

RESOLUTION NO. 2022-141

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, RESCINDING RESOLUTION NO. 2020-243; ENACTING A NEW RESOLUTION PROVIDING FOR THE USE OF COMMUNICATION MEDIA TECHNOLOGY FOR VIRTUAL ATTENDANCE BY USE OF SUCH TECHNOLOGY BY ELECTED AND APPOINTED OFFICIALS DURING A DECLARED PUBLIC HEALTH EMERGENCY SO LONG AS A QUORUM OF THE CITY COMMISSION, BOARD, OR COMMITTEE IS PHYSICALLY PRESENT IN-PERSON; ADOPTING UNIFORM PROCEDURES FOR HYBRID MEETINGS FOR EMERGENCY SITUATIONS AND PROVIDING FOR ACCEPTANCE OF ADVANCED PUBLIC COMMENTS IN ORDER TO PROVIDE FOR CONSISTENCY WITH RECENT CHANGES TO STATE LAW AND TO ALLOW FOR GREATER OPPORTUNITY FOR PUBLIC PARTICIPATION AT PUBLIC MEETINGS DURING THE ONGOING COVID-19 PANDEMIC; COMMITTING TO OPEN GOVERNMENT AND PUBLIC PARTICIPATION; 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, due to the apparent ability to spread rapidly among humans, the traditional public meeting may unnecessarily expose the residents and visitors of Coconut Creek to COVID-19; and

WHEREAS, to reduce the spread of COVID-19, the CDC recommends implementation of community mitigation strategies to increase containment of the virus; and

WHEREAS, Florida Law, including Florida Statutes Sections 286.011 and 166.041, requires that meetings of elected and appointed officials, for the conduct of public business, must be held following procedures (notice, access to meetings, opportunity to be heard, the taking of minutes) that ensure that the public is able to

participate in and be aware of the decision making process (the “Sunshine Law”); and

WHEREAS, public meetings have traditionally been conducted in spaces with people in close proximity with each other and in groups varying in size, but generally much larger than ten people; and

WHEREAS, as of June 3, 2022, the Florida Department of Health reports a total of 6,196,905 COVID-19 cases with 74,590 deaths in Florida and 644,090 cases and 5,893 deaths in Broward County (https://ww11.doh.state.fl.us/comm/partners/covid19_report_archive/covid19_data_latest.pdf); and

WHEREAS, the U.S. Department of Health and Human Services of the United States, Office of the Assistant Secretary for Preparedness and Response first declared a National Public Health Emergency on January 27, 2020, and said emergency has been continuously extended every ninety days thereafter, on April 21, 2020, July 23, 2020, October 2, 2020, January 7, 2021, April 15, 2021, July 19, 2021, October 15, 2021, January 14, 2022, with the last renewal dated April 12, 2022; and

WHEREAS, the current outbreak of COVID-19 has made the City Commission acutely aware that provisions must be made to ensure that the business of municipal governance can occur without unnecessarily exposing City officials and employees or members of the public to a risk of infection while ensuring public access and open government; and

WHEREAS, the City Commission also possesses broad home rule powers that authorize it to protect the public health, safety, and welfare, declare emergencies, and protect its residents and visitors; and

WHEREAS, COVID-19 has created, or imminently threatens to create, conditions that may severely affect the public health, safety, welfare, and security of the residents and visitors of the City; and

WHEREAS, the City Commission recognizes that the pandemic generates surges in infection rates and finds that, particularly during periods of elevated infection rates, there is a clear and present danger in holding public “in person” meetings for those attending and those who come in contact with those attending, particularly for vulnerable populations; and

WHEREAS, the City Commission finds that it is in the best interests of the residents and visitors of the City to rescind Resolution No. 2020-243 and enact a new resolution to provide for consistency with recent changes to state law and to change the deadline to submit public comments in advance of a public meeting to allow for greater opportunity for public participation at public meetings during the ongoing COVID-19 Pandemic.

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

Section 1: Ratification. 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: Limited Authorization For Public Meetings Without Physical Presence. That the City Manager is hereby authorized, pursuant to the home rule authority of the City Commission, Chapter 252, Florida Statutes, and based upon the Legislative Findings set forth in the above-stated recitals, during a declared public health emergency, or if otherwise authorized by state law, to:

- A. Arrange for the City Commission, Boards, and Committees (any one, some, all or none of them) to conduct meetings through a combination of in-person and electronic participation (“Hybrid”) as the City Manager determines is necessary based on an evaluation of all national, state, county orders and guidelines and relevant risk factors and health statistics.
 - 1. Such meetings may only be conducted with the physical presence of a quorum of the City Commissioners, Boards, and Committees, and only so long as (1)

the meeting is properly noticed, (2) minutes are taken, and (3) the public is permitted to attend via technology such as teleconferencing or web-based conferencing.

2. The City Manager shall plan and coordinate all Hybrid Meetings to ensure, to the extent practicable, substantial compliance with Section 286.011, Florida Statutes, "Florida's Sunshine Law."
- B. Provide technology and administrative support as necessary to fulfill these objectives, ensure compliance with the public meeting requirements of Florida law and the Uniform Rules for Hybrid Meetings Conducted Utilizing Communications Media Technology (CMT) below.

