

EMERGENCY ORDINANCE/RESOLUTION – 01-2016

**EMERGENCY ORDINANCE / RESOLUTION
TO GRANT CERTAIN POWERS TO THE CITY MANAGER AND
TO MODIFY PROCEDURAL REQUIREMENTS FOR SOLICITATION
OF PROPOSALS AND TO SEEK AUTHORIZATION FOR CERTAIN
STORM RELATED/PUBLIC HEALTH RELATED EMERGENCY
ACTIVITIES IN THE PUBLIC INTEREST AND FOR OTHER PURPOSES**

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, is authorized under Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, and welfare of the citizens of Tybee Island, Georgia, including the environment thereof; and

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, is the Mayor and Council thereof; and

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia, is authorized under Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia to adopt reasonable ordinances to protect and improve the public health, safety, and welfare of the citizens of Tybee Island, Georgia, including the environment thereof; and

WHEREAS, the duly elected governing authority for the City of Tybee Island, Georgia (the “City”), is the Mayor and Council thereof; and

WHEREAS, the City was recently included in a Declaration of Emergency due to Hurricane Matthew which caused damage, destruction and significant emergency conditions; and

WHEREAS, the City participates in the Chatham County Emergency Management program and coordinates with the Chatham Emergency Management Agency (CEMA); and

WHEREAS, the City is faced with a crisis that implicates matters of public safety, health, property and infrastructure and damage caused thereto necessitating removing debris in various areas, suspension of certain fees, authorizing actions by staff to secure appropriate bids or proposals consistent with FEMA requirements and to seek appropriate reimbursements; and

WHEREAS, the City has entered into certain contracts with respect to debris removal and the monitoring of removal pursuant to Federal Emergency Management (FEMA) guidelines; and

WHEREAS, certain locations within the City are served only by private drives and/or consist of gated communities; and

WHEREAS, the Chairman of the Chatham County Commission has declared an emergency pursuant to the Chatham County Emergency Management ordinance; and

WHEREAS, the County ordinance, to which the City submits under its own ordinances, authorizes the use of private property and the performance of necessary functions to promote and secure the safety and protection of the civilian population of the City; and

WHEREAS, the County ordinance, as well as the ordinances of the City and the policies it has adopted pursuant thereto, recognize that the Georgia Emergency Management Act of 1981, as amended, authorizes municipalities to exercise emergency governmental powers [Chatham County Emergency Management Ordinance 4-309.2(v)(1)(4) and 4-309.2.b]; and

WHEREAS, the City Charter, Section 2.24, authorizes the City to adopt an emergency ordinance subject to the provisions thereof.

NOW, THEREFORE, It is hereby ordained by the Mayor and Council of the City of Tybee Island that a Declaration of Emergency has been declared by the Mayor of the City and that, therefore, all provisions of The Code of the City of Tybee Island, Georgia, Chapter 18-1, *et seq.*, shall be in place and the Emergency Operation Plan has been activated in light of the state of emergency declaration. Pursuant to Section 18-5 and the Emergency Management Act of 1981, the City hereby implements orders consistent with the provisions above in order to accomplish the protection of the community and its citizens, including the right and obligation for emergency access to be available and accomplished to all appropriate areas of the City including, but not limited to, those areas within gated communities and/or located on private drives and any prohibitions on the rendering of services by the City with respect to private roads or drives be suspended and superseded hereby to the extent legally permissible and that the City dedicate such services and equipment as is needed in order to remove the public health and safety risk and emergency to the extent necessary for the protection of life and property, subject to the City securing authorization from FEMA in advance of performing such services.

Further, any City Code or provision of law which would otherwise be applicable to the conduct of City business, including the procedures and Rules of Council with respect to the adoption of resolutions or ordinances shall be superseded hereby in order so as not to hinder or delay the implementation of the disaster recovery for a period of thirty (30) days or until additional action by the Mayor and Council, whichever shall first occur pursuant to the

provisions of Section 18-6(6) of The Code of Ordinances of The City of Tybee Island, Georgia, as well as Section 2.24 of the Charter thereof.

Further, it is determined to be in the immediate public interest of the City to authorize the removal of obstructive debris prohibiting access to residents in need of ongoing emergency access and restoration efforts and, therefore, the staff of the City may solicit bid proposals and make reasonable efforts to secure rights of entry and indemnity agreements from the owners of any private property which might be impacted by the actions and procedures of the City in the recovery effort and, to the extent possible, the owner of any property impacted by the actions of the City be given an opportunity to present any objections or comments to the City Manager or designated emergency official for the City during the process.

It is further resolved by the Mayor and Council of the City of Tybee Island that Hurricane Matthew did widespread damage throughout the City resulting in massive storm debris and other material from building and houses, damage with such magnitude that the City as a whole, including public and private streets and gated communities, in need of public assistance for the removal of storm damage debris and/or in need of emergency protection services and it is in the public interest to remove and establish access and abate the hazardous conditions to the extent they constitute a threat to life, public health and safety to all citizens and to promote a meaningful economic recovery of the City. Due to the declaration of an emergency, the City considers itself obligated to provide services, including storm debris removal and abatement on public and private property to promote the public health, safety and to allow for the economic recovery of the City as a whole. Therefore, the Mayor and Council of the City of Tybee Island do hereby find that, given the emergency conditions that exist, City staff should immediately seek to obtain proper approvals from FEMA officials to allow the removal of storm and other related debris material from private roads and property in gated communities, as well as in the public areas to the extent necessary for the public interest, health, safety and welfare and to promote the economic recovery.

Further, the City will suspend fees related to the disposal of storm related household items and debris in the City dump and will waive late fees for October utility bills and hotel/motel tax returns; suspend cutoffs for water customers who are late for October and, further, instruct staff to prepare all appropriate RFPs for storm-related damage of household contents and construction debris removal in the City right of way and City property, as well as to

provide for the monitoring thereof and for staff to prepare appropriate RFPs for yard debris and storm-related damaged household contents and construction debris removal from the shoulders of private side streets, including within gated communities, upon FEMA approval of said actions and for staff to prepare appropriate RFPs for the monitoring of any and all debris removal from provide side streets and/or gated communities with appropriate FEMA approval and to seek FEMA approval thereof and to take any and all necessary actions to ensure or seek to require or achieve the maximum amount of allowable FEMA reimbursement under the circumstances.

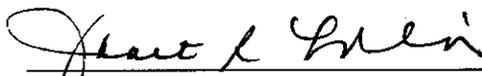
In addition, the manager is authorized to sign on behalf of the City agreements necessary and appropriate with FEMA, GEMHSA, or other government agencies in order to assist in disaster recovery within her discretion reserving the right of the manager to seek direction from the Mayor and Council as might be appropriate.

In the event advance FEMA approval is not timely received for the removal of trees, yard debris, storm related/damaged household contents and construction debris removal from the shoulders of private streets and/or with gated communities, the Mayor and Council will consider further action depending on conditions and responses to solicitations for bids or proposals on such tasks and the monitoring thereof by way of further action of counsel.

ADOPTED THIS 27 DAY OF October 2016.


MAYOR

ATTEST:


CLERK OF COUNCIL

FIRST READING: 10/27/16

SECOND READING: 10/27/16

ENACTED: 10/27/16