

CITY OF CORAL GABLES, FLORIDA

RESOLUTION NO. 2020-90

A RESOLUTION OF THE CITY COMMISSION IN ACCORDANCE WITH THE FLORIDA GOVERNOR'S EXECUTIVE ORDER 20-69, ADOPTING RULES OF PROCEDURE FOR VIRTUAL QUASI-JUDICIAL MEETINGS THAT TAKE PLACE DURING THE PENDENCY OF THE STATE OF EMERGENCY DECLARED IN FLORIDA GOVERNOR'S EXECUTIVE ORDER 20-52.

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 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 11th Judicial Circuit of Florida is holding virtual evidentiary hearings where sworn testimony is taken, as set forth in Administrative Order 20-05 and 20-07, and the Florida Supreme Court has issued Administrative Order 20-23 allowing for court proceedings using electronic means; and

WHEREAS, certain pending quasi-judicial items may need to proceed prior to when in-person meetings are permitted anew under the following circumstances: where doing so is required by law, doing so will avoid further delays that may be detrimental to the City, the item has been previously deferred more than two (2) times, the item involves an educational institution, hospital/healthcare center, or governmental institution, building, and public works projects, or doing so is required to protect the rights of a party; 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.;

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 virtual quasi-judicial meetings of the City Commission and other quasi-judicial boards, 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 this Resolution shall become effective upon the date of its passage and adoption herein.

PASSED AND ADOPTED THIS TWENTY FIRST DAY OF APRIL, A.D., 2020.


(Moved: Keon / Seconded: Mena)

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

(Unanimous: 5-0 Vote)

(Agenda Item: I-1)

ATTEST:


BILLY Y. URQUIA
CITY CLERK

APPROVED:


RAUL VALDES-FAULI
MAYOR

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:


MIRIAM SOLER RAMOS
CITY ATTORNEY