

ITEM #61

(Substitute Resolution)

(The only change, to Section 1(e), is shown in underlined and grey-shaded print)

ADDITIONAL MATERIAL

Regular Meeting

MARCH 31, 2020

SUBMITTED AT THE REQUEST OF

OFFICE OF THE COUNTY ATTORNEY

PROPOSED

RESOLUTION NO. 2020-

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF BROWARD COUNTY, FLORIDA, PERTAINING TO EMERGENCY COMMUNICATIONS MEDIA TECHNOLOGY (CMT); PROVIDING FOR THE ADOPTION OF RULES FOR MEETINGS EMPLOYING CMT; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Broward County is in the midst of a global pandemic of coronavirus disease 2019 (COVID-19), a serious respiratory illness that is highly contagious, can be fatal, and has already caused the death of several Broward County residents;

WHEREAS, the Governor of Florida and the Broward County Administrator have declared state and local states of emergency due to the COVID-19, which may continue for an unknown period ("State of Emergency");

WHEREAS, the U.S. Centers for Disease Control and Prevention is recommending social distancing to slow the spread of COVID-19;

WHEREAS, social distancing includes maintaining separation of at least six (6) feet between persons and avoiding large gatherings of people;

WHEREAS, on March 20, 2020, Florida Governor Ron DeSantis issued Executive Order 20-69, suspending "any Florida Statute that requires a quorum to be present in person or requires a local government body to meet at a specific public place"; and

WHEREAS, the Broward County Board of County Commissioners and other boards and committees created by Broward County need to continue holding public meetings during the current State of Emergency while complying with applicable law and providing electronic public access to such meetings, NOW, THEREFORE,

1 BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF
2 BROWARD COUNTY, FLORIDA:

3 Section 1. The Board of County Commissioners sets the following rules for use
4 of communications media technology for public meetings of Broward County boards and
5 committees during the State of Emergency:

6 (a) Definitions

7 *Attend* means having access to the CMT being used to conduct the meeting such
8 that the attendee can listen to the public business being discussed at the meeting.

9 *Board* means the Broward County Board of County Commissioners.

10 *Communications media technology* or *CMT* means an electronic method of
11 transmitting, at a minimum, audio communications, but may also include printed matter,
12 video, or other visuals.

13 *Public meeting* means a public meeting of the Board or any other board or
14 committee created by Broward County. Public meeting does not include any meeting of
15 any statutorily created board or committee, which may elect to create its own rules
16 governing the use of CMT.

17 *Public comment* means an opportunity to be recognized and speak relative to the
18 issues being discussed at the public meeting.

19 (b) Pursuant to Executive Order 20-69 issued by Governor DeSantis on
20 March 20, 2020, public meetings, including but not limited to workshops, quasi-judicial
21 proceedings, and public hearings, may be conducted using CMT for the duration of the
22 State of Emergency, including as such may be extended by further order of the Governor.

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1 (c) When a public meeting is conducted using CMT, the public notice shall state
2 that the meeting is being conducted utilizing CMT. The notice shall also state how
3 interested persons may attend the meeting using CMT, including:

4 (1) All information necessary for interested persons to submit public comment
5 (including any supporting written information) at or in advance of the public
6 meeting; and

7 (2) Contact information (which shall include at least an e-mail address and a
8 telephone number) where any person seeking to attend or submit public
9 comment may obtain additional information.

10 (d) In quasi-judicial matters, any evidence, testimony, and argument that is
11 offered utilizing CMT shall be afforded equal consideration as if it were offered in person,
12 and shall be subject to the same objections.

13 (e) These procedures shall be supplementary to the procedures contained
14 within the Broward County Charter, the Broward County Code of Ordinances, and the
15 Broward County Administrative Code, each of which shall remain in full force and effect
16 except to the extent it conflicts with these emergency procedures, and any conflicting
17 provision is hereby waived for any public meeting utilizing CMT, including without
18 limitation Section 18.3(a) and (d), Section 18.5(a), and Section 18.8 of the Broward
19 County Administrative Code. Except as otherwise provided in the Executive Order 20-
20 69, public meetings shall comply with all other applicable statutes, rules, and regulations.

21 (f) These emergency procedures shall automatically sunset upon expiration of
22 Executive Order 20-69.

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1 Section 2. Severability.

2 If any portion of this Resolution is determined by any court to be invalid, the invalid
3 portion will be stricken, and such striking will not affect the validity of the remainder of this
4 Resolution. If any court determines that this Resolution, in whole or in part, cannot be
5 legally applied to any individual, group, entity, property, or circumstance, such
6 determination will not affect the applicability of this Resolution to any other individual,
7 group, entity, property, or circumstance.

8 Section 3. Effective Date.

9 This Resolution is effective upon adoption and shall apply retroactively to the
10 meeting at which it was adopted.

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12 ADOPTED this _____ day of _____, 2020. **PROPOSED**

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14 Approved as to form and legal sufficiency:
15 Andrew J. Meyers, County Attorney

16 By /s/ Scott Andron 03/30/2020
17 Scott Andron (date)
18 Assistant County Attorney

19 By /s/ René D. Harrod 03/30/2020
20 René D. Harrod (date)
21 Deputy County Attorney

22
23 SA/RDH/jl
24 Emergency CMT Reso.
03/30/2020
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