

**RESOLUTION NO.191147**

**A resolution providing supplementary rules of procedure governing virtual meetings of the City Commission during the declared State of Emergency for the COVID-19 Pandemic; providing a severability clause; providing for suspension of conflicting provisions; and providing an effective date and duration.**

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

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

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

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

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

WHEREAS, effective on March 24, 2020, Alachua County issued Emergency Order No. 2020-09 titled “Stay at Home and Close all Non-Essential Businesses in Alachua County, Florida”;

WHEREAS, on March 20, 2020, as a result of the sustained Pandemic Emergency and in recognition that local government bodies will need to conduct public business in a manner that protects the public health and follows the CDC guidance, the Governor of Florida issued Executive Order 20-69 suspending any Florida Statute requiring that a physical quorum be present at a specific public place for a local government body to meet and authorizing local government bodies to utilize communications media technology, such as telephonic and video conferencing as provided in Section 120.54(5)(b)2, Florida Statutes, to conduct virtual public meetings, provided all other requirements of the law are met;

WHEREAS, as regards rules and a quorum, 2.06 of the City Charter titled “Commission as judge of qualifications of members; election of mayor-commissioner pro tempore; rules of procedure; punishment of members for misconduct; and quorum” states in relevant part “. . . The commission may determine its own rules of procedure . . . . A majority of all the members of the commission constitutes a quorum to do business but a smaller number may adjourn;”

WHEREAS, as regards taking official action, 2.07 of the City Charter titled "Commission actions; majority vote necessary for adoption of ordinances and resolutions" states "The commission shall act by motion, proclamation, resolution, or ordinance. Unless otherwise provided in this act or by law, a motion or a proclamation is adopted when approved by the votes of

1 a majority of the members present, and an ordinance or resolution is adopted when approved by  
2 the votes of four or more members;”  
3

4 WHEREAS, the City Code of Ordinances do not create any additional quorum or location of  
5 meeting requirements; and  
6

7 WHEREAS, the current City Commission Rules adopted by Resolution No. 180943 reference the  
8 above City Charter provisions and do not create any additional quorum or location of meeting  
9 requirement.  
10

11 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF  
12 GAINESVILLE:  
13

14 **SECTION 1. Supplemental Rules.** The following are adopted as Supplemental Rules of  
15 Procedure to govern virtual meetings pursuant to the above authority:  
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- 17 1. **Purpose and effect:** The City Commission adopts these Supplemental Rules to provide  
18 written notice of how virtual (i.e., not held in-person at a physical location) public meetings  
19 of the City Commission will be conducted in accordance with Florida law during the  
20 duration of the Declared State of Emergency for the COVID-19 Pandemic. Upon  
21 adoption, the City Commission may conduct any of its meetings (e.g., Regular Meetings,  
22 Special Meetings, Workshop Meetings and/or Committee Meetings) as virtual meetings  
23 through the use of phone and/or video conferencing (including use of any software  
24 platforms) in accordance with this Resolution, Resolution No. 180943 and applicable  
25 Florida law.  
26
- 27 2. **Notice of Meeting:** Virtual meetings shall be noticed on the City’s Notice of Meetings  
28 which will be made available for viewing at  
29 <http://www.cityofgainesville.org/ClerkOfTheCommission/NoticeofMeetings.aspx> and  
30 posted (visible from the outside) at the lobby of City Hall by 5pm the Friday before each  
31 work week. The Notice of Meetings shall:  
32
  - 33 (a) List the meetings that will be held the following work week and identify those that will  
34 be virtual meetings.
  - 35 (b) Identify the public access points for viewing/listening to the virtual meetings, including  
36 TV broadcast on Cox Channel 12, live stream on the internet at  
37 [https://www.cityofgainesville.org/CommunicationsOffice/Community12TV/LiveWeb](https://www.cityofgainesville.org/CommunicationsOffice/Community12TV/LiveWebStreaming.aspx)  
38 [Streaming.aspx](https://www.cityofgainesville.org/CommunicationsOffice/Community12TV/LiveWebStreaming.aspx) , and links to any Facebook live feed, or software platform used for a  
39 meeting. If a software platform is being used, include instructions on how to access  
40 the meeting for free on that platform.
  - 41 (c) Explain how the public can participate in the meetings by submitting written or verbal  
42 public comment.
  - 43 (d) Provide a contact person’s email and phone number that members of the public may

