GROVER C. ROBINSON, IV
Mayor

CITY OF PENSACOLA

<u>DECLARATION OF STATE OF EMERGENCY 20-07</u>

WHEREAS, the Donald J. Trump, President of the United States, on March 13, 2020, declared a state of emergency for the United States of America beginning March 1, 2020; and

WHEREAS, Ron DeSantis, the Governor of the State of Florida, on March 9, 2020, issued Executive Order Number 20-52 declaring a state of emergency; and

WHEREAS, the Escambia County Board of County Commissioners, on March 16, 2020, issued Resolution R2020-24 declaring a state of emergency for Escambia County; and

WHEREAS, section 2-4-8 of the Code of the City of Pensacola authorizes the Mayor to take such emergency measures as he determines necessary to protect the health, safety, and welfare of the citizens of Pensacola; and

WHEREAS, the COVID-19 virus has the propensity to spread from person to person through direct physical contact and through the air; and

WHEREAS, the COVID-19 virus has the propensity to attach to surfaces for prolonged periods of time, thus causing property damage and continuing the spread of the virus; and

WHEREAS, COVID-19 poses a health risk to the residents of the City, particularly elderly residents and those who are immunosuppressed or otherwise have high-risk medical conditions; and

WHEREAS, Governor DeSantis has issued a series of executive orders to re-open Florida, and some of the restrictions to flatten the curve and slow the spread of COVID-19 have correspondingly been relaxed; and

WHEREAS, the re-opening of the State has led and will continue to lead to more contact between individuals and the potential for increased community spread of the disease; and

WHEREAS, federal and state health officials have indicated that they expect additional cases of COVID-19 to be identified in the coming days and, based on the highly contagious nature of COVID-19, additional person-to-person transmission is likely; and

WHEREAS, conditions presented by the threat of COVID-19 continue to pose a threat to the public health that requires dynamic emergency response, including the imposition of additional mitigation strategies as conditions require; and

WHEREAS, there currently is no vaccine for COVID-19; and

WHEREAS, despite mitigation efforts, the Escambia County COVID-19 Dashboard, which includes data provided by the Florida Department of Health (FDOH), the Agency for Health Care Administration (AHCA), and local hospitals, indicates the number of positive cases of COVID-19 in Escambia County has spiked with 90 positive cases reported on November 8, 2020, an average of 84 new cases each day for the seven-day period leading up to and including November 8, 2020, and a seven-day positivity rate of 7.3% for the week ending November 6, 2020, versus 5.1% and 4.4% for the two previous weeks, which indicates greater local community spread and transmission of the disease; and

WHEREAS, since October 22, 2020, the number of local hospitalizations declined from 51 hospitalizations on October 22 to a low of 43 hospitalizations on October 28, and since then have steadily risen over the past two weeks to 78 hospitalizations on November 10, 2020; and

WHEREAS, the City's declaration of state of emergency #20-01 expired on October 22, 2020.

NOW, THEREFORE, I, Grover C. Robinson, IV, by the authority vested in me pursuant to Florida law and Section 2-4-8 of the Code of the City of Pensacola, and all other applicable laws, do hereby declare as follows:

Section 1.   The above recitals are true, correct, and incorporated herein.

Section 2.   As a result and consequence of the continuing threats to the public health, safety, and welfare, both public and private, in the City of Pensacola caused by the Coronavirus Disease 2019 (COVID-19), a state of emergency exists.

Section 3.   Pursuant to City Code section 2-4-8 and within the limits of the federal and state laws and constitutions, the Mayor hereby authorizes and directs the following:

a. Take such emergency measures as determined necessary to protect the health, safety, and welfare of the citizens and to ensure the continued functioning of local government.

b. Exercise such emergency management powers granted to political subdivisions by Florida law.

c. Alter normal work schedules and grant the nonessential work force time off with pay.

d. Determine which employees are deemed essential during this emergency.

e. Pay essential employees, both non-exempt and certain ranges of exempt under the Fair Labor Standards Act, at overtime rates when required to report for duty during the time the remaining work force is not required to report.

f. Waive or suspend all ordinances, policies, procedures, or customs of the city as the Mayor determines necessary for purchase of commodities and services, for contracts of no more than one (1) year duration, for the assignment of employees, and for the facilitation of reconstruction and repair, both public and private, as the determined necessary.

g. Delegate such powers to staff as determined necessary to the effective administration of the government of the City of Pensacola.

Section 3.   The City Administrator or his designee is hereby empowered, authorized, and directed to exercise on behalf of the Mayor, such emergency powers necessary to carry out the provisions of this declaration, Chapter 252, Florida Statutes, as well as any other powers expressly or implicitly conferred pursuant to other law or ordinance.

Section 4.   The City Administrator's exercise of authority pursuant to this memorandum shall exist for a period of thirty (30) days from the date of this memorandum.

Section 5.   This declaration shall take effect on November 10th, 2020, at 4:50 p.m. central standard time.

Section 6.   This declaration shall expire in thirty (30) days from the date of this memorandum unless extended or shortened by action of the City Council.

IN TESTIMONY WHEREOF, I have hereto set my hand this 10th day of November, 2020.

CITY OF PENSACOLA

GROVER C. ROBINSON, IV, MAYOR

Attest:
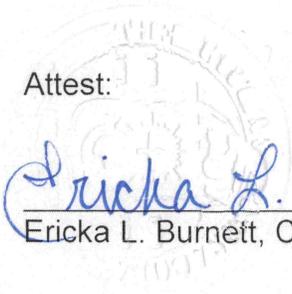
Ericka L. Burnett, City Clerk

Legal in form and valid as drawn:

Susan A. Woolf, City Attorney