

1 Introduced by Council President Wilson:  
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4 **ORDINANCE 2020-200**

5 AN ORDINANCE APPROVING AND AUTHORIZING TEMPORARY  
6 POLICY AND PROCEDURES FOR "OPEN MEETINGS" AND  
7 PUBLIC HEARINGS DURING THE COVID-19 STATE OF  
8 EMERGENCY; PLACING SUCH POLICY ON FILE WITH  
9 LEGISLATIVE SERVICES AND ON THE COJ WEBSITE;  
10 PROVIDING FOR WAIVER OF COUNCIL RULE 4.605  
11 (PROXY VOTING PROHIBITED), PART 6 (VOTING),  
12 CHAPTER 4 (PROCEDURES), *COUNCIL RULES*, AS TO THE  
13 REQUIREMENT THAT NO PERSON OTHER THAN A COUNCIL  
14 MEMBER MAY RECORD HIS OR HER VOTE; PROVIDING FOR  
15 WAIVER OF COUNCIL RULE 4.1101 (APPEARANCE BEFORE  
16 COMMITTEE), PART 11 (APPOINTMENTS AND  
17 CONFIRMATIONS), CHAPTER 4 (PROCEDURES), *COUNCIL*  
18 *RULES*, AS TO THE REQUIREMENT THAT EACH  
19 APPOINTEE, PRIOR TO CONFIRMATION, SHALL BE  
20 REQUIRED TO APPEAR BEFORE THE COMMITTEE TO WHICH  
21 CONSIDERATION OF THE APPOINTMENT HAS BEEN  
22 REFERRED; WAIVING ANY OTHER COUNCIL RULE WHICH  
23 MAY BE IN CONFLICT WITH THE POLICY AND  
24 PROCEDURES FOR THE LIMITED DURATION OF THE  
25 EMERGENCY; REQUESTING EMERGENCY PASSAGE UPON  
26 INTRODUCTION; PROVIDING AN EFFECTIVE DATE.

27  
28 **WHEREAS**, on March 1, 2020, Governor DeSantis issued Executive  
29 Order 20-51 directing the Florida Department of Health to issue a  
30 Public Health Emergency as a result of COVID-19; and

31 **WHEREAS**, on March 9, 2020, Governor DeSantis issued Executive

1 Order 20-52 declaring a state of emergency for the entire State of  
2 Florida as a result of COVID-19; and

3 **WHEREAS**, on March 16, 2020, President Donald J. Trump and the  
4 Centers for Disease Control and Prevention ("CDC") issued the "15  
5 Days to Slow the Spread" guidance advising individuals to adopt far-  
6 reaching social distancing measures, such as working from home and  
7 avoiding gatherings of more than 10 people; and

8 **WHEREAS**, on March 13, 2020, Mayor Lenny Curry declared a state  
9 of emergency for the City of Jacksonville related to the COVID-19  
10 virus; and

11 **WHEREAS**, on March 19, 2020, Attorney General Ashley Moody  
12 issued, AGO 2020-03, an advisory legal opinion to the Governor related  
13 to the use of technology to establish quorum as a result of the COVID-  
14 19 and the Governor's declaration of a statewide emergency, wherein  
15 she opined that that a local government body may only conduct meetings  
16 by teleconferencing or other technological means and establish quorum  
17 by such means if either a statute permits it or if the in person  
18 requirement for quorum is lawfully suspended during the state of  
19 emergency; and

20 **WHEREAS**, on March 20, 2020, Governor DeSantis issued Executive  
21 Order 20-69 suspending the quorum requirements for local government  
22 bodies to meet at a specific public place and to allow for quorum to  
23 be established through virtual technology to reduce the spread of  
24 COVID-19; and

25 **WHEREAS**, there have been approximately 296 Duval County  
26 residents and 10 non-residents who have tested positive in Duval  
27 County as of noon on April 3, 2020, and 9 deaths reported as due to  
28 the COVID-19 virus, and the Mayor has encouraged all City residents  
29 to remain at home and work remotely where possible in Emergency  
30 Executive Order No. 2020-03; and

31 **WHEREAS**, the CDC continues to provide guidance to reduce

1 introduction of the COVID-19 virus into new communities and to slow  
2 the spread of infection in communities already infected by the virus.  
3 Because the virus is spread through close social contact, including  
4 among individuals who are currently asymptomatic, federal, state and  
5 City government officials continue to promote social distancing and  
6 has strongly encouraged that members of the local community to stay  
7 at home; and

8 **WHEREAS**, on March 29, 2020, President Trump announced that he  
9 was extending the CDC stay-at-home guidelines until April 30, 2020;  
10 and

