

SUMTER COUNTY ORDINANCE 2015 - _____

AN ORDINANCE OF SUMTER COUNTY, FLORIDA, AMENDING CHAPTER 8 OF THE SUMTER COUNTY CODE, ENTITLED "EMERGENCY SERVICES", ARTICLE V, "EMERGENCY MANAGEMENT"; AMENDING AND REPEALING CERTAIN SECTIONS WITHIN SECTIONS 8-72 THROUGH 8-76, PROVIDING FOR RESOLUTION OF CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Sumter County ("Board") has adopted the Sumter County Code of Ordinances, which serve as the laws and regulations of Sumter County; and,

WHEREAS, the Sumter County Code of Ordinances has been amended from time to time, as necessary, to serve the needs of the citizens of Sumter County, Florida; and,

WHEREAS, the Board desires to amend the provisions of Chapter 8, Article V, "Emergency Management," to revise sections 8.72 through 8.76, revising the membership of the emergency management advisory committee, eliminate the emergency management working group, clarify provisions for a declaration of local emergency, revise the membership of the executive policy group, and clarify provisions for continuity of government and operations.

NOW THEREFOR, BE IT ORDAINED by the Sumter County Board of County Commissioners, as follows:

SECTION 1. PURPOSE.

The purpose of this Ordinance is to Amend the Sumter County Code of Ordinances: Chapter 8 – *Emergency Services*, Article V - *Emergency Management*, amending Section 8-72, entitled Emergency management advisory committee; repealing Section 8-73, entitled Emergency management working group; amending Section 8-74, entitled, Declaration of local emergency; amending Section 8-75, entitled Executive policy group; amending Section 8-76, entitled Continuity of government and operations, for the reasons set forth in the above Whereas clauses, which are incorporated herein, *in haec verba*.

SECTION 2. AUTHORITY.

Pursuant to Article VIII, Section I of the Florida Constitution and Sections 125.01 and 125.66 of the Florida Statutes, the Sumter County Board of County Commissioners has all powers of local self-government to perform county functions and render county services and facilities except when prohibited by law, including the authority to amend its Code of Ordinances.

SECTION 3. AMENDMENT TO CHAPTER 8, ARTICLE V, OF THE SUMTER COUNTY CODE OF ORDINANCES, REVISING SECTION 8-72 THROUGH 8-76.

The Sumter County Board of County Commissioners hereby amends Chapter 8 of the Sumter County Code of Ordinances, *Emergency Services*, Article V, *Emergency Management*, Sections 8-72 through 8-76, as follows:

Sec. 8-72. - Emergency management advisory committee.

- (a) The emergency management advisory committee provides executive-level non-emergency direction in the comprehensive emergency management program allowing for coordinated input by stakeholders in the preparation, implementation, evaluation, and revision of the emergency management program. The emergency management advisory committee shall conduct business related to emergency management. (b) The advisory committee shall be composed of at least one representative from each of the following organizations and groups:
- (1) The County, whose representative shall be the Director of the Emergency Management Department;
 - (2) Incorporated municipalities;
 - (3) The Villages Public Safety Department;
 - (4) The School District of Sumter County;
 - (5) The Sumter County Sheriff's Office;
 - (6) The Florida Department of Health in Sumter County ;
 - (7) Such emergency support functions as are designated by the Sumter County Comprehensive Emergency Management Plan;
 - (8) Business and industry;
 - (9) Non-governmental organizations;
 - (10) Interested citizens.
- (c) The emergency management advisory committee shall meet on a regular basis to confer and provide direction within the emergency management program. The presence, conduct, and direction of the emergency management advisory committee do not affect the reporting relationship of the emergency management department within the county structure.
- (d) The advisory committee may form sub-committees under its direction and control to fulfill specific missions in furtherance of the committee's goals. Membership in a sub-committee is not limited to appointed advisory committee members.

(Ord. No. 2012-01, § 2, 2-28-12)

Sec. 8-74. - Declaration of local emergency.

- (a) A state of local emergency shall be declared by proclamation of the board or an individual identified in the following subsection (d). The duration of a state of local emergency shall be limited to seven (7) days; however, it may be extended, as necessary, in seven-day increments. Upon finding that the threat no longer exists, the board or an individual identified in the following subsection (d) may, by proclamation, terminate the state of local emergency.

- (b) Nothing in this section shall be construed to limit the authority of the board to declare or terminate a state of local emergency and take any action authorized by law when sitting in regular or special session.
- (c) A proclamation declaring a state of local emergency shall activate the disaster emergency plans applicable to the county and shall be the authority for use or distribution of any supplies, equipment, materials, and facilities assembled or arranged to be made available pursuant to such plans.
- (d) When a quorum of the board is unable to meet, the chairman of the board, or in the absence of the chairman, the vice chairman is hereby designated and empowered as the official authority to declare a state of local emergency whenever the official authority determines that natural or manmade disaster or emergency has occurred or that the occurrence or threat of one is imminent and requires immediate and expeditious action. In the absence of both the chairman, and the vice chairman, the 2nd vice chairman shall have the power to declare a local state of emergency. In the absence of the 2nd vice chairman, the county administrator shall have the power to declare a local state of emergency. In the absence of the county administrator, the position identified within the order of succession shall have the authority to declare a local state of emergency.

(Ord. No. 2012-01, § 4, 2-28-12)

Sec. 8-75. - Executive policy group.

