

SARASOTA COUNTY GOVERNMENT

OFFICE OF THE COUNTY ADMINISTRATOR

EMERGENCY ADMINISTRATIVE ORDER ADOPTING PROCEDURAL RULES FOR CONDUCTING PUBLIC MEETINGS USING COMMUNICATIONS MEDIA TECHNOLOGY

1. Declarations of Emergency to institute measures to prevent the spread of the recent Coronavirus Disease 2019 (“COVID-19”) have been issued by the President of the United States and the Governor of the State of Florida.
2. Public Health experts have consistently recommended avoiding close physical interaction in order to slow the spread of COVID-19 and on March 16, 2020, the United States Centers for Disease Control amended their social distancing guidelines to suggest limiting any in-person gatherings to 10 people or less.
3. Section 252.38, Florida Statutes, authorizes Sarasota County to declare a state of local emergency, and further authorizes Sarasota County to take whatever prudent action is necessary to ensure the health, safety and welfare of the community during a declared emergency.
4. The Governor, through Executive Order 20-69, suspended 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. Executive Order 20-69 further authorized local government bodies to utilize communications media technology as provided in Section 120.54(5)(b)2., Florida Statutes.
5. Pursuant to its authority under Executive Order 20-69 and the Sarasota County Charter, the Sarasota County Board of County Commissioners (“BCC”), at a public meeting on April 8, 2020, enacted Resolution 2020-064, which authorized the County Administrator to enact and implement procedural rules governing public meetings utilizing communication media technology (“CMT Meetings”).

NOW, THEREFORE, UNDER THE AUTHORITY SPECIFIED HEREIN, I, Jonathan R. Lewis, Sarasota County Administrator, do hereby order:

All CMT Meetings held by Sarasota County boards shall be conducted pursuant to the following procedural rules:

1. Suspension of Physical Quorum Requirement

Per Resolution 2020-064, public meetings of the BCC and other Sarasota County administrative and advisory boards (“County Boards”) may be conducted as CMT Meetings with no physical quorum of a County Board required to attend at a physical location. Public notices shall reflect whether a County Board

will conduct a CMT Meeting, i.e. a meeting held with less than a physical quorum present and shall provide instructions on how the public may observe and participate in the CMT Meeting

2. Suspension of Physical Location Requirement

Per Resolution 2020-064, public meetings of a County Board may be conducted without a specific physical location, and with no specific physical location identified for the public to attend, observe or participate in a CMT Meeting by a County Board. Public notice of the CMT Meeting shall reflect whether a County Board will conduct the meeting with or without a specific physical location identified for the public to attend, observe or participate in the meeting.

3. Public Attendance at CMT Meetings

Members of the public may view a noticed County Board CMT Meeting live via the options stated on the County website, in the notice for the CMT Meeting and, if applicable, in the notice for public hearing. Members of the public who do not plan to actively participate in the CMT Meeting are encouraged to use one of these options.

4. Public Participation at CMT Meetings

a) Open to the Public

1) Members of the public may provide written statements in advance of the CMT Meeting for “Open to the Public” comments via an online form found at scgov.net until 12:00 p.m. the day before the meeting. Written statements will be provided to a County Board before the meeting and shall be made part of the official record minutes of the CMT Meeting. Written statements may be accompanied by up to two (2) attachments, i.e., photographs, maps, etc., which are related to the subject of the written statement. The attachments must be submitted in pdf format and may be multiple pages in length, as long as they are compiled into no more than two pdf documents.

2) If members of the public are unable to access or experience access issues with the online form, please call the Contact Center at (941) 861-5000 for assistance in submitting written statements. For members of the public without internet access, telephonic assistance will be available by calling (941) 861-5000.

b) Scheduled Public Hearings

1) Unless the public notice of the CMT Meeting states an alternative procedure, members of the public may provide written statements in advance of the CMT Meeting for scheduled public hearings via an online form found at scgov.net until 12:00 p.m. the day before the meeting. Written statements will be provided to a County Board before the meeting and shall be made part of the official record minutes of the CMT Meeting. Written statements may be accompanied by up to two (2) attachments, i.e., photographs, maps, etc., which are related to the subject of the written statement. The attachments must be submitted

in pdf format and may be multiple pages in length, as long as they are compiled into no more than two pdf documents.

