



**AMENDED EMERGENCY RULES  
REGARDING TO COVID-19 PANDEMNIC**

**EMERGENCY RULES TO GOVERN THE OPERATION  
OF MEETINGS OF THE CITY COUNCIL AND BOARDS  
OF THE CITY OF NEPTUNE BEACH IN ACCORDANCE  
WITH STATE OF FLORIDA, OFFICE OF THE  
GOVERNOR, EXECUTIVE ORDER NUMBER 20-69;  
ESTABLISHING RULES FOR THE CONDUCT OF  
ELECTRONIC OR TELEPHONIC MEETINGS; AND  
ESTABLISHING RULES REGARDING NOTICE OF  
ELECTRONIC OR TELEPHONIC MEETINGS.**

**WHEREAS**, on March 1, 2020, in response to the World Health Organization's declaration of COVID-19 as a Public Health Emergency of International Concern, Governor Ron DeSantis issued Executive Order Number 20-51, declaring a State of Florida Public Health Emergency associated with the threat to Florida residents associated with COVID-19 and invoking the State of Florida emergency response actions by the Florida Department of Health and the State Health Officer; and

**WHEREAS**, on March 9, 2020, Governor Ron DeSantis issued Executive Order Number 20-52, directing the Director of the Division of Emergency Management, as the State Coordinating Officer, to execute State of Florida's Comprehensive Emergency Management Plan and other response, recover, and mitigation plans necessary to cope with the emergency; and

**WHEREAS**, on March 12, 2020 the Florida Department of Health (DOH) announced a positive test for COVID-19 in a Duval County resident; and

**WHEREAS**, on March 13, 2020, President Donald J. Trump declared a national emergency to combat COVID-19; and

**WHEREAS**, on March 14, 2020, Mayor Elaine Brown and City Manager Stefen Wynn declared a local emergency to combat COVID-19 on behalf of the City of Neptune Beach (the "City"); 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**, local government bodies throughout the State expressed to Governor Ron DeSantis concerns about their ability to hold meetings through teleconferencing and other technological means in order to protect the public and follow the CDC guidance regarding social distancing; and

**WHEREAS**, on March 20, 2020, Florida Attorney General Ashley Moody issued an advisory opinion that local government 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 suspending during the state of emergency; and

**WHEREAS**, on March 20, 2020, Governor Ron DeSantis issued Executive Order Number 20-69, suspending any Florida Statute requiring a quorum to be present in person or that requires a local government body to meet at a specific public place and authorized local government bodies to utilize communications media technology such as telephonic and video conferencing for conducting meetings; and

**WHEREAS**, as of March 23, 2020 at least forty-six (46) individuals in Duval County have tested positive for COVID-19; and

**WHEREAS**, pursuant to §252.46, Fla. Stat., the political subdivisions of the state are authorized and empowered to make, amend, and rescind such orders and rules as are necessary for emergency management purposes; and

**WHEREAS**, COVID-19 poses an immediate danger to the public health, safety, and welfare, and, more specifically, in-person gatherings of large numbers of people, such as in-person meetings of the City Council and the City's boards, pose a definite and specific threat; and

**WHEREAS**, it is necessary for the City to implement certain rules to permit it to conduct meetings by teleconferencing or other technological means in order to simultaneously protect the health, safety, and welfare of the public from gatherings of large numbers of people and to also continue to operate the functions of the City and provide services to the public during the course of this emergency; and

**WHEREAS**, the following rules and procedures provide for the participation of the public in all meetings, provide for notice to the public through multiple methods, and are otherwise limited in scope and, based upon the foregoing, are therefore fair under the circumstances as provided in §120.54(4), Fla. Stat.; and

**WHEREAS**, the following rules and procedures are not inconsistent with any Executive Order or other applicable law.

**NOW THEREFORE**, the following rules are implemented and take immediate effect:

#### **1. APPLICATION**

The rules shall apply to all meetings of the City Council, all boards of the City, and any other meeting of the City or any sub-unit subject to §286.011, Fla. Stat. ("Covered Meetings"), until the expiration of Executive Order 20-69. These rules shall supersede any contrary portions of the City's Code of Ordinances during their term of application. To the extent the Code of Ordinances or Charter of the City provide any specific time and place requirements and rules of conduct and procedure at meetings of the City Council and any other board of the City.

#### **2. MEETING PROCEDURES**

All Covered Meetings shall occur solely via a web-conferencing (e.g., GoToMeeting) or other telecommunication platform. Such meetings may be conducted through audio or audio/visual transmission. All meeting attendees, including elected and appointed officials, City staff, and members of the public, shall attend remotely through such means and no physical meeting shall be conducted at City Hall. Unless otherwise modified by the presiding officer in accordance with the City's Code of Ordinances, meetings shall generally follow the order of agenda items as typically utilized by the body conducting such meeting. All meetings will be recorded and posted to the City's website.

Such meetings will be open to the public as required by §286.011, Fla. Stat., and public comment will be conducted utilizing the platform's tools. Members of the public wishing to submit information or documentation for consideration prior to or at the meeting beyond oral comment should do so to the City Clerk prior to the meeting. For any subject matter which requires or permits a presentation to be made to the Council or board, such party should provide that presentation to the City Clerk in advance of the hearing to permit time for those items be displayed in the meeting. Materials provided at the time of the meeting may not be subject to consideration depending upon limitations of the platform being utilized.

### **3. NOTICE PROCEDURES**

Notice of all meetings to occur in accordance with these rules shall be given to the public in accordance with Florida law. In particular, notice will be given by at least the following means: (i) posting a copy on the front doors of City Hall; (ii) posting on the City's website ([ci.neptune-beach.fl.us](http://ci.neptune-beach.fl.us)); (iii) posting on the City's Facebook page ([www.facebook.com/CONBFL](http://www.facebook.com/CONBFL)); and (iv) publishing in The Beaches Leader (to the extent practical). To the extent an agenda item pertains to a specific party, copy of the notice shall also be mailed to that party. The notice shall contain the call-in or connection information for the public to access the meeting, including website link and/or telephone number. The notice shall advise that any person requiring accommodations should contact the City Clerk with sufficient advance notice to allow for coordination of such accommodations. Given the limitations of technology available, certain accommodations may require additional time for staff to coordinate same.

### **4. AMENDMENT**

The City reserves the right to amend these rules and procedures as necessary based upon future changes in circumstances.

**\*\*SIGNATURE PAGE TO FOLLOW\*\***

**THE CITY OF NEPTUNE BEACH, FLORIDA**

By: Elaine Brown Date: 4/3/20

Elaine Brown  
Mayor, Neptune Beach

By: Stefen A.B. Wynn Date: 4/3/2020

Stefen A.B. Wynn, M.P.A.  
City Manager Neptune Beach

Approved as to Form:

By: Zachary R. Roth

Zachary R. Roth  
City Attorney, Neptune Beach

Attested:

By: Catherine B. Ponson Date: 4/7/2020

Catherine B. Ponson, CMC  
City Clerk, Neptune Beach