

1 Introduced by Council President Wilson and Co-Sponsored by Council  
2 Member Ferraro and amended on the Floor of Council:

3  
4  
5 **ORDINANCE 2020-200-E**

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

29  
30 **WHEREAS**, on March 1, 2020, Governor DeSantis issued Executive  
31 Order 20-51 directing the Florida Department of Health to issue a

1 Public Health Emergency as a result of COVID-19; and

2       **WHEREAS**, on March 9, 2020, Governor DeSantis issued Executive  
3 Order 20-52 declaring a state of emergency for the entire State of  
4 Florida as a result of COVID-19; and

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

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

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

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

27       **WHEREAS**, there have been approximately 296 Duval County  
28 residents and 10 non-residents who have tested positive in Duval  
29 County as of noon on April 3, 2020, and 9 deaths reported as due to  
30 the COVID-19 virus, and the Mayor has encouraged all City residents

1 to remain at home and work remotely where possible in Emergency  
2 Executive Order No. 2020-03; and

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

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

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

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

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

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

2           **Section 1.       Approving and Authorizing a Temporary Policy and**  
3 **Procedures for Open Meetings and Public Hearings during the COVID-**  
4 **19 State of Emergency.** The Council hereby approves and authorizes a  
5 temporary policy and procedures regarding public attendance and  
6 participation in public "open meetings" during the COVID-19 state  
7 of emergency. A copy of the City of Jacksonville City Council  
8 Temporary Policy and Procedures for "Open Meetings" and public  
9 participation during the COVID-19 state of emergency is attached  
10 hereto as **Revised Exhibit 1**, labeled as "Revised Exhibit 1, Revised  
11 Policy, April 6, 2020 - Floor."

12           **Section 2.       Location of the Policy.**       The Chief of  
13 Legislative Services shall retain a copy of the policy on file. A  
14 copy of the policy shall also be placed on the City Council page of  
15 the City website for the duration of the emergency.

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

23           **Section 4.       Waiver of Council Rule 4.1101 (Appearance**  
24 **Before Committee), Council Rules.** Council Rule 4.1101 (Appearance  
25 Before Committee), Part 11 (Appointments and Confirmations),  
26 Chapter 4 (Procedures), *Council Rules*, is hereby waived as to the  
27 requirement that each appointee, prior to confirmation, shall be  
28 required to appear before the committee to which consideration of  
29 the appointment has been referred, and there may be interviewed by  
30 any member of the committee or any Council Member. To the extent  
31 that prospective board members are not able to appear, a waiver of

1 Council Rule 4.1101 is needed so that appointees who have not  
2 appeared at the Rules Committee may be discharged and voted on by  
3 Council.

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

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

26 **Section 7. Effective Date.** This ordinance shall become  
27 effective upon signature by the Mayor or upon becoming effective  
28 without the Mayor's signature.

29  
30 Form Approved:  
31

1 /s/ Margaret M. Sidman  
2 Office of General Counsel  
3 Legislation prepared by: Paige H. Johnston  
4 GC-#1360627-v1-2020-200-E.docx