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;

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(2) appoint, employ, remove, or provide, with or without compensation, coordinators, rescue teams, fire and police personnel, and other emergency management workers;

(3) 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) assign and make available for duty the offices and agencies of the Town , 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 Town for employment within or outside the political limits of the subdivision;

(5) request state assistance or invoke emergency-related mutual-aid assistance;

(6) declare a local state of emergency regarding inclement weather events and extend the same, as necessary, in 7-day increments; and

(7) waive the procedures and formalities otherwise required of the Town 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;

(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; and

(H) Appropriation and expenditure of public funds; and

WHEREAS, pursuant to Chapter 252 of the Florida Statutes, political subdivisions of the State of Florida such as the Town of Dundee, Florida, have the power to declare a local state of emergency regarding inclement weather events and extend the same, as necessary, in 7- day increments, among other powers; and

WHEREAS, on October 9 and October 10, 2024, Hurricane Milton brought heavy rainfall, flash flooding, strong winds, and tornadic activity to the Greater Town of Dundee area, such that the Town Commission finds that conditions warranting emergency action under the State Emergency Management Act and the Town' s Charter and Code of Ordinances continue to be present as the Town recovers from severe weather-related and hurricane-related conditions; and

WHEREAS, the Town Commission finds that conditions warranting emergency action under the *State Emergency Management Act* and the Town's *Code of Ordinances* are present.

NOW, , THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF DUNDEE, FLORIDA:

Section 1. Incorporation of Recitals.

The above-referenced factual recitals (WHEREAS clauses) and referenced exhibits are incorporated herein as true and correct statements which form a factual and material basis for the passage of this Resolution, and the Town Commission of the Town of Dundee, Florida, hereby adopts the above-referenced factual recitals as the legislative findings supporting the passage of this Resolution. The above factual recitals are hereby incorporated herein and serve as a factual and material basis for the passage of this Resolution.

Section 2. State of Emergency Declared; Acts of Officers Ratified.

Hurricane Milton and its aftermath continues to constitutes a serious threat to the lives and property of residents of Dundee. The State of Local Emergency is declared by Resolution No. 24-31 is ratified, renewed, and hereby extended by a period of seven (7) days to expire on **Tuesday, October 29, 2024 at 6:30 PM** unless further extended, as necessary, in seven (7) day increments. The State of Local Emergency shall continue to be effective for all territory within the legal boundaries of the Town of Dundee. All powers afforded to the Town by every relevant local, state and federal law and act, including but not limited to those emergency powers identified in Resolution No. 24-31 and the use of all available resources of the Town as reasonably necessary, continue to be authorized to be executed by appropriate Town officials in order to respond to emergency conditions and to cope with the aftermath and effects of the Hurricane. All acts of municipal officers taken in response to the emergency conditions presented by Hurricane Milton, if any, between the date of entry of *Executive Order 24-214* by the Florida Governor, and the date of this Resolution are ratified, confirmed, and considered to be authorized pursuant to the Town's emergency powers, the declaration of a State of Emergency by the Florida Governor, and the declaration of a State of Local Emergency by the Town Commission.

Section 3. Conflicts.

All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

Section 4. Severability.

The provisions of this Resolution are severable. If any section, subsection, sentence, clause, phrase of this Resolution, or the application thereof shall be held invalid, unenforceable, or unconstitutional by any court, administrative agency, or other body with appropriate jurisdiction, the remaining section, subsection, sentences, clauses, or phrases under application shall not be affected thereby. The Town Commission of the Town of Dundee hereby declares that it would have passed this Resolution, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared invalid, unenforceable, or unconstitutional, or unenforceable. If any word, sentence, clause, phrase,

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or provision of this Resolution for any reason is declared by any court of competent jurisdiction to be invalid, unenforceable, or unconstitutional, then all remaining provisions and portions of this Resolution shall remain in full force and effect. If any section, subsection, sentence, clause or phrase of this Resolution is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution. The Town of Dundee, Florida, by and through its Town Commission, hereby declares that it would have passed this Resolution, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. Administrative Correction of Scrivener's Errors.

It is the intention of the Town Commission that sections of this Resolution may be renumbered or re-lettered and the word "resolution" may be changed to, "section", or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Code of Ordinances of the Town of Dundee is accomplished, sections of this Resolution may be re-numbered or re-lettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the Town Manager or designee, without need of public hearing, by filing a corrected or re-codified copy of same with the Town Clerk.

Section 6. Effective Date.

This Resolution shall become effective immediately upon its passage and adoption

PASSED and **DULY ADOPTED** with a quorum present in voting by the Town Commission of the Town of Dundee, Florida, this 22nd day of October, 2024.

TOWN OF DUNDEE, FLORIDA

Sam Pennant, Mayor

Attest:

Lita O'Neill, Town Clerk

Approved as to form:

Frederick J. Murphy, Jr. Town Attorney