

RESOLUTION NO. 2065-2020

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH ESTABLISHING RULES, PROCEDURES AND PROTOCOLS FOR CITY COUNCIL LIVE PUBLIC MEETINGS AND BRIEFINGS DURING THE PERIOD OF THE DECLARED PUBLIC HEALTH EMERGENCY CAUSED BY COVID-19; PROVIDING FOR ADOPTION OF RECITALS AND LEGISLATIVE FINDINGS, REPEAL OF INCONSISTENT RESOLUTIONS AND CITY COUNCIL DECISIONS, SEVERABILITY, DIRECTIONS TO THE CITY CLERK, AND AN EFFECTIVE DATE.

WHEREAS, on March 9, 2020, State of Florida Governor Ron DeSantis issued Executive Order No. 20-52 (“EO 20-52”) that declared a statewide public health emergency due to the dangers of COVID-19, and that authorized local governments to take any prudent action necessary to ensure the public health, safety, and welfare; EO 20-52 has been extended through September 5, 2020 (“Governor’s Declaration”), and officials expect it will be further extended; and

WHEREAS, on March 13, 2020, Duval County/City of Jacksonville Mayor, Lenny Curry, issued Emergency Executive Proclamation 2020-001 that declared a state of emergency due to the COVID-19 public health emergency in the Consolidated City of Jacksonville, including the City of Jacksonville Beach (“City”) (“County’s Proclamation”); on July 29, 2020, Mayor Curry issued Emergency Executive Proclamation 2020-006 that extended the County’s Proclamation; and

WHEREAS, pursuant to Section 252.38(3)(a)5., Florida Statutes, on March 13, 2020, the City issued a Declaration of a State of Emergency (“City’s Declaration”) to activate and implement safety and mitigation measures to protect the health, welfare, and safety of City residents, businesses, and staff against COVID-19 risks; the City’s Declaration has continually been extended to current date in accordance with Florida law; and

WHEREAS, on March 20, 2020, Governor DeSantis issued Executive Order No. 20-69, which suspended 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 permitted local government bodies to utilize communications media technology (“CMT”) such as telephonic and video conferencing, as provided in Section 120.54(5)(b)2., Florida Statutes; and

WHEREAS, at the City Council meeting held on April 6, 2020, the City Council unanimously approved the use of CMT and alternate start times to conduct City Council meetings and briefings in order to conduct City business during the public health emergency; and

WHEREAS, the Governor’s Declaration, the County’s Proclamation, the City’s Declaration, and many other emergency orders have been issued to implement safety measures and mitigation efforts to protect the public health, welfare, and safety; and

WHEREAS, public health officials consistently recommend avoiding close physical interaction between people in order to slow or help prevent the spread of COVID-19; and the U.S.

Centers for Disease Control (“CDC”) recommends social distancing and avoiding large group gatherings because the virus spreads through respiratory transmission and contact; and

WHEREAS, the intent and purpose of the Governor’s emergency orders, the Governor’s task force, and applicable CDC guidance, particularly in Phase II of opening the State of Florida, is to maintain the recommended safety protocols; and

WHEREAS, official reports and data show that the COVID-19 pandemic continues to be a health threat at the national, state, and local levels, and that governments should maintain precautionary proactive measures against the health dangers and transmission of COVID-19 to protect the public health, welfare, and safety of citizens; and

WHEREAS, the City Council is aware that special unprecedented rules and provisions must be made to ensure that City business and governance can occur without unnecessarily exposing either City personnel or the public to a risk of infection while ensuring public access and open government for City Council meetings and briefings; and

WHEREAS, Section 2-194(b)(1) of the City Code of Ordinances allows the procedures and formalities otherwise required of the City by law may be waived by the Mayor and City Manager jointly, and authorizes them to take whatever action is necessary to ensure the health, safety, and welfare of the community during a state of emergency; and

