

**LEE COUNTY, FLORIDA
EMERGENCY RESOLUTION NO. 18-08-13
SECOND EXTENSION A STATE OF LOCAL EMERGENCY**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
LEE COUNTY, FLORIDA RELATING TO THE DECLARATION OF A
STATE OF LOCAL EMERGENCY RELATING TO ALGAE BLOOMS**

WHEREAS, Florida Governor Rick Scott issued Executive Order Number 18-191 (Exhibit A) on Monday, July 9, 2018, declaring a State of Local Emergency for the following counties: Glades, Hendry, Lee, Martin, Okeechobee, Palm Beach and St. Lucie for Emergency Management – Lake Okeechobee Discharge/Algae Blooms; and

WHEREAS, the Board of County Commissioners of Lee County, Florida declared a State of Local Emergency on July 27, 2018 in response to the Algae Blooms that has the potential of impacting the health and welfare of the community, and damage to public infrastructure, Emergency Resolution No. 18-07-01 (Exhibit B), pursuant to Chapter 252, Florida Statutes; an extension of the State of Local Emergency was approved by the Board on August 7, 2018, Emergency Resolution No. 18-08-10 (Exhibit C); and

WHEREAS, §252.38 (3) (a) (5), Florida Statutes, provides authority for a political subdivision to declare a State of Local Emergency in order to take whatever action is necessary to ensure the health, safety, and welfare of the community; and

WHEREAS, the duration of this State of Local Emergency is limited to seven (7) days and it may be extended, as deemed necessary by the Board of County Commissioners or pursuant to Lee County Ordinance 87-01 for additional terms in seven (7) day increments; and

WHEREAS, Lee County Ordinance No. 87-01, states that when a quorum of the Board of County Commissioners is unable to meet, the Chairperson of the Board of County Commissioners, or the Vice-Chairperson in his/her absence, or the County Administrator or his/her designee in the absence of the Chairperson, or Vice-Chairperson is authorized to declare a State of Local Emergency; and

NOW THEREFORE, IT IS RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA:

1. That the effects of algae blooms continue to pose a serious threat to the lives and property of the residents of Lee County and that an extension of a State of Local Emergency is declared, effective immediately for all unincorporated and incorporated areas within the local boundaries of Lee County, Florida.
2. The Resolution Declaring a State of Local Emergency, Resolution No. 18-07-01 (Exhibit B) is hereby extended for an additional seven (7) day increment.

DULY EXECUTED this 14th day of August, 2018.



BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: 
Cecil Pendergrass, Chair

ATTEST:
LINDA DOGGETT, CLERK

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY:

BY: 
Deputy Clerk

BY: 
Office of the County Attorney

EXHIBIT A

STATE OF FLORIDA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NUMBER 18-191
(Emergency Management – Lake Okeechobee Discharge/Algae Blooms)

WHEREAS, in the month of June 2018, there was an increase in the number of algae blooms stemming from the Army Corps of Engineers decision to discharge water from Lake Okeechobee; and

WHEREAS, the discharge of harmful water from Lake Okeechobee into the Caloosahatchee River, St. Lucie River, the Indian River Lagoon, and estuaries have resulted in wide-spread algae blooms; and

WHEREAS, on June 20, 2018, I directed the Florida Department of Environmental Protection to issue an Emergency Order urging the Army Corps of Engineers and the South Florida Water Management District to take emergency action to help redirect the flow of water and curb the potential for algae blooms, including deploying additional water monitoring stations; and

WHEREAS, during my tenure as Governor, I have used state authority to address the federal government's failure to act with regards to Lake Okeechobee, including securing \$100 million in state funding to expedite repairs to the Herbert Hoover Dike, accelerating the Everglades Agricultural Area Storage (EAA) Reservoir Project, and investing more than \$1.8 billion in restoring the Everglades ecosystem and water quality; and

WHEREAS, after decades of congressional inaction, I worked with the federal government to secure full federal funding for repairs to the Herbert Hoover Dike and remain focused on the EAA Reservoir Project; and

WHEREAS, the residents, local governments, and state officials have collaborated to support efforts to improve water quality in the region and protect our valuable ecosystems; and

