

RESOLUTION OF THE TOWN OF FORT MYERS BEACH, FLORIDA  
STATE OF LOCAL EMERGENCY  
RESOLUTION NUMBER 06-16

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, as a result of the potential for serious threat to the lives and property of the citizens of the Town of Fort Myers Beach posed by Tropical Storm Ernesto, on August 29, 2006, a quorum of the Town Council of Fort Myers Beach declared a state of local emergency via Resolution 06-15, as authorized by Town Ordinance 06-12; and

WHEREAS, the passage of Resolution 06-15 automatically activated the Town's emergency plan and authorized the Town to take such emergency measures as are authorized thereunder, except that imposition of a mandatory Town curfew and the restriction on use of fresh water were not authorized under such Resolution; and

WHEREAS, based upon updated information from the Lee County Emergency Operations Center available to the Town as of 8:00 a.m. on August 30, 2006, it appears that the potential for serious threat posed by Tropical Storm Ernesto has passed; and

WHEREAS, the Town Council, in a special meeting at 8:00 a.m. on August 30, 2006, determined that if the status of Tropical Storm Ernesto is unchanged as of 5 p.m. on August 30, 2006, or if Lee County rescinds its previously-declared state of local emergency prior to that time, the state of local emergency declared and proclaimed via Town Resolution 06-15 shall be automatically deemed to be lifted without further action of Town Council but otherwise it shall stay in effect for the remainder of the seven (7) day statutory period.

NOW, THEREFORE, BE IT RESOLVED that:

Section 1. If the status of Tropical Storm Ernesto is unchanged as of 5 p.m. on August 30, 2006, or if Lee County rescinds its previously-declared state of local emergency prior to that time, the state of local emergency declared and proclaimed via Town Resolution 06-15 shall be automatically deemed to be lifted without further action of Town Council but otherwise it shall stay in effect for the remainder of the seven (7) day statutory period.

Section 2. 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 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 30<sup>th</sup> 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