

RESOLUTION 2020-06

A RESOLUTION OF THE TOWN OF LONGBOAT KEY, FLORIDA, RECOGNIZING A LOCAL STATE OF EMERGENCY AS A RESULT OF THE THREAT FROM THE COVID-19 VIRUS; DELEGATING AUTHORITY TO THE TOWN MANAGER TO CANCEL CERTAIN PUBLIC MEETINGS PURSUANT TO STATE AND FEDERAL RECOMMENDATIONS; RECOGNIZING TOWN MANAGER'S AUTHORITY TO SUSPEND COLLECTIVE BARGAINING CONTRACTS; PROVIDING FOR THE TOWN COMMISSION'S LIMITED USE OF TELEPHONIC AND VIDEO CONFERENCING FOR PUBLIC MEETINGS PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Longboat Key (Town) is a coastal barrier island located in Sarasota and Manatee Counties; and

WHEREAS, safeguarding the lives and property of its citizens is a fundamental responsibility of the governing body of each political subdivision of the state; and

WHEREAS, the Town's population is composed of approximately 6,700 full time residents and 69% of those residents are individuals over the age of 65; and

WHEREAS, the State of Florida, and the United States of America, and local general-purpose governments have declared a "State of Emergency" due to the onset of the Coronavirus ("COVID-19") pandemic; and

WHEREAS, on March 1, 2020, Governor DeSantis issued Executive Order Number 20-51 directing the Florida Department of Health to issue a Public Health Emergency relating to COVID-19; and

WHEREAS, on March 2, 2020, the Town began to take protective measures in response to the imminent threat to the public health, safety and welfare presented by COVID-19; and

WHEREAS, on March 9, 2020, Governor DeSantis issued Executive Order Number 20-52 declaring a State of Emergency activating the State of Florida's emergency management plan as provided for in Chapter 252, Florida Statutes; and

WHEREAS, on March 13, 2020, President Donald Trump issued a National State of Emergency declaration relating to the COVID-19 outbreak and the threat it has on human life and the nation's healthcare system; and

WHEREAS, on March 15, 2020, the Center for Disease Control and Prevention (CDC) recommended against gatherings of over 50 people; and

WHEREAS, on March 16, 2020, President Donald Trump recommended against gatherings of 10 or more people; and

WHEREAS, on March 17, 2020, Governor DeSantis issued Executive Order Number 20-68 suspending the sale of alcoholic beverages at bars, pubs, and nightclubs who derive over 50% of sales from alcohol, throughout Florida and supporting the local authorities to close beaches at their discretion; and

WHEREAS, on March 20, 2020, the Florida Attorney General issued Opinion 2020-03 stating that the Governor may lawfully suspend the physical quorum requirements for local government bodies to conduct official business; and

WHEREAS, on March 20, 2020, Governor DeSantis issued Executive Order Number 20-69 suspending the statutory physical quorum requirements for local government bodies to meet at specific public places and authorizing the use of telephonic and video conferencing for public meetings under the Sunshine Law to prevent the spread of COVID-19; and

WHEREAS, on March 20, 2020, Governor DeSantis also issued Executive Order Number 20-71 which suspended all on-premises food consumption at restaurants; suspends all on premise alcoholic beverages sales for consumption on premises; allows restaurants to sell food an alcoholic beverages for delivery, take-out or consumption off-premises; and closes all gymnasiums and fitness centers; and

WHEREAS, the Town and its residents are in imminent danger from the COVID-19 pandemic that has infiltrated the State and Nation, for which at this time there is no known vaccine; 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, this condition constitutes a potential life-threatening situation for the citizens and visitors within the State of Florida and the Town and is expected to continue for some undefined period of time; and

WHEREAS, COVID-19 has a propensity to attach to surfaces for prolonged periods of time, thereby causing property damage and continuing the spread of the virus; and

WHEREAS, the closures and emergency actions necessitated to prevent the spread of COVID-19 within the Town is creating significant adverse impacts for the Town's residents, businesses, and visitors; and

WHEREAS, Section 252.38(3)(a), Florida Statutes, gives authority to political subdivisions to declare and enact a local State of Emergency and to take certain measures that are in the interest of the public health, safety, and welfare; and

