Agenda Item #: <u>3/</u>-/

# PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

 Meeting Date: November 17, 2020
 [X] Consent
 [] Regular

 [] Ordinance
 [] Public Hearing

 Department:
 Department of Public Safety

 Submitted By:
 Department of Public Safety

 Submitted For:
 Division of Emergency Management

# EXECUTIVE BRIEF

**Motion and Title: Staff recommends motion to receive and file:** the following Declarations and Emergency Orders related to Hurricane Dorian:

- A. Declaration of State of Local Emergency Palm Beach County (PBC), FL, dated August 29, 2019;
- B. Evacuation Order to Reduce Vulnerability to Damage, Injury, and Loss of Life or Property Resulting from an Imminent Threat PBC, FL, dated September 1, 2019;
- C. Reentry Order PBC, FL, dated September 3, 2019;
- D. Extension of State of Local Emergency PBC, FL, dated September 4, 2019; and
- E. Extension of State of Local Emergency PBC, FL, dated September 12, 2019

**Summary**: Beginning August 29, 2019 at 12:00 p.m., Palm Beach County declared a State of Local Emergency due to the impending arrival of Hurricane Dorian. The State of Local Emergency was declared to initiate emergent actions taken by the County Administrator to ensure the health, safety and welfare of the community. The Evacuation Order to Reduce Vulnerability for Evacuation Zones A and B, was issued on September 1, 2019, at 1:00 p.m. to reduce the vulnerability of people in communities in Palm Beach County as part of Hurricane Dorian's impact. There was an oversight by staff that these documents required receive and file to the Board of County Commissioners, therefore they are being processed at this time. **Countywide** (LDC)

**Background and Justification:** Staff had continuously monitored the movements and forecast track of Hurricane Dorian as it approached the South Florida Peninsula. The Governor of the State of Florida issued a State declaration of emergency on Monday, August 29, 2019. Palm Beach County also issued a state of local emergency on Monday, August 29, 2019. The National Hurricane Center forecasted Hurricane Dorian would be very near the east coast of Florida posing 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 Mayor of the Board of County Commissioners may declare a State of Local Emergency. With the executed State of Local Emergency, the County's Emergency Operations Center was activated to a Level 1 full activation as of 12:00 p.m. on Sunday, September 2, 2019 to coordinate pre-storm protective actions and to prepare for any post-storm requirements.

#### Attachments:

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- 1. Declaration of State of Local Emergency PBC, FL for Hurricane Dorian, dated August 29, 2019
- 2. Order to Reduce Vulnerability to Damage, Injury, and Loss of Life or Property Resulting from an Imminent Threat PBC, FL, dated September 1, 2019
- 3. Reentry Order PBC, dated September 3, 2019
- 4. Extension of State of Local Emergency PBC, FL, dated September 4, 2019
- 5. Extension of State of Local Emergency PBC, FL, dated September 12, 2019

Recommended E	3y: Se more	0660
í.	Department Director	Date
Approved By:	0 CA	10/28/20
	Deputy County Administrator	Date
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# **II. FISCAL IMPACT ANALYSIS**

# A. Five Year Summary of Fiscal Impact

Fiscal Years	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	
Capital Expenditures						
Operating Costs						
External Revenues						
Program Income (County)						
In-Kind Match (County)						
Net Fiscal Impact	*					
# ADDITIONAL FTE						
POSITIONS (Cumulative)						
Is Item Included in Current Budget? Yes No Does this item include the use of federal funds? Yes No						
Budget Account Exp No: Rev No:						
B. Recommended Sources of Funds/Summary of Fiscal Impact: *No fiscal impact. A Federally Funded Subaward and Grant Agreement (Z1557) with the State of Florida, Division of Emergency Management was approved by the BCC on 6/16/20 to authorize the reimbursement of eligible projects for Public Assistance funding for seven (7) Hurricane Dorian projects. Departmental Fiscal Review: II. <u>REVIEW COMMENTS</u>						
A. OFMB Fiscal and/or Contract Dev. and Control Comments:						

C. Other Department Review:

**Department Director** 

Assistant County Attorney

This summary is not to be used as a basis for payment.

### PALM BEACH COUNTY, FLORIDA, DECLARATION OF STATE OF LOCAL EMERGENCY EFFECTIVE August 29, 2019

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 Dorian; and

WHEREAS, Hurricane Dorian 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, the Governor issued Executive Order No. 19-189 declaring a State of Emergency in the State of Florida that includes Palm Beach County on August 28, 2019; and

WHEREAS, there are exigent circumstances surrounding Hurricane Dorian such that a regular or special/emergency meeting of the Board of County Commissioners may not practically be convened or allow for the Mayor or Vice-Mayor to execute a resolution to declare a state of local emergency; and

WHEREAS, Palm Beach County Code Chapter 9, Article II, Section 9-35 and Section 252.38(3)(a)(5), Florida Statutes, provide that in such event, the County Administrator may declare a state of local emergency.

