**RESOLUTION OF THE BOARD OF TRUSTEES CONCERNING THE TELEPHONE PARTICIPATION POLICY DURING THE PUBLIC EMERGENCIES**

**WHEREAS,** on March 22, 2018, the City of Hollywood Employees Retirement Fund adopted an Attendance and Telephone Participation Policy (the "Policy') and the Policy is still in effect; and

WHEREAS, THE Policy has since been amended; and

**WHEREAS,** the Policy contains a section titled, "Telephone Participation," which provides for limitations on the attendance of members of the Board of Trustees at meetings and sets forth the limited circumstances under which members of the Board of Trustees may attend meetings by telephone; and

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

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

**WHEREAS,** on March 16, 2020, President Trump and the Center for Disease Control and Prevention issued a "15 days to slow the spread" guidance advising individuals to adapt far-reaching social distancing measures, such as working from home and avoiding gatherings of 10 or more people; and

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

**WHEREAS,** on March 19, 2020, the Attorney General delivered an opinion to Governor DeSantis indicating that certain provisions of Florida law requires that in certain circumstances, a physical quorum must be present for local government bodies to conduct official business, and that in those circumstances, 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,** Governor DeSantis, in order to take necessary and appropriate action to ensure that COVID-19 remained controlled, and that residents and visitors in the State of Florida remained safe and secure, issued Executive Order 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 specified public place, and that local government bodies may utilize communications media technology, such as telephonic and videoconferencing, as provided in Section 120.54(5)(b) 2., Florida Statutes; and

**WHEREAS**, the Board's Attendance and Telephone Participation Policy was adopted prior to Executive Order 20-69, and its provisions were based in large measure on compliance with Florida's Government in the Sunshine Law, Chapter 286 Florida Statutes, and the Attorney General's Opinions; and

**WHEREAS**, the Board of Trustees adopted its Policy Concerning Telephone Participation during Public Emergencies in April, 2020; and

**WHEREAS**, Executive Order 2020-69 was extended numerous times and was allowed to expire on October 31, 2020; and

**WHEREAS**, effective March 25, 2020 the Mayor of the City of Hollywood declared a State of Emergency in the City of Hollywood, "in view of the imminent threat caused by the Coronavirus Disease 2019 (Covid 19)"; and

**WHEREAS,** the Mayor of the City of Hollywood has used additional declarations of states of emergencies, but not are presently in effect;

**WHEREAS**, on December 9, 2020, the City Manager of the City of Hollywood issued an "Administrative Policy for Conducting Public Meetings Utilizing Communication Media Technology During Public Health State of Emergencies," ("Administrative Policy"); and

**WHEREAS**, that Administrative Policy provides, among other things, that members of City Boards shall, "be able to attend and participate in meetings using communication media technology during a declared State of Emergency, including the currently declared COVID -19 State of Emergency. This Administrative Policy provides a means in which the City Commission/Boards meetings may continue to be conducted and held without the presence of an in- person quorum so long as any meetings strictly adhere to any and all other requirements under the Florida Constitution and Florida's Government in the Sunshine Laws, including Chapter 286, Florida Statutes and utilize Communication media technology as provided in Section 120.54(5)(b)(2)., Florida Statutes." and

WHEREAS, the City’s “Administrative Policy for Conducting Public Meetings Utilizing Communication Media Technology during Public Health State Of Emergencies”, is no longer in effect; and

WHEREAS, during the period of July 1, 2021 -August 12, the City had 69 employees report that they tested positive for COVID -19; and

WHEREAS, ON August 16, 2021 the Director of the Department of Human Resources issued File:HR-21-269, which closes City Hall and all City facilities to the public on August 23, 2021, if COVID -19 infection rates in Broward County remain at approximately the current high levels or continue to rise; and

WHEREAS, the Board has previously adopted the first two Resolution clauses below; and

WHEREAS, the Board is desirous of adding an additional waiver of portions of the Attendance and Telephone Participation Policy, as set forth below;

Now therefore be it:

**RESOLVED**, that the telephone participation portions of the Attendance and Telephone Participation Policy are hereby waived during the period of time that the City is under a declared State of Emergency and a Policy, rule, regulation or order of any entity which has authority to declare a state of emergency or issue Emergency orders; ~~of the City~~ permits or requires the Board to meet entirely utilizing communications media technology; and

**RESOLVED**, that the telephone participation portions of the Attendance and Telephone Participation Policy are automatically waived at any time in the future if either a statute permitting a quorum to be present by means other than in person is passed, or ~~the~~ an in-person requirement for constituting a quorum is lawfully suspended during a declared state of emergency; and

**RESOLVED**, that the telephone participation portions of the Attendance and Telephone Participation Policy are automatically waived at any time in the future if City Hall is closed due to a pandemic or natural disaster.