

RESOLUTION NO. 2020-52

A RESOLUTION OF THE CITY OF MOUNT DORA, FLORIDA, PERTAINING TO THE STATE OF LOCAL EMERGENCY STEMMING FROM THE NOVEL CORONAVIRUS DISEASE 2019 (COVID-19); PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR REPEAL OF RESOLUTION 2020-51; PROVIDING FOR A DECLARATION OF A STATE OF LOCAL EMERGENCY; PROVIDING FOR THE DURATION OF THE STATE OF LOCAL EMERGENCY; PROVIDING AUTHORITY FOR THE IMPLEMENTATION OF ADMINISTRATIVE ACTIONS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SCRIVENER'S ERRORS, PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza, and

WHEREAS, in late 2019, a new and significant outbreak of COVID-19 emerged in China and has now spread to the United States of America, and

WHEREAS, the World Health Organization ("WHO") previously declared COVID-19 a Public Health Emergency of International Concern on January 30, 2020, and

WHEREAS, the WHO recently characterized the COVID-19 outbreak as a pandemic and the President of the United States continues to announce international travel restrictions, and

WHEREAS, a number of Florida residents have tested positive for COVID-19 and there are reported deaths in the state of Florida stemming from COVID-19; and

WHEREAS, on March 1, 2020, the Governor of Florida issued Executive Order number 20-51 directing the Florida Department of Health to issue a Public Health Emergency, and

WHEREAS, COVID-19 currently poses a health threat to the entire state of Florida, and specifically residents of the City of Mount Dora, and

WHEREAS, Florida Statutes, Section 252.38, declares it the innate responsibility of local government to safeguard the life and property of its citizens, and

WHEREAS, Florida Statutes Section 252.38(3)(a)(5) provides authority for political subdivisions to declare a state of local emergency and to waive the procedures and formalities otherwise required of political subdivisions in order to take whatever action is necessary to ensure the health, safety and welfare of the community; and

WHEREAS, Section 252.34, Florida Statutes defines “emergency” as any occurrence, or threat thereof, whether natural, technological, or manmade, in war or in peace, which results or may result in substantial injury or harm to the population or substantial damage to or loss of property, and

WHEREAS, the City must take timely precautions to protect the general welfare of its employees and citizens during the COVID-19 pandemic; and

WHEREAS, on March 17, 2020, the City adopted Resolution 2020-51, declaring a local state of emergency; and

WHEREAS, the City has determined that it is in the best interest of its employees and citizens to extend the local state of emergency and revise the parameters related to the same.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF MOUNT DORA, FLORIDA, AS FOLLOWS:

SECTION 1. Legislative Findings and Intent. The City of Mount Dora has complied with all requirements and procedures of Florida law in processing this Resolution. The above recitals are hereby adopted.

SECTION 2. Declaring a State of Local Emergency. The state of emergency stemming from COVID-19, which exists across the entire State of Florida, as declared by Governor DiSantis, includes the City of Mount Dora, Lake County, Florida. To the extent necessary under the circumstances and as the status of the COVID-19 outbreak changes, certain procedures and formalities otherwise required of the City may be waived, as collectively determined by the Mayor, the City Manager and the City Attorney, to ensure that the City can continue providing day to day operations with as little disruption as possible. The procedures and formalities which may be waived are set forth in Florida Statutes, Section 252.38(3)(a)(5), and include but are not limited to:

- a. taking whatever prudent action is necessary to ensure the health, safety and welfare of the public;
- b. entering into contracts;
- c. incurring obligations;
- d. employment of permanent and temporary workers;
- e. temporary modifications to working environment and procedures;
- f. rental of equipment and/or acquisition and distribution, with or without compensation, of supplies, materials and facilities.

SECTION 3. Emergency Event Response Pay Not Applicable. For the duration of the state of emergency, as declared hereby, there shall not be a suspension of the day to day operations of the City; thus, emergency event response pay, as set forth in Section 6.12 B, of the City of Mount Dora Employment Policy, shall not be applicable.

SECTION 4. Duration of State of Local Emergency. Because the state of emergency stemming from the COVID-19 outbreak is not limited to the City of Mount Dora, Florida, this declared state of local emergency shall remain in effect starting from the original declaration date of March 17, 2020, and continue in fourteen (14) day increments, tracking the regular meeting schedule of the City of Mount Dora. Before the close of each fourteen (14) day period, the Mayor, or the designee thereof, and City Manager, or the designee thereof, shall make a collective determination in writing as to whether the state of local emergency for the City of Mount Dora shall continue. If the Mayor, or a designee thereof, and City Manager, or a designee thereof, determine that it is no longer necessary to extend the local state of emergency, such determination shall be brought to the full City Council for any necessary further action.

SECTION 5. Implementing Administrative Actions. The City Manager is hereby authorized and directed to take such action as may be deemed necessary and appropriate in order to implement the provisions of this Resolution. The City Manager may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such City employees as deemed effectual and prudent.

SECTION 6. Savings Clause. All prior actions of the City of Mount Dora pertaining to the state of local emergency stemming from the COVID-19 outbreak, as well as any and all matters relating thereto, are hereby ratified and affirmed consistent with the provisions of this Resolution.

SECTION 7. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this Resolution, as determined by the City Clerk and City Attorney, may be corrected.

SECTION 8. Conflicts. All Resolutions or parts of Resolutions in conflict with any of the provisions of this Resolution are hereby repealed.

SECTION 9. Severability. If any Section or portion of a Section of this Resolution proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Resolution.

SECTION 10. Effective Date. This Resolution shall become effective immediately upon its passage and adoption.

Signatures on Following Page

PASSED AND ADOPTED this 24th day of March, 2020.



CATHERINE T. HOECHST
MAYOR of the City of Mount Dora, Florida

ATTEST:



GWEN KEOUGH-JOHNS, MMC
CITY CLERK

For the use and reliance of City of
Mount Dora only. Approved as to form
and legal sufficiency



Sherry G. Sutphen
City Attorney