

RESOLUTION 20-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA, ALLOWING CITY COUNCIL MEMBERS AND CITY APPOINTED BOARD AND COMMITTEE MEMBERS TO APPEAR USING COMMUNICATIONS MEDIA TECHNOLOGY AT THE CITY'S PUBLIC MEETINGS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE.

WHEREAS, Section 3.06 of the Marco Island City Charter requires that at least a majority of Council members be physically present and voting at City Council meetings for the actions to be valid; and

WHEREAS, the voting requirements stated in the City Council's Rules of Procedure require that all actions of Council be by majority vote of the members present at a public meeting; and

WHEREAS, the requirement that a majority of members be present at a public meeting applies to City appointed Board and Committee members; and

WHEREAS, on March 20, 2020, due to the COVID-19 health emergency, Governor DeSantis issued Executive Order 20-69 (the "Executive Order") suspending the quorum requirements for public meetings held by a local governmental body, and the requirement that a local government body meet at a specific public place. Pursuant to Executive Order 20-150, Governor DeSantis has extended the authority regarding local public government public meetings until July 31, 2020; and

WHEREAS, the Executive Order authorizes local government bodies to utilize communications media technology ("CMT"), such as telephonic and video conferencing, as provided in Section 120.54(5)(b)2., Fla. Stat., only for the duration of the Executive Order (or as such Order may be further extended); and

WHEREAS, in the absence of the Executive Order, absent Council or Board and Committee members may appear by CMT as long as there is a physical quorum present at the meeting; and

WHEREAS, City Council does hereby find that the approval of this Resolution is in the best interest of the City of Marco Island.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marco Island, Florida that:

SECTION 1: The above recitals are true and correct and incorporated herein.

SECTION 2: The City Council hereby allows the participation in any public meeting via telephone, videoconference, or other CMT, to the extent the City has the ability to establish and approve appearance by such CMT, by City Council members or any appointed City Board or Committee member at all public meetings of the Marco Island City Council or at any of the City's appointed Board or Committee meetings. Due to the evidentiary nature of quasi-judicial hearings, City declared quasi-judicial matters shall not be held through the use of CMT.

SECTION 3: Consistent with the Section 3.06(2), of the City of Marco Island Charter, to the extent that a Councilor / board or committee member requests to appear by CMT due to extraordinary circumstances (e.g., COVID-19 related concerns, medical or health related issues, etc.) the Councilors / board / committee members who are physically present and voting must, by majority vote to authorize the appearance via CMT.

SECTION 4: That all prior resolutions or parts of resolutions, insofar as they are inconsistent or in conflict with the provisions of this Resolution, are hereby repealed.

SECTION 5: If any clause, section, or other part of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part shall be considered eliminated and will in no way affect the validity of the other provisions of this Resolution.

SECTION 6: This Resolution shall take effect immediately upon its adoption.

Passed in open and regular session of the City Council of the City of Marco Island, Florida this 20th day of July 2020.

ATTEST:



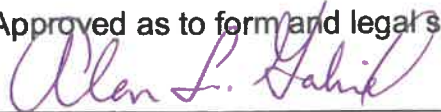
Laura M. Litzan, City Clerk

CITY OF MARCO ISLAND, FLORIDA

By: 

Erik Brechnitz, Chairman

Approved as to form and legal sufficiency:



Alan L. Gabriel, City Attorney