Agenda Item #: <u>3X - 1</u>

# PALM BEACH COUNTY BOARD OF COUNTY COMMISSIONERS AGENDA ITEM SUMMARY

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Meeting Date: January 24, 2023

[ X ] Consent [ ] Ordinance [] Regular [] 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:

- A) receive and file: a Declaration of State of Local Emergency Palm Beach County (County), Florida dated November 7, 2022 for Subtropical Storm Nicole, and
- **B)** receive and file: an Order to Reduce Vulnerability to Damage, Injury, and Loss of Life or Property Resulting from an Imminent Threat dated November 8, 2022 for Tropical Storm Nicole, and
- C) receive and file: a Reentry Order dated November 10, 2022 for Hurricane Nicole.

Summary: On November 7, 2022, Florida Governor Ron DeSantis issued Executive Order 22-253 and declared that a state of emergency exists for thirty-four (34) counties, including Palm Beach, due to Subtropical Storm Nicole. On November 8 2022, the National Hurricane Center (NHC) advised that Subtropical Storm Nicole had formed into Tropical Storm Nicole. November 9, 2022, President Joseph R. Biden, Jr. declared that an emergency exists in the State of Florida and ordered Federal assistance to supplement State, tribal and local response efforts due to the emergency conditions resulting from Tropical Storm Nicole. On November 9, 2022, Florida Governor Ron DeSantis issued Executive Order 22-255 (Amending Executive Order 22-253) expanding the state of emergency to forty-five (45) counties. On November 9, 2022 at 1800 hours, the NHC advised that Tropical Storm Nicole had become Hurricane Nicole. The County issued a State of Local Emergency on Monday, November 7, 2022; which remained through November 14, 2022. Hurricane Nicole had the capacity to pose a significant, imminent, and dangerous threat to residents, visitors and tourists in the County as well as their real and personal property. The declaration of the State of Local Emergency was necessary to initiate emergent actions taken by the County Administrator to ensure the health, safety and welfare of the community. With the executed State of Local Emergency, resources were available through the Federal Emergency Management Agency (FEMA) Public Assistance. On November 9, 2022, the County Administrator declared the following areas of Palm Beach County are threatened by Tropical Storm Nicole and designated the "affected area" as Evacuation Zones A and B. The order directed that the affected area be evacuated. On November 10, 2022, the County Administrator issued a Reentry Order that the evacuation order has been lifted. **Countywide** (DB)

**Background and Justification:** On November 7, 2022, the County declared a State of Local Emergency due to the on-going risk of Subtropical Storm Nicole. Pursuant to Florida Statutes, Section 252.38(3)(a)(5), the State of Local Emergency expires every 7 days unless extended. On November 9, 2022, the County Administrator declared the following areas of Palm Beach County are threatened by Tropical Storm Nicole and designated the "affected area" as Evacuation Zones A and B. The order directed that the affected area be evacuated, pursuant to Chapter 252, Florida Statutes, Op. Atty Gen. 95-24, Executive Order No. 22-253 and Palm Beach County Code Article II, Section 9-35. On November 10, 2022, the County Administrator issued a Reentry Order that the evacuation order has been lifted.

#### Attachments:

- 1. Declaration of State of Local Emergency PBC, FL dated November 7, 2022
- 2. Evacuation Order dated November 8, 2022
- 3. Reentry Order dated November 10, 2022

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Recommended By:	Marin for Stephanie	Semitha 12/13/22	).
	Department Director	U Date	
Approved By:	Assistant County Administra	1/3/23 tor Date	

# **II. FISCAL IMPACT ANALYSIS**

# A. Five Year Summary of Fiscal Impact

Fiscal Years	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</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 B Does this item include the us Budget Account Exp No: Rev No: B. Recommended Sources o *Fiscal impact is undeterminate expenses associated through and other subsequent service Departmental Fiscal Review:	<b>f Funds/Summary o</b> able at this time. The FEMA regarding act as related to storm ac	f Fiscal Impac e County will r ivation pre/dur ctivation.	equest reimb		
OFMB PC 11 M	1.5/2622 P-12/15 27/22		t J. Act Administr	acolian	55 155 155
C. Other Department Review	v:				

Department Director

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

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#### PALM BEACH COUNTY, FLORIDA, DECLARATION OF STATE OF LOCAL EMERGENCY EFFECTIVE MONDAY, NOVEMBER 7, 2022

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

WHEREAS, Subtropical Storm Nicole, 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. 22-253 declaring a State of Emergency for Palm Beach County; and

WHEREAS, the threat posed by Subtropical Storm Nicole requires timely precautions to prepare and protect critical infrastructure within Palm Beach County; and

WHEREAS, there are exigent circumstances surrounding Subtropical Storm Nicole, 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.

3. The exigent circumstances surrounding Subtropical Storm Nicole 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 at 1:00 p.m., this 7th day of November, 2022.

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, 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.

# PALM BEACH COUNTY, FLORIDA

Date

Baker, County Administrator Date ATTEST CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: <u>/s/ Denise Coffman, Esq.</u> County Attorney

Joseph Abruzzo Clerk of the Circuit Court & Comptroller Palm Beach County

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## PALM BEACH COUNTY, FLORIDA 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 Tropical Storm Nicole; and WHEREAS, on Monday, November 7, 2022 a State of Local Emergency was declared due to the imminent threat imposed by Tropical Storm Nicole; and

WHEREAS, Tropical Storm Nicole 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. 22-253 and Palm Beach County Code Article II, Section 9-35, I hereby find and declare:

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

2. I am the County Administrator of Palm Beach County, Florida.

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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 Tropical Storm Nicole and are hereby designated the "affected area:"

- **X** Evacuation Zone A
- 🗵 Evacuation Zone B
- 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.

7. The Palm Beach County Sheriff and his deputies and assigns are authorized and empowered to enforce and implement this order.

8. This order shall take effect at 7:00 am on November 9, 2022, and will remain in effect until the State of Local Emergency is lifted, or until further order.

# PALM BEACH COUNTY, FLORIDA

By Verdenia C. Baker, County Administrator

11/8/2022 Date Joseph ATTEST CLERK AND Chessman By: Deputy  $\cap$ Date

### APPROVED AS TO FORM AND LEGAL SUFFICIENCY

By: <u>/s/ Denise Coffman, Esq.</u> County Attorney



County Administration P.O. Box 1989 West Palm Beach, FL 33402-1989 (561) 355-2040 FAX: (561) 355-3982 www.pbcgov.com

Palm Beach County Board of County Commissioners

Robert S. Weinroth, Mayor

Gregg K. Weiss, Vice Mayor

Maria G. Marino

Dave Kerner

Maria Sachs

Melissa McKinlay

Mack Bernard

#### **County Administrator**

Verdenia C. Baker

"An Equal Opportunity Affirmative Action Employer"

Official Electronic Letterhead

	DA	ATE:	November	10.	2022
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TO: Palm Beach County Law Enforcement Agencies

FROM: Verdenia C. Baker County Administrator

RE: REENTRY ORDER

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 Nicole, 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 Nicole evacuate effective 7:00am on Wednesday, November 9, 2022. Therefore, pursuant to Chapter 252, Florida Statutes, Op. Atty Gen 95-24, Executive Order No. 22-253, and Palm Beach County Article II, Section 9-35, effective immediately the evacuation order has been lifted.

c: Joseph Abruzzo Clerk of the Circuit Court & Comptroller

Attachment: Evacuation order dated November 8, 2022