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Title: A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF MARGATE, FLORIDA, RESCINDING RESOLUTION 20-013; ADOPTING POLICY AND IMPLEMENTING PROTOCOLS FOR THE USE OF COMMUNICATIONS MEDIA TECHNOLOGY TO FACILITATE ATTENDANCE BY ELECTED AND APPOINTED OFFICIALS AT CITY COMMISSION MEETINGS AND APPOINTED ADVISORY BOARD MEMBERS AT ADVISORY BOARD MEETINGS AND TO ALSO FACILITATE PUBLIC PARTICIPATION AND ATTENDANCE AT SUCH MEETINGS; PROVIDING THAT THE USE OF SUCH PROTOCOLS IS LIMITED TO PERIODS OF DECLARED EMERGENCY WHEN PUBLIC HEALTH AND SAFETY GUIDANCE LIMITS THE SAFE ATTENDANCE AT SUCH MEETINGS IN PERSON AND WHEN SUNSHINE LAW REQUIREMENTS ARE LAWFULLY RELAXED TO PERMIT SAME; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

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TO: Mayor and City Commission

FROM: Janette Smith, City Attorney

DATE: June 17, 2020

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF MARGATE, FLORIDA, RESCINDING RESOLUTION 20-013; ADOPTING POLICY AND IMPLEMENTING PROTOCOLS FOR THE USE OF COMMUNICATIONS MEDIA TECHNOLOGY TO FACILITATE ATTENDANCE BY ELECTED AND APPOINTED OFFICIALS AT CITY COMMISSION MEETINGS AND APPOINTED ADVISORY BOARD MEMBERS AT ADVISORY BOARD MEETINGS AND TO ALSO FACILITATE PUBLIC PARTICIPATION AND ATTENDANCE AT SUCH MEETINGS; PROVIDING THAT THE USE OF SUCH PROTOCOLS IS LIMITED TO PERIODS OF DECLARED EMERGENCY WHEN PUBLIC HEALTH AND SAFETY GUIDANCE LIMITS THE SAFE ATTENDANCE AT SUCH MEETINGS IN PERSON AND WHEN SUNSHINE LAW REQUIREMENTS ARE LAWFULLY RELAXED TO PERMIT SAME; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

UPDATED BACKGROUND: The City Commission approved Resolution 20-013 on April 22, 2020. This agenda item rescinds Resolution 20-013 and provides a modified resolution to include provisions for holding virtual City Advisory Boards meetings.

BACKGROUND: The Florida Constitution (Article I Section 24) and the Florida Statutes, (Sections 286.011 and 166.041), require that meetings of elected and appointed officials for the conduct of public business must be noticed and open to the public, must provide an opportunity for public participation through comment, and generally must provide the opportunity for all members of the public to be aware of the decision-making process (Sunshine Law Requirements). The Florida Attorney General has consistently opined that in order to comply with Sunshine Law Requirements, a quorum of the decision-making body must be physically present at a place that is open to and accessible to the public when conducting public business.

On March 19, 2020, the Florida Attorney General issued Opinion 2020-03, opining that certain provisions of Florida law require a physical quorum to be present for local government decision-making bodies to conduct official business, and that local government decision-making bodies may only conduct meetings via “Communications Media Technology” (CMT) if either 1) a statute permits a quorum of the decision-making body to be present by means other than in person, or 2) that the requirement for a quorum of the decision-making body to be physically present is lawfully suspended during a state of emergency; and

On March 20, 2020 Florida Governor Ron DeSantis issued Executive Order 20-69 suspending current Sunshine Law Requirements for a quorum of the government decision-making body to be physically present, for a government decision-making body to meet in any specific place, and to allow local government decision-making bodies to utilize “Communications Media Technology such as telephonic and video conferencing, as provided in Section 120.54(5)(b)2., Florida Statutes”, but specifically not waiving any other Sunshine Law Requirements.

The “Communications Media Technology” policy and protocols contained in this Resolution provide a balance between compliance with existing Sunshine Law Requirements, the need for the continuing operation of local government, and practicing social distancing in order to manage the current outbreak of COVID-19.

RECOMMENDATION: For approval.

FISCAL IMPACT: None.

CONTACT PERSON: Janette Smith, City Attorney