

**CITY OF WESTON, FLORIDA  
EMERGENCY ORDER NO. 2020-16**

WHEREAS, First, Novel Coronavirus Disease 2019 (“COVID-19”) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza; and

WHEREAS, Second, on March 2, 2020, Governor DeSantis issued Executive Order 20-51, directing the Florida Department of Health to issue a Public Health Emergency; and

WHEREAS, Third, on March 9, 2020, the Governor issued Executive Order 20-52, providing political subdivisions within the State with the authority to waive procedures and formalities otherwise required by law pertaining to:

- performing of public work and taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community;
- entering into contracts;
- incurring obligations;
- employment of permanent and temporary workers;
- utilization of volunteer workers;
- rental of equipment;
- acquisition and distribution, with or without compensation, of supplies, materials and facilities;
- appropriation and expenditure of public funds; and

WHEREAS, Fourth, on March 16, 2020, the City of Weston declared a State of Local Emergency, which has been extended each week thereafter (the “COVID-19 State of Emergency”); and

WHEREAS, Fifth, on March 17, 2020, the Governor issued Executive Order 20-68, setting forth, among other things, certain requirements for bars, pubs, nightclubs and restaurants; on March 20, 2020, the Governor issued Executive Order 20-71, setting forth, among other things, additional and supplemental requirements for alcohol sales and restaurants and bars; and

WHEREAS, Sixth, Section 60.03(A)(6), of the Code of Ordinances, empowers the City Manager to issue orders necessary for the protection of life and property, establishment of public order, and control of adverse conditions affecting public welfare resulting from an Emergency, and to adopt order issues by Federal, State or Broward County Emergency management agencies; and

WHEREAS, Seventh, on March 18, 2020, Donald P. Decker, as City Manager, entered Emergency Order No. 2020-01, requiring that all restaurants close for on premises dining no later than 10:00 PM every night, but could remain open during their normally permitted hours for drive-thru, take-out and delivery services; and

WHEREAS, Eighth, on March 19, 2020, Donald P. Decker, as City Manager, entered Emergency Order No. 2020-02, closing Weston Regional Park, Tequesta Trace Park and Vista Park beginning at 11:00 PM on March 20, 2020, and requiring all restaurants cease all on premises

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dining beginning at noon on March 20, 2020; provided, however, that restaurants may remain open for their normally permitted hours for drive-thru, take-out and delivery services only; and

WHEREAS, Ninth, on March 22, 2020, Donald P. Decker, as City Manager, entered Emergency Order No. 2020-03, prohibiting all public gatherings of any type, whether organized or otherwise, of greater than 10 persons, with specified exemptions; and

WHEREAS, Tenth, on March 23, 2020, Donald P. Decker, as City Manager, entered Emergency Order No. 2020-04, adopting and incorporating Executive Orders 20-51, 20-52, 20-68, 20-69, 20-70, 20-71 and 20-72 issued by the Governor, and Broward County Emergency Order 20-01; and

WHEREAS, Eleventh, on March 25, 2020, Donald P. Decker, as City Manager, entered Emergency Order No. 2020-05, issuing a Safer at Home Order, and setting forth regulations for Essential Businesses and closing all of the City's parks; and

WHEREAS, Twelfth, on March 30, 2020, Donald P. Decker, as City Manager, entered Emergency Order No. 2020-06, implementing rules of procedure for public meetings utilizing communications media technology; and

WHEREAS, Thirteenth, on March 31, 2020, Donald P. Decker, as City Manager, entered Emergency Order No. 2020-07, closing common use recreational facilities, and adopting and incorporating Executive Order 20-89 issued by the Governor and Miami-Dade County Emergency Order 7-20, including its three amendments; and

WHEREAS, Fourteenth, on April 6, 2020, Donald P. Decker, as City Manager, entered Emergency Order No. 2020-08, encouraging persons to wear cloth facial coverings consistent with CDC guidelines, including cloth masks and adopting and incorporating Executive Orders 20-91 and 20-92 issued by the Governor, and Broward County Emergency Orders 20-03 and 20-05; and

WHEREAS, Fifteenth, on April 10 2020, Donald P. Decker, as City Manager, entered Emergency Order No. 2020-09, superseding Emergency Order No. 2020-08, and requiring employees and customers of essential businesses as well as delivery service personnel to wear cloth facial coverings while inside the businesses or making deliveries, and adopting and incorporating Broward County Emergency Order 20-06; and

