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RESOLUTION NO. 2020- 225

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TAMPA
APPROVING EMERGENCY RULES OF PROCEDURE FOR THE
CONDUCT OF MEETINGS WITH THE USE OF COMMUNICATIONS
MEDIA TECHNOLOGY DURING THE STATE OF EMERGENCY
PERTAINING TO THE COVID-19 PANDEMIC; PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, Florida Governor, Ron DeSantis, issued Executive Order Number 20-51 on March 1, 2020, which declared a Public Health Emergency in the State of Florida due to the appearance of individuals testing positive for COVID-19 within the State of Florida; and

WHEREAS, the Governor issued Executive Order Number 20-52 on March 9, 2020, declaring a State of Emergency for the entire State of Florida for a period of sixty (60) days related to COVID-19; and

WHEREAS, Executive Order Number 20-52, Section 4 (D) authorizes a political subdivision to waive the procedures and formalities otherwise required by law...; and

WHEREAS, on March 12, 2020, the Hillsborough County Environmental Policy Group declared a local State of Emergency related to COVID-19, and has lawfully extended the State of Emergency so it is still currently in place, based on the current and potential threat to health of residents and visitors in Hillsborough County; and

WHEREAS, on March 12, 2020, the Mayor of the City of Tampa ("City") also declared a local State of Emergency related to COVID-19 within the municipal boundaries of the City by way of Executive Order 2020-01, and has lawfully extended the State of Emergency so it is still currently in place, based on the current and potential threat to health of residents and visitors in the City; and

WHEREAS, public health experts have consistently recommended avoiding close physical interaction between people in order to slow the spread of COVID-19; and

WHEREAS, the Hillsborough County Emergency Policy Group adopted a "Safer at Home" Executive Order on March 27, 2020, requiring residents and citizens of Hillsborough County to stay at home during the State of Emergency related to COVID-19 subject to exceptions contained in that Order; and

WHEREAS, the Governor issued Executive Order No. 20-91 on April 1, 2020, also finding that all residents of the State of Florida are "safer at home" and requiring that they stay at home subject to the exceptions contained in that Order as further clarified by subsequent Executive Orders and interpretations issued by the Governor and the Governor's legal counsel; and

WHEREAS, in responses to concerns raised by local government bodies, Florida Governor DeSantis issued Executive Order Number 20-69 on March 20, 2020, which suspended

any Florida Statute that requires a physical quorum to be present in person or that requires a local government body to meet at a specific public place; and

WHEREAS, Executive Order Number 20-69 allows a local government body to utilize communications media technology ("CMT") as defined and provided in Section 120.54(5)(b)2, Florida Statutes; and

WHEREAS, the City Council of the City of Tampa is a local government body, and Sections 252.46 and 120.54(5)(b)2, Florida Statutes, allow the City Council to create uniform rules and procedures for the conduct of City Council public meetings through CMT during a declared State of Emergency; and

WHEREAS, the rules and procedures adopted in this Resolution are necessary to safely conduct the business of the City Council and provides notice, fair procedure, public participation and a sufficient opportunity to be heard in compliance with Chapter 286 Florida Statutes and the Florida Constitution.

NOW, THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL
OF THE CITY OF TAMPA, FLORIDA:**

Section 1. Findings. The City Council of the City of Tampa, Florida ("City Council") makes the following findings:

- a) That the City Council's creation of uniform rules and procedures for the conduct of public meetings through CMT is subject to the emergency rulemaking requirements of Section 120.54(4), Florida Statutes; and
- b) That the declared COVID-19 public health emergency presents an immediate danger to the public health, safety, or welfare that requires emergency action in accordance with Chapter 252, Florida Statutes and the Declarations of a State of Emergency by the Governor of the State of Florida, the Hillsborough County Emergency Policy Group and Mayor of the City of Tampa; and
- c) That the creation of uniform rules and procedures for the conduct of public meetings of the City Council through CMT is necessitated by the immediate danger; and
- d) That the creation of such rules and procedures is the minimum action necessary to protect the public interest; and
- e) That the adoption of these rules and procedures shall be published on the City's website; and
- f) That the adoption of uniform rules and procedures for the conduct of CMT meetings utilizing the foregoing procedures is fair under the circumstances.

Section 2. Duration. The following rules and procedures for conducting public meetings by the City Council through the use of Communications Media Technology ("CMT") are hereby adopted for the period commencing as of adoption of this resolution by the City Council, and terminating automatically when the Governor's Executive Order 20-69 expires.

Section 3. Definition of CMT and Intent. Communications Media Technology or CMT shall have the same meaning as provided in Section 120.54(5)(b)2, Florida Statutes. The

Mayor, or her designee, shall designate one or more approved platforms (i.e. GoToMeeting, GoToWebinar or similar platform) for the conduct of meetings by CMT. The Mayor shall also designate one or more CMT Operators, which person(s) shall be responsible for overseeing and administering the specific CMT to be utilized in connection with a public meeting, including but not limited to the administration and operation of the features of any particular equipment, software, or platform used in connection with a meeting conducted through CMT.

Section 4. Types of Meetings and Hearings. The City Council may schedule and hold public meetings, hearings and workshops through the use of CMT, if properly noticed as provided below.

