



FLAGLER BEACH CITY COMMISSION

Item No: 4

Meeting Date: January 19, 2021

Issue: Consider extending Resolution 2020-22 requiring the wearing of face coverings, which is set to sunset, unless extended by a majority vote.

From: Penny Overstreet, City Clerk

Organization: City of Flagler Beach

RECOMMENDATION: Staff recommends the resolution be extended for an additional 60 days.

BACKGROUND: The resolution was extended for a 60-day period at the November 12, 2020 meeting. (minutes below)

CONSIDER EXTENDING RESOLUTION 2020-22 REQUIRING THE WEARING OF FACE COVERINGS, WHICH IS SET TO SUNSET, UNLESS EXTENDED BY A MAJORITY VOTE – PENNY OVERSTREET, CITY CLERK: Clerk Overstreet advised the Commission it is their prerogative to extend or sunset the resolution. Chair Mealy inquired to the Clerk regarding the section of the resolution relating to telephonic and video conferencing of public meetings. Clerk Overstreet responded the Governor's executive order that provided a temporary exemption to open meeting requirements expired. Clerk Overstreet continued and stated extending the resolution would apply to the face covering requirement only. Chair Mealy opened public comments. No comments were offered. Chair Mealy closed public comments. Motion by Commissioner Phillips to extend Resolution 2020-22, to extend the wearing of face coverings for a period of 60 days. Commissioner Bryan seconded the motion. The motion carried unanimously, after a roll call vote.

BUDGETARY IMPACT: N/A

LEGAL CONSIDERATIONS/SIGN-OFF:

PERSONNEL:

POLICY/REQUIREMENT FOR BOARD ACTION: No action will sunset the resolution. If in agreement to extend for an additional 60 days, a motion is required.

IMPLEMENTATION/COORDINATION:

Attachments

- Resolution 2020-22

Extended 60 days at
the 11-12-2020 mtg.
new expiration date
January 12, 2021

9-10-2020 meeting

Commission approved

extension of an

additional

RESOLUTION 2020-22

60 days (expires 11-9-2020)

**A RESOLUTION OF THE CITY OF FLAGLER BEACH
REQUIRING THE WEARING OF FACE COVERINGS
WITHIN CITY FACILITIES BY IN-PERSON ATTENDEES
OF CITY MEETINGS; PROVIDING ALTERNATIVE
METHODS OF VIEWING AND PARTICIPATION BY
THOSE UNABLE OR UNWILLING TO WEAR A FACE
COVERING; PROVIDING FOR ENFORCEMENT AND
COMPLIANCE MEASURES; AND PROVIDING AN
EFFECTIVE DATE**

Place on
11-12-2020
agenda for
re consideration

WHEREAS, Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and causes symptoms similar to those of influenza, and in some cases death; and

WHEREAS, on March 13, 2020, President Donald J. Trump issued a Proclamation Declaring a National Emergency concerning COVID-19; and

WHEREAS, on July 20, 2020, President Donald J. Trump strongly encouraged all Americans to wear a mask when not able to socially distance; and

WHEREAS, on March 9, 2020, Governor Ron DeSantis issued Executive Order No. 20-52, declaring a State of Emergency in the State of Florida; and

WHEREAS, the City of Flagler Beach has declared a Local State of Emergency; and

WHEREAS, between March 17, 2020 and the date hereof, Governor DeSantis issued several Executive Orders placing numerous restrictions on individuals and businesses in response to the state-wide threat of the spread of COVID-19; and

WHEREAS, on April 29, 2020, Governor DeSantis issued Executive Order No. 20-112, as modified by Executive Order No. 20-120 on May 9, 2020, and Executive Order No. 20-123 on May 14, 2020, in response to the recommendations set forth in Phase 1 of the plan issued by the Task Force to Re-Open Florida, and adopted a phased approach to remove or decrease certain restrictions imposed pursuant to Executive Order No. 20-91, Safer-at-Home Order; and

WHEREAS, on June 3, 2020, Governor DeSantis issued Executive Order No. 20-139, moving all counties in Florida, other than Miami-Dade, Broward and Palm Beach Counties, into Phase 2 of the plan issued by the Task Force to Re-Open Florida, which Order supersedes Executive Order No. 20-91, the Safer-at-Home Order, and supersedes in part, and extends and modified other provisions of, Executive Order No. 20-112; and

WHEREAS, based on recent information and data from the Florida Department of Health, the number of confirmed cases of COVID-19 in the State of Florida has increased

