

RESOLUTION NO. 2020-04

A RESOLUTION OF THE TAMPA BAY AREA REGIONAL TRANSIT AUTHORITY IMMEDIATELY SUSPENDING ALL PROVISIONS OF TBARTA'S BYLAWS REQUIRING THE PHYSICAL PRESENCE OF A QUORUM OF THE MEMBERS OF THE GOVERNING BOARD OR TBARTA'S COMMITTEES AT MEETINGS OR REQUIRING GOVERNING BOARD OR COMMITTEE MEETINGS TO BE HELD AT ANY CERTAIN PHYSICAL LOCATION; AUTHORIZING BOARD MEETINGS TO BE CONDUCTED BY COMMUNICATIONS MEDIA TECHNOLOGY DURING THE COVID-19 PUBLIC HEALTH EMERGENCY

WHEREAS, the Tampa Bay Area Regional Transit Authority ("TBARTA"), is the body politic and corporate, and agency of the State of Florida was created by part V of chapter 343, Florida Statutes, covering the five-county area comprised of Hernando, Hillsborough, Pasco, Pinellas, and Manatee counties; and

WHEREAS, pursuant section 343.922(5), Florida Statutes, the Governing Board of TBARTA on August 25, 2017, adopted Bylaws, which were subsequently amended on June 22, 2018 ("Bylaws"), providing for the internal governance of TBARTA, including the regulation of its affairs and the conduct of its business, and reciting quorum and voting requirements for meetings, and providing rules for the conduct of meetings, as provided by section 343.92(5), (8), Florida Statutes; 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, on March 1, 2020, the Governor of the State of Florida 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 1, 2020, the State Surgeon General and State Health Officer of the State of Florida declared a Public Health Emergency exists in the State of Florida as a result of COVID-19; and

WHEREAS, on March 9, 2020, the Governor of the State of Florida 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 12, 2020, the World Health Organization declared COVID-19 a global pandemic; and

WHEREAS, cases of COVID-19 have been confirmed in every county in which TBARTA operates and continue to increase; 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 working from home and avoiding gatherings of more than 10 people; and

WHEREAS, on March 25, 2020, President Donald J. Trump declared that a major disaster exists in the State of Florida due to COVID-19 and ordered federal assistance to supplement state, tribal, and local recovery efforts; and

WHEREAS, on March 20, 2020, the Governor of the State of Florida issued Executive Order 20-69 as a result of COVID-19 suspending all Florida Statutes that require a quorum to be present in person at local government public meetings or require a local government body to meet at a specific public place; and

WHEREAS, Executive Order 20-69 therefore has suspended the requirements of a quorum set forth in part V, chapter 343, Florida Statutes, including but not limited to the requirements of section 343.92(8), and the requirement of section 343.922(5)(h) that the bylaws shall provide for quorum requirements; and

WHEREAS, Executive Order 20-69 further authorized local government bodies to utilize communications media technology, such as telephonic and video conferencing, as provided in section 120.54(5)(b)2 to conduct their public meetings; and

WHEREAS, the Governor of the State of Florida has broad powers during a declared state of emergency, including the power to take measures concerning the calling of public meetings and gatherings, which necessarily includes the quorum required to conduct official business; and

WHEREAS, pursuant to section 252.35(1)(b), Florida Statutes, executive orders of the Governor of the State of Florida issued during a declared state of emergency have the force and effect of law; and

WHEREAS, the Governing Board of TBARTA finds that COVID-19 presents an immediate, bona fide emergency and serious risk to the public health, safety, and welfare; and

WHEREAS, the Governing Board affirms and accepts the Governor's declaration of emergency; and

WHEREAS, the Governing Board of TBARTA further finds that, to assist with controlling the spread of COVID-19 and protect the health and safety of the public, while ensuring TBARTA's continued ability to conduct and transact its public business and functions, it is necessary and appropriate to immediately suspend all provisions of the Bylaws that require a quorum of the members of TBARTA'S Governing Board and its committees to be physically present to take official action at public meetings or requiring such meetings to be held at a physical location, and instead conduct all public meetings of the Governing Board and the committees remotely by communications media technology.

NOW, THEREFORE, BE IT RESOLVED by the TBARTA Governing Board that:

1. The Governor's Executive Order suspending all provisions of the Bylaws adopted pursuant to section 343.922(5)(h) which require public meetings of the Governing Board and TBARTA's committees to be conducted in a physical location, or that require a quorum of the Governing Board members or committee members to be physically present at public meetings in order for the Governing Board or committees to take official action is confirmed and all such provisions are suspended and waived.
2. Public meetings of the Governing Board and TBARTA's committees shall be conducted remotely by communications media technology.
3. The communication media technology by which each public meeting is conducted pursuant to this resolution shall:
 - a. Provide members of the public who wish to participate with access to the meeting free of charge;
 - b. Provide the public with access to observe or listen to all communications, votes, and discussions of each member of the Governing Body and the discussions of all other persons who participate in the meeting;
 - c. Provide methods for the public to submit comments electronically and/or telephonically during or in advance of the meeting which shall be read into or otherwise made part of the record of the meeting;
 - d. Provide the public with reasonable notice of the meeting, which, in addition to meeting other applicable requirements of the Bylaws and applicable Florida law, shall provide specific information on how the public can participate in the meeting, including an offer of accommodation under the ADA upon request in advance of the meeting;
 - e. The meeting shall be suspended in the event of a failure or interruption in the communication media technology, until the failure or interruption is repaired and if unable to be repaired, the meeting shall be terminated; and
 - f. During any meeting held remotely by communications media technology, all votes shall be done by roll call.
4. The Governing Body shall provide for and cause to be implemented such further procedures and technologies which it deems necessary or appropriate to provide the public with access to meetings conducted pursuant to this resolution.

5. Nothing in this resolution shall be construed to suspend or waive any requirements of the Bylaws or other policies and procedures of TBARTA regarding the conduct of meetings of the Governing Body or committees except for as specifically provided in this resolution.
6. In the event any portion of this resolution is declared invalid by a court of competent jurisdiction, the invalid provision shall be severed and the remainder of this resolution shall remain continue in force and effect to the maximum extent possible.
7. This Resolution shall take effect immediately upon its approval and adoption and shall expire at the expiration of Executive Order 20-52, including any extension.

APPROVED AND ADOPTED by the Governing Board of TBARTA this _____ day of _____, 2020.

(SEAL)

FOR THE GOVERNING BOARD

ATTEST:

By: _____
Chair

By: _____
Secretary-Treasurer

By: _____
General Counsel