

RESOLUTION NO. 2018-026

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, URGING THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) TO CHANGE ITS POLICY REQUIRING PRE-APPROVAL FOR DISASTER DEBRIS REMOVAL FROM PRIVATE ROADS AND TREAT DISASTER DEBRIS REMOVAL FROM ROADS WITHIN PRIVATE RESIDENTIAL COMMUNITIES IN THE SAME MANNER AS PUBLIC ROADS FOR THE PURPOSE OF FEMA REIMBURSEMENT FOR DISASTER DEBRIS REMOVAL AND DISPOSAL COSTS; PROVIDING FOR DISTRIBUTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, FEMA's Public Assistance Program and Policy Guide requires that municipalities obtain hold harmless agreements and obtain prior authorization from FEMA prior to removing disaster debris from within the rights-of-way of private residential communities in order for municipalities to obtain reimbursement for the costs associated with the disaster debris removal and disposal; and

WHEREAS, the aforementioned requirements can negatively impact a community's ability to recover from a disaster in a safe, effective, and efficient timeframe; and

WHEREAS, the City is concerned with the threats to the health, safety, welfare, and economic recovery of its residents that can result from FEMA's current policy regarding the removal of disaster debris from within the rights-of-way of private residential communities; and

WHEREAS, the City Commission finds it in the best interest of the residents of the City to urge FEMA to change their policy such that it treats disaster debris removal from roads within private residential communities in the same manner as public roads for the purpose of FEMA reimbursement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

Section 1: That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution.

Section 2: That the City Commission of the City of Coconut Creek urges FEMA to amend its policy such that debris removal from roads within private residential communities are treated in the same manner as public roads for the purpose of FEMA reimbursement for disaster debris removal and disposal costs.

Section 3: That the City Clerk is hereby directed to distribute this Resolution to the Florida Congressional Delegation, FEMA, the United States Conference of Mayors, the Florida Division of Emergency Management, the Florida League of Cities, the Broward Legislative Delegation, the Broward County Board of County Commissioners, the Broward County League of Cities, and each of the municipalities in Broward County.

Section 4: That if any clause, section, other part of application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or in application, it shall not affect the validity of the remaining portion or applications of this Resolution.

Section 5: That this Resolution shall be in full force and effect immediately upon its adoption.

Adopted this 8th day of February, 2018.

Rebecca A. Tooley, Mayor

Attest:

Leslie Wallace May, City Clerk

Tooley Aye
Rydell Aye
Sarbone Aye
Belvedere Aye
Welch Aye