

YOUR PARTNER FOR  
SOLID WASTE SOLUTIONS

September 15, 2017

Mr. Justo Hernandez  
Federal Coordinating Officer  
Operations Division, FEMA  
U.S. Dept. of Homeland Security  
Federal Center Plaza  
500 C Street SW  
Washington, DC 20472

Subject: Solid Waste Authority of Palm Beach County (SWA)  
Funding Approval for Curbside Debris Removal from Private Gated Communities  
within Unincorporated Palm Beach County  
Hurricane Irma FEMA Federal Declaration DR-4337

Dear Mr. Hernandez:

In accordance with Sections 403(a)(3)(A), 407 of the Stafford Act, 42 U.S.C. 5170b and 5173 respectively, the Solid Waste Authority of Palm Beach County (SWA) requests immediate Federal Emergency Management Agency (FEMA) approval to fund curbside debris removal from private gated communities within unincorporated Palm Beach County, Florida. SWA is requesting unconditional authorization for removal of the debris and agrees to indemnify the Federal Government from any claim arising from this removal.

SWA is providing the enclosed letters from public officials (Exhibit 1) outlining the determination of need for the removal of debris from these private gated communities as being in the best public interest of the communities to eliminate threats to life and public health and safety, and to ensure the economic recovery of the affected communities to the benefit of the communities at large (44 CFR 206.224).

Please find attached a copy of Palm Beach County Post Disaster Recovery Ordinance No. 2006-017 (Exhibit 2) which expressly gives SWA the legal authority, 44 CFR 206.223(a)(3), to implement provisions of the Emergency Plan when a state of emergency is declared to collect and remove disaster debris throughout unincorporated areas of the county and to enter into and upon public and private roads, gated communities, and public areas of the county as necessary to eliminate any immediate threat to life and public health and safety of the residents of the county, as well as to reduce the threat of additional damage to improved properties and to promote the economic recovery of the communities at large.

Mr. Justo Hernandez  
September 15, 2017  
Page 2

SWA requests immediate approval for the funding of curbside debris removal from private gated communities within unincorporated Palm Beach County. Please contact me at (561) 640-4000 (Ext. 4215) if you need additional information.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Hammond', with a stylized flourish extending to the right. The initials 'MH' are written below the signature.

Mark Hammond  
Executive Director  
Solid Waste Authority of Palm Beach County

MH/kal  
Enc.



# EXHIBIT 1

**Department of Public Safety  
Division of Emergency Management**

20 South Military Trail  
West Palm Beach, FL 33415  
(561) 712-6470  
FAX: (561) 712-6490  
www.pbcgov.com



**Palm Beach County  
Board of County  
Commissioners**

Paulette Burdick, Mayor  
Melissa McKinlay, Vice Mayor  
Hal R. Valeche  
Dave Kerner  
Steven L. Abrams  
Mary Lou Berger  
Mack Bernard

**County Administrator**

Verdenia C. Baker

September 12, 2017

Mark Hammond, Executive Director  
Solid Waste Authority of Palm Beach County  
7501 N. Jog Road  
West Palm Beach, FL 33412

Dear Mr. Hammond,

Based on the amount of damage and debris generated by Hurricane Irma, Palm Beach County has determined that it is in the public interest to have the Solid Waste Authority of Palm Beach County enter into Gated Communities and Private Roads to collect disaster debris. This action will address the immediate threat to life, public health and safety. Collection of debris will also eliminate the immediate threat to improved property. The collection of debris within the gated communities in the unincorporated area of the county will also ensure economic recovery of the affected communities to the benefit of the community at large.

Pursuant to the legal authority established in the Palm Beach County Post-Disaster Debris Recovery Ordinance (2006-017) and the Solid Waste Authority Mandatory Collection Resolution (2006-03), you are directed to provide collection of disaster debris within gated communities within the unincorporated area.

This activity should be limited to collection of debris placed for collection at the curb within these communities. This direction does not include any other authorization to enter onto private property for the collection of debris.

Sincerely,

A handwritten signature in cursive script that reads "Verdenia Baker".  
Verdenia Baker, County Administrator

cc: Stephanie Sejnoha, Director, Public Safety  
Bill Johnson, Director, Emergency Management

"An Equal Opportunity  
Affirmative Action Employer"

**PALM BEACH COUNTY**  
**SHERIFF'S OFFICE**

**RIC L. BRADSHAW, SHERIFF**



**MAJOR ERIC COLEMAN**  
**WEST REGIONAL BUREAU**  
**PHONE: (561) 681-4450**

**FAX: (561) 681-4467**

**E-MAIL: [colemane@pbso.org](mailto:colemane@pbso.org)**

September 12, 2017

County Administrator Verdenia Baker  
Palm Beach County  
301 North Olive Ave  
West Palm Beach, Fl. 33401

Dear County Administrator Verdenia Baker:

The Palm Beach County Sheriff's Office deems that it is in the public's best interest to have the Solid Waste Authority of Palm Beach County enter into gated communities and private roads with permission of the appropriate representative to collect disaster debris where, if not removed, the debris will slow our response time to emergency calls, impact citizen safety, and limit lines of sight.

