

Resolution

DECLARATION (PROCLAMATION) OF EMERGENCY

RESOLUTION NO. 2020-04

A RESOLUTION OF THE TOWN OF OAKLAND, FLORIDA, DECLARING A STATE OF EMERGENCY DUE TO THE THREAT OF COVID-19; MAKING FINDINGS OF FACT; PROVIDING THE TOWN WITH POWERS, INCLUDING, BUT NOT LIMITED TO THOSE PURSUANT TO FLORIDA STATUTES, CHAPTER 252; GRANTING THE TOWN MANAGER CERTAIN POWERS; PROVIDING FOR PENALTIES FOR VIOLATIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE, A TERMINATION DATE, AND PROCEDURES FOR EXTENSIONS

WHEREAS, Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and other potential methods, and presents symptoms similar to those of influenza with the elderly and persons with underlying medical issues particularly at risk; and

WHEREAS, in December of 2019, a new and substantial outbreak of COVID-19 emerged in Wuhan, China, and has since spread rapidly to 117 countries and territories throughout the World, including the United States, and more specifically to the State of Florida; and

WHEREAS, on March 11, 2020, the World Health Organization (WHO) declared COVID-19 a pandemic; and

WHEREAS, according to the WHO, as of March 14, 2020, there are 142,539 confirmed cases of COVID-19 globally, and 5,393 deaths, with 9,769 new cases and 438 new deaths, and 12 new countries reporting cases of COVID-19, in the preceding 24 hours; and

WHEREAS, the Centers for Disease Control and Prevention (CDC) is predicting that it is likely that widespread transmission of COVID-19 will also occur in the United States; and

WHEREAS, no vaccine or drug is currently available to cure or combat COVID-19; and

WHEREAS, as of March 14, 2020, 109 residents in the State of Florida have tested positive for COVID-19, with 39 new Florida cases reported on March 15, 2020, with an unknown number of persons awaiting testing or awaiting test results; and

WHEREAS, the Town of Oakland is threatened by COVID-19 because of the apparent ability of the virus to spread rapidly among humans, and COVID-19 thereby constitutes a clear and present threat to the health, safety, and welfare of the citizens and visitors of the Town of Oakland; and



WHEREAS, the CDC has issued guidelines for "community mitigation strategies" to limit the spread of COVID-19, including recommendations for social distancing, which has proven to be an effective method for containing COVID-19; and

WHEREAS, on March 9, 2020, Governor DeSantis issued Executive Order Number 20-52 regarding COVID-19, declaring a state of emergency in the State of Florida, and authorizing in accordance with Section 252.38, Florida Statutes, each political subdivision within the State to "waive the procedures and formalities otherwise required of the political subdivision by law pertaining to . . . [the] [p]erformance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;" and

WHEREAS, on May 8, 2020, Governor DeSantis issued Executive Order Number 20-144 and on July 7, 2020, Governor DeSantis issued Executive Order Number 20-166 regarding COVID-19, extending a state of emergency in the State of Florida; and

WHEREAS, in view of these recent events there is the potential for health risk to the residents of the Town of Oakland, the Town employees and elected officials; and

WHEREAS, the Town of Oakland Town Commission desires to take timely precautions to protect the public and Town employees from the potential effects of COVID-19; and

WHEREAS, this Declaration of Emergency is not pursuant to the provision of Florida Statutes, Section 252.38 (3)(a)(5) since this is not "an emergency affecting only one political subdivision," and therefore is not subject to the state statutory seven day limit of duration; and

NOW, THEREFORE, be it resolved by the Town Commission of the Town of Oakland as follows:

SECTION 1. Findings of Fact.

The Whereas clauses set forth above are hereby adopted as findings of fact and are a part of this Resolution.

SECTION 2. Emergency Declaration

1. The Town Commission of the Town of Oakland, Florida, in accordance with its home rule powers, and the powers vested in it pursuant to Chapter 252, Florida Statutes, does hereby proclaim the existence of a State of Emergency in the Town of Oakland, Florida due to the threat of COVID-19.
2. The Town Manager, or designee in his absence, is authorized 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 Florida Statutes and the Oakland Town Code. This resolution further authorizes the Town Manager, or designee in his absence, to utilize all lawful authority granted to the Town of Oakland by Federal, State, County, or City Emergency Management Laws, Rules, Regulations, or Orders.