RESOLUTION 2020-22

A RESOLUTION OF THE CITY OF FLAGLER BEACH REQUIRING THE WEARING OF FACE COVERINGS WITHIN CITY FACILITIES BY IN-PERSON ATTENDEES OF CITY MEETINGS; PROVIDING ALTERNATIVE METHODS OF VIEWING AND PARTICIPATION BY THOSE UNABLE OR UNWILLING TO WEAR A FACE COVERING; PROVIDING FOR ENFORCEMENT AND COMPLIANCE MEASURES; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and causes symptoms similar to those of influenza, and in some cases death; and

WHEREAS, on March 13, 2020, President Donald J. Trump issued a Proclamation Declaring a National Emergency concerning COVID-19; and

WHEREAS, on July 20, 2020, President Donald J. Trump strongly encouraged all Americans to wear a mask when not able to socially distance; and

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WHEREAS, based on recent information and data from the Florida Department of Health, the number of confirmed cases of COVID-19 in the State of Florida has increased

significantly since additional re-openings were authorized under Phase 2 of the Governor's Plan for Florida's Recovery, which increase may result in additional deaths; and

WHEREAS, in response to the dramatic increase in COVID-19 cases, the Florida Medical Association, the state's largest physician's organization, encourages all local officials to adopt regulations requiring individuals to wear face coverings in public places; and

WHEREAS, based on advice from medical professionals the number of confirmed cases of COVID-19 in Flagler County and the City of Flagler Beach will increase exponentially if additional measures to stop or slow the spread of COVID-19 are not instituted; and

WHEREAS, the United States Centers for Disease Control and Prevention ("CDC") has expressly found that: "COVID-19 spreads mainly from person to person through respiratory droplets produced when an infected person coughs, sneezes, or talks. These droplets can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs. Studies and evidence on infection control report that these droplets usually travel around 6 feet (about two arms lengths)"; and

WHEREAS, the CDC therefore specifically recommends that as businesses and communities reopen, and people resume their daily activities, people should wear face coverings to slow the spread of COVID-19, particularly "in public settings where other social distancing measures are difficult to maintain"; and

WHEREAS, emerging scientific research suggests that mask wearing may not only help prevent the spread of COVID-19 but may also reduce the severity of COVID-19 if spread; and

WHEREAS, consistent with Governor DeSantis' Executive Order Number 20-51, as extended, modified or amended, Chapter 252.46, Florida Statutes, and Section 23-58 of the City Code," the City Commission is authorized to make such orders and rules as are necessary for emergency preparedness; and

WHEREAS, mitigating the effects of COVID-19 and protecting the health of its citizens and visitors is a high priority of the City of Flagler Beach; and

WHEREAS, the City Commission has required with limited exceptions that face coverings be worn in locations other than homes or residences within the City when social distancing is not feasible; and

WHEREAS, the City Commission possesses the authority and responsibility to adopts reasonable rules for the conduct of its public meetings designed to create as safe an environment as reasonably possible for discussion and action upon City business and public participation; and

WHEREAS, the City has already ordered that face coverings be worn during public meetings and is adopting this Resolution for the purpose of providing clear direction and alternatives to in-person indoor viewing and participation; and

WHEREAS, the City Commission of the City of Flagler Beach finds that it is in the best interest of the public health, safety, and general welfare that the following resolution be adopted.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA:

SECTION 1. Findings.

The above recitals are adopted by the City Commission as legislative findings.

SECTION 2. Definitions.

“Face Covering” shall mean a uniform piece of material that securely covers a person’s nose and mouth and remains affixed in place without the use of one’s hands, whether store-bought or homemade, concurrent with CDC guidelines.

SECTION 3. Face Coverings Required for in-person attendees of City meetings while inside City facilities.

All attendees of City meetings shall be required to wear a face covering while within a City facility for the purpose of attending a City meeting. No person shall be allowed entry into the meeting space without first donning an appropriate face covering. Except as otherwise specifically provided herein, the face covering shall be kept in place for the duration of the time such person remains in the City facility.

While it is encouraged that face coverings be kept in place at all times, face coverings may be removed for the period during which a speaker is speaking at a microphone provided that the speaker is at least six feet from any other person at the time of removing the face covering and provided the face covering is returned to its functional location as soon as the speaker stops talking. In addition, while it is encouraged that face coverings be touched as little as possible, a face covering may be removed momentarily for the purpose of readjusting and ensuring proper fit. In the event that anyone must remove their face covering for any reason they are strongly encouraged and requested to use hand sanitizer after the face covering is reapplied.

