



March 7, 2022

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City Commission
501 Harrison Avenue
Panama City, Florida 32401

Re: Adoption of Resolution 20220308.5 and Resolution
20220308.4 related to the State of Emergency Due to Wildfires

Dear Mayor and Commissioners:

The Commission is requested to adopt Resolution 20220308.4 that ratifies the Declaration dated March 4, 2022, declaring that a State of Emergency existed in the City of Panama City due to the widespread wildfires affecting Bay County. Also, the Commission is requested to adopt Resolution 20220308.5 confirming the Disaster Emergency Overtime Policy and adopting the Disaster Emergency Leave Policy.

The City may qualify for FEMA assistance because of the unprecedented wildfires since Governor DeSantis issued Executive Order 22-54 and Executive Order 22-55 declaring a State of Emergency for Bay County.

As background, the City Commission has adopted similar resolutions in the past that declared a State of Emergency due to hurricanes and tropical storms. Currently, Bay County is experiencing wildfires affecting more than 10,000 acres that threaten homes within the City limits of Panama City and require mutual assistance from the City of Panama City employees to contain the wildfires.

Pursuant to s.252.38, Florida Statutes, emergency declarations are limited to seven (7) days and may be extended in seven (7) day increments as necessary. Staff recommends the Board ratify the Declaration Proclaiming a State of Emergency by adopting and authorizing the Mayor to sign future declarations as necessary related to flooding.

Sincerely yours,

Nevin J. Zimmerman, Esq.

cc: Mark McQueen, City Manager
Jan Smith, City Clerk-Treasurer

RESOLUTION 20220308.4

A RESOLUTION AND PROCLAMATION OF THE CITY OF PANAMA CITY, FLORIDA PROCLAIMING AND RATIFYING THE MARCH 4, 2022 DECLARATION OF THE CITY OF PANAMA CITY, FLORIDA, PROCLAIMING A LOCAL STATE OF EMERGENCY DUE TO WILD FIRES

WHEREAS, on March 4, 2022, Governor Ron DeSantis issued Executive Order 22-54 (Emergency Management – Bay County Wildfires) declaring a state of emergency for Bay County, Florida due to the presence of wild fires (“WILD FIRES”);

WHEREAS, Bay County Florida, a political subdivision of the State of Florida, and pursuant to Chapter 252 Florida Statutes, "State Emergency Management Act" and the "Emergency Services Ordinance of Bay County, Florida" codified at Section 15-101 et al., Bay County Code ("Act"), declared a local state of emergency in Bay County due to the existence of WILD FIRES and exercised those powers conferred by Florida Statutes, Chapter 252 and the Act;

WHEREAS, the City of Panama City, is a municipality of Bay County and under the Emergency Management umbrella of Bay County;

WHEREAS, Panama City is expected to be affected by the WILD FIRES and the responses thereto, which could pose an immediate threat to citizens and property in Bay County;

WHEREAS, certain additional personnel and specialized equipment may be required to assist in administering the needs of the citizens, responding pursuant to mutual aid agreements and to determine the extent of damage;

WHEREAS, Josh Street, Mayor Pro Tem of the City Commission, pursuant to his authority as Mayor Pro Tem, executed the attached Declaration of the existence of a State of Emergency as of March 4, 2022;

WHEREAS, the City Commission desires to ratify such Declaration herein; and

WHEREAS, pursuant to Section 252.38, Florida Statutes, the limitation of an emergency declaration is seven (7) days, which may be extended in seven (7) day increments as necessary;

NOW THEREFORE BE RESOLVED AND PROCLAIMED by the City of Panama City, Florida in accordance with the provisions of Chapter 252.38, Florida Statutes, promulgate the following Declaration.

1. The Declaration of the existence of a State of Emergency as of March 4, 2022 attached hereto as Exhibit A, is hereby ratified, confirmed and re-adopted herein.
2. A state of local emergency exists within Panama City due to the effects of WILDFIRES and there is an immediate threat to the citizens and property in Panama City and surrounding communities.
3. The Panama City Fire Chief shall provide overall coordination for City response and shall coordinate through the Bay County Chief of Emergency Services, including the coordination of assistance to be provided pursuant to mutual aid agreements.
4. This emergency requires the assistance of state and federal aid, county aid, and municipal aid, without delay to repair and effect an immediate recovery of said emergency impact on the citizens of Panama City.
5. The City departments with essential personnel, including all first responders, will comply with all laws, rules and requirements applicable to Bay County emergency management agencies pursuant to s. 252.38(2), Florida Statutes.

6. The provisions of this Declaration shall remain in effect for a period of seven (7) days, unless otherwise extended as necessary, in seven (7) day increments. The Mayor or Mayor Pro Tem can terminate this Declaration earlier if the Declaration is no longer necessary.

