

SAMPLE
DECLARATION/PROCLAMATION

Appendix 3 to Basic

March 16, 2021

PROCLAMATION/RESOLUTION NO. 20XX-_____

**PROCLAMATION OF THE BOARD OF COUNTY COMMISSIONERS
OF COLLIER COUNTY TO DECLARE A STATE OF EMERGENCY
FOR ALL TERRITORY WITHIN THE LEGAL BOUNDARIES OF
COLLIER COUNTY INCLUDING ALL INCORPORATED AND
UNINCORPORATED AREAS.**

WHEREAS, [name disaster] has the potential for causing extensive damage to public utilities, public buildings, public communication systems, public streets and roads, public drainage systems, commercial and residential buildings and areas; and

WHEREAS, Collier County Bureau of Emergency Services officials are recommending that a “State of Local Emergency” be declared due to the threat of [name disaster]; and

WHEREAS, Section 252.38(3)(a)(5), *Fla. Stat.*, and Collier County Ordinance Nos. 84-37, 2001-45, 2002-50, 2007-49, and 2011-34 (codified at Sections 38-56 through 38-71 in the Collier County Code of Laws and Ordinances) provide for a political subdivision such as Collier County to declare a State of Local Emergency and to waive the procedures and formalities otherwise required of political subdivisions by law pertaining to:

1. Performance of public work and taking whatever prudent action is necessary to ensure the health, safety and welfare of the community;
2. Entering into contracts;
3. Incurring obligations;
4. Employment of permanent and temporary workers;
5. Rental of equipment;
6. Utilization of volunteer workers;
7. Acquisition and distribution, with or without compensation, of supplies, materials and facilities;
8. Appropriation and expenditure of public funds.

NOW THEREFORE, IT IS RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, in Special Session, this XXth day of [month], 20XX, that Hurricane Irma poses a serious threat to the lives and property of residents of Collier County, that voluntary evacuation is encouraged, and that a State of Local Emergency be declared, effective immediately for all territory in the incorporated and unincorporated areas of Collier County.

BE IT FURTHER RESOLVED, that the Board of County Commissioners hereby exercises its authority pursuant to Collier County Ordinance Nos. 84-37, 2001-45, 2002-50, 2007-49, and 2011-34 and waives the procedures and formalities required by law of a political subdivision, as provided in Section 252.38(3)(a)(5), *Fla. Stat.*, including authorization for Procurement Director to waive existing purchasing card limitations during the declared emergency.

BE IT FURTHER RESOLVED, that the Board of County Commissioners hereby declares that during an emergency it shall be unlawful and an offense against the County for any person operating within the County to charge more than the normal average retail price for any merchandise, goods or services sold during the emergency. The average retail price as used herein is defined to be that price at which similar merchandise, goods or services were being sold during the 30 days immediately preceding the emergency or at a mark-up which is a larger percentage over wholesale cost than was being added to wholesale cost prior to the emergency. The waiver and re-imposition of the state gas tax(es) shall not factor as to gasoline/petroleum products sales prices.

BE IT FURTHER RESOLVED, that pursuant to Collier County Ordinance No. 2002-50, Section One, this proclamation declaring a state of emergency shall activate the disaster emergency plans applicable to the County and shall be the authority for the use or distribution of any supplies, equipment, materials or facilities assembled or arranged to be made available pursuant to such plans.

THIS PROCLAMATION/RESOLUTION ADOPTED after motion, second, and majority vote favoring same this Xth day of [month], 20XX.

ATTEST:
XXXXXXXX, CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: _____
XXXXXXXX, Deputy Clerk

By: _____
XXXXXX, CHAIR

Approved as to form and legality:

XXXXXXXX
County Attorney