

A RESOLUTION BY THE BOARD OF COUNTY COMMISSIONERS OF PASCO COUNTY, FLORIDA, ADOPTING RULES AND PROCEDURES FOR PASCO COUNTY PUBLIC MEETINGS CONDUCTED BOTH IN PERSON AND THROUGH COMMUNICATIONS MEDIA TECHNOLOGY (“HYBRID VIRTUAL MEETINGS”)

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 (“BCC”) 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 (“EO 20-69”), 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, EO 20-69 allowed a local government to utilize Communications Media Technology (“CMT”) for the conduct of public meetings, as provided in Section 120.54(5)(b)2, Florida Statutes; and

WHEREAS, consistent with EO 20-69, on April 21, 2020, the BCC adopted Resolution Number 20-118 adopting rules and procedures for Pasco County public meetings conducted through CMT (“Resolution 20-118”); and

WHEREAS, consistent with EO 20-69 and Resolution 20-118, on May 14, 2020, the Pasco County Metropolitan Planning Organization (“MPO”) adopted Resolution Number 20-150 adopting rules and procedures for MPO meetings conducted through CMT (“Resolution 20-150”); and

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WHEREAS, the BCC and MPO, as well as the advisory committees and boards of the BCC and MPO, have duly conducted fully virtual public meetings pursuant to Resolution 20-118 and Resolution 20-150 through June 30, 2020; and

WHEREAS, on June 5th, 2020, Governor DeSantis issued Executive Order 20-139 entitled “Phase 2: Safe. Smart. Step-by-Step. Plan for Florida’s Recovery” (“EO 20-139”); and

WHEREAS, Section 6. of EO 20-139 extended the duration of EO 20-69 through June 30, 2020; and

WHEREAS, EO 20-139 encourages all Florida residents to avoid congregating in groups larger than 50 persons, and strongly encourages senior citizens and individuals with a significant underlying medical condition to avoid crowds and take measures to limit the risk of exposure to COVID-19 (“EO 20-139 Safety Recommendations”); and

WHEREAS, upon the expiration of EO 20-69, which may occur on June 30, 2020, the BCC and MPO, as well as their advisory committees and boards, will be required to have a quorum of their voting members meet at a physical location in order to conduct public business; and

WHEREAS, even once EO 20-69 expires, there is nothing legally preventing the BCC and MPO, and their advisory committees and boards, from continuing to utilize CMT for the conduct of their public meetings, provided that a quorum of their voting members are present at a physical location, and provided the meetings otherwise comply with Chapter 286, Florida Statutes, and the Florida Constitution; and

WHEREAS, Governor DeSantis’ Re-Open Florida Task Force (“Task Force”) has recommended that local government meetings in Phase 2 of the Re-Opening continue to allow for authorized technology and video conferencing for public participation in local government meetings; and

WHEREAS, consistent with the EO 20-139 Safety Recommendations and the recommendations of the Task Force, the BCC wishes for CMT to continue to be available for the conduct of public meetings in Pasco County, even once EO 20-69 expires; 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 partially 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 partially by means of CMT, 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, the rules and procedures adopted by this Resolution are necessary to safely conduct the business of Pasco County and provide notice, fair procedure, public participation and a sufficient opportunity to be heard in compliance with Chapter 286, Florida Statutes, and the Florida Constitution.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pasco County, Florida, that said Board hereby adopts the following Rules and Procedures for Pasco County Public Meetings Conducted Both in Person and Through Communications Media Technology (“Hybrid Virtual Meetings”):

1. The following rules and procedures for conducting Hybrid Virtual Meetings shall be followed when the Pasco County Board of County Commissioners (“BCC”), Pasco County Metropolitan Planning Organization (“MPO”), or any of their appointed boards and committees, desires to conduct a Hybrid Virtual Meeting or to provide public access to a Hybrid Virtual Meeting.

