

**BY ORDER OF THE MAYOR OF CITY OF CAPE CANAVERAL
DECLARATION OF CIVIL EMERGENCY**

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

WHEREAS, Governor DeSantis has issued Executive Order Number 20-52 declaring a state of emergency in the State of Florida regarding COVID-19, which is hereby incorporated herein by this reference with respect to findings and applicability to the municipalities within the State of Florida; and

WHEREAS, on March 13, 2020, President Donald Trump has declared a national emergency regarding COVID-19; and

WHEREAS, on March 15, 2020, Brevard County declared a county emergency regarding COVID-19; and

WHEREAS, the Centers for Disease Control and Prevention has issued interim guidance for COVID-19 which currently recommends that for the next 8 weeks, organizers (whether groups or individuals) cancel or postpone in-person events that consist of 50 people or more throughout the United States, and have recommended practicing "social distancing" in public spaces to slow the spread of infection; and

WHEREAS, cities in the United States and foreign cities are experiencing COVID-19 outbreaks that have had significant health, safety, and economic impacts on their residents, businesses, and visitors, and have resulted in mandatory quarantines, self-isolation, business supply chain interruptions, cancellations of school and conventions and other actions affecting people's lives and livelihoods; and

WHEREAS, in furtherance of the emergency declarations of the President of the United States, Governor of Florida, and Brevard County, I find it necessary, by virtue of the authority vested in me as Mayor of the City of Cape Canaveral, Florida, to likewise declare a local public health emergency within Cape Canaveral so the City may immediately take emergency protective actions when necessary and do its part to attempt to slow the spread of infection of COVID-19 and to take such steps deemed necessary to protect the public health, safety and welfare; and

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

WHEREAS, pursuant to Section 18-2 of the City Code of the City of Cape Canaveral, Florida, the Mayor shall have the right to declare a civil emergency provided the declaration is in writing in the event the City Council cannot be convened at a meeting in a timely manner to address the civil emergency; and

NOW, THEREFORE, BE IT DECLARED PURSUANT TO POWER VESTED IN ME, AS MAYOR OF THE CITY OF CAPE CANAVERAL, FLORIDA UNDER SECTION 18-2, that COVID-19 poses a serious threat to the lives and property of the residents and businesses of the City of Cape Canaveral and that a state of local emergency is declared effective this 16th day of March, 2020 for all the territory within the legal boundaries of the City of Cape Canaveral.

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. **Emergency Powers.** As Mayor, I hereby authorize the City to exercise its authority and powers pursuant to Florida Statutes 252.38(3)(a) and Chapter 18 of the City Code, and under the direction of the City Manager to the extent necessary to protect the public health, safety and welfare and the best interests of the City of Cape Canaveral, which include the authority and powers to:

1. **CONTRACTS; EQUIPMENT, SUPPLIES.** Appropriately expended 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 Cape Canaveral, 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 Cape

Canaveral for employment within or outside the political limits of the City of Cape Canaveral.

5. REQUEST FOR ASSISTANCE: Request Federal, State and County assistance or invoke emergency related mutual aid assistance by declaring a state of local emergency in the event of emergency affecting the City of Cape Canaveral.
6. WAIVER OF PROCEDURES: To waive the procedures and formalities otherwise required of the City of Cape Canaveral 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
7. DURATION OF DECLARATION. Pursuant to Section 18-4 of the City Code, this declaration of civil emergency shall commence immediately, and shall terminate when the declaration has been rescinded or terminated by resolution of the City Council or written instrument executed by the undersigned Mayor.
8. CITY MEETINGS AND EVENTS. Unless otherwise directed by the City Council, the City Manager is hereby authorized to cancel or postpone all City board meetings and City hosted/organized/sponsored public events and gatherings as deemed advisable under the guidance provided by public health officials.

SECTION 3. **City Officials.** All public officials and employees of the City of Cape Canaveral 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. **Citizens.** All citizens are called upon to stay informed about COVID-19 and are hereby directed to comply with the necessary emergency measures, to cooperate with public officials and civil public health officials, and emergency disaster service forces in executing the emergency operational plans, and to obey and comply with the lawful directions of properly identified public officers.

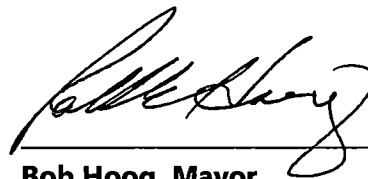
SECTION 5. **Severability.** If any section, subsection, sentence, clause, phrase, word, or portion of this declaration is for any reason held invalid or

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.

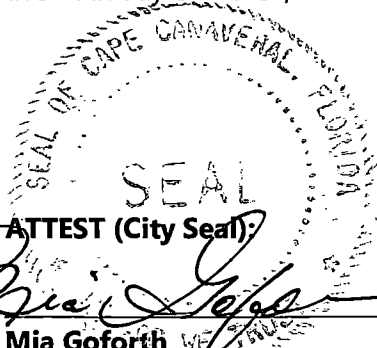
SECTION 6. Effective Date. This declaration shall become effective immediately upon the execution of this declaration by the undersigned.

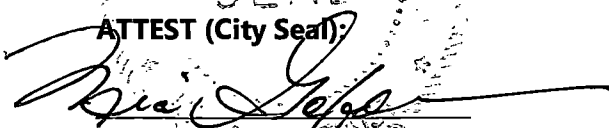
SECTION 7. Notice to the City Council. The City Clerk is hereby directed to provide a copy of this declaration to all members of the City Council, City Manager, City Attorney, City Department Directors, and other appropriate government officials.

DECLARED by the Mayor of the City Council of the City of Cape Canaveral, Florida, this 16th day of March, 2020.

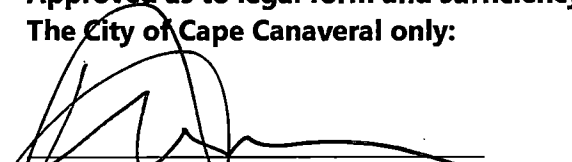


Bob Hoog, Mayor



ATTEST (City Seal):

Mia Goforth
City Clerk, MMC

**Approved as to legal form and sufficiency for
The City of Cape Canaveral only:**


ANTHONY A. GARGANESE, City Attorney