WHEREAS, Section 2-55 of the City Code of Ordinances defines an emergency measure as an ordinance or resolution to provide for the immediate preservation of the public peace, property, health or safety; section 2-56 of the City Code of Ordinances requires the affirmative vote of five (5) members of the City Council to enact an emergency measure; and

WHEREAS, on March 19, 2020, the Attorney General issued AGO 2020-03 which provides that “unless and until legislatively or judicially determined otherwise, if a quorum is required to conduct official business, 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 the in-person requirement for constituting a quorum is lawfully suspended by the Governor during the state of emergency”; and

WHEREAS, on August 7, 2020, Governor DeSantis issued Executive Order No. 20-193 which extends Executive Order No. 20-69 (previously extended by Executive Orders 20-121, 20-123, 20-139, and 20-150) 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 permits local government bodies to utilize CMT such as telephonic and video conferencing, as provided in Section 120.54(5)(b)2., Florida Statutes, through 12:01 a.m. on October 1, 2020; and it is anticipated that the use of CMT will not be extended past that time; and

WHEREAS, the purpose of Florida Statutes, Chapter 252, Emergency Management, as set out in Section 252.32(1), Florida Statutes, is “to protect the public peace, health, and safety and to preserve the lives and property of the people of this state” and Section 252.32(1)(b), Florida Statutes is “to confer upon ... the governing body of each political subdivision (any county or municipality) the emergency powers provided herein”; and

WHEREAS, Section 252.46, Florida Statutes, authorizes and empowers municipalities to make, amend, and rescind such orders and rules as are necessary for emergency management purposes, and to supplement the carrying out of the provisions of the State Emergency Management Act (Florida Statutes Sections 252.31-252.60); and

WHEREAS, Section 252.34(5)(c), Florida Statutes, provides that emergency management means the preparation for, the mitigation of, the response to, and the recovery from emergencies and disasters, and which specific emergency management responsibilities include response to emergencies using all systems, plans, and resources necessary to preserve adequately the health, safety, and welfare of persons or property affected by the emergency; and

WHEREAS, the policy and intent in Section 252.38, Florida Statutes is that safeguarding the life and property of its citizens is an innate responsibility of the governing body of each political subdivision, and the power is granted to provide for the health and safety of persons; and

WHEREAS, public City Council meetings are designated as limited public forums by the Supreme Court; this allows reasonable regulations, policies or rules that do not attempt to suppress speech or a speaker, based on the disagreement with said speaker's views; and

WHEREAS, under Section 252.46(2), Florida Statutes, this Resolution shall serve as an order that will have full force and effect of law when filed in the office of the City Clerk, and all existing laws, ordinances, and rules inconsistent with the provisions of this Resolution shall be suspended during the period of time and to the extent that such conflict exists; and

WHEREAS, the City Council finds that when virtual/CMT local government meetings are no longer authorized by the Governor, it is in the best interest of the health, welfare, and safety of the community to adopt this emergency measure Resolution to conduct City Council meetings and briefings in order to continue City business in a hybrid format of rules, procedures and protocols to allow public access, attendance and meeting participation.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, THAT:

SECTION 1. Adoption of Recitals and Legislative Findings. The foregoing recitals and legislative findings are deemed true and material parts of this Resolution and are fully incorporated herein by reference.

SECTION 2. City Council Meetings and Briefings During the COVID-19 Declared State of Emergency.

I – City Council Meetings.

- A. Effective October 1, 2020, and during the declared state of emergency either on the state, county or City level, the City Council meetings will begin at 6:00 p.m., otherwise, all other aspects of Sec. 2-16 - *Public Meetings*, City Code of Ordinances remain in effect.
- B. Council Members must be physically present in Chambers during any City Council meeting in order to vote on any action item, Ordinance or Resolution that is before the City Council.