If you have any questions, feel free to contact me at 561-389-3432.

Sincerely,

A handwritten signature in black ink, appearing to read "MAJ. E. COLEMAN".

Major Eric Coleman



September 11, 2017

**Fire Rescue**

Chief Jeffrey P. Collins  
405 Pike Road  
West Palm Beach, FL 33411  
(561) 616-7000  
www.pbcgov.com



**Palm Beach County  
Board of County  
Commissioners**

Paulette Burdick, Mayor  
Melissa McKinlay, Vice Mayor  
Hal R. Valeche  
Dave Kerner  
Steven L. Abrams  
Mary Lou Berger  
Mack Bernard

**County Administrator**

Verdenia C. Baker

RE: Post Storm Removal of Debris in Gated Communities

Dear Verdenia Baker:

Palm Beach County Fire Rescue deems that it is in the public's best interest to have the Solid Waste Authority of Palm Beach County enter into gated communities and private roads to collect disaster debris where, if not removed, the debris will slow our response time to emergency calls, impact citizen safety, and limit lines of sight.

If you have any questions, feel free to contact me at 561-616-7001.

Sincerely,

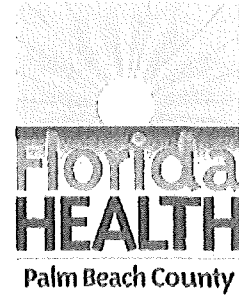
A handwritten signature in cursive script that reads "Jeffrey P. Collins".

Jeffrey P. Collins  
Fire Administrator  
Palm Beach County Fire Rescue

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Affirmative Action Employer"*

Official Electronic Letterhead

September 11, 2017



**Letter Regarding Dangerous debris in communities.  
Florida Department of Health Palm Beach County  
Robert Parkes, MD, Medical Director**

Dear Executive Policy Group:

Based on the amount of debris generated and the disease potential associated with this debris by Hurricane Irma, Florida Department of Health in Palm Beach County has determined that in the best interest of the public health to have the Solid Waste Authority of Palm Beach County enter into Gated Communities and Private Roads to collect disaster debris.

Specifically, The Department of Health is concerned that if this debris is not picked up in a timely manner within gated communities, it could provide harborage for disease carrying vermin and mosquitoes.

Sincerely,

A handwritten signature in cursive script that reads "R Parkes".

Robert Parkes, MD  
Medical Director  
Florida Department of Health Palm Beach County

## Mary Blakeney E.

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**From:** Verdenia Baker  
**Sent:** Wednesday, September 13, 2017 5:17 PM  
**To:** Bwininger@swa.org; Mary Blakeney E.; Stephanie Sejnoha; Bill Johnson; Lisa DeLaRionda  
**Subject:** Fwd: Trash Debris Removal Please

This is the latest email I received. I do believe this is a copy of the previously sent letter.

Sent from my iPhone

Begin forwarded message:

**From:** Superintendent Palm Beach <[superintendent@palmbeachschools.org](mailto:superintendent@palmbeachschools.org)>  
**Date:** September 13, 2017 at 10:19:51 AM EDT  
**To:** Verdenia Baker <[VBaker@pbcgov.org](mailto:VBaker@pbcgov.org)>  
**Subject:** Trash Debris Removal Please

Dear Verdenia,

Based on the amount of damage and debris generated by Hurricane Irma, the School District of Palm Beach County supports a finding by Palm Beach County that it is in the public interest to enter into Gated Communities and Private Roads to collect disaster debris.

Specifically, the School District of Palm Beach County is concerned that if this debris is not picked up in a timely manner within gated communities, it could impact the safety of school children going to and from their school bus stops.

Sincerely,

Robert M. Avossa, Ed.D.

