

RESOLUTION 11-176

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF MANATEE COUNTY, FLORIDA, PROVIDING FOR FINANCIAL AND LOGISTICAL SUPPORT TO FIRE DEPARTMENTS AND DISTRICTS WHICH MAINTAIN CAPABILITIES TO RESPOND TO HAZARDOUS MATERIAL INCIDENTS; PROVIDING FOR SEVERABILITY; MAKING RELATED FINDINGS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bradenton, Town of Longboat Key, North River Fire District, Southern Manatee Fire Rescue District, West Manatee Fire District, East Manatee Fire District, Duette Fire District, Parrish Fire District, Cedar Hammock Fire District, and The Sarasota-Bradenton Airport Authority all have historically maintained, in a coordinated manner, the capacity to respond to hazardous materials (HAZMAT) incidents; and

WHEREAS, Manatee County has worked with its local governments, Sheriff and fire districts over the years in developing emergency preparedness plans, and

WHEREAS, Manatee County currently owns several trailers which are specifically designed to carry treatment chemicals, equipment and supplies commonly required as part of a HAZMAT response effort; and

WHEREAS, Manatee County Code § 1-7-1 through § 1-7-8 authorize the County to assist the above-named agencies in the recovery of costs related to HAZMAT responses; and

WHEREAS, while Florida law does not specifically assign the responsibility to any governmental agency to maintain response capabilities for HAZMAT incidents, but

WHEREAS, in order to better protect the residents of Manatee County from exposure to the dangers of various hazardous substances the Manatee County Commission finds that is important to provide some limited support to the above-named agencies to augment HAZMAT response capabilities.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Manatee County, Florida, that:

1. The Public Safety Director is authorized to stage, deploy or loan the HAZMAT trailers owned by the County to any of the fire response agencies named in the above findings for purposes of improving overall HAZMAT response capability throughout the County. Where such agencies accept custody or use of these trailers, same shall continue to bear the liability for any actions taken by their personnel related to the storage, transport, maintenance or use of the trailers.
2. The Public Safety Director is authorized to permit any staff or agent of any of the fire agencies to transport (tow) County-owned HAZMAT trailers to County Fleet Maintenance where maintenance on them shall be performed, and to return them to their stations at the various fire districts when maintenance is completed.

3. To the extent the Manatee County Commission may, in any given fiscal year, budget and appropriate funds dedicated to HAZMAT response capability support, then the Public Safety Director is authorized to approve expenditure or reimbursement requests from the fire agencies for direct costs related to HAZMAT responses or maintenance of supply balances to facilitate responses, HAZMAT training exercises, HAZMAT equipment repair or replacement. Depending on availability of funds and the judgment of the Public Safety Director, expenditures or reimbursements may be for the full cost incurred, or some percentage thereof.
4. To ensure County HAZMAT support funds are used appropriately, no expenditure or reimbursement of any cost authorized in paragraph 3 above shall be made unless dedicated funds remain available and the request is supported by documentation the Director may require to confirm the expenditure was valid. If, in the judgment of the Public Safety Director, county-wide coordination of HAZMAT capabilities would be benefitted, the Director may require any reimbursement or expenditure request from any fire agency be submitted only through and with the approval of the then-current Chair of the Manatee County Fire Chief's Association. Final decisions on expenditures and reimbursements are subject to available funds and are the sole discretion of the County, and nothing herein shall be deemed as creating an absolute right to reimbursement at any time.

BE IT FURTHER RESOLVED that if any section, subsection, sentence, clause, or provision of this Resolution is determined to be unconstitutional, invalid, inoperative, void, or otherwise unenforceable by a court of competent jurisdiction, such finding shall not affect the remaining portions of this Resolution so long as the remaining portions can be given legal effect absent the invalid portions.

BE IT FURTHER RESOLVED that this Resolution shall not be codified in any way.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its adoption.

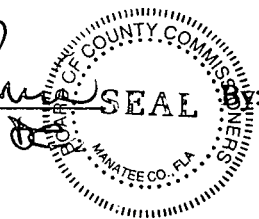
PASSED AND DULY ADOPTED by the Board of County Commissioners of Manatee County, Florida, with a quorum present and voting, this 6TH day of SEPTEMBER, 2011.

ATTEST:

R.B. SHORE
CLERK OF THE CIRCUIT COURT

BOARD OF COUNTY COMMISSIONERS
MANATEE COUNTY, FLORIDA

By: 





Carol Whitmore, Chairman