

VILLAGE OF KEY BISCAYNE, FLORIDA
OFFICE OF THE VILLAGE MANAGER
EMERGENCY ORDER 20-8

April 21, 2020

On March 20, 2020, due to health and safety concerns related to COVID-19, Governor DeSantis issued Executive Order 20-69, "Emergency Management - COVID-19 Local Government Public Meetings." Pursuant to Executive Order 20-69, "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" is suspended, and the Village is authorized to hold public meetings through the use of communications media technology ("CMT"), subject to the adoption of rules pursuant to Section 120.54(5)(b)2, Fla. Stat.

On March 30, 2020, as the Village Manager of the Village of Key Biscayne, I issued Emergency Order 20-4 providing the Village's "Rules of Procedures for Public Meetings Utilizing Communications Media Technology." In accordance with Chapter 252, Florida Statutes and Chapter 9 of the Village Code, and the Village's Declaration of a State of Emergency issued at 4:20 p.m. March 13, 2020, I hereby issue the following "Virtual Quasi-Judicial Hearing Procedures," which shall supplement the "Rules of Procedures for Public Meetings Utilizing Communications Media Technology" issued in Emergency Order 20-4:

Village of Key Biscayne Virtual Quasi-Judicial Hearing Procedures

1. Virtual quasi-judicial hearings shall be conducted in an informal manner.
2. The Village Clerk will confirm compliance with all advertising and notice requirements.
3. The Village Clerk will swear in all witnesses immediately prior to speaking on a quasi-judicial item.
4. The Village Staff's presentation, if any, will be pre-recorded and will be introduced.
5. The Applicant's presentation, if any, will be pre-recorded and will be introduced.
6. All witnesses are subject to cross-examination by the Village Staff, Village Council, and the Applicant.
7. Any member of the public may speak on the quasi-judicial item. The individual's name and address must be provided prior to delivering any remarks. If the Village Staff, Village Council or Applicant want to cross-examine a member of the public, they must do so immediately following the individual's remarks.
8. The Applicant and Village Staff will make concluding remarks, if any.
9. The public hearing will then be closed. Once the public hearing is closed, no further presentations or testimony shall be permitted. However, the Village Council may ask questions of Village Staff or the Applicant after the public hearing is closed.
10. The Village Council will make their comments, ask questions, deliberate, and then announce its decision by vote of the Village Council.
11. The Village Council reserves the right to limit or prohibit redundant or irrelevant evidence, testimony, or questions and may set reasonable time limits.

12. The Village's Comprehensive Plan, Code of Ordinances, material in the Village Council's agenda backup, and the Village Staff resumes on file with the Village Clerk will automatically be considered as evidence without authentication.
13. Any documents or evidence that the Applicant or any member of the public wishes to be admitted into evidence during his or her presentation (including but not limited to any documents or other evidence not contained in the agenda back up, all supplemental materials, Powerpoint/computer presentations, and statements related to the application) shall be provided to the Village Clerk in electronic format no later than 12:00 p.m. five business days prior to the date of the virtual quasi-judicial hearing. Notwithstanding the foregoing, for any hearings that are scheduled for April 28, 2020, the deadline shall be Monday, April 27, 2020 at 12:00 p.m.
14. Although the Village Council may listen to non-expert opinion and public sentiment, its decision must be based upon competent substantial evidence presented to it at the virtual quasi-judicial hearing.
15. If the Applicant or agent of the Applicant agrees with the Village Staff's recommendation and wishes to waive his or her right to a quasi-judicial hearing, and if no Councilmember or any member of the public wishes to speak for or against the quasi-judicial agenda item, the Village Council may vote on the item based upon the materials in the agenda back-up, without any discussion or debate on the item.
16. The Village is only conducting virtual quasi-judicial hearings if requested by an Applicant; otherwise, quasi-judicial hearings will be scheduled for the next available regularly scheduled Village Council meeting where all individuals may attend the hearing in person in Village Council Chambers. Therefore, by proceeding with the hearing using Communication Media Technology (CMT) and these procedures, the Applicant indemnifies and holds the Village harmless against any causes of action brought by third parties and waives any action against the Village for conducting the hearing using Communication Media Technology (CMT) and these procedures.

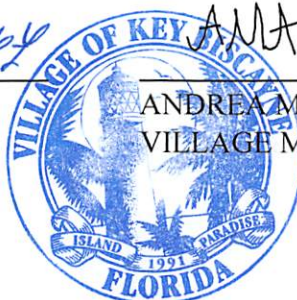
This Emergency Order shall expire on the earlier of the expiration of the Village's Declaration of Emergency issued March 20, 2020, or the expiration of the Governor's Executive Order 20-52, including any extensions to either. This Emergency Order may be cancelled earlier by action of the Village Manager.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the Village of Key Biscayne to be affixed this 21st day of April, 2020 at 4:00 p.m. (EST).

ATTEST:



CONCHITA ALVAREZ, MMC
VILLAGE CLERK



AMA
ANDREA M. AGHA
VILLAGE MANAGER