

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MAITLAND, FLORIDA; PROVIDING A DECLARATION OF "PARAMOUNT PUBLIC PURPOSE;" PROVIDING A STATEMENT OF AUTHORITY FOR THE EXPENDITURE OF CITY FUNDS REQUIRED TO PERFORM DISASTER RELIEF SERVICES WITHIN GATED COMMUNITIES AS PROVIDED IN THIS RESOLUTION; PROVIDING FOR SEVERABILITY, REPEAL OF PRIOR INCONSISTENT RESOLUTIONS, AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section 2(b) of the Florida Constitution, municipalities have governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law ("Municipal Home Rule Authority"); and

WHEREAS, on September 11, 2017, the City of Maitland suffered extensive damage as a result of Hurricane Irma, specifically, widespread residential and commercial property damage caused by vegetative and other tree debris; and

WHEREAS, on September 11, 2017, the Mayor signed a declaration of a state of local emergency due to the impact and damage caused by Hurricane Irma; and

WHEREAS, on September 18, 2017, Governor Scott directed counties and municipalities to aggressively prioritize debris clean-up operations required in the aftermath of Hurricane Irma so as not to hamper or interfere with recovery efforts; and

WHEREAS, the City of Maitland has utility easements along private roadways and sidewalks within gated communities, and requires access to such private roadways and sidewalks for the maintenance and repair of public utilities, as well as for emergency access management; and

WHEREAS, a significant amount of vegetative and other tree debris still remains and must be removed in order to ensure such proper access; and

WHEREAS, the City of Maitland desires to timely and efficiently remove such vegetative and other tree debris throughout the entire City in a uniform manner; and

WHEREAS, while certain incidental private benefits will also result to landowners within the gated communities, all other landowners within the City are provided these same benefits under the City's Hurricane Irma Disaster Relief Program, and are afforded an equal right to the benefit of the clearing of roadways and sidewalks; and

WHEREAS, provisions providing disaster relief for widespread hurricane damage are routinely upheld as supporting a public interest in the general welfare of the community; and

WHEREAS, the City Council of the City of Maitland deems the municipal services being provided by this resolution serve a paramount public purpose, and are in the best interests of the public health, safety, and welfare of the citizens of Maitland.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MAITLAND, FLORIDA, AS FOLLOWS:

Section 1. Statement of Authority. The foregoing recitals are fully incorporated herein in their entirety and are cited as authority for purposes of adopting this Resolution and for performing disaster relief services within gated communities as provided in this Resolution. This statement of authority shall not be construed as exclusive and any other applicable and relevant case law, City Charter, and statutory and constitutional authority shall be deemed fully incorporated herein by this reference.

Section 2. City Council Declaration of Paramount Public Purpose. The City Council finds and declares that the municipal services being provided for herein constitute a paramount public purpose and are vital to the City's clean-up efforts following Hurricane Irma. Additionally, implementation of such services is required to improve the health, safety, welfare, and convenience of the City of Maitland.

Section 3. City Council Authorization for Disaster Relief Services Within Gated Communities. The City Council hereby authorizes the expenditure of City funds for the removal of vegetative and tree debris along private roadways and sidewalks within gated communities which was caused by Hurricane Irma.

Section 4. Repeal of Prior Inconsistent Resolutions. All prior resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of the conflict.

Section 5. Severability. If any section, subsection, sentence, clause, phrase, word, or portion of this Resolution is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion hereto.

Section 6. Effective Date. This Resolution shall become effective immediately upon adoption by the City Council of the City of Maitland.

RESOLVED by the City Council of the City of Maitland, Florida, in a regular meeting assembled on the 9th day of October, 2017.

CITY OF MAITLAND, FLORIDA

A. DALE MCDONALD, MAYOR

ATTEST:

CITY CLERK