

RESOLUTION NO. RES-2023-15

**A RESOLUTION OF THE CITY OF MULBERRY, FLORIDA
DECLARING A STATE OF LOCAL EMERGENCY WITH RESPECT TO
TROPICAL STORM IDALIA; INVOKING EMERGENCY POWERS AND
AUTHORIZING MUNICIPAL OFFICERS TO TAKE NECESSARY
MEASURES; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN
EFFECTIVE DATE**

WHEREAS, at 5:00 A.M. on Monday, August 28, 2023, the National Hurricane Center advised that Tropical Storm Idalia was located approximately 125 miles South of the Western tip of the Island of Cuba with maximum sustained winds of 65 miles per hour, a minimum central pressure of 989 millibars, and a wind swath radius of tropical storm force winds extending outward up to 70 miles from its center; and

WHEREAS, as of 5:15 A.M. on Monday, August 28, 2023, the entirety of Polk County, Florida, including the City of Mulberry, is under a Tropical Storm Watch, which means that Tropical Storm winds are possible within the watch area; and

WHEREAS, the National Hurricane Center forecasts that Tropical Storm Idalia will become a Major Category 3 or greater Hurricane with maximum sustained winds of 115 miles per hour or more before 5:00 A.M. on Wednesday, August 30, 2023; and

WHEREAS, in its official forecast discussion issued at 5:00 A.M. on Monday, August 28, 2023, the National Hurricane Center states that Tropical Storm Idalia is expected to produce areas of flash and urban flooding, some of which may be locally significant, and that the risk continues to increase for life-threatening storm surge and dangerous hurricane force winds along portions of the West Coast of Florida and the Florida Panhandle beginning as early as late Tuesday, August 29, 2023; and

WHEREAS, as of 5:00 A.M. on Monday, August 28, 2023, computer model forecasts for the path of the eye of Tropical Storm Idalia vary with the National Hurricane Center emphasizing in its advisory discussion that only a small deviation in the forecasted track path could cause a big change in Idalia's landfall location in Florida due to the paralleling track to the west coast of the state; and

WHEREAS, as of 5:00 A.M. on Monday, August 28, 2023 Polk County and Mulberry lie within the forecast cone of uncertainty; and

WHEREAS, on Saturday, August 26, 2023, the Governor of the State of Florida issued Executive Order numbered 23-171 declaring that a State of Emergency exists in 33 counties of the State of Florida, inclusive of Polk County, as a consequence of Tropical Storm Idalia, then known as Investigation 93L; and

WHEREAS, pursuant to Chapter 252 of the Florida Statutes, commonly known as the *State Emergency Management Act*, and Section 4 C. of Executive Order 23-171, political

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subdivisions of the State of Florida such as the City of Mulberry have the power in response to the emergency conditions presented by Tropical Storm Idalia to:

(1) appropriate and expend funds; make contracts; obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for the health and safety of persons and property, including emergency assistance to the victims of any emergency; and direct and coordinate the development of emergency management plans and programs in accordance with the policies and plans set by the federal and state emergency management agencies;

(2) appoint, employ, remove, or provide, with or without compensation, coordinators, rescue teams, fire and police personnel, and other emergency management workers;

(3) establish, as necessary, a primary and one or more secondary emergency operating centers to provide continuity of government and direction and control of emergency operations;

(4) assign and make available for duty the offices and agencies of the City, including the employees, property, or equipment thereof relating to firefighting, engineering, rescue, health, medical and related services, police, transportation, construction, and similar items or services for emergency operation purposes, as the primary emergency management forces of the City for employment within or outside the City's political limits;

(5) request state assistance or invoke emergency-related mutual-aid assistance;

(6) declare a local state of emergency and extend the same, as necessary, in 7-day increments; and

(7) waive the procedures and formalities otherwise required of the City by law pertaining to:

(A) Performance of public work and 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;

and

WHEREAS, given the inherent risks presented by Tropical Storm Idalia, including, flash flooding, dangerous winds, and the potential for tornadic activity in Polk County and the Greater City of Mulberry area, the City Commission finds that conditions warranting emergency action under the *State Emergency Management Act* and the City's *Code of Ordinances* are present; **NOW, THEREFORE**,

Be it resolved by the city commission of the City of Mulberry, Florida:

Section 1. Findings.

(a) *Generally.* The foregoing findings are incorporated herein by reference and made a part hereof.

(b) *Weather-Related Emergency.* The City Commission finds that the emergency conditions present warranting action under the *State Emergency Management Act* and the City's *Code of Ordinances* are related to, and in the nature of, "hurricanes or other weather-related emergencies," under Section 252.38(4)(a), Florida Statutes.

Section 2. State of Emergency Declared; Acts of Officers Ratified.

Tropical Storm Idalia constitutes a serious threat to the lives and property of residents of Mulberry. A State of Local Emergency is declared to be effective for all territory within the legal boundaries of the City of Mulberry as of the effective date of this Resolution. The City Commission hereby exercises the weather-related emergency authority of the City under Chapter 252 Florida Statutes and all powers afforded to the City by every relevant local, state and federal law are authorized to be executed by appropriate City officials relating to any emergency matters associated with Tropical Storm Idalia including but not limited to the use of all available resources of the City as reasonably necessary to cope with the expected hurricane and its effects. The State of Local Emergency declared herein shall expire on Monday, September 4, 2023 at 11:59 P.M., unless extended, as necessary, in seven (7) day increments. All acts of municipal officers taken in response to the emergency conditions presented by Tropical Storm Idalia, if any, between the date of entry of Executive Order 23-171 by the Florida Governor, and the date of this Resolution are ratified, confirmed, and considered to be authorized pursuant to the City's emergency powers and the declaration of a State of Emergency by the Florida Governor.

Section 3. Conflicts.

All resolutions or parts of resolutions in conflict with any of the provisions of this resolution are hereby repealed.

Section 4. 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 5. Effective Date.

This resolution shall become effective immediately upon its passage and adoption.

PASSED and DULY ADOPTED with a quorum present in voting by the City Commission of the City of Mulberry, Florida, this 28th day of August, 2023.

CITY OF MULBERRY, FLORIDA



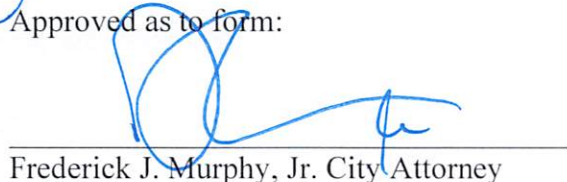
~~Mayor George H. Hatch~~

Vice-Mayor Collins Smith

Attest:


Jenn Garcia, City Clerk

Approved as to form:


Frederick J. Murphy, Jr. City Attorney