



**VILLAGE COUNCIL AGENDA
EMERGENCY MEETING
226 Cypress Lane, Palm Springs, Florida 33461
Friday, March 20, 2020
3:00 PM**

Persons who need an accommodation in order to attend or participate in this meeting should contact the Village Clerk at (561) 965-4010 at least three (3) business days prior to the meeting in order to request such assistance.

1. CALL TO ORDER

2. ROLL CALL

3. ORDER OF BUSINESS

- 3.1 Resolution No. 2020-10 - Providing the Village Manager Authority to Enact a Local of State of Emergency & Authority to Take Other Necessary Actions & Precautions - COVID-19 (Corona Virus) Pandemic

Motion	Second	Vote
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[Resolution No. 2020-10 - Emergency Declaration - COVID-19 Health Emergency](#)
[Village Code of Ordinances - Sec 2.3 - Village Manager Powers](#)
[State of Florida Executive Order No. 20-51 - COVID-19 - Governor Ron DeSantis](#)

- 3.2 Resolution No. 2020-11 - Permit Village Council to Attend/Participate in Council Meetings Via Communication Media Technology During Absence & State of Emergency

Motion	Second	Vote
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[Resolution No. 2020-11 - Permit Meeting Participation by Council via Communication Media Technology](#)
[Template - Special Meeting Public Notice for Council Meeting by Electronic Means - COVID-19](#)

4. ADJOURNMENT

If a person decides to appeal any decision made by this Council with respect to any matter considered at this meeting, he will need a record of the proceeding, and that for such purpose he may need to ensure that verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.



Village of Palm Springs

Executive Brief

AGENDA DATE: March 20, 2020

DEPARTMENT: Administration

ITEM 3.1:

Resolution No. 2020-10 - Providing the Village Manager Authority to Enact a Local of State of Emergency & Authority to Take Other Necessary Actions & Precautions - COVID-19 (Corona Virus) Pandemic

SUMMARY:

On Wednesday, March 11, 2020, the World Health Organization (WHO) declared the Corona Virus (COVID-19) as a global pandemic. The pandemic constitutes a Public Health Emergency of International Concern (PHEIC) that prohibits or restricts non-essential travel to or from certain countries of concern as deemed necessary by the Centers for Disease Control and Prevention (CDC).

The federal, state and county governments have declared a "State of Emergency" in response to the significant outbreak of this virus. Governor Ron DeSantis issued an Executive Order Number 20-51, directing the Department of Health to issue a Public Health Emergency in response to the growing and significant outbreak of COVID-19 within the State of Florida.

As a result, the federal, state and county governments are now recommending limiting public access, exposure and congregation of the public at events, meetings and gatherings. In an effort to combat this virus, communities are either considering and/or implementing various temporary policies and/or procedures to prevent the spread of the COVID-19 virus to their community and/or staff (i.e., flexible staffing, alternate work schedules, telecommuting paid leave time and other pandemic pay policies for employees, and to suspend, cancel or reschedule other non-essential public meetings, congregation of groups and limit public access to facilities and services, etc.).

Note: Section 2.3 of the Village of Palm Springs Code of Ordinances authorizes the Village Council to declare a state of emergency, which would include evacuations, curfews and emergency procurement procedures during a state of emergency.

The Village Council is requested to provide the Village Manager with the authority to declare a local state of emergency for the Village of Palm Springs related to the COVID-19 virus health emergency in an effort to provide the Village with an opportunity to safely address this pandemic.

If the proposed Resolution is approved, the Village Manager would also have the authority to: suspend, cancel, or reschedule non-essential public meetings, limit public access to Village facilities and services, provide for flexible scheduling, telecommuting and alternative staffing models, paid leave time and other pandemic pay policies to serve the residents' needs. Additionally, the manager would have the ability to cancel outside events and activities and other related purposes to ensure efficient and safe operations for the Village business.

To the extent the Village Manager must enact a temporary policy which conflicts with an existing ordinance, resolution or policy of the Village Council, the Village Manager shall temporarily enact said policy and seek ratification of the policy by the Village Council at such time as is reasonably possible and consistent with all Federal, State and County preventative and mitigation measures currently in existence and hereafter issued to combat the spread of COVID-19.

This authority, if approved, would only extend until action by the Village Council terminates such authority, which would be expected to be considered at the earliest Council meeting possible following the subsiding of this health emergency.

