

AGENDA
CITY OF LAKE CITY
City Council Special Called Emergency Meeting
April 2, 2020 - 10:00 A.M.
City Council Chambers – 2nd Floor City Hall

PLEDGE OF ALLEGIANCE

INVOCATION – Mayor Stephen Witt

- 1. ROLL CALL**
- 2. APPROVAL OF AGENDA**
- 3. PERSONS WISHING TO APPEAR THAT ARE NOT ON THE AGENDA**
- 4. OLD BUSINESS**
None
- 5. NEW BUSINESS**
 - A. City Council Ordinance No. 2020-2145, establishing minimum requirement for rules and procedures for meetings conducted through communications media technology.
 - B. City Council Ordinance No. 2020-2146, discussion and possible action on Safer at Home orders relating to Executive Order Number 20-91 (Essential Services and Activities During COVID-19 Emergency).
- 6. DEPARTMENTAL ADMINISTRATION**
- 7. COMMENTS BY COUNCIL MEMBERS**
- 8. ADJOURNMENT**

5 A

CITY COUNCIL ORDINANCE NO. 2020-2145

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA, ESTABLISHING MINIMUM REQUIREMENTS FOR RULES AND PROCEDURES FOR MEETINGS CONDUCTED THROUGH COMMUNICATIONS MEDIA TECHNOLOGY.

WHEREAS, the City Council of the City of Lake City, Florida ("City") declared a local emergency due to the threat of the Coronavirus Disease 2019 ("COVID-19") which poses an immediate threat to public health and safety; and

WHEREAS, COVID-19 has caused extensive concerns to the private citizens and public sectors in the City of Lake City, Florida; and

WHEREAS, the City Council of the City of Lake City, Florida is exerting efforts to address emergency conditions and assist affected citizens and properties; and

WHEREAS, part of the effort is to safely and expeditiously conduct the business of the City through public meetings while protecting the health, safety, and welfare of the public; and

WHEREAS, local governments have raised concerns about the ability to hold meetings through teleconferencing and other technological means in order to protect the public and follow the recommendations of social distancing of the Center for Disease Control and Prevention; and

WHEREAS, in response to concerns raised by local government bodies, Governor DeSantis issued Executive Order Number 20-69 (EO 20-69), suspending any Florida Statute that requires a quorum to be present in-person or requires a local government body to meet at a specific public place; and

WHEREAS, EO 20-69 provides the discretion to local governments to utilize communications media technology ("CMT") as provided for in Section 120.54(5)(b)2, Florida Statutes; and

WHEREAS, the procedures provided in Chapter 28-109, Florida Administrative Code, implementing Section 120.54(5)(b)2 Florida Statutes, are reasonable rules already in use by agencies of the State of Florida, and are incorporated herein and attached hereto as "Exhibit A"; and

WHEREAS, Chapter 2, Article 2, of the Code of the City of Lake City enumerates the rules and procedures of the City Council of the City of Lake City, Florida and provisions within the Code may conflict with EO 20-69 and Chapter 28-109, Florida Administrative Code; and

WHEREAS, the procedures adopted in this ordinance are necessary to safely conduct the business of the City 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 ENACTED BY THE PEOPLE OF THE CITY OF LAKE CITY, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are all true and accurate and are incorporated herein and made a part of this Ordinance.

Section 2. The following rules are adopted as rules of the meetings of the City Council and all committees and boards of the City during the state of emergency enacted pursuant to City Council Resolution 2020-033:

- A. Chapter 28-109, Florida Administrative Code (titled *Conducting Proceedings by Communications Media Technology*), is adopted to conduct a proceeding by means of communication media technology or to provide public access to a proceeding by the use of communication media technology; and
- B. Any laws, or rules, requiring a meeting to be held at a specific location or time are suspended; and
- C. Any laws, or rules, allowing a person who is not a party to a proceeding, to speak for more than three (3) minutes are suspended.

Section 3. If any provisions of the Code of Lake City, Florida, conflict with any provision herein, the provisions of this Ordinance shall be controlling through the period of state of emergency enacted pursuant to City Council Resolution 2020-033.

