

**RESOLUTION No. 20-236**

**A RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, IN ACCORDANCE WITH THE FLORIDA GOVERNOR'S EXECUTIVE ORDER 20-69 (AS AMENDED), ADOPTING RULES OF PROCEDURE FOR HYBRID MEETINGS OF THE CITY COUNCIL THAT TAKE PLACE DURING THE PENDENCY OF THE STATE OF EMERGENCY DUE TO THE COVID-19 PANDEMIC; PROVIDING FOR IMPLEMENTATION; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, it is well established in opinions issued by the Florida Attorney General that in order to establish a quorum, the requisite number of members must be physically present in the room, and if that quorum is physically present, the participation of an absent member by telephone/video is permissible due to extraordinary circumstances; and

**WHEREAS**, the Center for Disease Control and Prevention has advised that in order to slow the spread of COVID-19, individuals should adopt far-reaching social distancing measures; and

**WHEREAS**, on March 20, 2020, the Governor of the State of Florida issued Executive Order 20-69 suspending the requirements of Section 112.286, Florida Statutes and the Florida Sunshine Law, that a quorum to be present in person, and that a local government body meet at a specific public place; and

**WHEREAS**, the Executive Order also allows local government bodies to utilize communications media technology, such as telephonic and video conferencing for local government body meetings as provided in 120.54(5)(b)(2), F.S.; and

**WHEREAS**, the Executive Order does not waive any other requirement under the Florida Constitution and the Florida Sunshine Law, including Chapter 286 F.S.; and

**WHEREAS**, the Executive Order and its subsequent amendments, expired on November 1, 2020.; and

**WHEREAS**, on April 1, 2020, the City of Doral created a Communication and Media Rules policy for virtual meetings, which has been utilized since April 22, 2020; and

**WHEREAS**, the Mayor and the City Council wish to move into a hybrid meeting format where a quorum of members of the City Council is physically present in the room, while applicants and members of the public can attend the meeting virtually; and

**WHEREAS**, the Mayor and the City Council find that if a member of the City Council feels unsafe attending a meeting in person due to the risks associated with the COVID-19 pandemic, and instead wishes to attend the meeting virtually, that is considered an “extraordinary circumstance” thereby allowing the Councilmember to attend the meeting in that fashion so long as there is a physical quorum present in the room; and

**WHEREAS**, the Mayor and the City Council wish to adopt Rules of Procedure for hybrid meetings of the City Council; and

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:**

**Section 1. Recitals.** The above recitals are confirmed, adopted, and incorporated herein and made a part hereof by this reference.

**Section 2. Adoption.** The Mayor and City Council of the City of Doral hereby approve and adopt the Rules of Procedure attached hereto as Exhibit “A”.

**Section 3. Implementation.** The City Manager and the City Attorney are hereby authorized to take such action as may be necessary to implement the provisions

of this Resolution.


**Section 4. Effective Date.** This resolution shall take effect immediately upon adoption.

The foregoing Resolution was offered by Councilmember Mariaca who moved its adoption. The motion was seconded by Councilmember Puig-Corve and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Pete Cabrera	Yes
Councilwoman Digna Cabral	Yes
Councilwoman Claudia Mariaca	Yes
Councilman Oscar Puig-Corve	Yes

PASSED AND ADOPTED this 16 day of December, 2020.

ATTEST:

  
\_\_\_\_\_  
CONNIE DIAZ, MMC  
CITY CLERK

  
\_\_\_\_\_  
JUAN CARLOS BERMUDEZ, MAYOR

APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:

  
\_\_\_\_\_  
LUIS FIGUEREDO, ESQ.  
CITY ATTORNEY

# EXHIBIT “A”



**RULES OF PROCEDURES FOR HYBRID MEETINGS/HEARINGS**  
**OF THE DORAL CITY COUNCIL**  
**(LEGISLATIVE AND QUASI-JUDICIAL)**  
**CORONAVIRUS/COVID-19**

These rules are established in accordance with the Florida Governor’s Executive Order 20-69 (as amended), Chapter 252 and Section 120.54(5)(b)(2), F.S. These rules are established for hybrid meetings of the City Council where a quorum of the members of the City Council is present in the chambers<sup>1</sup> while applicants<sup>2</sup> and the public attend the meeting virtually. These rules apply to all City Council meetings and are intended to address legislative and/or quasi-judicial items. The City Manager is provided with the authority to determine when advisory board meetings may begin in a hybrid format, unless Emergency Order 20-69 is not extended past October 1, 2020 at which point all boards must meet, in person, with a quorum present the room and the public attending virtually. This action is taken in response to the Coronavirus/COVID-19 pandemic in order to comply with social distancing recommendations intended to protect the life and safety of individuals in the community. Accordingly, City Hall shall remain closed to the public.

