

RESOLUTION NO. 2022-120

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COCOA, BREVARD COUNTY, FLORIDA, DECLARING A STATE OF EMERGENCY DUE TO IMPENDING DISASTER CONDITIONS AND THE POTENTIAL OF TROPICAL STORM NICOLE TO CAUSE EXTENSIVE DAMAGE TO LIFE AND PROPERTY WITHIN THE CITY OF COCOA; PROVIDING FOR REPEAL OF PRIOR INCONSISTENT RESOLUTIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on November 7, 2022, Governor Ron DeSantis issued Executive Order 22-253, declaring a state of emergency for several counties within the State of Florida, including Brevard County, in response to Tropical Storm Nicole; and

WHEREAS, Tropical Storm Nicole has the potential for causing extensive damage to life and properties within all cities and municipalities within the geographic area of Brevard County and poses an immediate threat; and

WHEREAS, Tropical Storm Nicole has the potential for causing extensive damage to public utilities, public buildings, public streets and roads, public drainage systems, commercial and residential building and areas; and

WHEREAS, Chapter 252.38(3)(a), Florida Statutes, provides authority for a political subdivision such as the City of Cocoa to declare a state of local emergency and to exercise certain powers and authority to safeguard the lives and property of its citizens; and

NOW, THEREFORE, BE IT RESOLVED that Tropical Storm Nicole poses a serious threat to the lives and property of the residents of the City of Cocoa and that a state of local emergency is declared effective at 8:00 a.m. on November 9, 2022 for all the territory within the legal boundaries of the City of Cocoa.

SECTION 1. **Recitals.** The foregoing recitals are hereby fully incorporated herein by this reference and are deemed a material part of this resolution.

SECTION 2. The City Council of the City of Cocoa hereby authorizes the exercise of its authority and powers pursuant to Florida Statutes 252.38(3)(a), which include the authority and powers to:

1. **CONTRACTS; EQUIPMENT, SUPPLIES.** 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 emergencies; and direct and coordinate the development of emergency management plans set by the Federal and State Emergency Management agencies.

2. ADDITIONAL PERSONNEL: Appoint, employ, remove, or provide (with or without compensation) coordinators, rescue teams, fire and police personnel, and other emergency management workers.
3. EMERGENCY OPERATING CENTERS: 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. ASSIGNMENT – CITY PROPERTY/PERSONNEL: Assign and make available for duty the offices and agencies which operate under the City Council of the City of Cocoa, including the employees, property, and 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 of Cocoa for employment within or outside the political limits of the City of Cocoa.
5. REQUEST FOR ASSISTANCE: Request County or state assistance or invoke emergency related mutual aid assistance by declaring a state of local emergency in the event of emergency affecting the City of Cocoa. The duration of each state of emergency declared locally is limited to seven (7) days, which may be extended, as necessary, in seven (7) day increments.
6. WAIVER OF PROCEDURES: To waive the procedures and formalities otherwise required of the City of Cocoa by law pertaining to:
 - a) Performance of public work and taking whatever prudent action 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
 - h) Appropriation and expenditure of public funds

SECTION 3. All public officials and employees of the City of Cocoa are hereby directed to exercise the utmost diligence in the discharge of the duties required of them for the duration of the emergency and in the execution of emergency laws, regulations and directives, state and local.

SECTION 4. All citizens are called upon and directed to comply with the necessary emergency measures, to cooperate with public officials and civil emergency disaster service forces in executing the emergency operational plans, and to obey and comply with the lawful directions of properly identified public officers.

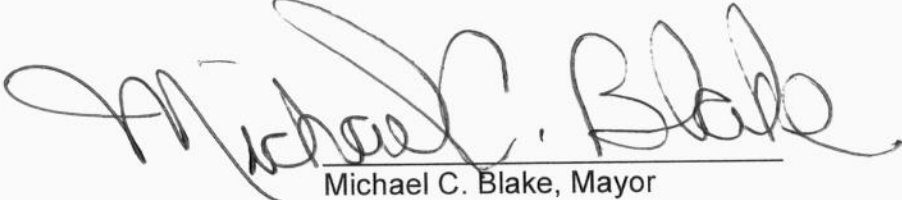
SECTION 5. **Duration.** The State of Emergency shall be effective and commence at 8:00 a.m. on November 9, 2022 and shall terminate when rescinded or terminated by Resolution of the City Council or within 7 days, whichever occurs earlier.


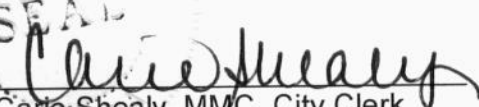
SECTION 6. **Repeal of Prior Inconsistent Resolutions.** All prior resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of that conflict.

SECTION 7. **Severability.** If any section, subsection, sentence, clause, phrase, word, or portion of this resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereto.

SECTION 8. **Effective Date.** This resolution shall become effective at 8:00 a.m. on November 9, 2022, following adoption by the City Council of the City of Cocoa, Florida.

ADOPTED by the City Council of the City of Cocoa, Florida, in a Special meeting assembled this 8th day of November, 2022.


Michael C. Blake, Mayor


ATTEST:
SEAL

Carrie Shealy, MMC, City Clerk