

RESOLUTION NO. 17-

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, APPROVING VISUALSCAPE, INC. FOR SERVICES RELATING TO DOWN AND LEANING TREES ON TOWN OWNED AND MAINTAINED ROADWAYS AND PARKS AS A RESULT OF HURRICANE IRMA; PROVIDING FOR AUTHORIZATION; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Chapter 12, Article II, Section 12-23 of the Town of Cutler Bay's (the "Town") Code of Ordinances states, "The Town Manager shall have the sole authority to declare a state of emergency hereunder [...] Any declaration of a state of emergency and all emergency regulations activated under the provisions of this article and any emergency expenditures made hereunder pursuant to section 12-22(9) shall be confirmed by the town council by resolution no later than the next regular meeting, or as reasonably as possible, unless the nature of the emergency renders a meeting of the town council impossible;" and

WHEREAS, on September 4, 2017, Florida Governor Rick Scott issued Executive Order No. 17-235 declaring a State of Emergency due to Hurricane Irma ("Executive Order No. 17-235"), and on September 5, 2017, Miami-Dade County Mayor Carlos Gimenez issued a County-wide Declaration of a State of Emergency; and

WHEREAS, on September 6, 2017, the Town Manager issued a Declaration of State of Emergency due to Hurricane Irma, which was sent to the Town Clerk's Office for posting and local media outlets; and

WHEREAS, Executive Order No. 17-235, in accordance with Chapter 252, Florida Statutes, authorizes political subdivisions to take whatever prudent actions are necessary to ensure the health, safety, and welfare of the community; and

WHEREAS, Chapter 252, Florida Statutes authorizes political subdivisions, such as the Town, to take all necessary action and issue any necessary orders to protect human life; and

WHEREAS, Hurricane Irma caused down and leaning trees throughout the Town, which pose an immediate ongoing threat to human life, health, and property of the Town; and

WHEREAS, pursuant to Executive Order No. 17-235, and Section 252.38(3)(a), Florida Statutes, political subdivisions, such as the Town, have the authority to exercise certain powers and authority to safeguard the lives and property of its citizens and community; and

WHEREAS, due to the extensive canopy damage caused by Hurricane Irma and the ongoing threat the down and leanings trees pose, the Town finds that the competitive bidding process for this immediate threat is impractical due to time being of the essence, thus exempt from competitive bidding process; and

WHEREAS, the Town desires to engage VisualScape, Inc. (the “Contractor”) for down and leaning trees on Town owned and maintained roadways and parks due to Hurricane Irma (the “Services”) as provided in the proposal attached hereto as Exhibit “A;” and

WHEREAS, the Town Council finds that this Resolution is in the best interest and welfare of the residents of the Town.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, THAT:

Section 1. Recitals. The above Recitals are true and correct and are incorporated herein by this reference.

Section 2. Approval. The Town Council hereby approves the Contractor for the Services in an amount not to exceed \$100,000 consistent with the proposal attached hereto as Exhibit “A.”

Section 3. Authorization. The Town Manager is hereby authorized to negotiate and execute an agreement with the Contractor for the Services in an amount not to exceed \$100,000 consistent with the proposal attached hereto as Exhibit “A,” subject to the Town Attorney’s approval as to form, content and legal sufficiency.

Section 4. Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this ____ day of November, 2017.

PEGGY R. BELL
Mayor

Attest:

DEBRA E. EASTMAN, MMC
Town Clerk

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY FOR THE
SOLE USE OF THE TOWN OF CUTLER BAY:

WEISS SEROTA HELFMAN
COLE & BIERMAN, P.L.
Town Attorney

Moved By: _____

Seconded By: _____

FINAL VOTE AT ADOPTION:

Mayor Peggy R. Bell _____

Vice Mayor Sue Ellen Loyzelle _____

Councilmember Mary Ann Mixon _____

Councilmember Michael P. Callahan _____

Councilmember Roger Coriat _____