#### NOW, THEREFORE, BE IT PROCLAIMED AND DECLARED:

- 1. The above recitals are true and correct and are incorporated herein by reference.
- 2. I am the County Administrator of Palm Beach County, Florida.

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3. The exigent circumstances surrounding Hurricane Dorian do not allow for a regular or special/emergency meeting of the Board of County Commissioners to practically be convened or allow for the Mayor or Vice-Mayor to execute a resolution to declare a state of local emergency.

4. Pursuant to Palm Beach County Code Article II, Section 9-35, in such event, the County Administrator 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 noon, this 29th day of August, 2019.

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 Palm Beach 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 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 and Palm Beach County Code Article II, Section 9-35 to provide for the health and safety of persons and property including,

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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 powers expressly or implicitly conferred pursuant to Chapters 125 and 252, Florida Statutes, Palm Beach County Code Article II, Section 9-35 and any other provision of law or county ordinance.

8. This State of Emergency shall extend for a period of 7 days and may be extended as necessary in 7 day increments pursuant to Section 252.38(3)(a)(5) as determined by the County Administrator or designee, or until further action by the Board of County Commissioners terminates such authority or declares that the State of Emergency has ended.

9. This Declaration shall be transmitted to the Secretary of State upon adoption and a copy shall be filed with the Clerk of Court.

#### COUNTY ADMINISTRATOR OF PALM BEACH COUNTY, FLORIDA

B County Administrator Date ATTEST CLERK AND COMPTR Clerk Denuty Date

# APPROVED AS TO FORM AND LEGAL SUFFICIENCY

Bv

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

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 Dorian; and

WHEREAS, on August 29, 2019 a State of Local Emergency was declared due to the imminent threat imposed by Hurricane Dorian; and

WHEREAS, Hurricane Dorian 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, Pursuant to Palm Beach County Code Section 9-35, the County Administrator or her designee is 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 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 powers expressly or implicitly conferred pursuant to Chapters 125 and 252, Florida Statutes, and any other provision of law or county ordinance.

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

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

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- 1. The above recitals are true and are incorporated herein by reference.
- 2. I am the County Administrator of Palm Beach County, Florida.
- 3. I am duly authorized to carry out the emergency management functions delegated by the Board of County Commissioners to the County Administrator or her designee.
- 4. The following areas of Palm Beach County are threatened by Hurricane Dorian and are hereby designated the "affected area:"
  - ☑ Evacuation Zone A
  - Evacuation Zone B
  - $\Box$  Evacuation Zone C
  - □ Evacuation Zone D
  - □ Evacuation Zone E
  - □ Other \_\_\_\_
- 5. In order to reduce the vulnerability of the population in the affected area to damage, injury and loss of life or property resulting from the imminent threat, and in order to prepare and allow for prompt and efficient restoration of order, assessment and response to damage and injuries to persons and property, I order and direct that the affected area be evacuated.
- 6. In order to reduce the vulnerability of the population in the affected area to damage, injury and loss of life or property resulting from the imminent threat, I order and direct that no persons, except duly authorized law enforcement or emergency management personnel be allowed to enter the affected area.
- The Palm Beach County Sheriff and his deputies and assigns are authorized and empowered to enforce and implement this order.

2 OF 3 G:\WPDATA\GENGOVT\DCOFFMAN\Public Safety\Emergency Management\Imminent threat order.6.20.16.docx 8. This order shall take effect at 1:00 pm on September 1, 2019, and will remain in effect until the State of Local Emergency is lifted, or until further order.

#### COUNTY ADMINISTRATOR OF PALM BEACH COUNTY, FLORIDA

By:

Verdenia Baker, County Administrator

# APPROVED AS TO TERMS AND CONDITIONS

By:

Stephanie Sejnoha, Director Public Safety

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: County Atto

ATTEST: SHARON R. BOCK CLERK & COMPTROLLER By Deputy Cle

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Department of Public Safety Division of Emergency Management 20 South Military Trail West Palm Beach, FL 33415 (561) 712-6400 FAX: (561) 712-6464 www.pbcgov.com

Palm Beach County Board of County Commissioners

Mack Bernard, Mayor

Dave Kerner, Vice Mayor

Hal R. Valeche

Gregg K. Weiss

Robert S. Weinroth

Mary Lou Berger

Melissa McKinlay

#### **County Administrator**

Verdenia C. Baker

"An Equal Opportunity Affirmative Action Employer"

Official Electronic Letterhead

DATE: September 3, 2019

Palm Beach County Law Enforcement Agencies

FROM:

TO:

