

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2018-203

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF CORAL GABLES, FLORIDA, AUTHORIZING THE CITY MANAGER TO REMOVE DEBRIS FROM JOURNEYS END AND TAHITI BEACH IN THE EVENT THE MAYOR HAS ISSUED A NOTICE OF STATE OF EMERGENCY, AND SAID EMERGENCY LEAVES DEBRIS IN THE COMMUNITIES OF JOURNEYS END AND/OR TAHITI BEACH.

WHEREAS, on October 8, 2017 an Emergency Order of the Mayor and City Manager of the City of Coral Gables, Florida Approving Debris Removal at Journeys End and Tahiti Beach was issued; and

WHEREAS, subsequently on October 10, 2017 a Resolution was passed by the City Commission supporting the Mayor and City Manager's Emergency Order described above; and

WHEREAS, the Emergency Order was issued as Hurricane Irma left a significant amount of debris in Journeys End and Tahiti Beach, which posed an immediate threat to the public safety and health of residents in those areas, as well as a threat to real property, and removal of that debris was in the best interest of the City; and

WHEREAS, Journeys End and Tahiti Beach are single-family communities with private roads where the City exercises police power and provides solid waste services (including bulk pick-up, landscape pick-up, and other waste pick-up once per week with a large truck and claw), as well as other governmental services, in accordance with the law; and

WHEREAS, in the event of a natural or manmade disaster which leaves significant debris in those communities, the City's ability to provide services in accordance with the law, such as those previously described, would be impeded until the debris is removed; and

WHEREAS, under the local ordinances of City, specifically Chapter 54, Article III of the Coral Gables Code and previous memorandum of understanding between the City and private neighborhood homeowner associations, the City has the legal responsibility, duty, and authority to removed disaster debris from private property in the public interest; and

WHEREAS, the City of Coral Gables and its residents may again suffer from a similar natural or manmade disaster which could result in comparable amounts of debris and could again threaten the public safety and health of residents in Journeys End and/or Tahiti Beach, real property in those areas could be threatened by accumulation of debris, and removal may once again be in the best interest of the City; and

WHEREAS, in the event the Mayor issues a Notice of State of Emergency pursuant to §252.31 – 252.60, Florida Statutes, and an ensuing emergency or disaster leaves widespread debris in the communities of Journeys End and/or Tahiti Beach, that threaten the general public by being a threat to public health and safety or a threat to the economic recovery of the community, the City Manager is authorized to remove any debris resulting from the emergency or disaster in those

communities, should the City Manager determine the debris poses an immediate threat to the public safety and health of residents in those areas, or a threat to real property in that area, and removal of such debris in the best interest of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:

SECTION 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

SECTION 2. That the City Commission authorizes the City Manager to remove debris in Journeys End and Tahiti Beach in the event the Mayor's issues of a Notice of State of Emergency pursuant to §252.31 – 252.60, Florida Statutes, and an ensuing emergency or disaster leaves widespread debris in the communities of Journeys End and/or Tahiti Beach, and the City Manager determines the debris poses an immediate threat to the general public such as a the public safety and health of residents in those areas, or the a threat to the economic recovery of the community, and removal of such debris in the best interest of the City. The City Manager is authorized to enter into any agreement or understanding with those private neighborhood homeowner associations as needed to accomplish the removal of widespread debris in the circumstances above.

The City Manager is further delegated the authority in those circumstances described above to initiate the FEMA written request process for reimbursement of debris removal from private property, which requires FEMA approval prior to removal of the debris, pursuant to the Stafford Act § 407, 42 U.S.C. § 1573, and 44 CFR §206.224(b).

SECTION 3. That this Resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TENTH DAY OF JULY, A.D., 2018.

(Moved: Lago / Seconded: Quesada)

(Yeas: Lago, Mena, Quesada, Keon, Valdes-Fauli)

(Unanimous: 5-0 Vote)

(Agenda Item: J-15)

APPROVED:


RAUL VALDÉS-FAULI
MAYOR

ATTEST:


WALTER J. FOEMAN
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:


MIRIAM SOLER RAMOS
CITY ATTORNEY