

RESOLUTION NO. 883

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 March 1, 2020, Governor Ron DeSantis issued Executive Order Number 20-51, which established "COVID-19 Response Protocol and Directs Public Health Emergency" in response to the growing and significant outbreak of COVID-19 in the State of Florida; and

WHEREAS, on March 9, 2020, Governor Ron DeSantis issued Executive Order Number 20-52, which established a State of Emergency for the State of Florida declaring COVID-19 as a public health emergency; and

WHEREAS, the Centers for Disease Control and Prevention ("CDC") recommends community preparedness, everyday prevention and mitigation measures be taken by all individuals, families, and communities in the United States to combat the spread of COVID-19; and

WHEREAS, it is the desire of the Town of Sewall's Point to use all available preventative and mitigation measures to combat the spread of COVID-19; and

WHEREAS, as provided in s. 2(b), Art. VIII of the State Constitution, municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS, the Town's Home Rule powers and Section 16-5 of the Town of Sewall's Point Code of Ordinances authorizes the Town Commission to declare a local state of emergency and to take any action authorized by law to address such emergency; 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 Monday, March 16, 2020, in response to the public emergency that COVID-19 poses.

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 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. 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 4. 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 5. This Resolution shall take effect upon approval by the Town Commission.

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

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

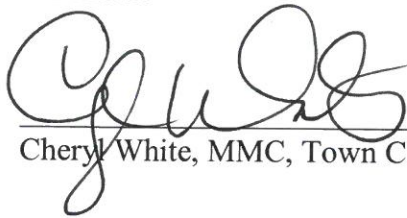
The Town Manager thereupon declared this Resolution No. 883 approved and adopted by the Town Commission of the Town of Sewall’s Point on this 16th day of March, 2020.

TOWN OF SEWALL'S POINT, FLORIDA



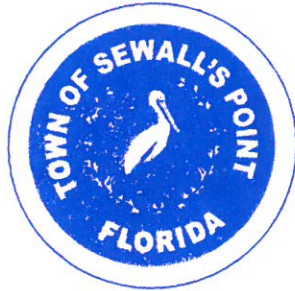
FRANK FENDER, MAYOR

ATTEST:




Cheryl White, MMC, Town Clerk

(TOWN SEAL)



APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



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