FISCAL IMPACT:

There is no direct fiscal impact to the Village at this time.

ATTACHMENTS:

Resolution No. 2020-10 - Emergency Declaration - COVID-19 Health Emergency

Village Code of Ordinances - Sec 2.3 - Village Manager Powers

State of Florida Executive Order No. 20-51 - COVID-19 - Governor Ron DeSantis

RESOLUTION NO. 2020-10

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, PROVIDING THAT THE VILLAGE MANAGER MAY ENACT A LOCAL STATE OF EMERGENCY AS NEEDED AND RELATED TO THE IMPACTS OF THE COVID-19 PANDEMIC, AS REFERRED TO IN COUNTY, STATE AND NATIONAL HEALTH EMERGENCY DECLARATION ORDERS; THE VILLAGE COUNCIL FURTHER PROVIDES THAT THE VILLAGE MANAGER HAS THE AUTHORITY TO SUSPEND, CANCEL OR RESCHEDULE NON-ESSENTIAL PUBLIC MEETINGS, LIMIT PUBLIC ACCESS TO VILLAGE FACILITIES AND SERVICES, PROVIDE FOR EMPLOYMENT MATTERS INCLUDING BUT NOT LIMITED TO FLEXIBLE SCHEDULING AND ALTERNATIVE STAFFING MODELS TO SERVE THE VILLAGE'S NEEDS; INCLUDING CANCELLING OUTSIDE EVENTS AND ACTIVITIES AND OTHER RELATED PURPOSES FOR EFFICIENT AND SAFE OPERATIONS FOR THE VILLAGE BUSINESS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on March 11, 2020 the World Health Organization declared the COVID-19 outbreak a global pandemic; and

WHEREAS, the United States Centers for Disease Control and Prevention (CDC) has deemed it necessary to prohibit or restrict non-essential travel to or from certain countries of concern; and

WHEREAS, The Federal, State and County governments have all declared "States of Emergency" orders regarding the COVID-19 Pandemic; and,

WHEREAS, The Federal, State and County governments have recommended limiting public access, exposure and congregation of the public at events, meetings and gatherings and further directed to provide for employment matters including but not limited to flexible staffing, alternate work schedules, telecommuting paid leave time and

Resolution No. 2020-10 Declaring a State of Emergency for COVID-19

other pandemic pay policies for employees, and to suspend, cancel or reschedule other non-essential public meetings, congregation of groups and limit public access to facilities and services; and,

WHEREAS, Section 2.3 of the Village of Palm Springs Code of Ordinances authorizes among other things, evacuations, curfews and emergency procurement procedures during a state of emergency; and,

WHEREAS, The health and safety of the public in general under existing government emergencies declarations regarding the COVID-19 Pandemic are ongoing and evolving at a rapid unpredictable pace; thus it is in the best interest of the residents of the Village of Palm Springs for the Village Council to adopt this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA:

Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

Section 2. The Village Council hereby directs that due to these important government declared pandemic health and safety matters, until directed otherwise by the Village Council, the determination of a local state of emergency, pursuant to Section 2-3 of the Code of Ordinances, may be made by the Village Manager in regards to impacts of the covid-19 pandemic as referred to in county, state and national health emergency declaration orders. The Village Council further provides that the Village Manager has the authority to suspend, cancel or reschedule non-essential public meetings, limit public access to Village facilities and services, provide for flexible scheduling and alternative staffing models, telecommuting paid leave time and other pandemic pay policies to serve the residents' needs; also cancelling outside events and activities and other related purposes for efficient and safe operations for the Village business. To the extent the Village Manager must enact a temporary policy which conflicts with an existing ordinance, resolution or policy of the Village Council, the

Resolution No. 2020-10 Declaring a State of Emergency for COVID-19

Village Manager shall temporarily enact said policy and seek ratification of the policy by the Village Council at such time as is reasonably possible and consistent with all Federal, State and County preventative and mitigation measures currently in existence and hereafter issued to combat the spread of COVID-19.

Section 3. The Village Manager, once he enacts a local state of emergency, is hereby authorized to take any and all actions deemed necessary to protect and preserve the health, safety and welfare of the citizens of the Village of Palm Springs and the public at-large and as may be set forth in Section 2-3 of the Code of Ordinances.

Section 4. This authority to the Village Manager shall only extend until action by the Village Council terminates such authority.

Section 5. Severability. If any clause, section, or other part or application of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated, and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

Section 6. Conflicts. All Resolutions or parts of Resolutions in conflict herewith are to the extent of such conflicts hereby repealed.

