CITY OF SANIBEL

PROCLAMATION NO. 20-041

AN EMERGENCY PROCLAMATION OF THE MAYOR OF THE CITY OF SANIBEL RELATING TO THE DECLARED STATE OF LOCAL EMERGENCY RESULTING FROM THE OUTBREAK OF THE CORONAVIRUS DISEASE (COVID-19); EXTENDING THE DECLARED STATE OF LOCAL EMERGENCY; MODIFYING THE MANDATE ON THE USE OF FACE COVERINGS; CANCELLING CERTAIN PUBLIC MEETINGS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, COVID-19 is a respiratory illness caused by a virus that spreads rapidly from person to person and may result in serious illness or death; and

WHEREAS, on March 1, 2020, the Governor of Florida issued Executive Order Number 20-51, directing the State Health Officer and Surgeon General to declare a Public Health Emergency due to the discovery of COVID-19 in Florida; and

WHEREAS, on March 9, 2020, the Governor of Florida issued Executive Order Number 20-52, declaring a State of Emergency for the state of Florida related to COVID-19 and enacting the powers of political subdivisions to exercise its powers under Section 252.38, Florida Statutes; and

WHEREAS, on March 18, 2020, the City Council of the City of Sanibel passed Proclamation and Resolution Number 20-011, declaring a State of Local Emergency for the City of Sanibel, resulting from the outbreak of COVID-19; and

WHEREAS, the State of Local Emergency has been extended by Proclamation each week since the initial declaration, because the still-existent dangers from COVID-19 constitute a clear and present threat to the lives, health, welfare, and safety of the people of the City of Sanibel; and

WHEREAS, on April 29, 2020, the Governor of Florida issued Executive Order 20-112, (Phase 1: Safe. Smart. Step-by-Step. Plan for Florida’s Recovery); and

WHEREAS, on June 3, 2020, the Governor of Florida issued Executive Order 20-139 Phase 2: Safe. Smart. Step-by-Step. Plan for Florida’s Recovery); and

WHEREAS, since the majority of Florida moved into Phase 2 of the Recovery and the economy has substantially reopened, more people are coming into contact with one another, and there have been significant increases in COVID-19 case rates throughout the State of Florida and specifically in Lee County; and
WHEREAS, at its June 30, 2020 special meeting, the majority of City Council voted in support of mandating the wearing of face coverings beginning at 12:01 a.m. July 3, 2020, as more specifically described in Proclamation No. 20-040; and

WHEREAS, certain inherent difficulties exist with young children safely wearing face coverings, including their tendencies to more frequently take their face covering on and off, adjust it, or touch it with unclean hands, making it desirable to raise the minimum mandatory age of children to wear face coverings from 2 years old— an age where children are typically not yet able to reason, to 6 years old—the typical age by which most children have started full-time schooling and are able to reason, comprehend, and comply with instruction; and

WHEREAS, Florida’s Sunshine Law requires public meetings of any board or commission of a municipality to be public and have minutes taken, and face coverings create a muffling effect to speakers wearing them which can create difficulties in obtaining a clear record of the meeting, making it desirable to allow those individuals who are properly socially distanced and who are actively participating in such board or commission meetings to not be required to wear a face covering during such meetings; and

WHEREAS, the Historical Preservation Committee and the Vegetation Committee do not have any time-sensitive business that require such committees to meet at their regularly-scheduled meetings on July 9, 2020; and

WHEREAS, Section 252.38(3), Florida Statutes, provides certain emergency powers to political subdivisions, including “taking whatever prudent action is necessary to ensure the health, safety, and welfare of the community”; and

WHEREAS, pursuant to Section 252.46, Florida Statutes, municipalities have the power to issue emergency orders with the force of law; and

WHEREAS, Chapter 22 of the City’s Code authorizes and empowers the Mayor to issue public proclamations declaring a State of Local Emergency; and, during a state of emergency, impose certain prohibitions and restrictions to protect lives and safety, including Section 22-53, which provides that such a proclamation may prohibit or restrict the “operation of offices, business establishments and other places to or from which people may travel or at which they may congregate; and other activities or conditions, the control of which may be reasonably necessary to maintain order and protect lives”; and

NOW, THEREFORE, BE IT PROCLAIMED by the Mayor of the City of Sanibel, Florida:

SECTION 1. Findings. The above recitals are adopted as legislative findings.

SECTION 2. Extension of Declared State of Local Emergency. The State of Local Emergency is hereby extended for a period of seven (7) days, from July 7, 2020 through July 14, 2020, and may be further extended, modified or terminated by written Proclamation of the Mayor or by Resolution of City Council.
SECTION 3. Modification of the Mandate on the Use of Face Coverings. Section 3 of Proclamation 20-040, mandating the use of face coverings, is hereby modified as follows: the section 6(a) exemption for “Children under two years of age” is hereby replaced with “Children under six years of age”; and section 6(j) is hereby added to exempt “Individuals who are properly socially distanced and who are actively participating in a publicly noticed City Council, Planning Commission or other board, committee or commission meeting at which minutes must be taken pursuant to the Florida Sunshine Law.”

SECTION 4. Cancellation of Certain Public Meetings. The July 9, 2020 scheduled meetings of the Historical Preservation Committee and the Vegetation Committee are hereby cancelled.

SECTION 5. Necessary for Protection. This Proclamation is an emergency measure necessary for the protection of the public health, safety, and welfare of the community, due to the serious threat of COVID-19.

SECTION 6. Effective Date. This Proclamation shall take effect immediately upon execution and shall remain in effect through the duration of this State of Local Emergency, unless modified or terminated by written Proclamation of the Mayor or by Resolution of City Council.

AUTHENTICATION:

Kevin Ruane, Mayor

Pamela Smith, City Clerk 1:05 p.m. (Time)

APPROVED AS TO FORM: John D. Agnew, City Attorney Date 7/7/20