

Legislative #

200402

1 **RESOLUTION NO. 200402**

2 **A resolution amending and restating the supplemental rules of procedure**
3 **governing virtual public meetings during the declared State of Emergency for**
4 **the COVID-19 Pandemic; providing a severability clause; providing for**
5 **repeal and conflicting provisions; and providing an effective date and**
6 **duration.**

7
8 WHEREAS, on March 1, 2020, the State Surgeon General and State Health Officer declared a
9 Public Health Emergency exists in the State of Florida as a result of COVID-19;

10
11 WHEREAS, on March 9, 2020, by Executive Order 20-52, the Governor of Florida declared a
12 state of emergency for the entire State of Florida as a result of COVID-19;

13
14 WHEREAS, on March 16, 2020, the President of the United States and the Centers for Disease
15 Control and Prevention (CDC) recommended individuals to practice significant social distancing
16 measures including but not limited to working from home and avoiding gatherings of more than 10
17 people;

18
19 WHEREAS, on March 16, 2020, Alachua County issued Proclamation 20-01 Declaration of State
20 of General Emergency as a result of COVID-19;

21
22 WHEREAS, on March 16, 2020, the Mayor of Gainesville issued Executive Order No. 2020-01
23 Declaration of Pandemic Emergency (COVID-19);

24
25 WHEREAS, on April 16, 2020, the City Commission adopted Resolution No. 191147 providing
26 supplemental rules governing virtual meetings of the City Commission during the declared State
27 of Emergency for the COVID-19 Pandemic and subsequently amended and restated its
28 supplemental rules by adoption of Resolution No. 191188 and Resolution No. 200146; and

29
30 WHEREAS, with no clear end to the Pandemic in sight, the Commission has determined it is
31 necessary to make further revisions to its supplemental rules.

32
33 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF
34 GAINESVILLE:

35
36 **SECTION 1. Amended and Restated Supplemental Rules.** The following are adopted as
37 Supplemental Rules of Procedure:

- 38
39 1. **Purpose and effect:** The City Commission adopts these Supplemental Rules to provide
40 written notice of how virtual (i.e., not held in-person at a physical location) public meetings
41 of the City Commission (and other City boards as set forth in section 10 below) will be
42 conducted during the City’s declared State of Emergency for the COVID-19 Pandemic.
43 Upon adoption, the City Commission (and other City boards) may conduct any of their
44 meetings (e.g., Emergency Meetings, Regular Meetings, Special Meetings, Workshop

1 Meetings and/or Committee Meetings) as virtual meetings through the use of video
2 conferencing (including use of any software platforms) in accordance with this Resolution,
3 Resolution No. 180943 and applicable Florida law.
4

- 5 2. **Notice of Meetings:** Virtual public meetings will be noticed on the City’s Notice of
6 Meetings which will be available for viewing at
7 <http://www.cityofgainesville.org/ClerkOfTheCommission/NoticeofMeetings.aspx> and
8 posted at the lobby of City Hall (visible from outside the building) by 5pm the Friday
9 before each work week. The Notice of Meetings will:

- 10
11 (a) List the meetings that will be held the following work week and identify those that will
12 be virtual meetings.
13
14 (b) Identify the public access points for viewing/listening to the virtual meetings, which
15 may include TV broadcast on Cox Channel 12, live stream on the internet at
16 <https://www.cityofgainesville.org/CommunicationsOffice/Community12TV/LiveWeb>
17 [Streaming.aspx](https://www.cityofgainesville.org/CommunicationsOffice/Community12TV/LiveWeb), and links to any Facebook live feed, and/or software platform used for
18 a meeting. If a software platform is being used, instructions will be included on how
19 to access the meeting for free on that platform.
20
21 (c) Explain how the public can participate in the meetings by submitting written or verbal
22 public comment.
23
24 (d) Provide a contact person’s email and phone number that members of the public may
25 contact during the public meeting to report issues with the technology the City is using
26 (not the technology members of the public are using) to provide public access
27 (viewing, listening and/or commenting) to the meeting.
28
29 (e) State that “Persons with disabilities who require assistance to participate in the
30 meetings are requested to notify the Office of Equity and Inclusion at 352-334-5051, or
31 call the TDD phone line at 352-334-2069 at least two business days in advance of the
32 meeting. If an American Sign Language interpreter is being requested, the request
33 must be made at least four business days in advance of the meeting.”
34

- 35 3. **Deadlines for Agenda Items, Backup and Publication:**

- 36
37 (a) For Regular Commission Meetings and Regular Committee Meetings, agenda items
38 and back-up must be submitted to the Clerk by noon seven calendar days prior to the
39 meeting (for example, for a Thursday meeting, the agenda items must be submitted to the
40 Clerk by noon on the Thursday of the week before the Thursday meeting.) The Clerk will
41 finalize the agenda and publish it on the City’s website at
42 <https://gainesville.legistar.com/Calendar.aspx> by 5pm five calendar days prior to the
43 meeting date (for example, for a Thursday meeting, the agenda will be published by 5pm
44 on the preceding Saturday.)
45

1 After publication of the agenda on the website, no new agenda items may be submitted for
2 a regular meeting, except for agenda items that are of an emergency or time sensitive
3 nature (which may be submitted at any time.) However, additional back-up may be
4 submitted for existing agenda items to the Clerk by noon three business days prior to the
5 meeting and the Clerk will publish a modified agenda on the City’s website at
6 <https://gainesville.legistar.com/Calendar.aspx> by 5pm on that day. In addition, revisions
7 may be made at any time if necessary to correct errors or incorrect information in an
8 agenda item or back-up.

