

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: November 18, 2008

(x) 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 Proclamation of Declaration of State of General Emergency of August 18, 2008.

Summary: On August 18, 2008, Palm Beach County declared a State of General Emergency due to the impending arrival of Tropical Storm Fay. The State of General Emergency was declared to initiate the taking of actions by the County Administrator which ensured the health, safety and welfare of the community. The Declaration of State of General Emergency, beginning at 12:01 PM, August 18, 2008, was issued in anticipation of the effects of rain and high winds expected in Palm Beach County as part of Tropical Storm Fay's impact on Florida.
Countywide (GB)

Background and Justification: Staff has continuously monitored the movements and forecast track of Tropical Storm Fay as it approached the South Florida Peninsula. On August 18, 2008 the projected path of the Tropical Storm and the associated high winds and 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 State of General Emergency.

With the executed State of General Emergency, staff activated the Emergency Operations Center to coordinate pre-storm actions and to prepare for any post-storm requirements.

Attachments:

1. Executed "Declaration of State of Emergency"

Recommended & Approved by:


Assistant County Administrator

10/4/08
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 Tropical Storm Fay; and

WHEREAS, Tropical Storm Fay 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, after due and reasonable effort, neither the Chairman nor the Vice-Chairman can be timely located within Palm Beach County, Florida; and

WHEREAS, pursuant to Palm Beach County Code Article II, Section 9-35, in such event the County Administrator may declare a state of local emergency.

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

1. The above recitals are true.
2. I am the County Administrator 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. After due and reasonable effort, neither the Chairman nor the Vice-Chairman can be timely located within Palm Beach County, Florida.

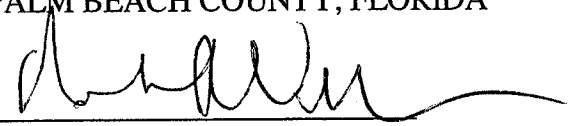
5. Pursuant to Palm Beach County Code Article II, Section 9-35, in such event the County Administrator may declare a state of local emergency.
6. A state of local emergency hereby exists in Palm Beach County, Florida, effective for seven (7) days beginning 2:01 p.m., this 18th day of August 2008.
7. 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.
8. 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.

9. 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.

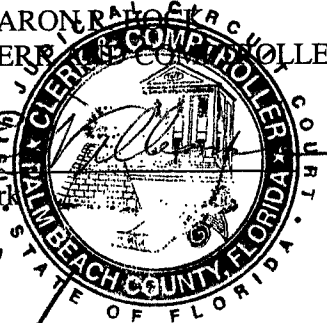
10. This Proclamation shall be transmitted to the Secretary of State upon adoption.

COUNTY ADMINISTRATOR
OF PALM BEACH COUNTY, FLORIDA

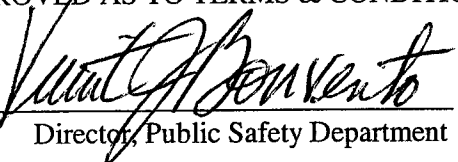
By: 

ATTEST: SHARON RAY, CLERK & COMPTROLLER


By: 
Deputy Clerk



APPROVED AS TO TERMS & CONDITIONS

By: 
Director, Public Safety Department

APPROVED AS TO LEGAL SUFFICIENCY

By: 
County Attorney