

SPECIAL MEETING

SEPTEMBER 2, 2004

A Special Meeting of the Arcadia City Council was held on September 2, 2004 at 9:00 a.m. in conjunction with the DeSoto County Commission at the Emergency Management Operations Center at 201 E. Oak Street. Council Members attending were: Fazzone, Whitlock, Johnson and Goodman. Absent: Council Member Heine. Also in attendance were: Administrator Strube, and City Attorney Holloman.

Attorney Holloman recommend that Council adopt a resolution '*declaring a state of local emergency*' which allows the suspension of requirements for competitive negotiations. Johnson moved to adopt Resolution No. 2004-19; seconded by Goodman and carried.

RESOLUTION NO. 2004-19

CITY OF ARCADIA RESOLUTION DECLARING STATE OF
LOCAL EMERGENCY DUE TO DAMAGE CAUSED BY
HURRICANE CHARLEY AND DAMAGES THAT MAY BE
CAUSED BY HURRICANE FRANCES

WHEREAS, the CITY OF ARCADIA, FLORIDA, is impacted as a result of Hurricane Charley, which impact poses a serious threat to public health and safety and has caused serious property damage and flooding especially to low lying areas; and,

WHEREAS, high wind damage and flooding has occurred in the City of Arcadia, Florida; and,

WHEREAS, the City of Arcadia, Florida, may be impacted as a result of Hurricane Frances, which may pose a serious threat to public health and safety and cause serious property damage and flooding; and,

WHEREAS, the City of Arcadia has requested the director of the Division of Emergency Management to suspend the requirements of Florida Statute 287.055. Consultant Competitive Negotiations Act under the authority granted him Section 2, Subparagraph F, of Executive Order Number 04-182 but the Director refused to do so; and,

WHEREAS, Chapter 252.38(3)(a)5, Florida Statutes, provides authority for a municipality to declare a state of local emergency for seven days and to extend that declaration as necessary in seven day increments and to waive the procedures and formalities otherwise required of municipalities and by laws 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;

Special Council Meeting
September 2, 2004
Continued

(Resolution No. 2004-19 cont.)

- e. Utilization of volunteer workers;
- f. Rental of equipment;
- g. Acquisition and distribution, with or without compensation, of supplies, materials and facilities;
- h. Appropriate and expenditure of public funds.

And,

WHEREAS, the enactment of this Resolution is absolutely necessary to protect the lives and property of the City of Arcadia, Florida, in this emergency situation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ARCAIDA, FLORIDA, AS FOLLOWS:

1. That damages from Hurricane Charley continue to pose a serious threat to lives and property of residents of the City of Arcadia, Florida, and Hurricane Frances may pose a serious threat to the lives and property of residents of the City of Arcadia, Florida, such that a state of local emergency exists and is legally declared within the City limits of the City of Arcadia, Florida, by authority of Section 252.38(3)(a)5, Florida Statutes.
2. That this Resolution declaring an emergency and waiving procedures and formalities otherwise required by municipalities by law is absolutely necessary in order to protect the lives and property of the citizens of the City of Arcadia, Florida, during this emergency situation.
3. The procedures and formalities otherwise required of municipalities 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;
 - h. Appropriate and expenditure of public funds;are waived.

Special Council Meeting
September 2, 2004
Continued

(Resolution No. 2004-19 cont.)

4. The City suspends existing statutes, rules, ordinances, and orders for the duration of this emergency to the extent that literal compliance with such statutes, rules, ordinances, and orders may be inconsistent with the timely performance of disaster response functions.

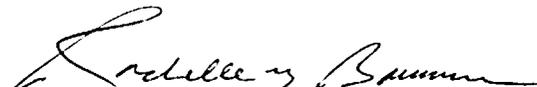
ENACTED AND DULY ADOPTED BY VOTE OF FOUR MEMBERS in
Emergency Session, by the City Council of the City of Arcadia, Florida this 2nd
day of September, 2004.

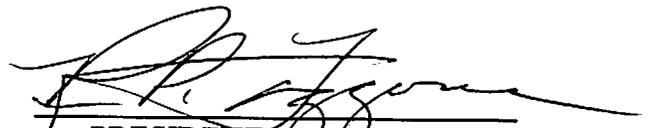
s/s RICHARD P. FAZZONE
RICHARD P. FAZZONE
MAYOR

ATTEST:

s/s RACHELLE M. BAUMANN
RACHELLE M. BAUMANN, CMC
CITY RECORDER

APPROVED AS TO FORM BY
DAVID C. HOLLOMAN
CITY ATTORNEY


CITY RECORDER


PRESIDENT