

**MANATEE COUNTY GOVERNMENT
AGENDA MEMORANDUM**

SUBJECT	SETTING PUBLIC HEARING FOR ADOPTION OF ORDINANCE 98-27	TYPE AGENDA ITEM	CONSULT
DATE REQUESTED	JULY 7, 1998	DATE SUBMITTED/REVISED	JUNE 30, 1998
BRIEFINGS/WHO?	NONE REQUIRED	CONSEQUENCES IF DEFERRED	NONE
DEPARTMENT/DIVISION	PUBLIC SAFETY EMERGENCY MANAGEMENT	AUTHORIZED BY	KAREN WINDON DIRECTOR <i>Karen Windon</i>
CONTACT PERSON	KAREN WINDON, EXT. 3559	PRESENTER/TITLE	KAREN WINDON
TELEPHONE/EXTENSION	NANCY DANDINO, EXT. 3530	TELEPHONE/EXTENSION	EXT. 3559
ADMINISTRATIVE APPROVAL	<i>[Signature]</i>		

ACTION DESIRED

INDICATE WHETHER "REPORT OR "DISCUSSION, "FORM OF MOTION, OR "OTHER ACTION REQUIRED:

AUTHORIZATION TO SET PUBLIC HEARING ON AUGUST 4, 1998 AT 9:00 A.M. OR AS SOON THEREAFTER AS SAME MAY BE HEARD TO CONSIDER ADOPTING ORDINANCE 98-27, REPEALING ORDINANCE 87-24, EMERGENCY MANAGEMENT POWERS AND RESOLUTION 87-200, POST EMERGENCY RECOVERY PLAN, TO ESTABLISH A COMPREHENSIVE EMERGENCY MANAGEMENT ORDINANCE ADDRESSING EMERGENCY DECLARATION, CLARIFYING ISSUES SUCH AS AUTHORITY, COORDINATION, RE-ENTRY PLAN IMPLEMENTATION AND ENSURE CONTINUITY OF GOVERNMENT DURING TIMES OF DISASTER.

ENABLING/REGULATING AUTHORITY

FEDERAL/STATE LAWS, ADMINISTRATIVE RULING(S), MANATEE COUNTY COMP PLAN/LAND DEVELOPMENT CODE, ORDINANCES, RESOLUTIONS, POLICY

MANATEE COUNTY COMP PLAN, SECTION 2 - PURPOSE, PAGE 11, PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE
FLORIDA STATUTES 252.38(3)(A)5 - POLITICAL SUBDIVISIONS POWERS AND AUTHORITY.
FLORIDA STATUTES 125.66 - NOTICE OF PUBLIC HEARING.
MANATEE COUNTY ORDINANCE - 87-24 - EMERGENCY MANAGEMENT POWERS.
MANATEE COUNTY RESOLUTION R-87-200 - POST EMERGENCY RECOVERY PLAN.

BACKGROUND/DISCUSSION

- FLORIDA STATUTE 252.38 PROVIDES FOR CIRCUMSTANCES UNDER WHICH POLITICAL SUBDIVISIONS HAVE THE POWER AND AUTHORITY TO WAIVE THE PROCEDURES AND FORMALITIES OTHERWISE REQUIRED, THIS ORDINANCE WILL BRING CURRENT AND DEFINE THE LOCAL AUTHORITY AND NECESSARY ACTIONS FOR DECLARING A LOCAL STATE OF EMERGENCY AND ESTABLISH RELATED POLICY TO CARRY OUR EMERGENCY ACTIVITIES AND MAINTAIN CONTINUITY OF MANATEE COUNTY GOVERNMENT.
- THE EMERGENCY MANAGEMENT DIVISION HAS RECOGNIZED THE NEED TO REPEAL ORDINANCE 87-24, EMERGENCY MANAGEMENT POWERS TO ESTABLISH A COMPREHENSIVE EMERGENCY MANAGEMENT ORDINANCE ADDRESSING AND UPDATING LOCAL AUTHORIZATION FOR DECLARING A LOCAL STATE OF EMERGENCY WITH REGARD TO LINE OF SUCCESSION TO MAINTAIN CONTINUITY OF GOVERNMENT AND ESTABLISHING POLICY FOR RE-ENTRY AND RECOVERY PLAN IMPLEMENTATION.
- CONTINUED ON PAGE 2.