Section 3: Meeting Procedures Adopted. That the City Commission hereby adopts the following "Uniform Rules for Hybrid Meetings Conducted Utilizing Communications Media Technology" for use at all Hybrid Meetings conducted with the physical presence of a quorum of the City Commission, Boards, and/or Committees in-person as permitted by state law, or by the Governor of the State of Florida, Emergency Order of Broward County, or Emergency Declaration of the City of Coconut Creek during a national, state, or local state of emergency:

**Uniform Rules for Hybrid Meetings Conducted Utilizing
Communications Media Technology (CMT)**

- A. Applicability.
1. Pursuant to state law, if applicable, or during a state of emergency as declared by the Governor of the State of Florida, Broward County, or the City of Coconut Creek, and any applicable extensions, regular, special, or emergency meetings of the City Commission or any City board called pursuant to existing procedures or the City Charter or City Code, may be held through a combination of a quorum physically present in the meeting room and electronic participation of other members with the use of CMT ("Hybrid Meetings") and all business may be conducted consistent with the ongoing needs of the City. Unless otherwise permitted by state law:
 - a. a quorum of the government body must be physically present in person, and
 - b. meetings must be held at a specific public place.
 2. These CMT Rules shall apply to all Hybrid Meetings.
- B. Meetings.
1. Meeting Platform - Technology. Hybrid Meetings shall utilize CMT which:
 - a. Allows remote access by City Officials and staff which ensures sufficient

audio clarity and functionality so that all meeting participants and the public can clearly hear and understand what is being said;

- b. Utilizes a platform with a user interface which is readily available and free to the public to access the meeting;
 - c. Provides opportunities to view and/or hear the meeting;
 - d. Provides a mechanism to record or otherwise preserve the meeting; and
 - e. Allows the meeting chair, in conjunction with technical assistance from staff, to maintain order and ensure all parties are afforded a reasonable opportunity to participate in the meeting.
2. Public Participation. The public shall be afforded the opportunity to provide public comment and exhibits prior to the meeting.
- a. Comment requirements.
 - 1) All comments shall be limited to a total of three (3) minutes or the equivalent of no more than four hundred (400) words; and
 - 2) All written or audio comments should begin with the speaker's name and address and the agenda item to which the comment pertains.
 - b. Comments Prior to the Meeting. The public shall have the ability to provide public comment prior to the meeting utilizing:
 - 1) A designated email address;
 - 2) A dedicated City voicemail line; and
 - 3) US postal or other mail delivery service to deliver written comments or exhibits to the City Clerk.
 - c. Consideration of Comments. All public comments received prior to 12:00 p.m. (Noon) the day of the meeting will be included as part of the record for the meeting and will be considered by the Commission and/or Board before any action is taken, except for those Boards and Committees that have meetings scheduled before the 12:00 p.m. (Noon) same day cutoff. In those instances, all public comments received prior to 12:00am (Midnight) immediately preceding the meetings will be part of the record for the meeting and will be considered by the Board and/or Committee before action is taken.

C. Notice.

1. Regular and Special Meetings. All regular and special meetings shall be noticed at least seven (7) days in advance of the scheduled meeting in accordance with State Law and the City's Code of Ordinances.
2. Emergency Meetings. All emergency meetings shall be noticed no less than twenty-four (24) hours in advance of the scheduled meeting in accordance with State Law.
3. Meeting Notices.
 - a. Publishing venue. Meeting notices for all meetings shall be published as required by State and County law and the City's Code of Ordinances and

shall also be noticed on the City's Website.

- b. Notice requirements. All Public Notice for Hybrid Meetings, whether, Regular, Special or Emergency meetings, shall be provided as required by the City's Code of Ordinances, with the inclusion of the following information:

- 1) Meeting Platform with address or link to access the meeting through the platform;
- 2) Other meeting viewing/audio locations (City's Website and Zoom Call in Number (specific to scheduled meeting);
- 3) Instructions for utilizing mail, phone messaging, or email, with the specific phone number and email address, to provide public input before the meeting; and
- 4) Instructions for requesting a reasonable accommodation.

- D. Meeting Procedures. All regular parliamentary procedures for small boards shall be followed throughout the meeting in addition to the following protocols which shall be followed to maximize public participation:

1. Speakers shall be identified by name when called on by the Mayor or Chair;
2. If a speaker has not been identified by the Mayor or Chair prior to speaking, the speaker shall identify himself/herself by name for the record;
3. All general public comments received prior to the deadlines specified in paragraph B.2. above shall be played or read into the record by staff during the appropriate agenda item without response between individual comments. Response or discussion of any matter presented during "Input from the Public" or on any public hearing item shall occur after all public comment has been received for that item;
4. All votes shall be by roll call in order to ensure the identity of each speaker;
5. Meeting recordings shall be available through the City Clerk Department after the meeting; and
6. All comments received in any form shall be printed, saved, or in some way memorialized and recorded for the public record.

Section 4: That Resolution No. 2020-243 is hereby rescinded in its entirety.

Section 5: 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 Broward County Emergency Order, Executive Order of the Governor of the State of Florida or the President of the United States, it shall not affect the validity of the remaining portion or applications of this resolution.

Section 6: That this resolution shall be in full force and effect immediately upon

its adoption.

Adopted this 14th day of July, 2022.

Joshua Rydell, Mayor

Attest:

Joseph J. Kavanagh, City Clerk

Rydell	<u>Aye</u>
Welch	<u>Aye</u>
Tooley	<u>Aye</u>
Railey	<u>Aye</u>
Brodie	<u>Aye</u>

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6/15/2022
kah