

RESOLUTION 2020-12

A RESOLUTION OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, RELATING TO EMERGENCY MANAGEMENT, COVID-19 – LOCAL GOVERNMENT PUBLIC MEETINGS QUORUM AND OTHER MATTERS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on March 1, 2020, Florida Governor DeSantis issued Executive Order 20-51 directing the Florida Department of Health to issue a Public Health Emergency as a result of COVID-19, 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, Florida Governor DeSantis issued Executive Order 20-52 declaring a state of emergency for the entire State of Florida as a result of COVID-19, and

WHEREAS, on March 16, 2020, President Donald J. Trump and the Centers for Disease Control and Prevention (“CDC”) issued the “15 Days to Slow the Spread” guidance advising individuals to adopt far-reaching social distancing measures, such as working from home and avoiding gatherings of more than ten (10) people, and

WHEREAS, on March 17, 2020, Florida Governor DeSantis wrote a letter to Attorney General Ashley Moody seeking an advisory opinion regarding concerns raised by local government bodies about their ability to hold meetings through teleconferencing and other technological means in order to protect the public and follow the CDC guidance regarding social distancing, and

WHEREAS, on March 19, 2020, Attorney General Ashley Moody delivered an opinion to me indicating that certain provisions of Florida law require a physical quorum

be present for local government bodies to conduct official business, and that local government bodies may only conduct meetings by teleconferencing or other technological means if either a statute permits a quorum to be present by means other than in person, or that the in person requirement for constituting a quorum is lawfully suspended during the state of emergency, and

WHEREAS, it is necessary and appropriate to take action to ensure that COVID-19 remains controlled, and that residents and visitors in Florida remain safe and secure, and

WHEREAS, pursuant to Executive Order No. 20-69, issued by the Office of Governor Ron Desantis on March 20, 2020, municipalities may conduct meetings of their governing boards without having a quorum of its members present physically or at any specific location, and utilizing communications media technology such as telephonic or video conferencing, as provided by Section 120.54(5)(b)2, Florida Statutes.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PALM BAY, BREVARD COUNTY, FLORIDA, as follows:

SECTION 1. The City of Palm Bay wishes to establish procedures by which public virtual meetings shall be held pursuant to the Executive Order referenced above under the following procedures and adopts same which shall take immediate effect.

SECTION 2. The following are procedures for virtual public meetings held by the City of Palm Bay until the expiration of the Executive Order issued by Florida Governor DeSantis:

A. The meeting's published notice shall indicate the meeting is a virtual public meeting.

B. The City shall post procedures for virtual public meetings on the City's website.

C. **Public Comment.** Any person may be heard by the City Council, through the City Clerk and upon registering pursuant to the published notice for not more than three (3) minutes, on any proposition before the City Council, unless modified by the Council. Only one public comment may be submitted per meeting under the Public Comments heading; only one public comment may be submitted per agenda item, irrespective of the method.

1. Members of the public may provide comments via (321) 726-2740, a dedicated City of Palm Bay public comment voicemail. The telephone number shall be advertised on the City's website and included on the notice for the meeting; or

2. Members of the public may submit written comments by emailing the comments to publiccomments@palmbayflorida.org.

D. **Public Comment Submission Deadlines.** Comments submitted in compliance with this section will be included as part of the public record for the virtual meeting and will be considered by City Council prior to any action taken.

1. Voicemail messages must be recorded twenty-four (24) hours prior to the meeting;

2. Written public comments must be received twenty-four (24) hours prior to the meeting;

3. If you want to show a presentation while you speak, the electronic file must be provided to staff for screening no later than 2:00 P.M. on the day of the meeting.

E. **In-Person Appearance.** The City urges members of the public to remain at home and practice social distancing. Public meetings are not required to be held in a physical location if alternative methods allow public participation and observation. The City may provide accommodations for speakers desiring to appear in person, subject to all applicable legal and social distancing measures in place to prevent the further spread of COVID-19.

F. When addressing the City Council, the member of the public must first state his or her name, his or address, and state that the comment is for Public Comments or identify the specific agenda item.

G. If an individual decides to appeal any decision made by the City Council with respect to any matter considered at this meeting, a record of the proceedings will be required, and the individual will need to ensure that a verbatim transcript of the proceedings is made, which record includes the testimony and evidence upon which the appeal is based (Section 286.0105, Florida Statutes). Such person must provide a method for recording the proceedings verbatim.

H. In accordance with the Americans with Disabilities Act, persons needing special accommodations for this meeting shall, at least forty-eight (48) hours prior to the meeting, contact the Office of the City Clerk at (321) 952-3414 or Florida Relay System at 711.

I. Any person with a disability requiring assistance, auxiliary aids, and services for this meeting may notify the City Clerk.

SECTION 3. Virtual Meeting Access.

A. **Observing the Virtual Meeting.** The meeting will be broadcast for viewing by the public via the following channels:

1. The City's webpage (www.palmbayflorida.org);
2. The City's Facebook page (www.facebook.com/palmbayfl);
3. The Space Coast Government TV (SCGTV) channel. The broadcast on SCGTV will also have closed captioning.

SECTION 4. This resolution shall take effect immediately upon the enactment date.

This resolution was duly enacted at Meeting No. 2020- , of the City Council of the City of Palm Bay, Brevard County, Florida, held on , 2020.

William Capote, MAYOR

ATTEST:

Terese M. Jones, CITY CLERK