

RESOLUTION NO. 2229-20

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WINTER PARK, FLORIDA, WAIVING PHYSICAL QUORUM REQUIREMENTS FOR CITY COMMISSION AND OTHER BOARD MEETINGS; ESTABLISHING PROCEDURES FOR PUBLIC MEETINGS CONDUCTED VIA COMMUNICATIONS MEETING TECHNOLOGY (“CMT”); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS a respiratory illness due to a novel coronavirus (a disease now known as COVID-19), was first identified in Wuhan City, Hubei Province, China, and has spread outside of China, impacting many countries, including the United States; and

WHEREAS the CDC currently recommends community preparedness and everyday prevention measures be taken by all individuals and families in the United States, including voluntary home isolation when individuals are sick with respiratory symptoms, covering coughs and sneezes with a tissue and disposal of the tissue immediately thereafter, washing hands often with soap and water for at least 20 seconds, use of alcohol-based hand sanitizers with 60% - 95% alcohol if soap and water are not readily available and routinely cleaning frequently touched surfaces and objects to increase community resilience and readiness for responding to an outbreak; and

WHEREAS the CDC currently recommends mitigation measures for communities experiencing an outbreak including staying at home when sick, keeping away from others who are sick, limiting face-to-face contact with others as much as possible, consulting with your healthcare provider if individuals or members of a household are at high risk for COVID-19 complications, wearing a facemask if advised to do so by a healthcare provider or by a public health official, staying home when a household member is sick with respiratory disease symptoms if instructed to do so by public health officials or a health care provider; and

WHEREAS on January 23, 2020, the CDC activated its Emergency Response System to provide ongoing support for the response to COVID- 19 across the country; and

WHEREAS on March 1, 2020, Governor Ron DeSantis issued Executive Order No. 20-51 directing the Florida Department of Health to issue a Public Health Emergency; and

WHEREAS on March 1, 2020, the State Surgeon General and State Health Officer declared a Public Health Emergency exists in the State of Florida as a result of COVID-19; and

WHEREAS on March 9, 2020, Governor Ron DeSantis issued Executive Order No. 20-52 declaring a state of emergency within the State of Florida in response to the COVID-19 Public Health Emergency and authorizing local governments to waive the procedures and formalities otherwise required of them by law as they pertain to (i) performance of public

work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community; (ii) entering into contracts; (iii) incurring obligations; (iv) employing permanent and temporary workers; (v) utilizing volunteer workers; (vi) renting equipment; (vii) acquiring and distributing, with or without compensation, of supplies, materials, and facilities; and (viii) appropriation and expenditure of public funds.

WHEREAS, on March 20, 2020, Governor Ron DeSantis issued Executive Order No. 20-69, suspending any Florida Statute that requires a quorum to be present in person or requires a local government body to meet at a specific public place and authorizing the use of telecommunications media technology such as telephonic and video conferencing, as provided in § 120.54(5)(b)2., Florida Statutes; and

WHEREAS experts anticipate that while a high percentage of individuals affected by COVID-19 will experience mild flu-like symptoms, some will have more serious symptoms and require hospitalization, particularly individuals who are elderly or already have underlying chronic health conditions; and

WHEREAS it is imperative to prepare for and respond to suspected or confirmed COVID-19 cases in the City of Winter Park, to implement measures to mitigate the spread of COVID-19, and to prepare to respond to an increasing number of individuals requiring medical care and hospitalization; and

WHEREAS the City must use all available preventative measures to combat the spread of COVID-19, which will require access to services, personnel, equipment, facilities, and other resources, potentially including resources beyond those currently available, to prepare for and respond to any potential cases and the spread of the virus; and

WHEREAS City is granted the authority under § 2(b), Art. VIII of the Florida Constitution, to exercise any power for municipal purposes, except when expressly prohibited by law; and

WHEREAS the City desires to cooperate with the aforementioned recommendations of the CDC and directives of the Governor's office while continuing to conduct its business, including public meetings of its City Commission; and

WHEREAS the City's Charter ordinarily requires a majority of its City Commission to be physically present to constitute a quorum;

WHEREAS to curb the spread of COVID-19 and avoid jeopardizing the safety of the public, its boards and Commission, and City staff, the City desires to conduct its meetings remotely via Communications Media Technology ("CMT") as permitted pursuant to the Governor's Executive Order No. 20-69 and must establish rules pertaining to the conduct of such meetings; and

WHEREAS this Resolution is authorized by Executive Orders Nos. 20-52 and 20-69; § 252.38, Florida Statutes; and any other applicable provisions of law; and

WHEREAS the City finds that this Resolution is in the interests of the public health, safety, and welfare.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COMMISSION OF THE CITY OF WINTER PARK AS FOLLOWS:

SECTION 1. Recitals. The above recitals are true and accurate and are incorporated herein.

