

**PROCLAMATION DECLARING A CONTINUING
LOCAL STATE OF EMERGENCY IN LEON COUNTY, FLORIDA
PROCLAMATION NO. 2020-26
COVID-19**

WHEREAS, the Board of County Commissioners of Leon County, Florida (the “Board”) has adopted the Emergency Management Ordinance, being codified in Chapter 2, Article VIII of the Code of Laws of Leon County, Florida (the “Ordinance”), providing authorization for the Board or its designee to declare an extension to a previously issued declaration of local State of Emergency; and

WHEREAS, on March 9, 2020, Governor DeSantis issued Executive Order 20-52, declaring a State of Emergency as a result of COVID-19; and

WHEREAS, subsequent to the issuance of the State of Emergency on March 9, 2020, Governor DeSantis has issued a series of executive orders to provide guidelines and recommendations to govern the conduct of visitors to and residents of the state and to impose restrictions and requirements on businesses within the State of Florida in response to COVID-19; and

WHEREAS, on March 16, 2020, President Donald J. Trump and the United States 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, and subsequently extended the guidelines until April 30, 2020; and

WHEREAS, to reduce the spread of COVID-19, the CDC and the Florida State Department of Health have recommended the implementation of community mitigation strategies to increase containment of COVID-19; and

WHEREAS, multiple local jurisdictions in Florida, Georgia, and other states have declared local states of emergency to address the threat of a public health crisis resulting from COVID-19; and

WHEREAS, on March 16, 2020, Leon County declared a local State of Emergency effective March 16, 2020, at 2:00 p.m., for a period of seven days, to authorize continued coordination with state and other local authorities and to take all actions necessary to address the threat of a public health crisis resulting from COVID-19; and

WHEREAS, on March 23, 2020, Leon County extended the local State of Emergency effective March 23, 2020, at 2:00 p.m., for a period of seven days; and

WHEREAS, on March 25, 2020, Leon County issued Amended Proclamation No. 2020-3; and

WHEREAS, on March 30, 2020, Leon County issued Proclamation No. 2020-4; and

WHEREAS, on April 2, 2020, Leon County issued Amended Proclamation No. 2020-5; and

WHEREAS, on April 6, 2020, Leon County issued Proclamation No. 2020-6, extending the Local State of Emergency for a period of seven days; and

WHEREAS, Article I, Section 24 of the Florida Constitution guarantees a right of public access to all meetings of any collegial public body of the County, and section 286.011, Florida Statutes, commonly referred to as Florida's "Sunshine Law," requires meetings of the County to be publicly noticed in advance, open to the public, and documented by minutes that are promptly recorded; and

WHEREAS, recognizing the compelling need to protect life while at the same time maintain the functionality and continuity of government, the Governor took the extraordinary measure of issuing Executive Order 20-69, which suspends the requirement that local governing bodies have a quorum physically present in a specific public place to conduct public meetings; and

WHEREAS, Executive Order 20-69 specifically authorizes the use of communications media technology, as provided in section 120.54(5)(b)2., Florida Statutes, to conduct meetings of local governing bodies; and

WHEREAS, on April 8, 2020, as authorized by Executive Order 20-69, Leon County issued Amended Proclamation No. 2020-7, to provide for the use of communications media technology during the declared Local State of Emergency to conduct meetings of the Board of County Commissioners and its advisory boards, councils, and committees; and

WHEREAS, the use of communications media technology during the declared Local State of Emergency due to COVID-19 to conduct meetings of the Board of County Commissioners and its advisory boards, councils, and committees will allow governance to continue while protecting the health and safety of elected officials, staff, and the general public; and

WHEREAS, neither Executive Order 20-69, as extended, nor this Proclamation suspend the requirements of Florida's public records laws in any way or the Sunshine Law beyond the specific, discrete parameters set forth in Executive Order 20-69, as extended, and this Proclamation.

WHEREAS, on April 10, 2020, Leon County issued Proclamation No. 2020-8, extending the Local State of Emergency for a period of seven days, effective 12:01 a.m. on April 13, 2020; and

WHEREAS, on April 15, 2020, Leon County issued Amended Proclamation No. 2020-9, establishing a curfew in all of Leon County, from the hours of 11:00 p.m. until 5:00 a.m., commencing on April 15, 2020; and

WHEREAS, on April 17, 2020, Leon County issued Proclamation No. 2020-10, extending the Local State of Emergency for a period of seven days, effective 12:01 a.m. on April 20, 2020; and

WHEREAS, on April 24, 2020, Leon County issued Proclamation No. 2020-11, extending the Local State of Emergency for a period of seven days, effective 12:01 a.m. on April 27, 2020; and

WHEREAS, on May 1, 2020, Leon County issued Proclamation No. 2020-12, extending the Local State of Emergency for a period of seven days, effective 12:01 a.m. on May 4, 2020; and

