

RESOLUTION NO. 20 -1673

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MIAMI LAKES, FLORIDA, ESTABLISHING SPECIAL RULES FOR VIRTUAL QUASI-JUDICIAL MEETINGS; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on March 12, 2020, subsequent to the State of Florida and Miami-Dade County's State of Emergency, following the spread of the novel and contagious COVID-19 virus, and in the interest of protecting the life, health and well fare of Town of Miami Lakes' residents, the Town of Miami Lakes (the "Town"), the Town issued a Declaration of Emergency to be in effect; and

WHEREAS, in order to stymie the spread of COVID-19, the State of Florida and Miami Dade County have promulgated a series of orders, aimed at enforcing social distancing, closing parks, beaches, non-essential businesses, and requiring persons engaged in non-essential activities to stay at home; and

WHEREAS, Florida Statutes Chapter 286, requires that all public meeting be held in the sunshine, provide for public participation, and require the physical presence of the governing board for quorum; and

WHEREAS, social distancing rules and orders, frustrate the ability for governing boards to establish physical quorum; and

WHEREAS, on March 20, 2020, Governor Ron DeSantis issued Executive Order 20-69, which suspended the physical presence quorum requirement for public meetings, and providing authority for virtual meetings via communication media technology; and

WHEREAS: Florida Statute § 120.54 and Florida Administrative Rules 28-109, provide direction for local governments to create rules to conduct public meetings via communication media technology, and provide a framework for these rules in order to protect public access and ensure that meetings are conducted in the sunshine; and

WHEREAS, the Florida Supreme Court has provided for rules of procedure allowing evidentiary hearings to be conducted via communication media technology; and

WHEREAS, the Town regularly conducts quasi-judicial meetings, that are evidentiary in nature; and

WHEREAS, in order to address matters that are important to the Town and its residents, and avoid unnecessary delays caused by orders related to COVID-19, it is necessary to adopt rules that will allow the Town to conduct quasi-judicial meetings; and

WHEREAS, the Council finds it necessary to adopt rules of procedures in order to conduct quasi-judicial meetings.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL FOR THE TOWN OF MIAMI LAKES, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The foregoing recitals are true and correct and are incorporated herein by reference.

Section 2. Establishing Rules of Procedure for Quasi-Judicial Virtual Meetings The Town Council hereby establishes special rules of procedure for quasi-judicial meetings as detailed hereto in Exhibit "A."

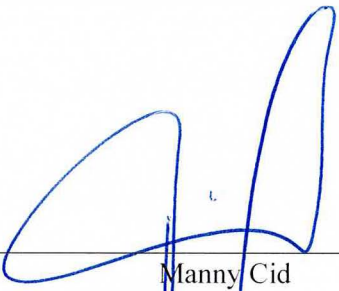
Section 3. Effective Date. This Resolution shall be effective immediately upon adoption.

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Passed and adopted this 30th, day of April 2020.

The foregoing resolution was offered by Councilmember Dieguez who moved its adoption. The motion was seconded by Councilmember Collazo and upon being put to a vote, the vote was as follows:

Mayor Manny Cid	yes
Vice Mayor Nelson Rodriguez	yes
Councilmember Carlos O. Alvarez	Absent
Councilmember Luis Collazo	yes
Councilmember Josh Dieguez	yes
Councilmember Jeffrey Rodriguez	yes
Councilmember Marilyn Ruano	yes




Manny Cid
MAYOR

Attest:



Gina M. Inguanzo
TOWN CLERK

Approved as to form and legal sufficiency:



Raul Gastesi, Jr.
Gastesi, Lopez and Mestre, PLLC
TOWN ATTORNEY

EXHIBIT “A”

SPECIAL RULES OF PROCEDURE FOR QUASI-JUDICIAL HEARINGS



SPECIAL RULES OF PROCEDURE QUASI-JUDICIAL RULES FOR VIRTUAL MEETINGS

These rules are adopted in accordance with Florida Governor, Ron DeSantis' Executive Order 20-69, Florida Statutes Chapter 252 and § 120.54(5)(b)(2), Florida Administrative Rules, Chapter 28-109 and Resolution 20-1673, and are adopted in order to provide for quasi-judicial virtual meetings of the Council, Planning and Zoning Board, and any other quasi-judicial board. These meetings shall be governed by Florida's public meeting laws will provide for necessary public notice, provide for due process, allow for public participation and are conducted in the Sunshine.

