

City of Wilton Manors

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Life's Just Better Here

Tom Green
Vice Mayor

Julie A. Carson
Commissioner

Gary Resnick
Commissioner

Paul Rolli
Commissioner

Leigh Ann Henderson
City Manager

Kerry Ezrol
City Attorney

CITY OF WILTON MANORS

EMERGENCY ORDER 2020-012

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 11, 2020, Vice Mayor Tom Green declared a state of emergency in the City of Wilton Manors at the request of City Manager Leigh Ann Henderson; and

On March 17, 2020, the City Commission issued Emergency Order 2020-001 which, among other things, delegated to City Manager Leigh Ann Henderson the authority to issue further emergency orders; 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 27, 2020, City Manager Leigh Ann Henderson issued Emergency Order 2020-03 –Safer At Home Order; and

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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 April 9, 2020, Broward County Administrator Bertha Henry issued Broward County Emergency Order 20-06, as required by the Governor's Executive Order 20-89, restricting public access to businesses and facilities deemed nonessential pursuant to the guidelines established by Miami-Dade County Emergency Order 07-20, as modified by amendments prior to March 30, 2020 (collectively, the "Miami-Dade Emergency Order 07-20"); and

On April 29, 2020, Governor DeSantis issued Executive Order 20-112, as amended, establishing Phase 1 of a step-by-step plan for Florida's recovery, and adding (for counties other than Broward, Miami-Dade, and Palm Beach Counties) certain additional services to the activities previously permitted for individuals under Executive Order 20-91, including on-premises consumption of food and beverage at restaurants, operation of in-store retail, and opening of museums and libraries (if permitted by the local government), subject to a twenty-five percent (25%) capacity limitation and certain other limitations; 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

On May 14, 2020, Governor DeSantis issued Executive Order 20-122 permitting Broward County to participate in the Phase 1 reopening identified in Executive Order 20-112, Executive Order 20-120, and any future orders pertaining to Phase 1; and

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On May 14, 2020, Governor DeSantis issued Executive Order 20-123 extending and modifying Executive Order 20-112, as modified by Executive Order 20-120, bringing all Florida Counties into Full Phase 1; and

On May 14, 2020, Broward County Administrator Bertha Henry issued Emergency Order 20-10 in coordination with the local communities to take measured steps to participate in the Phase 1 reopening in Broward County; and

On May 15, 2020, City Manager Leigh Ann Henderson issued Emergency Order 2020-007, to take measured steps to participate in the Phase 1 reopening in Broward County; and

On May 21, 2020, Broward County Administrator Bertha Henry issued Emergency Order 20-12 which outlines the establishments currently permitted to operate in Broward County, and permits a customized approach to reopening Broward County that incorporates guidelines and requirements for safe operations for opened businesses and services; and

On May 21, 2020, City Manager Leigh Ann Henderson issued Emergency Order 2020-08, to continue taking measured steps to participate in the Phase 1 reopening in Broward County in accordance with Broward County Emergency Order 20-12; and

On May 25, 2020, City Manager Leigh Ann Henderson issued Emergency Order 2020-09, to continue taking measured steps to participate in the Phase 1 reopening in Broward County in accordance with Broward County Emergency Order 20-13; and

On May 31, 2020, City Manager Leigh Ann Henderson issued Emergency Order 2020-11, to continue taking measured steps to participate in the Phase 1 reopening in Broward County in accordance with Broward County Emergency Order 20-14; and

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On June 3, 2020, Governor DeSantis issued Executive Order 20-139 establishing Phase 2 of a step-by-step plan for Florida's recovery, (for counties other than Broward, Miami-Dade, and Palm Beach Counties) and extending Executive Order 20-69 until June 30, 2020; and

On March 20, 2020, Governor Ron DeSantis signed 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, including the City Commission; 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

Pursuant to Governor Ron DeSantis' Executive Order No. 20-123, Executive Order 20-69 has been extended for the duration of Executive Order No. 20-123; and