WHEREAS, Sixteenth, on April 29, 2020, Donald P. Decker, as City Manager, entered into Emergency Order No. 2020-10, adopting and incorporating Broward County Emergency Order 20-08 and supplementing such order by setting forth additional requirements; and

WHEREAS, Seventeenth, on May 15, 2020, Donald P. Decker, as City Manager, entered into Emergency Order No. 2020-11, adopting and incorporating Broward County Emergency Order 20-10 and supplementing such order by setting forth additional requirements; and

WHEREAS, Eighteenth, on May 21, 2020, Donald P. Decker, as City Manager, entered into Emergency Order No. 2020-12, adopting and incorporating Broward County Emergency Order 20-12; and

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WHEREAS, Nineteenth, on May 24, 2020, Donald P. Decker, as City Manager, entered into Emergency Order No. 2020-13, adopting and incorporating Broward County Emergency Order 20-13; and

WHEREAS, Twentieth, on May 30, 2020, Donald P. Decker, as City Manager, entered into Emergency Order No. 2020-14, adopting and incorporating Broward County Emergency Order 20-14; and

WHEREAS, Twenty-First, on June 6, 2020, Donald P. Decker, as City Manager, entered into Emergency Order No. 2020-15, adopting and incorporating Broward County Emergency Order 20-15 and reopening Weston Regional Park, Tequesta Trace Park and Vista Park; and

WHEREAS, Twenty-Second, the City desires to implement quasi-judicial procedures for virtual meetings utilizing communications media technology consistent with Emergency Order No. 2020-06 that can be used in the absence of the physical presence of the members of the City Commission, the applicant or the public during the COVID-19 State of Emergency.

NOW, THEREFORE, I, Donald P. Decker as City Manager, hereby declare:

Section 1: Quasi-Judicial Procedures For Virtual Meetings Utilizing Communications Media Technology During the COVID-19 State of Emergency:

Section 1(A): Intent: The intent of this Order is to establish procedures to ensure that during the COVID-19 State of Emergency the City may still meet to consider and hear various zoning applications that are required to be considered pursuant to quasi-judicial procedures. The procedures are intended to ensure procedural due process and maintain citizen access to the local government decision-making process for the review of development orders requiring quasi-judicial hearings. It is the intent of the City to provide an equitable and efficient method for the City Commission to hear zoning applications that are considered quasi-judicial in nature.

Section 1(B): Applicability: These procedures shall be utilized only during the COVID-19 State of Emergency. These procedures shall apply to all applications considered by the City Commission that are determined to be quasi-judicial in nature by the City, including rezonings, special exceptions, conditional use approvals, variances, preliminary and final plat approvals, site plan approvals and any other zoning site-specific development approval.

Section 1(C): Applicant's option to delay the hearing: An applicant may choose to delay the City Commission's consideration of its application until the City Commission meets in person and all time periods related to the hearing would be extended accordingly. If the applicant chooses not to defer consideration, then the hearing will be held in accordance with these procedures, and the applicant waives any objections to the hearing being held in this manner.

Section 1(D): Quasi-judicial procedures: The City Commission's procedures for quasi-judicial hearings found in Section 8 of the City Commission's Procedures shall apply and be followed, except as set forth below.

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Section 1(D)(1): Swearing in witnesses. Instead of the City Clerk collectively swearing in all witnesses who intend to speak on any of the items, each person who intends to speak will be sworn in separately by the City Clerk immediately before he or she speaks.

Section 1(D)(2): Cross-examination. If an Applicant, staff or a member of the City Commission desires to cross-examine a witness, he or she shall, prior to the next person speaking, utilize the electronic method of "raising their hand" to so advise the Mayor so that he or she can be recognized.

Section 1(D)(3): Submission of Documents/Materials. 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 City Clerk in electronic format no later than 12:00 noon three business days prior to the date of the virtual quasi-judicial hearing.

Section 2: This Order shall remain in place as long as the COVID-19 State Emergency is in effect, as amended and extended.

Section 3: This Order is in addition to, and supplements, the City's Emergency Orders. All requirements of City Emergency Orders, Broward County Emergency Orders, and State of Florida Executive Orders shall be strictly adhered to at all times.

Section 4: This Order shall take effect immediately upon execution.

DECLARED this 10<sup>th</sup> day of June, 2020, at 11:45 AM.



Donald P. Decker, City Manager

ATTEST:



Patricia A. Bates, MMC, City Clerk