11 **WHEREAS**, on April 1, 2020, Governor DeSantis issued Executive  
12 Order 20-91 which encourages citizens and visitors of the State to  
13 stay safe at home and not to partake in any nonessential activities;  
14 and

15 **WHEREAS**, also on April 1, 2020, Mayor Curry issued a "Safer at  
16 Home" Executive Order, effective April 3, 2020, which mandates that  
17 citizens remain at home except for critical and essential needs; and

18 **WHEREAS**, in recognition of the extraordinary circumstances  
19 brought on by the national outbreak of COVID-19 and to ensure the  
20 public health, safety and welfare of the community, which in this  
21 case requires citizens to modify their business, social, educational  
22 and personal practices and in person social interactions to reduce  
23 the alarming spread of COVID-19, the Council has determined that it  
24 is in the best interest of the public health, safety and welfare to  
25 adopt an emergency policy and procedures for conducting public open  
26 meetings and public hearings through virtual technology; now  
27 therefore

28 **BE IT ORDAINED** by the Council of the City of Jacksonville:

29 **Section 1. Approving and Authorizing a Temporary Policy and**  
30 **Procedures for Open Meetings and Public Hearings during the COVID-19**  
31 **State of Emergency.** The Council hereby approves and authorizes a

1 temporary policy and procedures regarding public attendance and  
2 participation in public "open meetings" during the COVID-19 state of  
3 emergency. A copy of the City of Jacksonville City Council Temporary  
4 Policy and Procedures for "Open Meetings" and public participation  
5 during the COVID-19 state of emergency is attached hereto as **Exhibit**  
6 **1.**

7 **Section 2. Location of the Policy.** The Chief of  
8 Legislative Services shall retain a copy of the policy on file. A  
9 copy of the policy shall also be placed on the City Council page of  
10 the City website for the duration of the emergency.

11 **Section 3. Waiver of Council Rule 4.605 (Proxy Voting**  
12 **Prohibited), Council Rules.** Council Rule 4.605 (Proxy Voting  
13 Prohibited), Part 6 (Voting), Chapter 4 (Procedures), *Council Rules*,  
14 is hereby waived as to the requirement that no person other than the  
15 Council Member may record his or her vote, so that upon roll call  
16 vote of the Council Legislative Services may record the vote of each  
17 Council Member as if he or she had voted in person.

18 **Section 4. Waiver of Council Rule 4.1101 (Appearance Before**  
19 **Committee), Council Rules.** Council Rule 4.1101 (Appearance Before  
20 Committee), Part 11 (Appointments and Confirmations), Chapter 4  
21 (Procedures), *Council Rules*, is hereby waived as to the requirement  
22 that each appointee, prior to confirmation, shall be required to  
23 appear before the committee to which consideration of the appointment  
24 has been referred, and there may be interviewed by any member of the  
25 committee or any Council Member. To the extent that prospective board  
26 members are not able to appear, a waiver of Council Rule 4.1101 is  
27 needed so that appointees who have not appeared at the Rules Committee  
28 may be discharged and voted on by Council.

29 **Section 5. Waiver of Council Rules to the extent of**  
30 **conflict with Emergency Policy and Procedures for the duration of the**  
31 **State of Emergency.** To the extent that compliance with other rules

1 within the Council Rules would conflict with the Emergency Policy and  
2 Procedures adopted herein, it is the intent of the Council to waive  
3 such rules in order to effectuate the policy and procedures adopted  
4 herein and for the limited timeframe in which the policy and  
5 procedures are in effect. Further, it is the intent of Council that  
6 the emergency Policy and Procedures shall cease upon the expiration  
7 of the Governor's Executive Order 20-69. Upon the expiration of the  
8 Governor's Executive Order 20-69, restoration of the Council Rules  
9 and the prior procedures for public meetings and public participation  
10 shall occur. Provided however, these procedures may be extended  
11 automatically upon extension of the Governor's Executive Order 20-  
12 69.

13 **Section 6. Requesting emergency passage upon introduction**  
14 **pursuant to Council Rule 4.901 Emergency.** Emergency passage upon  
15 introduction of this legislation is requested. The nature of the  
16 emergency is that the unprecedented nature of the public health  
17 emergency caused by COVID-19 requires that the Council take action  
18 immediately to adopt an emergency policy and procedures for conducting  
19 public open meetings through virtual technology.

20 **Section 7. Effective Date.** This ordinance shall become  
21 effective upon signature by the Mayor or upon becoming effective  
22 without the Mayor's signature.

23  
24 Form Approved:

25  
26 /s/ Paige H. Johnston

27 Office of General Counsel

28 Legislation prepared by: Paige H. Johnston

29 GC-#1359932-v1-Policy\_for\_Open\_Meetings\_-\_State\_of\_Emergency.docx  
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