9
10 (b) For Special Meetings and Workshops, agenda items and back-up must be submitted to
11 the Clerk by noon three business days prior to the meeting and the Clerk will finalize the
12 agenda and publish it on the City’s website at
13 <https://gainesville.legistar.com/Calendar.aspx> by 5pm that day (for example, for a
14 Wednesday Special Meeting, the agenda items are due by noon on the Friday before and
15 the Clerk will publish the agenda by 5pm on that Friday.)

16
17 4. **Quorum and voting requirements:** A Commissioner is considered “present” for
18 purposes of the quorum and voting requirements in 2.06 and 2.07 of the City Charter if they
19 are present in the virtual meeting via the video conferencing technology. Each vote on a
20 motion will be taken by roll call vote (with the Commissioner stating their name or the
21 Clerk stating the name, and the Commissioner then casting a voice vote (e.g., yes or no).

22
23 5. **Order of Business for Regular Meetings:** The order of business for regular meetings will
24 be as follows:
25

Call to Order (at time specified on the agenda)
Adoption of the Consent Agenda
Adoption of the Regular Agenda
General Public Comment (pre-recorded, then live if time permits; refer to section 6 below for details)
Business Discussion Items
Commission Member Comment
Proclamations/Special Recognitions
Resolutions
Public Hearings (including Planning Petitions)
Ordinances (second readings and then first readings)

26
27 6. **Public comment:** The Commission finds that the below listed means of submitting public
28 comment on general matters and on agenda items provides the public with a “reasonable
29 opportunity to be heard” as required by Section 286.0114(2), Florida Statutes, given the
30 extraordinary circumstances of the COVID-19 Pandemic.

31
32 (a) General Public Comment: This is intended to be 30 minutes maximum (3 minutes
33 maximum per person) of pre-recorded verbal public comment for items not on the
34 agenda. Persons who wish to leave comment should follow the instructions provided

1 on the Notice of Meetings (refer to Section 2 above.) Pre-recorded comment that is
2 received by the deadline specified in the Notice of Meetings will be played at the
3 meeting. If the pre-recorded comments do not take the full 30 minutes allotted, the
4 phone lines will be opened for the remaining time for live call-in comment for items not
5 on the agenda. In addition, the public may always email general comments to the City
6 Commission at citycomm@cityofgainesville.org.

7
8 (b) Public Comment on Agenda Items: To provide the Commission adequate time to
9 consider public comment on agenda items, the public is encouraged to submit all
10 agenda item comment in writing in advance of the meeting via “e-comment” at
11 <https://gainesville.legistar.com/Calendar.aspx> or via email sent to the City
12 Commission at citycomm@cityofgainesville.org. In addition, verbal public comment
13 on agenda items will be accepted by phone during the meeting by calling the number
14 provided on the Notice of Meetings.

15
16 7. **Minutes:** The Clerk will prepare meeting minutes and the minutes will be available for
17 public inspection at <https://gainesville.legistar.com/Calendar.aspx>.

18
19 8. **Technology issues:** In the event issues arise with the technology the City is using to
20 conduct the virtual meeting and such issues render the public unable to view or listen to the
21 meeting and/or participate in public comment, the virtual meeting will be continued,
22 recessed or adjourned (in the discretion of the presiding officer) until such time as the issue
23 has been resolved. This does not apply to technology issues that a member of the public
24 may experience as a result of the technology or equipment that person is using to access the
25 meeting.

26
27 9. **Waiver of these rules:** These rules (except those that are required by law or those that
28 involve notice) may be waived by a 2/3rds vote of the members present at a meeting.

29
30 10. **Virtual Meetings of Other City Boards:** In order to allow City boards to meet and
31 conduct business, the City Commission hereby suspends any Board Rule(s) or City Code
32 provision(s) that require a physical location for board meetings and/or the physical
33 presence of the board members for quorum or voting purposes and authorizes such boards,
34 in coordination with the respective Charter Officer who staffs that board, the City Attorney
35 and the Clerk of the Commission, to conduct virtual meetings in accordance with the
36 virtual meeting procedures set forth in 2. Notice of Meetings, 4. Quorum and voting
37 requirements, 7. Minutes, and 8. Technology issues of these Supplemental
38 Rules. Agendas for virtual meetings shall be finalized one week prior to the meeting date
39 (for example, for a Thursday meeting, the agenda will be published by 5pm on the
40 preceding Thursday. There will be no general public comment. Public Comment on
41 agenda items will be accepted via the email address (in advance of the meeting and during
42 the meeting) and phone number (during the meeting) provided in the Notice of Meetings
43 issued by the Clerk of the Commission.

44
45 **SECTION 2. Severability.** If any word, phrase, clause, paragraph, section, or provision of this

1 resolution or the application hereof to any person or circumstance is held invalid or
2 unconstitutional, such finding will not affect the other provisions or applications of this resolution
3 that can be given effect without the invalid or unconstitutional provision or application, and to this
4 end the provisions of this resolution are declared severable.

5
6 **SECTION 3. Repeal; Conflicting Provisions.** Resolution No. 191147, Resolution No.
7 191188 and Resolution No. 200146 are hereby repealed. All other ordinances, resolutions,
8 policies, procedures, or rules in conflict herewith are to the extent of such conflict hereby and
9 temporarily suspended throughout the duration of this Resolution. These rules, during the time
10 they are in effect, supplement and, to the extent of conflict, waive and supersede the City
11 Commission Rules adopted by Resolution No. 180943.

12
13 **SECTION 4. Effective Date and Duration.** This resolution will become effective
14 immediately upon adoption and will remain in effect until repealed by the City Commission.

15
16 Adopted October 15, 2020.

17
18 _____
19 Lauren Poe, Mayor

20
21 ATTEST:

22 Approved as to form and legality:

23
24 _____
25 Omichele D. Gainey
26 Clerk of the Commission

24 _____
25 Nicolle M. Shalley, City Attorney