- 1 contact during the meeting to report issues with the technology the City's is using (not  
2 the technology members of the public are using) to provide public access (viewing,  
3 listening and/or commenting) to the meeting.
- 4 (e) State that "Persons with disabilities who require assistance to participate in the  
5 meetings are requested to notify the Equal Opportunity Office at 352-334-5051, or call  
6 the TDD phone line at 352-334-2069 at least two business days in advance of the  
7 meeting. If an American Sign Language interpreter is being requested, the request  
8 must be made at least four business days in advance of the meeting"  
9
- 10 3. **Agenda Items:** Each Charter Officer may submit agenda items (together with back-up  
11 materials, if any) to the Clerk for inclusion on the agenda. Agenda items shall be limited  
12 to essential city business (this means business that the Charter Officer determines must be  
13 conducted at this time to meet the operational needs of the City.) Any Commissioner who  
14 desires to place an item on an agenda should work through the appropriate Charter Officer  
15 to determine whether the item is essential and what agenda it may be placed on.  
16
- 17 4. **Deadlines for Agenda/Review and Publication:** Agenda items must be submitted to the  
18 Clerk one week and two days prior to the meeting (for example, for a Thursday meeting,  
19 the agenda items must be submitted to the Clerk by 5pm on the Tuesday of the week before  
20 the Thursday meeting.) The Mayor and Charter Officers will review the proposed agenda  
21 items on the intervening day, between submittal and publication of the agenda, and submit  
22 any revisions to the Clerk by noon the next day (for example, for a Thursday meeting, the  
23 items will be reviewed by 5pm on Wednesday and revisions submitted to the Clerk by noon  
24 on Thursday.)  
25
- 26 The Clerk will finalize the agenda and publish it on the City's website at  
27 <https://gainesville.legistar.com/Calendar.aspx> one week prior to the meeting date (for  
28 example, for a Thursday meeting, the agenda will be published by 5pm on the preceding  
29 Thursday.)  
30
- 31 After publication on the website - NO MODIFICATIONS will be made to the agenda – this  
32 means no new items or new back-up may be added and no revisions to existing items or  
33 existing back-up may be made.  
34
- 35 5. **Quorum/voting requirements:** A Commissioner is considered "present" for purposes of  
36 the quorum and voting requirements in 2.06 and 2.07 of the City Charter if they are present  
37 in the virtual meeting via the phone or video conferencing technology. Each vote on a  
38 motion will be taken by roll call vote (this means the Commissioner will state their name,  
39 or the Clerk will read their name, and the Commissioner will then cast their voice vote  
40 (e.g., yes or no).  
41
- 42 6. **Order of Business for Regular Meetings:** The order of business for regular meetings will  
43 be conducted in an abbreviated format as follows:

Call to order	
Adoption of the Consent Agenda	Public Comment will be taken prior to the Commission vote on the entire consent agenda
Business Discussion Items	Public Comment will be taken on each agenda item prior to the Commission vote
Resolutions	Public Comment will be taken on each Resolution prior to the Commission vote
Ordinances (no quasi-judicial matters will be heard)	Public Comment will be taken on each Ordinance prior to the Commission vote
Necessary Direction to Charter Officers	This section is to allow any member of the Commission to discuss a time sensitive/essential matter with the entire Commission and provide necessary direction on that matter to the Charter Officer(s). Public comment will be taken on each matter prior to the Commission vote.
Adjourn	

- 2  
3  
4 7. **Public comment:** Public comment will be taken only on agenda items, there will be no  
5 general public comment. To ensure the Commission has adequate time to consider public  
6 comment, the public is encouraged to submit all agenda item comment in writing in  
7 advance of the meeting. The Commission finds that the below listed means of submitting  
8 public comment provides the public with a “reasonable opportunity to be heard” as  
9 required by Section 286.0114(2), Florida Statutes, given the extraordinary circumstances  
10 of the COVID-19 Pandemic.  
11  
12 (a) Written public comment will be accepted in advance of the meeting and during the  
13 meeting via “e-comment” at <https://gainesville.legistar.com/Calendar.aspx>;  
14  
15 (b) Written public comment will be accepted in advance of the meeting and during the  
16 meeting via [citycomm@cityofgainesville.org](mailto:citycomm@cityofgainesville.org) ; and  
17  
18 (c) Verbal public comment will be accepted by phone by calling the number provided on  
19 the agenda.  
20  
21 8. **General Commissioner Comment:** Commissioner comment will be taken only on  
22 agenda items and during the “Necessary Direction to Charter Officers” portion of the  
23 meeting, there will be no general Commissioner comment.  
24  
25 9. **Minutes:** The Clerk will take meeting minutes and the minutes will be available for

1 public inspection at <https://gainesville.legistar.com/Calendar.aspx>.

- 2
- 3 10. **Technology issues:** In the event issues arise with the technology the City is using to
- 4 conduct the virtual meeting and such issues render the public unable to view or listen to the
- 5 meeting and/or participate in public comment, the virtual meeting will be recessed or
- 6 adjourned (in the discretion of the presiding officer) until such time as the issue has been
- 7 resolved. This does not apply to technology issues that a member of the public may
- 8 experience as a result of the technology or equipment that person is using to access the
- 9 meeting.

10

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

12 resolution or the application hereof to any person or circumstance is held invalid or

13 unconstitutional, such finding will not affect the other provisions or applications of this resolution

14 that can be given effect without the invalid or unconstitutional provision or application, and to this

15 end the provisions of this resolution are declared severable.

16

17 **SECTION 3. Conflicting Provisions Suspended.** All other ordinances, resolutions, policies,

18 procedures, or rules in conflict herewith are to the extent of such conflict hereby and temporarily

19 suspended throughout the effective duration of this resolution. These rules, during the time they

20 are in effect, supplement and, to the extent of conflict, waive and supersede the City Commission

21 Rules adopted by Resolution No. 180943.

22

23 **SECTION 4. Effective Date and Duration.** This resolution will become effective

24 immediately upon adoption. In accordance with the Governor's Executive Order 20-69, this

25 resolution will remain in effect during the time that Executive Order 20-52 is in effect (currently

26 until May 8, 2020), including any extensions issued by the Governor of Florida, unless this

27 Resolution is earlier repealed by the City Commission.

28

29 Adopted April\_\_\_\_\_, 2020.

30

31 \_\_\_\_\_

32 Lauren Poe, Mayor

33

34 ATTEST:

35 Approved as to form and legality:

36

37 \_\_\_\_\_

38 Omichele D. Gainey,

39 Clerk of the Commission

\_\_\_\_\_  
Nicolle M. Shalley, City Attorney