Superintendent of Schools

School District of Palm Beach County

**Disclaimer:** Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

# EXHIBIT 2

ORDINANCE NO. 2006 -017

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, TO BE KNOWN AS "THE POST-DISASTER DEBRIS RECOVERY ORDINANCE"; RELATING TO DISASTER DEBRIS COLLECTION AND REMOVAL; PROVIDING FOR DECLARATION OF FINDINGS AND INTENT; PROVIDING FOR IMPLEMENTATION OF THE COMPREHENSIVE EMERGENCY MANAGEMENT PLAN OF PALM BEACH COUNTY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature, through the Palm Beach County Solid Waste Act, created the Solid Waste Authority of Palm Beach County, Florida (the "Authority") and granted to it the responsibility for solid waste management in Palm Beach County, Florida (the "County"), and authorized the Authority to enter into Interlocal Agreements to provide solid waste related government functions; and

WHEREAS, the Board of County Commissioners of Palm Beach County, Florida (the "Board"), through an Interlocal Agreement with the Authority dated September 21, 1988, transferred to the Authority the duty and responsibility to provide a mandatory solid waste collection program throughout the entire unincorporated areas of the County; and

WHEREAS, the Authority on behalf of the Board has established a mandatory solid waste collection program for the entire unincorporated areas of the County; and

WHEREAS, in order to implement provisions of the Comprehensive Emergency Management Plan of Palm Beach County (the "Emergency Plan"), the Authority is directed to act on behalf of the Board to collect and remove disaster debris throughout the unincorporated areas of the County.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

**Section 1: TITLE.**

This Ordinance shall be known as the Palm Beach County Post-Disaster Debris Recovery Ordinance.

**Section 2: DECLARATION OF FINDING AND INTENT.**

This Board finds that in the event of a disaster occurring in the County a public health and safety threat may result from the generation of widespread debris



throughout the County, that such debris constitutes a hazardous environment for all modes of movement and transportation of the residents as well as emergency aid and relief services, endangerment to all properties in the County, an environment conducive to breeding disease and vermin, and greatly increased risk of fire, and that it is in the public interest to collect and remove disaster debris from all properties whether public lands, public or private roads, and gated communities to eliminate an immediate threat to life, public health and safety, to reduce the threat of additional damage to improved property, and to promote economic recovery of the community at large.

It is the intent of this Ordinance to promote the health, welfare and safety of the residents of the County by implementing the Emergency Plan by providing for the collection and removal of disaster debris throughout the unincorporated public and private roads, gated communities, and public areas of the County, to eliminate an immediate threat to the life, public health and safety of the residence of the county.

**Section 3: IMPLEMENTATION OF COMPREHENSIVE EMERGENCY MANAGEMENT PLAN OF PALM BEACH COUNTY.**

The Authority, pursuant to the Interlocal Agreement and the powers and authority invested in it by the Palm Beach County Solid Waste Act, is hereby directed to implement the provisions of the Emergency Plan when a Local State of Emergency has been declared pursuant to the Emergency Plan, or if declared by the State of Florida or the Federal government, by acting on behalf of the County to collect and remove disaster debris throughout the unincorporated areas of the County, and to enter in and upon the public and private roads, gated communities, and public areas of the County as necessary, to eliminate any immediate threat to life, public health and safety of the residents of the County, to reduce the threat of additional damage to improved property, and to promote economic recovery of the community at large.

**Section 4: INCLUSION IN THE CODE OF LAWS AND ORDINANCES.**

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Palm Beach County, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "Ordinance" may be changed to "section," "article," or any other appropriate word.

**Section 5: REPEAL OF LAWS IN CONFLICT.**

Any laws or ordinances in conflict with the Ordinance that Palm Beach County is authorized to repeal are hereby repealed.

**Section 6: SEVERABILITY.**

If any section, paragraph, sentence, clause, phrase or word of this Ordinance is, for any reason, held or declared by a court to be unconstitutional, inoperative or void, such holding shall not affect the remainder of the Ordinance.

**Section 7: CAPTIONS.**

The captions, section headings and section designations used in this Ordinance are for convenience only and shall have no effect on the interpretation of the provisions of this Ordinance.

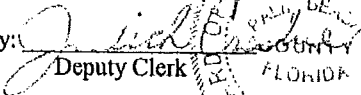
**Section 8: EFFECTIVE DATE.**


This Ordinance shall become effective upon filing with the Department of State.

**APPROVED AND ADOPTED** by the Board of County Commissioners of Palm Beach County, Florida on the 15th day of August, 2006.

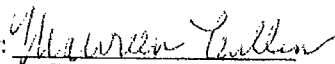
SHARON R. BOCK, CLERK &  
COMPTROLLER

PALM BEACH COUNTY, FLORIDA  
BY ITS BOARD OF COUNTY  
COMMISSIONERS

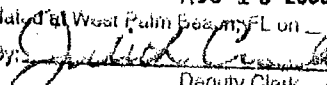
By:   
Deputy Clerk

By:   
Tony Masilotti, Chairman

APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY

By:   
County Attorney

Filed with the Department of State on the 24th day of August, 2006.

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, SHARON R. BOCK, Clerk & Comptroller certify  
this to be a true and correct copy of the original  
filed in my office on AUG 15 2006  
dated at West Palm Beach, FL on 9-7-2006  
By:   
Deputy Clerk