Section 7. Effective Date. This Resolution shall take effect immediately upon its adoption.

Council Member _____ offered the foregoing resolution. Council Member _____ seconded the motion, and upon being put to a vote, the vote was as follows:

Resolution No. 2020-10 Declaring a State of Emergency for COVID-19

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
BEV SMITH, MAYOR	☐	☐	☐
JONI BRINKMAN, VICE MAYOR	☐	☐	☐
PATTI WALLER, MAYOR PRO TEM	☐	☐	☐
DOUG GUNTHER, COUNCIL MEMBER	☐	☐	☐
GARY READY, COUNCIL MEMBER	☐	☐	☐

The Mayor thereupon declared the Resolution duly passed and adopted this _____ day of 2020.

VILLAGE OF PALM SPRINGS, FLORIDA

BY: _____

BEVERLY SMITH, MAYOR

ATTEST:

BY: _____

KIMBERLY M. WYNN, VILLAGE CLERK

REVIEWED FOR FORM AND LEGAL SUFFICIENCY

BY: _____

GLEN J. TORCIVIA, VILLAGE ATTORNEY

Sec. 2-3. - Emergency powers of the village manager.

Upon declaration of a state of emergency by the village council or the governor of the State of Florida, the following matters shall be implemented, without further action of the village council:

- (1) The village manager shall have authority to contract up to a total of \$50,000.00 for goods and services without village council approval, and up to a total of \$75,000.00 if it is not possible to obtain a quorum of the village council for an emergency meeting of the village council within 24 hours.
- (2) All bidding requirements shall be suspended, and the village manager shall employ sound purchasing practices including requests for quotations and proposals, either orally or in writing, or comparative pricing.
- (3) The village manager shall consult with the director of public safety and by execution of a jointly signed document may affect a curfew throughout all or part of the village for a period not exceeding 72 hours, without village council approval. Such curfew may include all pedestrian or vehicular use of public rights-of-way, public facilities, and private facilities normally having public access.
- (4) The village manager may call an emergency meeting of the village council for any other matter, item, request, or event that exceeds his normal or emergency authority.

(Ord. No. 2015-35, § 1, 8-28-2015)

Charter reference— Powers and duties of the village manager, § 4.04.

Cross reference— Emergency purchases, § 58-12

(Code 1994, § 2-2)

STATE OF FLORIDA

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NUMBER 20-51

(Establishes COVID-19 Response Protocol and Directs Public Health Emergency)

WHEREAS, Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza; and

WHEREAS, in late 2019, a new and significant outbreak of COVID-19 emerged in China; and

WHEREAS, the World Health Organization declared COVID-19 a Public Health Emergency of International Concern; and

WHEREAS, in response to the recent COVID-19 outbreak in China, Iran, Italy and South Korea, the Centers for Disease Control and Prevention ("CDC") has deemed it necessary to prohibit or restrict non-essential travel to or from those countries; and

WHEREAS, in response to the recent COVID-19 outbreak in Japan, the CDC has advised older travelers and those with chronic medical conditions to avoid nonessential travel and all travelers to exercise enhanced precautions; and

WHEREAS, the CDC currently recommends community preparedness and everyday prevention measures be taken by all individuals and families in the United States, including voluntary home isolation when individuals are sick with respiratory symptoms, covering coughs and sneezes with a tissue and disposal of the tissue immediately thereafter, washing hands often with soap and water for at least 20 seconds, use of alcohol-based hand sanitizers with 60%-95%

alcohol if soap and water are not readily available and routinely cleaning frequently touched surfaces and objects to increase community resilience and readiness for responding to an outbreak; and

WHEREAS, two individuals in the State of Florida tested presumptively positive for COVID-19, including a resident of Manatee County and a resident of Hillsborough County; and

WHEREAS, the CDC currently recommends mitigation measures in communities with COVID-19 cases, including staying at home when sick, keeping away from others who are sick and staying at home when a household member is sick with respiratory disease symptoms or if instructed to do so by public health officials or a health care provider; and

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

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 all other applicable laws, promulgate the following Executive Order to take immediate effect:

Section 1. Because of the foregoing conditions, I direct the State Health Officer and Surgeon General, Dr. Scott Rivkees, to declare a public health emergency in the State of Florida, pursuant to his authority in section 381.00315, Florida Statutes. The State Health Officer is authorized and directed to use his judgment as to the duration of this public health emergency.

