

Legislative #

200493

1 **RESOLUTION NO. 200493**

2 **A resolution amending and restating the supplemental rules of procedure**  
3 **governing in-person public meetings and virtual workshops during the**  
4 **declared State of Emergency for the COVID-19 Pandemic; providing a**  
5 **severability clause; providing for repeal and conflicting provisions; and**  
6 **providing an effective date and 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, Resolution No. 200146 and Resolution  
29 No. 200402; and

30  
31 WHEREAS, the Governor of Florida allowed Executive Order 20-69 (which suspended physical  
32 quorum requirements and allowed local governments to conduct virtual public meetings using  
33 communications media technology), as extended by Executive Order 20-246, to expire at 12:01am  
34 on November 1, 2020; and

35  
36 WHEREAS, with no clear end to the Pandemic in sight, the Commission has determined it is  
37 necessary to make further revisions to its supplemental rules to conduct in-person (and virtual, if  
38 specified in this Resolution) public meetings in a manner that protects the public health and  
39 follows CDC guidance and best practices.

40  
41 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF  
42 GAINESVILLE:

43  
44 **SECTION 1. Amended and Restated Supplemental Rules.** The following are adopted as

1 Supplemental Rules of Procedure:  
2

3 1. **Purpose and effect:** The City Commission adopts these Supplemental Rules to provide  
4 written notice of how in-person meetings and virtual workshops of the City Commission  
5 (and other City boards as set forth in section 11 below) will be conducted during the City’s  
6 declared State of Emergency for the COVID-19 Pandemic. Upon adoption, the City  
7 Commission (and other City boards) must conduct their meetings (e.g., Emergency  
8 Meetings, Regular Meetings, Special Meetings, Committee Meetings and/or Workshops)  
9 in accordance with this Resolution and applicable Florida law.

10  
11 2. **Virtual Workshops:** In accordance with the Attorney General’s interpretation of and  
12 guidance on Florida’s Sunshine Law, workshops do not require a quorum to be physically  
13 present and are the only public meetings of a local government that may be conducted  
14 virtually (i.e., not in-person) through the use of communications media technology (such as  
15 telephonic and video conferencing as provided in Section 120.54(5)(b)2, Florida Statutes.)  
16 A “workshop” is defined as a meeting where no formal actions (meaning no motions and  
17 votes) are taken. For example, at a workshop, the public board will not vote to adopt the  
18 agenda, will not approve any minutes, the board may receive any presentations and may  
19 engage in discussion. Any board member who wishes to take action on a workshop item,  
20 must place that item on the meeting agenda for a future in-person meeting.

21  
22 3. **Location of Meetings; Notice of Meetings:** To the fullest extent possible, all in-person  
23 public meetings should be held in the City Hall Auditorium. This will allow the City to  
24 most effectively administer COVID-19 safety protocols and utilize technology that allows  
25 for in-person meetings with virtual participation by the public and by board members with  
26 “extraordinary circumstances.” Any request to meet in another location must be reviewed  
27 and approved by the City Charter Officers.

28  
29 Public meetings will be noticed on the City’s Notice of Meetings which can be viewed at  
30 <http://www.cityofgainesville.org/ClerkOfTheCommission/NoticeofMeetings.aspx>  
31 and will be posted at the lobby of City Hall (visible from outside the building) by 5pm the  
32 Friday before each work week. The Notice of Meetings will:

33  
34 (a) List the meetings that will be held the following work week and identify those that will  
35 be in-person meetings and those that will be virtual workshops.

36  
37 (b) Identify the public access points for viewing/listening to the meetings, which may  
38 include TV broadcast on Cox Channel 12, live stream on the internet at  
39 [https://www.cityofgainesville.org/CommunicationsOffice/Community12TV/LiveWeb](https://www.cityofgainesville.org/CommunicationsOffice/Community12TV/LiveWebStreaming.aspx)  
40 [Streaming.aspx](https://www.cityofgainesville.org/CommunicationsOffice/Community12TV/LiveWebStreaming.aspx) , and links to any Facebook live feed, and/or software platform used for  
41 a meeting. If a software platform is being used, instructions will be included on how  
42 to access the meeting for free on that platform.

43  
44 (c) Explain how the public can participate in the meetings by submitting written or verbal  
45 public comment.

