

**TOWN OF LOXAHATCHEE GROVES**

**RESOLUTION NO. 2024-82**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA AUTHORIZING THE TOWN MANAGER TO DECLARE A LOCAL STATE OF EMERGENCY UNDER CERTAIN CIRCUMSTANCES; AUTHORIZING THE TOWN MANAGER TO TAKE ALL NECESSARY AND LAWFUL MEASURES TO CONDUCT TOWN BUSINESS AND SAFEGUARD THE TOWN; AND PROVIDING FOR SEVERABILITY, CONFLICTS, AND AN EFFECTIVE DATE.**

**WHEREAS**, Section 252.38, Florida Statutes, provides that safeguarding the life and property of its citizens is an innate responsibility of the governing body of each political subdivision in the state; and

**WHEREAS**, the Town of Loxahatchee Groves (“Town”) is occasionally subject to emergency conditions such as natural disasters, pandemics, public safety threats, and other unforeseen events (“Emergency”) that may jeopardize public health, safety, and welfare of its residents, businesses, and visitors; and

**WHEREAS**, the Town recognizes the need for swift and decisive action during such emergencies to mitigate the impact of Emergencies and to protect public health, safety, and welfare of its residents, businesses, and visitors; and

**WHEREAS**, it may be impractical to convene the Council of the Town of Loxahatchee Groves (“Town Council”) pursuant to Section 5 of the Town’s Charter or Section 2-22 of the Town’s Code of Ordinances for a timely decision regarding an Emergency; and

**WHEREAS**, to ensure the Town can timely respond to an Emergency, the Town Council finds it necessary to delegate authority to the Town Manager to declare a local state of emergency when conditions warrant such action, which may be extended, as necessary, at the Town Manager’s discretion; and

**WHEREAS**, to ensure the Town can conduct its business and safeguard the Town, its residents, businesses, and visitors, the Town Council finds it necessary to delegate authority to the Town Manager to take all necessary and lawful measures to address the impacts of an

Emergency; and

**WHEREAS**, the Town Council has determined that delegating authority to the Town Manager to declare a local state of emergency and to take all necessary and lawful measures to address the impact of an Emergency serves a valid public purpose.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AS FOLLOWS:**

**Section 1.** The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

**Section 2.** Authority to declare a local state of emergency. The Town Council authorizes the Town Manager to declare a local state of emergency for the Town of Loxahatchee Groves under Emergency conditions as defined herein for a period of seven (7) calendar days commencing on the date of such declaration, which may be extended, as necessary, in seven (7) calendar day increments at the Town Manager’s discretion.

**Section 3.** Authority to take all actions necessary. The Town Council authorizes the Town Manager to take all necessary and lawful measures to conduct Town business and safeguard the Town during any declared state of emergency that includes the Town whether issued at the Federal, State, County, or local level.

**Section 4.** Termination by Town Council. Town Council may, at any time by majority vote, terminate a local state of emergency declared by the Town Manager and may terminate or otherwise limit the Town Manager’s authority to take action during a specific declared state of emergency without amending or rescinding this Resolution, which shall remain effective to address future emergency conditions until rescinded by Resolution of Town Council.

**Section 5.** Severability. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

**Section 6.** Conflicts. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

**Section 7.** Effective date. This Resolution shall become effective upon adoption.

Councilmember \_\_\_\_\_ offered the foregoing resolution. Council Member seconded the motion, and upon being put to a vote.

**ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, THIS 12<sup>th</sup> DAY OF NOVEMBER, 2024.**

**TOWN OF LOXAHATCHEE GROVES,  
FLORIDA**

ATTEST:

\_\_\_\_\_  
*Voted:*  
Mayor Anita Kane, Seat 3

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
*Voted:*  
Vice Mayor Margaret Herzog, Seat 5

APPROVED AS TO LEGAL FORM:

\_\_\_\_\_  
*Voted:*  
Councilmember Phillis Maniglia, Seat 1

\_\_\_\_\_  
Office of the Town Attorney

\_\_\_\_\_  
*Voted:*  
Councilmember Laura Danowski, Seat 2

\_\_\_\_\_  
*Voted:*  
Councilmember Robert Shorr, Seat 4