SECTION 2. Waiver of Procedures and Formalities. The City Commission of Winter Park hereby acknowledges the statewide declaration of emergency issued by Governor DeSantis and opts to waive the procedures and formalities required of it by law as authorized by Executive Order No. 20-52, including those parts of the City’s Charter (*e.g.*, § 2.08(d)) that require a majority of the City Commission or any other boards of the City to be physically present to constitute a quorum. The City Commission further finds that due to the statewide declared state of emergency pursuant to Executive Order No. 20-52 and suspension of physical quorum requirements under Executive Order No. 20-69, participation in public meetings conducted via Communications Media Technology (“CMT”) during this state of emergency will not be subject to or otherwise count against the 3 meeting per calendar year limitation established for City Commission members by the recently adopted Charter Amendment #8 (*i.e.*, § 2.08(c) of the Charter). The Commission also opts to waive those procedures and formalities required of it by law with regard to those purchasing matters outlined in § 252.38(3)(a)5., Florida Statutes, for the purposes of testing and acquiring whatever CMT resources the City Manager deems appropriate and sufficient for the successful conduct of public meetings via CMT subject to purchasing limitations applicable to the City Manager in the purchasing policy. These waivers are retroactive to the effective date of Executive Orders Nos. 20-52 and 20-69 and will continue in effect throughout the duration of the Governor’s declared statewide state of emergency and the effective dates of Executive Orders Nos. 20-52 and 20-69 as such may expire, be extended, or otherwise terminated by the Governor.

SECTION 3. Public Meetings via CMT. During this declared state of emergency and in the interest of minimizing exposure to COVID-19, the City Commission, pursuant to the authority provided by the Governor’s Executive Orders No. 20-52 and 20-69, and § 252.38, Florida Statutes, the City Commission hereby resolves to allow itself and its various boards and bodies to meet via communications media technology (“CMT”), as permitted pursuant to § 120.54(5)(b)2., Florida Statutes, and § 2 of the Governor’s Executive Order No. 20-69. This Resolution establishes the procedures that will be followed by the City in conducting such meetings with CMT.

SECTION 4. Procedures. The following procedures are recommended for the conduct of meetings and may be adjusted from time to time as technical or practical issues or problems are encountered.

A. *Notice.* Notice of public meetings via CMT must be provided in the same manner as required for the City's non-CMT meetings.

B. *Platform and Technology.* The City Manager is authorized to select whatever information technology resources, including software and hardware, he/she deems necessary for implementation of public CMT meetings and may authorize trials of available resources to determine what technologies best serve the City in the conduct of public meetings via CMT. The City Manager shall endeavor to implement those technologies so as to best keep the meeting open to the public without requiring Commissioners, board members, City staff, or the public to be physically present at the meeting and otherwise be potentially exposed to or allowed to transmit COVID-19.

C. *Conduct of the Meeting.* Participating officials and employees should all be registered as panelist speakers, where each is provided his/her own unique PIN or login when dialing or signing in so that speakers may be tracked. Whomever is presiding over the CMT meeting should, at the beginning of such meeting, inform the public as to what to expect during the meeting and the method by which members of the public may participate and submit their comments and concerns to the Commission or board. To prevent crosstalk, the presiding officer will be responsible for recognizing speakers in turn, and staff will provide technical assistance in muting or unmuting any given speaker.

D. *Identification of Speakers and Topics.* Each speaker, prior to speaking or providing comment, should identify himself/herself with the understanding that persons virtually attending the meeting may not have video access and may not recognize the speaker by voice alone. Furthermore, to the extent feasible, staff should use the visual aspect of the meeting to display the topic that is currently being discussed for the benefit of all who may be watching or participating in the meeting.

E. *Public Participation Procedures.*

- (1) City staff shall make available a public comment form on the City's website during live meetings for members of the public to submit comments. Comments submitted during the meeting will be read into the official record during the meeting.
- (2) Comments provided prior to the meeting should be sent to MayorandCommissioners@cityofwinterpark.org. Consistent with the City's normal procedures for emails received prior to a City Commission meeting, the City Commissioners and staff will read these comments but such comments will not be read publicly into the records during the meeting.
- (3) For members of the public who do not have the ability to submit comments online, City staff will activate the public comment line at 407-

599-3410. The public comment line will be available only during live meetings. City staff will answer the calls and enter your verbal comments into the online system on your behalf. Such comments will be read during the meeting as part of the official record.

(4) All comments will be screened and not be read into the record if they violate City Commission or board decorum policies.

F. *General Guidelines.* The rules established herein are intended to provide a general framework for the conduct of public CMT meetings as authorized pursuant to the Governor's Executive Orders Nos. 20-52 and 20-69. The City Manager, Mayor, or Board Chair, as may be applicable, is authorized to make changes to these procedures as may be necessary to overcome technical difficulties or practical challenges in implementing public meetings via CMT, so long as such changes comport with Executive Order No. 20-69 and § 120.54(5)(b)2., Florida Statutes.

SECTION 5. Duration. This resolution shall continue throughout the declared state of emergency and the effective dates of Executive Orders Nos. 20-52 and 20-69 as such may expire, be extended, or otherwise be terminated by the Governor.

SECTION 6. Severability. If any portion of this resolution is finally determined by a court of competent jurisdiction to be invalid, unconstitutional, unenforceable or void, the balance of the resolution will continue in full force and effect.

SECTION 7. Effective Date. This resolution will become effective immediately and no longer be in effect after the conclusion of the Governor's declared statewide emergency and the expiration of Executive Orders Nos. 20-52 and 20-69, subject to any extensions or early terminations thereof as may be ordered by the Governor of the State of Florida.

READ AND ADOPTED this 30th day of March, 2020.

CITY OF WINTER PARK, FLORIDA

Steve Leary, Mayor

ATTEST:

Rene Cranis, City Clerk