

**RESOLUTION NO. 20-04-26**

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, APPROVING EMERGENCY RULES FOR USE OF COMMUNICATIONS MEDIA TECHNOLOGY FOR PUBLIC MEETINGS PURSUANT TO EXECUTIVE ORDER 20-69; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, on March 9, 2020, Governor DeSantis declared a State of Emergency for the State of Florida in Executive Order 20-52 as a result of the COVID-19 outbreak; and

**WHEREAS**, on March 16, 2020, the Mayor of Islamorada, Village of Islands (the “Village”) declared a State of Local Emergency in order for the Village to take actions to protect the health, safety, and welfare of the community due COVID-19; and

**WHEREAS**, on March 20, 2020, the Governor issued Executive Order 20-69 suspending any requirement in Florida Statute that requires a quorum to be present in person or requires a local government body to meet at a specific public place; and

**WHEREAS**, Executive Order 20-69 further authorizes local government bodies to utilize communications media technology such as telephonic and video conferencing; and

**WHEREAS**, the Village Council of Islamorada, Village of Islands (the “Village Council”) and other advisory boards, committees, and panels that are required to meet in the Sunshine cannot meet without the adoption of rules; and

**WHEREAS**, it is necessary for the Village Council to meet to conduct the essential business of the Village; and

**WHEREAS**, holding a public meeting by traditional means of gathering in one location would violate the social distancing guidelines issued by the Centers for Disease Control (“CDC”) and various executive orders issued by the Governor: and

**WHEREAS**, the Governor issued Executive Order 20-91, directing all Floridians to stay at home unless conducting essential services or engaged in essential activities; and

**WHEREAS**, the State Attorney General's Office has provided guidance through the Monroe County Attorney through the on the requirements necessary to hold a meeting exclusively via communications media technology; and

**WHEREAS**, the Administrator of the Monroe County Health Department has advised that due to the social distancing directives against public gatherings, it is advisable to only conduct the meeting using communications media technology and has further advised against designating a public place for members of the public to gather and give comment to the Village Council; and

**WHEREAS**, the Village Attorney has drafted rules that are consistent with and implement the intent of Executive Order 20-69 and the Government in the Sunshine Law.

**WHEREAS**, in the interests of protecting the health, safety, and welfare of the residents and visitors to the Village and the Florida Keys, the Village Council desires to adopt the following emergency rules for use of CMT.

**NOW THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:**

**Section 1.** **Recitals.** The above recitals are true and correct and are incorporated herein by this reference.

**Section 2.** **Approval of Emergency Rules for Use of CMT.** The Village Council hereby approves and adopts the Temporary Rules for Use of Communications Media Technology During the COVID- 19 Emergency as set forth in Exhibit "A" to this Resolution are hereby adopted effective immediately. These rules shall remain effective for as long as

Executive Orders 20-52 and 20-69 are in effect, including any extensions thereto, or until rescinded by the Village Council, whichever occurs first.

**Section 3. Authorization of Village Officials.** The Village Manager and/or her designee and the Village Attorney are authorized to take all actions necessary to implement and effectuate the intent of this Resolution.

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

Motion to adopt by Councilman Chris Sante, second by Councilman Jim Mooney.

**FINAL VOTE AT ADOPTION**

**VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS**

Mayor Mike Forster	YES
Vice Mayor Ken Davis	YES
Councilwoman Deb Gillis	YES
Councilman Chris Sante	YES
Councilman Jim Mooney	YES

**PASSED AND ADOPTED THIS 16<sup>TH</sup> DAY OF APRIL, 2020.**

  
\_\_\_\_\_  
MIKE FORSTER, MAYOR

ATTEST:

  
\_\_\_\_\_  
KELLY TOTH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY  
FOR THE USE AND BENEFIT OF ISLAMORADA,  
VILLAGE OF ISLANDS:

  
\_\_\_\_\_  
ROGET V. BRYAN, VILLAGE ATTORNEY

## **Exhibit "A"**

### **TEMPORARY RULES FOR USE OF COMMUNICATIONS MEDIA TECHNOLOGY (CMT) DURING COVID-19 EMERGENCY**

These rules are promulgated pursuant to the authority set forth in Executive Order 20-69, issued by Governor DeSantis on March 20, 2020:

#### **Section 1. Definitions and Applicability**

1. For purposes of these rules, the term "agency" shall mean the Village Council of Islamorada, Village of Islands (the "Village"), one of its duly constituted advisory committees, and/or a committee of Village staff serving in any capacity that triggers the applicability of the Government in the Sunshine Law, chapter 286, Florida Statutes.
2. The term "communications media technology" (abbreviated "CMT") shall have the same meaning as provided for in F.S. 120.54(5)(b)2, and Chapter 2017-214, Laws of Florida.
3. For purposes of these rules, the term "meeting" means any gathering of two (2) or more members of the Village Council, one of its duly constituted advisory committees, and/or a committee of Village staff serving in any capacity that triggers the applicability of the Government in the Sunshine Law, chapter 286, Florida Statutes. The term "meeting" including a public hearing or workshop meeting.
4. Meetings of the Village Council or one of its duly constituted advisory committees or of Village staff, which are required to be held in public as set forth in F.S. 286.011, may be held by CMT provided that such meeting follows these rules.

#### **Section 2. Conducting Proceedings by Communications Media Technology (CMT)**

1. A meeting may be held exclusively by CMT.
2. If technical issues arise during a CMT meeting that prevent all interested persons from attending, the meeting shall terminate until the problems have been corrected. Termination of the meeting shall not be required if at least one (1) means of audio communication remains available.
3. When a meeting is to be held via CMT, the Village shall provide notice in the same manner as required by a non-CMT meeting, and shall plainly state that such a meeting is to be conducted using CMT, and identify the specific type of CMT to be used. Multiple methods of CMT are permissible for conducting a meeting. The Village must provide notice to describe how interested persons may attend. That notice shall include:

- a. The method by which a member of the public may access the meeting using CMT;
  - b. An address, email, and phone number where a person may request additional information; and
  - c. The address, email, and designated person to whom someone may submit written or other physical evidence which he/she intends to offer into evidence during a CMT proceeding.
4. Any evidence, testimony, argument, or other information which is offered utilizing CMT shall be afforded equal consideration as if it were offered in person and shall be subject to the same objections. In situations where sworn testimony is required by the agency, person(s) offering such testimony shall be responsible for making appropriate arrangements for offering sworn testimony including but not limited to providing for the attendance of a notary public or other official authorized by law to place a person under oath.
5. All agency meetings at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, decision, or formal action shall be considered binding except as taken or made at such meeting.
6. Pursuant to Section 2 of Executive Order 20-69, a quorum may be established by members attending the meeting via CMT.