**PLATFORM:**

The video conference platform GoToMeeting / GoToWebinar will be used for public participation for legislative and/or quasi-judicial items during hybrid City Council meetings. In accordance with Sections 2-02 of the City Charter, the Mayor shall preside over meetings of the Council, or the respective Chair of the board conducting a legislative and/or quasi-judicial hybrid meeting (“Mayor/Chair”) will administer the meeting with technical assistance from the Information Technology Department.

Video of the meeting occurring in City Council chambers will be streamed on the City’s website at [www.cityofdoral.com](http://www.cityofdoral.com), on the Doral Television Channel 77 and on Facebook Live.

**NOTICE:**

The hybrid meeting/hearing will be noticed in the same manner and at the same locations as all City Council meetings/hearings are noticed (including mailed notice, as may be required by the City Code or Zoning Code). The links to participate in the legislative and/or quasi-judicial hearing will be provided by the City Clerk to all requesting to participate in the hearing. Additionally, instructions on how to provide comments via email will be provided everywhere that the meeting/hearing is noticed.

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<sup>1</sup> While the City remains in a State of Emergency due to the COVID-19 pandemic, the existence of the pandemic is hereby determined to constitute an “extraordinary circumstance.” (See AGO 03-41)

<sup>2</sup> Applicants can attend their quasi-judicial hearing in person by submitting a request to the City Clerk. The hearing will be set for a time certain.



All notices will provide that any person needing an accommodation in order to listen to or participate in the meeting should contact the City Clerk at [cityclerk@cityofdoral.com](mailto:cityclerk@cityofdoral.com).

**STAFF/PUBLIC PARTICIPATION:**

Members of City staff presenting an item on the agenda should enter the Council chambers one at a time to present the item and promptly exit the chambers after the presentation is complete.

The public may comment on an item on the agenda prior to the beginning of the meeting, by emailing [cityclerk@cityofdoral.com](mailto:cityclerk@cityofdoral.com).

Before each legislative and/or quasi-judicial item is voted on, the Mayor/Chair will allow for public comment through the GoToMeeting / GoToWebinar platform. When the Mayor/Chair acknowledges an individual, only that individual will be permitted to speak at a time.

In addition, the Mayor/Chair will request that the City Clerk read any comments or emails received relating to that particular item into the record.

The Mayor/Chair may exercise his or her authority to limit the length of time provided to an individual for public comment

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/hearing, prior to the date of the meeting.

**QUASI-JUDICIAL HEARINGS:**

Hybrid 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 a portion of the hearing:

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 City Clerk, seven (7) days prior to the hearing, in a format that is easily viewable on the virtual platform. All exhibits shall be clearly labeled to allow for efficient retrieval and display on the virtual platform during the hearing.

Testimony/Public Participation: The applicant shall present via a virtual platform unless the applicant requests in writing twenty-one (21) days prior to the hearing for an in-person hearing. If the applicant chooses to present via a virtual platform, a "Release and Indemnification" needs to be filed with the City Clerk. If the applicant requests an in-person hearing, the hearing will be set for a time certain. A list of all individuals who will be called as witnesses during the hearings, shall be provided to the City Clerk, seven (7) days prior to the hearing.<sup>3</sup>

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<sup>3</sup> This requirement shall not apply to objectors at a zoning hearing.



At the beginning of the hearing, the City 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 unless the applicant has requested an in-person hearing. A phone number 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 City Clerk shall administer the oath to any individual who is appearing by video conference or phone and shall establish the identity of the witness on the record as well as the witness's consent for the hearing to be recorded.

The Mayor/Chair will allow for public comment using the GoToMeeting / GoToWebinar platform after the parties have concluded the presentation of their cases and before a vote is taken. In addition, the Mayor/Chair will request that the City Clerk read any emails sent about the matter that is 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 failure to read a comment shall not have any impact on the validity of the final determination.

In addition, comments to be considered during the hearing may be provided prior to the beginning of the meeting, by emailing the City Clerk at [cityclerk@cityofdoral.com](mailto:cityclerk@cityofdoral.com).

The Mayor/Chair may exercise his or her authority to limit the length of time provided to an individual for public comment.

**MINUTES:**

Minutes and a recording of the meeting will be kept as customary.