

CITY OF SANIBEL

PROCLAMATION AND RESOLUTION NO. 20-011

AN EMERGENCY PROCLAMATION AND RESOLUTION OF THE CITY OF SANIBEL DECLARING A STATE OF LOCAL EMERGENCY RESULTING FROM THE OUTBREAK OF THE CORONAVIRUS DISEASE (COVID-19); AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 252.38(3)(a)(5), Florida Statutes, provides authority to a political subdivision of the State of Florida to declare a State of Local Emergency for a period of seven (7) days in order to take whatever action is necessary to ensure the health, safety, and welfare of the community; and

WHEREAS, COVID-19 is a highly contagious and potentially deadly respiratory illness; and

WHEREAS, on March 1, 2020, the Governor of the State of Florida issued Executive Order Number 20-51 directing the Florida Department of Health to declare a Public Health Emergency due to COVID-19; and

WHEREAS, on March 9, 2020, the Governor of the State of Florida issued Executive Order Number 20-52 declaring a State of Emergency for the State of Florida due to COVID-19; and

WHEREAS, on March 11, 2020, the World Health Organization (WHO) officially declared COVID-19 a pandemic; and

WHEREAS, March 13, 2020, the President of the United States issued a Proclamation declaring a National Emergency to address the spread of COVID-19; and

WHEREAS, on March 16, 2020, the President of the United States and the Center for Disease Control (CDC) issued the 15 Days to Slow the Spread guidance, advising individuals to adopt far-reaching social distancing measures, such as working from home and avoiding gatherings of more than 10 people; and

WHEREAS, the outbreak of COVID-19 has spread to Southwest Florida, including several positive test results and two deaths in Lee County; and

WHEREAS, on March 17, 2020, Lee County, Florida passed Emergency Resolution No. 20-03-18 declaring a State of Local Emergency for Lee County, Florida; and

WHEREAS, on March 17, 2020, the Governor of the State of Florida issued Executive Order Number 20-68 ordering the suspension of all sales of alcoholic beverages for 30 days by any licensee authorized to sell alcohol that derives more than 50% of its gross revenue from the sale of alcoholic beverages, ordering public beach gatherings to be limited to no more than 10 persons spaced at least six feet from other

parties and supporting beach closures at the discretion of local authorities, and ordering restaurants to immediately limit their occupancy to 50% of its current building capacity and ensuring a six-foot distance between parties of patrons and limiting such parties to no more than 10 individuals.

WHEREAS, Chapter 252, Florida Statutes, provides authority for a political subdivision such as the City of Sanibel to declare a State of Local Emergency and to waive the procedures and formalities otherwise required of political subdivisions by law including, but not limited 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 expenditure of public funds; and

WHEREAS, the City of Sanibel, pursuant to its home rule powers, has adopted certain emergency procedures, including Chapter 22 of the City's Code; and

WHEREAS, Chapter 22 of the City's Code authorizes and empowers the Mayor to issue a public proclamation declaring a Local State of Emergency in the event of an existing or threatened state of emergency endangering the lives, safety, health and welfare of the people within the City or any part of it; and

NOW, THEREFORE, BE IT PROCLAIMED AND RESOLVED by the City Council of the City of Sanibel, Florida:

SECTION 1. Declaration of State of Local Emergency. The Sanibel City Council hereby declares a State of Local Emergency for all areas within the legal boundaries of the City of Sanibel. Said State of Local Emergency may be extended, modified or terminated by written Proclamation of the Mayor of the City of Sanibel, or by Resolution of City Council.

SECTION 2. This Proclamation and Resolution is an emergency measure necessary for the protection of the public health, welfare and safety, due to the serious threat of COVID-19.

SECTION 3. The Mayor shall have full authority to cancel, postpone or reschedule any public meetings of the City which are currently set within 30 days of the date of this Proclamation and Resolution.

SECTION 4. Effective Date

This Resolution shall take effect immediately upon adoption.

DULY PASSED AND ENACTED by the City Council of the City of Sanibel, Florida, this 18th day of March, 2020.

AUTHENTICATION:

Kevin Ruane, Mayor

Pamela Smith, City Clerk
_____:____ a.m.
(Time)

APPROVED AS TO FORM: _____
John D. Agnew, City Attorney Date

Vote of Council Members:

| | |
|---------|-------|
| Ruane | _____ |
| Denham | _____ |
| Johnson | _____ |
| Maughan | _____ |
| Smith | _____ |

Date filed with City Clerk: _____