



Board of County Commissioners May 11, 2021 - Regular Meeting

SUBJECT

DISCUSSION OF MANATEE COUNTY'S EMERGENCY ORDERS RELATED TO COVID 19 AND THE PINEY POINT PHOSPHOGYPSUM STACK

Category

NEW BUSINESS - COMMISSIONER ITEMS

Briefings

None

Contact and/or Presenter Information

Commissioner George W. Kruse, At Large

Action Requested

Discussion of Manatee County's Emergency Orders related to COVID 19 and the Piney Point Phosphogypsum Stack

Enabling/Regulating Authority

- Resolutions R-20-041 and R-20-045 - Declaring a State of Local Emergency related to COVID-19
- Resolutions R-21-067 and R-21-068 -Declaring/Reaffirming a State of Local Emergency related to the Piney Point Phosphogypsum Stack

Background Discussion

To be discussed:

- Whether the Board should maintain or extinguish the emergency orders
- If policies put in place under these orders should be removed, including, but not limited to, requirements for masks in County buildings and on County property

Attorney Review

Not Reviewed (No apparent legal issues)

Instructions to Board Records

None

Cost and Funds Source Account Number and Name

N/A

Amount and Frequency of Recurring Costs

N/A

RESOLUTION NO. R-20-041

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, DECLARING A STATE OF LOCAL EMERGENCY RELATED TO THE CORONAVIRUS DISEASE 2019 (“COVID-19”).

WHEREAS, the Coronavirus Disease 2019 (“COVID-19”) is an infectious disease caused by a new virus that has not been previously identified in humans, which causes respiratory illness (like the flu) with symptoms such as a cough, fever and in more severe cases, pneumonia; and

WHEREAS, the World Health Organization (“WHO”) raised its assessment of the COVID-19 threat from high to very high and declared a public health emergency of international concern related to COVID-19 on January 30, 2020; and

WHEREAS, on March 1, 2020, Governor Ron DeSantis issued Executive Order 20-51, declaring that appropriate measures to control the spread of COVID-19 in the State of Florida are necessary, and therefore directed that a Public Health Emergency be declared in the State of Florida; and

WHEREAS, as of March 15, 2020, at least four people in Manatee County have tested positive for COVID-19, and additional confirmed cases have been reported in neighboring counties, including Sarasota, Hillsborough and Pinellas Counties; and

WHEREAS, under the current circumstances, certain people will have an increased risk of infection, such as healthcare workers, first responders, and emergency medical services workers caring for patients with COVID-19 and others who have close contact with persons with COVID-19; and

WHEREAS, it is the duty of Manatee County to take protective measures including, but not limited to, development of incident action response plans, procurement of personal protective equipment, pandemic preventative training and exercise coordination, and similar activities to support the public health and safety of the community; and

WHEREAS, on March 2, 2020, Manatee County began to take protective measures in response to the imminent threat to the public health, safety and welfare presented by COVID-19; and

WHEREAS, Section 252.38, Florida Statutes, prescribes the establishment of a local emergency management agency, the appointment of a director thereof, the power and authority thereof, and the power and authority of the Board of County Commissioners in emergency situations; and

WHEREAS, Section 252.46, Florida Statutes, and Article II of Chapter 2-13 of the Manatee County Code, authorize the Board of County Commissioners of Manatee County, Florida to declare a state of local emergency and to exercise emergency powers

and authority to carry out the provisions of Sections 252.31 through 252.90, Florida Statutes, including the authority to waive procedures and formalities otherwise required by law pertaining to:

1. Performance of public work and taking whatever action is necessary to ensure the health, safety, and welfare of the community;
2. Entering into contracts;
3. Incurring obligations;
4. Employment of permanent and temporary workers;
5. Utilization of volunteer workers;
6. Rental of equipment;
7. Acquisition and distribution of supplies, materials, and facilities with or without compensation; and
8. Appropriation and expenditure of public funds.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Manatee County, Florida, in emergency session, this 16th day of March, 2020, that:

1. The Coronavirus Disease 2019 (“COVID-19”) poses an imminent threat of a disaster emergency and that a State of Local Emergency is hereby declared, effective immediately for all territory within the legal boundaries of Manatee County, including all unincorporated and incorporated areas, in order to protect the public health, safety and welfare.
2. The Board of County Commissioners hereby waives procedures and formalities required by law of a political subdivision, as authorized by Section 252.38(3), Florida Statutes, and Section 2-13-17 of the Manatee County Code.
3. The Board of County Commissioners hereby delegates to the Director of Public Safety the authority to discharge the duties and exercise the powers specified in Section 2-13-19 of the Manatee County Code, until such time as the Local Emergency declared herein is terminated or expired or seven (7) days from the effective date of this Resolution, whichever is sooner.
4. The Board of County Commissioners hereby delegates to the Director of Public Safety the authority to implement disaster emergency plans, agreements, and supporting documents in accordance with Section 2-13-15 of the Manatee County Code.

