



## *The Village of Biscayne Park*

600 NE 114<sup>th</sup> St., Biscayne Park, FL 33161  
Telephone: 305-899-8000 Facsimile: 305 891 7241

Mayor & Commissioners – over the last couple of weeks the Manager and I have received numerous inquiries from you regarding the possibility of conducting virtual meetings in light of the Attorney General and the Governor having respectively issued an AGO and Executive Order allowing such meetings. Here is some basic information on the issues:

### **Is the Technology in Place?**

- The short answer is yes. Some jurisdictions have the in-house capability of conducting and streaming virtual meetings; however, a number of different jurisdictions have used Skype and streaming video to conduct virtual meetings. Most jurisdictions have settled on Zoom as the favored platform for virtual meetings because it allows anyone with a computer, laptop, or smart phone to participate. The Village Manager is already working on installing Zoom or another similar platform (there have been a number of instances where Zoom virtual meetings have been compromised) so we are prepared to move forward with a virtual meeting as soon as one is called.

### **When can we have a Virtual Meeting?**

- As the Commissioners are aware, pursuant to the Declaration of Emergency issued by the Mayor shortly after the federal and state government declared the Covid-19 state of emergency all public gatherings in the Village were canceled, including the special call and regular Commission meetings scheduled for March 18<sup>th</sup> and tomorrow April 7<sup>th</sup>. The next regularly scheduled Commission meeting is May 5, 2020. As you can see from the attached very preliminary and partial list, there is no rhyme or reason as to what cities and counties are/are closed, open or conducting virtual meetings.
- Please remember, **Village staff does not have the authority to schedule a special meeting.** Only the Mayor and Commissioners have that authority. To the extent one or more Commissioners desire to have a special meeting prior to May 4<sup>th</sup>, Section 4.01 of the Village Charter specifies that “[s]pecial meetings may be held on the call of the Mayor or upon the call of four members of the Commission and upon no less than twenty four (24) hours’ notice to each member and the public, or such shorter time as a majority of the Commission shall deem necessary in case of an emergency affecting life, health, property or the public peace.” As of the writing of this email Village administration has not received the requisite number of Mayor/Commissioner requests for a special call meeting.

### **What Topics can be discussed at a Virtual Meeting?**

- According to the applicable Governor’s Executive Order, the first order of business is the adoption of “virtual meeting rules of procedure.” We will have such rules of procedure ready to be adopted by the Commission at its first virtual meeting.



- After discussing this issue at length with the Attorney General's Office, there doesn't appear to be a prohibition as to the subject matter that can be discussed during a virtual meeting. With that said, however, the Attorney General's Office is cautioning all local governments that virtual meetings may not provide the same level of public participation as "in-person" meetings and recommending the postponement of high interest legislative and quasi-judicial items if possible. The reasoning for this recommendation is that the courts of the state have determined that public hearings related to such items must provide the public a "meaningful opportunity" to be heard and participate in such hearings. Virtual platforms may not meet that criteria. At least one local government (City of St. Augustine) has adopted a specific policy on what agenda items it is willing to consider during the Covid-19 virtual meetings during the pandemic: "The City Commission agenda will be limited to only those items essential to city business and which are not time-sensitive and may be postponed."

## **What Guidance Is Staff Following?**

- First and foremost staff is following and using as its guidance the Village Charter and the Village Code; secondly, Village staff is in regular communication with the individual Commissioners to get their input and staff is also following state law and the various applicable federal, state and county emergency declarations and executive orders; and finally, staff is following the Village's emergency comprehensive emergency management plan (adopted by Resolution in 2016). Ironically, the latter document identifies an "influenza like pandemic" as a potential reason for following the "CEMP". In that regard, Village staff has already implements most of the recommended courses of action in the CEMP in response to the Covid-19 pandemic (partial list & my emphasis):
  - There will be only a short window between when a virus is causing the disease and when it becomes widespread.
  - Vaccines won't be available for 6-9 months after the epidemic starts. Vaccinate personnel as soon as it is available.
  - You can assume once it starts that there will be little or no help from the state and federal government.
  - This will not be just a local issue; it will be a state and national problem that will continue for months.
  - The County Department of Health will be the lead agency in Miami-Dade County. They will be responsible along with doctors, hospitals, and clinics for surveillance and documentation of known cases.
  - The County Department of Health will be responsible for distributing vaccine and keeping the public and governmental agencies aware of the current situation and hazards.
  - Local government **may have to take actions to reduce activities and potential spread by reducing group functions, closings school, and large public gatherings.**
  - **Quarantine measures may have to be mandated to isolate the sick.**
  - Much of the responsibility for prevention falls on the individual. **Change social norms (personal hygiene), restrict travel, and recognize complications early.**
  - The key to minimizing the epidemic is preparedness.