Section 4. This Ordinance shall expire at the expiration of the state of emergency enacted pursuant to City Council Resolution 2020-033, including any extension thereof.

Section 5. This Ordinance shall be effective immediately.

[Remainder of this page intentionally left blank.]

PASSED AND ADOPTED in an emergency meeting and upon emergency adoption procedures this ____ day of April 2020.

CITY OF LAKE CITY, FLORIDA

By: _____
Stephen M. Witt, Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

By: _____
Audrey E. Sikes, City Clerk

By: _____
Frederick L. Koberlein, Jr.,
City Attorney

**CHAPTER 28-109
CONDUCTING PROCEEDINGS BY COMMUNICATIONS MEDIA TECHNOLOGY**

28-109.001	Purpose
28-109.002	Definitions as Used in this Rule Chapter
28-109.003	Application and Construction
28-109.004	Government in the Sunshine
28-109.005	Notice
28-109.006	Evidence, Testimony, and Argument

28-109.001 Purpose.

This chapter provides the procedures to be followed when an agency desires to conduct a proceeding by means of communications media technology (CMT) or to provide public access to a proceeding by the use of CMT.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended 1-15-07.

28-109.002 Definitions as Used in this Rule Chapter.

(1) "Access point" means a designated place where a person interested in attending a communications media technology proceeding may go for the purpose of attending the proceeding.

(2) "Attend" means having access to the communications media technology network being used to conduct a proceeding, or being used to take evidence, testimony, or argument relative to issues being considered at a proceeding.

(3) "Communications media technology" (CMT) means the electronic transmission of printed matter, audio, full-motion video, freeze frame video, compressed video, and digital video by any method available.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97.

28-109.003 Application and Construction.

(1) The agency may conduct a proceeding by using CMT and may provide CMT access to a proceeding for purposes of taking evidence, testimony, or argument.

(2) A proceeding is not a CMT proceeding merely because it is broadcast over a communications network.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97.

28-109.004 Government in the Sunshine.

(1) Nothing in this chapter shall be construed to permit the agency to conduct any proceeding otherwise subject to the provisions of Section 286.011, F.S., exclusively by means of CMT without making provision for the attendance of any member of the public who desires to attend.

(2) No proceeding otherwise subject to Section 286.011, F.S., shall be conducted exclusively by means of CMT if the available technology is insufficient to permit all interested persons to attend. If during the course of a CMT proceeding technical problems develop with the communications network that prevent interested persons from attending, the agency shall terminate the proceeding until the problems have been corrected.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended 1-15-07.

28-109.005 Notice.

When the agency chooses to conduct a CMT proceeding, it shall provide notice in the same manner as required for a non-CMT proceeding, and shall plainly state that such proceeding is to be conducted utilizing CMT and identify the specific type of CMT to be used. The notice shall describe how interested persons may attend and shall include:

(1) The address or addresses of all access points, specifically designating those which are in locations normally open to the public.

(2) The address of each access point where an interested person may go for the purpose of attending the proceeding.

(3) An address, e-mail address, and telephone number where an interested person may write or call for additional information.

(4) An address, e-mail address, and designated person to whom a person may submit written or other physical evidence which

EXHIBIT A

he or she intends to offer into evidence during the CMT proceedings.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended 1-15-07, 6-26-13.

28-109.006 Evidence, Testimony, and Argument.

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

(2) In situations where sworn testimony is required by the agency, persons offering such testimony shall be responsible for making appropriate arrangements for offering sworn testimony.

Rulemaking Authority 14.202, 120.54(5) FS. Law Implemented 120.54(5) FS. History—New 4-1-97, Amended 1-15-07.

5 B

CITY COUNCIL ORDINANCE NO. 2020-2146

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA, ADOPTING A SAFER-AT-HOME ORDER IN RESPONSE TO THE HEALTH EMERGENCY FROM THE COVID-19 VIRUS.

