

**CITY OF CORAL GABLES, FLORIDA**

**RESOLUTION NO. 2020-217**

A RESOLUTION OF THE CITY COMMISSION IN ACCORDANCE WITH THE FLORIDA GOVERNOR'S EXECUTIVE ORDER 20-69 (AS AMENDED), ADOPTING RULES OF PROCEDURE FOR HYBRID MEETINGS OF THE CITY COMMISSION AND CITY BOARDS THAT TAKE PLACE DURING THE PENDENCY OF THE STATE OF EMERGENCY DUE TO THE CORONAVIRUS/COVID-19 PANDEMIC.

**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 physical 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 slow 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 ("Order") 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 Order also expressly permits local government bodies to utilize communications media technology, such as telephonic and video conferencing, as provided in section 120.54(5)(b)(2), F.S.; 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, F.S.; 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), F.S.; and

**WHEREAS**, on March 31<sup>st</sup> the City Commission adopted Rules of Procedure for virtual meetings and on April 21<sup>st</sup> the City Commission adopted Rules of Procedure for virtual quasi-judicial meetings; and

**WHEREAS**, since March 31<sup>st</sup> the City Commission has been meeting in a fully virtual format; and

**WHEREAS**, the City Commission now wishes to move into a hybrid format where a quorum of the members of the City Commission is physically present in the room, while applicants and the public attend the meeting virtually; and

**WHEREAS**, the City Commission finds that if a member of the City Commission feels unsafe attending the Commission meeting in person due to the risks associated with the Coronavirus/COVID-19 pandemic, and instead wishes to attend the meeting virtually or telephonically, that is considered an “extraordinary circumstance” thereby allowing the member to attend the meeting in that fashion so long as there is a physical quorum present in the room; and

**WHEREAS**, the Order (as amended) is set to expire on October 1<sup>st</sup> and if it is not extended by the Governor, it will require the City Commission to meeting in person with a quorum present in the room; and

**WHEREAS**, the City Commission wishes to adopt Rules of Procedure for hybrid meetings of the City Commission and other city boards;

**NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF CORAL GABLES:**

**SECTION 1.** The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

**SECTION 2.** That in accordance with the Order, Chapter 252, F.S., and Section 120.54, F.S., the City Commission hereby adopts the Rules of Procedure attached hereto as Exhibit A for hybrid City Commission meetings that take place during the pendency of the state of emergency declared in the Governor’s Executive Order 20-52. The City Attorney is authorized to make changes to the rules, consistent with the Commission’s intent and in order to comply with best practices, as they are developed.

**SECTION 3.** That said Resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS FIFTEENTH DAY OF SEPTEMBER, A.D., 2020.

(Moved: Lago / Seconded: Keon)

(Yeas: Fors, Jr., Keon, Lago, Mena, Valdes-Fauli)

(Unanimous: 5-0 Vote)

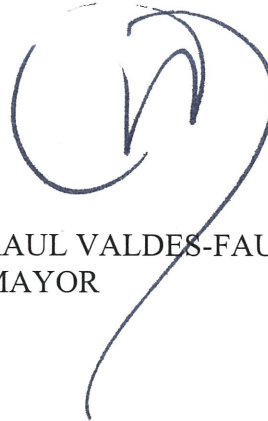
(Agenda Item: 4)

ATTEST:



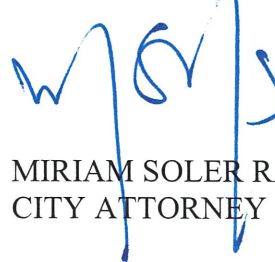
BILLY URQUIA  
CITY CLERK

APPROVED:



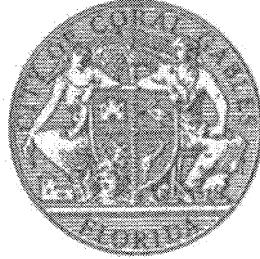
RAUL VALDES-FAULI  
MAYOR

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY:



