

EMERGENCY PROCLAMATION EIGHTH EXTENSION TROPICAL STORM NICOLE 2022 -#10

WHEREAS, the Governor of the State of Florida issued Executive Order Number 22-253 on November 7, 2022, declaring a State of Emergency in numerous counties in the State of Florida including Brevard;

WHEREAS, Tropical Storm Nicole was upgraded to a hurricane before landfall and caused extensive damage to life and property within all cities and municipalities contained within the geographic area of Brevard County and its impacts are an immediate threat; and

WHEREAS, Tropical Storm Nicole caused substantial damage to public utilities, public buildings, public streets and roads, public drainage systems, beaches, commercial and residential buildings and areas; and

WHEREAS, Tropical Storm Nicole caused substantial damage resulting in the necessity for ongoing debris removal; and

WHEREAS, the State of Local Emergency Proclamation declared on November 8, 2022 authorized the County Manager to execute extensions of the Local State of Emergency as deemed necessary; and

WHEREAS, the First Extension to the State of Local Emergency Proclamation declared on November 8, 2022 was issued and effective on November 15, 2022;

WHEREAS, the Second Extension to the State of Local Emergency Proclamation declared on November 8, 2022 was issued and effective on November 22, 2022;

WHEREAS, the Third Extension to the State of Local Emergency Proclamation declared on November 8, 2022 was issued and effective on November 29, 2022;

WHEREAS, the Fourth Extension to the State of Local Emergency proclamation declared on November 8, 2022 was issued and effective on December 6, 2022;

WHEREAS, the Fifth Extension to the State of Local Emergency proclamation declared on November 8, 2022 was issued and effective on December 13, 2022;

WHEREAS, the Sixth Extension to the State of Local Emergency proclamation declared on November 8, 2022 was issued and effective on December 20, 2022;

WHEREAS, the Seventh Extension to the State of Local Emergency proclamation declared on November 8, 2022 was issued and effective on December 27, 2022;

WHEREAS, Chapter 252.38 (3) (a), Florida Statutes, provides authority for a political subdivision such as Brevard County to declare a state of local emergency and to exercise certain powers and authority to safeguard the lives and property of its citizens and to extend a declaration of emergency.

NOW, THEREFORE, IT IS RESOLVED THIS 3rd day of January, 2023, that Tropical Storm Nicole and its aftermath poses a serious threat to the lives and property of the residents of Brevard County and that the State of Local Emergency which was declared effective as of 1:00 p.m. on the 8th day of

November, 2022, for all the territory within the legal boundaries of Brevard County, including all the unincorporated and incorporated areas is hereby extended for seven (7) days effective on January 3rd, 2023 at 1:00 p.m. and may be further extended as necessary in seven (7) day increments. The County Manager is hereby authorized to execute further extensions of the State of Local Emergency as deemed necessary.

BE IT FURTHER RESOLVED that the Board of County Commissioners of Brevard County hereby authorize the exercise of its authority and powers pursuant to Florida Statutes 252.38 (3) (a) which include the authority and powers to:

- (1) CONTRACTS; EQUIPMENT, SUPPLIES. Appropriately expend funds; make contracts; delegate authority to the County Manager to sign storm-related contracts on behalf of Brevard County as necessary; obtain and distribute equipment, materials and supplies for emergency management purposes; provide for the health and safety of persons and property, including emergency assistance to the victims of any emergencies; and direct and coordinate the development of emergency management plans and programs in accordance with the policies and plans set by the Federal and State Emergency Management Agencies.
- (2) ADDITIONAL PERSONNEL. Appoint, employ, remove, or provide (with or without compensation), coordinators, rescue teams, fire and police personnel, and other emergency management workers.
- (3) EMERGENCY OPERATING CENTERS. Establish, as necessary, a primary and one or more secondary emergency operating centers to provide continuity of government and direction and control of emergency operations.
- (4) ASSIGNMENT - COUNTY PROPERTY/PERSONNEL. Assign and make available for duty the offices and agencies which operate under the Board of County Commissioners of Brevard County, including the employees, property, and equipment thereof relating to sheltering, firefighting, engineering, rescue, health, medical and related services, police, transportation, construction, and similar items or services for emergency operation purposes, as the primary emergency management forces of Brevard County for employment within or outside the political limits of Brevard County.
- (5) REQUEST FOR ASSISTANCE. Request State assistance or invoke emergency related mutual aid assistance by declaring a state of local emergency in the event of emergency effecting Brevard County. The duration of each state of emergency declared locally is limited to seven (7) days; it may be extended, as necessary, in seven (7) day increments.
- (6) WAIVER OF PROCEDURES. To waive the procedures and formalities otherwise required of Brevard County by law pertaining to:
 - (a) Performance of public work and taking whatever prudent action 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.

All public officials and employees of Brevard County are hereby directed to exercise the utmost diligence in the discharge of the duties required of them for the duration of the emergency and in the execution of emergency laws, regulations and directives, state and local.

All citizens are called upon and directed to comply with the necessary emergency measures, to cooperate with public officials and civil emergency disaster service forces in executing the emergency operational plans, and to obey and comply with the lawful directions of properly identified public officers.

DONE, ORDERED AND ADOPTED this 3rd day of January, 2023.

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF
BREVARD COUNTY, FLORIDA



Joy Roth, Deputy Clerk

By: 

Frank Abbate, County Manager