

**RESOLUTION NO. 2020-048**

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, RATIFYING THE MAYOR'S ORDER ON EMERGENCY PUBLIC MEETING GUIDELINES AND PROCEDURES USING COMMUNICATIONS MEDIA TECHNOLOGY IN RESPONSE TO CORONAVIRUS (COVID19) AND ADOPTING THE PROCEDURES AND GUIDELINES FOR EMERGENCY VIRTUAL PUBLIC MEETINGS OF THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, On March 9, 2020, Governor Ron DeSantis issued Executive Order 20-52 declaring a state of emergency for the State of Florida as a result of the threat of the spread of Coronavirus Disease 2019 (COVID-19);

**WHEREAS**, the City of Hialeah has also declared a state of emergency as a result of COVID-19 as have other cities and counties throughout the State of Florida;

**WHEREAS**, the Country is on a national state of emergency and most of the world remains on lockdown to combat the spread of COVID-19;

**WHEREAS**, Governor DeSantis and Mayor Gimenez have issued numerous emergency or executive orders restricting many aspects of society to impose social distancing and thereby reduce the risk of exposure or spread of the virus and avoid overwhelming the State's public health resources;

**WHEREAS**, the City of Hialeah remains under curfew since March 30, 2020 and continues to enforce all applicable State and County orders to combat the impacts of the virus in our community;

**WHEREAS**, all public meetings and events of the City have been cancelled until further notice; and

**WHEREAS**, in recognition of the dangers to the public's health posed by person-to-person contact which we, as public officials and the participating public, may face at public meetings of the City Council, on March 20, 2020 Governor DeSantis issued Executive Order 20-69. A copy of Executive Order 20-69 is attached as "Exhibit A";

**WHEREAS**, pursuant to the Governor's Executive Order 20-69, the Governor suspended the legal requirements that a quorum of a governmental legislative body be present in person at local government public meetings or require a local government body to meet at a specific physical public place;

**WHEREAS**, Executive Order 20-69 provides that local government bodies may utilize communications media technology ("CMT") such as audio or video conferencing to obtain access to virtual meetings as allowed for other state agencies subject to the Florida Administrative Procedures Act, as provided in Section 120.54(5)(b)2, Florida Statutes, and in Florida Administrative Code Rule 28-109;

**WHEREAS**, the statute and the administrative rule require state agencies to adopt uniform rules and procedures for conducting public meetings, for taking evidence, testimony, and argument at such public meetings, by means of CMT, and that the notice for the public meetings utilizing CMT states how persons interested in attending may do so naming locations, if any, where CMT facilities will be available;

**WHEREAS**, until the issuance of Executive Order 20-69 by Governor DeSantis, all public meetings across the County had been cancelled or remained suspended because of the conflict between the in-person quorum requirement and goals and objectives of governmental emergency orders mandating social distancing and avoiding public gatherings; and

**WHEREAS**, in order to continue to conduct the City's business, the Council must meet to discuss matters of great public importance including items that may require the Council's approval during the state of emergency;

**WHEREAS**, Executive Order 20-69 provides the opportunity to conduct a public meeting under fair guidelines and procedures that eliminate the in-person meeting requirements, yet protect the public's interest in open government under the circumstances;

**WHEREAS**, all non-essential business and decisions which can be considered in the future shall be deferred to future meetings that can be open and accessible to all members of the public, unless the circumstances develop that require otherwise.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

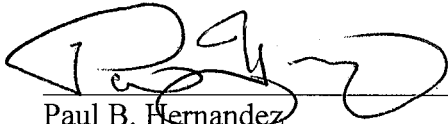
**Section 1:** The above recitations in the preamble are hereby incorporated by this reference in their entirety.

**Section 2:** The Mayor's Order on Emergency Public Meeting Guidelines and Procedures using communications media technology in response to Coronavirus (COVID19) issued on April 8, 2020 at 11:00 a.m. is hereby ratified.

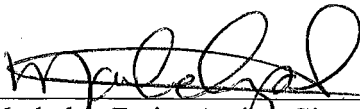
**Section 3:** The Emergency Public Meeting Guidelines and Procedures Using Communications Media Technology attached as "Exhibit B" are hereby adopted as minimum procedures for conducting emergency virtual public meetings of the City Council.

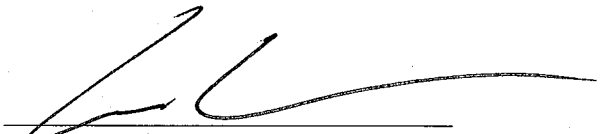
**Section 4:** This resolution shall become effective upon signature of the Mayor of the City of Hialeah, Florida or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED AND ADOPTED this 14 day of April, 2020.