HAS COUNTY ATTORNEY REVIEW BEEN REQUESTED? INDICATE "NO" OR "YES" @ RIGHT. (IF "NO," PROCEED TO 1) BELOW; AND IF "YES," PROCEED TO 2) BELOW) YES

1) IF "NO" TO ABOVE.

A) PLEASE EXPLAIN BELOW: (SEE ALSO FOLLOWING SECTION 1B) RE: CONTRACT, AGREEMENT, LEASE, ETC.:

B) IF A CONTRACT, AGREEMENT, LEASE OR OTHER DOCUMENT WAS PREVIOUSLY APPROVED, STATE YEAR OF LAST USE @ RIGHT:

2) IF "YES" TO FIRST QUESTION IN THIS SECTION.

A) HAS ENTIRE MATTER, OR ONLY A PORTION, BEEN REVIEWED? IF ONLY A PORTION, WHICH PORTION?

THE ENTIRE MATTER WAS REVIEWED

APPROVED IN OPEN SESSION

JUL 07 1998

B) HAVE ALL COMMENTS/SUGGESTIONS RAISED BY COUNTY ATTORNEY BEEN ADDRESSED/INCORPORATED. IF NOT, PLEASE EXPLAIN. A COPY OF FINAL COUNTY ATTORNEY MEMO RE THIS MATTER **MUST BE ATTACHED** (IF COMMENTS WERE VERBAL, SO INDICATE.)

ALL COMMENTS/SUGGESTIONS HAVE BEEN ADDRESSED

ATTACHMENTS: (LIST IN ORDER AS ATTACHED) ORDINANCE 98-27 MEMORANDUM - WILLIAM C. HENRY - 5/11/98 LEGAL NOTICE PUBLISH DATE - JULY 22, 1998	INSTRUCTIONS TO BOARD RECORDS:
COST	SOURCE (ACCT# & NAME)
COMMENTS	AMT./FREQ. OF RECURRING COSTS (ATTACH FISCAL IMPACT STATEMENT)

BACKGROUND/DISCUSSION - CONTINUED.

- THE DISASTER RECOVERY ISSUES FOR MANATEE COUNTY WERE ADOPTED BY RESOLUTION R-87-200 SPECIFIC TO HURRICANE ELENA AND NEED TO BE INCORPORATED INTO THE MANATEE COUNTY EMERGENCY MANAGEMENT POWERS ORDINANCE.
- ORDINANCE 87-24 WAS PROMULGATED PRIOR TO STATEWIDE CHANGES IN EMERGENCY MANAGEMENT INCLUDING THE STATEWIDE MUTUAL AID AGREEMENT FOR CATASTROPHIC DISASTERS WHICH WAS ADOPTED BY RESOLUTION IN MANATEE COUNTY AND IS REFERENCED TO SUPPORT ORDINANCE 98-27 IN SECTION 1.07 A.
- THIS ITEM WAS BROUGHT BEFORE THE BOARD ON JUNE 2, 1998 TO REQUEST AUTHORIZATION TO SET PUBLIC HEARING ON JUNE 16, 1998. THE HEARING DATE WAS NOT ADVERTISED IN TIME, PURSUANT TO SECTION 125.66, FLORIDA STATUTES. THIS WILL ENSURE THAT ORDINANCE 98-27 IS PROPERLY PROMULGATED. WE REGRET THIS OVERSIGHT.



Office of
**MANATEE COUNTY
ATTORNEY**

- Board Certified City, County & Local Government Law
- † Board Certified Civil Trial

Teddy N. Williams, Jr., County Attorney
Mark P. Barnebey, Chief Assistant County Attorney *
Paul G. Bangel, Senior Assistant County Attorney *
William C. Henry, Senior Assistant County Attorney for Risk Management
Patricia McVoy, Senior Assistant County Attorney *
James A. Minix, Senior Assistant County Attorney †
Mitchell O. Palmer, Senior Assistant County Attorney
Jeffrey N. Steinsnyder, Senior Assistant County Attorney *

May 11, 1998

MEMORANDUM

TO: Karen Windon, Chief, Emergency Management Division, Department of Public Safety

THRU: Teddy N. Williams, Jr., County Attorney *TNW 5/11/98* *H 5/11/98*

FROM: William C. Henry, Senior Assistant County Attorney for Risk Management

RE: **THIRD DRAFT OF PROPOSED DISASTER EMERGENCY MANAGEMENT
ORDINANCE
FURTHER TO RLS 96-502
CAO FILE: 1055-021**

I reviewed your third draft. It looks good. I think you have accomplished everything you wanted, and that the ordinance is ready for Board action.

