

**RESOLUTION NO. 886**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA, DECLARING A STATE OF LOCAL EMERGENCY WITHIN THE TOWN OF SEWALL'S POINT; AUTHORIZING THE TOWN MANAGER TO TAKE ALL ACTIONS DEEMED NECESSARY TO PROTECT AND PRESERVE THE HEALTH, SAFETY AND WELFARE OF THE TOWN'S CITIZENS AND THE PUBLIC AT LARGE; PROVIDING AN EFFECTIVE DATE AND FOR OTHER PURPOSES.**

**WHEREAS**, on July 31, the National Hurricane Center has issued a Hurricane Watch for Hurricane Isaias, predicting tropical storm and hurricane force winds in the Town of Sewall's Point; and

**WHEREAS**, Hurricane Isaias poses an immediate threat to Martin County and the Town of Sewall's Point, with a high probability of flooding and substantial property damage and harm to the public in the Town of Sewall's Point; and

**WHEREAS**, pursuant to Section 252.38(2), Florida Statutes, the Town of Sewall's Point is coordinating its emergency management activities with Martin County Director of Emergency Management, who may invoke local emergency powers as set forth in County Ordinance No. 558, and perform such functions, as provided by the ordinances and regulations of Martin County, and laws of the State of Florida; and

**WHEREAS**, the Town recognizes the adverse impacts of this storm on the Town of Sewall's Point and its residents; and

**WHEREAS**, the Town Commission finds that the declaration of a state of local emergency within the Town is in accordance with applicable law and is in the best interest of the Town, its residents and visitors.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA, AS FOLLOWS:**

**Section 1.** A Declaration of a State of Local Emergency is hereby declared in the Town of Sewall's Point, Florida, on Friday, July 31, 2020, in response to local threat of Hurricane Isaias

**Section 2.** The "Designated Town Official," as defined in section 16-2(b) of the Code of Ordinances, is hereby authorized to take any and all actions deemed necessary to protect and preserve the health, safety and welfare of the citizens of the Town of Sewall's Point and the public at-large, including but not limited to those actions authorized in any of the Governor's Executive Orders (including future orders), any applicable public health advisory or public health emergency

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issued by the State Health Officer or other authority with jurisdiction, any applicable declaration by Martin County, Section 16-4 of the Code of Ordinances, any other applicable declaration, law, ordinance, regulation or rule.

**Section 3.** In accordance with the Town of Sewall’s Point Human Resources Manual, Section 2.8(3) – Declared Emergency

During a locally declared state of emergency, and at the discretion of the Town Manager, when there are emergency tasked employees who are required to work while other employees are released from duty, the following shall apply:

- a. Non-exempt employees will receive overtime pay at the rate of one and one half times the number of overtime hours worked.
- b. Salaried employees exempt from the Fair Labor Standards Act will receive additional pay at the rate of one times the number of hours worked over 40 in the work week.

**Section 4.** The State of Local Emergency shall remain in full force and effect for seven (7) days and may be extended by the Designated Town Official every seven (7) days thereafter until rescinded (or not otherwise extended) by the Designated Town Official or the Town Commission.

**Section 5.** If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

**Section 6.** This Resolution shall take effect upon approval by the Town Commission.

\_\_\_\_\_ offered the Resolution and moved its adoption. The motion was seconded by \_\_\_\_\_, and upon being put to a vote, the vote was:

	<u>AYE</u>	<u>NAY</u>
FRANK FENDER, MAYOR	_____	_____
VINCENT N. BARILE, VICE MAYOR	_____	_____
JAMES W. CAMPO, COMMISSIONER	_____	_____
DAVE KURZMAN, COMMISSIONER	_____	_____
KAIJA MAYFIELD, COMMISSIONER	_____	_____

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The Town Manager thereupon declared this Resolution No.886 approved and adopted by the Town Commission of the Town of Sewall's Point on this 31st day of July, 2020.

**TOWN OF SEWALL'S POINT, FLORIDA**

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FRANK FENDER, MAYOR

ATTEST:

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April Stoncious, Town Clerk

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:

(TOWN SEAL)

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Glen J. Torcivia, Town Attorney  
Florida Bar No. 343374