

Agenda Item #: SE-1
ADD-ON

**PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: July 18, 2006

Consent Regular
 Public Hearing

Department

Submitted By: COUNTY ATTORNEY

Submitted For: COUNTY ATTORNEY/SWA

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to: approve on preliminary reading and advertise for public hearing on August 15, 2006, at 9:30 a.m.: AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, TO BE KNOWN AS 'THE POST-DISASTER DEBRIS RECOVERY ORDINANCE'; RELATING TO DISASTER DEBRIS COLLECTION AND REMOVAL; PROVIDING FOR DECLARATION OF FINDINGS AND INTENT; PROVIDING FOR IMPLEMENTATION OF THE COMPREHENSIVE EMERGENCY MANAGEMENT PLAN OF PALM BEACH COUNTY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CAPTIONS; PROVIDING FOR AN EFFECTIVE DATE.

Summary: This Ordinance authorizes and directs the Solid Waste Authority of Palm Beach County, upon a declaration of a disaster and pursuant to the provisions of the County's Emergency Management Plan, to enter in and upon the public and private roads, including gated communities, of the unincorporated areas of the County to collect and remove debris. Countywide (MC)

Background and Policy Issues: In preparation for the 2006 hurricane season, the Federal Emergency Management Agency (FEMA) has released guidelines identifying the circumstances under which debris from private roads and gated communities may be eligible for reimbursement. In addition to the fact that such collection must be necessary to serve a vital public interest for the health, safety and welfare of the residents of the County, the agency collecting the debris must have the right to enter upon the property – in this case private as well as public roads including gated communities – to collect and remove the debris in a manner akin to police and firefighters.

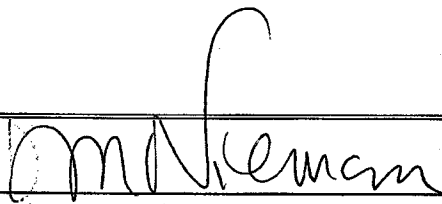
This Ordinance establishes that the collection and removal of debris occasioned by a disaster declared locally or by the state or federal government is necessary for the health, safety and welfare of the residents of the unincorporated areas of the County and further that the Solid Waste Authority is authorized and directed to enter the private and public roads, including gated communities, to collect and remove disaster debris.

Attachments:

- 1. Ordinance

Recommended by: _____

County Attorney



Date

7/17/06

Approved by: _____

N/A

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2006	2007	2008	2009	2010
Capital Expenditures	—	—	—	—	—
Operating Costs	—	—	—	—	—
External Revenues	—	—	—	—	—
Program Income (County)	—	—	—	—	—
In-Kind Match (County)	—	—	—	—	—
NET FISCAL IMPACT	—	—	—	—	—
# ADDITIONAL FTE POSITIONS (Cumulative)	—	—	—	—	—

Is Item Included in Current Budget? Yes ___ No ___

Budget Account No.: Fund ___ Department ___ Unit ___ Object ___

Reporting Category ___

B. Recommended Sources of Funds/Summary of Fiscal Impact:

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:
No fiscal impact. Ordinance will allow FRMA reimbursement.

[Signature] 7-17-06
 7/14/2006 OFMB
 [Signature] 7-17-06

N/A [Signature]
 Contract Dev. and Control 7/17/06

B. Legal Sufficiency:
[Signature]
 Assistant County Attorney

C. Other Department Review:

 Department Director

THIS SUMMARY IS NOT TO BE USED AS A BASIS FOR PAYMENT.

ORDINANCE NO. 2006 - _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, TO BE KNOWN AS "THE POST-DISASTER DEBRIS RECOVERY ORDINANCE"; RELATING TO DISASTER DEBRIS COLLECTION AND REMOVAL; PROVIDING FOR DECLARATION OF FINDINGS AND INTENT; PROVIDING FOR IMPLEMENTATION OF THE COMPREHENSIVE EMERGENCY MANAGEMENT PLAN OF PALM BEACH COUNTY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature, through the Palm Beach County Solid Waste Act, created the Solid Waste Authority of Palm Beach County, Florida (the "Authority") and granted to it the responsibility for solid waste management in Palm Beach County, Florida (the "County"), and authorized the Authority to enter into Interlocal Agreements to provide solid waste related government functions; and

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida (the "Board"), through an Interlocal Agreement with the Authority dated September 21, 1988, transferred to the Authority the duty and responsibility to provide a mandatory solid waste collection program throughout the entire unincorporated areas of the County; and

WHEREAS, the Authority on behalf of the Board has established a mandatory solid waste collection program for the entire unincorporated areas of the County; and

WHEREAS, in order to implement provisions of the Comprehensive Emergency Management Plan of Palm Beach County (the "Emergency Plan"), the Authority is directed to act on behalf of the Board to collect and remove disaster debris throughout the unincorporated areas of the County.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1: TITLE.

This Ordinance shall be known as the Palm Beach County Post-Disaster Debris Recovery Ordinance.

Section 2: DECLARATION OF FINDING AND INTENT.

This Board finds that in the event of a disaster occurring in the County a public health and safety threat may result from the generation of widespread debris throughout

the County, that such debris constitutes a hazardous environment for all modes of movement and transportation of the residents as well as emergency aid and relief services, endangerment to all properties in the County, an environment conducive to breeding disease and vermin, and greatly increased risk of fire, and that it is in the public interest to collect and remove disaster debris from all properties whether public lands, public or private roads, and gated communities to eliminate an immediate threat to life, public health and safety, to reduce the threat of additional damage to improved property, and to promote economic recovery of the community at large.

It is the intent of this Ordinance to promote the health, welfare and safety of the residents of the County by implementing the Emergency Plan by providing for the collection and removal of disaster debris throughout the unincorporated public and private roads, gated communities, and public areas of the County, to eliminate an immediate threat to the life, public health and safety of the residence of the county.

Section 3: IMPLEMENTATION OF COMPREHENSIVE EMERGENCY MANAGEMENT PLAN OF PALM BEACH COUNTY.

The Authority, pursuant to the Interlocal Agreement and the powers and authority invested in it by the Palm Beach County Solid Waste Act, is hereby directed to implement the provisions of the Emergency Plan when a Local State of Emergency has been declared pursuant to the Emergency Plan, or if declared by the State of Florida or the Federal government, by acting on behalf of the County to collect and remove disaster debris throughout the unincorporated areas of the County, and to enter in and upon the public and private roads, gated communities, and public areas of the County as necessary, to eliminate any immediate threat to life, public health and safety of the residents of the County, to reduce the threat of additional damage to improved property, and to promote economic recovery of the community at large.

Section 4: INCLUSION IN THE CODE OF LAWS AND ORDINANCES.

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "Ordinance" may be changed to "section," "article," or any other appropriate word.

Section 5: REPEAL OF LAWS IN CONFLICT.

Any laws or ordinances in conflict with the Ordinance that Palm Beach County is authorized to repeal are hereby repealed.

Section 6: SEVERABILITY.

If any section, paragraph, sentence, clause, phrase or word of this Ordinance is, for any reason, held or declared by a court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of the Ordinance.

Section 7: CAPTIONS.

The captions, section headings and section designations used in this Ordinance are for convenience only and shall have no effect on the interpretation of the provisions of this Ordinance.

Section 8: EFFECTIVE DATE.

This Ordinance shall become effective upon filing with the Department of State.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, Florida on the _____ day of _____, 2006.

SHARON R. BOCK, CLERK &
COMPTROLLER

PALM BEACH COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Tony Masilotti, Chairman

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: _____
County Attorney

Filed with the Department of State on the _____ day of _____, 2006.