5. During the period of the Local Emergency declared herein, the County Administrator, County Attorney and the Clerk of Court are authorized to exercise all powers delegated to them pursuant to Resolution No. R-09-161.
6. This Resolution shall take effect immediately upon its adoption.

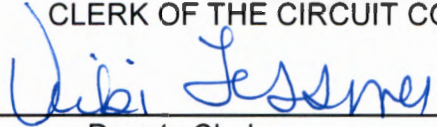
DULY ADOPTED with a quorum present and voting this 16th day of March, 2020.



**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

By: 
Chairperson

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: 
Deputy Clerk

RESOLUTION NO. R-20-045

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, DECLARING A STATE OF LOCAL EMERGENCY RELATED TO THE CORONAVIRUS DISEASE 2019 (“COVID-19”).

WHEREAS, the Coronavirus Disease 2019 (“COVID-19”) is an infectious disease caused by a new virus that has not been previously identified in humans, which causes respiratory illness (like the flu) with symptoms such as a cough, fever and in more severe cases, pneumonia; and

WHEREAS, the World Health Organization (“WHO”) raised its assessment of the COVID-19 threat from high to very high and declared a public health emergency of international concern related to COVID-19 on January 30, 2020; and

WHEREAS, on March 1, 2020, Governor Ron DeSantis issued Executive Order 20-51, declaring that appropriate measures to control the spread of COVID-19 in the State of Florida are necessary, and therefore directed that a Public Health Emergency be declared in the State of Florida; and

WHEREAS, as of March 23, 2020, at least fifteen people in Manatee County have tested positive for COVID-19, with at least one death, and additional confirmed cases have been reported in neighboring counties, including Sarasota, Hillsborough and Pinellas Counties; and

WHEREAS, under the current circumstances, certain people will have an increased risk of infection, such as healthcare workers, first responders, and emergency medical services workers caring for patients with COVID-19 and others who have close contact with persons with COVID-19; and

WHEREAS, it is the duty of Manatee County to take protective measures including, but not limited to, development of incident action response plans, procurement of personal protective equipment, pandemic preventative training and exercise coordination, and similar activities to support the public health and safety of the community; and

WHEREAS, on March 2, 2020, Manatee County began to take protective measures in response to the imminent threat to the public health, safety and welfare presented by COVID-19; and

WHEREAS, Section 252.38, Florida Statutes, prescribes the establishment of a local emergency management agency, the appointment of a director thereof, the power and authority thereof, and the power and authority of the Board of County Commissioners in emergency situations; and

WHEREAS, Section 252.46, Florida Statutes, and Article II of Chapter 2-13 of the Manatee County Code, authorize the Board of County Commissioners of Manatee

County, Florida to declare a state of local emergency and to exercise emergency powers and authority to carry out the provisions of Sections 252.31 through 252.90, Florida Statutes, including the authority to waive procedures and formalities otherwise required by law pertaining to:

1. Performance of public work and taking whatever action is necessary to ensure the health, safety, and welfare of the community;
2. Entering into contracts;
3. Incurring obligations;
4. Employment of permanent and temporary workers;
5. Utilization of volunteer workers;
6. Rental of equipment;
7. Acquisition and distribution of supplies, materials, and facilities with or without compensation; and
8. Appropriation and expenditure of public funds; and

WHEREAS, Manatee County initially declared a State of Local Emergency on March 16, 2020, pursuant to Resolution No. 20-041; and

WHEREAS, on March 20, 2020, Governor Ron DeSantis issued Executive Order 20-69, suspending any requirement for the physical presence of County Commissioners in order to obtain a meeting quorum.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Manatee County, Florida, in emergency session, this 24th day of March, 2020, that:

1. The Coronavirus Disease 2019 (“COVID-19”) poses an imminent threat of a disaster emergency and that a State of Local Emergency is hereby declared, effective immediately for all territory within the legal boundaries of Manatee County, including all unincorporated and incorporated areas, in order to protect the public health, safety and welfare.
2. The Board of County Commissioners hereby waives procedures and formalities required by law of a political subdivision, as authorized by Section 252.38(3), Florida Statutes, and Section 2-13-17 of the Manatee County Code.
3. The Board of County Commissioners hereby delegates to the Director of Public Safety the authority to discharge the duties and exercise the powers specified in Section 2-13-19 of the Manatee County Code, until such time as the Local Emergency declared herein is terminated or expired or seven

(7) days from the effective date of this Resolution, whichever is sooner. Notwithstanding the foregoing, the Chairperson (or in her absence, any vice-chairperson) of the Board of County Commissioners, after consultation with the Director of Public Safety (or in his absence, the Emergency Management Officer) is empowered to extend the period of the Local Emergency declared herein in seven (7) day increments, by memorandum, with ratifications in any event by the Board of County Commissioners as soon as is practicable at a regular or special meeting.

