



SPECIAL CITY COMMISSION MEETING

DATE: Monday, October 7, 2024, 4:00 p.m.

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

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

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

3. RESOLUTION

3.A R-24-47 Declaration of Local State of Emergency - Hurricane Milton

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

Summary Report - Resolution R-24-47 Declaring a Local State of Emergency
Resolution R-24-47

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.

DATE: October 7, 2024

TO: Honorable Mayor and City Commissioners

FROM: T. Michael Stavres, City Manager

SUBJECT: Resolution R-24-47: Declaration of a Local State of Emergency

BACKGROUND

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 a State of Emergency exists in 51 counties of Florida, inclusive of Polk County, as a consequence of Hurricane Milton. On Monday, October 7, 2024, Polk County issued Declaration of State of Local Emergency 42-01.

The City Manager's Office, in consultation with the Emergency Management Executive Policy Group are recommending the City Commission also pass a resolution declaring a local state of emergency for Winter Haven, to help expedite any preparations, response, and recovery efforts needed in response to Hurricane Milton.

FINANCIAL IMPACT

There is no financial impact associated with this action. Expenditures specific to preparation, response, and recovery will be tracked and filed for reimbursement through State and Federal agencies where eligible.

STRATEGIC PLAN ALIGNMENT

- Pillar: Community Safety
- Goal: 5.4 – Ensure local government functions are aligned with community safety best practices.

RECOMMENDATION

Staff recommends the City Commission approve Resolution R-24-47.

ATTACHMENT

- Resolution R-24-47

RESOLUTION NO. R-24-47

A RESOLUTION OF THE CITY OF WINTER HAVEN, FLORIDA DECLARING A STATE OF LOCAL EMERGENCY WITH RESPECT TO HURRICANE MILTON; INVOKING EMERGENCY POWERS AND AUTHORIZING MUNICIPAL OFFICERS TO TAKE NECESSARY MEASURES; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE

WHEREAS, at 8:00 A.M. on Monday, October 7, 2024, the National Hurricane Center advised that Hurricane Milton was located approximately 745 miles West-Southwest of Tampa, Florida with Category 4 minimum sustained winds of 125 miles per hour and a minimum central pressure of 945 millibars; and

WHEREAS, at 8:00 A.M. on Monday, October 7, 2024, the National Hurricane Center advised that interests in the Florida Peninsula should monitor the progress of Hurricane Milton and that a Hurricane Watch has been issued and is in effect for the greater Florida Gulf Coast from Chokoloskee to the Suwanee River; and

WHEREAS, the National Hurricane Center forecasts that Hurricane Milton will continue to undergo rapid intensification and make landfall as a Major Category 3 or greater Hurricane, and further forecasts that Hurricane Milton will bring tropical storm force or greater winds to Florida by as early as 8:00 P.M. on Tuesday, October 8, 2024; and

WHEREAS, in its official forecast discussion issued at 2:00 P.M. on Sunday, October 6 2024, the National Hurricane Center states that Hurricane Milton is expected to produce heavy rainfall of 5 to 8 inches with localized totals up to 12 inches in Florida upon arrival, inclusive of flash flooding, urban flooding, and areal flooding, along with widespread minor to moderate river flooding with major flooding possible, throughout the Florida Peninsula and the West Florida Coast; and that, regardless of Hurricane Milton's exact track and intensity, there exists a risk of life-threatening storm surge, damaging winds, and heavy rainfall for portions of the West Coast of Florida beginning late Tuesday, October 8, 2024, or early Wednesday, October 9, 2024; and

WHEREAS, computer model forecasts for the path of the eye of Hurricane Milton vary greatly and, as of 2:00 P.M. on Sunday, October 6, 2024, Polk County and Winter Haven lie within the forecast cone of uncertainty; 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 exists in 51 counties of the State of Florida, inclusive of Polk County, as a consequence of Hurricane Milton, then known as Tropical Storm 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 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:

(1) appropriate and expend funds; make contracts; obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for the health and safety of persons and property, including emergency assistance to the victims of any emergency; and direct and coordinate the development of emergency management plans and programs in accordance with the policies and plans set by the federal and state emergency management agencies;

(2) appoint, employ, remove, or provide, with or without compensation, coordinators, rescue teams, fire and police personnel, and other emergency management workers;

(3) establish, as necessary, a primary and one or more secondary emergency operating centers to provide continuity of government and direction and control of emergency operations;

(4) assign and make available for duty the offices and agencies of the City, including the employees, property, or equipment thereof relating to firefighting, engineering, rescue, health, medical and related services, police, transportation, construction, and similar items or services for emergency operation purposes, as the primary emergency management forces of the City for employment within or outside the political limits of the subdivision;

(5) request state assistance or invoke emergency-related mutual-aid assistance;

(6) declare a local state of emergency regarding inclement weather events and extend the same, as necessary, in 7-day increments; and

(7) waive the procedures and formalities otherwise required of the City by law pertaining to:

(A) Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;

(B) Entering into contracts;

(C) Incurring obligations;

(D) Employment of permanent and temporary workers;

(E) Utilization of volunteer workers;

(F) Rental of equipment;

(G) Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and

(H) Appropriation and expenditure of public funds;

and

WHEREAS, given the inherent risks presented by Hurricane Milton, including dangerous heavy rainfall, flash flooding, strong winds, and the potential for tornadic activity in Polk County and the Greater City of Winter Haven area, the City Commission finds that conditions warranting emergency action under the *State Emergency Management Act* and the City's *Charter and Code of Ordinances* are present; **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 Declared; Acts of Officers Ratified.

Hurricane Milton constitutes a serious threat to the lives and property of residents of Winter Haven. A State of Local Emergency is declared to be effective for all territory within the legal boundaries of the City of Winter Haven. The City Commission hereby exercises the weather-related emergency authority of the City under Chapter 252 Florida Statutes and all powers afforded to the City by every relevant local, state and federal law are authorized to be executed by appropriate City officials relating to any emergency matters associated with Hurricane Milton including but not limited to the use of all available resources of the City as reasonably necessary to cope with the Hurricane and its effects. The State of Local Emergency declared herein shall expire on Monday, October 14, 2024 at 11:59 P.M., unless extended, as necessary, in seven (7) day increments. 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 and the declaration of a State of Emergency by the Florida Governor.

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.

Section 5. **Effective Date.**

This Resolution shall become effective immediately upon its passage and adoption

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 7th day of October, 2024.

CITY OF WINTER HAVEN, FLORIDA

Nathaniel J. Birdsong, Jr., Mayor

Attest:

Vanessa Castillo, MMC, City Clerk

Approved as to form:

Frederick J. Murphy, Jr. City Attorney