WCH/tlm

cc: Ernie Padgett, County Administrator



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cc: Ernie Padgett, County Administrator

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, pursuant to Section 125.66, Florida Statutes, that the Board of County Commissioners of Manatee County, Florida will conduct a public hearing in the chambers of said Board at the Manatee County Administrative Center, 1112 Manatee Avenue West, First Floor, Bradenton, Florida, on the 4th day of August, 1998 at 9:00 a.m. or soon thereafter to consider, act upon, adopt or reject the following ordinance:

ORDINANCE NO. 98-27

AN ORDINANCE (SECTION 1) WHICH SUPERSEDES AND REPLACES ORDINANCE NUMBER 87-24, ESTABLISHING DISASTER EMERGENCY MANAGEMENT POWERS OF THE MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS AND DIRECTOR OF PUBLIC SAFETY FOR MANATEE COUNTY; PROVIDING FOR A DECLARATION OF POLICY; PROVIDING FOR SCOPE; PROVIDING FOR SEVERABILITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR PROHIBITED ACTIVITIES AND EXEMPTIONS; PROVIDING FOR LIMITATIONS UPON LIABILITY; PROVIDING FOR COMPENSATION FOR SERVICES FURNISHED; PROVIDING FOR LIABILITY OF PRIVATE PERSONS; PROVIDING FOR AUTHORITY OF DIRECTOR OF PUBLIC SAFETY TO ACCEPT SERVICES, GIFTS, AND MATERIALS; PROVIDING FOR PENALTIES; (SECTION 2) SUPERSEDES AND REPLACES RESOLUTION R-87-200, POST DISASTER RECOVERY AND RE-ENTRY; AND (SECTION 3) FOR AN EFFECTIVE DATE.

Interested parties are advised that they may appear at the meeting and be heard with respect to the proposed ordinance.

Pursuant to Section 286.0105, Florida Statutes, if any person decides to appeal any decision made by the Board with respect to any matter to be considered at the meeting or hearing, he will need a record of the proceedings and for such purposes he may need to insure that a verbatim record of the proceedings is made, which record would include any testimony or evidence upon which the appeal is to be based.

Copies of the proposed Ordinance will be made available prior to the public hearing at the Office of the County Attorney during normal business hours. A reasonable charge may be made for the provision of copies.

DATE TO BE PUBLISHED: Wednesday, July 22, 1998

ORDINANCE NO. 98-27

AN ORDINANCE (SECTION 1) WHICH SUPERSEDES AND REPLACES ORDINANCE NUMBER 87-24, ESTABLISHING DISASTER EMERGENCY MANAGEMENT POWERS OF THE MANATEE COUNTY BOARD OF COUNTY COMMISSIONERS AND DIRECTOR OF PUBLIC SAFETY FOR MANATEE COUNTY; PROVIDING FOR A DECLARATION OF POLICY; PROVIDING FOR SCOPE; PROVIDING FOR SEVERABILITY; PROVIDING FOR DEFINITIONS; PROVIDING FOR PROHIBITED ACTIVITIES AND EXEMPTIONS; PROVIDING FOR LIMITATIONS UPON LIABILITY; PROVIDING FOR COMPENSATION FOR SERVICES FURNISHED; PROVIDING FOR LIABILITY OF PRIVATE PERSONS; PROVIDING FOR AUTHORITY OF DIRECTOR OF PUBLIC SAFETY TO ACCEPT SERVICES, GIFTS, AND MATERIALS; PROVIDING FOR PENALTIES; (SECTION 2) SUPERSEDES AND REPLACES RESOLUTION R-87-200, POST DISASTER RECOVERY AND RE-ENTRY; AND (SECTION 3) FOR AN EFFECTIVE DATE.

WHEREAS, Section 252.38(3)(a)5 provides circumstances under which political subdivisions have the power and authority to waive the procedures and formalities otherwise required; and

WHEREAS, it is necessary and in the best interest of Manatee County to provide for a line of succession for the Board of County Commissioners and the Department of Public Safety in the event of a disaster emergency; and

WHEREAS, additional amendments are necessary and appropriate to clarify the effect of such authority as may from time to time be provided for the adoption of emergency orders, resolutions, and rules that may have the force and effect of law.