WHEREAS, the release of water from Lake Okeechobee and increase in algae blooms, including overwhelming amounts of cyanobacteria (blue-green algae) which can produce hazardous toxins, has unreasonably interfered with the health, safety, and welfare of the State of Florida and its residents; and

WHEREAS, the toxic algae blooms have resulted in an increasing threat to our environmental and fragile ecosystems, including our rivers, beaches, and wildlife; and

WHEREAS, the toxic algae blooms have led to the issuance of health advisories, closure of recreational areas, and economic losses in adjacent communities; and

WHEREAS, the Army Corps of Engineers anticipates the need to continue releasing harmful water from Lake Okeechobee throughout the month of July due to rising water levels, leading to a greater concern of on-going issues with toxic algae blooms; and

WHEREAS, the Florida Department of Environmental Protection sampling has indicated the following counties are experiencing the harmful impacts of algae blooms or may be at risk: Glades, Hendry, Lee, Martin, Okeechobee, Palm Beach, and St. Lucie; and

WHEREAS, on July 9, 2018, I toured the Caloosahatchee River and surrounding areas with the Florida Department of Environmental Protection to survey the damage caused by algae blooms from the discharge of water released by the Army Corps of Engineers; and

NOW, THEREFORE, I, RICK SCOTT, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section 1(a) of the Florida Constitution and by the Florida Emergency Management Act, as amended, and all other applicable laws, promulgate the following Executive Order, to take immediate effect:

Section 1. Because of the foregoing conditions and on-going threat of toxic algae blooms, I declare that a state of emergency exists in Glades, Hendry, Lee, Martin, Okeechobee, Palm

Beach, and St. Lucie counties.

Section 2. I designate the Director of the Division of Emergency Management as the State Coordinating Officer for the duration of this emergency and direct him to execute the State's Comprehensive Emergency Management Plan and other response, recovery, and mitigation plans necessary to cope with this emergency.

I designate the Florida Department of Environmental Protection as the lead agency for all crisis management responsibilities related to this emergency. The Florida Department of Environmental Protection shall advise the State Coordinating Office on all emergency response activities.

Pursuant to section 252.36(1)(a), Florida Statutes, I delegate to the State Coordinating Officer the authority to exercise those powers delineated in sections 252.36(5)-(10), Florida Statutes, which he shall exercise as needed to meet this emergency, subject to the limitations of section 252.33, Florida Statutes. In exercising the powers delegated by this Order, the State Coordinating Officer shall confer with the Governor to the fullest extent practicable. The State Coordinating Officer shall also have the authority to:

A. Invoke and administer the Emergency Management Assistance Compact ("EMAC") (sections 252.921-252.9335, Florida Statutes) and other compacts and agreements existing between the State of Florida and other states, and the further authority to coordinate the allocation of resources from such other states that are made available to Florida under such compacts and agreements so as best to meet this emergency.

B. Seek direct assistance and enter into agreements with any and all agencies of the United States Government as may be needed to meet the emergency.

C. Direct all state, regional and local governmental agencies, including law enforcement agencies, to identify personnel needed from those agencies to assist in meeting the

response, recovery, and mitigation needs created by this emergency, and to place all such personnel under the direct command and coordination of the State Coordinating Officer to meet this emergency.

D. Designate additional Deputy State Coordinating Officers, as necessary.

E. Suspend the effect of any statute, rule, or order that would in any way prevent, hinder, or delay any mitigation, response, or recovery action necessary to cope with this emergency.

F. Enter orders as may be needed to implement any of the foregoing powers; however, the requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to any such orders issued by the State Coordinating Officer; however, no such order shall remain in effect beyond the expiration of this Executive Order, to include any extension.

Section 3. I find that the special duties and responsibilities resting upon some State, regional, and local agencies and other governmental bodies in responding to the emergency may require them to suspend the application of the statutes, rules, ordinances, and orders they administer. Therefore, I issue the following authorizations:

A. Pursuant to section 252.36(1)(a), Florida Statutes, the Executive Office of the Governor may suspend all statutes and rules affecting budgeting to the extent necessary to provide budget authority for state agencies to cope with this emergency. The requirements of sections 252.46 and 120.54(4), Florida Statutes, do not apply to any such suspension issued by the Executive Office of the Governor; however, no such suspension shall remain in effect beyond the expiration of this Executive Order, to include any extension.

