Regular Workshop – April 15, 2013
Agenda Item 6
Consent Item

Agenda Item:	Proposed Resolution 2013-13, Providing for Emergency Authorization for Town Manager
Presenter:	Town Manager
Summary:	Hurricane season occurs during a time when many of our residents, including Commissioners, are away. Proposed Resolution 2013-13 provides methods to obtain a quorum or gives the Town Manager authority to expend funds, and take emergency action in the event a quorum of the Commission is not available.
Attachments:	4-3-13 Memo, Manager to Commission; Proposed Resolution 2013-13.
Recommended Action:	Approval of the Consent Agenda will forward Resolution 2013-13 to the May 6, 2013, Regular Meeting for formal action.

MEMORANDUM

Date: April 3, 2013

TO: Town Commission

FROM: David Bullock, Town Manager

SUBJECT: Proposed Resolution 2013-13, Providing for Emergency Authorization for Town Manager

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Each year the Town Commission considers a Resolution that establishes a hierarchy of decision-making processes immediately after a disaster event. The preferred option continues to be to have a meeting of the Commission with a quorum of Commissioners physically present to take action.

If that is not possible then some or all of the Commissioners could also attend by telephone.

If neither of the previous two options are possible, then the Town Manager is authorized to:

1. Perform public work and take whatever action is necessary to ensure health, safety, and welfare of the community.
2. Enter into contracts.
3. Incur obligations.
4. Employ permanent and temporary workers.
5. Utilize volunteer workers.
6. Rent equipment as necessary.
7. Acquire and distribute, with or without compensation, supplies, materials and facilities.
8. Appropriate and expend public funds.

If a major storm event were to occur the Town needs to be able to react quickly. Proposed Resolution 2013-13 allows the Town Manager to take steps deemed necessary to initiate recovery activities if the Town Commission is not available to act.

Please don't hesitate to contact me if you have any questions.

RESOLUTION 2013-13

A RESOLUTION OF THE TOWN OF LONGBOAT KEY, FLORIDA, ADDRESSING A RESPONSE TO A DISASTER; PROVIDING DIRECTION TO THE TOWN MANAGER; PROVIDING FOR CONTINGENCY PLANS; PROVIDING FOR POWERS TO ADEQUATELY RESPOND TO A DISASTER; PROVIDING FOR SEVERABILITY, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Longboat Key is a coastal barrier island on the Gulf of Mexico and as such is directly exposed to the dangers of catastrophic hurricanes and other disasters; and

WHEREAS, the Town Commission does not generally meet during the month of August; and

WHEREAS, during the course of the summer, numerous residents of the Town, including Town Commissioners, travel away from the Town; and

WHEREAS, the Town Manager has the power under the Charter to provide for the public's welfare and safety; and

WHEREAS, the Town may need to order the evacuation of residents from the hazards of a hurricane or an associated storm event; and

WHEREAS, the Town Manager has the authority to cause the evacuation of the Town; and

WHEREAS, because of the powers granted to the Town Manager by the Town Charter, the need for the Town Commission to meet before a disaster is more limited than the need to meet after a disaster; and

WHEREAS, hurricanes have the potential for causing extensive damage to public utilities, public buildings, public communication systems, streets, roads, drainage systems, commercial and residential buildings and areas; and

WHEREAS, it may be necessary to mobilize Town employees, issue contracts for which prior authorization is not available, move funds within the budget, provide for the expenditure of public funds, obtain contractors to work for the Town, and other necessary actions in order to quickly and adequately respond to the results of a disaster; and

WHEREAS, it may not be possible for the Town Commission to meet in a timely manner because of the nature or magnitude of the disaster to authorize certain actions and procedures and waive certain formalities concerning the response to the disaster event; and

WHEREAS, Florida Statutes provide authority for a political subdivision such as the Town to waive certain procedures and formalities otherwise required by law.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY, FLORIDA THAT:

SECTION 1. The above Whereas clauses are true and correct and are hereby ratified and confirmed.

SECTION 2. If after a disaster, there is a need to expend funds not otherwise authorized by the budget or to take other actions for which the Town Manager is not explicitly authorized, the Town Manager or his designee shall make every reasonable effort to have an emergency meeting of the Town Commission at a suitable time and location owing to the nature and circumstances of the disaster.

SECTION 3. Commissioners who are absent from the jurisdiction may participate in such meetings by audio and/or audio visual means if such facilities are available and functioning.

SECTION 4. The Town recognizes that under current opinions of the Attorney General for the State of Florida, a quorum of Town Commissioners should be physically present; however, if after a disaster it is not practical for a quorum to be physically present, yet Commissioners who can attend by audio and/or audiovisual means constitute a quorum, such meetings shall be called and conducted as if a quorum were physically present.

SECTION 5. In the event it is not reasonably possible or practical to have a meeting of the Town Commission following a disaster event, the Town Manager, upon a declaration of a state of emergency by the Governor and a determination by the state or county government that Longboat Key has suffered a disaster event as defined by Section 252.34, Florida Statutes, then the Town Commission hereby expressly exercises its authority and waives the procedures and formalities otherwise required of political subdivisions by law and designates the Town Manager to act in matters pertaining to:

A. Performance of public work and taking whatever 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. Appropriation and expenditure of public funds.

SECTION 6. If implemented, such powers of the Town Manager shall terminate upon the next meeting of the Town Commission.

SECTION 7. This Resolution shall become effective immediately upon passage.

SECTION 8. This Resolution shall expire on June 30, 2014, unless re-enacted by the Town Commission prior to that date.

Passed at a meeting of the Town Commission of the Town of Longboat Key, Florida, the _____ day of _____, 2013.

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James L. Brown, Mayor

ATTEST:

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Trish Granger, Town Clerk

End of Agenda Item