

**TOWN OF OAKLAND  
STATE OF EMERGENCY – COVID-19  
ORDER #2**

**ADOPTION OF GOVERNOR’S EXECUTIVE ORDER 20-69  
AND SUSPENSION OF CHARTER AND ORDINANCE  
RESTRICTIONS TO ALLOW HOLDING OF “VIRTUAL”  
MEETINGS USING COMMUNICATIONS MEDIA  
TECHNOLOGY AND ADDRESSING MEETING  
PROCEDURES AND REQUIREMENTS**

**Beginning 5:00 p.m. 3/27/20 until rescinded**

**PURSUANT TO THE AUTHORITY** vested in me as the Town Manager of Oakland by the Town Commission of the Town of Oakland, in accordance with Town of Oakland, Florida, Declaration of Emergency Proclamation, approved March 19, 2020, (“Declaration”), I hereby state:

**WHEREAS**, on March 1, 2020, Governor Ron DeSantis, issued Executive Order 20-51 directing the Florida Department of Health to issue a Public Health Emergency as a result of COVID-19; and

**WHEREAS**, on March 9, 2020, Governor Ron DeSantis, issued Executive Order 20-52 declaring a state of emergency for the State of Florida as a result of COVID-19; and

**WHEREAS**, on March 17, 2020, the Town Commission of Oakland declared a State of Emergency due to the Coronavirus pandemic; and

**WHEREAS**, on March 16, 2020, President Donald J. Trump and the Centers for Disease Control and Prevention (“CDC”) issued the “15 Days to Slow the Spread” guidance advising individuals to adopt far-reaching social distancing measures, such as avoiding gatherings of more than 10 people; and

**WHEREAS**, on March 17, 2020, Governor Ron DeSantis wrote a letter to Attorney General Ashley Moody seeking an advisory opinion regarding concerns raised by local government bodies about their ability to hold meetings through teleconferencing and other technological means in order to protect the public and follow the CDC guidance regarding social distancing; and

**WHEREAS**, on March 19, 2020, Attorney General Ashley Moody delivered an opinion to Governor Ron DeSantis indicating that certain provisions of Florida law require a physical quorum be present for local government bodies to conduct official business, and that local government bodies may only conduct meetings by teleconferencing or other

technological means if either a statute permits a quorum to be present by means other than in person, or that the in person requirement for constituting a quorum is lawfully suspended during the state of emergency; and

**WHEREAS**, on March 20, 2020, Governor Ron DeSantis issued Executive Order 20-69, which: (1) 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; and (2) provided that local government bodies may utilize communications media technology, such as telephonic and video conferencing, as provided in Section 120.54(5)(b)(2), Florida Statutes; but did not waive any other requirement under the Florida Constitution and "Florida's Government in the Sunshine Laws," including Chapter 286, Florida Statutes; and

**WHEREAS**, Executive Order 20-69 expires at the expiration of Executive Order 20-52, including any extension; and

**WHEREAS**, while it is clear that the intention of the Executive Order 20-69 was to remove from local government bodies all impediments posed by quorum and physical presence requirements so that they could utilize communications media technology in a manner consistent with Section 120.54(5)(b)(2), Florida Statutes, the Executive Order's reference to suspending "any Florida Statute" relating to quorum or meeting place requirements may give rise to a hypothetical ambiguity as to whether the Executive Order effectively suspended similar requirements found in special acts, charter or ordinance provisions, administrative regulations, or other sources of law or regulation; and

**WHEREAS**, in an abundance of caution, it is appropriate to clarify and resolve this hypothetical ambiguity, in an effort to provide certainty and safeguard the validity of the actions taken by local government bodies in these circumstances; and

**WHEREAS**, pursuant to Section 252.46, Florida Statutes, political subdivisions are authorized and empowered to make, amend, and rescind such orders and rules as are necessary for emergency management purposes and to supplement the carrying out of the provisions of Sections 252.31-252.90, Florida Statutes, such orders and rules have full force and effect of law, and all existing laws, ordinances, and rules inconsistent with any order or rule issued under the authority of such statute shall be suspended during the period of time and to the extent that such conflict exists; and

**WHEREAS**, it is necessary and appropriate to take action to ensure that COVID-19 remains controlled, and that residents and visitors in Oakland remain safe and secure; and

**WHEREAS**, Town Charter, Sec. 4.1 states that the Town Commission shall meet twice a month unless by action of the majority of the Commission; and

**WHEREAS**, the Town of Oakland wishes to apply uniform CMT meeting procedures, while applying Florida Statutes, Section 120.54(5)(b)(2), and taking into

consideration the limited guidance of Rule 28-109 F.A.C.