Section 2. In accordance with section 381.0011(7), Florida Statutes, I direct the State Health Officer to take any action necessary to protect the public health.

Section 3. I direct the State Health Officer to follow the guidelines established by the CDC in establishing protocols to control the spread of COVID-19 and educate the public on prevention.

Section 4. In accordance with section 381.0011(7), Florida Statutes, I designate the Florida Department of Health as the lead state agency to coordinate emergency response activities among the various state agencies and local governments. The State Health Officer, or his designee, shall advise the Executive Office of the Governor on the implementation of these emergency response activities.

Section 5. All actions taken by the State Health Officer with respect to this emergency before the issuance of this Executive Order are ratified.

Section 6. The Florida Department of Health will actively monitor, at a minimum, all persons meeting the definition of a Person Under Investigation (“PUI”) as defined by the CDC for COVID-19 for a period of at least 14 days or until the PUI tests negative for COVID-19. Active monitoring by the Florida Department of Health will include at least the following:

- A. Risk assessment within 24 hours of learning an individual meets the criteria for a PUI.
- B. Twice-daily temperature checks.

Section 7. The Florida Department of Health, pursuant to its authority in section 381.00315, Florida Statutes, will ensure that all individuals meeting the CDC’s definition of a PUI are isolated or quarantined for a period of 14 days or until the person tests negative for COVID-19.

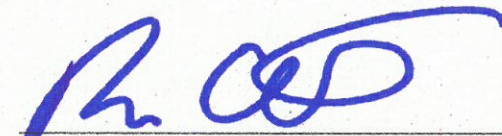
Section 8. I hereby direct the Florida Department of Health to make its own determinations as to quarantine, isolation and other necessary public health interventions as permitted under Florida law.

Section 9. I direct all agencies under the direction of the Governor to fully cooperate with the Florida Department of Health, and any representative thereof in furtherance of this Order.

Agencies not under the direction of the Governor are requested to provide such assistance as is required.

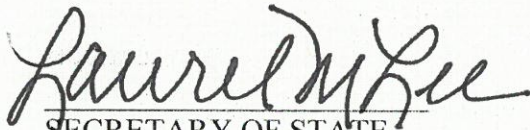


IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, this 1st day of March, 2020.



RON DESANTIS, GOVERNOR

ATTEST:



SECRETARY OF STATE

2020 MAR - 1 PM 9:31
TALLAHASSEE, FLORIDA

FILED



Village of Palm Springs

Executive Brief

AGENDA DATE: March 20, 2020

DEPARTMENT: Administration

ITEM 3.2: Resolution No. 2020-11 - Permit Village Council to Attend/Participate in Council Meetings Via Communication Media Technology During Absence & State of Emergency

SUMMARY: The proposed Resolution would provide the members of the Village Council with the opportunity to participate and vote by communications media technology in a Council meeting (when they are absent and excused) where there is a physical quorum of the Village Council during the meeting. Council members would only be able to participate provided that the Village Council determines that an extraordinary circumstance exists to justify/enable the absent Council Member to participate by electronically.

Note: If approved, the absent Council member would not be allowed to participate by phone in a quasi-judicial hearings during these meetings.

Additionally, the proposed Resolution, if approved, would also provide the entire Village Council with the ability to attend a Council meeting through electronic means provided that adequate safeguards are in place to provide for public participation. This type of meeting where the Council may use communications media technology would only be permitted during a declared state of emergency by the Federal, State, County or local governments, which would generally include a significant disaster, disease or other issue where it is advocated to limit or prohibit public gatherings.

FISCAL IMPACT:

There is no direct fiscal impact to the Village.

ATTACHMENTS:

Resolution No. 2020-11 - Permit Meeting Participation by Council via Communication Media Technology

RESOLUTION NO. 2020-11

A RESOLUTION OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, PROVIDING THAT A MEMBER OF THE COUNCIL, WHO IS ABSENT, WITH EXCUSE, MAY PARTICIPATE IN A COUNCIL MEETING BY COMMUNICATIONS MEDIA TECHNOLOGY; FURTHER PROVIDING THAT IN THE EVENT OF A STATE OF EMERGENCY THE COUNCIL MAY BE ALLOWED TO USE COMMUNICATIONS MEDIA TECHNOLOGY IN ORDER TO HOLD A MEETING WITHOUT PHYSICALLY BEING PRESENT FOR THE MEETING; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village Council hereby provides that a member of the Council, who is absent, with excuse, shall be allowed to participant in a Council meeting by communications media technology; and