DONE and ORDERED AS OF THIS 7th day of March, 2022.

CITY OF PANAMA CITY

ATTEST:

By: _____
Greg Brudnicki, Mayor

Jan Smith, City Clerk-Treasurer

**A DECLARATION OF THE CITY OF PANAMA CITY,
FLORIDA, PROCLAIMING A LOCAL STATE OF
EMERGENCY DUE TO WILD FIRES**

WHEREAS, on March 4, 2022, Governor Ron DeSantis issued Executive Order 22-54 (Emergency Management – Bay County Wildfires) declaring a state of emergency for Bay County, Florida due to the presence of wild fires (“WILD FIRES”):

Bay County Florida, a political subdivision of the State of Florida, and pursuant to Chapter 252 Florida Statutes, "State Emergency Management Act" and the "Emergency Services Ordinance of Bay County, Florida" codified at Section 15-101 et al., Bay County Code ("Act"), declared a local state of emergency in Bay County due to the existence of WILD FIRES and exercised those powers conferred by Florida Statutes, Chapter 252 and the Act; and

WHEREAS, the City of Panama City, is a municipality of Bay County and under the Emergency Management umbrella of Bay County;

WHEREAS, Panama City is expected to be affected by the WILD FIRES and the responses thereto, which could pose an immediate threat to citizens and property in Bay County;

WHEREAS, certain additional personnel and specialized equipment may be required to assist in administering the needs of the citizens, responding pursuant to mutual aid agreements and to determine the extent of damage.

WHEREAS, pursuant to Section 252.38, Florida Statutes, the limitation of an emergency declaration is seven (7) days, which may be extended in seven (7) day increments as necessary;

NOW THEREFORE I, JOSH STREET, MAYOR PRO TEM OF THE CITY COMMISSION FOR PANAMA CITY, FLORIDA, in accordance with the provisions of Chapter 252.38, Florida Statutes, promulgate the following Declaration.

1. A state of local emergency exists within Panama City due to the effects of WILDFIRES and there is an immediate threat to the citizens and property in Panama City and surrounding communities.
2. The Panama City Fire Chief shall provide overall coordination for City response and shall coordinate through the Bay County Chief of Emergency Services, including the coordination of assistance to be provided pursuant to mutual aid agreements.
3. This emergency requires the assistance of state and federal aid, county aid, and municipal aid, without delay to repair and effect an immediate recovery of said emergency impact on the citizens of Panama City.
4. The City departments with essential personnel, including all first responders, will comply with all laws, rules and requirements applicable to Bay County emergency management agencies pursuant to s. 252.38(2), Florida Statutes.
5. The provisions of this Declaration shall remain in effect for a period of seven (7) days, unless otherwise extended as necessary, in seven (7) day increments. The Mayor or Mayor Pro Tem can terminate this Declaration earlier if the Declaration is no longer necessary.

DONE and ORDERED AS OF THIS 4th day of March, 2022.

CITY OF PANAMA CITY

By: 
Josh Street, Mayor Pro Tem

RESOLUTION 20220308.5

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF PANAMA CITY DECLARING THE DISASTER EMERGENCY OVERTIME POLICY AND THE DISASTER EMERGENCY LEAVE POLICY TO BE ADOPTED, AND MODIFYING ITS POLICY AND PROCEDURE MANUAL.

WHEREAS, the CITY of PANAMA CITY, FLORIDA, hereinafter referred to as “the CITY” has been devastated by emergency and disaster situations in the past; and

WHEREAS, the threat of such storms and disasters still exist, including the most recent wildfires affecting Bay County; and

WHEREAS, it is an obligation of the CITY as a matter of public policy to protect the public safety and to ensure the economic recovery of the CITY; and

WHEREAS, the CITY has chosen to be prepared to respond to the potential storm or disaster threat; and

WHEREAS, the salaried employees have responded and performed without any overtime payment consideration in the past; and

WHEREAS, non-salaried employees are compensated for hours worked beyond the routine work week, however the CITY recognizes that they should be compensated when required to respond during the storm because they are essential personnel or miss work during the storm because they are non-essential personnel; and

WHEREAS, because of the consideration above concerning non-salaried and salaried employees, the Commission adopted policies in Resolution 20181009.2 during Hurricane Michael and Resolution 20200915.2 during Hurricane Sally and it was the Commission’s intent to use the Disaster Emergency Overtime Policy (attached hereto as Exhibit A) for all emergency situations; and

WHEREAS, the CITY recognizes these situations are beyond the control or good management practices of the employees and employees who are unable to return to work due to the emergency should be compensated; and

WHEREAS, the CITY of PANAMA CITY, FLORIDA Mayor and City Commissioners have determined that the emergency response contribution of all CITY employees will be recognized and compensated;

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Panama City, Florida, as follows:

Section 1. The above recitals are true and correct and incorporated in this Resolution.

