



Broward County

Legislation Text

File #: 20-2174, Version: 1

Broward County Commission Regular Meeting

Director's Name: Andrew J. Meyers

Department: County Attorney

Information

Requested Action

A. MOTION TO WAIVE Section 18.5(e)(1) of the Broward County Administrative Code, which requires that the Board first direct the County Attorney to draft a proposed ordinance.

ACTION: (T-10:39 AM) Approved. (Refer to minutes for full discussion.) (See Yellow-Sheeted Additional Material, dated December 8, 2020, submitted at the request of Office of the County Attorney.)

VOTE: 9-0. Commissioner Rich voted in the affirmative telephonically.

B. MOTION TO ADOPT Resolution No. 2020-762 directing the County Administrator to publish Notice of Public Hearing to be held on Tuesday, January 12, 2021, at 10:00 a.m., in Room 422 of the Governmental Center to consider adoption of a proposed Ordinance the title of which is as follows:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO QUORUMS FOR ADVISORY BOARDS AND OTHER BOARDS; AMENDING SECTION 1 233 OF THE BROWARD COUNTY CODE OF ORDINANCES ("CODE"); AND PROVIDING FOR SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE.

(Sponsored by the Board of County Commissioners)

ACTION: (T-10:39 AM) Approved. (Refer to minutes for full discussion.) (See Yellow-Sheeted Additional Material, dated December 8, 2020, submitted at the request of Office of the County Attorney.)

VOTE: 9-0. Commissioner Rich voted in the affirmative telephonically.

Why Action is Necessary

The Broward County Charter requires the posting of notice and a public hearing for adoption of amendments to the Broward County Code of Ordinances.

What Action Accomplishes

Enables the setting of a public hearing during which the Board may consider enacting a proposed Ordinance.

Is this Action Goal Related

No

Previous Action Taken

Summary Explanation/Background

Since March 10, 2020, Broward County ("County") has been under an emergency declared by both the state and the County due to COVID-19, which is a highly contagious and potentially deadly disease. Current Centers for Disease Control ("CDC") guidelines state that limiting close face-to-face contact with others, particularly when indoors, is the best way to reduce the spread of COVID-19, especially for people who are at a higher risk for severe illness from COVID-19 such as older adults and people with underlying medical conditions. In recognition of the need to protect the public and follow CDC guidance regarding physical distancing, on March 20, 2020, Governor DeSantis, pursuant to his emergency authority, waived the in-person quorum requirement for local government bodies, allowing those bodies to use communications media technology ("CMT") such as teleconferencing and other technological means in lieu of a physical quorum. The Governor's executive order expired on November 1, 2020 and has not been renewed.

Many of the County's advisory boards, committees, commissions, councils, and task forces ("Advisory Boards") are subject to the requirements of Section 1-233 of the Broward County Code of Ordinances ("Code"), which requires a majority of the total appointed board members be physically present for there to be a quorum. Only if a physical quorum is present may board members who are not physically present attend and participate in meetings by telephone. Requiring in-person meetings for those Advisory Boards presents a significant health risk that could be avoided by use of CMT. The proposed Ordinance amends Section 1-233 of the Code to create an exception to the in-person physical quorum requirement for Advisory Boards during states of local emergency.

Due to the pressing nature of this item and the difficulty Advisory Boards have had in meeting due to the in-person physical quorum requirement, the Office of the County Attorney is preparing this item without having first received a motion to direct from the Board. The proposed Ordinance is still being developed, and the Office of the County Attorney will distribute it as additional material as soon as it is ready.

Source of Additional Information

Annika E. Ashton, Deputy County Attorney, 954-357-7600

Fiscal Impact

Fiscal Impact/Cost Summary

The Fiscal Impact Statement by the Office of Management and Budget will be provided at the time of the public hearing, in compliance with Section 18.5(e)(7) of the Broward County Administrative Code