

RESOLUTION NO. 2020-146

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, RECOGNIZING THE COVID-19 VIRUS THREAT; COMMITTING TO OPEN GOVERNMENT AND PUBLIC PARTICIPATION; AND TEMPORARILY WAIVING THE CITY CHARTER'S MEETING REQUIREMENTS THAT PROVIDE THAT A COMMISSIONER MUST BE PHYSICALLY PRESENT TO BE COUNTED AS IN ATTENDANCE AT A COMMISSION MEETING; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Novel Coronavirus (COVID-19) is a severe acute respiratory illness that can spread quickly among humans through respiratory transmission and presents with symptoms similar to those of influenza; and

WHEREAS, Governor, Ron DeSantis issued Executive Order Number 20-52 on Monday, March 9, 2020, and continuously extended thereafter, declaring a state of emergency statewide in accordance with Section 252.38, Florida Statutes and authorizing each political subdivision within the State to "waive the procedures and formalities otherwise required of the political subdivision by law pertaining to . . . [the] [p]erformance of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;" and

WHEREAS, the City of Coconut Creek is threatened by COVID-19 because of the extraordinary ability of the virus to spread rapidly among humans, and COVID-19 thereby constitutes a clear and present threat to the health, safety, and welfare of the residents and visitors of the City of Coconut Creek; and

WHEREAS, on March 16, 2020, President Donald J. Trump and the Centers for Disease Control and Prevention ("CDC") issued guidelines for "Community Mitigation Strategies" to limit the spread of COVID-19, including recommendations for social distancing and limiting gatherings, which have been shown to be an effective method for containing COVID-19; and

WHEREAS, Section 312 of the City of Coconut Creek City Charter authorizes certain emergency measures to be taken under emergency conditions; and

WHEREAS, COVID-19 poses a health risk to Coconut Creek residents, particularly elderly residents and those who are immunosuppressed or otherwise have high-risk medical conditions; and

WHEREAS, minimization of contact is necessary to avoid risk of COVID-19 infection for the residents of the City; and

WHEREAS, on March 12, 2020, and continuously extended thereafter, the Mayor of the City of Coconut Creek, Florida, proclaimed and declared the existence of a City-wide **“STATE OF EMERGENCY”** and authorized that all proper and lawful actions necessary to swiftly resolve the emergency and return the City to a condition of normalcy shall be taken; and

WHEREAS, in order to protect the City’s residents and visitors, the extremely threatening trajectory of the COVID-19 virus calls for emergency action and commitment to the social distancing protocols of the CDC and the President of the United States; and

WHEREAS, the City Commission is committed to open government, public participation and compliance with all public meeting requirements of Florida law; and

WHEREAS, the City Commission finds and determines that in support and recognition of Federal and CDC guidelines and recommendations, and pursuant to the declaration of emergency issued by the City of Coconut Creek, Section 309 c. of the City Charter should be temporarily waived to permit the attendance and participation of Commissioners by electronic means through communications media technology, in order to provide for the opportunity of Commissioners to quarantine as necessary and, if necessary, provide ample space for social distancing while maintaining active and essential representation of the City’s residents by those elected to serve, throughout the

declared state of emergency as extended in order to protect the public health, safety and welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

Section 1: That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this resolution.

Section 2: That the City Commission hereby temporarily waives the City of Coconut Creek Charter requirement contained in Section 309 c. that states that, “No Commissioner shall vote, nor be considered in attendance at any Commission meeting, except in person.”

Section 3: That City Commissioners and/or Board members may attend and participate in all meetings of the Coconut Creek City Commission and/or any City of Coconut Creek Board, held while under the COVID-19 State of Emergency as declared by the Mayor of Coconut Creek, including any extensions thereto, provided all other requirements of Florida law are met.

Section 4: That if any clause, section, other part or application of this resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or in application, or if any provisions within this resolution conflict with any local, state, or federal law or constitutional provision, except as specifically waived, or conflicts with or is superseded by a subsequently-issued Executive Order of the Governor of the State of Florida or the President of the United States, it shall be deemed inapplicable and severed and it shall not affect the validity of the remaining portion or applications of this resolution.

Section 5: That this resolution shall be in full force and effect immediately upon its adoption.

Adopted this 23rd day of July, 2020.

Louis Sarbone, Mayor

Attest:

Leslie Wallace May, City Clerk

Sarbone	<u>Aye</u>
Rydell	<u>Aye</u>
Tooley	<u>Aye</u>
Belvedere	<u>Aye</u>
Welch	<u>Aye</u>