NOW THEREFORE, BE IT ORDAINED, by the Board of County of Commissioners of Manatee County, Florida, that:

Section 1. This "Disaster Emergency Management Powers Ordinance" supersedes Ordinance number 87-24.

Section 1.01. Declaration of Policy.

A. Section 252.38, Florida Statutes states that "safeguarding the life and property of its citizens is an innate responsibility of the governing body of each political

subdivision of the State".

B. In order for Manatee County to fully carry out its responsibility of protecting and ensuring the peace, health and lives of the County's citizens in time of a disaster emergency, the Board finds and declares it necessary to:

1) recognize a disaster emergency within the County and adopt a resolution declaring a state of local emergency that shall activate the disaster emergency plans and agreements applicable to Manatee County and shall be the authority for use or distribution of any supplies, equipment, materials and facilities assembled or arranged to be made available pursuant to such plans and agreements.

2) provide for the exercise of the emergency powers conferred by Chapter 252, Florida Statutes;

3) prohibit certain acts by the citizens of the County during a disaster emergency when such acts would be detrimental to the overall interests of the other citizens of the County.

Section 1.02. Legislative Authority.

This ordinance is enacted pursuant to the authority conferred by Chapter 252, Florida Statutes.

Section 1.03. Scope.

This ordinance shall be effective throughout Manatee County, Florida, except that no provision of this ordinance that conflicts with a provision of any municipality within Manatee County, Florida, shall be effective within such municipality, unless and until the conflicting provision of the municipal ordinance is repealed by that municipality.

Section 1.04. Construction.

This ordinance shall be liberally construed to accomplish its declared policy.

A. Suspension of Code: included in such authority is the right of the Board to temporarily suspend the enforcement of the Code of Ordinances of Manatee County, Florida, where the emergency is of such nature that immediate action outside the Code is required.

Section 1.05. Severability.

If any part, section, subsection, or other portion of this ordinance or any application thereof to any person or circumstance is declared to be void, unconstitutional, or invalid for any reason, such part, section, subsection, or other portion, or the prescribed application thereof, shall be severable, and the remaining provisions of this ordinance, and all applications thereof not having been declared void, unconstitutional or invalid, shall remain in full force and effect. The Board declares that no invalid or prescribed provision or application was an inducement to the enactment of this ordinance, and that it would have enacted this ordinance regardless of the invalid or prescribed provision or application.

Section 1.06. Definitions.

In this ordinance unless the context otherwise requires:

The definitions provided in Chapter 252, Florida Statutes, shall apply to the same terms when used in this Ordinance. Additionally:

- A. "Board" means the Board of County Commissioners of Manatee County, Florida.
- B. "County" means Manatee County, Florida.
- C. "Director" means the Public Safety Director or, if he or

she is unavailable, the Emergency Management Division Chief.

D. "Disaster emergency" means the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause, including but not limited to enemy attack sabotage, terrorism, or other hostile military or paramilitary action, earthquake, major fire as interpreted by State rule or regulation, flood, hurricane, severe thunderstorm with massive lightning strikes, tornado, volcanic activity, wave action, windstorm, explosion or accident involving radiation by-products, explosion or accident containing poisonous or environmentally hazardous substances, wherein the explosion or accident affects or could affect an area more than 500 feet from the site of the explosion or accident.

E. "State of local emergency declaration" means any lawfully issued order, proclamation, resolution or other process which activates state, local or inter-jurisdictional emergency management plans.

F. "County-wide emergency" means an emergency for which an emergency declaration has been issued affecting more than one municipality or one municipality and/or any portion of the unincorporated area of Manatee County.

G. "Local emergency" means an emergency confined to incorporated areas of a single municipality which has resulted in the issuance of an emergency declaration by the municipality.

H. "Immediate post emergency" means the period of time immediately following the abatement of any circumstance that has resulted in a lawfully declared state of local emergency.

I. "Priority class parties" shall mean persons who possess and exhibit, when requested by proper authorities, proof of property ownership, residence, occupancy, business ownership or employment by an employer in an area that has been evacuated or to which ingress and egress has been restricted.

J. "Structure" means anything constructed or erected with a fixed location on the ground, or attached to something having or requiring a fixed location on the ground.

K. "Unavailable" is defined as not being accessible, to the Director or personnel of the Emergency Operations Center, in person or via telecommunications, at times when immediate action by the Board is deemed necessary by the Chairman, Vice Chairman, Administrator or Director.

