

**MAYORAL EXECUTIVE ORDER 08-2020**

**PUBLIC MEETING PROCEDURES**

**(Communications Media Technology)**

On March 9, 2020, Governor Ron DeSantis signed Executive Order No. 20-52, thereby declaring a public health emergency in the State of Florida due to public health threat resulting from the spread of the Novel Coronavirus Disease 2019 (“COVID-19”); and

On March 10, 2020, Broward County Administrator Bertha Henry declared a state of emergency in Broward County; and

On March 11, 2020, the World Health Organization declared the COVID-19 outbreak a global pandemic; and

On March 19, 2020 a State of Emergency was declared in the City of Plantation relating to COVID-19; and Since the outbreak of COVID-19 numerous local governments and multiple states have adopted various versions of “stay at home” and “safer at home” orders. These orders are designed to protect the health and well-being of the community, to create social distancing, and to minimize contact in an effort to limit community spread of COVID-19; and

On March 26, 2020, Mayor Stoner issued Mayoral Executive Order 02-2020 (Safer at Home) directing residents to stay at home; and

On March 30, 2020, Governor Ron DeSantis issued Executive Order No. 20-89 restricting public access to businesses and facilities deemed non-essential in Miami-Dade County, Broward County, and Palm Beach County; and

On April 1, 2020, Governor Ron DeSantis issued Executive Order No. 20-91 imposing a statewide Safer at Home Order; and

On March 20, 2020, Governor Ron DeSantis issued Executive Order No. 20-69 (the “Order”), thereby suspending any statutory requirement that a physical quorum be present in order to conduct a meeting of a local government body; and

On May 4, 2020, Governor Ron DeSantis issued Executive Order No. 20-112, extending the term of the Order for the duration of Executive Order No. 20-112; and

On May 8, 2020, Governor Ron DeSantis issued Executive Order No. 20-114 extending the state of emergency declared in Executive Order 20-52 until July 7, 2020; and

The Order further authorizes a local government body to utilize communications media technology (“CMT”), such as telephonic and video conferencing, as provided in Section 120.54(5)(b)(2), F.S., to conduct a public meeting; and

The City of Plantation should conduct any public meeting pursuant to section 286.011 F.S utilizing CMT consistent with the Order and fully compliant with the Sunshine Law, and provide the utmost transparency and opportunity for public access and participation while ensuring that all necessary and appropriate steps are taken to protect the health, safety and welfare of the citizens and residents of the City; and

On April 22, 2020, Mayor Stoner issued Mayoral Executive Order 05-2020 (Public Meeting Procedures (Communications Media Technology)) adopting the procedures for public meetings, including but not limited to meetings of the City Council, Boards, Committees, and staff meetings pursuant to section 286.011 F.S. utilizing communications media technology; and

This Mayoral Executive Order is necessary to establish procedures to conduct Quasi-Judicial hearings at City meetings, including but not limited to meetings of the City Council, Boards, Committees, and the Special Magistrate pursuant to section 286.011 F.S. utilizing communications media technology; and

In accordance with section 4. D. of Governor Ron DeSantis' Executive Order No. 20-52, the City of Plantation is authorized to waive the procedures and formalities otherwise required by law.

Pursuant to the City Charter, Section 252.46, Florida Statutes, and section 2-452 et. seq., of the City's code of ordinances, the Order, and all other applicable laws, the Mayor has the power to issue emergency orders with the force of law. **IT IS HEREBY ORDERED:**

**Section 1.** The City of Plantation hereby adopts the following procedures for public meetings, including but not limited to meetings of the City Council, Boards, Committees, and staff meetings pursuant to section 286.011 F.S. utilizing communications media technology:

- 1) Notice for all "virtual" meetings shall be prepared and posted in accordance with Section 120.54(5)(b)(2), F.S., and Ch. 28-109, F.A.C., along with the City's Code of Ordinances and other applicable local and state law.
- 2) The Mayor and Members of the City Council, Boards, Committees, and City staff may attend meetings remotely utilizing CMT. The City's IT Department shall assist to ensure that the Mayor and all members of the City Council, Boards, Committees, and necessary City staff, as determined by the Mayor, have access to the public meeting. Pursuant to the Order, a physical quorum of the City Council, Board, Committee, or City staff meeting required to comply with section 286.011, F.S. is not required to hold a meeting and conduct official business. In the event that a physical quorum is not present, a virtual quorum shall be required in order to hold a meeting and conduct official business.
- 3) City Hall, and other City buildings, at the discretion of the Mayor, may be closed to the public. In the event that City Hall or other City buildings are closed to the public, the public shall not be permitted to physically attend meetings of the City

Council, Board, Committee, or City staff. This restriction is intended to ensure compliance with the CDC recommendations and Mayoral Executive Order 02-2020 prohibiting gatherings of more than ten (10) people.