## *The Village of Biscayne Park*

600 NE 114<sup>th</sup> St., Biscayne Park, FL 33161  
Telephone: 305-899-8000 Facsimile: 305 891 7241

- Monitor the national and local levels for number of influenza cases.
  - Educate the public on methods to reduce the risk. Experts agree that the simplest way to stop the spread of any flu is good hygiene habits.
  - **If necessary isolate and restrict travel, meetings, group activities, etc.**
  - Plan for large numbers of Village workers not available.
  - Plan for crowded medical facilities, limited vaccines, and increased civil disturbances.
  - Plan for a reduction of fuel, food, and other supplies.
  - Plan for an extended time frame.
- Be assured that Village staff is regularly communicating with all Commissioners and seeking their input and guidance on every step that staff is taking to respond to the Covid-19 pandemic and will continue to do so as we move forward together to get past this very serious health crisis.

Please stay safe

**John R. Herin, Jr.**  
**Interim Village Attorney**  
**Village of Biscayne Park**

**cc.: David Hernandez, Interim Village Manager**  
**Luis Cabrera, Chief of Police / Emergency Incident Report**



## *The Village of Biscayne Park*

600 NE 114<sup>th</sup> St., Biscayne Park, FL 33161  
Telephone: 305-899-8000 Facsimile: 305 891 7241

Key West: Cancelled or Scheduling Virtual

<https://www.cityofkeywest-fl.gov/egov/apps/events/calendar.egov?view=detail:id=3825>

Marathon: Cancelled Workshops

[https://www.ci.marathon.fl.us/meetings?field\\_microsite\\_tid\\_1=27](https://www.ci.marathon.fl.us/meetings?field_microsite_tid_1=27)

City of Largo: Virtual Mtg.

[https://www.largo.com/connect/city\\_manager\\_s\\_office/city\\_clerk\\_records\\_custodian/meeting\\_notices.php](https://www.largo.com/connect/city_manager_s_office/city_clerk_records_custodian/meeting_notices.php)

Sarasota: Cancelled

<https://www.sarasotafl.gov/services/meetings-agendas-videos>

Venice: Virtual Mtg.

<https://venice.legistar.com/DepartmentDetail.aspx?ID=20620&GUID=E395B09C-529B-48D0-937E-51340B3EEB58&Mode=MainBody>

Lakeland: Closed to the Public

<http://www.lakelandgov.net/departments/city-clerk/city-commission-agendas/>

Ft. Lauderdale: Virtual

<https://fortlauderdale.legistar.com/Calendar.aspx>

Northport: Cancelled Workshop

<https://cityofnorthport.legistar.com/Calendar.aspx>

Melbourne: Special Meeting for Virus Only (4/7)

<https://www.melbourneflorida.org/about/city-council/city-council-meetings/agendas-minutes>

Ft. Myers Beach: Virtual Meeting

<http://fortmyersbeachtownfl.iqm2.com/Citizens/Default.aspx>

City of Rockledge: Cancelled

<https://www.cityofrockledge.org/calendar.aspx?CID=24>,

City of Hollywood: Cancelled

<https://hollywoodfl.legistar.com/Calendar.aspx>

City of Daytona: Cancelled

<https://www.codb.us/Calendar.aspx>

Tampa, Miami, St. Pete, Tallahassee, Jacksonville, Jupiter, Hillsborough: Cancelled

<https://www.carltonfields.com/insights/publications/2020/florida-cancel-public-hearings-coronavirus-covid>

Davie: Cancelled

<https://www.davie-fl.gov/165/Town-Council-Meeting-Agendas>

Collier County: Cancelled

<https://www.colliercountyfl.gov/Home/Components/News/News/42578/7125>

Estero: Cancelled

<https://estero-fl.gov/i-want-to/attend-a-council-meeting/>



## *The Village of Biscayne Park*

600 NE 114<sup>th</sup> St., Biscayne Park, FL 33161  
Telephone: 305-899-8000 Facsimile: 305 891 7241

City of Sunrise: Cancelled any special meetings will be virtual  
<https://www.sunrisefl.gov/departments-services/city-commission/commission-agendas>

City of Homestead: Public can only attend virtually  
<https://www.cityofhomestead.com/CivicAlerts.aspx?AID=3288>

Broward: Public can only attend virtually  
[https://broward.granicus.com/ViewPublisher.php?view\\_id=15](https://broward.granicus.com/ViewPublisher.php?view_id=15)

Bradford County: Cancelled  
<https://www.bradfordcountyfl.gov/>

Clay County: No meetings 'till April 28<sup>th</sup> currently  
<https://www.claycountygov.com/about-us/calendar-of-events>

Pinellas County: Virtual Meeting  
[http://www.pinellascounty.org/BCC\\_agenda.htm](http://www.pinellascounty.org/BCC_agenda.htm)

Baker County: Cancelled  
<http://www.bakercountyfl.org/commissioners.php>