2. Notice—All notices of Hybrid Virtual Meetings shall make the public aware of the ability to participate virtually, and such notices shall (a) state how persons interested in attending may do so, including references to any television or internet-based method(s) of viewing or participating in the Hybrid Virtual 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 Hybrid Virtual Meeting (collectively, “Documentary Evidence”); (c) include the deadline for submission of Documentary Evidence; (d) identify the time of the Hybrid Virtual Meeting and the physical location where a quorum of the voting members will be in attendance; (e) identify the location and method where members of the public can address the voting members at or near the physical location of the meeting; and (e) 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 Hybrid Virtual Meeting, provided that the CMT Information is also placed on the County’s website at www.pascocountyfl.net. Notices for individual agenda items to be heard at Hybrid Virtual Meetings shall not be required to provide the CMT Information, provided that such notices at least provide the time and physical location of the meeting and direct the notice recipients to the County’s website to determine how to participate in the meeting. For Hybrid Virtual Meetings, 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 Hybrid Virtual Meetings shall be published, sent and/or posted (as applicable) at least seven (7) days in advance of the Hybrid Virtual Meeting, unless a longer time period for a specific agenda item is required by state law. Notwithstanding the foregoing, emergency meetings of the BCC or MPO may be conducted by placing the required CMT Information on the County’s website a

reasonable period of time prior to the emergency meeting, given the circumstances. All public notice requirements in the Pasco County Land Development Code in conflict with the foregoing notice requirements are hereby waived for the duration of this Resolution.

3. Procedures—Hybrid Virtual Meetings 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. Provided that a quorum of the voting members are physically in attendance at the advertised location of the Hybrid Virtual Meeting, other voting members may attend and vote at the meeting by use of CMT, provided that such members attending by CMT: (a) are feeling ill, (b) are senior citizens or individuals with a significant underlying medical condition, (c) have been exposed to an individual with COVID-19, or (d) desire to maintain adequate social distancing from the other meeting attendees. The voting members attending by CMT shall report their reason(s) for attending by CMT to the member(s) of County or MPO staff responsible for organizing attendance at the Hybrid Virtual Meeting, so that such staff members can determine whether a physical quorum is available to conduct the meeting, but the voting members attending by CMT shall be under no obligation to disclose any specific medical information or to provide any documentation or verification of their reasons for attending by CMT. Voting members attending by CMT shall turn on their video display when attending a Hybrid Virtual Meeting by CMT. The County Attorney’s Office, Clerk and Comptroller’s Office, County Administrator’s Office, and all County and MPO employees may attend the Hybrid Virtual Meeting by CMT, except for any County or MPO employees that need to physically attend the meeting to conduct the Hybrid Virtual Meeting, or that have otherwise been directed by the County Administrator (or designee), County Attorney (or designee), Clerk and Comptroller (or designee), or MPO Director (or designee) to physically attend the Hybrid Virtual Meeting. In addition, the County Administrator or designee or MPO Director or designee may invite other presenters to attend the physical location of the Hybrid Virtual Meeting. Otherwise, in order to ensure that appropriate social distancing is maintained at the physical location of the meeting, no other person or member of the public may attend the physical location of the meeting, and may only view and participate in the Hybrid Virtual Meeting by the means set forth in this Resolution and the Hybrid Virtual Meeting notice. In no event shall the maximum number of people at the physical location of the Hybrid Virtual Meeting exceed 50 persons.

- 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 Hybrid Virtual Meeting shall agree to: (a) waive the right to cross-examination of witnesses; (b) waive the right to challenge the validity, adequacy or constitutionality of the rules and procedures set forth in this Resolution or of the Hybrid Virtual Meeting; and (c) release the County from any liability associated with the applicant's decision to proceed at a Hybrid Virtual Meeting. Such waivers shall be provided in writing in advance of the Hybrid Virtual Meeting, or verbally stated on the record during the Hybrid Virtual 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, virtual public access and social distancing is available to conduct Hybrid Virtual Meetings, the location of all Hybrid Virtual 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 or at the Historic Pasco County Courthouse, Board Room, 2nd Floor, 37918 Meridian Avenue, Dade City, Florida 33525.
 - e. In order to ensure that all speakers at the Hybrid Virtual Meeting are properly recorded and heard, all speakers at the Hybrid Virtual Meeting must be recognized by the Chair prior to speaking, and no more than one person shall speak at the same time, unless otherwise allowed by the Chair. Participants attending the meeting by CMT shall mute themselves when they are not speaking.
 - f. If one or more voting members is attending the meeting by CMT, all votes on all action items shall be by roll call vote. In such event, the entire consent agenda may be approved by one roll call vote. If no voting members are attending the meeting by CMT, voice votes shall be permitted for all action items, except for those actions requiring a roll call vote by applicable law or BCC or MPO rules of procedure.
4. Public Participation—The public shall be permitted to participate in Hybrid Virtual Meetings through the following means. 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; an e-mail (and e-mailed documents, powerpoints or videos) will not be read out-loud or played at the Hybrid Virtual Meeting if the same person has utilized their three minutes by one of the other means of public participation.

