

LEE COUNTY RESOLUTION NO. 24-04-04

A RESOLUTION OF THE LEE COUNTY BOARD OF COUNTY COMMISSIONERS RELATING TO AMENDMENTS TO THE LEE COUNTY ADMINISTRATIVE CODE AS ADOPTED BY LEE COUNTY ORDINANCE NO. 97-23; PROVIDING FOR APPROVAL OF CERTAIN AMENDMENTS TO THE LEE COUNTY ADMINISTRATIVE CODE CREATING ADMINISTRATIVE CODE 2-23 PERTAINING TO DISASTER ADVISORY COUNCIL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners (Board) is the governing body in and for Lee County, a political subdivision of the State of Florida; and,

WHEREAS, the Board has previously enacted Lee County Ordinance No. 96-01, creating a charter form of government for Lee County pursuant to Section 125.80, et seq., Florida Statutes, and which was approved and ratified by the Electorate of Lee County on November 5, 1996; and,

WHEREAS, the Board subsequently repealed and replaced Ordinance No. 96-01, as amended, by enacting Lee County Ordinance No. 08-15, the "Lee County Charter"; and

WHEREAS, the Board has previously enacted Lee County Ordinance No. 97-23, which adopted the Lee County Administrative Code pursuant to the Lee County Charter; and,

WHEREAS, Lee County Ordinance No. 97-23 at Section III provides that amendments to the Lee County Administrative Code are to be made by Resolution of the Board at a regularly scheduled Board meeting; and,

WHEREAS, certain amendments to the Lee County Administrative Code are now proposed, and the Board finds that the proposed amendments are acceptable, serve a public purpose and are consistent with the terms and conditions of the Lee County Charter.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS THAT:

1. The above preamble is hereby accepted and approved as true and accurate, and is adopted and incorporated herein as if set out further at length.
2. The proposed amendment to Lee County Administrative Code to create AC-2-23 provides procedures for Disaster Advisory Council (attached hereto as Exhibit A), is approved, and is hereby directed to be incorporated into the Lee County Administrative Code as indicated in the amendment.
3. The provisions of this Resolution are severable, and it is the intention to confer to the whole or any part of this Resolution, the powers herein provided for. If any provision of this Resolution is held unconstitutional by a court of competent jurisdiction, the decision of such court will not affect or impair the remaining provisions of this Resolution. It is hereby declared to be the Board's legislative intent that this Resolution would have been adopted had such an unconstitutional provision not been included herein.
4. To the extent that there are typographical and/or administrative errors that do not change the tone, tenor or concept of this Resolution, then this

Resolution may be revised without subsequent approval by the Board of County Commissioners.

5. This Resolution will become effective immediately upon its adoption by the Board of County Commissioners.

Commissioner Pendergrass made a motion to adopt the foregoing resolution.

The motion was seconded by Commissioner Sandelli. The vote was as follows:

Kevin Ruane	Aye
Cecil L Pendergrass	Aye
Raymond Sandelli	Aye
Brian Hamman	Aye
Mike Greenwell	Aye

DULY PASSED AND ADOPTED this 2nd day of April 2024.

ATTEST:
KEVIN C. KARNES
CLERK OF CIRCUIT COURT

By: Melina Butler
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: Mike Greenwell
Mike Greenwell, Chair



APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY:

By: Andrea B. Fraser
Office of the County Attorney

**ADMINISTRATIVE CODE
BOARD OF COUNTY COMMISSIONERS**

CATEGORY:

Committees/Boards/Commissions/Examiners

CODE NUMBER:

AC-2-23

TITLE:

Disaster Advisory Council

ADOPTED:

04/02/2024

AMENDED:

ORIGINATING DEPARTMENT:

Public Safety

Purpose/Scope:

To define the purpose, scope, term, and composition of the Disaster Advisory Council.

Policy:

The Disaster Advisory Council is established to provide pre-disaster planning assistance and guidance, and post-disaster recommendations to support rapid recovery and resiliency.

Section I: Purpose

The purpose is to advise the Board of County Commissioners and the Department of Public Safety on considerations for a variety of emergency management preparedness and recovery efforts. This includes:

1. Identifying opportunities to mitigate future loss of life and property damage through the management of recovery and reconstruction.
2. Establishing special committees and subcommittees within the Disaster Advisory Council to address specific issues arising during the disaster recovery process.
3. Advising the County on relevant recovery and reconstruction issues.
4. Making recommendations for participation in federal and state post-disaster hazard mitigation planning.
5. Provide input on the County's major emergency planning documents, including:
 - a. Lee County Joint Local Mitigation Strategy (LMS)
 - b. Lee County Hazard Identification and Risk Assessment (HIRA)
 - c. Lee County Comprehensive Emergency Management Plan (CEMP)
 - d. Lee County Cost Recovery Plan
 - e. Lee County Disaster Recovery Plan
 - f. Lee County HMGP Project Prioritization List
6. Monitoring and reporting on the recovery process following a disaster, including recommendations on modifications to plans, Ordinances, or Codes to improve future response and recovery.

**ADMINISTRATIVE CODE
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AC-2-23

Section II: Governing Rules

The Disaster Advisory Council will be a standing Advisory Committee. Except as otherwise provided herein, all meetings of the Disaster Advisory Council will be governed by Robert's Rules of Order and AC 2-3. All members must file Form 1 financial disclosure.

