

## **RESOLUTION NO. 2024-07**

### **A RESOLUTION OF THE TOWN OF REDINGTON BEACH, FLORIDA, SETTING FORTH CERTAIN EMERGENCY RESPONSE POLICIES RELATED TO HURRICANES HELENE AND MILTON; MAKING RELATED FINDINGS; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.**

**WHEREAS**, Hurricane Helene, which made landfall in the Big Bend area of the Florida Gulf Coast as a Category 4 storm late in the evening of September 26, 2024, created historical flooding and related real and personal property damage to virtually every single-family residence within the Town of Redington Beach; and

**WHEREAS**, on September 23<sup>rd</sup> and September 24<sup>th</sup> 2024, the Governor of the State of Florida promulgated Executive Orders 24-208 and 24-209 declaring a State of Emergency as a result of what was to become Hurricane Helene; and

**WHEREAS**, the Governor's Emergency Declarations included all of Pinellas County, including the Town; and

**WHEREAS**, Florida Statutes Chapter 252 provides authority for a political sub-division such as the Town of Redington Beach to declare a State of Emergency allowing the Town to waive the procedures and formalities otherwise required of political subdivisions by law pertaining to:

1. Performance of public work and taking whatever 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;
8. Appropriation and expenditures of public funds.

**WHEREAS**, § 2-63 of the Town Code provides that when, in the judgment of the Mayor, or, in his or her absence or incapacity, the Vice-Mayor or in his or her absence or incapacity any other member of the Commission, a civil emergency or state of emergency as defined by Town Code § 2-60 exists, said official may declare such emergency; and

**WHEREAS**, § 2-63 of the Town Code requires that any declaration of local emergency shall be confirmed by the Town Commission by resolution within two working days of such declaration, or at the next regular or special meeting of the Town Commission, whichever comes first, unless the nature of the local emergency renders a meeting of the Commission impractical; and

**WHEREAS**, on September 26<sup>th</sup> 2024, the Mayor determined there to be a state of emergency, and so informed the Town Attorney with request that the Town Attorney draft an appropriate resolution confirming the emergency for adoption at the next Commission meeting able to be scheduled; and

**WHEREAS**, while the Town remains in the process of responding to and recovering from the damage caused by Hurricane Helene, forecasters have confirmed that a anew tropical storm currently in the Gulf of Mexico is forecast to become Hurricane Milton by Monday, October 7<sup>th</sup> 2024; and

**WHEREAS**, on October 5<sup>th</sup> and 6<sup>th</sup> 2024, the Governor of the State of Florida issued Executive Orders 24-214 and 24-215 related to Hurricane Milton, which Orders cover Pinellas County and provide for the same authorizations as the Governor’s Executive Orders related to Hurricane Helene; and

**WHEREAS**, forecasters are predicting Hurricane Milton’s forecast track to impact the west coast of Florida as a category 3 hurricane some time on the morning of Wednesday, October 9<sup>th</sup> 2024, with the Town being well within the current cone, meaning the Town will likely receive wind and/or storm surge impacts from Hurricane Milton; and

**WHEREAS**, § 2-62 of the Town Code provides that the Mayor shall direct all emergency management functions for the Town, and shall have the following powers, duties and responsibilities:

- (1) To make a declaration of emergency for the reasons set forth in this article;
- (2) To direct the creation, revisions and exercise of emergency response plans conforming to state and county emergency plans for the mitigation of preparation for, response to, and recovery from emergencies or disasters;
- (3) To direct the efforts of the town staff in the preparation for, response to, and recovery from emergency conditions;
- (4) To recommend a budget to the commission for the creation and maintenance of emergency response capabilities;
- (5) To promulgate, during a declared emergency, regulations necessary for the protection of life and property, establishment of public order, and control of adverse conditions affecting public welfare resulting from the emergency;
- (6) To coordinate the public information function of the town and to coordinate a town emergency awareness program;
- (7) To direct the development and maintenance of the town's emergency plans, including annual revisions;
- (8) To direct the development of a temporary town emergency operations center (EOC) to include equipment, staffing, and operational procedures necessary for the management and control of emergency conditions; and
- (9) To provide and coordinate a town training program in emergency response and management.

and,

**WHEREAS**, in the aftermath of Hurricane Helene, and the resulting displacement of residents from their homes, and with the likely additional impacts from Hurricane Milton, the Town has received and continues to receive requests for the placement of temporary living quarters on the properties of homeowners until homeowners are able to repair or rebuild their homes; and

**WHEREAS**, Town Code § 21-46 prohibits, with limited short-term exceptions, the placing or parking of any recreational vehicle upon any residentially zoned lot, piece or parcel of land in the Town, or upon any right-of-way or easement within the residentially zoned areas of the Town; and

**WHEREAS**, Town Code § 10-15 prohibits the placement of trailers in flood hazard areas for longer than 14 consecutive days; and

