

RESOLUTION NO. 2020-1

A RESOLUTION OF THE SOUTHEAST FLORIDA TRANSPORTATION COUNCIL (“SEFTC”) AUTHORIZING THE USE OF COMMUNICATIONS MEDIA TECHNOLOGY FOR ALL SEFTC PUBLIC MEETINGS IN CONFORMANCE WITH SECTION 286.011, FLORIDA STATUTES, DURING THE DECLARED STATE AND HEALTH EMERGENCY; DIRECTING THE APPROPRIATE SEFTC OFFICIALS TO TAKE ALL STEPS NECESSARY TO EFFECTUATE THIS RESOLUTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Novel Coronavirus Disease 2019 (“COVID-19”) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents symptoms similar to those of influenza; and

WHEREAS, COVID-19 poses a public health risk to the Southeast Florida Transportation Council’s (“SEFTC”) officials (“Voting Members”), employees, clients, contractors, and the members of the public who desire to attend SEFTC public meetings; and

WHEREAS, as a result of the spread of COVID-19 in the State of Florida, on March 1, 2020, Florida Governor Ron DeSantis issued Executive Order No. 20-51 directing the Florida Department of Health to issue a Public Health Emergency; and

WHEREAS, on March 9, 2020, Governor DeSantis issued Executive Order 20-52, declaring a State of Emergency in the State of Florida due to the spread of COVID-19; and

WHEREAS, the SEFTC Voting Members find that there is a clear and present danger in holding in person public meetings for the members of the general public, SEFTC officials, employees, those attending the SEFTC public meetings, and for those who come into contact with those attending; and

WHEREAS, the SEFTC Voting Members find that the technology exists to conduct virtual public meetings utilizing technology that will permit the SEFTC to comply with Section 286.011, Fla.Stat., (the “Sunshine Law”) requirements, while protecting the health and safety of SEFTC officials, employees, contractors, and members of the general public; and

WHEREAS, as of the date of this Resolution, the State of Emergency and Public Health Emergency is still in effect, and the SEFTC Voting Members find that it is necessary to utilize Communications Media Technology (“CMT”) to hold virtual public meetings in order to limit

gatherings of SEFTC officials, employees, contractors, and members of the general public in order to prevent the spread of COVID-19 throughout the community; and

WHEREAS, Governor DeSantis' Executive Order 20-69, as amended by Executive Order 20-193, which waived the quorum and public building requirements for public meetings, expired as of 12:01 a.m. on November 1, 2020; however, there is still a need for SEFTC to hold public meetings through the use of CMT in order to protect the health and safety of the general public, SEFTC officials, employees, and contractors, and the use of CMT is permitted pursuant to SEFTC Rule 2.04.9; and

WHEREAS, the SEFTC Voting Members find that due to SEFTC's unique circumstances, which include SEFTC's Voting Members and its Committees, and in order to continue to comply with the recommendations from the Centers for Disease Control ("CDC") to limit the number of individuals in any one location and social distancing requirements, that it would be difficult to accommodate SEFTC's Voting Members and its Committee member's in one location, and that the use of CMT for all of SEFTC's public meetings should continue for the duration of the State of Emergency; and

WHEREAS, the SEFTC Voting Members find that SEFTC shall continue to comply with the provisions of Section 286.011, Fla. Stat. (the "Sunshine Law"), through the use of CMT in order to insure public notice and public access to all of SEFTC's public meetings held during this State of Emergency; and

WHEREAS, the SEFTC Voting Members find that this Resolution serves a public purpose, and is in the best interest of the public health, safety, and welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE SOUTHEAST FLORIDA TRANSPORTATION COUNCIL, AS FOLLOWS:

Section 1. The above "WHEREAS" clauses are true and correct and are incorporated herein by reference.

Section 2. The Southeast Florida Transportation Council ("SEFTC") hereby finds that the State of Emergency and Health Emergency related to COVID-19 are still in effect, and that as a result, the need to limit public gatherings justifies the utilization of Communications Media Technology ("CMT") for all of SEFTC's public meetings. SEFTC shall continue to comply with all provisions of Section 286.011, Fla. Stat. (the "Sunshine Law"), and SEFTC Rule 2.04.9, to insure public notice, public access, and public participation in all of SEFTC's public meetings; however, due to the extraordinary measures needed to implement in order to limit public gatherings and to

insure social distancing, SEFTC shall permit its Voting Members and Committees to attend their respective meetings through the use of CMT.

Section 3. The SEFTC's Communications Policy (attached hereto as Exhibit "A", and made a part hereof) for its Voting/Committee Members and Staff for Public Meetings, shall be utilized for all of SEFTC's public meetings held utilizing CMT.

Section 4. The appropriate Southeast Florida Transportation Council officials are hereby authorized and directed to take all steps necessary to effectuate the purpose of this Resolution.

Section 5. CONFLICT

All Resolutions or parts of Resolutions in conflict herewith, be and the same are hereby repealed to the extent of such conflict.

Section 6. SEVERABILITY

If any section, sentence, clause or phrase of this Resolution is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Resolution.

Section 7. EFFECTIVE DATE

This Resolution shall become effective upon adoption.

ADOPTED this 30th day of October, 2020.

SOUTHEAST FLORIDA TRANSPORTATION COUNCIL

By: _____



Oliver G. Gilbert III, Chair