

RESOLUTION NO. R-20-154

AN EMERGENCY RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REGARDING PUBLIC HEALTH; PROVIDING FINDINGS; AMENDING EMERGENCY RESOLUTION NO. R-20-116 TO LIMIT THE DURATION OF EMERGENCY RESOLUTION NO. R-20-116; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a new strain of coronavirus has caused an infectious disease (“COVID-19”) that has not been previously identified in humans; and

WHEREAS, the World Health Organization (“WHO”) raised its assessment of the COVID-19 threat from high to very high and declared a public health emergency of international concern related to COVID-19 on January 30, 2020; and

WHEREAS, the WHO declared COVID-19 a pandemic on March 11, 2020; and

WHEREAS, on March 1, 2020, Governor Ron DeSantis issued Executive Order 20-51, declaring that appropriate measures to control the spread of COVID-19 in the State of Florida are necessary, and therefore directed that a Public Health Emergency be declared in the State of Florida; and

WHEREAS, Section 252.38, Florida Statutes, prescribes the establishment of a local emergency management agency, the appointment of a director thereof, the power and authority thereof, and the power and authority of the Board of County Commissioners in emergency situations; and

WHEREAS, Section 252.46, Florida Statutes, and Article II of Chapter 2-13 of the Manatee County Code, authorize the Board of County Commissioners of Manatee County, Florida to declare a state of local emergency and to exercise emergency powers and authority to carry out the provisions of Sections 252.31 through 252.90, Florida Statutes, including the authority to waive procedures and formalities otherwise required by law pertaining to:

1. Performance of public work and taking whatever action is necessary to ensure the health, safety, and welfare of the community;
2. Entering into contracts;
3. Incurring obligations;
4. Employment of permanent and temporary workers;
5. Utilization of volunteer workers;
6. Rental of equipment;

7. Acquisition and distribution of supplies, materials, and facilities with or without compensation; and
8. Appropriation and expenditure of public funds; and

WHEREAS, Manatee County initially declared a State of Local Emergency on March 16, 2020, pursuant to Resolution No. 20-041, and on March 24, 2020, pursuant to Resolution No. 20-045; and

WHEREAS, a special meeting of the Board was scheduled for July 27, 2020, for the single purpose of discussing the recent increase in COVID-19 cases in the County and to consider additional mitigation requirements to be imposed countywide; and

WHEREAS, the Board was provided with information regarding the need to wear face coverings to prevent the spread of COVID-19, including CDC guidelines and recommendations of health officials, and adopted Resolution No. R-20-116 (as amended by Resolution No. R-20-139, the "Emergency Resolution") to require mandatory face coverings in business establishments as defined in the Emergency Resolution; and

WHEREAS, as a result of measured improvements in the rate of positive cases in Manatee County, the Board finds that it is in the best interests of the public health, safety, and welfare of the community to amend the Emergency Resolution as provided herein.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, THAT:

SECTION 1. FINDINGS. The Board hereby makes the following findings:

1. The recitals set forth above are true and correct; and
2. It is in the best interest of the County, and furthers the public health, safety and welfare of the County to amend the Emergency Resolution as provided herein to limit the duration of the Emergency Resolution.

SECTION 2. AMENDMENT TO EMERGENCY RESOLUTION.

Section 7 of the Emergency Resolution is hereby amended to read as follows (underlined language added, ~~strike-through~~ language deleted).

SECTION 7. EFFECTIVE DATE AND DURATION. This Emergency Resolution shall take effect immediately upon its adoption. This Emergency Resolution shall remain in full force and effect until and through September 30, 2020, unless extended by motion and majority vote of the Board, in which case this Resolution shall remain in full force and effect through the extension any subsequent extension(s) approved by the Board~~for so long as the Local State of~~

~~Emergency for the COVID-19 pandemic remains in effect pursuant to Resolution No. R-20-041, and Resolution No. R-20-045, or any successor resolution.~~

The Emergency Resolution, and all terms set forth therein not expressly amended by this Emergency Resolution, shall remain in full force and effect.

SECTION 3. SEVERABILITY. If any section, sentence, clause, or other provision of this Emergency Resolution shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining sections, sentences, clauses, or provisions of this Emergency Resolution.

SECTION 4. EFFECTIVE DATE. This Emergency Resolution shall take effect immediately upon its adoption.

ADOPTED WITH A QUORUM PRESENT AND VOTING THIS THE 29TH DAY OF SEPTEMBER, 2020.

**MANATEE COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS**

By: _____
Chairperson

**ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER**

By: _____
Deputy Clerk