

RESOLUTION 2020-03

A RESOLUTION OF THE HERITAGE PALMS COMMUNITY DEVELOPMENT DISTRICT ACKNOWLEDGING THE COVID-19 STATE OF EMERGENCY AND THE REQUIREMENTS FOR SOCIAL DISTANCING; WAIVING ALL PROCEDURAL RULES OF THE DISTRICT REQUIRING THE PHYSICAL PRESENCE OF A MAJORITY OF THE BOARD OF SUPERVISORS TO CONSTITUTE A QUORUM; ADOPTING AN EMERGENCY PROCEDURAL RULE FOR THE CONDUCT OF MEETINGS USING COMMUNICATIONS MEDIA TECHNOLOGY, PROVIDING FOR THE TERMINATION OF THE EMERGENCY RULES UPON EXPIRATION OF EXECUTIVE ORDER 20-69; PROVIDING FOR SEVERABILITY AND PROVIDING AN EFFECTIVE DATE.

RECITALS

- A. On March 1, 2020, the Governor issued Executive Order 20-51 directing the Florida Department of Health to issue a Public Health Emergency as a result of COVID-19; and
- B. 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
- C. On March 9, 2020, the Governor issued Executive Order 20-52 declaring a state of emergency for the entire State of Florida as a result of COVID-19; and
- D. On March 16, 2020, the President and the Centers for Disease Control and Prevention issued guidance advising individuals to adopt far-reaching social distancing measures such as working from home and avoiding gatherings of more than ten people; and
- E. On March 20, 2020, the Governor issued Executive Order 20-69 suspending 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 allowing local government bodies to utilize communications media technology such as telephonic and video conferencing as provided in Section 120.54(5)(b)2, Florida Statutes; and
- F. Executive Order 20-69 does not waive any other requirement under the Florida Constitution and Florida's "Government in the Sunshine" laws, including Chapter 286, Florida Statutes; and
- G. On March 24, 2020, the Governor issued Executive Order 20-83 directing all persons to avoid social and recreational gatherings of ten persons or more, and
- H. On March 27, 2020, the Governor issued Executive Order 20-86 requiring persons who travel to Florida from areas of the country heavily impacted by COVID-19 to self-quarantine for fourteen days or the duration of their trip, whichever is shorter; and

- I. On March 27, 2020, the Governor issued Executive Order 20-87 suspending vacation rental operations for fourteen days; and
- J. On April 1, 2020, the Governor issued Executive Order 20-91 limiting personal movement and interactions outside the home to those necessary to provide essential services or conduct essential activities.
- K. The limitation on outside the home activities and other requirements of these Executive Orders have had and will cause further adverse fiscal impacts on the facilities owned by the District that adversely impact the health, safety or welfare of the residents of the District unless the District Board of Supervisors meets using Communications Media Technology.


NOW THEREFORE, in consideration of the Recitals above which are hereby found to be true and to necessitate emergency action by the Board of Supervisors to address the adverse impacts on facilities owned by the District that may adversely impact the health safety and welfare of the residents of the community unless the District Board of Supervisors meets using Communications Media Technology, the Board of Supervisors resolves:

1. The fiscal impacts and resulting risk to the welfare and safety of the community necessitate that the Board of Supervisors conduct meetings using communication media technology.
2. The meetings will be conducted by teleconference/webconference at a web address and/or phone number provided by the District Manager, together with the access code for the meeting, on the agenda for the meeting.
3. Any provisions of the District's Rules of Procedure which require a quorum physically present at any specific location are hereby suspended until the end of all social distancing requirements and prohibitions on public gatherings.
4. Members of the public are welcome to attend the teleconference/webconference.
5. To facilitate orderly conduct of the meetings and the preservation of a clear record, the meeting will be conducted by the District Manager using the following procedure:
 - A. The Chair will call the meeting to order and the District Manager will take roll call of the Supervisors and staff present by communications technology.
 - B. The District Manager will ask if members of the public who are present by communications technology to identify themselves and any agenda item they wish to speak on or if they have non-agenda items to discuss.
 - C. Any person who is not identified to speak at that time will place their communications device on mute until it is their opportunity to speak.

- D. Once all members of the public have identified themselves, the District Manager will read the agenda item and read any public comments that it has received prior to the meeting.
 - E. The District Manager will ask each Supervisor for their comments on the item.
 - F. Once all discussion between the Supervisors has ended, the District Manager will ask staff if they have comments.
 - G. After all staff comments have ended, the District Manager will call on any member of the public that asked to comment on that agenda item.
 - H. The District Manager will then ask each Supervisor if they have additional comments.
 - I. If necessary, a vote on that agenda item will be taken.
 - J. Upon conclusion of all agenda items, the District Manager will solicit Supervisor comments on non-agenda items.
 - K. The District Manager will call on any member of the public who had comments on non-agenda items.
6. These procedures and the conduct of meetings using Communications Media Technology will automatically terminate upon the expiration of Executive Order 20-69.
7. If any provision of this Resolution is found to be invalid it shall be stricken herefrom without affecting the validity of any other provision.
8. This Resolution is effective upon adoption.


So resolved on April 27, 2020.

ATTEST



Calvin Teague, Secretary

**BOARD OF SUPERVISORS
HERITAGE PALMS
COMMUNITY DEVELOPMENT
DISTRICT**



Stanley Switzer, Chair