

RESOLUTION NO. 2023-03

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF NEW PORT RICHEY, FLORIDA DECLARING A LOCAL STATE OF EMERGENCY DUE TO TROPICAL STORM NICOLE AND DECLARING AN EFFECTIVE DATE.

WHEREAS, on November 7, 2022, Florida Governor Ron DeSantis issued Executive Order No. 22-253 declaring a state of emergency due to Tropical Storm Nicole; and

WHEREAS, Executive Order No. 22-253 includes numerous counties within the storm's forecast cone including Pasco County; and

WHEREAS, the City of New Port Richey has already begun preparations for the impending emergency weather conditions, and has determined that a severe threat exists to the life, health, property, and the welfare of the residents of the City of New Port Richey; and

WHEREAS, Tropical Storm Nicole poses a severe threat to the City of New Port Richey and may cause extensive damage to public utilities, public buildings, public streets and roads, public drainage systems, and commercial and residential buildings and areas; and

WHEREAS, the City Council hereby authorizes the City through the implementation of the City Manager to enter into a state of emergency pursuant to its home rule authority; and

WHEREAS, Chapter 252, Florida Statutes, and specifically Section 252.38, Florida Statutes, provides authority for a municipality such as the City of New Port Richey to declare a state of local emergency for a period of time up to seven (7) days, which may be extended as necessary in seven (7) day increments, and to waive the procedures and formalities otherwise required of political subdivisions by law pertaining to:

- a. Performance of public works projects including taking whatever prudent action is necessary to ensure the health, safety and welfare of the community;
- b. Entering into contracts;
- c. Incurring obligations;
- d. Employment of permanent and temporary workers;
- e. Utilization of volunteer workers;
- f. Rental of equipment;
- g. Acquisition and distribution, with or without compensation, of supplies, materials and facilities; and

h. Appropriation and expenditure of public funds.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of New Port Richey that Tropical Storm Nicole poses a serious threat to public infrastructure and the life, health, property, and welfare of the City of New Port Richey and its residents, and that a state of local emergency is hereby declared effective at 5:00 p.m. November 9, 2022 for a period of time up to seven (7) days, which time period may be extended as necessary in additional seven (7) day increments by subsequent resolution, and all territory within the legal incorporated boundaries of the City of New Port Richey, Pasco County, Florida shall be embraced by the provision of this emergency resolution.

BE IT FURTHER RESOLVED that the City Council hereby exercises its home rule and statutory authority and waives the procedures and formalities required by law of a political subdivision, as provided in Chapter 252, Florida Statutes; and

BE IT FURTHER RESOLVED that the City Council hereby designates the City Manager as the declaring official for all purposes necessary to implement the provisions of this resolution including but not limited to expenditure of funds and implementation of an emergency curfew.

All public officials and employees of the City of New Port Richey are hereby directed to exercise the utmost diligence in discharge of duties required of them for the duration of the emergency and in the execution of emergency laws, regulations and directives, both state and local.

All citizens are called upon and directed to comply with necessary emergency measures, to cooperate with public officials and civil emergency/disaster service forces in executing emergency operational plans, and to obey and comply with the lawful directions of properly identified public officers.

DATED THIS 9th of November, 2022.

ATTEST:

CITY OF NEW PORT RICHEY, FLORIDA

Judy Meyers, CMC, City Clerk

Rob Marlowe, Mayor/Council Member

Approved as to legal form and content:

Timothy P. Driscoll, Esq.
City Attorney