4) PUBLIC COMMENT PROCEDURES:

Any member of the public wishing to comment publicly on any matter, including on items on the agenda, may submit their comments by email to [sslattery@plantation.org](mailto:sslattery@plantation.org). All comments submitted by email that, if read orally, are three minutes or less shall be read into the record. All comments submitted by email shall be made a part of the public record. Public comments may also be submitted during the meeting, through Zoom Technology. Any member of the public who wishes to provide public comments virtually, may do so by submitting a written statement to [sslattery@plantation.org](mailto:sslattery@plantation.org). Any comments received by 12:00 pm the day prior to the meeting will be read during the public comment period.

To ensure public comments are read at the proper meeting, the email must include:

- a) The date of the meeting comments are intended for;
- b) Your Name;
- c) Whether or not you live in the City of Plantation; and
- d) Agenda items and/or subject your comments refer to.

Emails without this information may not be read into the record at the meeting. Three minutes are allowed for comments. A dial in phone number will also be provided for public comment by phone. In accordance with normal procedure,

messages of an overly repetitive or inappropriate (vulgarity) nature may be declined to be read. If any member of the public requires additional information about this City Commission meeting or has any questions about how to submit a public comment at the meeting, please contact:

Susan Slattery, City Clerk  
City of Plantation  
City of Plantation  
401 NW 70 Terrace  
Plantation, FL 33317  
(954) 797-2719  
[sslattery@plantation.org](mailto:sslattery@plantation.org).

- 5) **QUASI-JUDICIAL PROCEDURES:** Mayoral Executive Order 05-2020 is amended as provided for herein, with underlined text indicating additions. For all Applications requiring Quasi-Judicial hearings before the City Council, a City Board, a Special Magistrate or a City Committee (“Quasi-Judicial Body”) the following rules apply:

**GENERAL PROCEDURES**

(a) The City’s Rules of Decorum apply to virtual Quasi-Judicial hearings.

(b) Individuals who disrupt a virtual Quasi-Judicial hearing are subject to removal from the virtual hearing following appropriate notice and warning.

(c) The Quasi Judicial Body may set reasonable limits on the length of time a representative or witness may speak.

(d) When an Application has progressed to the point of scheduling a Quasi-Judicial hearing (as determined by the City), Applicants shall choose either (i) delaying consideration of their Application and proceeding with the Quasi-Judicial hearing after the Declared Emergency has ended at a meeting that does not utilize CMT; or (ii) proceeding

during the Declared Emergency, while the City is utilizing CMT to conduct a Virtual Quasi-Judicial Hearing, with consideration of their Application pursuant to the City's adopted CMT procedures. Such election by an Applicant shall be provided in writing.

(e) Virtual Quasi-Judicial Hearing. The Virtual Quasi-Judicial Hearing shall be held through the use of CMT.

(f) Witnesses and evidence. Each affected party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine witnesses and to present rebuttal evidence. Any affected party may waive on the Record the opportunity to cross-examine any other affected parties (and the parties' witnesses).

(g) Ex-Parte Communications shall be governed pursuant to Section 1-15, Plantation City Code and consistent with applicable Florida law.

(h) Duties of Staff. Staff shall have the responsibility of presenting the Application on behalf of the City. The Staff report on the Application shall be made available to the Applicant and the Quasi-Judicial Body no later than five (5) days prior to the Virtual Quasi-Judicial Hearing on the Application (as may be supplemented by Staff).

(i) Official file. All written communications received by the Quasi Judicial Body or City Staff concerning an Application, the Staff report on the Application, any petitions or other submissions from the public or other affected party, and all other documents pertaining to the Application received prior to the hearing shall become a part of and shall be filed in the official file for the Application, which shall be maintained by City Staff. The City of Plantation Comprehensive Plan and the City Code of Ordinances, as applicable, shall be deemed to be part of the official file. The contents of the official file shall be deemed entered in the record of the Virtual Quasi-Judicial Hearing on the Application without any action.

(j) Meeting agenda. The agenda for the meeting at which the Virtual Quasi-Judicial Hearing is scheduled to take place shall explain the procedures for accessing the Virtual Quasi-Judicial Hearing. A copy of the

meeting agenda, along with the agenda materials for the Application shall be posted on the City's website in addition to any other posting required by the City Code.

(k) Applicant Materials. The Applicant shall submit all supplemental materials, presentations, and statements related to the Application to the City or the CRA, as applicable, in electronic format no later than three (3) business days prior to the date of the Virtual Quasi-Judicial Hearing, which shall be provided to the Quasi-Judicial Body for review with the other hearing materials. Provided that all materials shall be posted and placed on the agenda at least forty-eight (48) hours prior to the meeting of the Quasi-Judicial Body.