WHEREAS, the aforementioned Executive Orders and Section 252.38, Florida Statutes, provides emergency management powers to political subdivisions, including municipalities like the Town; and

WHEREAS, Section 252.46, Florida Statutes authorizes the Town to declare a local State of Emergency and to exercise emergency managements powers as provided for in Chapter 252, Florida Statutes; and

WHEREAS, Section 252.46, Florida Statutes, authorize the Town Commission to declare a local State of Emergency and to exercise emergency powers and authority to carry out the provisions of Sections 252.31 through 252.90, Florida Statutes, including the authority to waive procedures and formalities otherwise required by law pertaining to:

1. Performance of public work and taking whatever action is necessary to ensure the health, safety, and welfare of the community;
2. Entering into contracts;
3. Incurring obligations;

4. Employment of permanent and temporary workers;
5. Utilization of volunteer workers;
6. Rental of equipment;
7. Acquisition and distribution of supplies, materials, and facilities with or without compensation; and
8. Appropriation and expenditure of public funds.

WHEREAS, the Town has a municipal emergency management program entitled the Town's Emergency Management Plan (Plan); and

WHEREAS, the Town Commission hereby recognizes and reaffirms the Town Manager's designation pursuant to Article III, Section 4 of the Town Charter and Chapter 159 of the Town Code of Ordinances, as the Chief Administrative Officer and Director of all public safety forces for the Town; and his authority to implement the Emergency Management Plan before, during, and after a designated emergency; and

WHEREAS, the purpose of this Resolution is to recognize the Town Manger's authority to implement the Town's Plan and authorize all Town officers, employees, and agents to perform their respective duties, functions, and obligations as set forth in such Plan, the State Emergency Management Act, and the Statewide Mutual Aid Agreement, and all other legal authority, under the general direction and control of the Incident Commander, as set forth in such Plan and applicable law.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LONGBOAT KEY, FLORIDA THAT:

SECTION 1. The above Whereas clauses are true and correct and are hereby ratified and confirmed and fully incorporated by reference.

SECTION 2. A State of Local Emergency was declared by Sarasota County as of March 15, 2020, and through our Interlocal Agreement the Town falls under the direction of Sarasota County Emergency Management Officials.

SECTION 3. The Town Commission hereby waives the procedures and formalities required by law of a political subdivisions as authorized by Section 252.38(3), Florida Statutes and Sections 159.06 and 38.25 of the Town Code.

SECTION 4. To the extent necessary, the Town Commission recognizes and reaffirms the Town Manager's authority to suspend the collective bargaining agreements during the declared local State of Emergency.

SECTION 5. The Town Commission hereby acknowledges the Town Manager's authority to make emergency decisions in the best interest of the Town and its residents throughout the duration of the declared County, State, and National emergency on the subject of cancelling public meetings conducted at Town Hall including, but not limited to, meetings of the Town Commission, Planning & Zoning Board, Zoning Board of Adjustments, Special Magistrate over code enforcement matters, Pension Board, and any other committees meetings that may have been previously scheduled to occur.

SECTION 6. During the period of the declared State and National emergency, the Town Commission hereby empowers the Town Attorney to also exercise all powers delegated to her in the Town Charter and Town Code and to take all actions necessary and in the best interest of the Town.

SECTION 7. To the extent necessary, the Town Commission hereby waives any and all in person quorum meeting requirements provided for within the Town's Charter, Code of Ordinances, or Resolutions to afford the Town Commission the ability to use telephonic and video conferencing for public meetings in accordance with Governor DeSantis' Executive Order Number 20-69. Nothing herein shall be construed to waive the Town Commission's obligation to comply with all other applicable requirements of the Sunshine Law, Chapter 286, Florida Statutes.

SECTION 8. The authority provided in this Resolution shall only apply during the period of declared local, state, and national emergency caused by COVID-19.

SECTION 9. Nothing herein shall be construed to conflict with applicable provisions of state law.

SECTION 10. This Resolution shall become effective immediately upon adoption.

Passed at a meeting of the Town Commission of the Town of Longboat Key, Florida, the ____ day of _____, 2020.

Mayor

ATTEST:

Trish Shinkle, Town Clerk