

Resolution # 2020-013

WHEREAS, the Gadsden County Board of County Commissioners have met and considered the substantial likelihood of an emergency condition being caused by Novel Coronavirus Disease 2019 (COVID-19), and the fact that there is a likelihood of potential injury to the population beginning March 13th, 2020;

WHEREAS, given the directives from the President Donald J. Trump and Governor Ron DeSantis and Gadsden County Resolution 2020-012, the Chairman of the Gadsden County Board of County Commissioners was empowered to protect the health and safety of the County;

WHEREAS, the Chairman has declared that a state of emergency continues to exist within the County; and

WHEREAS, the Chairman hereby amends Resolution 2020-012 to reflect the changes contained herein; and

WHEREAS, Novel 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, respectively; and

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

WHEREAS, in response to the recent COVID-19 outbreak in China, Iran, Italy, Japan 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, on March 1st, 2020, Governor DeSantis issued Executive Order Number 20-51 directing the Florida Department of Health to issue a Public Health Emergency; and

WHEREAS, on March 1st, 2020, the State Surgeon General and State Health Officer Public Health Emergency exists in the State of Florida as a result of COVID-19; and

WHEREAS, on March 7th, 2020, Governor DeSantis directed the Director of the Division of Emergency Management to activate the State Emergency Operations Center to Level 2 to provide coordination and response to the COVID-19 emergency; and

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

WHEREAS, on March 11, 2020, COVID-19 has been declared a Global Pandemic by the World Health Organization (the "WHO"); and

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

WHEREAS, on March 17th, 2020, Governor DeSantis issued Executive Order Number 20-68, the findings of which are incorporated adopted as though fully set forth herein; and

WHEREAS, on March 19th, 2020, Attorney General Ashley Moody issued Florida Attorney General Advisory Legal Opinion Number AGO 2020-03 stating that it was her opinion that under existing law, if a quorum is required to conduct official business, local government bodies may only conduct meetings by teleconferencing or other technological means if either (1) a statute permits a quorum to be present by means other than in person, or (2) the in-person requirement for constituting a quorum is lawfully suspended during the state of emergency. The Opinion further provided that if such meetings are conducted by teleconferencing or other technological means, public access must be afforded which permits the public to attend the meeting and that public access may be provided by teleconferencing or technological means; and

WHEREAS, on March 20th, 2020, approximately thirty-two (32) counties in Florida have positive cases for COVID-19, and COVID-19 poses a risk to the entire state of Florida; and

WHEREAS, on March 20th, 2020 Governor DeSantis issued Executive Order Number 20-69 suspending 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 permitting local government bodies to utilize communications media technology such as telephone and video conferencing, as provided in Florida Statutes § 120.54(5)(b)2; and

WHEREAS, Executive Order 20-69 does not waive any other requirement under the Florida Constitution and “Florida’s Government in the Sunshine Laws,” including Florida Statutes § 286; 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 twenty (20) seconds, using 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, the CDC currently recommends mitigation measures for communities experiencing an outbreak including staying at home when sick, keeping away from others who are sick, limiting face-to-face contact with others as much as possible, consulting with your healthcare provider if individuals or members of a household are at high risk for COVID-19 complications, wearing a facemask if advised to do so by a healthcare provider or by a public health official, staying home when a household member is sick with respiratory disease

symptoms if instructed to do so by public health officials or a health care provider; and

BE IT RESOLVED, that Gadsden County, Florida is hereby declared to be in a State of Emergency. Due to the rapid escalation of this situation, and the requirement for rapid action, notice of the special meeting of the Board of County Commissioners at which this Resolution was adopted could not be published in the local newspapers. However, reasonable notice under the circumstances was provided in accordance with the Gadsden County Code of Ordinances, as notice was posted on the County's website, at the County's offices, and in all City Halls within the County, and was sent by electronic mail to all addresses on the County's list serve. Further, the Board of County Commissioners hereby exercises its authority and waives the procedures and formalities required by law of a political subdivision pursuant to the provisions enumerated in Florida Statutes § 252.38; and

While the State of Emergency continues to exist, the County shall have the power and authority to carry on those activities set forth in Fla. Stat. § 252.38, including but not limited to: appropriate and expend funds; make contracts; obtain and distribute equipment, materials, and supplies for emergency management purposes; provide for the health and safety of persons and property, including emergency assistance to the victim of any emergency; to limit the size of gatherings taking place within the County for a period during this State of Emergency to a maximum of ten (10) individuals; and direct and coordinate the development of the emergency management plans and protocols in accordance with the plans and policies set forth by the Federal and State Emergency Management agencies; and

During this State of Emergency, pursuant to Chapter 2, Article II, Division 2, Section 2-42(f) of the Gadsden County Code of Ordinances, the County may call emergency meetings which bypass the notice conditions required by the Code. Such emergency meetings shall not be required to be held at the normal meeting times as set forth in the Code; and

During this State of Emergency, all private educational institutions, specifically Robert F. Munroe Day School, Tallavana Christian School, and Crossroad Academy Charter School, shall not gather in groups of larger than ten (10) individuals and shall facilitate virtual instruction of students until at least April 15th, 2020; and

During this State of Emergency, the Gadsden County Board of County Commissioners hereby empowers the Chairman of the Gadsden County Board of County Commissioners (or his designated representative) with the following powers:

To appoint, employ, remove, or provide, with or without compensation, coordinators, rescue teams, fire and police personnel, and other emergency management workers; and

To establish, as necessary, a primary and one or more secondary emergency operating centers to provide continuity of government and direction and control of emergency operations; and

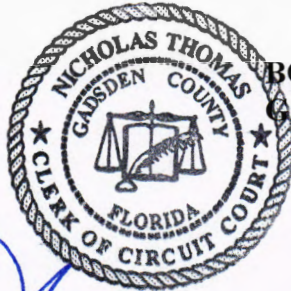
To assign and make available for duty the offices and agencies of Gadsden County, including the employees, the property or equipment thereof relating to firefighting, engineering,

rescue, health, medical and related services for emergency operation services, as the primary emergency management forces of the political subdivision for employment within or outside the political limits of the subdivision; and

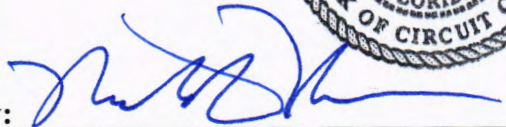
To request State assistance or invoke emergency-related mutual-aid assistance by declaring a local State of Emergency in the event of an emergency affecting only one political subdivision. The duration of this State of Emergency declared locally is limited to seven (7) days; it may be extended (or terminated) as necessary by the Chairman of the Gadsden County Board of County Commissioners, in seven-day increments, without further affirmative action from the Board.

By special order of the Chairman of the Gadsden County Board of County Commissioners on this 20th day of March 2020.

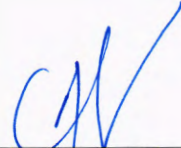
ATTEST:



BOARD OF COUNTY COMMISSIOENRS
GADSDEN COUNTY, FLORIDA

By: 

Nicholas Thomas
Clerk of the Circuit Court

By: 

Anthony O. Viegbesie, Ph.D.
Chairman