

## RESOLUTION 2020-28

**A RESOLUTION OF THE TOWN OF LONGBOAT KEY, FLORIDA, RATIFYING AND CONFIRMING ALL ACTIONS TAKEN AT VIRTUAL PUBLIC MEETINGS DURING THE COVID-19 EMERGENCY PURSUANT TO THE GOVERNOR'S APPLICABLE EXECUTIVE ORDERS THAT AUTHORIZED AN EXEMPTION TO THE STATUTORY PHYSICAL QUORUM REQUIREMENTS DURING THE DECLARED STATE OF EMERGENCY; PROVIDING FOR SEVERABILITY OF ACTIONS; PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and causes symptoms similar to those of influenza and, in some cases, death; and

**WHEREAS**, since March 2020, COVID-19 was declared a national, state and local emergency and the emergency declarations have been extended and remain ongoing; and

**WHEREAS**, the Town of Longboat Key ("Town's") population is composed of approximately 7,098 full time residents and 69% of those residents are individuals over the age of 65; and

**WHEREAS**, the Town's population demographic is considered one of the populations most susceptible to severe illness and death from the COVID-19 virus; and

**WHEREAS**, between March 17, 2020, and the date hereof, the Governor issued several Executive Orders placing numerous restrictions on individuals and businesses in response to the state-wide threat of the spread of COVID-19; and

**WHEREAS**, on March 20, 2020, the Governor issued Executive Order 20-69, which exempts local government bodies and boards from meeting certain statutory requirements to have a physical quorum present at a specified location in order to conduct business and hold meetings in accordance with Florida's Sunshine Law; and

**WHEREAS**, Executive Order 20-69 is a permissive order by the Governor that affords local governments an optional ability to conduct meetings virtually (without a statutorily required physical quorum present) if the local government so chooses; and

**WHEREAS**, on March 23, 2020, the Town adopted Resolution 2020-06 and recognized the declared Town-wide Public Health Emergency from COVID-19, and authorized the Town's use of various forms of electronic media and telecommunications technology to conduct public meetings and hearings virtually; and

**WHEREAS**, Executive Order 20-69 was extended by multiple subsequent Executive Orders including, but not limited to, orders: 20-112, 20-139, 20-179, and 20-193; and

**WHEREAS**, from April 6, 2020, through September 30, 2020, the Town Commission, the Town's advisory boards, and certain Town committees have conducted meetings, hearings, and public workshops virtually using Communication Media Technology (CMT) without a quorum of the boards physically present at Town Hall in reliance upon Executive Order 20-69; and

**WHEREAS**, the Town publicly noticed all of the above referenced virtual meetings, hearings, and workshops and CMT instructions, and provided the public with the opportunity to fully participate in those public proceedings; and

**WHEREAS**, on September 25, 2020, the Governor issued Executive Order No. 20-244, which brings the State of Florida into Phase 3 of the planned re-opening; and

**WHEREAS**, Executive Order 20-244 does not repeal Executive Orders 20-179 and 20-193 which extended Executive Order 20-69 to allow local governments to conduct virtual meetings until October 15 and 1, 2020, respectively; and

**WHEREAS**, in reliance upon the expiration dates published in Executive Orders 20-179 and 20-193, the Town held publicly noticed virtual public meetings, hearings, and workshops using CMT until September 30, 2020; and

**WHEREAS**, CMT was used by the Town to conduct virtual public meetings, hearings, and workshops to prevent the spread of COVID-19 and protect the health, safety, and welfare of the Town's population, Town staff and employees, and its citizens; and

**WHEREAS**, the Town Commission desires to ratify and confirm all decisions made by the Town Commission, the Town's advisory boards and any Town Committees at virtual public meetings, hearings, and workshops during the period of April 6, 2020, through September 30, 2020.

**NOW THEREFORE BE IT ENACTED BY THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY, FLORIDA:**

Section 1. Recitals. The above stated recitals are true and correct and are hereby adopted and incorporated fully by reference.

Section 2. Ratification. All actions, motions, enactments, resolutions, ordinances, and decisions of the Town Commission and any and all boards, committees, and hearings conducted pursuant to the delegated authority the Town Commission as the governing body of the Town, are hereby confirmed, ratified, and acknowledged "under the Sunshine" and in accordance with the requirements Florida Statute § 286.011, et. seq.

Section 3. Severability. If any provision of this Resolution, or the legality of any decision ratified by this Resolution, is ever found to be invalid or unenforceable as a matter of law by a court of competent jurisdiction, the offending provision shall be stricken and the remainder shall continue in full force and effect.

Section 4. Effective Date. This Resolution shall take effect immediately upon its adoption, as provided by law.

Adopted on reading the 5<sup>th</sup> day of October, 2020.

ATTEST:

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Trish Shinkle, Town Clerk

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Kenneth Schneier, Mayor

**End of Agenda Item**