(l) Public comment. Members of the public that desire to submit comments regarding the Application to be heard at the Virtual Quasi-Judicial Hearing may submit their comments, pursuant to the Technical Information for CMT meetings provided in the Notice to the Meeting and provided for on the City's website prior to the meeting and consistent with Section 4 above.

(m) Virtual Quasi-Judicial Hearing Procedures. A copy of these Virtual Quasi-Judicial Hearing Procedures shall be posted on the City's website.

(n) Notice. Notice requirements as contained in the City Code of Ordinances, as applicable, and Florida Statutes shall apply to the Virtual Quasi-Judicial Hearing. Any notice for a matter to be heard at a Virtual Quasi-Judicial Hearing shall include a reference to the Virtual Quasi-Judicial Hearing Procedures and provide the method and access to view and provide comment during the meeting at which the Virtual Quasi-Judicial Hearing will occur.

(o) Technical Malfunction During Hearing. In the event the City's CMT malfunctions during the Virtual Quasi-Judicial Hearing, the City shall use its best efforts to provide notice to all parties as to the date and time of the continuation of the Virtual Quasi-Judicial Hearing. Malfunction of an individual's CMT equipment, including, but not limited

to, computers and/or telephones, shall not require continuation of the Virtual Quasi-Judicial Hearing, provided the City's CMT continues to function.

### **HEARING PROCEDURES**

The Virtual Quasi-Judicial Hearing shall, to the extent possible, be conducted as follows:

- a) The City Clerk announces the agenda item.
- b) Consistent with Administrative Order No. AOSC20-23 Amendment 1 Supreme Court of Florida, the City Attorney or City Clerk swears in all witnesses remotely. It shall be the obligation of a speaker, prior to offering any testimony, to advise the Quasi-Judicial Body if they have not been sworn in and confirm they understand the rules provided prior to the conduct of the hearing so that they may be so sworn prior to offering testimony.
- c) The City Attorney or the City Clerk outlines the hearing procedure, including a statement that any member of the Quasi-Judicial Body may, at any time during the presentation of testimony, question any witness.
- d) The Council President or meeting chairperson shall call for disclosure of ex parte communications. Such disclosures shall be made in accordance with these procedures.
- e) Attorneys or other individuals acting in a representative capacity make their appearances.
- f) City staff members shall present the item and make recommendations for approval, approval with conditions, or denial of the Applications. Staff may introduce any appropriate additional exhibits, materials or information, which have not already been transmitted to the Quasi-Judicial Body along with the agenda materials, as Staff desires. Staff may also introduce and present the testimony of any Experts or other witnesses at the hearing.



- g) The City Clerk or Staff, as applicable, shall advise that any comments in support of, or in opposition to, the Application that were timely received prior to the Virtual Quasi-Judicial Hearing were made available for review and made a part of the record.
- h) The Applicant presents its case; including any exhibits and testimony of any experts or other witnesses and a statement on the record of acceptance, acceptance with conditions, or objection to the recommendation of City Staff.
- i) Public offer comments pursuant to the technical information for CMT meetings provided for in the Meeting Notice.
- j) Rebuttal evidence and cross-examination of witnesses by applicant. Closing comments by applicant.
- k) Any Re-questioning of witnesses shall, strictly limited to newly raised facts or opinions and closing comments.
- l) Deliberation and questions by the Quasi-Judicial Body.
- m) The Quasi-Judicial Body's decision(s) must be based upon Competent Substantial Evidence entered in the record.
- n) The Quasi-Judicial Body may, on its own motion or at the request of any Party, continue the hearing to a fixed date, time, and place, and all requests for continuance shall be granted or denied at the discretion of the Quasi-Judicial Body.
- o) The City Clerk shall maintain custody of all recordings of testimony, evidence, and documents submitted into evidence at the Virtual Quasi-Judicial Hearing in the same manner as non Virtual Quasi-Judicial hearings.

- 6) All actions of the City Council, Board, Committee, or City staff shall be taken by a roll call vote. If during any virtual public meeting, the technology utilized by the City fails or if such technology is insufficient to permit all interested members of the public to attend, the virtual public meeting shall cease immediately until such problems have been resolved.

**Section 2.** Notwithstanding anything contained to the contrary in the City of Plantation Charter, Code of Ordinances, uncodified ordinances, rules, regulations or policies, any requirement that a physical quorum be present for public meetings of the City Council, Boards, Committees, and staff required to be public pursuant to section 286.011 F.S. utilizing communications media technology is hereby suspended.

**Section 3.** This Emergency Order is effective immediately and shall remain in full force and effect as long as Governor Ron DeSantis' Executive Order No. 20-69 is in effect, as may be amended and extended.

**ORDERED ON AND FILED WITH THE CLERK OF THE CITY OF PLANTATION ON May 26, 2020.**

Ordered by:

  
Lynn Stoner, Mayor