

**FLAGLER COUNTY, FLORIDA  
PROCLAMATION DECLARING  
STATE OF LOCAL EMERGENCY  
(Tropical Storm Erika)**

**WHEREAS**, Chapter 12, Flagler County Code, and Section 252.38(3), Florida Statutes, authorize Flagler County to declare a state of local emergency and to waive the procedures and formalities otherwise required of political subdivisions by law; and

**WHEREAS**, a state of local emergency proclamation is allowed for seven (7) days with appropriate extensions pursuant to law; and

**WHEREAS**, the National Hurricane Center predicts that from August 30 and continuing through September 2, 2015, a tropical storm named Erika will be traveling up the Florida peninsula; and

**WHEREAS**, on August 28, 2015 the Honorable Rick Scott, Governor of the State of Florida, issued Executive Order Number 15-173 declaring a state of emergency in the State of Florida due to Tropical Storm Erika; and

**WHEREAS**, Tropical Storm Erika is traversing the northeastern Caribbean Sea with present maximum sustained winds of fifty miles per hour and may strengthen in force as it approaches Florida; and

**WHEREAS**, Tropical Storm Erika poses a severe threat to the entire State of Florida, including Flagler County; and

**WHEREAS**, the Governor's declaration of emergency extends to every county in Florida and for that purpose the State has activated its Division of Emergency Management to execute the State's Comprehensive Emergency Management Plan to cope with the emergency; and

**WHEREAS**, there is the potential for damage to public buildings, public communications systems, public streets and roads, public drainage systems, and to commercial and residential buildings countywide; and

**WHEREAS**, Flagler County should take timely precautions to protect public and private property and members of the public from the potential effects of Tropical Storm Erika; and

**WHEREAS**, it is the recommendation of the County Administrator and the Public Safety Emergency Manager that a state of local emergency be declared for Flagler County and that this Proclamation declaring a state of local emergency be adopted.



**NOW THEREFORE, BE IT DECLARED AS FOLLOWS:**

1. I, Charles F. Ericksen, Vice Chairman of the Flagler County, Florida, Board of County Commissioners, in the absence of Chairman Frank J. Meeker, pursuant to Section 12-34(a)(1), Flagler County Code, do hereby proclaim the existence of a state of local emergency for Tropical Storm Erika in Flagler County, Florida, in accordance with Chapter 252, Florida Statutes, and Section 12-34, Flagler County Code. This Proclamation shall commence at 9:30 AM on August 28, 2015 and shall terminate automatically seven (7) days from this date unless terminated earlier or extended by a document of equal dignity herewith.
2. Pursuant to Section 12-34(a)(2), Flagler County Code, this authorizes the County Administrator and, in his absence, the Public Safety Emergency Manager, to take all actions necessary and appropriate to protect human life and property, including the promulgation of rules and orders as may be necessary subject to the limitations of Section 252.33, Florida Statutes. All rules and orders promulgated hereunder shall be filed with the Clerk of the Court. This declaration further authorizes the County Administrator and, in his absence, the Public Safety Emergency Manager, to utilize all lawful authority granted to Flagler County by the Flagler County Comprehensive Emergency Management Plan and by Federal, State or County Emergency Management Laws, Rules, Regulations, Orders and, including, but not limited to, Section 252.46 and Section 252.38(3)(a)(1) through Section 252.38(3)(a)(5), Florida Statutes, inclusive, and Section 12-34, Flagler County Code. Any such actions taken shall be reported to or reviewed by the Board of County Commissioners as is practical under the circumstances.
3. All existing laws, ordinances, and rules inconsistent with the provisions of Sections 252.31 to Section 252.905, Florida Statutes, inclusive, or inconsistent with any rule or order specifically promulgated under this declaration shall be suspended during this period of time and to the extent that such conflict exists.
4. The County Administrator may suspend, toll or extend the time requirements, notice requirements and deadlines for final action on applications for permits, licenses, rates and other approvals under the Flagler County Code, to the extent necessary to accommodate the emergency.
5. Pursuant to Section 252.38(3)(a)(5), Florida Statutes, the County hereby exercises its authority and waives the procedures and



formalities otherwise required of a political subdivision by law, pertaining to:

- Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
  - Entering into contracts;
  - Incurring obligations;
  - Employment of permanent and temporary workers;
  - Utilization of volunteer workers;
  - Rental of equipment;
  - Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and
  - Appropriation and expenditure of public funds
6. The Flagler County Administrator shall follow FEMA guidelines in procuring services, materials, labor and equipment necessary to respond to the emergency, including recovery efforts. The County Administrator shall abide by the "Uniform Administrative Requirements, Cost Principles, and Audit Requirements" for federal awards, codified at 2 C.F.R. §§200.317 through 200.326.
7. Any person violating any rule or order issued pursuant to this Proclamation or any person who willfully fails or refuses to comply with the order or orders of any duly authorized law enforcement officer or personnel charged with the responsibility for the enforcement of such orders shall, upon conviction therefor, be punished as provided by Section 252.50, Florida Statutes, and by such other laws as may be applicable to the offense.
8. The continued state of emergency declared by this Proclamation may be modified in whole or in part or may be terminated upon the joint recommendation of the County Administrator and the Public Safety Emergency Manager by action of the Chairman of the Board of County Commissioners, or, if the Chairman is unavailable, according to the order of succession prescribed by Section 12-34, Flagler County Code, with ratification in any event by the Board of County Commissioners as soon as is practicable at a regular or special meeting. This declaration



shall remain in effect for no longer than seven (7) days unless terminated or modified earlier, or extended in accordance with law.

9. If any provision of this Proclamation is invalidated by a court of competent jurisdiction, such invalidity shall not affect the remaining provisions of this Proclamation, which shall have the full force and effect of law.

**DONE AND ORDERED** in Flagler County, Florida, this 28th day of August 2015, effective as of 9:30 A.M.

**FLAGLER COUNTY BOARD OF  
COUNTY COMMISSIONERS**



Charles F. Ericksen, Jr., Vice Chairman

**CONCURRENCE:**



Craig M. Coffey, County Administrator



Kevin J. Guthrie, Public Safety  
Emergency Manager

**APPROVED AS TO FORM:**



Albert J. Hadeed, County Attorney

