

RESOLUTION NO. 2020-R-43

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF NORTH MIAMI, FLORIDA ADOPTING
RULES OF PROCEDURE FOR VIRTUAL BOARD
MEETINGS IN ACCORDANCE WITH FLORIDA
GOVERNOR DESANTIS' EXECUTIVE ORDER 20-69,
THAT TAKE PLACE DURING THE PENDENCY OF THE
STATE OF EMERGENCY DECLARED IN EXECUTIVE
ORDER 20-52; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, it is well established in opinions issued by the Florida Attorney General that in order to establish a quorum, the requisite number of members must be physically present in the room and, that if a quorum is physically present, the participation of an absent member by telephone/video is permissible due to extraordinary circumstances; and

WHEREAS, Chapter 2, Article II, Section 2-16 of the City of North Miami Code of Ordinances requires regular council meetings to begin and 7:00 p.m., at city hall and that no special meeting shall begin prior to 5:30 p.m. except for emergency meetings when there is an immediate danger to the public health, safety, or welfare to the city and/or its citizens and immediate action is required; and

WHEREAS, the Center for Disease Control and Prevention has advised that in order to limit the spread of the Coronavirus/COVID-19, individuals should adopt far-reaching social distancing measures; and

WHEREAS, finding it necessary and appropriate to take action to ensure that Coronavirus/COVID-19 remains controlled and that residents and visitors in Florida remain safe and secure, on March 20, 2020, the Governor of the State of Florida issued Executive Order No. 20-69 (“Order”) 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, the Order also expressly permits local government bodies to utilize communications media technology, such as telephonic and video conferencing (“Virtual Meetings”), as provided in §120.54(5)(b)(2), Florida Statutes; and

WHEREAS, the Order does not waive any other requirement under the Florida Constitution or “Florida’s Government in the Sunshine Law,” including Chapter 286, Florida Statutes; and

WHEREAS, the Order requires that local government bodies adopt rules of procedure for Virtual Meetings, in accordance with section 120.54(5)(b)(2), Florida Statutes; and

WHEREAS, in order to comply with the Order, the Mayor and City Council of the City of North Miami desire to adopt rules of procedure for Virtual Board Meetings attached hereto as Exhibits “A” and “B”.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI:

Section 1. **Recitals.** The recitals in the whereas clauses are true and correct, and incorporated into this Resolution.

Section 2. **Adoption of Virtual Meeting Rules.** In accordance with the Order, Chapter 252, Florida Statutes, and §120.54 Florida Statutes, and subsequent executive orders that the Governor may enter similarly authorizing such Virtual Meetings, the Rules of Procedure attached hereto as Exhibits “A” and “B” for North Miami City Council, Commission and/or Board Virtual Meetings that take place during the pendency of the state of emergency declared in the Governor’s Executive Order 20-52, and subsequent executive orders that the Governor may enter similarly authorizing such Virtual Meetings, are hereby adopted.

Section 3. **Effective Date.** This resolution shall take effect immediately upon approval.

PASSED AND ADOPTED by a 5-0 vote of the Mayor and City Council of the City of North Miami, Florida, this 28th day of April, 2020.


PHILIPPE BIEN-AIME
MAYOR

ATTEST:



VANESSA JOSEPH, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:



JEFFREY H. CAZEAU, ESQ.
CITY ATTORNEY

SPONSORED BY: CITY ATTORNEY

Moved by: Estimé-Irvin

Seconded by: Galvin

Vote:

Mayor Philippe Bien-Aime
Vice Mayor Alix Desulme, Ed.D.
Councilman Scott Galvin
Councilwoman Carol Keys, Esq.
Councilwoman Mary Estimé-Irvin

X (Yes) _____ (No)
X (Yes) _____ (No)
X (Yes) _____ (No)
X (Yes) _____ (No)
X (Yes) _____ (No)