

RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA
STATE OF LOCAL EMERGENCY
RESOLUTION NUMBER 06-15

WHEREAS, Chapter 252, Florida Statutes, authorizes the waiver of procedures and formalities, otherwise required of municipalities, 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 Florida Statute 252.38 specifically authorizes municipalities to declare a state of local emergency; and

WHEREAS, the Board of County Commissioners of Lee County, Florida issued a State of Local Emergency on August 29, 2006, recognizing the danger posed to the residents of Lee County, Florida as a result of Tropical Storm (and possible hurricane) Ernesto; and

WHEREAS, a quorum of the Town Council of Fort Myers Beach has declared and proclaimed that the aforesaid danger has created an state of local emergency affecting the health, safety and welfare of the Town as defined in Town Ordinance 06-12; and

Chapter 252, Florida Statutes, and Ordinance 06-12 of the Town of Fort Myers Beach, Florida authorize the Town to activate the Town's emergency plan and take such emergency measures as are authorized thereunder in the interest of public safety, health, and welfare of its citizens, including, but not limited to, ordering a mandatory curfew of the Town, when a state of local emergency is declared and proclaimed.

NOW, THEREFORE, BE IT RESOLVED that:

Section 1. As a result of the potential of the serious threat posed by Tropical Storm Ernesto to the lives and property of the citizens of the Town of Fort Myers Beach, a state of local emergency is hereby declared and proclaimed, effective immediately, within the territorial limits of the municipality.

Section 2. As provided in F.S. 252.38(3)(a) and Town Ordinance 06-12, the Town Council, through the undersigned official, hereby waives the procedures and formalities otherwise required by law of a municipality.

Section 3. The Town Council hereby waives the mandatory curfew set forth in Section 7 of Town Ordinance 06-12. The Town Council will not impose a mandatory curfew at this time.

Section 4. The Town Council hereby waives the prohibition set forth in Section 7 of Ordinance 06-12 regarding the use of fresh water supplied by the County or local water company for any purpose other than cooking, drinking or bathing.

Section 5. This Resolution and Proclamation shall take effect immediately upon adoption.

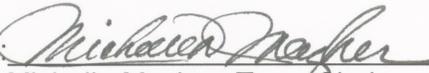
The foregoing Resolution was adopted by the Fort Myers Beach Town Council present after reasonable notice upon motion by Councilmember William Shenko, Jr. and second by Councilmember Charles Meador, Jr. Upon being put to a vote, the result was as follows:

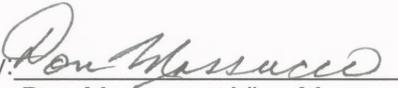
Dennis Boback, Mayor	absent
Don Massucco, Vice Mayor	aye
Garr Reynolds	aye
Charles Meador, Jr.	aye
William Shenko, Jr.	aye

DULY PASSED AND ENACTED this 29th day of August, 2006.

ATTEST:

TOWN OF FORT MYERS BEACH

By: 
Michelle Mayher, Town Clerk

By: 
Don Massucco, Vice Mayor

Approved as to form by:


Anne Dalton, Town Attorney