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RESOLUTION NO. 2020-16

A RESOLUTION OF THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, ADOPTING RULES OF PROCEDURE FOR VIRTUAL VILLAGE COMMISSION MEETINGS THAT TAKE PLACE DURING THE PENDENCY OF THE STATE OF EMERGENCY DECLARED IN GOVERNOR DESANTIS' EXECUTIVE ORDER 20-52, IN ACCORDANCE WITH THE GOVERNOR DESANTIS' EXECUTIVE ORDER 20-69; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, it is well established in opinions issued by the Florida Attorney General that in order to establish a quorum, the requisite number of members must be physically present in the room and, that if a quorum is physically present, the participation of an absent member by telephone/video is permissible due to extraordinary circumstances; and

WHEREAS, the Center for Disease Control and Prevention has advised that in order to limit the spread of the Coronavirus/COVID-19, individuals should adopt far-reaching social distancing measures; and

WHEREAS, finding it necessary and appropriate to take action to ensure that Coronavirus/COVID-19 remains controlled and that residents and visitors in Florida remain safe and secure, on March 20, 2020, Governor DeSantis issued Executive Order No. 20-69 suspending any Florida Statute, "that requires a quorum to be present in person requires a local government body to meet at a specific public place" ("Order") and

WHEREAS, the Order also expressly permits local government bodies to utilize communications media technology, such as telephonic and video conferencing ("Virtual Meetings"), as provided in §120.54(5)(b)(2), *Fla. Stat.*, and

WHEREAS, the Order does not waive any other requirement under the Florida Constitution or "Florida's Government in the Sunshine Law," including Chapter 286, *Fla. Stat.*, and

WHEREAS, the Order requires that local government bodies adopt rules of procedure for Virtual Meetings, in accordance with section 120.54(5)(b)(2), *Fla. Stat.*

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COMMISSION OF THE VILLAGE OF BISCAYNE PARK, FLORIDA, THAT:

Section 1. Recitals. The above recitals are true and correct, and incorporated herein by this reference and are hereby adopted as the legislative and administrative findings of the Village Commission.

Section 2. Rules of Procedure. In accordance with the Order, Chapter 252, *Fla.Stat.*, and §120.54 *Fla. Stat.*, the Village Commission adopts the Rules of Procedure attached hereto as Exhibit "A" and incorporated herein by this reference for Village Commission Virtual Meetings that take place during the pendency of the state of emergency declared in the Governor DeSantis' Executive Order 20-52.

Section 3. Severability. If any section, sentence, clause or phrase herein is held to be invalid by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Resolution.

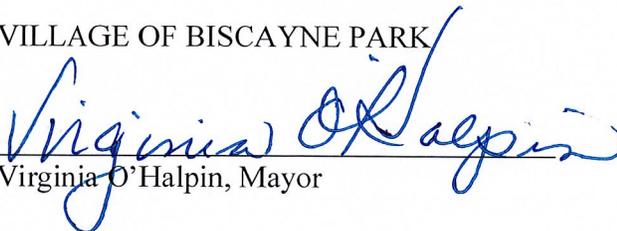
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2 **Section 4. Effective Date.** This Resolution shall become effective immediately upon its
3 adoption.

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5 PASSED AND ADOPTED this 22nd day of April, 2020.

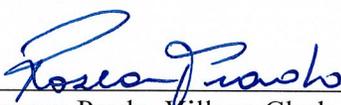
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7 The foregoing Resolution was offered by COMMISSIONER ROSS, who moved its
8 adoption. The motion was seconded by COMMISSIONER SAMARIA, and upon being put to a vote
9 the vote was as follows:

10	Virginia O'Halpin, Mayor	<u>YES</u>
11	William Tudor, Vice Mayor	<u>YES</u>
12	Macdonald Kennedy, Commissioner	<u>YES</u>
13	Roxanna Ross, Commissioner	<u>YES</u>
14	Dan Samaria, Commissioner	<u>YES</u>

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16
17 VILLAGE OF BISCAYNE PARK

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20 _____
21 Virginia O'Halpin, Mayor

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25 ATTEST:

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28 _____
29 Roseann Prado, Village Clerk

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32 APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE
33 USE AND RELIANCE OF THE VILLAGE OF BISCAYNE PARK ONLY:

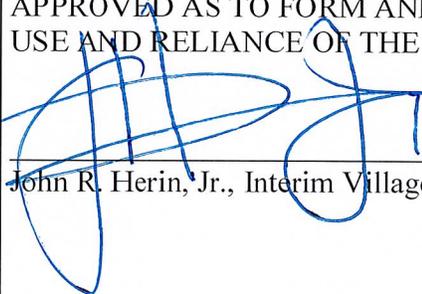
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36 _____
37 John R. Herin, Jr., Interim Village Attorney

Exhibit A

POLICIES AND PROCEDURE FOR MEETING HELD VIA COMMUNICATION MEDIA TECHNOLOGY

For the duration that Governor DeSantis' Executive Order 20-52 is in effect, Village of Biscayne Park Commission Meetings may be conducted utilizing communications media technology ("CMT") as authorized by Governor DeSantis' executive Order 20-69.

CMT meeting procedures during the meeting shall follow regular meeting procedure as closely as possible.

To access CMT meeting, the following options shall be available to the public:

1. Watch the meeting online (no participation).

The agenda of the meeting will contain a link to access the meeting via Zoom.

2. Provide public comment prior to the meeting and watch the meeting online.

Members of the public may provide written comments, evidence, and/or written testimony by emailing the Village Clerk no later than two (2) hours of the meeting starting time at villageclerk@biscayneparkfl.gov. Members of the public shall provide their full name and address. If requested, written comments will be read into the record at the appropriate time and must be limited to three (3) minutes. All written comments not requested to be read into the record received by the deadline will be distributed to the Village Commission and appropriate staff prior to the start of the meeting.

3. Access audio of the Zoom meeting via phone.

Members of the public may access the meeting audio by telephone via a phone number and meeting ID that will be provided on the Village's website as well as the agenda. Members of the public who would like to speak during the public comment portions of the agenda shall press *9 on your phone to activate the "raise your hand" feature of Zoom. Comments will be limited to three (3) minutes.

4. Watch the meeting online and provide public comment during the meeting.

Members of the public who wish to speak during the CMT meeting, use the "raise your hand" feature and be recognized at the direction of the Chair. It is helpful that the person, when signing up to participating on the meeting, enter your name and address the same way the person is going to present yourself at public comments. Ex.: Joe, 123 NE 123 Street. Comments will be limited to three (3) minutes.

5. The Village will provide members of the public with a link to download.

The Village indicate the link to download the "Zoom Client for Meetings". Individuals using a tablet or smartphone should download Zoom from the device's app store.

For all meetings, Village's staff will provide a link and password for members to attend electronically and watch the meeting by computer, tablet or smartphone.