B. Each State agency may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or the orders or rules of that agency, if strict compliance with the provisions of any such statute, order, or rule would in any way prevent,

hinder, or delay necessary action in coping with the emergency. This includes, but is not limited to, the authority to suspend any and all statutes, rules, ordinances, or orders which affect leasing, printing, purchasing, travel, and the condition of employment and the compensation of employees. For the purposes of this Executive Order, "necessary action in coping with the emergency" means any emergency mitigation, response, or recovery action: (1) prescribed in the State Comprehensive Emergency Management Plan ("CEMP"); or, (2) ordered by the State Coordinating Officer. The requirements of sections 252.46 and 120.54(4), Florida Statutes, shall not apply to any such suspension issued by a State agency; however, no such suspension shall remain in effect beyond the expiration of this Executive Order, to include any extensions of this Order.

C. In accordance with section 252.38, Florida Statutes, each political subdivision within the State of Florida may waive the procedures and formalities otherwise required of the political subdivision by law pertaining to:

- 1) Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
- 2) Entering into contracts;
- 3) Incurring obligations;
- 4) Employment of permanent and temporary workers;
- 5) Utilization of volunteer workers;
- 6) Rental of equipment;
- 7) Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and,
- 8) Appropriation and expenditure of public funds.

Section 4. I find that the demands placed upon the funds appropriated to the agencies of the State of Florida and to local agencies are unreasonably great and may be inadequate to pay

the costs of coping with this disaster. In accordance with section 252.37(2), Florida Statutes, I direct that sufficient funds be made available, as needed, by transferring and expending moneys appropriated for other purposes, moneys from unappropriated surplus funds, or from the Budget Stabilization Fund.

Section 5. All State agencies entering emergency final orders or other final actions in response to this emergency shall advise the State Coordinating Officer contemporaneously or as soon as practicable.

Section 6. All actions taken by the Director of the Division of Emergency Management with respect to this emergency before the issuance of this Executive Order are ratified. This Executive Order shall expire 60 days from this date unless extended.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 9th day of July, 2018.

A handwritten signature in black ink, appearing to read "Rick Scott", is written over a horizontal line.

GOVERNOR

ATTEST:

A handwritten signature in black ink, appearing to read "Kris Ritzman", is written over a horizontal line.

SECRETARY OF STATE

FILED
2018 JUL -9 PM 3:23
TALLAHASSEE, FLORIDA

EXHIBIT B

**LEE COUNTY, FLORIDA
EMERGENCY RESOLUTION NO. 18-07-01
DECLARING A STATE OF LOCAL EMERGENCY**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
LEE COUNTY, FLORIDA RELATING TO THE DECLARATION OF A
STATE OF LOCAL EMERGENCY RELATING TO ALGAE BLOOMS**

WHEREAS, Florida Governor Rick Scott issued Executive Order Number 18-191 (Exhibit A) on Monday, July 9, 2018, declaring a State of Local Emergency for the following counties: Glades, Hendry, Lee, Martin, Okeechobee, Palm Beach and St. Lucie for Emergency Management – Lake Okeechobee Discharge/Algae Blooms; and

WHEREAS, the emergency situation has the potential for causing life threatening conditions or damage to public infrastructure; and

WHEREAS, §252.38 (3) (a) (5), Florida Statutes, provides authority for a political subdivision to declare a State of Local Emergency in order to take whatever action is necessary to ensure the health, safety, and welfare of the community; and

WHEREAS, in emergency session held on Friday, July 27, 2018, the Board of County Commissioners of Lee County, Florida, finds and declares that a State of Local Emergency for a period not to exceed seven (7) days is necessary to protect and safeguard the safety, health, and welfare of the citizens of Lee County.

WHEREAS, the duration of this State of Local Emergency is limited to seven (7) days; however, it may be extended, as deemed necessary by the Board of County Commissioners or pursuant to Lee County Ordinance 87-01 for additional terms in seven (7) day increments.

WHEREAS, Lee County has declared a State of Local Emergency to exist.