2) Members of the public may also opt to speak during the scheduled public hearing via communications media technology (“CMT”).

3) Members of the public desiring to speak to a County Board during a scheduled public hearing shall register to speak in advance of the meeting via an online registration form (“Speaker Registration”) found at scgov.net. Speakers shall continue to follow the five-minute time allotment for comments or testimony during public hearings.

4) The Speaker Registration may be accompanied by up to two (2) attachments, i.e., photographs, maps, etc., in advance of the CMT Meeting until 12:00 p.m. the day before the meeting. The attachments shall be made part of the official record minutes of the CMT Meeting. The attachments must be submitted in pdf format. The two (2) attachments may be multiple pages in length, as long as they are compiled into one or two pdf documents. The online form and Speaker Registration will be available beginning five calendar days before the scheduled CMT Meeting and shall remain available for registration until 12:00 p.m. the day before the meeting.

5) If members of the public are unable to access or experience access issues with the online registration, please call the Contact Center at (941) 861-5000 for assistance in registering or submitting statements. For members of the public without internet access, a telephonic registration process will be available by calling (941) 861-5000.

6) County staff will review registrations and verify speaker identities and all registrants must affirmatively agree to abide by the County’s Civility Code, Resolution No. 2001-145, and further agree that submissions or attachments deemed in violation of the Civility Code may not be included in the meeting and registrants shall be notified in advance of the meeting of such violations.

7) In addition to the procedures described in Rule 4.b), above, the following shall apply to quasi-judicial items to be considered by a County Board at CMT Meetings:

i) Quasi-judicial items to be considered by a County Board at a CMT Meeting must be conducted in accordance with the Code of Ordinances of Sarasota County, Florida and the Unified Development Code, as applicable, except as otherwise provided in these rules.

ii) Applicants may request deferral of quasi-judicial matters until the expiration of the County’s CMT Meeting Rules. If an applicant chooses to proceed with a quasi-judicial matter using the CMT procedures provided herein, the applicant acknowledges that these procedures may be subject to a legal challenge by an affected party.

iii) A party to a quasi-judicial matter may submit documents, evidence or materials that they intend to submit to a County Board for consideration, and a statement that any documents, documentary evidence, presentations and materials must be received by 12:00 p.m. the day before the date of the CMT Meeting.

iv) Where sworn testimony is required, the clerk for a County Board will administer the oath to all individuals being recognized to testify. Witnesses are not required to be physically present to be sworn and may be sworn through audio or video technology. Each person giving testimony must verbally affirm at the beginning of their testimony that they have been sworn.

v) A County Board will afford all evidence, testimony and argument full consideration and determine its evidentiary significance as if the evidence and testimony were offered in person. All evidence is subject to the same objections as if offered in person.

vi) Parties to a quasi-judicial proceeding will be afforded the opportunity to participate live in the proceeding via CMT.

vii) No County Board or hearing officer may adopt any rule of procedure that conflicts with these rules.

5. Conflict with Existing Procedural Rules

In the event that Sarasota County's CMT Meeting Rules conflict with existing procedural rules governing regular public meetings, Sarasota County's CMT Meeting Rules shall apply. In the event that a public meeting noticed as a CMT Meeting is not held as a CMT Meeting, i.e., a physical quorum appears at a meeting site, the CMT Meeting Rules shall continue to apply and allow members of the public to access and/or participate as provided therein.

6. Acknowledgement Through Participation

By participating in a CMT Meeting under these CMT Meeting Rules, the participant acknowledges the applicability of the CMT Meeting Rules. Any technical failure to follow the CMT Meeting Rules shall not be construed as a denial of due process but shall allow for curative action at a later public meeting.

7. Effective Date

Sarasota County's CMT Meeting Rules will take effect when adopted and will sunset (end) on June 28, 2020, unless extended by further action by the Board of County Commissioners.

Approved:


Jonathan R. Lewis
County Administrator

5-6-20
Date