

CITY OF ALTAMONTE SPRINGS, FLORIDA

EXECUTIVE ORDER NO. 2020-02

EMERGENCY EXECUTIVE ORDER REGARDING ADOPTION OF THE GOVERNOR'S EXECUTIVE ORDER NO. 20-69 AND SUSPENSION OF CHARTER AND ORDINANCE RESTRICTIONS TO ALLOW THE UTILIZATION OF COMMUNICATIONS MEDIA TECHNOLOGY (CMT) TO CONDUCT PUBLIC MEETINGS DURING THE COVID-19 PANDEMIC

WHEREAS, pursuant to Chapter 252, *Florida Statutes*, constitutional home rule powers, and Chapter 16, *Altamonte Springs Code of Ordinances*, the City of Altamonte Springs has adopted the Altamonte Springs Emergency Management Plan; and

WHEREAS, Sections 252.38(2) and 252.38(3)(a)(5), *Florida Statutes*, grants municipalities the authority to take whatever prudent action is necessary to ensure the health, safety and welfare of the community during a local state of emergency; and

WHEREAS, Chapter 16, *Altamonte Springs Code of Ordinances*, grants the City Manager, or designee, the authority to impose by Executive Order during a declared Local State of Emergency upon all or a portion of the City of Altamonte Springs, a requirement to implement emergency plans and procedures and take such other prompt and necessary action to save lives; and

WHEREAS, on March 1, 2020, Governor Ron DeSantis, issued Executive Order 20-51 directing the Florida Department of Health to declare that a Public Health Emergency exists in the State of Florida as a result of COVID-19; and

WHEREAS, on March 9, 2020, Governor Ron DeSantis, 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 13, 2020, a Local State of Emergency was declared under the provisions of Chapter 16, *Altamonte Springs Code of Ordinances*, due to the serious threat to life and property within the City arising from and related to 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, Governor Ron DeSantis sought an advisory opinion from Attorney General Ashley Moody 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 guidelines regarding social distancing; and

WHEREAS, on March 19, 2020, Attorney General Ashley Moody delivered an opinion to Governor Ron DeSantis indicating that certain provisions of Florida law require a physical quorum be present for local government bodies to conduct official business, and that local governing 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, on March 20, 2020, Governor Ron DeSantis issued Executive Order Number 20-69, which suspended 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 provided that local government bodies may utilize CMT such as telephonic and video conferencing, as provided in section 120.54(5)(b)2., Florida Statutes, but the Governor did not waive any other requirements under the Florida Constitution and “Florida’s Government in the Sunshine Laws,” including Chapter 286, Florida Statutes; and

WHEREAS, the Governor’s Executive Order Number 20-69 expires at the expiration of Executive Order Number 20-52, including any extensions of 20-52; and

WHEREAS, it is clear that the intention of Executive Order Number 20-69 was to remove from local government bodies all impediments posed by quorum and physical presence requirements so that they could utilize CMT in a manner consistent with Section 120.54(5)(b)(2), Florida Statutes; and

WHEREAS, pursuant to Section 252.46, Florida Statutes, political subdivisions are authorized and empowered to make, amend, and rescind such orders and rules as are necessary for emergency management purposes and to supplement the carrying out of the provisions of Sections 252.31-252.90, Florida Statutes; consequently such orders and rules have full force and effect of law, and all existing laws, ordinances and rules inconsistent with any order or rule issued under the authority of Florida Statute 252.46 will be suspended during the period of time and to the extent that such conflict exists; and

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

WHEREAS, City Charter Section 3.08, requires that the Commission meet regularly at least once in every month in a public building of the City of Altamonte Springs, Florida, at such time as the Commission may prescribe by rule; and

WHEREAS, Land Development Code, 3.4.2.1.6(c) and 3.4.1.1.6(c) set forth the requirements for meetings of the Planning Board and Board of Zoning appeals to hold public meetings related to land planning matters; and

WHEREAS, City Charter Section 9.01(c), requires that the Commission appoint an advisory Charter committee for the purpose of reviewing the Charter of the City and submitting recommendations to the Commission for proposed amendments or revisions of the Charter; and

WHEREAS, the City of Altamonte Springs wishes to apply uniform CMT meeting procedures, consistent with Section 120.54(5)(b)(2), F.S.; taking into consideration the limited guidance of Rule 28-109, Florida Administrative Code; and

WHEREAS, the entry of this Order, together with the Governor's Executive Order Number 20-69, will allow the City of Altamonte Springs to continue to function and hold public meetings while adhering to the recommended social distancing measures through the use of CMT while suspending any law, ordinance, rule, charter provision, or other regulation that requires a quorum to be present in-person or that requires a local governing body to meet at a specific public place.