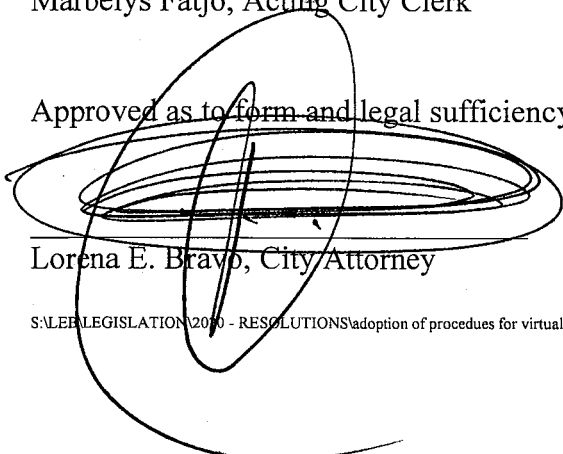
  
Paul B. Hernandez  
Council President

Attest: Approved on this 22 day of April, 2020.

  
Marbelys Fatjo, Acting City Clerk

  
Mayor Carlos Hernandez

Approved as to form and legal sufficiency:

  
Lorena E. Bravo, City Attorney

Resolution was adopted by a 7-0 vote with Councilmembers, Tundidor, Zogby, Hernandez, Garcia-Roves, De La Rosa, Perez and Cue-Fuente voting "Yes".

# STATE OF FLORIDA

## OFFICE OF THE GOVERNOR

### EXECUTIVE ORDER NUMBER 20-69

(Emergency Management – COVID-19 – Local Government Public Meetings)

**WHEREAS**, on March 1, 2020, I issued Executive Order 20-51 directing the Florida Department of Health to issue a Public Health Emergency as a result of COVID-19; and

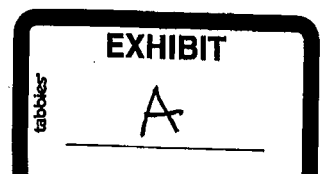
**WHEREAS**, on March 1, 2020, the State Surgeon General and State Health Officer declared a Public Health Emergency exists in the State of Florida as a result of COVID-19; and

**WHEREAS**, on March 9, 2020, I issued Executive Order 20-52 declaring a state of emergency for the entire State of Florida as a result of COVID-19; and

**WHEREAS**, on March 16, 2020, President Donald J. Trump and the Centers for Disease Control and Prevention (“CDC”) issued the “15 Days to Slow the Spread” guidance advising individuals to adopt far-reaching social distancing measures, such as working from home and avoiding gatherings of more than 10 people; and

**WHEREAS**, on March 17, 2020, I wrote a letter to Attorney General Ashley Moody seeking an advisory opinion regarding concerns raised by local government bodies about their ability to hold meetings through teleconferencing and other technological means in order to protect the public and follow the CDC guidance regarding social distancing; and

**WHEREAS**, on March 19, 2020, Attorney General Ashley Moody delivered an opinion to me indicating that certain provisions of Florida law require a physical quorum be present for local government bodies to conduct official business, and that local government bodies may only conduct meetings by teleconferencing or other technological means if either a statute permits a quorum to be present by means other than in person, or that the in person requirement for constituting a quorum is lawfully suspended during the state of emergency; and



WHEREAS, it is necessary and appropriate to take action to ensure that COVID-19 remains controlled, and that residents and visitors in Florida remain safe and secure;

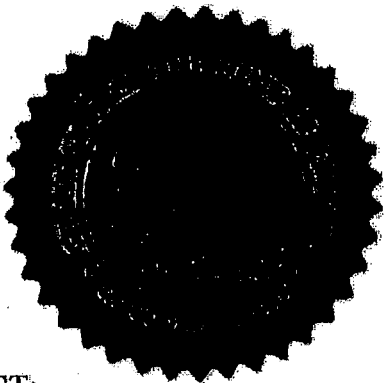
NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section (1)(a) of the Florida Constitution, Chapter 252, Florida Statutes, and all other applicable laws, promulgate the following Executive Order to take immediate effect:

Section 1. I hereby suspend 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.

