



David P. Persson
Andrew H. Cohen
Kelly M. Fernandez*
Maggie D. Mooney-Portale*
R. David Jackson
Regina A. Kardash*

* Board Certified City, County and Local Government Law

Telephone (941) 306-4730
Facsimile (941) 306-4832
Email: kfernandez@swflgovlaw.com

Reply to: Lakewood Ranch

MEMORANDUM

TO: Mayor Holic and City Council Members

CC: Ed Lavallee, City Manager
David Persson, City Attorney

FROM: Kelly M. Fernandez, Assistant City Attorney

DATE: April 4, 2018

RE: Joyner E-mail – Hurricane Shelters on Venice Island

The Mayor requested clarification on statements made by Janine Joyner during an e-mail exchange, which I have included in your agenda package. Below are direct excerpts from the e-mail with my responses. I will provide further commentary and answer any questions at the Council meeting.

Joyner Comment: On page 1-4, it is clearly stated, and I quote, "It can also be presumed that public schools will be opened as shelter regardless of the storm's forecasted intensity and track." My interpretation is that should we need to use Venice High School, we have the right to do so whether or not it meets the ARC4496 standards for shelters.

Response: The designation and opening of shelters is in the purview of the County, which has established and is responsible for the local emergency management agency pursuant to Section 252.38, Florida Statutes. That Statute requires each local emergency management agency to have jurisdiction over and serve an entire county. The director is appointed by the board of county commissioners or the chief administrative officer of the county and is responsible for coordinating emergency management activities, services and programs within the county. Pursuant to Sections 252.38 and 252.385, Florida Statutes, public facilities, including schools, which are *suitable* for use as evacuation shelters shall be made available at the request of the local emergency

management agency. The school board then must provide facilities and personnel to staff the facilities.

Joyner Comment: Further down the same page is stated "(4)(a) Public facilities, including schools, post-secondary education facilities, and other facilities owned or leased by the state or local government, but excluding hospitals, hospice care facilities, assisted living facilities and nursing homes, which are suitable for use as public hurricane evacuation shelters shall be made available at the request of the local emergency management agencies." In my opinion this means that opening the Venice Community Center for Hurricane Irma, as you did, was okay according to this State Emergency Plan.

Response: As stated in my prior response, Sarasota County is the local emergency management agency and only suitable public facilities should be made available as a shelter. "Suitable" has been defined by the Florida Division of Emergency Management to mean that a facility meets at a minimum the American Red Cross Standards for Hurricane Shelter Selection (ARC 4496).

Joyner Comment: On page 1-5, third paragraph down, last line, it states, "When anticipated demand exceeds available ARC4496 shelter space capacity, local emergency managers may select other facilities that afford the best available protection and features."

Response: Sarasota County is reflected in the 2018 Shelter Plan as having a shelter deficit for both the general population and special needs population currently and through 2023. Therefore, the identification of alternative facilities by the County seems appropriate.

Joyner Comment: On Page 1-6, top boxed info, last two lines clearly states, "Any educational facility located or proposed to be located in an identified category 1, 2 or 3 evacuation zone is not subject to the requirements of this subsection. If the regional planning council region in which the county is located does not have a hurricane evacuation shelter deficit, as determined by the Division of Emergency Management, education facilities within the planning council region are not required to incorporate the public shelter criteria." Once again, I interpret this to mean we have the right to select any building on the island to serve as a shelter whether it meets ARC4496 criteria or not. I believe I'm reading this correctly.

Response: The quoted portion of the comment is pulled from Section 1013.372, Florida Statutes. That Statute imposes construction requirements for new schools so that they can serve as public shelters. New schools in category 1-3/A-C evacuation zones or in a county without a shelter deficit are exempted from these construction requirements as schools in category 1-3/A-C evacuation zones are not suitable for use as a shelter and counties without a shelter deficit do not need additional shelter space and therefore would not need to expend the additional funds necessary to harden the school.

Joyner Comment: In other sections of this booklet it clearly states that we could apply for retrofitting of any public building we wish to make a shelter, i.e., Venice Community Center, Venice High School, or some other building not yet considered. The challenges include being able to staff the facility, resupply of food, water and other consumables, etc. (see page 2-4 second paragraph, line 7). With the many volunteers on the island, Venice Regional Hospital, the Publix

grocery store and so many restaurants to call upon to provide cooked meals if they have a generator with which to operate their stoves, microwaves, etc., I think we have most of the challenges covered. Response: The Section of the Report referenced addresses exemptions from the public shelter design criteria for new educational facilities. As previously noted, new educational facilities in a category 1-3/A-C evacuation zone are exempt.