WINTER HAVEN
THE CHAIN OF LAKES CITY

SPECIAL CITY COMMISSION MEETING

DATE: Tuesday, October 22, 2024, 12:00 p.m.

LOCATION: City Hall, John Fuller Auditorium
451 Third Street NW
Winter Haven, FL 33881

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1. CALL TO ORDER - Nathaniel J. Birdsong, Jr., Mayor

2. ROLL CALL - Vanessa Castillo, MMC, City Clerk

3. RESOLUTION

3.A R-24-50 - Extending the Declaration of a Local State of Emergency / Hurricane Milton

Staff Contact: *T. Michael Stavres, City Manager, tstavres@mywinterhaven.com*

R-24-50

4. ADJOURNMENT

If a person decides to appeal any decision made by the Commission with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings, and that, for such purpose, they may need to ensure that a verbatim record of the proceeding is made which record includes the testimony and evidence upon which the appeal is to be based (FS 286.0105). In accordance with the Americans with Disabilities Act and Florida Statutes, Section 286.26, persons with disabilities needing special accommodations to participate in this proceeding, should contact the City Clerk's Office, 451 Third Street, NW, Winter Haven, Florida 33881, in writing, not later than 48 hours prior to the proceeding; if not in writing, then not later than four (4) days prior to the proceeding at (863) 291-5600. Vision or hearing impaired please call (800) 955-8771 for assistance.

RESOLUTION NO. R-24-50

A RESOLUTION OF THE CITY OF WINTER HAVEN, FLORIDA EXTENDING THE STATES OF LOCAL EMERGENCY DECLARED IN RESOLUTION R-24-47 AND CONTINUED IN RESOLUTION R-24-48 REGARDING HURRICANE MILTON; AUTHORIZING MUNICIPAL OFFICERS TO CONTINUE TO TAKE ALL NECESSARY EMERGENCY MEASURES; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, at approximately 8:30 P.M. on Wednesday, October 9, 2024, Hurricane Milton made landfall at Siesta Key, Florida as a Category 3 major hurricane with sustained winds of 120 miles per hour; and

WHEREAS, between approximately 12:00 A.M. on Thursday, October 10, 2024, and 1:00 A.M., Thursday, October 10, 2024, the center of the eye of Hurricane Milton traveled within 9 miles of the city center of Winter Haven, Florida, as a Category 1 - Category 2 hurricane with sustained winds in the City and surrounding areas between 75 and 110 miles per hour; and

WHEREAS, on Saturday, October 5, 2024, and on Sunday, October 6, 2024, the Governor of the State of Florida issued Executive Orders 24-214 and 24-215 declaring that a State of Emergency existed in Polk County, Florida, as a consequence of Hurricane Milton; and

WHEREAS, on Monday, October 7, 2024, in Declaration of State of Local Emergency 24-01, Polk County, Florida government declared a local state of emergency within all of Polk County, Florida as a result of Hurricane Milton and extended same on October 14, 2024 pursuant to Chapter 252, Florida Statutes; and

WHEREAS, on Monday October 7, 2024, the City Commission of the City of Winter Haven, Florida adopted Resolution R-24-47 and declared a local state of emergency within Winter Haven, Florida, as a result of Hurricane Milton pursuant to Chapter 252 Florida Statutes; and

WHEREAS, on Monday October 14, 2024, the City Commission of the City of Winter Haven, Florida adopted Resolution R-24-48 and extending the declaration of a local state of emergency within Winter Haven, Florida, as a result of Hurricane Milton pursuant to Chapter 252 Florida Statutes; and

WHEREAS, pursuant to Chapter 252 of the Florida Statutes, commonly known as the *State Emergency Management Act*, political subdivisions of the State of Florida such as the City of Winter Haven have the power to declare a local state of emergency regarding inclement weather events and extend the same, as necessary, in 7-day increments, among other powers; and

WHEREAS, on October 9 and October 10, 2024, Hurricane Milton brought heavy rainfall, flash flooding, strong winds, and tornadic activity to the Greater City of Winter Haven area, such that the City Commission finds that conditions warranting emergency action under the *State Emergency Management Act* and the City's *Charter and Code of Ordinances* continue to be present as the City recovers from severe weather-related and hurricane-related conditions; **NOW, THEREFORE**,

Be it resolved by the city commission of the City of Winter Haven, Florida:

Section 1. Findings.

The foregoing findings are incorporated herein by reference and made a part hereof.

Section 2. State of Emergency Ratified, Renewed and Extended; Acts of Officers Ratified.

Hurricane Milton and its aftermath continues to constitute a serious threat to the lives and property of residents of Winter Haven. The State of Local Emergency declared by Resolution R-24-47 and extended by Resolution R-24-48 is ratified, renewed, and hereby extended nunc pro tunc from October 21, 2024 at 11:59 P.M. by a period of seven (7) additional days to expire on Monday, October 28, 2024 at 11:59 P.M. unless further extended, as necessary, in seven (7) day increments. The State of Local Emergency shall continue to be effective for all territory within the legal boundaries of the City of Winter Haven. All powers afforded to the City by every relevant local, state and federal law and act, including but not limited to those emergency powers identified in Resolutions R-24-47 and R-24-48 and the use of all available resources of the City as reasonably necessary, continue to be authorized to be executed by appropriate City officials in order to respond to emergency conditions and to cope with the aftermath and effects of the Hurricane. All acts of municipal officers taken in response to the emergency conditions presented by Hurricane Milton, if any, between the date of entry of Executive Order 24-214 by the Florida Governor, and the date of this Resolution are ratified, confirmed, and considered to be authorized pursuant to the City's emergency powers, the declaration of a State of Emergency by the Florida Governor, and the declaration of a State of Local Emergency by the City Commission.

Section 3. Conflicts.

All resolutions or parts of resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

Section 4. Severability.

If any section or portion of a section of this resolution proves to be invalid, unlawful or unconstitutional, it shall not be held to invalidate or impair the validity, force or effect of any other section or part of this Resolution.

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Section 5. Effective Date.

This Resolution shall become effective immediately upon its passage and adoption nunc pro tunc to Monday October 21, 2024 at 11:59 P.M.

PASSED and **DULY ADOPTED** with a quorum present in voting by the City Commission of the City of Winter Haven, Florida, at a duly noticed and called Special Meeting this 22nd day of October, 2024.

CITY OF WINTER HAVEN, FLORIDA

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Nathaniel J. Birdsong, Jr., Mayor

Attest:

_____
Vanessa Castillo, MMC, City Clerk

Approved as to form:

_____
Frederick J. Murphy, Jr. City Attorney