



Cover Memorandum/Staff Report

File #: 20-987

Agenda Date: 11/17/2020

Item #: 7.E.

TO: Mayor and Commissioners
FROM: Lynn Gelin, City Attorney
DATE: November 17, 2020

APPROVAL OF RESOLUTION 201-20 PROVIDING FOR VIRTUAL ATTENDANCE BY ELECTED AND APPOINTED OFFICIALS AT MEETINGS DURING THE COVID-19 PUBLIC HEALTH EMERGENCY AND SUSPENDING ANY REQUIREMENT THAT AN IN-PERSON PHYSICAL QUORUM BE PRESENT TO CONDUCT BUSINESS.

Recommended Action:

Motion to approve Resolution 201-20.

Background:

On March 20, 2020, Governor Desantis issued Executive Order 20-69 suspending an in person, physical quorum for local government bodies and providing for the use of communications media technology ("CMT") such as telephonic and video conferencing to conduct business relying on an opinion from Attorney General Ashley Moody suggesting that compliance with the Sunshine Law requires an in-person, physical quorum. This Order expired on November 1, 2020 and there is no indication that Governor Desantis, despite requests from community organizations and leaders, will revisit this mandate.

Chapter 252, Florida Statutes, and the Municipal Home Rule Powers Act, among other authorities, provide a basis for the City, in its discretion, to lawfully suspend any in-person, physical quorum requirement and to achieve a quorum through virtual attendance during the current state of emergency as declared by Governor Desantis, Palm Beach County and the City of Delray Beach. Based upon the expiration of Executive Order 2020-69 on November 1, 2020, and in order to protect the health, safety, and welfare of the community by taking action to mitigate the spread of COVID-19 (which the City deems to be an "extraordinary circumstance"), staff recommends that the City return to meeting virtually and to conduct City business utilizing CMT (without an in-person, physical quorum) during the City-declared COVID-19 public health emergency declared pursuant to Resolution 70-20 dated March 13, 2020.

Neighboring municipalities such as Boca Raton and Boynton Beach have adopted similar ordinances and/or resolutions in support of conducting virtual meetings using CMT during the COVID-19 pandemic.

Timing of Request:

N/A