4. The Board of County Commissioners hereby delegates to the Director of Public Safety the authority to implement disaster emergency plans, agreements, and supporting documents in accordance with Section 2-13-15 of the Manatee County Code.
5. During the period of the Local Emergency declared herein, the County Administrator, County Attorney and the Clerk of Court are authorized to exercise all powers delegated to them pursuant to Resolution No. R-09-161.
6. This Resolution shall take effect immediately upon its adoption.

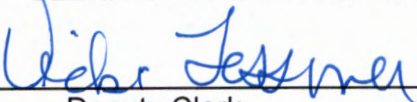
DULY ADOPTED with a quorum present and voting this 2nd day of March, 2020.



**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

By: 
Chairperson

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: 
Deputy Clerk

MANATEE COUNTY RESOLUTION NO. R-21-067

WHEREAS, Manatee County, the State of Florida Division of Emergency Management, and the National Weather Service have recognized the danger to Manatee County residents, visitors, and business owners from Piney Point Phosphogypsum Stack; and

WHEREAS, Manatee County has areas vulnerable to the negative impacts of potential unplanned release of phosphogypsum stack water; and

WHEREAS, engineers cannot predict with absolute certainty the location or severity of contaminated water releasing resulting in hazardous impacts; and

WHEREAS, any contaminated water release in unplanned large amounts can result in injuries, damage to public and private property, and may result in first responders and government agencies intervening to protect lives, property, and the environment and to reduce impacts to utilities, public buildings, communication systems, transportation systems, and infrastructure; and

WHEREAS, Section 252.38, Florida Statutes, provides for the establishment of a local emergency management agency, the appointment of the County Administrator thereof, the power and authority thereof, and the power and authority of the Board of County Commissioners in emergency situations; and

WHEREAS, Section 252.46, Florida Statutes, and Manatee County Ordinance 19-47, provide authority for Manatee County to declare a state of local emergency and to exercise the power and authority to carry out the provisions of Florida Statutes Chapter 252, including the authority to waive procedures and formalities otherwise required of political subdivision by law pertaining to:

- 1) Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
- 2) Entering into contracts;
- 3) Incurring obligations;
- 4) Employment of permanent and temporary workers;
- 5) Utilization of volunteer workers;
- 6) Rental of equipment;
- 7) Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and,
- 8) Appropriation and expenditure of public funds.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Manatee County, Florida, on this 1st day of April, 2021, that the potential for unplanned contaminated water release poses a threat to the lives and property of residents of Manatee County and that a State of Local Emergency is hereby declared, effective immediately for all territory within the legal boundaries of Manatee County, including all unincorporated and incorporated areas.

BE IT FURTHER RESOLVED that the Board of County Commissioners hereby waives the above-mentioned procedures and formalities required by law of a political subdivision, as provided in Section 252.38(3), Florida Statutes and Manatee County Ordinance 19-47.

BE IT FURTHER RESOLVED that the Board of County Commissioners hereby delegates to the County Administrator the authority to discharge the duties and exercise the powers specified in Section 5 of Manatee County Ordinance 19-47, until such time as the Local

Emergency declared herein is terminated or expired or seven days from this date, whichever is sooner.

BE IT FURTHER RESOLVED that the Board of County Commissioners hereby delegates to the Director of Public Safety the authority to implement disaster emergency plans, agreements, and supporting documents in accordance with Section 3C of Manatee County Ordinance 19-47.

ADOPTED in Emergency Session, this 1st day of April, 2021.



MANATEE COUNTY, FLORIDA,
a political subdivision of the State
of Florida

By: Board of County Commissioners

By: 
Chairperson

ATTEST:

Angelina M. Colonnese
Clerk of the Circuit Court

By: 

RESOLUTION NO. R-21-068

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, REAFFIRMING A STATE OF LOCAL EMERGENCY RELATED TO THE PINEY POINT PHOSPHOGYPSUM STACK.

WHEREAS, Manatee County, the State of Florida Department of Environmental Protection, and the Manatee County Board of County Commissioners have recognized the danger to Manatee County residents, visitors, and business owners from Piney Point Phosphogypsum Stack; and

WHEREAS, Manatee County has areas vulnerable to the negative impacts of potential unplanned release of phosphogypsum stack water; and

WHEREAS, engineers cannot predict with absolute certainty the location or severity of contaminated water releasing resulting in hazardous impacts; and

WHEREAS, any contaminated water released in unplanned large amounts can result in injuries, damage to public and private property, and may result in first responders and government agencies intervening to protect lives, property, and the environment and to reduce impacts to utilities, public buildings, communication systems, transportation systems, and infrastructure; and

