

RESOLUTION NO. 2023-_____

**A RESOLUTION OF THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS
APPROVING DECLARATIONS EXTENDING STATE OF LOCAL EMERGENCY 22-03.**

WHEREAS, for the last several months the Residential Waste (as defined by Ordinance 13-069) for numerous Residential Properties (as defined by Ordinance 13-069) within unincorporated Polk County, generally east of U.S. Highway 17 (depicted and described as Zone 2 in the Residential Solid Waste and Recyclable Materials Collection Franchise Agreement with Advanced Disposal Services Solid Waste Southeast, Inc. (“Residential Waste Service Area 2”)), has been missed by a Collector (as defined by Ordinance 13-069) and remains uncollected for several days to weeks; and

WHEREAS, the failure to collect Residential Waste endangers the public health, safety and welfare of the citizens of Polk County; and

WHEREAS, the failure to collect Residential Waste is an occurrence which results in substantial injury or harm to the population of Polk County and substantial damage to property; and

WHEREAS, on November 22, 2022, the Polk County Board of County Commissioners by unanimous vote declared a State of Local Emergency due to Residential Waste not being collected by a Collector; and

WHEREAS, on November 22, 2022, the County Manager in accordance with the unanimous vote of the Board of County Commissioners issued State of Local Emergency 22-03 due to Residential Waste not being collected by a Collector; and

WHEREAS, on February 23, 2023, and March 2, 2023 the County Manager issued a Declaration Extending State of Local Emergency 22-03 due to Residential Waste not being collected by a Collector; and

WHEREAS, conditions continue to exist requiring the extension of Declaration of State of Local of Emergency 22-03.

WHEREAS, Polk County Ordinance 19-074 requires the Declaration of State of Local Emergency and extensions thereof to be placed on the next Board of County Commissioner's agenda to be approved by resolution of the Board at the next Board Meeting; and

NOW THEREFORE, BE IT RESOLVED BY THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS AS FOLLOWS:

The Declarations Extending State of Local Emergency 22-03 issued on February 23, 2023, and March 02, 2023 attached hereto as Composite Exhibit “A,” are hereby approved.

PASSED AND DULY ADOPTED BY THE POLK COUNTY BOARD OF COUNTY COMMISSIONERS IN REGULAR SESSION THIS 7th day of March 2023.

ATTEST: Stacy M. Butterfield, Clerk

POLK COUNTY, FLORIDA
Board of County Commissioners

By: _____
Deputy Clerk

BY: _____
George Lindsey, III, Chair

Composite Exhibit “A”

DECLARATION EXTENDING STATE OF LOCAL EMERGENCY 22-03

WHEREAS, for the last several months the Residential Waste (as defined by Ordinance 13-069) for numerous Residential Properties (as defined by Ordinance 13-069) within unincorporated Polk County, generally east of U.S. Highway 17 (depicted and described as Zone 2 in the Residential Solid Waste and Recyclable Materials Collection Franchise Agreement with Advanced Disposal Services Solid Waste Southeast, Inc. (“Residential Waste Service Area 2”)), has been missed by a Collector (as defined by Ordinance 13-069) and remains uncollected for several days to weeks; and

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WHEREAS, on November 22, 2022, the County Manager in accordance with the unanimous vote of the Board of County Commissioners issued State of Local Emergency 22-03 due to Residential Waste not being collected by a Collector; and

WHEREAS, conditions continue to exist requiring the extension of Declaration of State of Local of Emergency 22-03.

PURSUANT TO THE AUTHORITY OF POLK COUNTY ORDINANCE 19-074 AND §252.38(3)(a), FLORIDA STATUTES, THE STATE OF LOCAL EMERGENCY DECLARED ON NOVEMBER 22, 2022, WITHIN THE BOUNDARIES OF POLK COUNTY, GENERALLY EAST OF U.S. HIGHWAY 17 TO INCLUDE RESIDENTIAL WASTE SERVICE AREA 2, AND ENCOMPASSES THE EMERGENCY IDENTIFIED AS **2022 EAST RESIDENTIAL WASTE COLLECTION EMERGENCY** IS HEREBY EXTENDED.

THIS DECLARATION SHALL ACTIVATE THE EMERGENCY PROVISIONS CONTAINED IN POLK COUNTY ORDINANCES 19-074, INCLUDING WITHOUT LIMITATION, THE PROHIBITION AGAINST PRICE GOUGING. FURTHER, POLK COUNTY MAY EVOKE ALL OF THE POWERS AS OUTLINED IN CHAPTER 252 FLORIDA STATUTES OR OTHERWISE PROVIDED BY LAW.

FURTHERMORE, PURSUANT TO THE AUTHORITY OF POLK COUNTY ORDINANCE 19-074 AND OTHER APPLICABLE COUNTY ORDINANCES AND STATE LAWS, THE COUNTY MANAGER OF POLK COUNTY AND HIS DESIGNEE(S) ARE HEREBY AUTHORIZED TO, INTER ALIA, TAKE THE FOLLOWING ACTIONS:

1. Utilize all available resources of the county government as reasonably necessary to cope with the emergency.

2. Make provisions for the availability and use of temporary emergency housing and the emergency warehousing of materials.
3. Acquire merchandise, equipment, vehicles, or property needed to alleviate the emergency.

FURTHER, IN ACCORDANCE WITH §252.38, FLORIDA STATUTES AND POLK COUNTY ORDINANCE 19-074, THE COUNTY HEREBY WAIVES THE PROCEDURES AND FORMALITIES OTHERWISE REQUIRED OF THE COUNTY BY LAW PERTAINING TO:

- a. Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community.
- b. Entering into contracts.
- c. Incurring obligations.
- d. Employment of permanent and temporary workers.
- e. Utilization of volunteer workers.
- f. Rental of equipment.
- g. Acquisition and distribution, with or without compensation, of supplies, materials, and facilities.
- h. Appropriation and expenditure of public funds.

PURSUANT TO POLK COUNTY ORDINANCE 19-074 THIS DECLARATION OF STATE OF LOCAL EMERGENCY SHALL EXPIRE WITHIN SEVEN (7) DAYS UNLESS EXTENDED, AS NECESSARY, IN 7-DAY INCREMENTS.

DATED this 23rd day of February, 2023.

ATTEST:
STACY M. BUTTERFIELD, CLERK

POLK COUNTY
BOARD OF COUNTY COMMISSIONERS

By: Erin Valle
Deputy Clerk

By: William Beasley
William Beasley, County Manager



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- f. Rental of equipment.
- g. Acquisition and distribution, with or without compensation, of supplies, materials, and facilities.
- h. Appropriation and expenditure of public funds.

PURSUANT TO POLK COUNTY ORDINANCE 19-074 THIS DECLARATION OF STATE OF LOCAL EMERGENCY SHALL EXPIRE WITHIN SEVEN (7) DAYS UNLESS EXTENDED, AS NECESSARY, IN 7-DAY INCREMENTS.

DATED this 2nd day of March, 2023.

ATTEST:
STACY M. BUTTERFIELD, CLERK

By: Ami Valle
Deputy Clerk

POLK COUNTY
BOARD OF COUNTY COMMISSIONERS

By: William Beasley
William Beasley, County Manager

