

RESOLUTION NO. 2020-107

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, RECOGNIZING THE COVID-19 VIRUS THREAT; ADOPTING UNIFORM PROCEDURES FOR VIRTUAL MEETINGS PURSUANT TO EXECUTIVE ORDER NO. 20-69 AND STATE LAW; COMMITTING TO OPEN GOVERNMENT AND PUBLIC PARTICIPATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

**Rescinded**

**By** 2020-243

**Date** 12/03/2020

**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 March 9, 2020, 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 of more than 10 people, which have been shown to be an effective method for containing COVID-19; and

**WHEREAS**, on March 29, 2020, President Trump extended the social distancing guidelines through April 30, 2020; 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, 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**, on March 25, 2020, the Mayor of the City of Coconut Creek, Florida, issued a proclamation urging all residents to shelter at home to protect them from the rapidly spreading virus; and

**WHEREAS**, Governor DeSantis has issued a number of emergency declarations closing businesses, restricting access to all non-essential businesses, and imposing

increasing restrictions designed to limit physical interaction between people, requiring self-isolation for various populations, and urging at-risk populations to stay at home, thereby reducing the opportunities for community spread of COVID-19, including but not limited to EO 20-70, EO 20-71, EO 20-80, EO20-82, EO 20-83, EO 20- 86, EO 20-87, EO 20-88, EO 20-89, EO 20-90, EO 20-91, and EO-92; and

**WHEREAS**, Broward County has also issued emergency orders closing businesses, restricting non-essential activities and directing shelter in place/safer at home, in an effort to reduce the opportunities for community spread including but not limited to Broward County Emergency Orders 20-01, 20-02, 20-03, 20-04, and 20-05; 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**, on March 19, 2020, the Florida Attorney General issued Opinion 2020-03 outlining the ability of local governments to conduct virtual meetings if certain issues were addressed by the Florida Governor or Legislature; and

**WHEREAS**, on March 20, 2020, Governor DeSantis issued Executive Order 20-69 suspending requirements that local governments a) have a quorum be physically present in person and b) hold meetings at a specific public place; and

**WHEREAS**, the City Commission finds and determines that in support and recognition of Federal and CDC guidelines and recommendations, and consistent with

Executive Orders of the Governor of the State of Florida, meetings should be held utilizing communications media technology 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. All exhibits attached hereto are incorporated herein and made a specific part of this resolution.

**Section 2:** That the City Commission recognizes the Governor’s waiver of state requirements that a quorum be physically present in person and meetings be held at a specific public place, and consistent with the Governor’s Emergency Executive Orders 20-52 and 20-69, and the provisions of Chapter 252, Florida Statutes, 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 all meetings of the Coconut Creek City Commission and any City of Coconut Creek Board, held while under the COVID-19 State of Emergency as declared by Governor Ron DeSantis in Executive Order 20-52, including any extensions thereto, shall be conducted as “Virtual Meetings” using Communications Media Technology (CMT) and shall follow the Uniform Rules for “Virtual” Meetings Conducted Utilizing Communications Media Technology (“CMT Rules”) adopted herein.

**Section 4:** That the City Commission hereby adopts the following “**Uniform Rules for “Virtual” Meetings Conducted Utilizing Communications Media Technology**” for use at all virtual meetings as permitted by the Governor of the State of Florida during this current state of emergency:

**Uniform Rules for “Virtual Meetings” Conducted Utilizing Communications Media Technology (CMT)**

**A. Applicability.**

1. During a declared state of emergency, 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 virtually, with the use of Communications Media Technology (“CMT”) (“Virtual Meetings”) and all business may be conducted consistent with the ongoing needs of the City. Virtual Meetings may be utilized exclusively only during a

State of Emergency which includes, or is supplemented, by a waiver of state requirements that:

- 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 Uniform Rules for “Virtual” Meetings Conducted Utilizing Communications Media Technology (“CMT Rules”) shall apply to all Virtual Meetings.

**B. Meetings.**

1. Meeting Platform - Technology. Virtual 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 participating 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 6:00 p.m. the night before the meeting will be included as part of the record for the meeting and will be considered by the Commission or board before any 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, City’s Facebook Page, City’s

Instagram, City's YouTube, City's Twitter, City's LinkedIn, and City's NextDoor pages.

b. *Notice requirements.* All Public Notice for Virtual 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 (954-973-6772), or email ([commissioncomments@coconutcreek.net](mailto:commissioncomments@coconutcreek.net)) 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;
2. If a speaker has not been identified by the Mayor prior to speaking, the speaker shall identify himself/herself by name for the record;
3. All general public comments received prior to a meeting 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 on the City's Website after the meeting; and
6. All comments made on any platform on which the meeting was streamed shall be printed, saved, or in some way memorialized and recorded for the public record.

**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 Executive Order of the Governor of the State of Florida or the President of the United States, shall be deemed inapplicable and severed and 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 15<sup>th</sup> day of April, 2020.

*Louis Sarbone*

Louis Sarbone, Mayor

Attest:

*Marion E. Jowers for*  
Leslie Wallace May, City Clerk

The seal of the City of Berkeley Council is circular, featuring a central emblem surrounded by the text "CITY OF BERKELEY" and "1867". The words "COUNCIL" and "BERKELEY" are also visible around the perimeter.

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