

EMERGENCY ORDINANCE 2020-08

AN EMERGENCY ORDINANCE OF THE CITY OF WESTLAKE, FLORIDA, AUTHORIZING THE CITY MANAGER TO MAKE PROVISIONS FOR ELECTRONIC ATTENDANCE BY ELECTED AND APPOINTED OFFICIALS AT CITY MEETINGS DURING PERIODS OF A DECLARED PUBLIC HEALTH EMERGENCY; PROVIDING FOR PUBLIC PARTICIPATION BY TELEPHONIC OR ELECTRONIC MEANS; PROVIDING FOR AUTOMATIC DELAY OF FINALITY OF OFFICIAL ACTION PENDING PUBLIC COMMENTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida law, including Florida statutes concerning public meetings and the rights of the public to participate in public meetings, including but not limited to Section 286.011, 286.0114, and 166.041, requires that meetings of elected and appointed officials follow procedures that ensure that the public is able to participate in and be aware of the decision-making process (the “Sunshine law”); and

WHEREAS, on or about March 9, 2020, the Governor of the State of Florida has issued Executive Order number 20-52 declaring a state of emergency exists in Florida and granting broad powers to local governments to suspend the application of statutes, rules, ordinances, and orders they administer and to waive the procedures and formalities otherwise required by law to ensure the health, safety, and welfare of the community; and

WHEREAS, on March 11, 2020, the World Health Organization declared the covid-19 outbreak a global pandemic; and

WHEREAS, the United States Centers for Disease Control and Prevention (CDC) has deemed it necessary to prohibit or restrict non-essential travel to or from certain countries of concern; and

WHEREAS, on or about March 20, 2020, the Governor of the State of Florida has issued Executive Order number 20-69, addressing Local Government Public Meetings, wherein said order suspended the requirements of a quorum be present in person, allows local governments to utilize communications media technology to conduct business, while maintaining the safeguards of Chapter 286, Florida Statutes; and

WHEREAS, on or about March 24, 2020, the Governor of the State of Florida has issued Executive Order number 20-83, implementing protective measures for vulnerable populations, gatherings of private citizens and density of the workforce where the Surgeon General and the State Health Officer are encouraging measures to protect the vulnerable populations; and

WHEREAS, on or about April 29, 2020, the Governor of the State of Florida has issued Executive Order number 20-112, allowing for electronic public meetings, said Executive Order was extended by Executive Orders 20-123, 20-139 and 20-150, which new order extends the time frame for Executive Order 20-69 for Local Government Public meetings, until August 1, 2020; and

WHEREAS, it is the innate responsibility of the governing body of each political subdivision of the state of Florida to safeguard the life and property of its residents, employees, and invitees; and

WHEREAS, it is the best interest of the citizens and resident of the City to immediately implement, on a temporary basis, emergency rules concerning attendance at and participation in public meetings due to the public health threat resulting from the spread of COVID-19; and

WHEREAS, the City Council finds that it is in the best interest of the personnel and citizens of the City to authorize the City Manager to provide, when the City Manager determines appropriate, for the City Council and members of the various Boards to be able to attend meetings electronically during a declared public health emergency; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WESTLAKE, FLORIDA THAT:

Section 1. The above referenced whereas clauses are incorporated herein by reference.

Section 2. The City Manager is hereby authorized to:

- a) Coordinate the ability of the City Council and the various Boards to meet electronically without the physical presence of a quorum of the City Council or the various Boards; and
- b) Prohibit or limit the physical attendance of the public at a City Council or Board meeting, provided that no action of the City Council or Board taken at such meeting shall be deemed final until:
 1. The complete video of the City Council meeting or Board meeting is posted on the City's website for no less than thirty-six (36) hours; and
 2. Members of the public are given forty-eight (48) hours from the first posting of the video of the meeting to post or communicate by telephonic, electronic or other written comments on any agenda item, including the right to make public comments.
- c) No action taken by the City Council or any Board during the temporary time frame where the public's physical participation is prohibited or limited will be deemed final unless:
 1. Forty-eight (48) hours after the item has been opened for public comment and there have been no public comments submitted; or
 2. Forty-eight (48) hours after the item has been opened for public comment and there have been public comments submitted, the item shall be ratified at the next agenda meeting.
- d) The City Manager shall implement the technology and administrative support as necessary to fulfill these objectives and to maintain a record of all public comments submitted to the City as provided herein.
- e) The posting of the video of the public meetings referenced herein shall contain a banner notifying the public of the time and date the video is first posted and the

deadline for submission of public comments. A dedicated phone number and dedicated email address shall be included in the banner to notify the public where to call to leave a telephonic

public comment or where to email public comment. All telephonic comments shall be noted and provided by the City Clerk. The public comments shall be included in the official minutes of the meeting.

- f) The City Manager is granted the authority to prohibit or limit attendance at future meetings based upon evolving State and Federal guidelines for the safety of the public. The City Manager shall provide a report to the City Council regarding all limitation on physical public participation and attendance at meetings.

Section 3. This ordinance is not intended to limit any additional ordinances or resolutions adopted by the City Council to address the COVID-19 public health pandemic. This emergency ordinance shall become effective immediately upon its passage but shall sunset on Saturday, August 1, 2020, unless extended by further Executive Orders by the Governor. Further extension by the Governor shall apply to the City of Westlake.

Section 4. This Emergency Ordinance shall not be codified.

PASSED AND ADOPTED this 2nd day of July 2020.

City of Westlake
Roger Manning, Mayor

Zoie Burges, City Clerk

Approved as to Form and Sufficiency
Pam E. Booker, City Attorney