SECTION 4. Alternatives to in-person, indoor attendance at City meetings.

For those unable or unwilling to wear a face covering, the City has made available alternatives to in-person, indoor attendance at City meetings. An outdoor viewing area with a monitor and speakers will be set up in the covered area outside of the front door to City Hall. Provided attendees maintain social distancing and abide by all other active local regulations, attendees may view the meeting from this location without a face covering. The City shall provide speaker forms to all outdoor attendees and speakers will be invited inside, one at a time, during the public period for the agenda items upon which they desire to speak. Once finished speaking, such attendee shall return to the outdoor viewing area. At any time, provided spacing and seating capacity allows, a person viewing a meeting outdoors may put on a face covering and relocate to indoors.

Certain City meetings may also use the virtual meeting platform Zoom. Meetings conducted upon or allowing alternative viewing through Zoom shall so provide within the notice for the meeting. When Zoom is available, attendees may view and participate in the meeting remotely. The City will make provisions for remote public comment to be received and included in the record of the meeting.

The City may make additional forms of remote participation available as circumstances dictate and allow. Notice of such alternative forms of participation shall be made available with the notices of such meetings.

SECTION 5. Enforcement.

No person shall be allowed to enter a City facility during a City meeting except in accordance with this Resolution. If the face covering is removed after person enters the meeting area in a manner not expressly provided herein or if a person without a face covering refuses to leave the meeting area, the Chair of the meeting or a law enforcement officer shall remind such person that they must wear a face covering if they intend to remain within the indoor public area. If such person does not immediately replace the face covering or relocate to the outdoor viewing area, the Chair shall direct the law enforcement officer on duty for the meeting to relocate the person to the outdoor viewing area. If the person refuses to be relocated to the outdoor viewing area, the Chair shall direct the law enforcement officer on duty to remove the person from the meeting in a manner consistent with law.

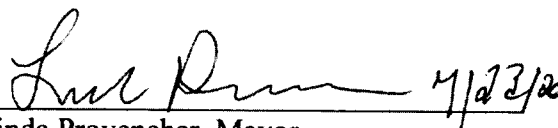
SECTION 6. Conflicting Resolutions. All resolutions or parts thereof that are in conflict with this resolution are hereby rescinded and repealed.

SECTION 7. Effective Date. This Resolution shall take effect immediately upon adoption by the City Commission.

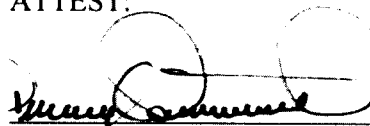
SECTION 8. Sunset. This Resolution shall sunset and be of no further effect sixty days after its adoption unless extended by a majority vote of the City Commission.

DULY PASSED AND ADOPTED by the City Commission of the City of Flagler Beach, Florida, on this 23rd day of July 2020.

CITY OF FLAGLER BEACH, FLORIDA


Linda Provencher, Mayor

ATTEST:


Penny Overstreet, City Clerk

RESOLUTION 2021-01

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, FLORIDA, EXTENDING THE DECLARATION OF A STATE OF EMERGENCY, AND EXTENDING THE TIME FRAME ENACTED BY THE POWERS OF CHAPTER 14, ARTICLE III, EMERGENCY MANAGEMENT PROVIDING FOR CONFLICT AND AN EFFECTIVE DATE.

WHEREAS, on March 09, 2020 by Executive Order Number 20-52, Governor Ron DeSantis declared a state of emergency for every county in the State of Florida due to the Coronavirus Disease 2019 COVID-19 Novel Pandemic; and

WHEREAS, the City determined that in order to protect the health, safety, and welfare of the City and its residents, and to enable the City to respond to, and recover from, the effects of the Coronavirus Pandemic, it is necessary to waive the procedures and formalities otherwise required of the City; and

WHEREAS, the Flagler Beach Code of Ordinance, Chapter 14, Article III, Emergency Management, Section 14-43 Emergency Management Officials; appointment, general duties, Section 14-44 Emergency Management Powers and Section 14-45 Intercommission Communications, empowers the City Commission to declare that a state of emergency exists within the City, consistent with Chapter 252, Florida Statutes; and

WHEREAS, Section 252.38(3), Florida Statutes, provides authority for local governments, such as the City of Flagler Beach, to take actions in emergency situations and to waive the procedures and formalities otherwise required of political subdivisions by law pertaining to: performing of public work and taking whatever action is necessary to ensure the health, safety, and welfare of the community; entering into contracts; incurring obligations; employing of permanent and temporary workers; utilizing of volunteer workers; renting equipment; acquiring and distributing, with or without compensation, of supplies, materials and facilities; and appropriating and expending of public funds.