Section 5. Notice. The notice of any public meeting of the City Council to be held via CMT shall be provided in the same manner as required for a non-CMT meeting, and shall plainly state that such meeting is to be conducted utilizing CMT and identify the specific type of CMT to be used. All such notices of City Council meetings utilizing CMT shall also:

- a) state how persons interested in attending or participating may do so, including web links to any internet-based method(s) of viewing the CMT meeting and/or the phone numbers(s) and time(s) for those participants wishing to phone into the CMT meeting or leave voice-mail messages for the CMT meeting; and
- b) include an e-mail address where remote participants can send in comments, exhibits, PowerPoints, videos, or other documents that meeting participants wish to be considered at the meeting (collectively, "Documents"); and
- c) include the deadline for submission of Documents; and
- d) include a contact phone number where participants with disabilities, and persons without access to the technology that will be utilized for the meeting, can obtain assistance in participating in the meeting (collectively referred to herein as the "CMT Information").

The CMT Information shall be included as part of any notice required by applicable laws and ordinances. The CMT Information will also be placed on the City's web site (<https://www.tampagov.net>).

Section 6. Procedures. City Council meetings conducted by CMT shall be conducted as follows:

- a) Quorum; Voting. The City Clerk shall call the roll and verbally verify that a quorum is present through CMT at the beginning of the meeting. To ensure accuracy, authenticity, and the presence of a quorum, all voting shall be conducted verbally by roll call. Unless a physical quorum is required, any requirement that the voting members of the City Council be physically present at the meeting, either to vote or to be counted for quorum requirements, is hereby waived for the duration of the declared State of Emergency provided that a quorum of such members participate in the meeting by means of CMT.
- b) Minutes; Recording. Minutes of all meetings conducted by CMT shall be kept by the City Clerk in the same manner as required for a non-CMT meeting. Where practicable, all meetings conducted by CMT shall be recorded or otherwise captured by digital means.

- c) Staff. The City Clerk's Office, the City Council Attorney, the City Attorney's Office and City staff may attend the meeting by CMT, except for any City employees that need to physically attend the meeting to conduct the CMT meeting.
- d) Physical Location. Unless specifically noticed otherwise, all City Council meetings will be conducted solely by the use of CMT and there will be no physical meeting of the City Council. If a quorum is required to be physically present, the noticed location shall be compliant with all orders under the State of Emergency and public health guidelines then in effect for the protection of participants.

Section 7. Public Participation. The public shall be permitted to participate in CMT meetings in the following manner and through the following means:

- a) General. Members of the public will be given a reasonable opportunity to be heard at a time before the City Council takes official action. Public comment should be limited to matters on the City Council agenda to the maximum extent possible. All public comment or participation will be limited to a maximum of 3 minutes, unless a request for additional time is approved by the City Council. The Chair of the City Council may rule any public participant, who uses profanity or engages in disruptive behavior as being out of order.
- b) Participation by way of CMT Platform. All speakers at a City Council meeting participating by way of the designated CMT Platform must be recognized by the Chair prior to speaking, and no more than one person shall speak at the same time. To facilitate the orderly conduct of the meeting, the CMT Operator will "mute" or otherwise disable the lines of members of the public until such time as they are recognized to speak. Interested persons desiring to provide public comment should comply with the directions provided in the meeting notice and/or otherwise described by the Chair and/or CMT Operator. CMT participants will be placed in a queue on a first-come, first serve basis, and will be notified by a member of City staff when they will be permitted to speak.
- c) Voicemails. A voicemail number will be published in the meeting notice and made available so that members of the public can participate in a City Council or City Council meeting by leaving a voicemail. The maximum length of any voicemail will be three (3) minutes. All callers should identify the agenda item or public hearing for which the voicemail is left. Voicemails recorded by a date and time in the meeting notice will be played prior to any action by the City Council or the City Council on an item related to the voicemail. The City Council reserves the right to reject voicemails that contain obscenities or are unrelated to matters on the agenda.
- d) Written Comments and Documents. Written comments and other documents (collectively referred to herein as "Documents") can be provided by mail or email. The meeting notice will contain both a physical address and an e-mail address for persons wishing to submit Documents. Documents should be limited to items on the published agenda and shall be submitted by the deadline set forth in the CMT meeting notice. The City Council further reserves the right to redact or reject Documents containing obscene material or material that is confidential pursuant to state law. If a person submitting Documents wishes for any portion of the Documents to be read

e) Physical Presence. A physical meeting place where the public can participate in CMT meetings will not be provided even if a physical quorum of the City Council is required or if City staff is otherwise present, given the declared public health emergency and the need to safeguard health, safety and welfare, unless circumstances exist at the determination of the Chair of City Council in concurrence with the Administration for a meeting location which is compliant with orders under the State of Emergency and public health guidelines then in effect for the protection of participants. Such a physical location for public participation must be clearly noticed as such.

f) Compliance with Sunshine Law. The public participation methods identified above shall be the primary methods for the public to participate in the City Council meetings. All evidence, testimony, and argument presented through one of these public participation methods shall be afforded equal consideration, regardless of the method of communication.

Section 9. Adoption. This Resolution shall take effect immediately upon adoption.

ATTEST:


LUIS VIERA
CHAIRMAN, CITY COUNCIL

e/s
MARTIN SHELBY
CITY COUNCIL ATTORNEY