WHEREAS, Section 252.38, Florida Statutes, provides for the establishment of a local emergency management agency, the appointment of the County Administrator thereof, the power and authority thereof, and the power and authority of the Board of County Commissioners in emergency situations; and

WHEREAS, Section 252.46, Florida Statutes, and Manatee County Ordinance 19-47, provide authority for Manatee County to declare a state of local emergency and to exercise the power and authority to carry out the provisions of Florida Statutes Chapter

252, including the authority to waive procedures and formalities otherwise required of political subdivision by law pertaining to:

- 1) Performance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
- 2) Entering into contracts;
- 3) Incurring obligations;
- 4) Employment of permanent and temporary workers;
- 5) Utilization of volunteer workers;
- 6) Rental of equipment;
- 7) Acquisition and distribution, with or without compensation, of supplies, materials, and facilities; and
- 8) Appropriation and expenditure of public funds.

WHEREAS, Manatee County initially declared a State of Local Emergency on April 1, 2021, pursuant to Resolution No. 21-067; and

WHEREAS, on April 3, 2021, Governor Ron DeSantis issued Executive Order 21-82 declaring a state of emergency in Hillsborough, Manatee and Pinellas County due to the Piney Point Phosphogypsum Stack; and

WHEREAS, the Piney Point Phosphogypsum Stack continues to pose an immediate threat to the health, safety and welfare of the citizenry.

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Manatee County, Florida, this 6th day of April, 2021, that:

- 1) Piney Point Phosphogypsum Stack continues to pose an imminent threat of a disaster emergency and the State of Local Emergency is hereby extended, effective immediately for all territory within the legal boundaries of Manatee County,

including all unincorporated and incorporated areas, in order to protect the public health, safety and welfare.

2) The Board of County Commissioners hereby waives procedures and formalities required by law of a political subdivision, as authorized by Section 252.38(3), Florida Statutes, and Section 2-13-17 of the Manatee County Code.

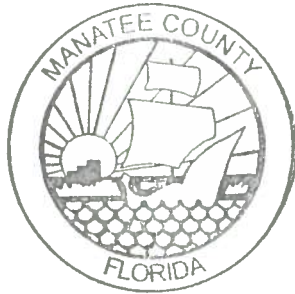
3) The Board of County Commissioners hereby delegates to the County Administrator the authority to discharge the duties and exercise the powers specified in Section 2-13-19 of the Manatee County Code, until such time as the Local Emergency declared herein is terminated or expired or seven (7) days from the effective date of this Resolution, whichever is sooner. Notwithstanding the foregoing, the Chairperson (or in her absence, any vice-chairperson) of the Board of County Commissioners, after consultation with the County Administrator (or in his absence, the Deputy County Administrator) is empowered to extend the period of the Local Emergency declared herein in seven (7) day increments, by memorandum, with ratifications in any event by the Board of County Commissioners as soon as is practicable at a regular or special meeting.

4) The Board of County Commissioners hereby delegates to the Director of Public Safety the authority to implement disaster emergency plans, agreements, and supporting documents in accordance with Section 2-13-15 of the Manatee County Code.

5) During the period of the Local Emergency declared herein, the County Administrator, County Attorney and the Clerk of Court are authorized to exercise all powers delegated to them pursuant to Resolution No. R-20-124.

6) This Resolution shall take effect immediately upon its adoption.

ADOPTED with a quorum present and voting this 6th day of April, 2021



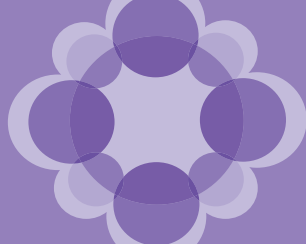
**BOARD OF COUNTY COMMISSIONERS OF
MANATEE COUNTY, FLORIDA**

By: [Signature]
Chairperson

Date: April 6, 2021

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: [Signature]
Deputy Clerk



Protect yourself and the ones you love.

Get vaccinated

Influenza or "flu" can cause serious illness. Vaccination is the best way to protect yourself and your family.



Cover your cough or sneeze

Cover your mouth and nose with your sleeve or a tissue when you cough or sneeze. Toss your used tissue in the waste basket and wash your hands.

Fight the FLU

It starts with you



Wash your hands

Wash your hands often with soap and water or use an alcohol-based hand cleaner.



Avoid touching your eyes, nose, and mouth

If you touch surfaces with the flu virus, you can get the flu by touching your eyes, nose, or mouth.



Stay home if you are sick

Flu viruses go wherever you go when you are infected. Stay at home and check with your healthcare provider when needed.

GET MORE INFORMATION AT WWW.IMMUNIZEFLORIDA.ORG OR EMAIL IMMUNIZATION@FLHEALTH.GOV



Fight the Flu
Part of a Healthy Lifestyle.

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