WHEREAS, the City Council of the City of Lake City, Florida ("City") declared a local emergency due to the threat of the Coronavirus Disease 2019 ("COVID-19") which poses an immediate threat to the public health and safety; and

WHEREAS, COVID-19 has caused extensive damage to the private citizens of, and public sectors in, the City; and

WHEREAS, the City Council of the City of Lake City, Florida is exerting efforts to address emergency conditions and assist affected citizens and properties; and

WHEREAS, on March 1, 2020, the State Surgeon General of the State of Florida and the State Health Officer of the State of Florida declared a Public Health Emergency exists in the State of Florida as a result of COVID-19; and

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

WHEREAS, on March 16, 2020, President Donald J. Trump and the 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, such as avoiding gatherings of more than 10 people; and in states with evidence of community spread, recommending restrictions to certain establishments conducive to mass gatherings and congregations; and

WHEREAS, on March 24, 2020, Governor of Florida issued Executive Order 20-83, directing the State Surgeon General and State Health Officer to issue a public health advisory urging the public to avoid all social or recreational gatherings of 10 or more people and urging those who can work remotely to do so; and

WHEREAS, on March 29, 2020, President Donald J. Trump extended the guidance provided on March 16, 2020, until April 30, 2020; and

WHEREAS, on March 31, 2020, President Donald J. Trump updated the guidance, renaming it "30 Days to Slow the Spread", and along with the White House Coronavirus Task Force urged Americans to continue to adhere to the guidelines and expand community

mitigation efforts; and

WHEREAS, on April 1, 2020, Governor of Florida issued Executive Order 20-91, requiring certain “senior citizens” to stay at home, and limiting the movements and interactions of other persons in Florida by categorizing essential services and essential activities; and

WHEREAS, the Lake City Police Department has expressed a need for regulations to be enacted by the City Council to protect the citizens and property, of the City in addition to those protections enacted in the Governor of Florida’s Executive Order 20-91; and

WHEREAS, it is necessary and appropriate to take action to ensure that the spread of COVID-19 is slowed, and that citizens and property of the City remain safe and secure.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF LAKE CITY, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are all true and accurate and are incorporated herein and made a part of this ordinance by reference.

Section 2. A Safer-At-Home Order is hereby established within all of the municipal limits of Lake City, Florida, effective as of 12:01 a.m. on April 3, 2020. Safer-At-Home means all residents are directed to stay at home as much as possible twenty-four hours a day, seven days a week, except for those services and activities established by the Governor of the State of Florida in Executive Order 20-91, and pursuant to Section 4 of Executive Order 20-91, the City further orders as follows:

A. Essential Activities:

1. the owners of any real property on which essential activities are conducted by any individuals shall insure that individuals maintain a required physical distance of six (6) feet from one another and ensure that groups of people greater than ten (10) are not permitted to congregate; and
2. the owners of any property on which essential activities are conducted by any individuals shall insure that the best practices, as set forth by the Centers for Disease Control (CDC), are followed by the individuals performing the essential activities.

Section 3. This Ordinance is intended to supplement Executive Orders of the Governor of the State of Florida and any previously enacted resolution or ordinance of the City related to COVID-19.

Section 4. It is the intent of this ordinance to seek voluntary compliance with the provisions contained herein and to educate and warn of the dangers of non-compliance. However, in the event voluntary compliance is not achieved then in that event and as a last resort, a violation of this ordinance, pursuant to the provision of section 252.50, Florida Statutes, and section 1-11, Code of the City of Lake City, Florida, may be prosecuted as a second degree misdemeanor punishable as provide in section 775.082 or 775.083, Florida Statutes.

Section 5. This Ordinance shall be effective as of 12:01 a.m. on April 3, 2020, and shall remain in effect until such time City Council Resolution Number 2020-033, has expired.

PASSED AND ADOPTED upon an emergency reading this 2nd day of April 2020.

CITY OF LAKE CITY, FLORIDA

By: _____
Stephen M. Witt, Mayor

ATTEST:

APPROVED AS TO FORM AND
LEGALITY:

By: _____
Audrey E. Sikes, City Clerk

By: _____
Frederick L. Koberlein, Jr.,
City Attorney