



**Okeechobee County
Board of County Commissioners**

304 NW 2nd Street
Okeechobee, FL 34972

Department: Emergency Operations/Management
Category: Public Hearing
Prepared By: Tod Hardacre
Initiator: Tod Hardacre

**SCHEDULED
ACTION ITEM (ID # 10278)**

SUBJECT: 9:00 AM PUBLIC HEARING - ORDINANCE 2024-0001 - AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF OKEECHOBEE COUNTY, FLORIDA, AMENDING ARTICLE II. STATE OF EMERGENCY, CHAPTER 26-CIVIL EMERGENCIES, OF THE OKEECHOBEE COUNTY CODE OF ORDINANCES TO PROVIDE THE CHAIRMAN OF THE COMMISSION AUTHORITY TO DECLARE STATE OF LOCAL EMERGENCIES; TO REQUIRE A POST EVENT DEBRIS MANAGEMENT STRATEGY, TO MANDATE A PROCESS TO DOCUMENT INUNDATED AND SUBMERGED ROADS, TO PROVIDE FOR TEMPORARY EMERGENCY SHELTER, AND PROVIDING FOR FINDINGS, SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

MEETING: Regular Session April 25, 2024

FINANCIAL IMPACT:

N/A

REQUESTED ACTION:

That the Board of County Commissioners open and conduct a public hearing on the proposed Ordinance 2024-0001, which would amend Article II State of Emergency, Chapter 26 Civil Emergencies of the Okeechobee County Code of Ordinances to provide for revised procedures during a Civil Emergency.

Upon closing the public hearing and discussing the merits of the proposed ordinance, vote on whether the ordinance shall be enacted.

BACKGROUND:

The Public Safety Department is requesting the County Commission to consider an amendment to Article II. - State of Emergency - Civil Emergencies (Chapter 26) of the County's Code of Ordinances. Specifically, this section of the Code promotes/provides for emergency preparedness, response, recovery, and mitigation capabilities within the County through enhanced coordination, long-term planning, and adequate funding to ensure the health safety and welfare of the citizens and properties within our community during a state of local emergency.

The proposed Ordinance 2024-0001 provides for various amendments to the County's Code including:

1. Sec. 26-27. Authority of Chair to declare state of local emergency.
2. Sec. 26-28. Roles during a declared state of emergency.
3. Sec. 26.29. Disaster-generated debris removal.
4. Sec. 26-30. Process for documenting inundated and submerged roads.

5. Sec. 26-31. Shelters.

The proposed Ordinance was prepared by the County Attorney and reviewed by the Emergency Management Director, the Fire-Rescue Chief/Public Safety Director.

The County Administrator, recommends conducting a public hearing on the proposed Ordinance 2024-0001, and upon closing the public hearing and discussing the merits of the proposed ordinance, vote on whether the ordinance shall be enacted.

ATTACHMENTS:

- 4 1 24 Update Ordinance No. 2024-0001 - Emergency Managment (PDF)

ORDINANCE NO. 2024-0001

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF OKEECHOBEE COUNTY, FLORIDA, AMENDING ARTICLE II. STATE OF EMERGENCY, CHAPTER 26 - CIVIL EMERGENCIES, OF THE OKEECHOBEE COUNTY CODE OF ORDINANCES TO PROVIDE THE CHAIRMAN OF THE COMMISSION AUTHORITY TO DECLARE STATE OF LOCAL EMERGENCIES; TO REQUIRE A POST EVENT DEBRIS MANAGEMENT STRATEGY, TO MANDATE A PROCESS TO DOCUMENT INUNDATED AND SUBMERGED ROADS, TO PROVIDE FOR TEMPORARY EMERGENCY SHELTER, AND PROVIDING FOR FINDINGS, SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Okeechobee County is authorized under Section 125.01, Florida Statutes to adopt ordinances to protect the health, safety, and welfare of the citizens and animals of Okeechobee County; and

WHEREAS, Chapter 252, Florida Statutes places certain requirements, and grants certain emergency management powers upon Florida Counties and provides that the Florida Legislature's intent is to promote the state's emergency preparedness, response, recovery, and mitigation capabilities through enhanced coordination, long-term planning, and adequate funding. State policy for responding to disasters is to support local emergency response efforts; and

WHEREAS, pursuant to its authority, the Commission enacted Chapter 26 of the County Code to provide for certain regulations for the health, safety, and welfare of the citizens of Okeechobee County during state of emergencies; and

WHEREAS, the Commission finds that, to continue to provide for the health, safety, and welfare of the citizens during state of emergencies, it is appropriate to amend Chapter 26 of the County Code to grant the Chairman of the Commission the authority to declare local state of emergencies, to require the County to have a post event debris management strategy, to require the County to have a process for documenting inundated and submerged roads and to provide for temporary emergency shelter; and

WHEREAS, BOCC Resolution 2009-47 directs the use of the National Incident Management System as the county's system of preparing for and responding to disaster incidents, including the use of the Incident Command System to establish an Incident Management Team to address hazards and threats facing the jurisdiction, and a delegation of authority to an Incident Commander.