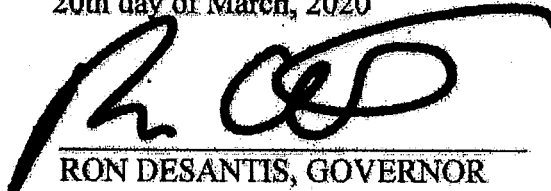
Section 2. Local government bodies may utilize communications media technology, such as telephonic and video conferencing, as provided in section 120.54(5)(b)2., Florida Statutes.

Section 3. This Executive Order does not waive any other requirement under the Florida Constitution and "Florida's Government in the Sunshine Laws," including Chapter 286, Florida Statutes.

Section 4. This Executive Order shall expire at the expiration of Executive Order 20-52, including any extension.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 20th day of March, 2020

  
RON DESANTIS, GOVERNOR

ATTEST:

  
SECRETARY OF STATE

TALLAHASSEE, FLORIDA

2020 MAR 20 AM 9:38

FILED

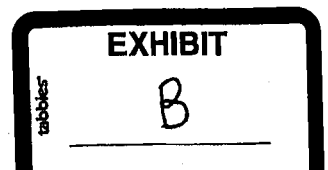
**PROCEDURES FOR VIRTUAL PUBLIC MEETINGS OF THE CITY COUNCIL FOR  
THE CITY OF HIALEAH, FLORIDA  
USING COMMUNICATIONS MEDIA TECHNOLOGY IN RESPONSE TO COVID-19**

Pursuant to emergency management powers as set forth in F.S. §§252.31-252.90, Governor Ron DeSantis issued Executive Order 20-69 (March 20, 2020), suspending the “Florida’s Government in the Sunshine Laws” requirement that a quorum of the legislative body holding a public meeting be met in-person and that the meeting be held at a physical location accessible to the public for the duration of the State’s Declaration of Emergency issued on March 9, 2020 (EO20-52) as a result of the COVID-19 pandemic affecting the State of Florida. Executive Order 20-69 was issued specifically to safeguard the health of the public by limiting the risk of infection from the coronavirus through person-to-person contacts as would occur in a public gathering such as a public meeting. As an alternative to in-person appearances by public officials or employees and in-person attendance and participation by the public, Executive Order 20-69 allows local governments to use communications media technology to hold public meetings during the public health emergency. The Governor’s Executive Order 20-69 did not waive any other requirement under the Sunshine Law, such as the requirements for reasonable notice and public participation or reasonable opportunity to be heard.

Therefore, the following minimum guidelines and procedures shall govern the conduct of public meetings of the City Council of the City of Hialeah, Florida and the public meetings of all other boards or committees for the City of Hialeah, Florida using communications media technology, held during the duration of the public health emergency as a result of COVID19, in order to protect the health, welfare and safety of the public, including public officials, from being exposed to COVID-19 and meet the requirements of the Sunshine Law. These guidelines and procedures shall supersede all existing guidelines and procedures to the extent a conflict exists or if, based on the emergency, the existing guideline or procedure cannot be met.

**I. Public Notice; Purpose; Agenda.**

Consistent with the requirements of F.S. 286.0114 regarding the public’s right to reasonable notice and an opportunity to be heard, the City Charter’s provision on emergency hearings, the City’s declaration of emergency, and the factual context in which these guidelines are adopted, the City shall provide the public notice of a special or emergency meeting of the Council, board or committee with as much advance notice as possible considering the official action required to be taken and the emergency circumstances requiring the official action but in no event with less than 24 hours prior to the meeting taking place. The notice of public meeting shall generally state the purpose for the meeting. An agenda setting forth the items under consideration requiring official action shall be prepared and made available to the public prior to the meeting. The notice shall be publicized through available channels of communications such that communication of the anticipated occurrence of the meeting to the public is effective and efficient, including posting of the notice on the City’s website, social media sites, television, radio, newspapers, or mass text or email messages to registered users. The notice shall contain information about the purpose of the meeting, date, time, virtual locations and the type of electronic communications access points through which the public may choose to attend or



participate in the meeting, and the address, e-mail, and telephone number where a person may request additional information about attending or participating in the meeting.

## **II. Quorum**

The number of members required for a quorum of the Council, board or committee shall not change. However, in lieu of an in-person appearance, any member may appear using any available method of communications media technology, such as web-based meeting applications or through the telephone. Members appearing through the use of communications media technology shall be counted for purposes of establishing a quorum.

## **III. Public Access**

The virtual public meeting shall be broadcast live for members of the public to view on the City's Facebook page. In addition, members of the public may hear the meeting live through telephonic conferencing. The City shall publish the telephone conference number or numbers and all required information to enable any person interested in listening to the meeting live on its website. The telephone conference dial-in information shall be published on the city's website no later than twenty-four (24) hours prior to the meeting. The Facebook live streaming will begin concurrently with the meeting.