Section 1.07. Uniformity with State and Federal Actions.

In order to attain uniformity in measures taken to mitigate disaster emergencies, all action taken under this ordinance, and all rules, regulations, and orders made or issued with due consideration for the orders, rules, regulations, actions, recommendation and requests of the State and Federal authorities relevant thereto and, to the extent permitted by law, shall be consistent to those orders, rules, regulations, actions, recommendations, and requests.

A. All emergency management activities shall be performed in consistency with the Statewide Mutual Aid Agreement for Catastrophic Disasters and coordinated through the Emergency Operations Center. These activities include, but are not limited to, assistance to other impacted counties, State requests for resources and meeting evacuation and sheltering needs statewide.

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Section 1.08. Disaster Emergencies.

A. The Board is responsible for meeting the dangers presented to the County and its people by a disaster emergency. The Board may issue proclamations or adopt resolutions and amend or rescind them in the fulfillment of this responsibility, and these proclamations or resolutions shall have the force and effect of law during the period for which they are effective. Should the Director determine that a quorum of the Board members cannot be attained either in person or via telecommunications within a reasonable time to take the needed action, the Board hereby delegates authority to declare a state of local emergency by proclamation: (1) to the Chairman; or, (2) if the Chairman is unavailable, to the Vice Chairman; or, (3) if the Chairman and Vice Chairman are unavailable, to the County Administrator.

B. During the continuance of a state of disaster emergency the Director shall have direct responsibility for the coordination of all disaster emergency relief activities and efforts, subject only to the direction and control of the Board. The operational policies and procedures for response to disaster emergencies shall be consistent with the Manatee County Comprehensive Emergency Management Plan and supporting documents as detailed in that plan.

C. The state of local emergency shall continue until terminated, through a proclamation which states the threat of danger no longer exists:

- 1) Issued by a quorum, either in person or via telecommunications, of the Board of County Commissioners, or

2) If the Director determines no quorum can be attained within a reasonable time, issued by the Chairman; or, if the Chairman is unavailable, by the Vice Chairman; or, if the Chairman and Vice Chairman are unavailable, by the County Administrator.

D. No local state of emergency may continue for longer than seven (7) days unless renewed by proclamation or resolution by the Board. In such event, the renewal may run for periods of forty-eight (48) hours, as long as the state of local emergency continues to exist.

E. At the same time that the state of local emergency is declared, the Director shall report to the Board or the individual decision maker, all the facts and circumstances concerning the state of local emergency and the Director's recommendations in connection therewith.

F. A proclamation or resolution issued under this section shall indicate the nature of the disaster emergency, the area or areas of the County threatened by it, and the conditions which have brought it about, or which make possible the termination of the state of local emergency.

G. A proclamation or resolution issued under this subsection shall be promptly disseminated by means calculated to bring it to the attention of the general public and, unless the circumstances attendant upon the disaster prevent or impede, it shall be promptly filed with the Clerk of Circuit Court.

H. Whenever a mock or practice disaster alert is to be called for by the Director, for the purpose of training and exercising a segment of the people located within the County,

then the Director shall notify in writing the Chairman of the Board. In that case, no state of local emergency will exist, and no proclamation or resolution shall be issued.

Section 1.09. Disaster Emergency Powers of Board.

A. In order to facilitate the activities and efforts associated with the mitigation of a disaster emergency, the Board may exercise those powers as delineated in 252.38(3), Florida Statutes and Governor's Executive Order 80-29. In addition the Board shall have the power and authority to:

- 1) Establish curfews, including but not limited to the prohibition of or restrictions on pedestrian and vehicular movement, standing and parking, except for the provision of designated essential services, such as fire, police, emergency medical services and hospital services, including the transportation of the patients, utility emergency repairs and emergency calls by physicians.
- 2) To the extent authorized by law and to the extent the governor has delegated necessary powers to the Board, the Board is authorized to issue such orders, proclamations, and rules having the force and effect of law as are deemed necessary and appropriate to provide for the health, welfare, and safety of the residents of Manatee County, to provide for orderly management of the emergency disaster and to mitigate the potential effects of the emergency disaster.
- 3.) To recommend a precautionary evacuation or issue a mandatory evacuation order in accordance with

Executive Order 80-29.

B. Where circumstances warrant, the Board may designate the Director as the individual authorized to discharge the power specified in Section 1.09.A of this ordinance.

Section 1.10. Prohibited Activities, Exemptions.