WHEREAS, for purposes of this Ordinance, underlined type shall constitute additions to the original text.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF OKEECHOBEE COUNTY, FLORIDA, that:

Section 1. Recitals. The above recitals and “Whereas” clauses are hereby included as findings by the Board of County Commissioners of Okeechobee County, Florida, and are otherwise fully incorporated herein.

Section 2. Code Amendment. The following portions of Chapter 26 of the Okeechobee County Code of Ordinances are hereby amended to read as follows:

Sec. 26-27. Authority of Chair to declare state of local emergency.

- (a) For definitional purposes, a state of emergency shall exist whenever there is an occurrence or threat thereof, whether accidental, natural, or caused by man, in war or in peace, that results in or may result in substantial injury or harm to the population and/or substantial damage to or loss of property.
- (b) The Emergency Management Director shall recommend to the County Administrator that a local state of emergency is required in the event of a natural, manmade disaster, or the imminent threat thereof. The Chair or Chair’s designee shall have the authority to declare a state of local emergency in the county, after consultation with the County Administrator or designee. The duration of a state of emergency is limited to seven days; but may be extended in up to seven-day increments by the Chair or, in the absence of the Chair, by the Chair’s designee.
- (c) Failure to comply and promptly obey a lawful order issued during a state of emergency is unlawful and punishable as provided for in section 1-13 of the county Code.

Sec. 26-28. Roles during a declared state of emergency.

- a) The county administrator shall:
 - 1. Fulfill the role of agency administrator in the National Incident Management System;
 - 2. Be responsible for administrating policy established by the county commission having full authority for making decisions, and providing direction to the management organization for an incident;
 - 3. Set the policy parameters that outline the authorities of and assign the incident commander;
 - 4. Designate an assistant or deputy county administrator to serve in the county administrator’s absence and whom shall possess the full authority of the county administrator when acting as the county administrator.
- b) The incident commander shall:
 - 1. Fulfill the role of incident commander in the National Incident Management System;
 - 2. Have full operational authority during a declared state of emergency to manage the crisis while working within the parameters set forth by the county administrator;

3. Designate an assistant or deputy incident commander to serve in the incident commander's absence and whom shall possess the full authority of the incident commander when acting as the incident commander.

Sec. 26-29. Disaster-generated debris removal.

- a) Okeechobee County shall have a post event debris management strategy.

Sec. 26-30. Process for documenting inundated and submerged roads.

- a) Okeechobee County shall have a process for documenting inundated and submerged roads.

Sec. 26-31. Shelters.

- a) Okeechobee County shall provide a temporary emergency shelter for Special Needs Clients.
- b) Okeechobee County shall provide a temporary emergency shelter for the general population and a pet friendly shelter.
- c) Okeechobee County may provide a temporary warming or cooling center.

Section 3. Severability. The provisions of this Ordinance are severable; and 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 4. Conflicts. All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 5. Codification. The provisions of this Ordinance shall become and be made a part of the Okeechobee County Code of Ordinances, and the sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section," "Article", or other appropriate word; provided, however, that sections other than Section 2 of this Ordinance shall not be codified. The codifier is granted liberal authority to codify the provisions of this Ordinance.

Section 6. Effective Date. This Ordinance shall take effect upon being filed in the office of the Secretary of the State of Florida in the manner prescribed by law.

APPROVED and ADOPTED by the Board of County Commissioners of Okeechobee County, Florida, on the _____ day of _____, 2024.

DAVID HAZELLIEF, CHAIRMAN
OKEECHOBEE COUNTY
BOARD OF COUNTY COMMISSIONERS

ATTEST:

JERALD D. BRYANT, CLERK OF THE
CIRCUIT COURT AND COMPTROLLER
OKEECHOBEE COUNTY, FLORIDA

(Seal)

Approved as to form and legality:

Wade C. Vose, County Attorney