1  
2 (d) Provide a contact person’s email and phone number that members of the public may  
3 contact during the public meeting to report issues with the technology the City is using  
4 (not the technology members of the public are using) to provide public access  
5 (viewing, listening and/or commenting) to the meeting.  
6

7 (e) State that “Persons with disabilities who require assistance to participate in the  
8 meetings are requested to notify the Office of Equity and Inclusion at 352-334-5051, or  
9 call the TDD phone line at 352-334-2069 at least two business days in advance of the  
10 meeting. If an American Sign Language interpreter is being requested, the request  
11 must be made at least four business days in advance of the meeting.”  
12

13 4. **Deadlines for Agenda Items, Backup and Publication:**  
14

15 (a) For Regular Commission Meetings and Regular Committee Meetings, agenda items  
16 and back-up must be submitted to the Clerk by noon seven calendar days prior to the  
17 meeting (for example, for a Thursday meeting, the agenda items must be submitted to the  
18 Clerk by noon on the Thursday of the week before the Thursday meeting.) The Clerk will  
19 finalize the agenda and publish it on the City’s website at  
20 <https://gainesville.legistar.com/Calendar.aspx> by 5pm five calendar days prior to the  
21 meeting date (for example, for a Thursday meeting, the agenda will be published by 5pm  
22 on the preceding Saturday.)  
23

24 After publication of the agenda on the website, no new agenda items may be submitted for  
25 a regular meeting, except for agenda items that are of an emergency or time sensitive  
26 nature (which may be submitted at any time.) However, additional back-up may be  
27 submitted for existing agenda items to the Clerk by noon three business days prior to the  
28 meeting and the Clerk will publish a modified agenda on the City’s website at  
29 <https://gainesville.legistar.com/Calendar.aspx> by 5pm on that day. In addition, revisions  
30 may be made at any time if necessary to correct errors or incorrect information in an  
31 agenda item or back-up.  
32

33 (b) For Special Meetings and Workshops, agenda items and back-up must be submitted to  
34 the Clerk by noon three business days prior to the meeting and the Clerk will finalize the  
35 agenda and publish it on the City’s website at  
36 <https://gainesville.legistar.com/Calendar.aspx> by 5pm that day (for example, for a  
37 Wednesday Special Meeting, the agenda items are due by noon on the Friday before and  
38 the Clerk will publish the agenda by 5pm on that Friday.)  
39

40 5. **Quorum and voting requirements for in-person meetings; allowance for individual**  
41 **members to participate virtually:** In accordance with the Attorney General’s  
42 interpretation of and guidance on Florida’s Sunshine Law, a Commission Member (or  
43 board member) is considered “present” for purposes of quorum and voting requirements  
44 when they are physically present in the meeting room. If a quorum is physically present,  
45 other members may participate virtually through the use of communications media

1 technology (such as telephonic and video conferencing as provided in Section  
 2 120.54(5)(b)2, Florida Statutes) ONLY IF each such member has “extraordinary  
 3 circumstances” that necessitate their participation via virtual means. Each member who  
 4 in good faith believes they have “extraordinary circumstances” shall file with the board  
 5 clerk an affidavit (on the form provided by the Clerk of the Commission) 7 calendar days in  
 6 advance of the meeting (for example, for a Thursday meeting, the affidavit must be filed  
 7 with the board clerk by 5pm on the preceding Thursday.) If a quorum will not be  
 8 physically present, the clerk will cancel the public meeting. When any member(s)  
 9 participate virtually, the clerk will publicly announce the filing of the affidavits at the start  
 10 of the meeting and each vote on a motion during that meeting will be taken by roll call vote  
 11 (with each member stating their name or the Clerk stating each member’s name, and the  
 12 member then casting a voice vote.) A member who is participating virtually must vote or  
 13 they will be counted as absent for the meeting.  
 14

- 15 6. **Order of Business for Regular Meetings:** The order of business for regular meetings will  
 16 be as set forth below. NOTE: any item may be heard at any time after the Call to Order,  
 17 except for those items required by law or advertised to be heard after a certain time.  
 18

Call to Order (at time specified on the agenda)
Adoption of the Consent Agenda
Adoption of the Regular Agenda
General Public Comment (pre-recorded only, unless time permits for live call-in, refer to section 8(a) 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)

- 19  
 20 7. **Attendance at In-person Meetings:** In light of the COVID-19 Pandemic and Center for  
 21 Disease Control and local Health Department public health recommendations, the  
 22 Commission STRONGLY ENCOURAGES all City staff and members of the public to  
 23 continue to participate in the City’s public meetings via all of the virtual (not in-person)  
 24 means provided by the City. Members of the Commission and other City boards, City  
 25 staff and members of the public who attend any City public meeting in-person MUST  
 26 follow all safety protocols specified by City management, including, but not limited to, a  
 27 temperature check prior to entry, wearing of a facial covering, maintaining social distance  
 28 from other persons and sitting only in the designated seating provided by the City. Any  
 29 person who attends a City public meeting in-person and refuses to follow any safety  
 30 protocols will be asked to leave and, upon further refusal, may be removed by order of the  
 31 sergeant-at-arms, or designee. If the person refuses or resists removal, the person may be  
 32 placed under arrest.  
 33

