

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.

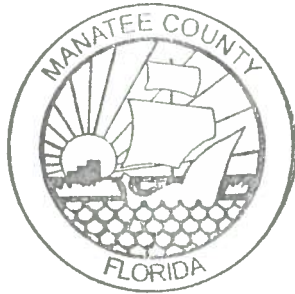
3) The Board of County Commissioners hereby delegates to the County Administrator the authority to discharge the duties and exercise the powers specified in Section 2-13-19 of the Manatee County Code, until such time as the Local Emergency declared herein is terminated or expired or seven (7) days from 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