

RESOLUTION OF THE TOWN COUNCIL OF
THE TOWN OF FORT MYERS BEACH, FLORIDA
RESOLUTION NUMBER 06-04

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA, APPROVING AND ADOPTING THE EMERGENCY OPERATIONS PLAN OF THE TOWN OF FORT MYERS BEACH RELATED TO TOWN ORDINANCE 06-12; AUTHORIZING CHANGES TO THE PLAN; ORDERING TOWN COMPLIANCE WITH NIMS REQUIREMENTS; RETENTION OF AUTHORITY OF TOWN MANAGER; CONSISTENCY WITH LEE COUNTY COMPREHENSIVE EMERGENCY PLAN; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 252, Florida Statutes, authorizes the waiver of procedures and formalities, otherwise required of political subdivisions, to take whatever prudent action is necessary to ensure the health, safety, and welfare of the community in the event of a state of emergency, and

WHEREAS, Florida Statute 252.38 authorizes and encourages municipalities to create municipal emergency management programs, and requires that such programs coordinate their activities with those of the county emergency management agency; and

WHEREAS, Article VIII, Section 2 of the State Constitution and Chapter 166 of the Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, Article X of the Town Charter empowers the Town to adopt, amend, or repeal such ordinances and resolutions as may be required for the proper governing of the Town; and

WHEREAS, the measures set forth in Town Ordinance 06-12 are necessary to provide for the protection of public health, safety, and welfare and to preserve the lives and property of the people of the Town; and

WHEREAS, Town Ordinance 06-12 authorizes the Town Manager to coordinate the development of a Town emergency management plan; and

WHEREAS, the Town Ordinance 06-12 requires that the plan includes procedures to implement the policies set forth in Ordinance 06-12 and that the plan be consistent with county emergency management plans, in accordance with the requirements of Florida statute.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA:

Section 1. Adoption of Recitals. The above recitals as set forth in the various "Whereas" clauses are hereby adopted and incorporated into the body of this Resolution.

Section 2. Approval and Adoption of Emergency Operations Plan. The Town Council of the Town of Fort Myers Beach hereby approves and adopts the Emergency Operations

Plan of the Town of Fort Myers Beach, dated July 24, 2006, (the "Plan), which Plan implements the policies set forth in Ordinance 06-12, as such may be amended from time to time.

Section 3. Changes to the Emergency Operations Plan. The Town Manager will review the Plan yearly, or more frequently as may be needed, in order to determine the need to make revisions to the Plan and updates in coordination with participating persons, agencies, entities, jurisdictions and organizations identified in the Plan. Such suggested revisions and updates shall be submitted to the Town Council for approval and incorporation into the Plan by Resolution of the Town Council at its discretion.

Section 4. Compliance with NIMS Requirements. It is hereby declared to be the policy of the Town of Fort Myers Beach to meet all implementation requirements of the National Incident Management System (NIMS) in accordance with federal guidelines and mandates in all Town ordinances and plans which are subject to such jurisdiction, including the adoption of the Incident Command System (ICS) as this jurisdiction's official incident response system. The Town Council of the Town of Fort Myers Beach hereby directs that incident managers and response organizations under the jurisdiction of the Town of Fort Myers Beach train, exercise, and use the ICS in their response operations.

Section 5. Retention of Authority of Town Manager. Notwithstanding any of the provisions of the Plan, including its annexes and attachments, to the contrary, the Town Manager shall continue to have and retain the full executive authority and discretion of the position of Town Manager in the interpretation of and in the implementation of the Plan during any and all emergency response situations when acting to protect the health, safety, welfare and property of the Town of Fort Myers Beach and its citizens.

Section 6. Consistency with Lee County Comprehensive Emergency Plan It is the intention of the Town that its Plan be consistent with the Lee County Comprehensive Emergency Plan (LCCEMP) as required by Florida law. To the extent that any provisions of the Town's plan are not consistent, such provision(s) of the Town's plan shall be deemed null and void and of no effect but this shall not affect the remaining provisions of the Town's plan. To the extent possible, the two plans shall be construed so as to eliminate or resolve potential conflicts.

Section 7. Effective Date. This Resolution shall take effect immediately upon its adoption by the Town Council of the Town of Fort Myers Beach.

The foregoing Resolution was adopted by the Town Council upon a motion by Council Member Meador and seconded by Mayor Boback and, upon being put to a vote, the result was as follows:

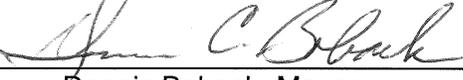
Dennis Boback , Mayor	aye
Don Massucco, Vice Mayor	absent
Charles Meador, Jr.	aye
Garr Reynolds	aye
William Shenko, Jr.	aye

DULY PASSED AND ADOPTED this 24th day of July, 2006.

ATTEST:

TOWN OF FORT MYERS BEACH

By: 
Michelle Mayher, Town Clerk

By: 
Dennis Boback, Mayor

Approved as to legal sufficiency by:


Anne Dalton, Town Attorney