NOW THEREFORE, IT IS RESOLVED THIS 27th day of July, 2018, that the Algae Blooms pose a serious threat to the lives and property of the residents of Lee County and that a State of Local Emergency shall be declared, effective immediately, for all unincorporated and incorporated areas within the local boundaries of Lee County, Florida.

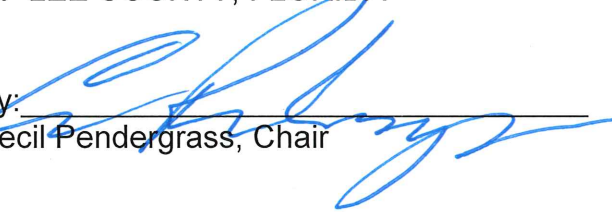
BE IT FURTHER RESOLVED that the Board of County Commissioners hereby exercises its authority and waives the procedures and formalities required by law of a political subdivision, as authorized under §252.38, Florida Statutes.

Commissioner Hamman offered the foregoing Resolution and moved its adoption, which was seconded by Commissioner Pendergrass and, upon being put to a vote, the vote was as follows:

John Manning	Absent
Cecil Pendergrass	Aye
Larry Kiker	Absent
Brian Hamman	Aye
Frank Mann	Aye

DULY PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, this 27th day of July, 2018.

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: 
Cecil Pendergrass, Chair

ATTEST:
LINDA DOGGETT, CLERK

BY: 
Deputy Clerk

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY:

BY: 
Office of the County Attorney

10 : 08 a.M.
(Time)



EXHIBIT C

**LEE COUNTY, FLORIDA
EMERGENCY RESOLUTION NO. 18-08-01
EXTENDING A STATE OF LOCAL EMERGENCY**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF
LEE COUNTY, FLORIDA RELATING TO THE DECLARATION OF A
STATE OF LOCAL EMERGENCY RELATING TO ALGAE BLOOMS**

WHEREAS, the Board of County Commissioners of Lee County, Florida declared a State of Local Emergency on July 27, 2018 in response to the Algae Blooms that has the potential of impacting the health and welfare of the community, and damage to public infrastructure; and

WHEREAS, §252.38 (3) (a) (5), Florida Statutes, provides authority for a political subdivision to declare a State of Local Emergency in order to take whatever action is necessary to ensure the health, safety, and welfare of the community; and

WHEREAS, the duration of this State of Local Emergency is limited to seven (7) days and it may be extended, as deemed necessary by the Board of County Commissioners or pursuant to Lee County Ordinance 87-01 for additional terms in seven (7) day increments; and

WHEREAS, Lee County Ordinance No. 87-01, states that when a quorum of the Board of County Commissioners is unable to meet, the Chairperson of the Board of County Commissioners, or the Vice-Chairperson in his/her absence, or the County Administrator or his/her designee in the absence of the Chairperson, or Vice-Chairperson is authorized to declare a State of Local Emergency; and

WHEREAS, Florida Governor Rick Scott issued Executive Order Number 18-191 (Exhibit A) on Monday, July 9, 2018, declaring a State of Local Emergency for the following counties: Glades, Hendry, Lee, Martin, Okeechobee, Palm Beach and St. Lucie for Emergency Management – Lake Okeechobee Discharge/Algae Blooms; and

NOW THEREFORE, IT IS RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA:

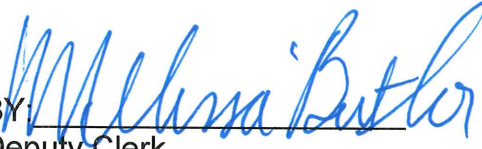
1. That the effects of algae blooms continue to pose a serious threat to the lives and property of the residents of Lee County and that an extension of a State of Local Emergency is declared, effective immediately for all unincorporated and incorporated areas within the local boundaries of Lee County, Florida.
2. The Resolution Declaring a State of Local Emergency, Resolution No. 18-07-01 (Exhibit B) is hereby extended for an additional seven (7) day increment.

DULY EXECUTED this 7th day of August, 2018.

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: 
Cecil Pendergrass, Chair

ATTEST:
LINDA DOGGETT, CLERK

BY: 
Deputy Clerk

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY:

BY: 
Office of the County Attorney

11 : 44 A.M.
(Time)