WHEREAS, on May 8, 2020, Leon County issued Amended Proclamation No. 2020-13, extending the Local State of Emergency for a period of seven days, effective 5:00 p.m. on May 8, 2020; and

WHEREAS, on May 15, 2020, Leon County issued Amended Proclamation No. 2020-14, extending the Local State of Emergency for a period of seven days, effective 5:00 p.m. on May 15, 2020; and

WHEREAS, on May 21, 2020, Leon County issued Amended Proclamation No. 2020-15, extending the Local State of Emergency for a period of seven days, effective 5:00 p.m. on May 22, 2020; and

WHEREAS, on May 29, 2020, Leon County issued Amended Proclamation No. 2020-16, extending the Local State of Emergency for a period of seven days, effective 5:00 p.m. on May 29, 2020; and

WHEREAS, on June 5, 2020, Governor DeSantis issued Executive Order 20-139, with the Phase 2: Safe. Smart. Step-by-Step. Plan for Florida's Recovery; and

WHEREAS, Executive Order 20-139 further extended Executive Order 20-69 until June 30, 2020; and

WHEREAS, on June 5, 2020, Leon County issued Proclamation No. 2020-17, extending the Local State of Emergency for a period of seven days, effective 5:00 p.m. on June 5, 2020; and

WHEREAS, on June 12, 2020, Leon County issued Proclamation No. 2020-18, extending the Local State of Emergency for a period of seven days, effective 5:00 p.m. on June 12, 2020; and

WHEREAS, on June 19, 2020, Leon County issued Proclamation No. 2020-19, extending the Local State of Emergency for a period of seven days, effective 5:00 p.m. on June 19, 2020; and

WHEREAS, on June 23, 2020, Governor DeSantis issued Executive Order 20-150, which further extended Executive Order 20-69 until August 1, 2020; and

WHEREAS, on June 26, 2020, Leon County issued Proclamation No. 2020-20, extending the Local State of Emergency for a period of seven days, effective 5:00 p.m. on June 26, 2020; and

WHEREAS, on July 2, 2020, Leon County issued Proclamation No. 2020-21, extending the Local State of Emergency for a period of seven days, effective 5:00 p.m. on July 3, 2020; and

WHEREAS, on July 10, 2020, Leon County issued Proclamation No. 2020-22, extending the Local State of Emergency for a period of seven days, effective 5:00 p.m. on July 10, 2020; and

WHEREAS, on July 15, 2020, Leon County issued Proclamation No. 2020-23, extending the Local State of Emergency for a period of seven days, effective 5:00 p.m. on July 17, 2020; and

WHEREAS, on July 24, 2020, Leon County issued Proclamation No. 2020-24, extending the Local State of Emergency for a period of seven days, effective 5:00 p.m. on July 24, 2020; and

WHEREAS, on July 29, 2020, Governor DeSantis issued Executive Order 20-179, which amends and further extends Executive Order 20-69; and

WHEREAS, Executive Order 20-179 extends Executive Order 20-69 until 12:01 a.m. on September 1, 2020; and

WHEREAS, Executive Order 20-179 amends Executive Order 20-69 to provide that, until October 15, 2020, a taxing authority holding millage and budget hearings under Chapter 200, Florida Statutes, or a local governing board holding a hearing or meeting regarding non ad valorem assessments, including, but not limited to, those under section 197.3632, Florida Statutes, is not required to have a quorum or super majority of the membership present in person or to meet at a specific public place; and

WHEREAS, Executive Order 20-179 amends Executive Order 20-69 to provide that, until October 15, 2020, a taxing authority holding millage and budget hearings under Chapter 200, Florida Statutes, or a local governing board holding a hearing or meeting regarding non ad valorem assessments, including, but not limited to, those under section 197.3632, Florida Statutes, may utilize communications media technology; and

WHEREAS, on July 31, 2020, Leon County issued Proclamation No. 2020-25, extending the Local State of Emergency for a period of seven days, effective 5:00 p.m. on July 31, 2020; and

WHEREAS, on August 6, 2020, Governor DeSantis issued Executive Order 20-192, extending Phase 2: Safe. Smart. Step-by-Step. Plan for Florida's Recovery; and

WHEREAS, federal and state health officials have indicated that they expect additional cases of COVID-19 to be identified in the coming days and, based on the highly contagious nature of COVID-19, additional person-to-person transmission is likely; and

WHEREAS, should COVID-19 spread in Leon County at a rate close to what some other communities in Florida, Georgia, and some other states have experienced it would strain local resources and capabilities; and

WHEREAS, an Emergency as defined in the Ordinance continues to exist in Leon County; and

WHEREAS, a prompt and efficient response and recovery is necessary to safeguard lives and property affected by the Emergency; and

NOW, THEREFORE, PURSUANT to the authority conferred by Chapter 252, Florida Statutes, and the Ordinance, as Chairman of the Leon County Board of County Commissioners, and pursuant to Section 2-306 of the Code of Laws of Leon County, after consultation with state and local authorities, I find as follows:

1. State of Emergency. A local State of Emergency continues to exist requiring immediate and expeditious action as a result of the threat of a public health crisis within Leon County and neighboring counties, and will continue to exist for a period of seven days, effective 5:00 p.m. on August 7, 2020, in accordance with Section 2-307 of the Code of Laws of Leon County.

