

PALM BEACH COUNTY

BOARD OF COUNTY COMMISSIONERS

AGENDA ITEM SUMMARY

Meeting Date: 10-3-06

- Consent                       Regular
- Ordinance                       Public Hearing

Department

Submitted By: PUBLIC SAFETY

Submitted For: \_\_\_\_\_

I. EXECUTIVE BRIEF

**Motion and Title:** Staff recommends motion to receive and file: A) Declaration of Local State of General Emergency; and, B) Evacuation Order issued for Tropical Storm Ernesto.

**Summary:** On August 28, 2006, Palm Beach County declared a Local State of General Emergency due to the impending arrival of Tropical Storm Ernesto. The Declaration of Local State of General Emergency began at 12:00 p.m. on August 28, 2006 and continued for 7 days. Declaring a local state of general emergency also enabled the County Administrator to carry out the provisions of Chapter 252, Florida Statutes, which includes the authority to order evacuations from threatened areas of the County. A voluntary evacuation order was signed and took effect at 2:00 pm, August 29, 2006 and remained in effect for the duration of the general emergency. Countywide (DW)

**Background and Justification:**

Staff was monitoring the movements and forecast track of Tropical Storm Ernesto as it approached the South Florida Peninsula. The projected path of Tropical Storm Ernesto and forecasted winds and heavy rainfall had the capacity to pose a significant, imminent, and dangerous threat to the health, safety, and welfare of the inhabitants of Palm Beach County, Florida, as well as their real and personal property. Pursuant to Palm Beach County Code Article II, Section 9-35, in the event a special meeting of the Board of County Commissioners cannot be convened, the Chairman of the Board of County Commissioners may declare a Local State of General Emergency. Therefore, Tony Masilotti, Chair, signed a Declaration of Local State of General Emergency to begin at 12:00 p.m. on August 28, 2006. An evacuation order was also signed pursuant to this authority.

**Attachments:**

- a) a Declaration of Local State of General Emergency
- b) an Evacuation Order

Recommended by: Tony Masilotti                      9/11/06  
Department Director                      Date

Approved by: Vincent G. Benvenuto                      9/13/06  
Assistant County Administrator                      Date

**PROCLAMATION  
DECLARATION OF STATE OF LOCAL EMERGENCY**

WHEREAS, the Board of County Commissioners of Palm Beach County has been informed by its emergency management staff of the imminent threat posed by Hurricane Ernesto; and,

WHEREAS, Hurricane Ernesto has the capacity to pose a significant, imminent, and dangerous threat to the health, safety, and welfare of the inhabitants of Palm Beach County, Florida, visitors and tourists in Palm Beach County, Florida, as well as their real and personal property; and

WHEREAS, after due and reasonable effort, it is not possible to convene the Board of County Commissioners in a special emergency meeting; and

WHEREAS, pursuant to Palm Beach County Code Article II, Section 9-35, in the event a special meeting of the Board of County Commissioners cannot be convened, the Chairman of the Board of County Commissioners may declare a state of local emergency.

NOW THEREFORE, pursuant to Palm Beach County Code Article II, Section 9-35, I hereby resolve, find, and declare:

1. The above recitals are true.
2. I am the duly selected Chairman of the Board of County Commissioners of Palm Beach County, Florida.
3. After due and reasonable effort, it is not possible to convene the Board of County Commissioners in a special emergency meeting.
4. Pursuant to Palm Beach County Code Article II, Section 9-35, in the event a special meeting of the Board of County Commissioners cannot be convened, the Chairman of the Board of County Commissioners may declare a state of local emergency.

5. A state of local emergency hereby exists in Palm Beach County, Florida, effective for seven (7) days beginning 12:00 p. m., this 28<sup>th</sup> day of August 2006.
6. On behalf of the Board of County Commissioners, I hereby waive the procedures and formalities otherwise required of Palm Beach County pertaining to:
  - a. Performance of public work and any other prudent action necessary to ensure the health, safety, and welfare of the citizens of the county.
  - 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.
7. The County Administrator, or his designee is hereby empowered, authorized, and directed to exercise, on behalf of the Board of County Commissioners, such emergency powers necessary to carry out the provisions of Chapter 252, Florida Statutes, including, but not limited to, the powers to direct and compel evacuation of all or part of the population from stricken or threatened areas within the County, if such action is deemed necessary to reduce the vulnerability of people in communities of Palm Beach County to damage, injury, and loss of life and property resulting from the imminent threat, as well as any other powers expressly or implicitly conferred pursuant to Chapters 125 and 252, Florida Statutes, and any other provision of law or county ordinance.

