

**ORDER PROMULGATING EMERGENCY RULES AND PROCEDURES FOR PASCO COUNTY PUBLIC MEETINGS CONDUCTED THROUGH COMMUNICATIONS MEDIA TECHNOLOGY**

**WHEREAS**, the Governor, Ron DeSantis issued Executive Order Number 20-51 on March 1, 2020 which declared a Public Health Emergency in the state of Florida due to the appearance of individuals testing positive for COVID-19 within the state of Florida; and

**WHEREAS**, the Governor issued Executive Order Number 20-52 on March 9, 2020 declaring a State of Emergency for the entire state of Florida; and

**WHEREAS**, Executive Order Number 20-52, Section 4 (D) authorizes a political subdivision to waive the procedures and formalities otherwise required by law...; and

**WHEREAS**, the Pasco County Board of County Commissioners declared a local State of Emergency (Resolution No. 20-102) on March 12, 2020, and lawfully extended the State of Emergency so it is still currently in place, based on the current and potential threat to health of residents and visitors in Pasco County; and

**WHEREAS**, public health experts have consistently recommended avoiding close physical interaction between people in order to slow the spread of COVID-19; and

**WHEREAS**, Section 252.38, Florida Statutes, authorizes Pasco County to declare a state of local emergency, which it has done, and further authorizes Pasco County to take whatever prudent action is necessary to ensure the health, safety, and welfare of the community; and

**WHEREAS**, in responses to concerns raised by local government bodies, Governor DeSantis issued Executive Order Number 20-69 on March 20, 2020, which suspended any Florida Statute that requires a quorum to be present in person or that requires a local government body to meet at a specific public place; and

**WHEREAS**, Executive Order Number 20-69 allows a local government to utilize Communications Media Technology (CMT) as provided in Section 120.54(5)(b)2, Florida Statutes; and

**WHEREAS**, Sections 252.46 and 125.01, Florida Statutes, allow Pasco County to create uniform rules and procedures for the conduct of public meetings; and

**WHEREAS**, Pasco County finds: (a) that the declared COVID-19 public health emergency presents an immediate danger to the public health, safety, or welfare that requires emergency

action; (b) the creation of uniform rules and procedures for the conduct of public meetings by means of CMT is necessitated by the immediate danger to allow for continuity of County Government; (c) the creation of such rules and procedures is the minimum action necessary to protect the public interest; and (d) the County's decision to conduct public meetings virtually, in this manner, has been balanced between public safety, the health and safety of the citizens, and the continued delivery of essential critical local governmental services and functions; and

**WHEREAS**, Pasco County finds: (a) that there is an immediate need for the adoption of CMT rules and procedures prior to the first Board of County Commissioners and Metropolitan Planning Organization public meetings through CMT; (b) due to the recommended COVID-19 social distancing and public gathering restrictions, the Board of County Commissioners and Metropolitan Planning Organization are unable to meet in person to adopt such rules and procedures prior to their first public meeting through CMT; (c) these rules and procedures will be adopted by the County Administrator pursuant to his previously delegated authority and subsequently ratified by the Board of County Commissioners and Metropolitan Planning Organization at their first public meeting through CMT; (d) the County Administrator's adoption of these rules and procedures will be immediately published on the County's website, and included in a press release, thus ensuring that interested persons are aware of the adoption of these rules and procedures, and that Pasco County's findings herein are judicially reviewable; and (e) the adoption of uniform rules and procedures for the conduct of CMT meetings utilizing the foregoing procedures is fair under the circumstances; and

**WHEREAS**, the rules and procedures adopted in this Order are necessary to safely conduct the business of Pasco County and provides notice, fair procedure, public participation and a sufficient opportunity to be heard in compliance with Chapter 286 Florida Statutes and the Florida Constitution; and

**WHEREAS**, the County Administrator has been authorized by the Board to order or take any actions he deems necessary for the continuity of County Government during the declared Local State of Emergency; and