2. Phase 2: Safe. Smart. Step-by-Step. Plan for Florida’s Recovery. All persons in Leon County are to abide by Executive Order 20-112, as modified by Executive Orders 20-120, 20-123, and 20-131, and as further modified and extended by Executive Order 20-139 and Executive Order 20-192, and any subsequent amendments or extensions issued thereto.

3. Temporary Rules of Procedure for Use of CMT to Conduct Virtual Meetings. Board Policy No. 01-05, entitled “Rules of Procedure for Meetings of the Leon County Board of County Commissioners,” which was revised June 16, 2020, and governs all official meetings of the Board, shall be temporarily modified to allow for the use of communications media technology to conduct virtual meetings, as follows:

- (a) Notice of Electronic Public Meetings. The County will post notice of its electronic public meetings in a manner consistent with section 286.011, Florida Statutes. Such notice shall plainly state that a virtual meeting is to be conducted using communications media technology (CMT) and identify the specific type(s) of CMT to be used. Such notice will identify the various platforms available to the public to view the meeting. If a public meeting provides for the opportunity for public comment in general or on a specific item, the notice shall also include instructions regarding how members of the public may submit written comments in a form to be provided by the County on its website, distributed to the members of the Commission in advance of the meeting, and made a part of the meeting record. If the County determines that additional technological means are feasible, practicable, and available for the public to provide comment, the meeting notice will include instructions to the public regarding how members of the public may provide comment using the additional technological means. The meeting notice shall provide the deadline for the submission of public comment in advance of the public meeting, if any.
- (b) Public Comment. An online form will be available through the County’s website for citizens to provide written public comment prior to a virtual meeting. The online form will be open and available for members of the public to submit comment until a timeframe specified in the meeting notice, if any. The written comments will be compiled and provided to the members of the County Commission in advance of the meeting and entered into the record at the public meeting. Written comments received by the public will be posted on the County’s website in advance of the virtual meeting. Public comment received after the deadline for submission will be made available to the members of the County Commission and entered into the record during the meeting, though the County cannot guarantee that the written comments will be posted on the County website prior to the virtual meeting. If the County determines that additional technological means are feasible, practicable, and available for the public to provide comment, such public comment, in whatever format, shall be made available to the members of the County Commission before action is taken on the matter for which public comment was submitted.
- (c) Supplemental Procedures of Advisory Boards, Councils, and Committees. Each advisory board, council, or committee of the County may supplement the minimum procedures provided in this Continuing Proclamation with additional procedures that promote and preserve the decorum and civility and that enable the expeditious conduct of County business and provide the procedural due process and right of public participation required by law as applied to the nature of the specific hearing or matter.

Each such board, council, or committee seeking to adopt supplemental procedures will submit them to the County Administrator for ratification by the Board of County Commissioners.

- (d) Disruptions and Adjournment. If, during the conduct of a public meeting utilizing CMT pursuant to this Continuing Proclamation, the meeting is interrupted through disruptions or glitches in the technology being used, the Chair will recess the meeting until the interruption is resolved. If the interruption cannot be resolved in a reasonable amount of time, the meeting shall be adjourned. The temporary recess or termination of a meeting is to assure compliance with the Sunshine Law.

4. Additional Temporary Modification of Board Policy No. 01-05. Board Policy No. 01-05, entitled “Rules of Procedure for Meetings of the Leon County Board of County Commissioners,” which governs all official meetings of the Board, shall be further temporarily modified to provide that virtual public hearings may be scheduled and heard at 3:00 p.m. or thereafter.

5. Temporary Rules of Procedure for Use of CMT to Conduct Virtual Informal Quasi-Judicial Proceedings. The Board may conduct informal quasi-judicial proceedings using CMT and may provide CMT access to such proceedings for purposes of taking evidence, testimony, or argument. All applicable provisions of the Leon County Code, Board policies, and/or bylaws are hereby temporarily modified to allow for the use of CMT to conduct virtual informal quasi-judicial proceedings, as provided in this Section 5. As used herein, “quasi-judicial proceeding” means a proceeding that results in a decision having an impact on a limited number of persons or property owners, on identifiable parties and interests, where the decision is contingent on a fact or facts arrived at from distinct alternatives presented at a hearing, and where the decision can be viewed as policy application rather than setting policy. The term “quasi-judicial proceeding” is limited to informal quasi-judicial proceedings before the Board.