Section 2. The Policy and Procedure Manual of the City of Panama City is hereby revised to include the Disaster Emergency Overtime Policy attached hereto as Exhibit "A" and the Disaster Emergency Leave Policy attached hereto as Exhibit "B" for distribution to all employees and incorporated in the current Policy and Procedure Manual for the City of Panama City, Florida.

Section 3. The Disaster Emergency Overtime Policy is intended to be effective as of October 8, 2018 and the Disaster Emergency Leave Policy is intended to be effective as of March 4, 2022.

Section 4. This Resolution shall become effective upon adoption.

DONE AND ADOPTED by the City Commission of the City of Panama City this 8th day of March, 2022.

CITY OF PANAMA CITY, FLORIDA

By _____
Greg Brudnicki, Mayor

ATTEST:

Jan Smith, City Clerk-Treasurer

Exhibit "A"

City of Panama City Administrative Policies

Human Resources

Section 1340.8.11

1340.8.11 SUBJECT: DISASTER EMERGENCY OVERTIME

1. OBJECTIVE:

Provide a policy for compensation when emergency situations occur and team members must work additional hours beyond their normal shifts. This policy is to provide a level of compensation for a limited time to team members that are necessary for the sustainability and ongoing support of the Citizens and services.

2. AUTHORITY:

This policy was adopted by the City Commission on March 8, 2022.

3. POLICY:

A. All full-time salaried team members (including probationary team members) that work in excess of fifty (50) hours during a work week that contains days that are under a declared emergency by the Federal Government, State, County or City will be compensated at one and a half (1 ½) times their hourly calculated rate in accordance with the following conditions:

- The City Manager must have determined that the disaster emergency overtime policy should be enacted.
- Team members must be essential in support of Citizens related to the disaster for which the emergency was declared.

B. All hourly team members (including part-time and probationary team members) when required to respond to work during a time when City Hall is closed to non-essential team members due to a declared emergency by the Federal Government, State, County or City will be compensated at one and a half (1 ½) times their hourly calculated rate in accordance with the following conditions:

- The City Manager must have determined that the disaster emergency overtime policy should be enacted.
- Team members must be essential in support of Citizens related to the disaster for which the emergency was declared.

C. Administrative leave will be paid to team members that are regularly scheduled to work during the disaster emergency declaration at their regular rate of pay in the event that they are not required to report to work at the discretion of the City Manager after the disaster emergency overtime policy is enacted.

4. FORMS:

None

5. REFERENCE:

Adopted by Resolution 20220308.5 of the City Commission on March 8, 2022.

6. EFFECTIVE DATE:

This policy is effective as of October 8, 2018.

Exhibit "B"

City of Panama City Administrative Policies

Human Resources

Section 1340.7.11

1340.7.11 SUBJECT: DISASTER EMERGENCY LEAVE

1. OBJECTIVE:

Provide a policy for leave with pay when emergency situations, either natural or manmade disasters, occur causing a team member to be unable to return to work. This leave is to provide a level of ongoing stability for a limited time to team members that are impacted by a declared emergency situation.

2. AUTHORITY:

This policy was adopted by the City Commission on March 8, 2022.

3. POLICY:

A. All full-time team members (including probationary team members) will be allowed time off from their regularly scheduled workdays with pay in the event of an emergency declaration made by the Federal Government, State, County and/or City of Panama City, that directly affects them in accordance with the following conditions:

- The City Manager must have determined that the emergency leave policy should be enacted.
- Team members must be directly impacted by the disaster for which the emergency was declared.
- The team member must have been scheduled to work and unable to return to work due to personal needs, such as being mandated to evacuate from their home.
- Pay will be based upon typical hours worked.

B. Disaster emergency leave will be subject to the following limits but may be less than the following based upon City Manager approval:

- Disaster emergency leave will be at the regular hourly rate of pay.
- Leave will begin the next workday after a team member has been mandated to evacuate from their home for longer than twenty-four (24) hours, regardless of the time of day they are mandated to evacuate.
- Leave will be dependent upon the circumstances but will not exceed one (1) work week in most situations. The City Manager will determine the required amount of leave for each disaster.
- Leave may be based upon degree of disaster impact for team members.

C. Accrued annual leave may be utilized to supplement and extend disaster emergency leave with approval of the team member's supervisor.

D. Disaster emergency leave cannot be utilized to extend a team member's employment.

4. FORMS:

None

5. REFERENCE:

Adopted by Resolution 20220308.5 of the City Commission on March 8, 2022.

6. **EFFECTIVE DATE:**

This policy is effective as of March 4, 2022.