



City of North Port

AN EMERGENCY ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, DECLARING A STATE OF LOCAL EMERGENCY CAUSED BY THE THREAT POSED BY HURRICANE IAN, GRANTING THE CITY MANAGER OR DESIGNEE THE AUTHORITY TO TAKE ACTIONS IN ACCORDANCE WITH FLORIDA STATUTES SECTION 252.38(3)(a), AND SUSPENDING STANDARD PROCEDURES AND FORMALITIES FOR THOSE MATTERS IDENTIFIED IN FLORIDA STATUTES SECTION 252.38(3)(a)5, INCLUDING BUT NOT LIMITED TO THE PROCUREMENT OF GOODS AND SERVICES NECESSARY TO ADDRESS THE DECLARED EMERGENCY; PROVIDING FOR FINDINGS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR DURATION.

WHEREAS, Florida Statutes Section 252.38(3)(a) gives authority to public subdivisions to declare and enact 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, Hurricane Ian is anticipated to approach Florida's Peninsula at or near major hurricane strength and is anticipated to impact Sarasota County on September 27 or September 28, 2022, potentially resulting in dangerous storm surge, heavy rainfall, flash flooding, strong winds, hazardous seas, and the potential for isolated tornadic activity; and

WHEREAS, on September 23, 2022, pursuant to Florida Statutes Chapter 252, Governor Ron DeSantis issued Executive Order Number 22-218, declaring a state of emergency in Brevard, Broward, Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands, Hillsborough, Indian River, Lee, Manatee, Martin, Miami Dade, Monroe, Okeechobee, Osceola, Palm Beach, Pasco, Pinellas, Polk, Sarasota, and St. Lucie Counties; directing the Division of Emergency Management to execute the State's Comprehensive Emergency Management Plan; and authorizing each political subdivision within the State of Florida, pursuant to Florida Statutes Section 252.38(3)(a), to waive certain procedures and formalities otherwise required by law that are in the interest of the public health, safety, and welfare; and

WHEREAS, Hurricane Ian poses an immediate danger to the public health, safety, or welfare to the City of North Port, Florida, and its residents, constituting an emergency which warrants the adoption of this ordinance; and

WHEREAS, pursuant to the City Charter of the City of North Port, Florida, Section 7.02, the City Commission of the City of North Port, Florida has by a vote of at least four (4) Commissioners deemed the adoption of this ordinance as necessary for the public health, safety, and welfare of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:

SECTION 1 – FINDINGS

1.01 The above recitals are true and correct and are incorporated in this ordinance by reference.

SECTION 2 – DECLARATION OF EMERGENCY AND EMERGENCY PROCEDURES

2.01 The City Commission of the City of North Port, Florida hereby declares a state of local emergency due to Hurricane Ian, an emergency affecting the City.

2.02 The City Commission of the City of North Port, Florida hereby authorizes the City Manager or the City Manager's designee the power and authority set forth in Florida Statutes Section 252.38(3)(a), and the power and authority to take any and all action deemed necessary during this state of emergency.

2.03 The City Commission of the City of North Port, Florida hereby determines that this emergency necessitates the waiver of the standard procedures and formalities required by law pertaining to those matters identified in Florida Statutes Section 252.38(3)(a)5, including but not limited to the City Manager's procurement of goods and services requiring emergency action, notwithstanding the provisions of Chapter 2, Code of the City of North Port, Florida. Procurements should be made with the greatest degree of competition that circumstances will permit.

2.04 The City Manager or the City Manager's designee may extend this state of local emergency in seven-day increments.

SECTION 3 – CONFLICTS

3.01 In the event of any conflict between the provisions of this ordinance and any other ordinance, in whole or in part, the provisions of this ordinance will prevail to the extent of the conflict.

SECTION 4 – SEVERABILITY

4.01 If a court of competent jurisdiction finds that any section, subsection, sentence, clause, phrase, or provision of this ordinance is for any reason invalid or unconstitutional, that provision will be deemed a separate, distinct, and independent provision and will not affect the validity of the remaining portions of the ordinance.

SECTION 5 – EFFECTIVE DATE

5.01 This ordinance takes effect immediately upon adoption.

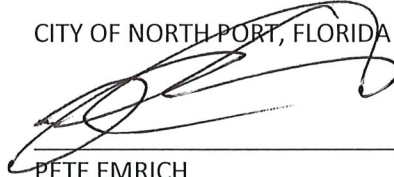
SECTION 6 – DURATION

6.01 This ordinance shall remain in effect until it expires by operation of law or until the emergency conditions no longer exist as determined by the City Manager or the City Manager's designee.

READ IN ITS ENTIRETY in public session on September 26, 2022.

PASSED and DULY ADOPTED by the City Commission of the City of North Port, Florida, in public session on September 26, 2022.

CITY OF NORTH PORT, FLORIDA



PETE EMRICH
MAYOR

ATTEST



HEATHER FAUST, MMC
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS



AMBER L. SLAYTON, B.C.S.
CITY ATTORNEY