MIRIAM SOLER RAMOS  
CITY ATTORNEY

**Rules of Procedures for Hybrid Meetings/Hearings**  
**OF THE CORAL GABLES CITY COMMISSION**  
**(LEGISLATIVE AND QUASI-JUDICIAL)**  
**CORONAVIRUS/COVID-19**



These rules are established in accordance with the Florida Governor’s Executive Order 20-69 (as amended), and Chapter 252 and Section 120.54(5)(b)(2), F.S. These rules are established for hybrid meetings of the City Commission where a quorum of the members of the City Commission is present in the room<sup>1</sup> while applicants and the public attend the meeting virtually. These rules apply to all City Commission meetings and are intended to address both legislative and quasi-judicial items. The City Manager is provided with the authority to determine when advisory board meetings and quasi-judicial board meetings may begin in a hybrid format, unless Emergency Order 20-69 is not extended past October 1, 2020 at which point all boards must meet, in person, with a quorum present the room and the public attending virtually. Once that occurs, these rules shall apply to all city boards, however, a quasi-judicial board may adopt more detailed rules to address concerns unique to that board. This action is taken 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, City Hall shall remain closed to the public.

**PLATFORM:**

The video conference platform Zoom will be used for public participation in hybrid City Commission meetings as it was for virtual City Commission meetings. The City has a subscription with Zoom and it is the platform used by the City Clerk for live remote public comments during traditional City Commission meetings. In accordance with Sections 2-28 and 2-55 of the City Code, the Mayor, as Chair of the City Commission, or the respective Chair of the board conducting a quasi-judicial hybrid meeting (“Mayor/Chair”) will administer the meeting with technical assistance from the Information Technology Department.

Video of the meeting occurring in City Commission chambers will be streamed on the City’s website at: [www.coralgables.com\cgtv](http://www.coralgables.com\cgtv) and on Coral Gables Television.

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<sup>1</sup> While the City remains in a State of Emergency due to the COVID-19 pandemic, the existence of the pandemic is hereby determined to constitute an “extraordinary circumstance.” (See AGO 03-41)

**NOTICE:**

The hybrid meeting/hearing will be noticed in the same manner and at the same locations as all City Commission meetings/hearings are noticed (including mailed notice, as may be required by the City Code or Zoning Code). The Zoom conference number (along with instructions) will be published on the City Commission agenda and will be included everywhere that the meeting/hearing is noticed. The phone number for phone participation will also be included on the City Commission agenda and everywhere that the meeting/hearing is noticed. Additionally, instructions on how to provide a comment via e-comment and an email address will be provided everywhere that the meeting/hearing is noticed.

All notices will make clear that City Hall (and other meetings spaces where advisory or quasi-judicial meetings/hearings may be held) is closed to the public. For quasi-judicial hearings, an area will be designated for those who wish to testify as part of the hearing but do not have the ability to remotely participate in the hearing by video conference. All notices will provide the address and specific location of the area where a computer will be available for those wishing to testify.

All notices will provide that any person needing an accommodation in order to listen to or participate in the meeting should contact the City's ADA Coordinator, Raquel Elejabarrieta at: 305-722-8686, TTY/TDD 305-442-1600 or [relejabarrieta@coralgables.com](mailto:relejabarrieta@coralgables.com).

**STAFF/PUBLIC PARTICIPATION:**

Members of City staff presenting an item on the agenda should enter the Commission chambers one at a time to present the item and promptly exit the chambers after the presentation is complete.

The public may comment during the "Open Public Comment" portion of the meeting or on an 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 acknowledged by the Mayor/Chair 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, using the City's already-established e-comment function which may be found on the City's website at: [www.coralgables.com/commissionmeetings](http://www.coralgables.com/commissionmeetings) or by emailing [cityclerk@coralgables.com](mailto:cityclerk@coralgables.com).

Before each item is voted on, the Mayor/Chair will allow for public comment using Zoom or the telephone line provided. When the Mayor/Chair acknowledges those on the phone line that wish to speak, only one individual will be permitted to speak at a time.

In addition, the Mayor/Chair will request that the City Clerk read any e-comments or emails relating to that particular item into the record.

