

MINUTES OF EMERGENCY COUNCIL MEETING

CITY OF GULF SHORES, ALABAMA

May 1, 2010

The City Council of the City of Gulf Shores, Alabama, met in emergency session on May 1, 2010. Mayor Craft called the meeting to order at 4:00 p.m.

Upon roll call, the following officials answered "present." Councilman Doughty, Harris, Dyken, Jones and Mayor Craft. Councilman Garris was absent. The Mayor declared a quorum present.

The Mayor stated that due notice of the time, place and purpose of this meeting had been given to all members of the City Council and that each member had signed the acceptance of service of said notice, waiving all irregularities, if any, in said notice. The notice and acceptance of service and waiver signed by each member was ordered inserted in the minutes of this meeting at the end thereof.

The purpose of this emergency meeting is to conduct City business related to the Transocean Deepwater Horizon Oil Spill Response situation and any other business that may come before the Council at that time.

Mayor Craft and Councilman Doughty gave an oil spill response update.

Following a discussion, Councilman Jones moved for the adoption of the following Resolution:

RESOLUTION NO. 4788-10

**A RESOLUTION
DECLARING AN EMERGENCY
AFFECTING PUBLIC HEALTH,
SAFETY AND CONVENIENCE
DUE TO TRANSOCEAN
DEEPWATER HORIZON
OIL SPILL**

WHEREAS, the Governor of the State of Alabama has declared that a State of Emergency exists in the State of Alabama as of April 30, 2010 based on the Deepwater Horizon Oil Spill incident being declared a Spill of National Significance; and

WHEREAS, current models predict that some of the released oil could reach the Alabama coastline by Sunday, May 2, 2010 and will impact the Alabama Coast causing damage to the State's natural resources including, but not limited to beaches, estuaries, land, water, fish, wildlife, and fowl and potentially posing public health risks; and

WHEREAS, Governor Riley has directed the appropriate State agencies including the Alabama Department of Environmental Management and the Alabama Emergency Management Agency to exercise their statutory authority to assist the communities and entities affected; and

WHEREAS, the *Code of Alabama, 1975*, Section 31-9-10(b)(5), authorizes a declaration of a local State of Emergency if the City determines that a condition described in Section 31-9-2(a) has occurred or is imminently likely to occur; and,

WHEREAS, the Transocean Deepwater Horizon Oil Spill is a disaster or emergency of unprecedented size and destructiveness that is imminently likely to result in the impairment or loss of various critical public facilities and property and the inability of the City to provide adequately for the health, safety, and welfare of the public; and

WHEREAS, there is a need for the City to have the power to exercise the authority described in Section 31-9-10(b)(5), including, without limitation, the authority enter into various public works contracts, and otherwise to effect the protection and repair of critical public property and facilities and to provide adequately for the health, safety, and convenience of the public without delay;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF SHORES, ALABAMA, WHILE IN EMERGENCY SESSION ON May 1, 2010, as follows:

Section 1. That the City Council of the City of Gulf Shores has determined that conditions warrant a local State of Emergency as authorized by the *Code of Alabama 1975*, Section 31-9-10(b)(5)).

Section 2. That the City Council of the City of Gulf Shores does hereby declare a local State of Emergency effective May 1, 2010, until such time as the Council rescinds such declaration, and authorizes the Mayor to take all actions necessary and allowed by *Code of Alabama 1975*, Section 31-9-10(b)(5) and all actions otherwise necessary or appropriate for the protection of public property and facilities and the health, safety, and welfare of the public that are exercisable under the general police power of the City.

Section 3. That an emergency affecting public health, safety and convenience is hereby declared to exist in the City of Gulf Shores within the meaning of *Code of Alabama*, Section 39-2-2(e) as a result of the Transocean Deepwater Horizon Oil Spill.

Section 4. That the Mayor and City Clerk be and they are hereby authorized and directed to execute and attest respectively, all contracts determined by the Mayor to be necessary to meet the emergency without public advertisement.

Section 5. That this Resolution shall become effective upon its adoption.

The motion for the adoption of Resolution No. 4788-10 was seconded by Councilman Harris; was regularly put; and upon the question, the vote thereon was as follows: Councilman Doughty, "aye," Councilman Harris, "aye," Councilman Dyken, "aye," Councilman Jones, "aye," and Mayor Craft, "aye." Councilman Garris was absent. Whereupon, the Mayor declared Resolution No. 4788-10 duly and legally adopted.

There being no further business to come before the Council at this time, Councilman Dyken moved to adjourn; seconded by Councilman Harris; and the vote of those officials present was unanimously in favor of the motion.
