

RESOLUTION NO. 2020-08

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LAKE CLARKE SHORES, FLORIDA, ADOPTING GOVERNOR DESANTIS' EXECUTIVE ORDER 20-69 AND SUSPENDING TOWN CHARTER, ORDINANCE, RESOLUTION AND POLICY RESTRICTIONS TO ALLOW HOLDING OF VIRTUAL MEETINGS USING COMMUNICATIONS MEDIA TECHNOLOGY (CMT); ADDRESSING THE USE OF CMT FOR VIRTUAL MEETINGS, VIRTUAL MEETING PROCEDURES AND REQUIREMENTS DURING A STATE OF LOCAL EMERGENCY FOR COVID-19; PROVIDING FOR A SEVERABILITY CLAUSE, AN EFFECTIVE DATE AND EXPIRATION DATE; AND FOR OTHER PURPOSES.

WHEREAS, on March 9, 2020, Governor Ron DeSantis issued Executive Order No. 20-52, declaring a state of emergency in the State of Florida for COVID-19;

WHEREAS, on March 18, 2020, the Mayor of the Town of Lake Clarke Shores declared a State of Local Emergency due to COVID-19 which constitutes a potential life threatening situation for the residents and visitors to the Town for an undefined period of time;

WHEREAS, on March 16, 2020, the White House issued a new nationwide guideline calling all people to avoid gatherings of more than 10 people;

WHEREAS, on March 20, 2020, Governor Ron DeSantis issued Executive Order No. 20-69 which suspended any 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 authorized local government bodies to utilize communications media technology (hereinafter referred to as "CMT"), such as telephonic and video conferencing;

WHEREAS, Section 252.38, Florida Statutes, authorizes the Town of Lake Clarke Shores to take whatever prudent action is necessary to ensure the health, safety and welfare of the community during a declared emergency;

WHEREAS, on March 24, 2020, the Town Manager of the Town of Lake Clarke Shores closed all Town buildings to the public until further notice to further protect the health, safety and welfare of the Community; and

WHEREAS, in light of the imminent threat posed by COVID-19 due to close social interaction, the Town must temporarily revise its public notice and public meeting procedures for the Town Council and all Town advisory boards to enable Town business to effectively continue.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LAKE CLARKE SHORES, FLORIDA AS FOLLOWS:

1. Executive Order 20-69 is hereby adopted by reference.
2. Any and all requirements within the Town's Charter, Code of Ordinances, Resolutions or Policies requiring a quorum to be present in person or requiring a meeting at a specific public place are hereby waived to the extent necessary to afford the Town the ability to use CMT for public meetings (hereinafter "virtual meetings") in accordance with Governor DeSantis' Executive Order No. 20-69. Nothing herein shall be construed to waive the Town's obligation to comply with all other applicable requirements of the Sunshine Law, Chapter 286, Florida Statutes.
3. The Town will hold virtual meetings only when necessary. Virtual meetings shall be held using CMT as determined appropriate by the Town Mayor. "CMT" means the electronic transmission of printed matter, audio, full-motion video, freeze-frame video, compressed video, and digital video by any method available. Physical presence of Town Council Members and Advisory Board Members is not required and they shall join the meeting using electronic means.
4. All public meeting notices shall be posted on a bulletin board outside of Town Hall, on the Town's website and emailed to all residents who have signed up for the Town's "email blast." All public meeting notices for virtual meetings shall provide the following: how an interested person may attend, including the date, time, and means of electronic access; the contact information for a Town employee an interested person may write or call for additional information; and the contact information for a Town employee to whom an interested person may submit written or physical evidence or testimony.
5. All virtual meetings shall retain the ability of the public to participate to the greatest extent feasible and practicable. Public comment opportunities shall be provided during all virtual meetings to the greatest extent feasible and practical. Instructions for submitting public comment shall, at a minimum, be included in each virtual meeting agenda and notice.
6. If during the course of a virtual meeting technical problems arise with the Organizers or Panelists, the Town may postpone or terminate the meeting until the problems have been corrected.
7. If any section, paragraph, sentence, clause, phrase or word of this Resolution is for any reason held by a court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of the Resolution.

8. This Resolution shall take effect immediately upon adoption and shall expire upon the expiration of Governor DeSantis’ Executive Order No. 20-69, including any extension thereof, unless terminated earlier by further Resolution of the Town.

PASSED AND ADOPTED by the Town Council of the Town of Lake Clarke Shores, Florida this ____ day of _____, 2020.

	FOR	AGAINST
BY: _____ _____, Mayor	_____	_____
_____	_____	_____
_____, Vice Mayor	_____	_____
_____	_____	_____
_____, President Pro Tem	_____	_____
_____	_____	_____
_____, Council Member	_____	_____
_____	_____	_____
_____, Council Member	_____	_____

ATTEST:

BY: _____
Mary Pinkerman, CMC
Town Clerk