Verdenia de Baker County Administrator

**REENTRY ORDER SUBJECT:** 

In order to reduce the vulnerability of the population in the affected area to damage, injury and loss of life or property resulting from the imminent threat of Hurricane Dorian, and in order to prepare and allow for prompt and efficient restoration of order, assessment and response to damage and injuries to persons and property, I directed that certain areas of Palm Beach County threatened by Hurricane Dorian evacuate effective 1:00 pm on Sunday, September 1, 2019. At this time, I have determined that an Evacuation Order is no longer necessary for these purposes. Therefore, pursuant to Chapter 252, Florida Statutes, Attorney General Opinion 95-24, Executive Order No. 19-190, and Palm Beach County Code Article II, Section 9-35, the evacuation order for Hurricane Dorian is hereby lifted effective 4:00 pm, Tuesday, September 3, 2019.

c: Sharon R. Bock Clerk and Comptroller

Attachment: Evacuation order dated September 1, 2019

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### PALM BEACH COUNTY, FLORIDA, EXTENSION 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 impacts of Hurricane Dorian on Palm Beach County; and,

WHEREAS, Hurricane Dorian has impacted Palm Beach County and the State of Florida posing a significant 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, Chapter 9, Article II, Section 9-35, in the event a special meeting of the Board of County Commissioners cannot be convened, the Chairman, or Mayor of the Board of County Commissioners may declare or extend a state of local emergency.

WHEREAS, there is a need to extend the state of local emergency to complete response and recovery efforts.

# NOW, THEREFORE, BE IT PROCLAIMED BY THE BOARD OF COUNTY

**COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA**, that pursuant to Palm Beach County Code, Chapter 9, Article II, Section 9-35, I hereby find, and declare:

1. The above recitals are true.

2. I am the duly selected Mayor 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, Chapter 9, Article II, Section 9-35, in such event, the Mayor may extend a state of local emergency.

5. The County Administrator previously declared a state of emergency to commence on August 29, 2019, at 12:00 p.m. for a period of seven (7) days. A state of emergency continues to exist, therefore, I hereby extend that declaration to remain in full force and effect for an additional seven (7) days; to wit; through September 12, 2019 at 11:59 a.m.

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 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 Mayor, Vice Mayor, County Administrator or 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.

ATTEST: SHARON R. CLERK & COM APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: County Attorney

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

Mayor Mack Bernard

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# PALM BEACH COUNTY, FLORIDA, EXTENSION 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 impacts of Hurricane Dorian on Palm Beach County; and,

WHEREAS, Hurricane Dorian has impacted Palm Beach County and the State of Florida by creating significant impacts to the shoreline including beaches and dunes; and

WHEREAS, Hurricane Dorian created catastrophic destruction and casualties in the Bahamas resulting in evacuations to Palm Beach County and other counties in South Florida; and

WHEREAS, Grand Bahama Island is located approximately 100 miles from West Palm Beach and the Bahamas and Florida have historically enjoyed mutual tourism and strong cultural ties; and

WHEREAS, many people of the Bahamas are without power, homes, basic life necessities including food, shelter and medical care; and

WHEREAS, due to Palm Beach County's close proximity to the Bahamas, many Bahamians share relationship ties to Palm Beach County and are seeking to relocate here to obtain shelter and provisions; and

WHEREAS, currently the county is housing approximately 56 evacuees from the Bahamas who have no immediate family in Florida to shelter them; and

WHEREAS, it is anticipated that many more Bahamians will evacuate to the South Florida areas in view of the devastation resulting from Hurricane Dorian; and

WHEREAS, there remains a significant 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, the Board of County Commissioners approved a continuing extension of the Declaration of a State of Emergency at a meeting held on September 10, 2019, to be executed by the Mayor, Vice Mayor, County Administrator or designee, for so long as the Hurricane Dorian evacuees continue to require shelter and basic life services in Palm Beach County or until otherwise terminated by the Board of County Commissioners.

NOW, THEREFORE, BE IT PROCLAIMED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that pursuant to Palm Beach County Code, Chapter 9, Article II, Section 9-35, I hereby find, and declare:

1. The above recitals are true and are incorporated herein.

I am the duly elected Mayor of the Board of County Commissioners of Palm
 Beach County, Florida.

3. At a meeting of the Board of County Commissioners on September 10, 2019 the Board approved continuing humanitarian efforts on behalf of evacuees from the Bahamas.

4. The County Administrator previously declared a state of emergency to commence on August 29, 2019, at 12:00 p.m. for a period of seven (7) days to address Hurricane Dorian. A state of emergency continued to exist, therefore, the Declaration was extended by the Mayor on September 4, 2019 for a period an additional seven (7) days; to wit; through September 12, 2019 at 11:59 a.m. I hereby extend the State of Emergency for an additional seven (7) days; to wit, through September 19, 2019.

5. 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.

6. The Mayor, Vice Mayor, County Administrator or 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 shelter and assist evacuees of the Bahamas who were displaced by Hurricane Dorian, 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.

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

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

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ATTEST:

PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS

SHARON R. BO CLERK & COM TROLLERNT ADNIO1 Æ. APPROVED AS TO FORM AND LEGAL SUFFICIENCY By: County Attorney

Machen Ben Mayor Mack Bernard