WHEREAS, the Village Council further provides that during a declared state of emergency the Village Council may be allowed to use communications media technology by its members to attend a Council meeting; and

WHEREAS, the approval of this Resolution is in the best interests of the residents of the Village of Palm Springs.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA:

Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

Section 2. The Village Council hereby provides that a member of the Village Council who is absent, with excuse, may participate and vote by communications media technology in a Council meeting where there is a physical quorum present at the physical meeting site and where the Council determines that extraordinary

circumstances exist to justify the Council allowing the Member to participate by telephone. However, a Council member shall not be allowed to participate by phone in a quasi-judicial hearings.

Section 3. The Village Council further provides that during a declared state of emergency by the Federal, State, County or local governments that involves a disaster, disease or other issue where it is advocated to limit or prohibit public gatherings then the Council may use communications media technology to attend a Council meeting provided that adequate safeguards are in place to provide for public participation.

Section 4. Severability. If any clause, section, or other part or application of this Resolution shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered as eliminated, and so not affecting the validity of the remaining portions or applications remaining in full force and effect.

Section 5. Conflicts. All Resolutions or parts of Resolutions in conflict herewith are to the extent of such conflicts hereby repealed.

Section 6. Effective Date. This Resolution shall take effect immediately upon its adoption.

Council Member _____ offered the foregoing resolution. Council Member _____ seconded the motion, and upon being put to a vote, the vote was as follows.

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
BEV SMITH, MAYOR	☐	☐	☐
JONI BRINKMAN, VICE MAYOR	☐	☐	☐
PATTI WALLER, MAYOR PRO TEM	☐	☐	☐
DOUG GUNTHER, COUNCIL MEMBER	☐	☐	☐
GARY READY, COUNCIL MEMBER	☐	☐	☐

The Mayor thereupon declared the Resolution duly passed and adopted this _____ day of 2020.

VILLAGE OF PALM SPRINGS, FLORIDA

BY: _____
BEVERLY SMITH, MAYOR

ATTEST:

BY: _____
KIMBERLY M. WYNN, VILLAGE CLERK

REVIEWED FOR FORM AND LEGAL SUFFICIENCY

BY: _____
GLEN J. TORCIVIA, VILLAGE ATTORNEY

VILLAGE OF PALM SPRINGS
NOTICE OF SPECIAL MEETING
_____, 2020

Due to the pending Novel Coronavirus Disease 2019 (COVID-19) and Federal, State and Palm Beach County's Declarations of State of Emergency, the Village of Palm Springs will be conducting the _____, 2020 Special Meeting via Communication Media Technology ("CMT"). Use of CMT will allow the Village to have Village Council meetings as necessary during the COVID-19 pandemic. The following specific information is provided as to the _____, 2020 Special Meeting:

(1) The Meeting will be held at Village Hall, 226 Cypress Lane, Palm Springs, Florida. A physical access point will be Village Hall Council Meeting Room (Chambers), which is normally open to the public. In keeping with social distancing and limiting gatherings to less than 10 persons, once a physical access point reaches capacity, another physical access point will be opened to the public.

(2) Persons interested in attending the meeting may go to Village Hall to an available physical access point.

(3) If the physical access point at Village Hall Council Meeting Room (Chambers) is full, the Village will provide access via video with closed captions and/or via audio access at other physical access point(s).

(4) Interested persons may also access the meeting online at: _____ or via teleconference at: _____. Interested persons are encourage to utilize these alternative access points in keeping with social distancing. After the Meeting, the audio recording will be available by contacting the Office of the Village Clerk.

(5) If interested persons need more information, they may contact the Office of the Village Clerk at 226 Cypress Lane, Palm Springs, FL; email the Office of the Village Clerk at: _____ or call the Office of the Village Clerk at (561)____ - _____.

(6) In order to address the concerns with the COVID-19, for this Meeting, public comment will be handled as follows: If an interested person desires to provide public comment, all comments must be directed to the Office of the Village Clerk at the above provided physical address, e-mail address or by telephone. The Village will receive such public comment up to fifteen (15) minutes before the start of the Meeting. If timely received by the Office of the Village Clerk, the _____ will read the public comment at the Meeting.

Consistent with section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the Village Council 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.

ADA Notice