

COUNTY OF HENDRY, STATE OF FLORIDA

ORDER NO. 2020 - _____

RECORDED IN RESOLUTION BOOK _____, PAGE _____

AN ORDER OF THE BOARD OF COUNTY COMMISSIONERS OF HENDRY COUNTY, FLORIDA, MODIFYING POLICIES FOR THE CONDUCT OF COMMISSION MEETINGS AND SUBORDINATE BOARD MEETINGS DUE TO THE COVID-19 PUBLIC HEALTH EMERGENCY.

WHEREAS, on March 9, 2020, the Governor of the State of Florida issued Executive Order Number 20-52 declaring a state of emergency for the State of Florida due to the Coronavirus Disease 2019 (COVID-19); and

WHEREAS, on March 13, 2020, the President of the United States of America issued a Proclamation declaring a national emergency due to COVID-19; and

WHEREAS, due to the public health emergency facing Hendry County as a result of COVID-19, on March 19, 2020, the Chairman of the Board of County Commissioners issued a Declaration of a Local State of Emergency, which has since been extended beyond the date of this order; and

WHEREAS, on March 20, 2020, the Governor of the State of Florida issued Executive Order Number 20-69 (1) 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 (2) authorizing local government bodies to conduct meetings utilizing communications media technology, such as telephonic and video conferencing, as provided in Florida Statute Subparagraph 120.54(5)(b)2; and

WHEREAS, on March 31, 2020, the President of the United States extended through April 30, 2020, guidelines that call for social distancing, which involve creating physical separation among people; and

WHEREAS, on April 1, 2020, the Governor of the State of Florida issued Executive Order Number 20-91 directing that all persons in Florida shall limit their movements and personal interactions outside of their home through April 30, 2020, subject to extension, to only those necessary to obtain or provide essential services or conduct essential activities; and

WHEREAS, the County Commission has concluded that it is necessary to safeguard the public health, safety and welfare to allow for the conduct of meetings by means of communications media technology and toward that end is adopting these rules and policies pursuant to the authority of Florida Statute Paragraph 252.38(3)(a), Florida Statute 252.46, Florida Statute Subparagraph 120.54(5)(b)2, Florida Statute Section 286.0114, Office of the Governor of Florida Executive Order Number 20-69, Office of the Governor of Florida Executive Order Number 20-91, and Hendry County Code of Ordinances Chapter 1-2, Article IV; and

WHEREAS, by Resolution Numbers 2013-83 and 2016-21, the Board of County Commissioners established policies to govern public comment at Board meetings to ensure that everyone who desires to speak may do so in an orderly and respectful atmosphere that need to be modified under the current circumstances.

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF HENDRY COUNTY, FLORIDA, that:

1. The foregoing Whereas clauses are hereby adopted and incorporated herein.
2. During the current public health emergency, the County Commission and any subordinate boards and committees of the County (as defined below) will meet utilizing communications media technology. The County Commission will stream its meetings

live at <https://www.facebook.com/hendrycounty>. Commissioners who so desire and interested persons may call in to a telephone number to participate in the meeting. Commissioners may vote by telephone and a roll call shall be taken for each vote. Members of subordinate boards and committees of the County who so desire and interested persons may call in to a telephone number to participate in the meeting. Subordinate board and committee members may vote by telephone and a roll call shall be taken for each vote. Any provision in a County ordinance or any prior vote of the Board of County Commissioners or of any subordinate board or committee that would require the physical presence of Commissioners or subordinate board or committee members in order to form a quorum for any meeting is hereby waived for the duration of this order.

3. Staff attendance at County Commission meetings and subordinate board and committee meetings shall be limited to the greatest extent practicable and as many staff as possible shall participate in meetings by telephone.

4. Due to the highly contagious nature of COVID-19 and the danger of assembling people in one place, particularly rooms within buildings, physical attendance by members of the public at County Commission meetings and subordinate board and committee meetings is not allowed.

5. The public may comment on business being considered by the Commission or a subordinate board or committee in the following ways:

a. For Commission meetings, by going to www.hendryfla.net, clicking on the drop down menu under Public Information at the top and selecting "BOCC Meeting eComments". Comments should be submitted at least five working hours (as defined below) prior to the start of the meeting. Therefore, for

Commission meetings starting at 5:00 p.m., comments should be submitted by 12:00 p.m. on the day of the meeting. Comments received in a timely manner shall be forwarded electronically to all Commissioners, provided in hard copy to all Commissioners, or read publicly at the meeting. Only one of the three methods set forth in the preceding sentence is required.

b. For subordinate board or committee meetings, by sending an e-mail to the staff point of contact identified in the meeting notice at least five working hours (as defined below) prior to the start of the meeting. Comments received in a timely manner shall be forwarded electronically to all board or committee members, provided in hard copy to all board or committee members, or read publicly at the meeting. Only one of the three methods set forth in the preceding sentence is required.

c. For Commission meetings and subordinate board or committee meetings, during the meeting interested persons who have called into the designated telephone number for the meeting shall be permitted to submit comments orally over the telephone.

