



## City of North Port

### ORDINANCE NO. 2019-23

**AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, GRANTING AUTHORITY TO THE CITY MANAGER OR DESIGNEE TO DECLARE A STATE OF LOCAL EMERGENCY IN ACCORDANCE WITH FLORIDA STATUTES CHAPTER 252.38 AND THE AUTHORITY TO TAKE ACTIONS IN ACCORDANCE WITH FLORIDA STATUTES SECTION 252.38(3)(a); SUSPENDING STANDARD PROCEDURES FOR THE PROCUREMENT OF GOODS AND SERVICES NECESSARY TO ADDRESS A DECLARED EMERGENCY; PROVIDING FOR FINDINGS; PROVIDING FOR DURATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Florida Statutes Section 252.38(3)(a)5 provides the authority for political subdivisions to request state assistance or invoke emergency-related mutual-aid assistance by declaring a state of local emergency for an initial period of seven (7) days, which thereafter may be extended in seven (7) day increments, thereby waiving the procedures and formalities otherwise required of the political subdivisions by law pertaining to necessary and prudent actions to ensure the public safety, health and welfare; and

**WHEREAS**, expedient actions to declare a state of local emergency may be required; and

**WHEREAS**, Section 7.02 of the City Charter requires a vote of four (4) Commissioners to enact an emergency ordinance and authorizes the City Manager or the City Manager's designee to take limited actions to procure goods and services in emergency conditions, whenever four (4) Commissioners are unable to meet to enact an emergency ordinance, but it does not authorize the City Manager or the City Manager's designee to declare a state of local emergency; and

**WHEREAS**, the City Commission may not be able to meet in a timely manner to adopt an ordinance issuing a state of local emergency created by the likely loss of life and/or property; and

**WHEREAS**, the City Commission finds that this ordinance serves the public health, safety, and welfare of the citizens of the City of North Port, Florida.

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

**SECTION 1 – FINDINGS**

- 1.01. The recitals outlined above are incorporated by reference as findings of fact as if expressly set forth herein.

**SECTION 2 – DECLARATION OF EMERGENCY AND EMERGENCY PROCEDURES**

- 2.01 The City Commission retains the authority to declare a state of local emergency except as provided herein. If the City Manager or designee are unavailable or unable to exercise the authority conferred herein, the authority shall confer to the next available person in the City Manager’s line of succession as identified in the City Manager’s Continuity of Operations Plan (COOP).
- 2.02 The City Commission of the City of North Port, Florida hereby authorizes the City Manager or designee to declare a state of local emergency in the City of North Port, Florida, only if: (i) the City Manager or designee have made reasonable efforts to convene the City Commission; and (ii) four or more City Commissioners cannot meet within a reasonable time under the circumstances. The City Manager or designee shall communicate the declaration as soon as practicable to the Commissioners and the community. A state of emergency shall exist whenever there is an occurrence or threat thereof, whether accidental, natural, or caused by man, in war, or in peace, which results in or may result in substantial injury or harm to the population and/or substantial damage to or loss of property.
- 2.03 The duration of a state of local emergency is limited to seven (7) days. The City Manager or designee may extend the state of local emergency in seven-day increments, only if: (i) the City Manager or designee have made reasonable efforts to convene the City Commission; and (ii) a quorum of the City Commissioners cannot meet within a reasonable time under the circumstances.
- 2.04 Pursuant to Florida Statutes Section 252.38(3)(a)5, the City Commission of the City of North Port, Florida waives the procedures and formalities otherwise required and authorizes the City Manager or designee the power and authority during a state of local emergency to:
- a. Perform public work and take whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
  - b. Enter into contracts;
  - c. Incur obligations;
  - d. Employ permanent and temporary workers;
  - e. Utilize volunteer workers;
  - f. Rent of equipment;
  - g. Acquire and distribute, with or without compensation, supplies, materials, and facilities; and
  - h. Appropriate and expend public funds.

- 2.05 The City Commission of the City of North Port, Florida hereby determines that any declaration of a state of local emergency necessitates the waiver of the general procedures and formalities required by law pertaining 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.

**SECTION 3 – CONFLICTS**

- 3.01 In the event of any conflict between the provisions of this ordinance and any other ordinance or portions thereof, the provisions of this ordinance shall prevail to the extent of such conflict.
- 3.02 Nothing herein shall be construed as conflicting with Section 7.02 of the North Port City Charter.

**SECTION 4 – SEVERABILITY**

- 4.01 If any section, subsection, sentence, clause, phrase, or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 5 – EFFECTIVE DATE**

- 5.01 This ordinance shall take effect immediately after adoption by the City Commission of the City of North Port, Florida.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, in public session the 6th day of June 2019.

PASSED and DULY ADOPTED by the City Commission of the City of North Port, Florida, on the second and final reading in public session this 25th day of June 2019.

CITY OF NORTH PORT, FLORIDA

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CHRISTOPHER HANKS  
MAYOR

ATTEST:

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KATHRYN WONG  
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS:

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AMBER L. SLAYTON  
CITY ATTORNEY