**WHEREAS**, the entry of this Order, together with Executive Order 20-69, will allow local government bodies to continue to function and hold public meetings while adhering to the recommended social distancing measures through the use of communications media technology, ("CMT"), while suspending any law, ordinance, rule, charter provision, or other regulation that requires a quorum to be present in person or requires a local government body to meet at a specific public place.

**NOW THEREFORE, IT IS HEREBY ORDERED THAT:**

1. Executive Order 20-69 is hereby adopted by reference.
2. Any law, ordinance, rule, charter provision, or other regulation that requires a quorum to be present in person at a meeting is suspended.
3. Any law, ordinance, rule, charter provision, or other regulation that requires a local government body to meet at a specific public place is suspended.
4. Any law, ordinance, rule, charter provision, or other regulation relating to the Town of Oakland that otherwise would impede the use of communications media technology for meetings of local government bodies during this time of emergency are suspended.
5. Town of Oakland local government bodies may utilize communications media technology, such as telephonic and video conferencing, as provided in Section 120.54(5)(b)(2), Florida Statutes.
6. This Order does not waive any other requirement under the Florida Constitution and "Florida's Government in the Sunshine Laws," including Chapter 286, Florida Statutes.
7. Town Charter, Sec. 4.1 stating that the Town Commission shall meet twice a month unless by action of the majority of the Commission is suspended during this State of Emergency, and meetings will not be held unless deemed necessary by the Town Manager.
8. Due to the Covid-19 Emergency the following uniform rules of procedures shall be adopted:
  - a) Meetings shall be held using CMT as determined appropriate by the Town Manager. Physical presence of Town Commissioners is not required and Commissioners may join the meeting using electronic means.
  - c) The following shall be posted on all Town meeting notices:

“Due to the Novel Coronavirus Disease 2019 (COVID-19) and Federal, State, County, and the Town’s Declarations of State of Emergency, and Town of Oakland Emergency Order #8, the Town of Oakland will be calling meetings only when necessary, and conducting public meetings using communications media technology until the Emergency Order is lifted. Those wishing to attend meetings are encouraged to join the meeting through electronic means.

“Persons wishing to attend meetings may do so as follows: [Insert directions for call-in.]

“General public comment unrelated to an item on the agenda will be handled as follows: Send email no later than 30 minutes before the start of the meeting to: [ehui@oaklandfl.gov](mailto:ehui@oaklandfl.gov) If timely received, the Mayor or Town Staff will read the public comment at the Meeting.

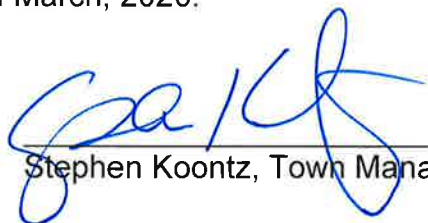
“Comments about items on the agenda will be solicited and heard during the meeting by telephone or communication media technology. See directions above for call-in and contact information.

“For additional information, residents may contact the Town Clerk by email: [ehui@oaklandfl.gov](mailto:ehui@oaklandfl.gov) call 407-656-1117 ext.2110.

“Consistent with Section 286.0105 Florida Statutes, If a person decides to appeal any decision made by the Commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

“Persons planning to attend the meeting who need special assistance must notify the Office of the Town Clerk at 407-656-1117 ext.2110 no later than 24 hours preceding the meeting.”

**DONE AND ORDERED** this 27<sup>th</sup> day of March, 2020.

  
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Stephen Koontz, Town Manager