6. Meeting notices for Commission meetings and subordinate board or committee meetings shall state that the meeting is being conducted by means of communications media technology, provide the details for members of the public on how to participate in the meeting by way of the communications media technology, and identify a staff person for anyone to contact requiring additional information about the meeting or wishing to submit written or other physical evidence which he/she intends to offer into evidence during the meeting. The staff person's name, e-mail address, phone

number, and mailing address shall be provided. The meeting notice attached hereto as Exhibit "A" is provided as a template to follow.

7. In the event that the telephone connection for the meeting is not functional, the meeting shall not proceed until the problem is resolved. In the event the livestream for Commission meetings is not functional, the meeting may proceed as the livestream is not necessary for public participation.

8. For purposes of this order "subordinate boards and committees" shall mean the Hendry County Local Planning Agency, the Hendry County Construction Licensing Board, the Hendry County Tourist Development Council, and any other Hendry County advisory board or committee of any sort that is subject to the Florida Government in the Sunshine Law, Florida Statute Section 286.011. For purposes of this order "working hours" shall mean the time of day between 8:00 a.m. and 5:00 p.m. on weekdays that are not official County holidays.

9. The rules and policies set forth in this order shall become effective upon filing of this order with the Hendry County Clerk of Court (which has occurred immediately upon adoption) and shall terminate upon expiration or termination of Office of the Governor of Florida Executive Order Number 20-69.

Duly considered and adopted by the Board of County Commissioners of Hendry County, Florida, this 14th day of April, 2020.

BOARD OF COUNTY COMMISSIONERS
OF HENDRY COUNTY, FLORIDA

ATTEST:

Mitchell Wills, Chairman

Kim Barrineau, Ad Interim Clerk

Exhibit "A"

**NOTICE OF MEETING OF
HENDRY COUNTY BOARD OF COUNTY COMMISSIONERS**

The Board of County Commissioners of Hendry County, Florida hereby gives notice that it will hold a regular Board meeting on April 14, 2020, at 5:00 p.m. Due to the public health emergency presented by COVID-19 and pursuant to the authority granted by Executive Order Number 20-69 issued by the Governor of the State of Florida, the meeting will be conducted by way of communications media technology (CMT). Members of the public are invited to watch a livestream of the meeting at <https://www.facebook.com/hendrycounty> and/or participate in the meeting by telephone by calling 408-418-9388 and entering meeting access code 794 725 410#. Members of the public may not physically attend the meeting. Please note that all, some or none of the Commissioners may attend the meeting in person and those not attending in person may instead participate in the meeting only by telephone.

The meeting agenda is available at www.hendryfla.net by clicking on the drop down menu under Public Information at the top and selecting "Current Agendas". Anyone wishing to submit public comment on items on the meeting agenda should go to www.hendryfla.net, click on the drop down menu under Public Information at the top and select "BOCC Meeting eComments" where he/she will be able to submit comments for the Board's consideration up until 12:00 p.m. on the day of the meeting. Please note that the Board may consider items not on the printed meeting agenda. During the meeting prior to the Board voting on a matter interested persons will be permitted to make oral comments over the dedicated telephone line. Note, the phone line is different from the livestream over the internet and interested persons will need to dial in to the dedicated telephone line if they wish for any oral comments they may have to be considered.

Anyone requiring additional information about the meeting or wishing to submit written or other physical evidence which he/she intends to offer into evidence during the CMT proceedings should contact Emily Hunter by e-mail at emily.hunter@hendryfla.net, by phone at (863) 675-5304, or by mail at P.O. Box 2340, LaBelle, FL 33975.

If a person decides to appeal any decision made with respect to any matter considered at this meeting, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

If you have a disability that will require special assistance or accommodation for your attendance at the meeting via the internet livestream, by telephone or in-person, please contact Emily Hunter at (863) 675-5304; Hearing Impaired: Florida Relay 7-1-1; or e-mail emily.hunter@hendryfla.net.

Hendry County is an equal opportunity provider and employer.

Si necesita la asistencia de un interprete que hable espanol para participar un esta reunion, por favor pongase en contacto con Myra Johnson al (863) 675-5240.

Run Date: Lake Okeechobee News 4/1/2020
Caloosa Belle 4/2/2020