

Legislative #

191188

RESOLUTION NO. 191188

A resolution amending and restating the supplementary rules of procedure governing virtual public meetings during the declared State of Emergency for the COVID-19 Pandemic adopted by Resolution No. 191147; 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, on April 16, 2020, the City Commission adopted Resolution No. 191147 providing supplementary rules governing virtual meetings of the City Commission during the declared State of Emergency for the COVID-19 Pandemic; and

WHEREAS, to keep City business moving forward during the Pandemic, it may become necessary for certain City boards (final decision-making and/or advisory to the City Commission) to meet and take action. The Supplemental Rules are being amended and restated to include a new Rule 12 authorizing City boards to conduct virtual meetings.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF

1 GAINESVILLE:

2
3 **SECTION 1. Amended and Restated Supplemental Rules.** The following are adopted as
4 Supplemental Rules of Procedure to govern virtual meetings pursuant to the above authority:
5

6 1. **Purpose and effect:** The City Commission adopts these Supplemental Rules to provide
7 written notice of how virtual (i.e., not held in-person at a physical location) public meetings
8 of the City Commission will be conducted in accordance with Florida law during the
9 duration of the Declared State of Emergency for the COVID-19 Pandemic. Upon
10 adoption, the City Commission may conduct any of its meetings (e.g., Emergency
11 Meetings, Regular Meetings, Special Meetings, Workshop Meetings and/or Committee
12 Meetings) as virtual meetings through the use of phone and/or video conferencing
13 (including use of any software platforms) in accordance with this Resolution, Resolution
14 No. 180943 and applicable Florida law.
15

16 2. **Notice of Meeting:** Virtual meetings shall be noticed on the City's Notice of Meetings
17 which will be made available for viewing at
18 <http://www.cityofgainesville.org/ClerkOfTheCommission/NoticeofMeetings.aspx> and
19 posted (visible from the outside) at the lobby of City Hall by 5pm the Friday before each
20 work week. The Notice of Meetings shall:
21

22 (a) List the meetings that will be held the following work week and identify those that will
23 be virtual meetings.
24

25 (b) Identify the public access points for viewing/listening to the virtual meetings, including
26 TV broadcast on Cox Channel 12, live stream on the internet at
27 [https://www.cityofgainesville.org/CommunicationsOffice/Community12TV/LiveWeb](https://www.cityofgainesville.org/CommunicationsOffice/Community12TV/LiveWebStreaming.aspx)
28 [Streaming.aspx](https://www.cityofgainesville.org/CommunicationsOffice/Community12TV/LiveWebStreaming.aspx) , and links to any Facebook live feed, or software platform used for a
29 meeting. If a software platform is being used, include instructions on how to access
30 the meeting for free on that platform.
31

32
33 (c) Explain how the public can participate in the meetings by submitting written or verbal
34 public comment.
35

36 (d) Provide a contact person's email and phone number that members of the public may
37 contact during the meeting to report issues with the technology the City's is using (not
38 the technology members of the public are using) to provide public access (viewing,
39 listening and/or commenting) to the meeting.
40

41 (e) State that "Persons with disabilities who require assistance to participate in the
42 meetings are requested to notify the Equal Opportunity Office at 352-334-5051, or call
43 the TDD phone line at 352-334-2069 at least two business days in advance of the

- meeting. If an American Sign Language interpreter is being requested, the request must be made at least four business days in advance of the meeting”
- 3.
- Agenda Items:** Each Charter Officer may submit agenda items (together with back-up materials, if any) to the Clerk for inclusion on the agenda. Agenda items shall be limited to essential business (this means business that the Charter Officer determines needs to be conducted at this time.) Any Commissioner who desires to place an item on an agenda should work through the appropriate Charter Officer to determine whether the item is essential and what agenda it may be placed on.
- 4.
- Deadlines for Agenda Items /Backup and Publication:**
- (a) For Regular Commission Meetings and Regular Committee Meetings, agenda items and back-up must be submitted to the Clerk one week and two days prior to the meeting (for example, for a Thursday meeting, the agenda items must be submitted to the Clerk by 5pm on the Tuesday of the week before the Thursday meeting.) The Clerk will finalize the agenda and publish it on the City’s website at <https://gainesville.legistar.com/Calendar.aspx> one week prior to the meeting date (for example, for a Thursday meeting, the agenda will be published by 5pm on the preceding Thursday.)
- (b) For Special Meetings and Workshops, agenda items and back-up must be submitted to the Clerk by noon three business days prior to the meeting and the Clerk will finalize the agenda and publish it on the City’s website at <https://gainesville.legistar.com/Calendar.aspx> by 5pm that day (for example, for a Wednesday Special Meeting, the agenda items are due by noon on the Friday before and the Clerk will publish the agenda by 5pm on that Friday.)
- (c) After publication on the website - NO MODIFICATIONS will be made to the agenda – this means no new agenda items or new back-up may be added and no revisions to existing items or existing back-up may be made, unless necessary to correct errors or incorrect information in the agenda item or back-up.
- 5.
- Quorum/voting requirements:** A Commissioner is considered “present” for purposes of the quorum and voting requirements in 2.06 and 2.07 of the City Charter if they are present in the virtual meeting via the phone or video conferencing technology. Each vote on a motion will be taken by roll call vote (this means the Commissioner will state their name, or the Clerk will read their name, and the Commissioner will then cast their voice vote (e.g., yes or no).
- 6.
- Order of Business for Regular Meetings:** The order of business for regular meetings will 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
Adoption of the Regular Agenda	Public Comment will be taken prior to the Commission vote
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	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 any Commission vote.
Adjourn	

