



Legislation Text

File #: 20-0308, **Version:** 2

Agenda Item Name:

Ratification of Emergency Order 2020-16 (Virtual Government in the Sunshine Meetings Through the Use of Communications Media Technology)

Presenter:

Sylvia E. Torres, County Attorney

Description:

Ratification of Emergency Order 2020-16, as executed by the Chair on April 8, 2020

Recommended Action:

Ratify Emergency Order 2020-16

Prior Board Motions:

NA

Fiscal Consideration:

NA

Background:

The Board of County Commissioners is being asked to ratify Emergency Order 2020-16, as executed by the Chair on April 8, 2020. This Emergency Order provides rules for the Board of County Commissioners, and its boards and committees which operate under the Sunshine Law. This Order provides that:

- A quorum of members of may be established by members attending the meeting through CMT means;
- Notice will be provided in a manner consistent with statutes, including instructions for public to virtually participate and be heard;
- Temporarily suspends Section 5.b(8) of Alachua County Resolution 18-101 regarding acquisition of property using revenue from the Wild Spaces Public Places Local Government Infrastructure Surtax;
- Provides for voting by roll call vote;
- Provides for disruption and adjournment of a CMT meeting if public attendance is interrupted;
- Requires public education of the new processes in this Order; and
- Temporarily superseding rules of procedure.

Alachua County is under Federal, State, and Local States of Emergency for the COVID-19 virus pursuant to Executive Orders of the Governor for the State of Florida (EO Nos. 20-51 and 20-52) and the Alachua County Proclamation 20-01, dated March 16, 2020. To reduce the spread of COVID-19, the United States Centers for Disease Control and Prevention ("CDC") and the Florida State

Department of Health recommend implementation of community mitigation strategies to increase containment of the virus, including cancellation of large gatherings and social distancing of at least six feet between persons in smaller gatherings.

Article I, Section 24 of the Florida Constitution guarantees a right of public access to all meetings of any collegial public body of the County, and Section 286.011, Fla. Stat., commonly referred to as Florida's "Sunshine Law," requires meetings of the County to be publically noticed in advance, open to the public, and documented by minutes that are promptly recorded. Recognizing the compelling need to protect life while at the same time maintaining the functioning and continuity of government, the Governor took the extraordinary measure of issuing Executive Order 20-69 ("EO 20-69"), which suspends any statutory requirement that local governing bodies have a quorum physically present in a specific public place to conduct public meetings.

EO 20-69 specifically authorizes the use of communications media technology ("CMT"), as provided in Section 120.54(5)(b)2., Fla. Stat., to conduct meetings of local governing bodies. Alachua County Emergency Order 20-10 specifically suspends any local law, ordinance, rule, charter provision or other regulations that requires a quorum to be physically present in a particular location, and authorizes the use of communications media technology for meetings of boards and committees.

The use of communications media technology during the declared state of local emergency due to COVID-19 to conduct meetings of the Board of County Commissioners and its boards and committees will allow governance to continue while protecting the health and safety of elected officials, staff, and the general public. Neither EO 20-69 nor this Emergency Order suspend the requirements of Florida's public records laws in any way or the Sunshine Law beyond the specific, discrete parameters explicitly set forth in EO 20-69 and this Emergency Order.