- 34 8. **Public comment:** The Commission finds that the below listed means of submitting public

1 comment on general matters and on agenda items provides the public with a “reasonable  
2 opportunity to be heard” as required by Section 286.0114(2), Florida Statutes, given the  
3 extraordinary circumstances of the COVID-19 Pandemic.  
4

5 (a) **General Public Comment at Regular City Commission Meetings:** This is intended to be  
6 30 minutes maximum (3 minutes maximum per person) of pre-recorded verbal public  
7 comment for items not on the agenda. Persons who wish to leave comment should  
8 follow the instructions provided on the Notice of Meetings (refer to Section 3 above.)  
9 Pre-recorded comment that is received by the deadline specified in the Notice of  
10 Meetings will be played at the meeting. If the pre-recorded comments do not take the  
11 full 30 minutes allotted, the phone lines will be opened for the remaining time for live  
12 call-in comment for items not on the agenda. In addition, the public may always email  
13 general comments to the City Commission at [citycomm@cityofgainesville.org](mailto:citycomm@cityofgainesville.org).  
14 There will be NO in-person general public comment.  
15

16 (b) **Virtual Public Comment on Agenda Items at City Commission Meetings:** To provide  
17 Commission members adequate time to consider public comment on agenda items, the  
18 public is encouraged to submit all agenda item comment in writing in advance of the  
19 meeting via “e-comment” at <https://gainesville.legistar.com/Calendar.aspx> or via email  
20 sent to the City Commission at [citycomm@cityofgainesville.org](mailto:citycomm@cityofgainesville.org). In addition, verbal  
21 public comment on agenda items will be accepted by phone during the meeting by  
22 calling the number provided on the Notice of Meetings.  
23

24 (c) **In-person Public Comment on Agenda Items:** In-person public comment will be taken  
25 on agenda items; however, members of the public who comment in-person will be  
26 required to follow all safety protocols (see Section 7 above).  
27

28 9. **Minutes:** The Clerk will prepare meeting minutes and the minutes will be available for  
29 public inspection at <https://gainesville.legistar.com/Calendar.aspx>.  
30

31 10. **Technology issues:** In the event issues arise with the technology the City is using to  
32 provide virtual access and such issues render the public unable to view or listen to the  
33 meeting and/or participate in public comment, the meeting will be continued, recessed or  
34 adjourned (in the discretion of the presiding officer) until such time as the issue has been  
35 resolved. This does not apply to technology issues that a member of the public may  
36 experience as a result of the technology or equipment that person is using to access the  
37 meeting.  
38

39 11. **Waiver of these rules:** These rules (except those that are required by law or those that  
40 involve notice) may be waived by a 2/3rds vote of the members present at a meeting.  
41

42 10. **Meetings of Other City Boards:** In order to allow City boards to meet and conduct  
43 business during the COVID-19 pandemic, the City Commission authorizes such boards, in  
44 coordination with the respective Charter Officer who staffs that board, the City Attorney  
45 and the Clerk of the Commission, to conduct meetings in accordance with the meeting

1 procedures set forth in 2. Virtual Workshops, 3. Notice of Meetings, 5. Quorum and voting  
2 requirements, 7. Attendance at in-person meetings, 8(c). as to in-person public comment,  
3 9. Minutes, and 10. Technology issues of these Supplemental Rules. Meeting agendas  
4 will be finalized one week prior to the meeting date (for example, for a Thursday meeting,  
5 the agenda will be published by 5pm on the preceding Thursday.) There will be no general  
6 public comment. Public Comment on agenda items will be accepted via the email address  
7 (in advance of the meeting and during the meeting) and phone number (during the meeting)  
8 provided in the Notice of Meetings issued by the Clerk of the Commission and in-person as  
9 set forth in 8(c) above.

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. Repeal; Conflicting Provisions.** Resolution No. 191147, Resolution No.  
18 191188, Resolution No. 200146 and Resolution No. 200402 are hereby repealed. All other  
19 ordinances, resolutions, policies, procedures, or rules in conflict herewith are to the extent of such  
20 conflict hereby and temporarily suspended throughout the duration of this Resolution. These rules,  
21 during the time they are in effect, supplement and, to the extent of conflict, waive and supersede  
22 the City Commission Rules adopted by Resolution No. 180943.

23  
24 **SECTION 4. Effective Date and Duration.** This resolution will become effective  
25 immediately upon adoption and will remain in effect until repealed by the City Commission.

26  
27 Adopted November 5, 2020.

28  
29  
30 \_\_\_\_\_  
Lauren Poe, Mayor

31  
32 ATTEST:

Approved as to form and legality:

33  
34  
35 \_\_\_\_\_  
36 Omichele D. Gainey  
37 Clerk of the Commission

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