- C. Chambers seating will be configured to allow for social distancing (six feet distance or greater) between Council Members, City staff, and the public.
- D. Chamber occupant load capacity will be based on seating arrangement and allowance for six feet social distancing. This number will change as the room set up changes. At no time will the occupant load be greater than 50% of the normal Chamber occupant load.
- E. Face coverings or masks for all people in Chambers are encouraged and recommended at all times. If social distancing cannot be maintained then face coverings or masks will be required.
- F. City staff and the public will utilize personal protective equipment (“PPE”) while in Chambers. The public is encouraged to bring their own PPE. The City will have PPE available, but cannot guarantee adequate supplies for all meeting participants.
- G. The meetings will be conducted in a hybrid format to allow public attendance and participation in-person, and also by using alternative methods.
- H. Public speaker cards will not be used during City Council meetings. A public speaker who is present in Chambers may raise his/her hand to be recognized to speak on an agenda item or during the courtesy of the floor portion of a meeting. The Mayor will call upon those members of the public who wish to speak for a maximum of three minutes.
- I. Citizens may also continue to participate and speak on specific agenda items by submitting comments via email, an online submission form, U.S. Mail, or submit in the drop box at the East entrance of City Hall before the scheduled agenda meeting. All submissions will be read into the record. All submissions become public record. All submissions will be limited to three minutes reading time. Submissions should include the speaker’s name and address. If the submission is made on behalf of a business then the business name and address should be provided. Information on how to use these modes of participation will be published to the public on the City Council meeting agenda notices and the City’s website.
- J. Members of the public and organizations who attend a meeting in person are encouraged to bring the minimum number of persons necessary to speak on that particular item or topic.
- K. City staff are instructed to bring the minimum number of staff needed to address a particular agenda item.

II – City Council Briefings.

- A. Effective October 1, 2020, City Council briefings held on the second and fourth Mondays of each month will be held virtually using CMT starting at 5:30 p.m.
- B. The public will be provided the options to attend, view, and listen to briefings using CMT.

III – City Council Meetings and Briefings.

- A. The City Manager and City Attorney are authorized to take any actions that will ensure compliance with the Sunshine Law and to provide technology and administrative support as necessary to fulfill these objectives as they relate to City Council meetings and briefings.

- B. These rules, measures, and procedures are designed and intended to follow the CDC health safety recommendations/mitigation and to protect the safety, health, and welfare of the community, City staff and Council Members.
- C. Pursuant to Florida law, this Resolution shall be deemed permissive regulations that are enforceable as law. This Resolution and rules set forth herein may be enforced by the City Police Department law enforcement officers, Code Enforcement officials, Fire Marshal and their designees.
- D. With the exception of each of the modifications and rules set forth herein, City Code of Ordinances Chapter 2 - *Administration*, Article II – *City Council*, Division 1 - *Generally*, Division 2 – *Rules of Order*, and Division 3 – *Procedures for adoption of ordinances and resolutions*, shall otherwise be unchanged and continue to be in effect.

SECTION 3. Repeal of Prior Inconsistent Resolutions and City Council Decisions.

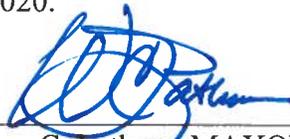
All prior resolutions or parts of resolutions, and prior City Council decisions that are in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 4. Severability. If any section, sentence, clause, or phrase of this Resolution should be held invalid, unlawful, or unconstitutional, said determination shall not be held to invalidate or impair the validity, force, or effect of any other section, sentence, phrase, or portion of this Resolution not otherwise determined to be invalid, unlawful, or unconstitutional.

SECTION 5. Directions to City Clerk. Upon adoption of this Resolution, the City Clerk shall cause the Resolution to be properly filed and recorded in the City Clerk’s office.

SECTION 6. Effective Date. This Resolution shall become effective immediately upon passage and adoption by City Council.

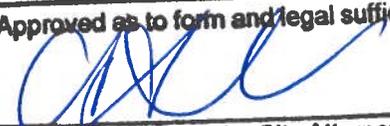
AUTHENTICATED this 8th day of September, 2020.



William C. Latham, MAYOR



Laurie Scott, CITY CLERK

Approved as to form and legal sufficiency:

Chris Ambrosio, City Attorney