8. This authority shall extend only for the period of the state of local emergency, as determined by the County Administrator or his designee, or until further action by the Board of County Commissioners terminates such authority or declares that the state of local emergency has ended.

9. This Proclamation shall be transmitted to the Secretary of State upon adoption.

BOARD OF COUNTY COMMISSIONERS  
OF PALM BEACH COUNTY, FLORIDA

By: *Tony Mascolo*  
Chairman

ATTEST: SHARON R. BOCK  
CLERK AND COMPTROLLER

By: \_\_\_\_\_  
Deputy Clerk

APPROVED AS TO LEGAL SUFFICIENCY

By: *[Signature]*

Approved As To  
Terms & Conditions

*Paul W. Milelli* *9/11/02*  
Paul W. Milelli, Director Date  
Public Safety Department

**ORDER TO REDUCE VULNERABILITY  
TO DAMAGE, INJURY, AND LOSS OF LIFE  
OR PROPERTY RESULTING FROM AN  
IMMINENT THREAT**

WHEREAS, a state of local emergency in Palm Beach County, Florida, was lawfully declared as of 12:00pm on August 28, 2006, due to the imminent threat posed by Hurricane Ernesto (hereinafter "imminent threat"); and,

WHEREAS, the County Administrator, or his designee, has been empowered, authorized, and directed to exercise, on behalf of the Board of County Commissioners, such emergency powers necessary to carry the provisions of Chapter 252, Florida Statutes, including, but not limited to, the powers to direct and compel evacuation of all or part of the population from stricken or threatened areas within Palm Beach County, if such action is deemed necessary to reduce the vulnerability of people in communities of Palm Beach County to damage, injury, and loss of life and property resulting from the imminent threat, as well as any other express or implied powers pursuant to Chapters 125 and 252, Florida Statutes, relevant county resolutions, and any other provisions of the County Code; and,

WHEREAS, the Attorney General of the State of Florida in Op. Atty. Gen. Fla. 95-24 has confirmed the power of counties to order evacuation of county citizens when threatened by a disaster.

NOW THEREFORE, pursuant to Chapter 252, Florida Statutes, Op. Atty. Gen. Fla. 95-24, Executive Order No. 80-29, and Palm Beach County Code Article II, Section 9-35, I hereby find and declare:

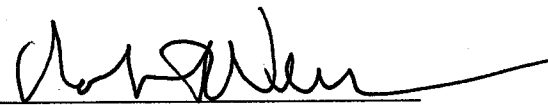
1. The above recitals are true and are incorporated by reference herein.
2. I am duly authorized to carry out the emergency management functions delegated by the Board of County Commissioners to the County Administrator or his designee.
3. In order to reduce the vulnerability of the population to damage, injury, and loss of life or property resulting from the imminent threat, I urge residents in mobile homes, recreational vehicles, sub-standard housing, and low-lying areas subject to flooding in all of Palm Beach County to voluntarily evacuate to safer locations.

4. In order to reduce the vulnerability of the population in the affected areas to damage, injury, and loss of life or property resulting from the imminent threat, I hereby order and direct that no persons, except duly authorized law enforcement or emergency management personnel, be allowed to enter the mandatory evacuation area.

5. The Sheriff of Palm Beach County, Florida and his deputies and assigns, are hereby authorized and empowered to take whatever lawful actions are necessary to implement this evacuation order.

6. This order shall take effect at 2:00p.m., August 29, 2006, and shall be in effect until canceled.


COUNTY ADMINISTRATOR  
OF PALM BEACH COUNTY, FLORIDA

By: 

ATTEST: SHARON R. BOCK  
CLERK AND COMPTROLLER

By: \_\_\_\_\_  
Deputy Clerk

Approved As To  
Terms & Conditions

  
Paul W. Milelli, Director  
Public Safety Department

9/11/06  
Date

APPROVED AS TO LEGAL SUFFICIENCY

By: 