

RESOLUTION NO. 20-4041-R

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF BARTOW, FLORIDA RELATING TO COVID-19; DETERMINING THAT A PUBLIC HEALTH STATE OF CIVIL EMERGENCY EXISTS IN THE CITY OF BARTOW, FLORIDA; ISSUING ORDERS REGARDING THE STATE OF EMERGENCY IN THE CITY; AUTHORIZING THE CITY MANAGER TO EXERCISE CERTAIN EMERGENCY POWERS OF THE CITY AND SUSPEND APPLICABILITY OF CERTAIN STATUTES, ORDINANCES AND RULES BY ADMINISTRATIVE ORDER; AUTHORIZING THE CITY MANAGER TO EXTEND THE STATE OF EMERGENCY IN SEVEN DAY INCREMENTS AS REQUIRED BY STATE LAW; AUTHORIZING THE CITY MANAGER TO REGULATE THE CITY COMMISSION MEETING CALENDAR DURING THE STATE OF EMERGENCY; PROVIDING FOR AN EFFECTIVE PERIOD OF SIXTY (60) DAYS; PROVIDING AN EFFECTIVE DATE

WHEREAS, Coronavirus disease 2019 (“COVID-19”) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza; and

WHEREAS, on March 2, 2020, Florida Governor Ron DeSantis issued Executive Order 2020-51 declaring COVID-19 and the presence of the coronavirus responsible for COVID-19 (“SARS-CoV-2”) in the State of Florida to be a public health emergency pursuant to Chapter 381 of the Florida Statutes; and

WHEREAS, on March 7, 2020 Governor DeSantis directed the Director of Emergency Management to activate the State Emergency Operations Center to Level 2 to provide coordination and response to the COVID-19 emergency; and

WHEREAS, on March 9, 2020, Governor DeSantis issued Executive Order 2020-52 (a) declaring COVID-19 and the presence of coronavirus responsible for COVID-19 in the State of Florida to be a state of civil emergency pursuant to Chapter 252 of the Florida Statutes; (b) activating the Florida National Guard to assist with emergency management; (c) suspending the effect of budgetary statutes and rules that would prevent, hinder or delay necessary action in coping with the emergency; (d) authorizing pharmacists to dispense extended refills of medication; and (e) authorizing political subdivisions of the state to waive certain procedures and formalities relating to public work, contracts, obligations, employment of workers, rental of equipment, acquisition of supplies and appropriation/expenditure of

public funds; and

WHEREAS, as of March 16, 2020, there are 137 confirmed cases of COVID-19 in the State of Florida; and

WHEREAS, as of March 16, 2020, cases of COVID-19 have been confirmed in five (5) counties adjacent to Polk County (Hillsborough, Manatee, Orange, Osceola and Pasco); and

WHEREAS, on March 16, 2020, the Polk County Manager declared a state of civil emergency to exist in Polk County, Florida under authority of Chapter 252, Florida Statutes and Polk County Ordinance 19-074; and

WHEREAS, on March 16, 2020, the Vice-Mayor of the City of Bartow has declared a public health state of civil emergency to exist in the City of Bartow, Florida under authority of Chapter 26 of the *Code of Ordinances of the City of Bartow, Florida*, a copy of which is attached hereto and incorporated herein as Exhibit 'A' to this Resolution; and

WHEREAS, based on the current status of the emergency conditions experienced in the City of Bartow, the City Commission (a) concurs in the Vice-Mayor's declaration; (b) determines that a public health state of civil emergency exists in the City of Bartow, Florida as outlined herein; and (c) adopts this Resolution to authorize the City Manager, pursuant to Chapter 26 of the *Code of Ordinances of the City of Bartow, Florida*, to issue and promulgate all administrative orders necessary to deal with the emergency circumstances presented by COVID-19 and SARS-CoV-2; **NOW, THEREFORE:**

BE IT RESOLVED BY THE PEOPLE OF THE CITY OF BARTOW:

SECTION 1. Incorporation of Recitals. The foregoing recitals are incorporated herein and found by the City Commission to be true and correct statements of fact.

SECTION 2. State of Emergency. Pursuant to Chapter 26, Article II, §§ 26-26, *et seq.* of the *Code of Ordinances of the City of Bartow, Florida*, the City Commission confirms and declares that, as of the date and time of this Resolution, a state of emergency exists in the City of Bartow as a result of

COVID-19 and SARS-CoV-2. All emergency powers afforded to the City by every relevant local, state and federal laws are, during the state of emergency, authorized to be executed by the appropriate officials of the City.

SECTION 3. City Manager Granted Specific Emergency Authority. As permitted by Chapter 252 of the Florida Statutes and Chapter 26, Article II, §§ 26-26, *et seq.* of the *Code of Ordinances of the City of Bartow, Florida*, the City Manager is authorized by the Vice-Mayor and the City Commission of the City of Bartow to execute the following emergency powers of the city, as the City Manager may see fit in his discretion based on official guidance issued by the Centers for Disease Control or the Florida Department of Health and/or the emergency measures implemented by the State of Florida and local governments in the State of Florida:

(a) the imposition of measures identified in §§ 26-29(a)(1) and 26-29(a)(4) of the *Code of Ordinances of City of Bartow, Florida* relating to curfews, restrictions on movement, and closing of places of public assemblage;

(b) the waiver of procedures and formalities otherwise required by law, statute, ordinance or rule 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) utilization of volunteer workers; (6) rental of equipment; (7) acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and (8) appropriation and expenditure of public funds;

(c) the ability to extend the duration of and/or renew the effective period of the city's state of emergency to match the effective period of the State of Florida's emergency in Executive Order 2020-52, and the effective period of this Resolution, in seven (7) day increments as required under § 252.38(3)(a)5., Florida Statutes (2019);