**WHEREAS**, notwithstanding the foregoing provisions, Florida Statutes § 166.0335 provides that, notwithstanding any other law, ordinance, or regulation to the contrary, following the declaration of a state of emergency issued by the Governor for a natural emergency during which a permanent residential structure was damaged and rendered uninhabitable, a municipality may not prohibit the placement of one temporary shelter on the residential property for up to 36 months after the date of the declaration or until a certificate of occupancy is issued on the permanent residential structure on the property, whichever occurs first, if all of the following circumstances apply:

- (a) The resident makes a good faith effort to rebuild or renovate the damaged permanent residential structure, including, but not limited to, applying for a building permit, submitting a plan or design to the municipality, or obtaining a construction loan.
- (b) The temporary shelter is connected to water and electric utilities and does not present a threat to health and human safety.
- (c) The resident lives in the temporary structure.

**WHEREAS**, § 1(F)(2) of the Town's procurement policies, as adopted by Resolution 2021-12, allow the Town to waive the competitive selection procedures in the event of emergency conditions; and

**WHEREAS**, § 6-68 and § 6-69 of the Town Code regulate the days and hours during which construction activities may occur, and prohibit work on certain holidays; and

**WHEREAS**, the Town Commission determines that these restrictions should be waived for a reasonable period to allow for construction activities to occur on an expanded basis so as to allow recovery from the Hurricane as quickly as possible; and

**WHEREAS**, the Town Commission finds that, as of the dates of the Governor's Executive Orders and the Mayor's finding of a state of emergency, there has been and remains a state of emergency within the Town.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF REDINGTON BEACH, FLORIDA THAT:**

**Section 1.** In light of the state of local emergency, the Town shall continue to have the authority to waive all competitive procurement requirements (unless otherwise prohibited by state law or federal grant requirements) when acquiring any services or commodities related to the Town's response to the

emergency conditions, including but not limited to any and all cleanup, repair and re-construction efforts related to Town property, rights-of-way, or infrastructure. Such authority shall continue until rescinded by the Commission.

**Section 2.** the Mayor shall continue to exercise all authority set forth in § 2-62 of the Town Code. Such authority shall continue until rescinded by the Commission.

**Section 3.** The Board of Commissioners confirms the Mayor's initial declaration of local emergency and ratifies the waiver of any procedures and formalities as provided in Florida Statutes Chapter 252 and Article IV (Emergency Management) of Chapter 2 of the Town Code, including any measures taken by the Mayor or Town officials to respond to the emergency prior to the adoption of this Resolution, including, but not limited to, the acquisition of emergency debris removal services.

**Section 4.** Notwithstanding Town Code § 10-15 and § 21-46, the Town's Code Enforcement Officers shall not enforce these provisions to the extent those provisions conflict with Florida Statutes § 166.0335. Therefore, all residents are permitted to place a recreational vehicle or trailer on their residential property in the following circumstances:

- The resident's permanent residential structure was damaged and rendered uninhabitable by the Hurricane Helene flooding,
- The resident is making a good faith effort to rebuild or renovate the damaged permanent residential structure, including, but not limited to, applying for a building permit, submitting a plan or design to the municipality, or obtaining a construction loan,
- The recreational vehicle or trailer is properly connected to water and electric utilities and does not present a threat to health and human safety (as determined by the Pinellas County Health Department, Fire Marshal, a Sheriff's Deputy, or a Town Code Enforcement Officer),
- The resident lives in the temporary structure, and
- The recreational vehicle or trailer is placed on the property no longer than 36 months after October 5<sup>th</sup> 2024 or until a certificate of occupancy is issued on the permanent residential structure on the property, whichever occurs first.

**Section 5.** Notwithstanding § 6-68 and § 6-69 of the Town Code, construction activities on residential properties within the Town may occur seven days per week, from sunrise to sunset until March 1<sup>st</sup> 2025, unless further extended for one or more additional thirty-day periods by vote of the Town Commission.

**Section 6.** The Town Clerk shall ensure a copy of this Resolution is provided to the Town's Code Enforcement Officers and the Building Official.

**Section 7.** If any section, subsection, sentence, clause, provision, or word of this Resolution is held unconstitutional or otherwise legally invalid, same shall be severable and the remainder of this Resolution shall not be affected by such invalidity, such that any remainder of the Resolution shall withstand any severed provision, as the Board of Commissioners would have adopted the Resolution even absent the invalid part.

**Section 8.** Any prior motion or Resolution adopted by the Commission which conflicts with this Resolution is hereby repealed.

**Section 9.** This Resolution shall take effect immediately upon adoption.

**ADOPTED** this 7<sup>th</sup> day of October, 2024, by the Board of Commissioners of the Town of Redington Beach, Florida.

**Attest:**

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David Will, Mayor

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Adriana Nieves, Town Clerk