## **IV. Public Participation/Reasonable opportunity to be heard**

Persons interested in participating in the public meeting by making comments or asking questions may do so by electing to do so in advance of the meeting or during the meeting as follows:

- a. In advance of the meeting. Any person interested in making comments or posing questions on matters of public concern or on any item on the agenda may do so prior to the meeting taking place by e-mail to [virtualmeeting@hialeahfl.gov](mailto:virtualmeeting@hialeahfl.gov). Comments and questions made by e-mail in advance of the meeting must be received by 3:00 p.m. the business day prior to the meeting or no later than six (6) hours prior to the meeting if only 24-hours' notice prior to the meeting is provided by the City. E-mail comments and questions shall not exceed three minutes when read. Only the first three minutes of e-mail comments and questions received by the deadline will be read into and form part of the public record. In order for email comments and questions to be acknowledged during the public meeting, participants must provide their first name, last name and address.
- b. Live during the meeting through web-based meeting platform. Any person interested in making comments or posing questions on matters of public concern or on any item on the agenda may do so during the meeting by joining the meeting using Zoom or any other similar web-based meeting platform being used as identified in the notice. The person interested in joining the meeting to participate for this purpose must register with the City Clerk by completing a registration form, providing the information required and submitting the complete form to the City Clerk no later than

3:00 p.m. the business day prior to the meeting or no later than six (6) hours prior to the meeting if only 24-hours' notice prior to the meeting is provided by the City. The City Clerk will provide registered participants the meeting's url (unique resource locator) and/or telephone conferencing telephone numbers and any other information or instructions required to access the meeting. All registered participants will be muted during the meeting until called upon to be heard. Participation through Zoom requires a computer or smart mobile device with a microphone and web camera. The participant may elect to participate in the meeting using audio only or appear through both audio and video. Participants are reminded to maintain decorum in their comments and appearance throughout their participation as the whole meeting will be recorded and published on the City's Facebook page and retained pursuant to the Florida Public Records Law.

#### **V. Other Guidelines**

All existing laws or rules of procedure applicable to public meetings (i.e. three-minute limit on speaking, three in favor and three in opposition on any item on the agenda, lobbyist registration requirements), that are not in conflict with these procedures and can be observed under the circumstances remain in effect and to the greatest extent practicable should be observed. Public comments and questions, whether on general matters of public concern or on a matter on the agenda, will be heard at the beginning of the meeting and once heard no other public participation will be permitted. Persons making public comments must identify themselves by first and last name and provide their address for the record, prior to speaking. Participants are reminded to maintain decorum when participating in the meeting. If during the course of the meeting, technical problems develop with the communications network that prevent interested persons from attending, the meeting shall be adjourned until the problems have been corrected.

The recording of the meeting will be posted on the City's Facebook page as soon as practicable.

#### **VI. Accommodations**

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodations to participate in the virtual public meeting should contact the Office of the City Clerk at (305) 883-5820 for assistance no later than two (2) days prior to the virtual meeting or 6 hours prior to the meeting, if only 24-hours' notice prior to the meeting is provided by the City. If hearing impaired, persons may telephone the Florida Relay Service at (800) 955-8771 (TDD), (877) 955-8773 (Spanish) or (800) 955-8770 (Voice) to contact the Office of the City Clerk.

Persons who do not have access to a computer or smart mobile device or otherwise need assistance in accessing or participating in the meeting pursuant to these procedures must contact the Office of the City Clerk at (305) 883-5820 for assistance. The person requesting assistance must contact the Office of the City Clerk no later than two (2) days prior to the virtual meeting or 6 hours prior to the meeting, if only 24-hours' notice prior to the meeting is provided by the City, to allow the Clerk a reasonable opportunity to provide any reasonable assistance necessary to allow the person to participate effectively.



## **VII. Additional Information**

Anyone interested in additional information related to the conduct of a virtual public meeting or these procedures may contact the Office of the City Clerk by telephone at (305) 883-5820 or in writing by email at [cityclerk@hialeahfl.gov](mailto:cityclerk@hialeahfl.gov). The City's website can be accessed at [www.hialeahfl.gov](http://www.hialeahfl.gov). The City's social media pages can be accessed through the main page on the City's website. Click on the handle for "City of Hialeah-Municipal Government" for Facebook, Twitter and Instagram.