7. **Public comment:** Public comment will be taken only on agenda items, there will be no general public comment. To ensure the Commission has adequate time to consider public comment, the public is encouraged to submit all agenda item comment in writing in advance of the meeting. The Commission finds that the below listed means of submitting public comment provides the public with a “reasonable opportunity to be heard” as required by Section 286.0114(2), Florida Statutes, given the extraordinary circumstances of the COVID-19 Pandemic.
 - (a) Written public comment will be accepted in advance of the meeting and during the meeting via “e-comment” at <https://gainesville.legistar.com/Calendar.aspx>;
 - (b) Written public comment will be accepted in advance of the meeting and during the meeting via citycomm@cityofgainesville.org ; and
 - (c) Verbal public comment will be accepted by phone by calling the number provided on the Notice of Meetings.
8. **General Commissioner Comment:** Commissioner comment will be taken only on agenda items and during the “Necessary Direction to Charter Officers” portion of the meeting, there will be no general Commissioner comment.

- 1 9. **Minutes:** The Clerk will prepare meeting minutes and the minutes will be available for
2 public inspection at <https://gainesville.legistar.com/Calendar.aspx>.
3
- 4 10. **Technology issues:** In the event issues arise with the technology the City is using to
5 conduct the virtual meeting and such issues render the public unable to view or listen to the
6 meeting and/or participate in public comment, the virtual meeting will be continued,
7 recessed or adjourned (in the discretion of the presiding officer) until such time as the issue
8 has been resolved. This does not apply to technology issues that a member of the public
9 may experience as a result of the technology or equipment that person is using to access the
10 meeting.
11
- 12 11. **Waiver of these rules:** These rules (except those that are required by law or those that
13 involve notice) may be waived by a 2/3rds vote of the members present at a meeting.
14
- 15 12. **Virtual Meetings of Other City Boards:** In order to allow City boards to meet and
16 conduct essential business (as determined by the Charter Officer who staffs that particular
17 board), the City Commission hereby suspends any Board Rule(s) or City Code provision(s)
18 that require a physical location for board meetings and/or the physical presence of the
19 board members for quorum or voting purposes and authorizes such boards, in coordination
20 with the respective Charter Officer who staffs that board, the City Attorney and the Clerk
21 of the Commission, to conduct virtual meetings in accordance with the virtual meeting
22 procedures set forth in Rule 2. Notice of Meetings, Rule 5. Quorum/voting requirements,
23 Rule 9. Minutes, and Rule 10. Technology issues of these Supplemental Rules. Agendas
24 for virtual meetings shall be finalized one week prior to the meeting date (for example, for
25 a Thursday meeting, the agenda will be published by 5pm on the preceding
26 Thursday. There will be no general board member comment or general public
27 comment. Public Comment on agenda items will be accepted via the email address (in
28 advance of the meeting and during the meeting) and phone number (during the meeting)
29 provided in the Notice of Meetings issued by the Clerk of the Commission.
30
31

32 **SECTION 2. Severability.** If any word, phrase, clause, paragraph, section, or provision of this
33 resolution or the application hereof to any person or circumstance is held invalid or
34 unconstitutional, such finding will not affect the other provisions or applications of this resolution
35 that can be given effect without the invalid or unconstitutional provision or application, and to this
36 end the provisions of this resolution are declared severable.
37

38 **SECTION 3. Conflicting Provisions Suspended.** All other ordinances, resolutions, policies,
39 procedures, or rules in conflict herewith are to the extent of such conflict hereby and temporarily
40 suspended throughout the effective duration of this resolution. These rules, during the time they
41 are in effect, supplement and, to the extent of conflict, waive and supersede the City Commission
42 Rules adopted by Resolution No. 180943.
43

1 **SECTION 4. Effective Date and Duration.** This resolution will become effective
2 immediately upon adoption. In accordance with the Governor's Executive Order 20-69, this
3 resolution will remain in effect during the time that Executive Order 20-52 is in effect (currently
4 until May 8, 2020), including any extensions issued by the Governor of Florida, unless this
5 Resolution is earlier repealed by the City Commission.
6

7 Adopted May 7, 2020.
8
9

10 _____
11 Lauren Poe, Mayor

12 ATTEST:

Approved as to form and legality:

13
14
15 _____
16 Omichele D. Gainey,
17 Clerk of the Commission

Nicolle M. Shalley, City Attorney