

RESOLUTION NO. 05-346

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA APPROVING THE AGREEMENT BETWEEN EASTERN WASTE SYSTEMS, INC. AND THE TOWN OF MIAMI LAKES FOR THE COLLECTION AND HAULING OF DEBRIS FROM HURRICANE WILMA; AUTHORIZING THE TOWN MANAGER AND TOWN ATTORNEY TO IMPLEMENT THE TERMS AND CONDITIONS OF THE AGREEMENT; AUTHORIZING THE TOWN MANAGER TO EXPEND BUDGETED FUNDS; AUTHORIZING THE TOWN MANAGER TO EXECUTE THE AGREEMENT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on October 19, 2005, the Governor of the State of Florida issued Emergency Order No. 05-219 declaring a state of emergency due to the impending threat of Hurricane Wilma; and

WHEREAS, on Monday, October 24, 2005 Hurricane Wilma struck Miami-Dade County and caused extensive landscape and related infrastructure damage to the public roads and rights-of-way throughout the Town of Miami Lakes, (the "Town") and such debris not only blocked the passage of emergency vehicles, but also caused damage to and blocked access to infrastructure and utilities; and

WHEREAS, the emergency removal of fallen, damaged and devastated landscaping, tree limbs, tree debris, and trees from the Town's roadways, rights-of-ways and public facilities is necessary to eliminate any immediate threat to lives, public health and safety, and improved property, and to ensure the economic recovery of the Town through ensuring that the roadways are passable, that improved property is protected, that above and below ground utilities can be repaired and restored and that emergency police and fire-rescue vehicles can access the Town's residents and properties; and

WHEREAS, pursuant to Section 2(C)(1) of Ordinance No. 04-51, the Town Manager is authorized to declare a state of emergency for purchasing purposes; and

WHEREAS, in accordance with Section 2(C)(3) of Ordinance No. 04-51, the Town Manager entered into an Agreement with Eastern Waste Systems, Inc. on October 25, 2005 to provide for the collection and hauling of debris throughout the Town; and

WHEREAS, the Town Council desires to ratify the Agreement with Eastern Waste Systems, Inc., retroactive to October 25, 2005.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Approval of Agreement. The Agreement between Eastern Waste Systems, Inc. and the Town to provide for the collection and hauling of debris, a copy of which is attached as Exhibit "A," together with such non-material changes as may be acceptable to the Town Manager and approved as to form and legality by the Town Attorney, is approved and ratified.

Section 3. Authorization of Town Officials. The Town Manager and/or his designee and the Town Attorney are authorized to take all actions necessary to implement the terms and conditions of the Agreement.

Section 4. Authorization of Fund Expenditure. Notwithstanding the limitations imposed upon the Town Manager pursuant to the Town's Purchasing Procedures Ordinance, the Town Manager is authorized to expend budgeted funds to implement the terms and conditions of

the Agreement.

Section 5. Execution of Agreement. The Town Manager is authorized to execute the Agreement on behalf of the Town, to execute any required agreements and/or documents to implement the terms and conditions of the Agreement and to execute any extensions and/or amendments to the Agreement, subject to the approval as to form and legality by the Town Attorney.

Section 6. Effective Date. This Resolution shall take effect immediately upon adoption. The Agreement shall be effective retroactive to October 25, 2005.

PASSED AND ADOPTED this 8th day of November, 2005.

Motion to adopt by Mary Collins, second by Peter Thomson.

FINAL VOTE AT ADOPTION

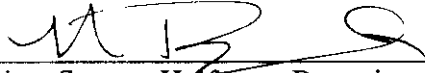
Mayor Wayne Slaton	<u>yes</u>
Councilmember Roberto Alonso	<u>yes</u>
Councilmember Mary Collins	<u>yes</u>
Vice Mayor Robert Meador	<u>yes</u>
Councilmember Michael Pizzi	<u>yes</u>
Councilmember Nancy Simon	<u>yes</u>
Councilmember Peter Thomson	<u>yes</u>

Wayne Slaton
Wayne Slaton
MAYOR

ATTEST:

Debra Eastman
Debra Eastman, MMC
TOWN CLERK

Approved as to form and legality for the use
and benefit of the Town of Miami Lakes only:

A handwritten signature in black ink, appearing to be 'M. J. S.', written over a horizontal line.

Weiss, Serota, Helfman, Pastoriza,
Cole & Boniske, P.A.
TOWN ATTORNEY