WHEREAS, the City Commission of the City of Flagler Beach on March 19, 2020 adopted Resolution 2020-04 enacting the powers of Chapter 14, Article III, Emergency Management; and

WHEREAS, Resolution 2020-16; adopted June 11, 2020 extended the Declaration of a State of Emergency and terminated on July 16, 2020; and

WHEREAS, Resolution 2020-20 was adopted on July 09, 2020 with an effective date of July 17, 2020 and expired at midnight on September 05, 2020.; and

WHEREAS, Resolution 2020-26 was adopted on September 10, 2020 and expired at midnight on November 03, 2020; and

WHEREAS, Resolution 2020-35 was adopted on October 22, 2020 with an effective date of November 04, 2021, and expired at midnight on January 02, 2021; and

WHEREAS, the City 's emergency declarations are dependent upon Governor DeSantis extending the declared State of Emergency. Governor DeSantis signed into effect Executive Order No. 20-316 on December 29, 2020 extending the State of Emergency for a sixty (60) day period.

NOW THEREFORE BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FLAGLER BEACH, AS FOLLOWS:

SECTION 1. The City Commission of the City of Flagler Beach, does hereby find that the circumstances set forth above do indeed exist, and that Coronavirus poses a serious threat to the lives of the residents of the City of Flagler Beach and that a state of local emergency is hereby extended, effective immediately, pertaining to all territory within the legal boundaries and jurisdictional limits of the City of Flagler Beach.

SECTION 2. The Interim City Manager is hereby delegated the power and authority to take all actions necessary to address the emergency situations that may arise as a result of the Coronavirus Pandemic in accordance with the provisions of State law and any emergency management procedures that may have been adopted by the City, as well as by any State and Federal Disaster Assistance loan procedures.

SECTION 3. This resolution shall become effective January 20, 2021 and shall terminate automatically at midnight on February 27, 2021, unless State of Florida Executive Order 20-52 is not extended.

PASSED AND ADOPTED THIS _____ DAY OF JANUARY, 2021.

CITY OF FLAGLER BEACH, FLORIDA
CITY COMMISSION

ATTEST:

Linda Provencher, Mayor

Penny Overstreet, City Clerk

Expires midnight

2-28-2021

STATE OF FLORIDA

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NUMBER 20-316

(Emergency Management -Extension of Executive Order 20-52-COVID-19)

WHEREAS, on March 9, 2020, I issued Executive Order 20-52, declaring a state of emergency for the entire state due to COVID-19; and

WHEREAS, no state of emergency declared pursuant to the Florida Emergency Management Act may continue for more than 60 days unless renewed by the Governor; and

WHEREAS, the impact of COVID-19 poses a continuing threat to the health, safety and welfare of the State of Florida and its residents; and

WHEREAS, as Florida recovers and re-launches its economy, I am committed to providing all available resources to assist Floridians and local communities with their efforts.

NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section 1(a) of the Florida Constitution and by the Florida Emergency Management Act, as amended, and all other applicable laws, promulgate the following Executive Order, to take immediate effect:

Section 1. The state of emergency declared in Executive Order 20-52, as extended by Executive Orders 20-114, 20-166, 20-192, 20-213, and 20-276 will be extended for 60 days following the issuance of this order for the entire State of Florida.

Section 2. All actions taken by the Director of the Division of Emergency Management as the State Coordinating Officer with respect to this emergency before the issuance of this Executive Order are ratified, and he is directed to continue to execute the State's Comprehensive Emergency Management Plan and other response, recovery, and mitigation

plans necessary to cope with the emergency.

Section 3. Except as amended herein, Executive Order 20-52, extended by Executive Orders 20-114, 20-166, 20-192, 20-213, and 20-276 is ratified and reaffirmed.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 29th day of December, 2020.



RON DESANTIS, GOVERNOR

ATTEST:



SECRETARY OF STATE

FILED
2020 DEC 29 PM 3:29
TALLAHASSEE, FLORIDA