A. During a disaster emergency the following activities are prohibited in the County or in a portion of the County, if so designated in the proclamation or resolution:

- 1) the sale, dispensing, or transportation of alcoholic beverages, explosives, and combustibles, excluding fuels used for the ordinary and normal propulsion of jet, diesel, kerosene, or gasoline engines or household appliances.
- 2) the watering of grass, or washing of structures, automobiles, boats, airplanes, or other motor-propelled vehicles with water supplied by the County's Public Utilities Department.
- 3) the sale of merchandise by any business establishment at a rate or price that exceeds the rate or price charged immediately prior to the declaration of the disaster emergency by the Board.

B. The provisions of Section 1.10.A shall have no effect in the following situations:

- 1) persons engaged in the prohibited activities solely for the purpose of survival of those persons or the families of those persons;
- 2) persons engaged in the prohibited activities solely for the purpose of self-defense.
- 3) persons who are duly authorized law enforcement

officials in the official performance of duty.

- 4) persons who are in the military service and who are acting in the official performance of duty.

Section 1.11. Limitations Upon Liability.

Limitations upon liability shall be consistent with 768.28(9)(a) Florida Statutes.

Section 1.12. Compensation

A. Compensation for services or for the taking or use of private property shall be consistent with the provisions of 252.43 Florida Statutes.

Section 1.13. Liability

Liability for activities relating to a person or organization owning or controlling real estate or other premises shall be consistent with the provisions of 252.51 Florida Statutes.

Section 1.14. Authority to Accept Services, Gifts, Materials.

A. Whenever the State or Federal government offers to the County services, equipment, supplies, material or funds, by way of gift, grant, or loan, for the purpose of using in an actual, impending, mock or practice disaster emergency, the Board, or when designated, the Director, may accept the offer on behalf of the County and utilize the services, equipment, supplies, materials or funds subject to the terms of the offer and the rules and regulations, if any, of the agency making the offer.

B. Whenever a person offers to the County services, equipment, supplies, materials, or funds, by way of gift, grant or loans, for the purpose of using in an actual, impending, mock or practice disaster emergency, the Board, or when designated, the Director, may accept the offer on behalf

of the County and utilize the services, equipment, supplies, materials or funds subject to the terms of the offer.

Section 1.15. Penalties

Any person violating or failing to comply with any of the provisions of this ordinance or any order, proclamation, rule or resolution or emergency ordinance adopted pursuant to this ordinance shall be punished as provided by 252.50, Florida Statutes and other general law. Each violation shall constitute a separate offense.

Section 2. Post Disaster

The Board shall seek clear and explicit delegation of authority from the Governor to act in accordance with the Immediate Post Emergency Recovery Plan set forth herein and shall develop, where necessary, appropriate interlocal agreements and additional procedures implementing this ordinance and incorporating such procedures in the Manatee County Comprehensive Emergency Management Plan.

Section 2.1 Priority Class Parties.

A) Priority class parties shall provide reliable documentation of their status consistent with the kind of documentation upon which prudent people generally rely. Such documentation may include a decal, bumper sticker or identification card issued by a municipality, a driver's license, voter registration card, deed or tax bill bearing an address or description of property located in the restricted or evacuated area, an identification card or a letter from an employer doing business in the restricted or evacuated area or a receipt of lease for hotel, lodging or other housing facilities located in the evacuated or restricted area.

B. After a county-wide state of emergency which has resulted in substantial injury or harm to the population or substantial injury or harm to the population or substantial damage to or loss of property and the evacuation of any area or areas or the restriction or limitation of ingress within an area or areas, the evacuation order or restrictions shall be removed to allow return to the evacuated or restricted areas to the degree appropriate, in accordance with the levels and in the order of priority established below:

- 1) Level One: Search and Rescue teams including National Guard, municipal police officers, Hazardous Materials Unit, Florida Highway Patrol, Public Safety Department, Emergency Medical Services, Manatee County Sheriff and his deputies, Fire Department personnel, State and County Departments of Transportation personnel, the Marine Patrol, County and Municipal Public Works Personnel, and as otherwise described in the Manatee County Comprehensive Emergency Management Plan shall be admitted to the restricted or evacuated area to perform those tasks described in the Post Disaster Recovery of the Comprehensive Emergency Management Plan.
- 2) Level Two: Damage Assessment teams as described in the Post Disaster Recovery section of the Manatee County Comprehensive Emergency Management Plan, Mayors and their appointees, other elected officials and utility company officials shall be admitted for the limited purpose of making

preliminary determinations related to accessibility and safety hazards in the restricted or evacuated area.