- a. Attending the meeting through WebEx at the time provided in the Hybrid Virtual Meeting notice. In order to allow the County to verify the identity of all persons that speak, all WebEx participants shall pre-register utilizing the instructions in the meeting notice. Except for public hearing items, WebEx 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. For public hearing items, land use applicants and interested parties will be notified by a member of County staff when they will be permitted to speak. WebEx 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 Hybrid Virtual Meeting. For quasi-judicial agenda items, a group representative will be permitted to speak for a maximum of five minutes provided they submit group authorization prior to 5 PM the day before the meeting, unless additional time is approved by the Chairman in advance of the Hybrid Virtual Meeting. Applicants for land use approvals will be permitted to speak for a maximum of 5 minutes, plus a maximum of 3 minutes for rebuttal, unless additional time is approved by the Chairman in advance of the Hybrid Virtual Meeting.
- b. E-mailing Documentary Evidence to the e-mail address provided in the Hybrid Virtual Meeting notice. Documentary Evidence shall be limited to items on the published agenda and shall be submitted by the deadline set forth in the Hybrid Virtual 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 Hybrid Virtual 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 Hybrid Virtual Meeting.

- c. Attending the public comment kiosk at the location identified in the Hybrid Virtual Meeting notice. The public comment kiosk location shall have CMT available for the public to view, hear and speak at the Hybrid Virtual Meeting. In the event any person(s) cannot view, hear or speak at the Hybrid Virtual Meeting due to a failure of the CMT at the public comment kiosk, such person(s) may request to attend the Hybrid Virtual Meeting at the location where a quorum of the voting members is physically present, and such request shall be granted provided that appropriate social distancing and maximum capacity requirements can be maintained at such location. Persons attending at the public comment kiosk shall observe all social distancing requirements or signage imposed or posted by the County Administrator or designee, and shall only speak at the Hybrid Virtual Meeting when directed by a member of County staff. Public comment kiosk 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 Hybrid Virtual Meeting. For quasi-judicial agenda items, a group representative will be permitted to speak for a maximum of five minutes provided they submit group authorization prior to 5 PM the day before the meeting, unless additional time is approved by the Chairman in advance of the Hybrid Virtual Meeting. Applicants for land use approvals will be permitted to speak for a maximum of 5 minutes, plus a maximum of 3 minutes for rebuttal, unless additional time is approved by the Chairman in advance of the Hybrid Virtual Meeting.
- d. The three public participation methods identified above shall be the only methods for the public to participate in the Hybrid Virtual Meeting. Although members of the public are strongly encouraged to utilize WebEx or e-mail to participate in Hybrid Virtual Meetings, all evidence, testimony, and argument presented through one of the three public participation methods identified above shall be afforded equal consideration, regardless of the method of communication. Although the Hybrid Virtual 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, County employees or invitees who have been pre-approved by the County Administrator or designee to make presentations to the voting members, and those land use applicants and members of the

public that have pre-registered to speak through WebEx. 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 be under no obligation to respond to such comments or questions, and such comments or questions will not be captured or made a part of the public record of the Hybrid Virtual Meeting.

5. The internet-based platform WebEx is specifically approved for conducting Pasco County Hybrid Virtual Meetings. In the event WebEx is unavailable or not capable of conducting Pasco County Hybrid Virtual Meetings, the County Administrator may approve other platforms or technologies for conducting Pasco County Hybrid Virtual Meetings, provided that such platforms or technologies are capable of complying with the rules and procedures set forth in this Resolution.
6. If during the course of a Hybrid Virtual Meeting technical problems develop with the communication technology that prevent the public participation methods set forth in this Resolution, and alternative public participation methods that comply with Chapter 286, Florida Statutes, have not been made available, the County shall terminate or continue the proceeding until the problems have been corrected.
7. This Resolution shall be effective for Board of County Commissioner’s Hybrid Virtual Meetings, Metropolitan Planning Organization Hybrid Virtual Meetings, and Hybrid Virtual Meetings of their advisory boards or committees, occurring during or after its adoption and shall remain in effect until repealed or amended by the Board of County Commissioners.

DONE AND RESOLVED in virtual session with a quorum attending and voting through Communications Media Technology this 30st day of June, 2020.

(SEAL)



BOARD OF COUNTY COMMISSIONERS
OF PASCO COUNTY, FLORIDA


MIKE MOORE, CHAIRMAN

APPROVED
IN SESSION

JUN 30 2020

PASCO COUNTY
BCC