

## **RESOLUTION NO. 17-**

### **A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF CUTLER BAY, FLORIDA, AUTHORIZING THE TOWN MANAGER TO ISSUE A PURCHASE ORDER TO ENVIROWASTE SERVICES GROUP, INC. FOR EMERGENCY SIDEWALK REPAIRS ON TOWN OWNED AND MAINTAINED ROADS AS A RESULT OF HURRICANE IRMA; AND PROVIDING FOR AN EFFECTIVE DATE.**

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

**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 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**, the Executive Order, in accordance with Chapter 252, Florida Statutes, authorizes political subdivisions to take whatever prudent actions is 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 has created sidewalk damage throughout the Town, which poses a significant and threat to the health, safety and welfare of the residents of the Town; and

**WHEREAS**, pursuant to Executive Order 17-2345, 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**, to ensure the protection of the public health, safety, and welfare of the residents, the Town proceeded to timely and efficiently repair sidewalk hazards on Town owned and maintained roads throughout the Town; and

**WHEREAS**, the Town Council via Resolution No. 13-77 authorized the issuance of Invitation to Bid (“ITB”) No. 13-09 for the replacement and installation of sidewalks; and

**WHEREAS**, the ITB resulted in eight (8) bids being received prior to the January 16, 2014 deadline; and

**WHEREAS**, on February 19, 2014 via Resolution No. 14-07, pursuant to the ITB competitive selection process utilized by the Town and the recommendation of the Town Manager, the Town Council selected to utilize the services of first ranked “lowest responsible and responsive” bidder, Envirowaste Services Group, Inc. (the “Contractor”), to continue to provide for the replacement and installation of sidewalks for Fiscal Year 2017-18; and

**WHEREAS**, due to the extensive damage caused by Hurricane Irma, the Town desires to enter a purchase order for \$75,000 to the Contractor for Emergency Sidewalk Repairs, pursuant to the pricing of ITB No. 13-09; 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. Ratification.** The Town Manager is hereby authorized to issue a purchase order in the amount not to exceed \$75,000 to the Contractor for Emergency Sidewalk Repairs as a result of Hurricane Irma, consistent with the Town’s Agreement with the Contractor.

**Section 3. Effective Date.** This Resolution shall take effect immediately upon adoption.

PASSED and ADOPTED this \_\_\_\_ day of November, 2017.

Attest:

\_\_\_\_\_  
PEGGY R. BELL  
Mayor

\_\_\_\_\_  
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	_____