Section III: Membership and Officers

The Disaster Advisory Council will consist of the following officials:

1. The County Manager or Designee
2. The County Public Safety Director
3. A representative from Emergency Management
4. A representative from the County Attorney's Office
5. Two County Department Directors or designees
6. A Fire Chief, nominated by the Lee County Fire Chiefs' Association
7. A representative from the Lee County Sheriff's Office
8. A representative from a local institution of higher education
9. A representative from the School District of Lee County
10. A representative from each electric utility provider in the county
11. A representative from each water utility provider in the county
12. A representative appointed by the Southwest Florida Health Care Coalition
13. A representative appointed by each member of the Board of County Commissioners
14. A representative from each municipality, as appointed by each governing body

The County Manager (or designee) will serve as the Chair of the Disaster Advisory Committee. County Public Safety and Emergency Management personnel will serve as staff for the Disaster Advisory Council.

Section IV: Term

Each member of the Disaster Advisory Council shall serve a two-year term. Any members of the pre-existing Disaster Advisory Council whom the Board of County Commissioners appointed shall serve out their existing term.

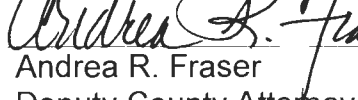
For vacant seats, one-half of the Disaster Advisory Council will be appointed for one year and one half will be appointed for two years commencing with the anniversary month. All appointments after the Disaster Advisory Council has functioned for one year shall be for the full two-year term.

**MEMORANDUM
FROM THE
OFFICE OF COUNTY ATTORNEY**

VIA HAND DELIVERY

DATE: April 2, 2024

TO: Commissioner Mike Greenwell
Chair, Board of County
Commissioners

FROM: 
Andrea R. Fraser
Deputy County Attorney

RECEIVED
MINUTES OFFICE
2024 APR 24 PM 4:00

RE: **Resolution Adopting Administrative Code 2-23
Creating Disaster Advisory Council
Agenda Item C21, April 2, 2024**

Attached, approved as to form, please find the original of the above-referenced Resolution adopted by the Board of County Commissioners on April 2, 2024.

The original Resolution is attached to this memorandum for execution. Kindly execute the Resolution at your earliest convenience and then forward to Eileen Gabrick in the Minutes Department.

By copy of this memorandum to Eileen Gabrick, I request that a clerk attest to the Chair's signature on the attached Resolution and return the fully executed original with all exhibits to my attention.

Thank you for your assistance.

ARF:tlb

Attachment: Resolution 24-04-04 Adopting AC 2-23

cc via email only: Eileen Gabrick, Minutes Office Manager
Laurel Chick, Manager, Internal Services



AGENDA ITEM REPORT

DATE: April 2, 2024
DEPARTMENT: Public Safety
REQUESTER: Benjamin Abes
TITLE: Adopt Resolution Establishing New Administrative Code for Disaster Advisory Council

I. MOTION REQUESTED

A) Adopt a resolution to establish Administrative Code AC 2-XX, Disaster Advisory Council, upon repeal of Ordinance 07-20.

II. ITEM SUMMARY

Approves adopting a resolution to establish new Administrative Code, AC-2-XX, which will take effect upon the repeal of Ordinance 07-20, and immediately re-form the Disaster Advisory Council. The composition and scope of the committee is largely unchanged from Ordinance 07-20, except to facilitate more structured review and approval of documents. The proposed Administrative Code also allows for the existing members of the Disaster Advisory Council to serve out their terms under this new format.

III. BACKGROUND AND IMPLICATIONS OF ACTION

A) Board Action and Other History

In a customary review of County Ordinances, it was found that much of Ordinance 07-20 was outdated and no longer relevant. The Board directed a repeal of the Ordinance to be heard at a Public Hearing.

The one component of the Ordinance not outdated or covered in other documents is the Disaster Advisory Council. This advisory committee to the Board currently provides oversight to the Local Mitigation Strategy, or LMS. The LMS contains lists of mitigation projects which become the submission to the Florida Division of Emergency Management and the Federal Emergency Management Agency when Hazard Mitigation Grant Program funds are available.

In this new Administrative Code, the Disaster Advisory Council (DAC) would still provide pre-disaster planning assistance and guidance, as well as post-disaster recommendations to support rapid recovery and resiliency. The DAC would also provide advice and recommendations on other core County plans, including the Hazard Identification and Risk Assessment, Comprehensive Emergency Management Plan, and other supplemental plans and policies to support response and recovery.

B) Policy Issues

C) BoCC Goals

D) Analysis

E) Options

IV. FINANCIAL INFORMATION

A)	Current year dollar amount of item:	No funding required.
B)	Is this item approved in the current budget?	N/A
C)	Is this a revenue or expense item?	N/A
D)	Is this Discretionary or Mandatory?	N/A
E)	Will this item impact future budgets? If yes, please include reasons in III(D) above.	
F)	Fund: Program: Project: Account Strings:	
G)	Fund Type?	N/A
H)	Comments:	

V. RECOMMENDATION

Approve

VI. TIMING/IMPLEMENTATION

VII. FOLLOW UP

ATTACHMENTS:

Description	Upload Date	Type
<u>Proposed Administrative Code</u>	3/20/2024	Backup Material

REVIEWERS:

Department	Reviewer	Action	Date
Public Safety	Abes, Benjamin	Approved	3/20/2024 - 8:49 AM
Budget Services	Henkel, Anne	Approved	3/21/2024 - 8:45 AM
Budget Services	Winton, Peter	Approved	3/21/2024 - 9:59 AM
County Attorney	Fraser, Andrea	Approved	3/21/2024 - 11:32 AM
County Manager	Brady, Christine	Approved	3/21/2024 - 2:50 PM