Pursuant to Governor Ron DeSantis' Executive Order No. 20-139, Executive Order 20-69 has been extended until June 30, 2020; and

The Order further authorizes the City Commission 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 Wilton Manors should conduct any meeting 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

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On April 24, 2020, City Manager Leigh Ann Henderson issued Emergency Order 2020-05 (Public Meeting Procedures (Communications Media Technology)) adopting the procedures for public meetings, including but not limited to meetings of the City Commission, Boards, Committees, and staff meetings pursuant to section 286.011 F.S. utilizing communications media technology; and

This Emergency Order is necessary to establish procedures to conduct Quasi-Judicial hearings at City meetings, including but not limited to meetings of the City Commission, 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 Wilton Manors is authorized to waive the procedures and formalities otherwise required by law.

Pursuant to the City Charter, Section 252.46, *Florida Statutes*, Chapter 6 of the City's code of ordinances, the Order, the delegation of authority from the City Commission, and all other applicable laws, the City Manager has the authority to issue emergency orders with the force of law.

IT IS HEREBY ORDERED:

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

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- 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 Members of the City Commission, Board, Committee, and City staff may attend meetings remotely utilizing CMT. The City’s IT Department shall assist to ensure that the City Manager and all members of the City Commission Board, Committee, and necessary City staff, as determined by the City Manager, have access to the public meeting. Pursuant to the Order, a physical quorum of the City Commission, Board or Committee 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 City Manager, 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 Commission, Board, Committee, or City staff. This restriction is intended to ensure compliance with the CDC recommendations and City of Wilton Manors Emergency Order 2020-03 prohibiting gatherings of more than four (4) people.
- 4) PUBLIC COMMENT PROCEDURES:

Any member of the public wishing to comment publicly on any matter may participate by:

Submitting Public Comment via email: Prior to the start of the meeting, submit comments by email to publiccomment@wiltonmanors.com. Please include your name and address in the email. All comments submitted by

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- a) email comment length shall be, if read orally, three (3) minutes or less. Public comments received at least one hour prior to the start of the meeting will be read into the record by the Clerk, or the City Clerk's designee. All other comments submitted by email prior to the start of the meeting shall be made a part of the public record.
- b) Participating in Meeting: Log-in to Zoom via browser, app or phone. During the public comment portion of the agenda use Raise Hand feature to be called on. Raise Hand feature can be activated by selecting the icon. If you are on an app on a phone, the icon is on the bottom of the screen. If you are on a tablet, the icon is on the top right of the screen. If you are on a PC or laptop, the icon is on the bottom of the screen. If you are calling in to the meeting, Dial *9.
- c) Any member of the public that does not have access, or needs accommodations, should contact the Clerk's Office at 954-390-2123.
- d) If any member of the public requires additional information about any public meeting using CMT or has any questions about how to submit a public comment at the meeting, please contact:

Faith Lombardo, City Clerk
2200 Wilton Drive
Wilton Manors, FL 33305
954-390-2123
CityClerk@wiltonmanors.com

5) QUASI-JUDICIAL PROCEDURES (to be determined at a later date pursuant to a subsequent emergency order). Emergency Order 2020-005 is amended as provided for herein, with underlined text indicating additions. For all Applications requiring Quasi-Judicial hearings before the City Commission, a City Board, a Special Magistrate or a City Committee ("Quasi-Judicial Body") the following rules apply:

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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 075-040 Unified Land Development Regulations (ULDR), 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

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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 Wilton Manors 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, 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.

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(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 Vice Mayor 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.

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- 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 Commission, Board, Committee, or City staff meetings required to be public pursuant to section 286.011 F.S. utilizing communications media technology 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 and participate, 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 Wilton Manors' Charter, Code of Ordinances, uncodified ordinances, rules, regulations or policies, any

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requirement that a physical quorum be present for public meetings of the City Commission, 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 WILTON MANORS ON JUNE 8, 2020.



Leigh Ann Henderson, City Manager