**NOW, THEREFORE**, pursuant to Governor's Executive Orders 20-51, 20-52 and 20-69; Pasco County Board of County Commissioners' Resolution No. 20-102; Chapters 125 and 252, Florida Statutes; Pasco County's Comprehensive Emergency Management Plan; and Chapter 30, Article II, of the Pasco County Code of Ordinances, and under the direct authority of the Pasco County Board of County Commissioners, the undersigned on behalf of the Board and based on the information known or projected at this time, makes the following order:

Pursuant to the authority recited above and the delegation received by Resolution 20-102, the undersigned does order the following:

1. Pasco County hereby adopts the following rules and procedures for conducting proceedings by Communications Media Technology (CMT), which shall be followed when the Pasco County Board of County Commissioners, Pasco County Metropolitan Planning Organization, or any of their appointed boards and committees, desires to conduct a proceeding by means of CMT or to provide public access to a proceeding by the use of CMT.

2. Notice—All notices of proceedings utilizing CMT shall state that the proceeding is to be conducted by means of CMT, and such notices shall (a) state how persons interested in attending may do so, including web links to any internet-based method(s) of viewing the CMT meeting and the phone numbers(s) and time(s) for those participants wishing to phone into the CMT meeting; (b) include an e-mail address where remote participants can send in comments, exhibits, powerpoints, videos, or other documents that meeting participants wish to be considered at the meeting (collectively, “Documentary Evidence”); (c) include the deadline for submission of Documentary Evidence; and (d) include a contact phone number where participants with disabilities, and persons without access to the technology that will be utilized for the meeting, can obtain assistance in participating in the meeting (collectively referred to herein as the “CMT Information”). The CMT Information may be placed in a single newspaper advertisement for each meeting, hearing, or workshop to be conducted by means of CMT, provided that the CMT Information is also placed on the County’s website at [www.pascocountyfl.net](http://www.pascocountyfl.net). Individual agenda items that have already been advertised by newspaper, mailed or posted sign notice shall not be required to be re-noticed with the required CMT Information, provided that such notices made the recipients aware that the date, time or place of the meeting may be rescheduled because of the COVID-19 public health emergency, and directed the recipients to the County’s website for the latest information on the date, time and place of the meeting (“COVID-19 Disclaimer”). All notices for individual agenda items that did not contain the CMT Information or COVID-19 Disclaimer shall be re-published, re-sent, or re-posted with the CMT Information or COVID-19 Disclaimer; provided, however, mailed notice shall not require a proof of mailing from the post office, and instead may be satisfied by an affidavit from the applicant. All notices for proceedings conducted by CMT shall be published, sent and/or posted (as applicable) at least ten (10) days in advance of the CMT proceeding. All public notice requirements in the Pasco County Land Development Code or Florida Statutes in conflict with the foregoing notice requirements are hereby waived for the duration of the declared State of Emergency.

3. Procedures—Meetings conducted by CMT shall be conducted in accordance with the Board of County Commissioners’ general Rules of Procedure adopted pursuant to Resolution No. 18-36, and historical practice, except for the public participation requirements (set forth in Section 4. below) and the following:

- a. Any requirement that the voting members of the Board of County Commissioners, Metropolitan Planning Organization (or of any of their advisory committees or boards) be physically present at the meeting, either to vote or to be counted for quorum requirements, is hereby waived for the duration of the declared State of Emergency, provided that such members participate in the meeting by means of CMT. In addition, the County Attorney's Office, Clerk and Comptroller's Office, County Administrator's Office, and all County employees may attend the meeting by CMT, except for any County employees that need to physically attend the meeting to conduct the CMT meeting.
- b. For quasi-judicial agenda items, witnesses are not required to be physically present to be sworn and may be sworn through audio or video technology.
- c. For quasi-judicial agenda items, applicants who elect to have their items considered at a CMT meeting shall agree to: (a) waive the right to cross-examination of witnesses; and (b) waive the right to challenge the validity, adequacy or constitutionality of the rules and procedures set forth in this Order or of the CMT proceeding. Such waivers shall be provided in writing in advance of the CMT meeting, or verbally stated on the record during the CMT meeting. Quasi-judicial applicants that do not provide such waivers shall be continued to the next available meeting that does not utilize CMT. In addition, the County reserves the right to continue any quasi-judicial item that the County Administrator or Board of County Commissioners determines is not appropriate to be conducted through CMT, even if the land use applicant provides the required waivers.
- d. In order to ensure that adequate technology and public access is available to conduct CMT meetings, the location of all CMT meetings (for those that physically attend the meeting) shall be at the West Pasco Government Center, Board Room, 1st Floor, 8731 Citizens Drive, New Port Richey, Florida 34654.
- e. In order to ensure that all speakers at the CMT proceeding are properly recorded, all speakers at the CMT meeting must be recognized by the Chair prior to speaking, and no more than one person shall speak at the same time.
- f. All votes on all action items shall be by roll call vote. The entire consent agenda may be approved by one roll call vote.