- 3) Level Three: Cleanup teams shall be admitted to clear and repair roads, restore utility service and eliminate safety hazards to the degree necessary to allow re-entry to a restricted or evacuated area.
- 4) Level Four: Essential service providers as designated by areas of local government and are authorized by original letter, stamped with a raised seal from the City authorizing the access. This category of priority class will be business owners who provide necessary supplies or services to the public for re-entry into the evacuated areas; as determined by the municipality in which the business is located.
- 5) Level Five: Priority class parties shall be given a reasonable period to return to their property, residence or place of abode or business to survey the damage and secure their real and personal property. Where and when necessary limited re-entry may be escorted by appropriate officials.
- 6) Level Six: Complete accessibility shall be restored as soon as practicable and shall be accomplished by appropriate amendment to, or withdrawal, recession or revocation of all emergency declarations.

C. Determinations of the appropriate level of admission shall

be made in accordance with the following:

- 1) Upon declaration of a state of local emergency in Manatee County, the Board shall convene in continuous session until the emergency no longer exists and the Immediate post Emergency Recovery Plan has been satisfactorily implemented and all county-wide emergency declarations lifted.
- 2) A committee comprised of mayors or representative appointed by each municipal governing body affected by a state of local emergency declaration along with the Manatee County Chief of Emergency Management or his/her designee and the Manatee County Administrator or his/her designee and the County Attorney or his/her designee shall participate in the decision-making process to insure that recommendations to the Board and amendments to the local emergency declarations will be coordinated and reflect broad county-wide concerns based on all available information and technical data.
- 3) The official source of public information with respect to emergency declarations shall be the Board and all official emergency declarations shall be transmitted from the place in which the Board is conducting the continuous meeting.
- 4) Initial recommendations of the appropriate level of re-entry shall be made by the appropriate Emergency Management Directors, subject to the direction and control of the governing body of the political

subdivision which the Public Safety Director represents.

- 5) The level of re-entry, areas of re-entry and deletions from or additions to the re-entry levels established under Section 2.2 (B) above shall be clearly established by amendments to or issuance of new emergency declarations by the Board.
- 6) The Board reserves the right to include or exclude any individual, group or agency, as may be necessary for the safety and welfare of the citizens of Manatee County until such time as complete accessibility has been restored. The levels of re-entry set forth in Section 2.2 (B) above, have been established for the purpose of providing general guidelines.
- 7) New media representatives shall, with proper identification, be allowed to enter an evacuated or restricted area at their own risk.

Section 2.3 County-wide Emergencies

Pursuant to the Executive Orders, emergency declarations of the Board shall supersede any Emergency Declaration of a municipality. The immediate post-disaster/emergency recovery plan set forth herein applies only to county-wide emergencies. Prior to amending any emergency declaration, as provided above, the Board shall, to the degree possible, obtain a statement of conditions in any affected municipality from the mayor or designee of the mayor. It is the intent of this provision to eliminate confusion by making public any declaration of local emergency in place in a municipality concurrent with the withdrawal of any county-wide

Section 2.4 Municipal Coordination

Nothing herein shall be construed as limiting the authority of any municipality that has established an emergency management agency pursuant to Section 252.38(2), Florida Statutes and in accordance with the terms of the Statewide Mutual Aid Agreement for Catastrophic Disasters, and developed a plan for the coordination of their activities with those of the Manatee County Public Safety Department as provided under Section 252.38(3), Florida Statutes from continuing in effect a declaration of Local Emergency.

Section 2.5 State Coordination

The Director of the Manatee County Department of Public Safety is directed to coordinate this Immediate Post Emergency Plan with the Florida Department of Community Affairs, Division of Emergency Management, the municipalities located in Manatee County, and all key preparedness, response and recovery agencies in Manatee County and to begin development of any additional procedures necessary for the implementation of this plan.

Section 3. Effective Date.

This Ordinance shall become effective immediately upon receipt of the official acknowledgment from the Office of the Secretary of State in Tallahassee, Florida, that this Ordinance has been filed with that office.

PASSED AND DULY ADOPTED with a quorum present and voting this ____
_____ day of _____, 1998.

BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA

By: _____
Chairman

ATTEST: R.B. SHORE
Clerk of the Circuit Court