Platform:

The video conference platform ZOOM will be used for virtual quasi-judicial meeting. For Town Council, Planning and Zoning, and other quasi-judicial boards, the Mayor or Chair of the Board (jointly referred to as "Chair") shall administer the meeting with assistance of the Information Technology Department. For Code Compliance Hearings, the Magistrate shall administer the meeting with assistance of the Information Technology Department.

All quasi-judicial meetings shall be livestreamed and available on the Town's website, www.miamilakes-fl.gov. For all quasi-judicial meetings, a dedicated phone line will be available so that any individual who does not wish (or is unable) to use Zoom may listen to the meeting.

Notice:

Virtual quasi-judicial meetings will be noticed in the same manner and at the same locations as all quasi-judicial meetings are typically notices (including mailed notice, as may be requiring by the Town Code). The Zoom conference number (along with instructions) will be published on the agenda and will be included everywhere that the meeting is notices. The Zoom telephone number shall also be included on the agenda and every where that the meeting is noticed. Additionally, instructions on how to provide a comment via e-comment and an email address will be provided everywhere that the meeting is noticed.

All notices will make clear that Town Hall (and other meeting spaced where quasi-judicial meetings may be held) will be closed to the public except for an area designated for those who wish to testify as part of the hearing but do not have the ability to remotely participate in the hearing by video conference. All notices will provide that any person needing an accommodation

in order to listen to or participate in the meeting should contact the Town's ADA Coordinator, Gina Inguanzo at (305) 364 – 6100, TTY/TDD _____, or inguanzog@miamilakes-fl.gov.

Quasi-Judicial Hearing:

All quasi-judicial hearings shall be conducted in the same manner as traditional quasi-judicial hearings with the following stipulations that account for the virtual nature of the hearing:

1. Exhibits:

For all quasi-judicial hearings except appeals, a list of all proposed exhibits and a copy of the proposed exhibits shall be provided to the Town Clerk five (5) days prior to the hearing, in a format that is easily viewable on the Zoom platform. All exhibits shall be clearly labeled so as to allow for efficient retrieval and display on the Zoom platform during the hearing. All exhibits will be posted online as is customary.

2. Testimony/Public Participation:

A list of all individuals who will be called as witnesses during the hearings, shall be provided to the Town Clerk, five (5) days prior to the hearing. At the beginning of the hearing the Town Clerk shall call each witness by name, one-by-one, in order to swear each person in. Any witness who wishes to testify during the hearing and is not included in the previously-provided witness list, shall be sworn in after all witnesses on the list are sworn in and prior to the beginning of the hearing. All witnesses providing testimony must appear by video conference. A computer with Zoom capabilities will be available for those that wish to testify as part of the hearing but do not have the ability to remotely participate in the hearing by video conference. The location of said computer will be specified in the notice of the hearing. The Town Clerk or court reporter shall administer the oath to any individual who is appearing by video conference and shall establish the identity of the witness on the record as well as the witness' consent for the hearing to be recorded.

In addition, comments to be considered during the hearing may be provided prior to the beginning of the meeting, by providing e-comments by email or pre-recorded comments, via email to clerk@miamilakes-fl.gov.

The Chair will allow for public comment using Zoom after the parties have concluded the presentation of their cases and before a vote is taken. In addition, the Chair will request that the Clerk read any comments or emails sent about the matter that is not the subject of the hearing into the record. However, those comments standing alone are not sworn and do not qualify as competent substantial evidence on which the quasi-judicial board may rely,

except that they may be considered if they support sworn testimony that is considered competent substantial evidence.

The Chair may exercise their authority to limit the length of time provided to an individual for public comment. In addition, the Chair may preserve decorum and order.

A phone number and email address will be provided for individuals who may have questions on how to access the meeting or participate in the meeting, prior to the date of the meeting. A Town employee will be present during the meeting at the location of the **computer** to assist the public with its use.

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