The Mayor/Chair may exercise his or her authority to limit the length of time provided to an individual for public comment. In addition, the Mayor/Chair may preserve decorum and order in accordance with section 2-78(a)(4) of the City Code.

A phone number and email address will be provided for individuals who may have questions on how to access the meeting or participate in the meeting/hearing, prior to the date of the meeting.

### **QUASI-JUDICIAL HEARINGS:**

Hybrid quasi-judicial hearings shall be conducted in the same manner as traditional quasi-judicial hearings with the following stipulations that account for the virtual nature of a portion of the hearing:

Exhibits: For all quasi-judicial hearings except appeals, a list of all proposed exhibits and a copy of the proposed exhibits shall be provided to the City Clerk/board liaison, five (5) days prior to the hearing, in accordance with Section 2-85(a) of the City Code, in a format that is easily viewable on the Zoom platform. All exhibits shall be clearly labeled to allow for efficient retrieval and display on the Zoom platform during the hearing. All exhibits will be posted online, as is customary.

Appeals: In accordance with Section 3-606(B) of the Zoning Code, appeals of decisions by the Board of Adjustment, Board of Architects Special Master, Historic Preservation Board, and Planning and Zoning Board<sup>2</sup> are based on the record of the hearing, shall not be de novo, and no new, additional testimony may be taken. Accordingly, for an appeal heard virtually, a full verbatim transcript of all proceedings which are the subject of the appeal shall be provided to the City Clerk seven (7) days prior to the meeting during which the appeal will be heard, in accordance with Section 3-606(D) of the Zoning Code.

Testimony/Public Participation: The applicant shall present via Zoom. A list of all individuals who will be called as witnesses during the hearings, shall be provided to the City Clerk/board liaison, five (5) days prior to the hearing.<sup>3</sup> At the beginning of the hearing, the City Clerk/board liaison shall call each witness by name, one-by-one, in order to swear each person in. Any witness who wishes to testify during the hearing and is not included in the previously-provided witness list, shall be sworn in after all witnesses on the list are sworn in and prior to the beginning of the hearing. All witnesses providing testimony must appear by video conference. A computer with Zoom capabilities will be available for those that wish to testify as part of the hearing but do not have the ability to remotely participate in the hearing by video conference. The location of said computer will be specified in the notice of the hearing. The City Clerk or court reporter shall administer the oath to any individual who is appearing by video conference and shall establish the identity of the witness on the record as well as the witness's consent for the hearing to be recorded.

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<sup>2</sup> While Section 3-606(B) of the Zoning Code includes the Planning and Zoning Board, it is important to note that there are no appeals from actions of the Planning and Zoning Board, as it is a recommending board and does not take any final action (see Section 2-201 of the Zoning Code).

<sup>3</sup> This requirement shall not apply to objectors at a zoning hearing.

In addition, comments to be considered during the hearing may be provided prior to the beginning of the meeting, using the City's already-established e-comment function which may be found on the City's website at: [www.coralgables.com/commissionmeetings](http://www.coralgables.com/commissionmeetings) or by emailing [cityclerk@coralgables.com](mailto:cityclerk@coralgables.com).

The Mayor/Chair will allow for public comment using Zoom after the parties have concluded the presentation of their cases and before a vote is taken. In addition, the Mayor/Chair will request that the City Clerk or board liaison read any e-comments or emails sent about the matter that is the subject of the hearing into the record. However, those comments standing alone are not sworn and do not qualify as competent substantial evidence on which the quasi-judicial board may rely, except that they may be considered if they support sworn testimony that is considered competent substantial evidence. The failure to read a comment shall not have any impact on the validity of the final determination.

The Mayor/Chair may exercise his or her authority to limit the length of time provided to an individual for public comment. In addition, the Mayor/Chair may preserve decorum and order in accordance with Section 2-78(a)(4) of the City Code.

A phone number and email address will be provided for individuals who may have questions on how to access the meeting or participate in the meeting/hearing, prior to the date of the meeting. A City employee will be present during the meeting at the location of the computer to assist the public with its use.

**MINUTES:**

Minutes and a recording of the meeting will be kept as customary.