NOW, THEREFORE, BY THE AUTHORITY VESTED IN ME AS THE CITY MANAGER OF ALTAMONTE SPRINGS, FLORIDA, IT IS HEREBY ORDERED THAT, IN ORDER TO PROTECT THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE CITY OF ALTAMONTE SPRINGS, THE FOLLOWING EMERGENCY REGULATIONS ARE NECESSARY:

Section 1. IT IS HEREBY ORDERED THAT:

- A. Any law, ordinance, rule, charter provision, or other regulation that requires a quorum to be present in-person at a meeting is suspended.
- B. Any law, ordinance, rule, charter provision, or other regulation that requires a local government body to meet at a specific public place is suspended.
- C. Any law, ordinance, rule, charter provision, or other regulation relating to the City of Altamonte Springs that otherwise would impede the use of CMT for meetings of local governing bodies during this time of emergency is suspended.
- D. City of Altamonte Springs local government bodies may utilize CMT, such as telephonic, video, or other types of conferencing, as provided in Section 120.54(5)(b)(2), Florida Statutes.

- E. This Order does not waive any other requirement under the Florida Constitution and “Florida’s Government in the Sunshine Laws,” including Chapter 286, Florida Statutes.
- F. City Charter Section 3.08(a) requiring that the City Commission meet regularly at least once in every month in a public building of the City of Altamonte Springs, Florida, and Section 3.08(b) be heard be suspended.
- G. City Charter Section 9.01(c), requiring that the City Commission appoint an advisory Charter committee be suspended.

Section 2. Utilizing Communication Media Technology (CMT) to Conduct Public Meetings. Due to the COVID-19 Local State of Emergency the following uniform rules of procedures will be adopted:

- A. Meetings will be held using CMT as determined appropriate by the City Manager. Physical presence of City Commissioners or the members of the Planning Board or the Board of Zoning Appeals, or other committees or commissions formed by the City Commission, are not required. Notwithstanding the foregoing, Commissioners and members of municipal boards and committees will still be required to meet the quorum requirement for each respective board and committee by being present via CMT.
- B. During the period of time City buildings are closed to the public, all public meeting notices traditionally posted within City Hall will be instead posted on the City’s website (www.Altamonte.org).
- C. All meetings will retain the ability of the public to participate to the greatest extent feasible and practicable during this unprecedented time. The public will have opportunities to comment on agenda items during all CMT meetings, unless a member of the public experiences a technical problem not caused by the City. Instructions for submitting public comment will, at a minimum, be attached to each meeting agenda.
- D. If, during the course of a CMT meeting, the City experiences technical problems that prevent interested persons from attending, the meeting may be declared in recess by the Mayor, or such chair that may be seated in respective boards, committees, or commissioners of the City, until the problems are corrected. If a recess is declared and if such technical problems the City experiences cannot be corrected in a reasonable period of time, as determined by the Mayor or respective board, committee, or commission chair, then all remaining items on the agenda will be continued until the next scheduled meeting of the City Commission or respective board, committee, or commission. The City is not responsible for technical problems experienced by others than the City.

Section 3. Alterations or Rescission. This Emergency Order will remain in effect until the Local State of Emergency is terminated within the City of Altamonte Springs or modified by further Executive Order.

ORDERED this 3rd day of April, 2020.

A handwritten signature in blue ink, appearing to read 'Franklin W. Martz, II', written over a horizontal line.

**FRANKLIN W. MARTZ, II, CITY MANAGER
CITY OF ALTAMONTE SPRINGS, FLORIDA**