3. All existing laws, ordinances, and rules inconsistent with any rule or order specifically promulgated under this resolution shall be suspended during this period of time and to the extent that such conflict exists.
4. The Town Manager 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 Town of Oakland Code of Ordinances, to the extent necessary to accommodate the emergency.
5. Pursuant to Section 252.38(3)(a)(5), Florida Statutes, the Town 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. If deemed appropriate by the Town Manager, he is authorized during this State of Emergency to:
 - (1) The establishment of 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, and hospital services, including the transportation of patients thereto, utility emergency repairs and emergency calls by physicians.
 - (2) The prohibition of the sale or distribution of any alcoholic beverage, with or without the payment or a consideration therefore.
 - (3) The prohibition of the possession by any person in a public place of any portable container containing any alcoholic beverage.
 - (4) The closing of places of public assembly with designated exceptions, if any.
 - (5) The utilization of all available sources of the Town government as reasonably necessary to cope with the disaster emergency, including emergency expenditures not to exceed \$10,000.00.
 - (6) The declaration of certain areas off limits.
 - (7) The cancellation of town meetings, and the prohibition of non-town meetings in town facilities.



- (8) The prohibition of gatherings if in accordance with directives of the county, state or federal government.
- (9) The making of provisions for availability and use of temporary emergency housing and emergency warehousing of materials.
- (10) The establishment of emergency operating centers and shelters in addition to or in place of those provided for in the Town's or county's emergency plan.
- (11) The accommodation as needed for non-essential employees to work at home or not work (with pay) if necessary due to the emergency.
- (12) The declaration that during an emergency it shall be unlawful and an offense against the Town for any person operating within the Town to charge more than the normal average retail price for any merchandise, goods or services sold during the emergency. The average retail price is that price at which similar merchandise, goods or services were being sold during the 90 days immediately preceding the emergency or at a markup that is no larger a percentage over wholesale costs prior to the emergency.
- (13) On behalf of the Town, to call on the resources of the state, Federal Emergency Management Agency, or other political subdivisions of the state as necessary to assist in the mitigation of the emergency or to help maintain law and order, rescue and traffic control.
- (14) A limitation on the hours business establishments may remain open.
- (15) Close, limit occupancy, or impose restrictions on, any commercial establishment(s), or types of commercial establishment(s), to limit the spread of Covid-19.
- (16) Take any and all actions necessary or appropriate to comply with any and all directives of the federal or state government for the protection of the citizens of and visitors to the Town of Oakland.
- (17) Take any and all additional actions necessary or appropriate for the protection of the citizens of and visitors to the Town of Oakland, and the students, faculty and staff of the Oakland Avenue Charter School, after consideration of federal, state, health department, OCPS, and county directives, and after notification of, and consultation individually with, as much as reasonably possible, the Mayor and City Commissioners of the Town of Oakland.

SECTION 3. Penalties for Violations.

Any person violating any rule or order issued pursuant to this Resolution 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 therefore, be punished as provided by Section 1-11 of the Code of the Town of Oakland, and/or be subject to code enforcement actions and enhanced fines as determined by the Town Manager. Each day of continued non-compliance or violation shall constitute a separate offense. In addition, any business in the Town found guilty of violating any provision of this resolution or the emergency measures which may be made effective pursuant to this Resolution may be subject to an action for the suspension or revocation of its right to operate in the Town by the Town Commission. Nothing contained in this section shall prevent the Town from taking such other lawful action in any court of competent jurisdiction as is necessary to prevent or remedy



any refusal to comply with or violation of this article or the emergency measures which may be made effective pursuant to this article. Such other lawful action shall include but shall not be limited to an equitable action for injunctive relief or any action at law for damage.

SECTION 4. Conflicts.

Any and all Resolutions or parts of Resolutions in conflict herewith are hereby repealed.

SECTION 5. Severability.

If any provision or portion of this Resolution or the application is held invalid, the invalidity shall not affect other provisions, portions or applications of the Resolution, which can be given effect without the invalid provision, portion or application, and to this end the provisions, portions, or applications of this Resolution are declared severable.

SECTION 6. Direction to Implement.

The Town Commission directs the Town Manager to implement this Resolution.

SECTION 7. Effective Date.

This Resolution shall become in full force and effect upon adoption, and shall continue for a period of sixty (60) days unless extended by the Town Manager if, in his reasonable discretion, the extension is appropriate considering information obtained from the state and federal government. If extended, a notice of extension will be posted on the Town's website, will be posted on the front door of Town Hall, and will be emailed to any person or entity that has requested in writing such notice.

ADOPTED in Oakland, Orange County, Florida, this 14th day of July, 2020.


KATHY STARK, MAYOR

ATTEST:


ELISE HUI, TOWN CLERK