- (a) During periods of emergency or impending threat, the board may declare a state of local emergency and delegate authority to the executive policy group to make emergency policy decisions that are consistent with the comprehensive emergency management plan, which may be done by executive order or emergency rules. In accordance with the comprehensive emergency management plan, the executive policy group shall have the power and authority to direct and compel the evacuation of all or part of the population from the stricken or threatened area within the county if it deems this action necessary for the preservation of life or other emergency mitigation, response, or recovery. The chairperson of the Sumter County Board of County Commissioners shall also act as the chairperson of the executive policy group.
- (b) The executive policy group is composed of the:
 - (1) Chairman of the Sumter County Board of County Commissioners;
 - (2) Sumter County Administrator;
 - (3) Sumter County Emergency Management Director;
 - (4) Sumter County Fire and EMS Chief;
 - (5) Sumter County Sheriff;
 - (6) Sumter County Superintendent of Schools;
 - (7) The Villages Public Safety Chief;
 - (8) Sumter County Health Department Director;
 - (9) Mayor, City of Wildwood;
 - (10) Mayor, City of Bushnell;
 - (11) Mayor, City of Coleman;
 - (12) Mayor, City of Webster;
 - (13) Mayor, City of Center Hill;
 - (14) District Manager, Village Center Community Development District.
- (c) Pursuant to F.S. § 252.46(2), all executive orders and emergency rules imposed and enacted pursuant to this section shall be reduced to writing as soon as possible, filed with the Sumter County

Clerk of the Circuit Court, and concurrently posted prominently upon the premises then serving as the headquarters of county governmental operations. Further, copies of all such executive orders and emergency rules shall be delivered, as soon as possible to representatives of the print and electronic news media and all appropriate law enforcement officers and other appropriate government administration officials. No quorum is needed to exercise the authority delegated, but action shall be taken by majority vote of those members present.

- (d) All executive orders and emergency rules issued under this section shall indicate the nature of the emergency, the threatened area, or areas of the county, and the conditions creating the disaster or threat. The content of such orders shall be promptly disseminated to the public and to the governing bodies of the applicable municipalities within the county and contiguous jurisdictions.
- (e) During the existence of a state of local emergency, the executive policy group shall have the power and authority, to impose by executive order, any restrictions outlined in F.S. § 252.38, that are consistent with the comprehensive emergency management plan.
- (f) To the extent consistent with the comprehensive emergency management plan, an executive order of the executive policy group may exempt, from all or any part of such restrictions, physicians, nurses and ambulance operators performing medical services; on-duty employees of hospitals and other medical facilities; on-duty military personnel; bona fide members of the news media; personnel of public utilities and public works maintaining essential public services; firefighters, law enforcement officers and personnel; and such other classes of persons as may be essential to the preservation of public order and immediately necessary to protect the public health, safety, and welfare.

(Ord. No. 2012-01, § 5, 2-28-12)

Sec. 8-76. - Continuity of government and operations.

- (a) The county administrator shall identify the specific order of succession among the county organization to ensure continuity of leadership, organization, and essential services during emergency circumstances. The county administrator shall advise the Board whenever any changes are made to the order of succession. Each county division and department shall also establish an internal chain of succession. Divisions and departments charged with keeping public records shall identify essential records needed for the operation of government during a disaster. Public records that are vulnerable shall be protected by appropriate measures to include alternate storage locations. Designated divisions and departments are responsible for the development of respective plans, procedures, guidelines, protocols that support the comprehensive emergency management plan. All divisions and departments shall participate in continuity of government and operations activities to ensure continuation of essential functions during an emergency or service disruption.
- (b) County division directors and department managers will appoint department emergency management liaisons to manage and coordinate their functional responsibilities and assist in the support implementation of the comprehensive emergency management plan. Emergency management liaisons may be required to participate in the advisory committee.
- (c) County division directors shall also ensure support and recovery team members, including emergency operations center staff, are adequately identified, trained, and equipped to provide 24-hour coverage when required. In a declared state of local emergency, directors, managers, and supervisors shall act in accordance with responsibilities outlined in the comprehensive emergency management plan, or as directed by the county administrator.

(Ord. No. 2012-01, § 6, 2-28-12)

SECTION 4. CODIFICATION.

It is the intention of the Sumter County Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of Ordinances of the Sumter County, Florida. The word "Ordinance," or similar words may be changed to "section," "article," or other appropriate word or phrase and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention. The Code codifier is granted liberal authority to rescind those sections of the Code declared null and void as set forth herein.

SECTION 5. CONFLICTS AND REPEALER.

This Ordinance shall be cumulative of all provisions of the Ordinances of Sumter County, Florida, except where the provisions of the Ordinance are in direct conflict with the provisions of such Ordinances, in which event all Ordinances or parts thereof in conflict with this Ordinance are hereby repealed to the extent of such conflict.

SECTION 6. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion or application shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 7. EFFECTIVE DATE.

Once adopted by the Sumter County Board of County Commissioners, this Ordinance shall become effective immediately.

PASSED AND ADOPTED BY THE SUMTER COUNTY BOARD OF COUNTY COMMISSIONERS, SUMTER COUNTY, FLORIDA, THIS _____ DAY OF JULY, 2015.

SUMTER COUNTY BOARD OF COUNTY COMMISSIONERS

DON HAHNFELDT, CHAIRMAN

ATTEST:

GLORIA HAYWARD,
SUMTER COUNTY CLERK OF COURT
BY: CONNIE WEBB, Deputy Clerk