4. Public Participation—The public shall be permitted to participate in CMT meetings through the following means:
- a. Phoning into the CMT meeting at the phone number and time provided in the CMT meeting notice. In order to allow the County to verify the identity of all persons that speak, all phone-in participants shall pre-register utilizing the instructions in the meeting notice. Except for applicants for land use approvals, phone-in participants will be placed in a queue on a first-come, first serve basis, and will be notified by a member of County staff when they will be permitted to speak. Phone-in participants will be permitted to speak for a maximum of 3 minutes, unless a request for additional time is approved by the Chairman in advance of the CMT meeting. Applicants for land use approvals will be permitted to speak for a maximum of 5 minutes, which includes any time for rebuttal, unless additional time is approved by the Chairman in advance of the CMT meeting.
  - b. E-mailing Documentary Evidence to the e-mail address provided in the CMT meeting notice. Documentary Evidence shall be limited to items on the published agenda and shall be submitted by the deadline set forth in the CMT meeting notice. The County reserves the right to reject Documentary Evidence that is unrelated to items on the published agenda or submitted after the submission deadline. The County further reserves the right to redact or reject Documentary Evidence containing obscene material or material that is confidential pursuant to state law. If a person submitting Documentary Evidence wishes for any portion of the Documentary Evidence to be read out-loud, shown as a powerpoint presentation, or played as video during the CMT meeting, the person submitting the Documentary Evidence shall specifically identify in the e-mail the portion(s) of the Documentary Evidence that they wish to be read out-loud, shown as a powerpoint presentation, or played as a video; provided, however, such portion(s) shall not exceed 3 minutes in duration (or 5 minutes for land use applicants), unless additional time is approved by the Chairman in advance of the CMT meeting. For matters on the Board of County Commissioners' consent agenda and regular agenda, e-mail shall be the County's preferred method of public participation.
  - c. The two public participation methods identified above shall be the only methods for the public to participate in the CMT meeting. All evidence, testimony, and argument presented through one of these two public

participation methods shall be afforded equal consideration, regardless of the method of communication. Although the CMT meeting will be available for viewing through other internet-based and television-based media or platforms, speaking through such media or platforms will be limited to the voting members of the Board (or advisory board or committee), the County Attorney's Office, the Clerk and Comptroller's Office, the County Administrator's Office, and County employees or invitees who have been pre-approved by the County Administrator or designee to make presentations to the voting members. Furthermore, even if the internet-based or television-based media or platform contains a forum or "chat box" for comments or questions, the County will not be responding to such comments or questions, and such comments or questions will not be captured or made a part of the public record of the CMT meeting.

5. The internet-based platform WebEx is specifically approved for conducting Pasco County CMT meetings. In the event WebEx is unavailable or not capable of conducting Pasco County CMT meetings, the County Administrator may approve other platforms or technologies for conducting Pasco County CMT meetings, provided that such platforms or technologies are capable of complying with the rules and procedures set forth in this Order.
6. If during the course of a CMT proceeding technical problems develop with the communication network that prevent interested persons from attending, the County shall terminate or continue the proceeding until the problems have been corrected.
7. This Order shall expire at the expiration of Executive Order 20-69, including any extension.
8. This Order shall be effective upon filing with the Clerk in accordance with Section 252.46, Florida Statutes.

Done this 8<sup>th</sup> day of April, 2020.

  
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DAN BILES  
COUNTY ADMINISTRATOR  
PASCO COUNTY, FLORIDA

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TIME ORDERED