

Administrative Policy

City of Key West Employees' Retirement Fund

Governing the Use of Audio-Video conferencing or Teleconferencing to Conduct Virtual Public Board of Trustee Meetings

BACKGROUND

Florida Statute, §286.011 governs Florida's Sunshine law. Pursuant to this section, "[a]ll meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision . . . at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting. . .";

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;

On March 9, 2020, by Executive Order 20-52, the Governor of Florida declared a state of emergency for the entire State of Florida as a result of COVID-19;

On March 16, 2020, the President of the United States and the Centers for Disease Control and Prevention recommended individuals to practice significant social distancing measures including but not limited to working from home and avoiding gatherings of more than 10 people.

AUTHORITY

On March 20, 2020, the Governor of Florida issued Executive Order 20-69 suspending any Florida Statute requiring a physical quorum be present for a local government body to meet at a specific public place. Pursuant to Executive Order 20-69, government bodies may utilize audioconferencing and or teleconferencing to conduct its public meeting. This Executive Order expires May 8, 2020, unless extended by the Governor.

City Code, Section 46-61 vests control, management, operation and administration of the Plan in the Board of Trustees (the "Board"). The Board is also authorized to adopt administrative policies necessary for the proper operation of the Plan. Section 46-71(12) provides that the Board may establish a uniform set of rules and regulations for the management of the Plan.

ADMINISTRATIVE POLICY

1. Effective March 20, 2020, this board may conduct its meetings and meet the quorum requirements via audio-video conferencing and or teleconferencing.
2. Public participation is of the utmost importance; therefore, the Board may choose to use either audio-video conferencing or teleconferencing communication to conduct virtual meetings.
3. If the Board chooses to use audio-video conferencing it may use software which allows for

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maximum public participation. For example, those platforms may include: (a) Zoom, (b) GoTo Meeting, (c) Microsoft Teams, which provides a feature for ADA compliance and close captioning, or (d) WebX.

4. The meeting notice will provide an e-mail address where the public can submit questions and or comments. Any such comments or questions will be read aloud during the public comment section of the meeting agenda.
5. In the event the Board chooses to use teleconferencing communication, it will take such steps as are necessary to effectuate public access, including any applicable email and telephone access point.
6. In the event the local government requires meetings to be live streamed, the Board will comply with those requirements through the City or Town system.
7. The meeting notice will state that any individuals needing ADA accommodations to attend a virtual meeting should contact the City Clerk/Plan Administrator at least 48 hours prior to the meeting at [phone number]. The Notice shall also identify the specific type of audio-video conferencing to be used and include instructions on how to join and participate virtually.
8. In the event the available technology is insufficient to permit all interested parties to attend and participate, the virtual meeting must be terminated until such time as the problem has been resolved. There is no obligation for the Board to provide communication devices for public use.
9. All other Sunshine law provisions must be followed including: (a) posting of meeting Notice, (b) taking of meeting minutes, and (c) making minutes available for public inspection.
10. The meeting notice must also contain information regarding the means to access the virtual meeting as well as the agenda.
11. This Administrative Policy will remain in effect until May 8, 2020 unless Executive Order 20-52 is extended by the Governor of Florida, in which case this Policy shall be extended for as long as the Executive Order is in effect.

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The Board reserves the right to amend this Administrative Policy from time to time as it deems appropriate. The Board shall retain the right to exercise its discretion in interpreting this rule and in resolving any disputes that may arise hereunder. Nothing in this Administrative Policy creates a contractual or substantive right for benefits from the Plan.

This Administrative Policy was adopted by the Board of Trustees at a public meeting, on _____, 2020.

Chair

Secretary