

RESOLUTION NUMBER 20-14

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, ADOPTING RULES OF PROCEDURE FOR VIRTUAL TOWN COUNCIL MEETINGS IN ACCORDANCE WITH THE FLORIDA GOVERNOR'S EXECUTIVE ORDER 20-69, THAT TAKE PLACE DURING THE PENDENCY OF THE STATE OF EMERGENCY DECLARED IN GOVERNOR DESANTIS' EXECUTIVE ORDER 20-52; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, it is well established in opinions issued by the Florida Attorney General that in order to establish a quorum, the requisite number of members must be physically present in the room and, that if a quorum is physically present, the participation of an absent member by telephone/video is permissible due to extraordinary circumstances; and

WHEREAS, the Center for Disease Control and Prevention has advised that in order to limit the spread of the Coronavirus/COVID-19, individuals should adopt far-reaching social distancing measures; and

WHEREAS, finding it necessary and appropriate to take action to ensure that Coronavirus/COVID-19 remains controlled and that residents and visitors in Florida remain safe and secure, on March 20, 2020, the Governor of the State of Florida issued Executive Order No. 20-69 suspending any Florida Statute, "that requires a quorum to be present in person requires a local government body to meet at a specific public place;" and

WHEREAS, the Order also expressly permits local government bodies to utilize communications media technology, such as telephonic and video conferencing ("Virtual Meetings"), as provided in §120.54(5)(b)(2), *Fla. Stat.*, and

WHEREAS, the Order does not waive any other requirement under the Florida Constitution or "Florida's Government in the Sunshine Law," including Chapter 286, *Fla. Stat.*, and

WHEREAS, the Order requires that local government bodies adopt rules of procedure for Virtual Meetings, in accordance with section 120.54(5)(b)(2), *Fla. Stat.*

NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH THAT:

Section 1. The above recitals are true and correct and are hereby incorporated by reference as though fully set forth herein.

Section 2. In accordance with the Order, Chapter 252, Fla.Stat., and §120.54 *Fla. Stat.*, the Town Council hereby adopts the Rules of Procedure attached hereto as Exhibit "A" and incorporated herein by this reference for Town Council Virtual Meetings that take place during the pendency of the state of emergency declared in the Governor's Executive Order 20-52.

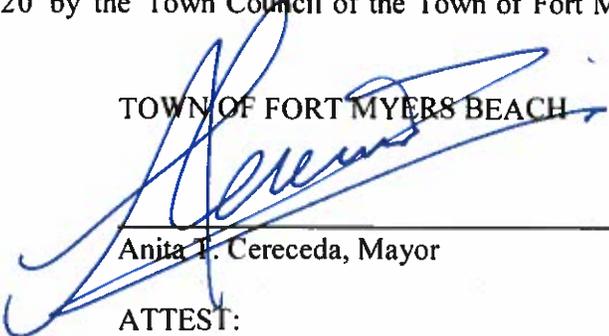
Section 3. This Resolution shall take effect immediately upon adoption.

The foregoing Resolution was adopted by the Town Council upon a motion by Vice Mayor Murphy and seconded by Council Member Hosafros, and upon being put to a vote, the result was as follows:

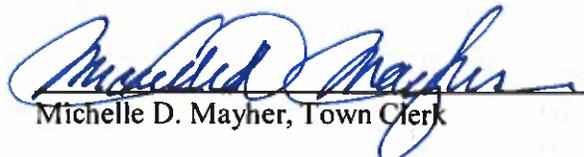
Anita Cereceda, Mayor	aye
Ray Murphy, Vice Mayor	aye
Joanne Shamp, Councilmember	aye
Rexann Hosafros Councilmember	aye
Bruce Butcher, Councilmember	aye

ADOPTED this 30th day of March, 2020 by the Town Council of the Town of Fort Myers Beach, Florida.

TOWN OF FORT MYERS BEACH


Anita T. Cereceda, Mayor

ATTEST:


Michelle D. Mayher, Town Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY FOR THE USE
AND RELIANCE OF THE TOWN OF FORT MYERS BEACH ONLY:



John R. Herin, Jr., Town Attorney

This Resolution was filed in the Office of the Town Clerk on this 31st day of March 2020.

EXHIBIT “A”

RULES OF PROCEDURES FOR VIRTUAL MEETINGS **OF THE TOWN OF FORT MYERS BEACH COUNCIL** **(CORONAVIRUS/COVID-19)**

These rules are adopted in accordance with the Florida Governor’s Executive Order 20-69, Chapter 252, and §120.54(5)(b)(2), *Florida Statutes* in order to provide for fully virtual meetings of the Town Council. The Town is taking this action in response to the Coronavirus/COVID-19 pandemic, in order to comply with social distancing recommendations intended to protect the life and safety of individuals in the community. **Accordingly, Town Hall is closed to the public and all notices will so state.**

PLATFORM:

The Town will use the Zoom video conference platform for virtual Town Council meetings. In accordance with the Town Charter and the Town Code, the Mayor will administer the Council meeting as Chair of the Town Council, with technical assistance from the Information Technology Department.

The Town will live stream all virtual meetings on the Town’s website at <https://www.fortmyersbeachfl.gov>. In addition, a dedicated phone line will be available so that any individual who does not wish (or is unable) to use Zoom may listen to the meeting via phone.

NOTICE:

The Town will notice virtual meetings in the same manner and at the same locations as all other Town Council meetings, and will publish the Zoom conference number (along with instructions) on the Town Council agenda. Additionally, all notices will include an email address and instructions on how to provide a comment via e-comment.

Town Hall is closed to the public and all notices will so state.

PUBLIC PARTICIPATION:

The public may comment on any item on the agenda using the Zoom platform. The public may also comment using the dedicated phone number provided for anyone wishing to comment, via telephone, on an item on the agenda. Members of the public who attend the meeting by phone must keep their line muted at all times, except when the Mayor acknowledges them to speak on a particular agenda item.

In addition, the public may comment on an item on the agenda, prior to the beginning of the meeting, by emailing the Town Clerk at PublicComment@fmbgov.com.