

EMERGENCY ORDER 2020-04

EMERGENCY PROCEDURES FOR CONDUCTING PUBLIC MEETINGS USING COMMUNICATION MEDIA TECHNOLOGY (CMT)

On March 12, 2020 a State of Emergency was declared in the City of Lauderdale Lakes by the City Mayor as a result of the Novel Coronavirus Disease 2019 ("COVID-19"), which was effectively reaffirmed and ratified on March 17, 2020 pursuant to the City Commission's adoption of Resolution 2020-020 and Resolution 2020-021.

The COVID-19 is a global pandemic that spreads rapidly from person to person and may result in serious illness or death. The community mitigation strategy from the United States Centers for Disease Control and Prevention ("CDC") and the Florida State Department of Health recommend the implementation of community mitigation strategies to increase containment of the virus. Such recommendations include the cancelation of large events and mass gatherings as well as implementing social distancing measures, such as staying six (6) feet away whenever practicable from other persons, excluding immediate family members, caretakers or, household members.

On March 17, 2020, the City Commission adopted Resolution 2020-020, declaring a Local Public Emergency in the City of Lauderdale Lakes as a result of the COVID-19.

On March 17, 2020, the City Commission also adopted Resolution 2020-021 cancelling all public meetings, large events and mass gatherings of ten (10) or more persons within the City.

Notwithstanding the existing declared public emergency caused by the COVID-19 pandemic, the City Commission of the City of Lauderdale Lakes still retains ultimate responsibility and authority to publicly meet for the purposes of taking official acts, such as adopting resolutions, ordinances, rules or other formal actions providing for the general health, safety and welfare of the City's residents, businesses, and visitors, and otherwise conducting municipal government, performing municipal functions, and rendering of municipal services, including such additional acts and measures necessitated, but as yet unknown, caused by or arising from the COVID-19 pandemic.

The range of public matters upon which the City Commission and Boards have continuing municipal responsibility and jurisdiction includes, without limit, the following municipal functions and services affecting the general health, safety and welfare of the City:

1. Consideration of ordinances providing for amendment to the City Charter and City Code of Ordinances;
2. Consideration of resolutions approving agreements between the City and the other state, regional and local public agencies and private vendors;

3. Consideration of applications to amend the official zoning map, or conditional uses, or variances, or site plan approval, or revision to the City Code of Ordinances.

The Sunshine Law under Section 286.011, Florida Statutes, generally provides that all meetings of a commission or board are declared to be public meetings and open to the public at all times, and further requires reasonable notice and an opportunity to be heard by members of the public.

As a result of the COVID-19 pandemic, on March 20, 2020, the Governor of the State of Florida, entered Executive Order Number 20-69 ("Executive Order"), suspending any Florida Statute that requires a quorum to be physically present or that requires a local government body to meet at a specific place, and providing that local government bodies may utilize communications media technology ("CMT"), such as telephonic and video conferencing, as provided in section 120.54(5)(b)2, Florida Statutes.

This Emergency Order is necessary to limit the potential community spread of COVID-19 and thereby protect the lives, health, welfare, and safety of the City's residents and neighboring communities from the devastating impacts of this pandemic.

Based upon the findings set forth and described in this Emergency Order, emergency action is necessary to provide procedures for conducting public meetings, hearings, workshops, and for taking evidence, testimony, and argument at such public meetings, hearings, and workshops, in person and by means of communications media technology, which is necessary to mitigate immediate danger to the public health, safety and welfare of the City; and further finding that the procedures ordered herein are fair under present circumstances.

Pursuant to Section 252.38(3) and 252.46, *Florida Statutes* and Section 1.01, Section 2-212 of the Charter of the City of Lauderdale Lakes, as well as Article IV, Section 2-121, City Code of Ordinances, the City has the power to issue emergency orders with the force of law. The City Manager, pursuant to Section 3 of Resolution 2020-020 is authorized to issue Emergency Orders.

IT IS HEREBY ORDERED:

SECTION 1. ADOPTION OF RECITALS: The foregoing RECITALS are hereby ratified and confirmed as being true, and the same are hereby incorporated by reference and made part of this Emergency Order.

SECTION 2. EMERGENCY PROCEDURES CONDUCTING PUBLIC MEETINGS: The City Commission and Boards, in accordance with Executive Order 20-69 may utilize *communication media technology* such as telephonic and video conferencing in order to conduct public meetings, hearings, workshops, and take evidence, testimony and argument at such public meetings, hearings or workshops, subject to the City's compliance with the following additional procedures:

A. Application and Construction.

- i. The City Commission may conduct regular, special or workshop meetings by using CMT and may provide CMT access to a quasi-judicial proceeding for purposes of taking evidence, testimony, or argument. Except as otherwise provided for in these Emergency Procedures, the general rules of procedure set forth in Chapter 2, Article II of the City Code of Ordinances and other applicable Florida law, including Chapter 286, F.S. apply.
- ii. As used in this Emergency Order, "Communications Media Technology" means the electronic transmission of printed matter, audio, full-motion video, freeze-frame video, compressed video, and any digital video by any method available, including telephonic and video conferencing.

B. Government in the Sunshine.

- i. While these Emergency Procedures permit the City to conduct its public meetings, hearings, workshops or proceedings by means of CMT, they are also intended to ensure that members of the public, interested or affected persons have reasonable access to attend such meetings, workshop, hearings or proceedings.

C. Notice to Members of the Public, Interested or Affected persons.

When the City determines to conduct a CMT public meeting, hearing, workshop or proceeding, it shall provide notice in the same manner as required for a non-CMT public meeting, hearing, workshop or proceeding pursuant to the City Code of Ordinances or other applicable law, provided however such notice shall (a) plainly state that such public meeting, hearing, workshop or proceeding is to be conducted utilizing CMT and (b) identify the specific type of CMT to be used.

The notice shall describe how members of the public and interested persons may attend and be provided with a reasonable opportunity to be heard and shall include:

- i. The physical and/or electronic addresses of all publicly available access points, specifically designating those which are in locations normally open to the public.
- ii. The physical and/or electronic addresses of each access point where a member of the public or an interested person may go for the purpose of attending the proceeding.
- iii. An address, electronic mail address, and telephone number where a member of the public or an interested person may write or call for additional information.

- iv. The physical and/or electronic addresses and designated person and manner in which a member of the public may submit petitions, questions, comments during a CMT public meeting or hearing or written or other physical evidence which an interested person intends to offer into evidence during a CMT proceeding.

SECTION 3. SEVERABILITY: Any provision of this Emergency Order that is deemed unlawful by a court of competent jurisdiction shall be deemed inapplicable and severed from this Emergency Order with the remaining intact and in full force and effect.

SECTION 4. CONFLICTS: That all Ordinances or parts of Ordinances, Resolutions or parts thereof in conflict herewith, are and the same are hereby superseded and suspended to the extent of such conflict for the purposes and duration of this Emergency Order.

SECTION 5. EFFECTIVE DATE: This Emergency Order is effective as of this 17th day of April 2020 and shall stay in full force and effect until as long as the Local Public Emergency is in effect, as may be amended or extended.

ORDERED ON AND FILED WITH THE CITY CLERK OF THE CITY OF LAUDERDALE LAKES ON APRIL 17, 2020.

Ordered by: _____


Phil Alleyne, City Manager