- (a) Notice of Electronic Quasi-Judicial Proceedings. When the Board chooses to conduct a quasi-judicial proceeding using CMT, it shall provide notice in the same manner as required for a non-CMT proceeding. The notice shall also plainly state that such quasi-judicial proceeding is to be conducted utilizing CMT and identify the specific type(s) of CMT to be used. Such notice will identify the various platforms available to the public to view the meeting. The notice shall plainly state how interested parties may submit comment for consideration and also how persons needing assistance may contact the County to obtain assistance in providing comments.
- (b) Disruptions and Adjournment. No quasi-judicial proceeding otherwise subject to section 286.011, Florida Statutes, shall be conducted exclusively by means of CMT if the available technology is insufficient to permit all interested persons to participate. If, during the conduct of the quasi-judicial proceeding utilizing CMT, the meeting is interrupted through disruptions or glitches in the technology being used, the Chair shall recess the proceeding until the interruption is resolved. If the interruption cannot be resolved in a reasonable amount of time, the quasi-judicial proceeding shall be continued to another date and time. The temporary recess or continuation of a quasi-judicial proceeding is to assure compliance with the Sunshine Law.
- (c) Ex Parte Disclosures. Each Board member shall disclose any ex parte communications prior to consideration of the item.

(d) Evidence, testimony, and argument.

(i) Any evidence, testimony, and argument that is offered utilizing CMT shall be afforded equal consideration as if it were offered in person, and shall be subject to the same objections.

(ii) Oral evidence shall be taken only on oath or affirmation. Persons offering sworn testimony shall be responsible for making appropriate arrangements for offering such testimony, including securing the services of a notary public or other person qualified to administer an oath in the State of Florida. The notary public or other person qualified to administer an oath in the State of Florida shall provide a written certification to be filed with the presiding officer confirming the identity of the witness, and confirming the affirmation or oath by the witness.

(iii) If a party cross-examining the witness desires to have the witness review documents or other items not reasonably available for the witness to review at that time, then the party shall be given a reasonable opportunity to complete the cross-examination at a later time or date for the purpose of making those documents or other items available to the witness.

(iv) If a party or participant wishes to submit documents, evidence, and/or materials for consideration by a Board in connection with a quasi-judicial proceeding, all such documents, evidence, and materials must be submitted at least one (1) day prior to the date of the meeting.

6. Public Education. Due to the extraordinary nature of the Continuing Proclamation and the paramount right of the public to participate in the decision-making process of its local government, the County will make reasonable efforts to publicize the subject matter being considered at its meetings and publicize the requirements of Section 3 of this Continuing Proclamation.

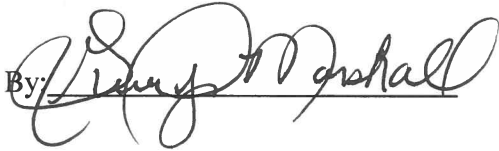
7. Applicability, Limitation, and Termination. Section 3 of this Continuing Proclamation shall apply to all meetings of the Leon County Board of County Commissioners and any of its advisory boards, councils, or committees which operate under the Sunshine Law. Public meetings will comply with all requirements of section 286.011, Florida Statutes, and, for the County Commission, Policy No. 01-05, which have not otherwise been suspended or waived pursuant to Executive Order 20-69, as extended by Executive Order 20-112, Executive Order 20-139, Executive Order 20-150, and Executive Order 20-179, and this Continuing Proclamation. Section 3 of this Continuing Proclamation shall remain in effect until superseded by action of the Leon County Board of County Commissioners, until modified or terminated by a subsequent proclamation, or until Executive Order 20-69 expires or is rescinded, whichever first occurs.

THIS PROCLAMATION authorizes the continued activation of the Leon County Comprehensive Emergency Management Plan and the exercise of all powers provided by Chapter 252, Florida Statutes, and Chapter 2, Article VIII of the Code of Laws of Leon County, Florida.


Dated this 7th day of August, 2020.




ATTESTED BY:
Gwendolyn Marshall, Clerk of Court
& Comptroller, Leon County, Florida

By: 

LEON COUNTY, FLORIDA

By: 
Bryan Desloge, Chairman
Board of County Commissioners

APPROVED AS TO FORM:
Leon County Attorney's Office

By: 
Chasity H. O'Steen
County Attorney

Digitally signed by Chasity H. O'Steen
DN: cn=Chasity H. O'Steen, ou=Leon County Board of
County Commissioners, o=County Attorney's Office,
email=osteenc@leoncountyfl.gov, c=US
Date: 2020.08.07 11:40:15 -04'00'