(d) the ability to open, close, and modify the hours, type, level and amount of public access

to any public building, facility, park, street or property owned by or under the control of the city, regardless of any procedures and formalities required by law, statute, ordinance or rule;

(e) the ability to formally participate in emergency management programs, funding requests, grant applications, mutual aid requests, and all similar types of activities, with political subdivisions of the State of Florida, Polk County and area county governments, the Division of Emergency Management, the Florida Department of Health, the Federal Emergency Management Agency and all other local, state or federal authorities, agencies and governmental organizations with jurisdiction; and

(f) the ability to fully regulate and leverage the workforce of the City of Bartow to meet the needs of the emergency; to task and retask any municipal employee to assist with emergency management efforts, regardless of job classification or pay appropriation; to limit the official travel of municipal employees; to establish reasonable conditions of work and to place employees on administrative leave as deemed necessary based on the circumstances.

SECTION 4. City Meetings. Pursuant to §§ 2-36 and 2-37 of the *Code of Ordinances of the City of Bartow*, the City Commission authorizes the City Manager to regulate the meeting calendar of the City Commission while the state of emergency is pending, and to call, cancel and/or reschedule all regular and special meetings of the City Commission, and of all lesser appointed boards and authorities of the City of Bartow, upon the issuance of proper notice to the public. In the event the applicability of Chapter 286 of the Florida Statutes is suspended by the Governor of Florida, or the Governor of Florida or any other competent authority authorizes local governing boards to meet by electronic means, the City Manager shall be authorized to call an electronic meeting of the City Commission, or of any lesser appointed board, if necessary under the circumstances to protect the health of the members and the general public.

SECTION 5. Effective Period of Resolution. This Resolution shall be effective for an initial

period of sixty (60) days from its effective date. The effective period of this Resolution shall automatically renew and extend to and through the expiration date of Executive Order 2020-52, as the same may be renewed and/or extended by the Governor of Florida.

SECTION 6. Effective Date. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF BARTOW THIS 16TH DAY OF MARCH, 2020.


ATTEST:


City Clerk Jacqueline Poole

Approved as to correctness and form:

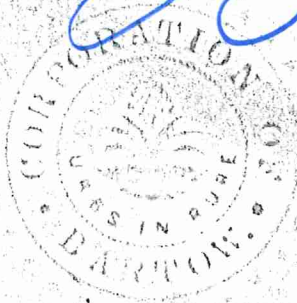

Asst. City Attorney Savannah Cerullo

CITY OF BARTOW:


Vice Mayor Scott Sjoblom

Approved as to substance:


City Manager George A. Long



RESOLUTION 20-4041-R

EXHIBIT "A"

DECLARATION OF EMERGENCY UNDER § 26-29, CODE OF ORDINANCES

CITY OF BARTOW)

OFFICE OF THE VICE-MAYOR)

I, Scott Sjoblom, by the authority vested in my as Vice-Mayor of the City of Bartow, Florida, do hereby as of March 16, 2020 declare that a state of civil emergency exists in the City of Bartow, Florida as specified in Section 26-29 of the Code of Ordinances of the City of Bartow, Florida based on COVID-19 and the presence of the coronavirus known as SARS-CoV-2 in the State of Florida. As the individual authorized by Section 26-27 of the Code of Ordinances of the City of Bartow, due to the absence of the Mayor, I authorize the City Manager to exercise the following emergency powers of the City for the duration of seventy two (72) hours, or such period of time as may be determined by the City Commission, in his discretion based on official guidance issued by the Centers for Disease Control or the Florida Department of Health and/or the emergency measures implemented by the State of Florida and local governments in the State of Florida:

(a) the imposition of measures identified in §§ 26-29(a)(1) and 26-29(a)(4) of the *Code of Ordinances of City of Bartow, Florida* relating to curfews, restrictions on movement, and closing of places of public assemblage;

(b) the waiver of procedures and formalities otherwise required by law, statute, ordinance or rule 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) utilization of volunteer workers; (6) rental of equipment; (7) acquisition and distribution, with or without compensation, of supplies,

materials, and facilities; and (8) appropriation and expenditure of public funds;

(c) the ability to extend the duration of and/or renew the effective period of the state of emergency to match the effective period of the State of Florida's emergency in Executive Order 2020-52, if such renewals or extensions are required under § 252.38(3)(a)5., Florida Statutes (2019);

(d) the ability to open, close, and modify the hours, type, level and amount of public access to any public building, facility, park, street or property owned by or under the control of the city, regardless of any procedures and formalities required by law, statute, ordinance or rule;

(e) the ability to formally participate in emergency management programs, funding requests, grant applications, mutual aid requests, and all similar types of activities, with political subdivisions of the State of Florida, Polk County and area county governments, the Division of Emergency Management, the Florida Department of Health, the Federal Emergency Management Agency and all other local, state or federal authorities, agencies and governmental organizations with jurisdiction; and

(f) the ability to fully regulate and leverage the workforce of the City of Bartow to meet the needs of the emergency; to task and retask any municipal employee to assist with emergency management efforts, regardless of job classification or pay appropriation; to limit the official travel of municipal employees; to establish reasonable conditions of work and to place employees on administrative leave as deemed necessary based on the circumstances.

I further authorize that all emergency powers afforded to the City by every relevant local, state and federal law may, during the state of emergency, be executed by the appropriate officials of the City.

DONE and ORDERED at BARTOW, FLORIDA this 16th day of March, 2020.



Vice-Mayor Scott Sjoblom

ATTEST:



City Clerk Jacqueline

