

**ORDER OF THE MAYOR
CITY OF HOLMES BEACH**

**AN ORDER OF THE MAYOR OF THE CITY OF HOLMES BEACH,
DECLARING A STATE OF LOCAL EMERGENCY DUE TO THE
APPROACH OF TROPICAL STORM ELSA; PROVIDING FOR POWERS TO
ADEQUATELY RESPOND TO A DISASTER;
PROVIDING FOR AN EFFECTIVE DATE AND A
TERMINATION DATE.**

WHEREAS, Section 252.38, Florida Statutes, authorizes political subdivision of the state to declare a State of Local Emergency for a period of up to seven (7) days and to take certain measures that are in the interest of the public health, safety and welfare; and

WHEREAS, on July 3, 2021, Governor Ron DeSantis issued Executive Order 21-150, and amended by Executive Order 21-151, which declared a State of Emergency for a portion of the State of Florida due to the anticipated landfall of Tropical Storm Elsa which threatens the State of Florida with a major disaster; and

WHEREAS, safeguarding lives and property of citizens and visitors is a fundamental responsibility of the governing body of each political subdivision of the state; and

WHEREAS, the aforementioned amended Executive Order by Governor Ron DeSantis and Section 252.38, Florida Statutes, provides emergency management powers to each political subdivision of the state; and

WHEREAS, the City of Holmes Beach is a legally constituted municipality and political subdivision of the State of Florida located within Manatee County; and

WHEREAS, the City of Holmes Beach is located on a coastal barrier island surrounded by the Gulf of Mexico and Sarasota Bay; and

WHEREAS, as a coastal barrier island, the City of Holmes Beach is directly exposed to the dangers of catastrophic hurricanes and other storm related damage and disasters; and

WHEREAS, tropical storms and hurricanes have the potential for causing extensive damage to public and private infrastructure including, but not limited to, utilities, public buildings, public communication systems, streets, roads, drainage systems, commercial and residential buildings and areas; and

WHEREAS, in anticipation of the threat from hurricanes and other storm and natural disasters, the City of Holmes Beach previously adopted Section 18-1 of its Code of Ordinances which empowers the Mayor to declare a state of emergency existing in the City and authorizes the Mayor to assume all the powers provided in Section 870.041 et seq, Florida Statutes; and

NOW, THEREFORE, the Mayor of the City of Holmes Beach issues the following order:

SECTION 1. The above Whereas clauses are hereby ratified, confirmed and incorporated fully herein.

SECTION 2. A State of Local Emergency is hereby declared immediately and the City's Local Emergency Disaster Procedures are hereby officially implemented. All City officers, employees and agents are hereby authorized to perform their respective duties, functions, and obligations provided for the aforementioned procedures.


SECTION 3. Pursuant to Section 252.38(3)(a)5, Florida Statutes, the City has the power and authority to waive the procedures and formalities otherwise required by law pertaining to:

1. Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
2. Following local procurements and contracting policies;
3. Entering into contracts; however, political subdivisions are cautioned against entering into time and materials contracts without a ceiling as defined by 2 CFR 200.318(j) or cost plus percentage contracts as defined by 2 CFR 200.323 (d);
4. Incurring obligations;
5. Employment of permanent and temporary workers;
6. Utilization of volunteer workers;
7. Rental of equipment;
8. Acquisition and distribution, with or without compensation, of supplies, materials and facilities;
9. Appropriation and expenditure of public funds.

SECTION 4. Nothing herein shall be construed to conflict with applicable provisions of state law, or with applicable provisions of the Manatee County Comprehensive Emergency Management Plan.

SECTION 5. This Declaration of Local Emergency shall take effect immediately and shall remain in effect for the next seventy-two (72) hours pursuant to Section 870.047, Florida Statutes, and may be extended by the City Commission unless terminated earlier, or extended as necessary.

ISSUED THE 6th DAY OF July, 2021, at 10:42 AM.
(insert time)



Mayor Judy Titsworth

ATTEST:



Stacey Johnston, MMC, City Clerk