

**ANATEE COUNTY BOARD OF COUNTY COMMISSIONERS  
EMERGENCY MEETING  
COUNTY ADMINISTRATIVE CENTER  
1112 Manatee Avenue West  
Bradenton, Florida  
APRIL 10, 2020**

Meeting video link: <https://www.youtube.com/channel/UCUlgjuGhS-qV966RU2Z7AtA>

Present were:

Betsy Benac, Chairman  
Carol Whitmore, First Vice-Chairman  
Misty Servia, Second Vice-Chairman  
Reggie Bellamy, Third Vice-Chairman  
Vanessa Baugh  
Stephen R. Jonsson  
Priscilla Whisenant Trace

Also present were:

Cheri Coryea, County Administrator  
Mitchell O. Palmer, County Attorney  
Vicki Tessmer, Board Records Supervisor, Clerk of the Circuit Court

This meeting was conducted via ZOOM Communications Media Technology as allowed under Executive Order 20-69 issued by the Office of Governor Ron DeSantis on March 20, 2020. Provisions were made for any member of the public desiring to offer public comments to have access to the meeting in the Honorable Patricia M. Glass Chambers.

Chairman Benac called the meeting to order at 1:00 p.m.

**INVOCATION**

The Invocation was delivered by Commissioner Bellamy.

**ROLL CALL**

 John Osborne, Deputy County Administrator, ZOOM Host, explained the process for a Zoom meeting and confirmed all participants were in attendance.

**AGENDA**

BC20200410DOC001

1. **CORONAVIRUS (COVID-19) EMERGENCY**

 Cheri Coryea, County Administrator, provided opening comments and acknowledged citizens present in Chambers.

 Jacob Saur, Public Safety Director, reviewed COVID-19 statistics for Manatee County and the State of Florida. The drive-thru specimen collection site resulted in a nine percent positive case count. Public Safety is adhering to the final objectives set by the State which are to stop the introduction of COVID-19 into the community, protect the elderly and vulnerable population, perform testing with a holistic approach, encourage social distancing through multiple forms of messaging, and prepare medical surge needs on the horizon. Emergency Management continues to work the Department of Health, testing is continuing, and alternate care sites are being explored for patients who need to be isolated to recover. Manatee County could have over 432 positive cases by April 15. First responders and health care workers are feeling the effects of COVID-19, and protocols are being changed as more information is received. All 911 calls are being treated as COVID-19 patients.

Public Safety is asking the Board to extend the curfew. The past week resulted in the following statistics: Emergency Medical Services (EMS) had a 19.8 percent decrease in call volume; there was a 25.3 percent decrease in calls for services; the Florida Highway Patrol had a 90 percent reduction in crashes on state roads; and the 911 call center had a 41 percent decrease in calls on Saturday alone. Public Safety is asking all residents to practice social distancing, and the Emergency Resolution helps local law enforcement and Public Safety to protect citizens. Manatee County ranks 14th in the State for positive cases.

 Sheriff Rick Wells stated the Sheriff's office continues to follow the Governor's order, and enforcement is not done randomly. No one has been arrested due to the order, and families are still able to gather. The stay-at-home order, as issued by the Governor, is still in effect and the Sheriff's Office will continue to follow that order no matter if the curfew is lifted or not.

 Ms. Coryea noted Manatee County Rural (MCR) Health is testing patients, and there are offices throughout the County. To report a violation of the curfew or the Governor's order, citizens can contact Code Enforcement during the week at 941-748-2071, or the main number for the Sheriff, 941-747-3011 extension 2260.

 Mitchell O. Palmer, County Attorney reviewed Resolution R-20-056 and the modifications made. The hours for the curfew remain from 11:00 p.m. to 5:00 a.m., any mention of private property and private residences has been removed, Resolution R-20-056 focuses on public spaces, encompassing all municipalities except the Town of Longboat Key, and Provision 6, focuses on homeless citizens in a more compassionate way.

 Discussion ensued regarding the improved language of the revised Resolution.

 Mr. Palmer clarified his role, as the County Attorney, is to represent the Board of County Commissioners as a collegial body, and his contract prohibits him from dispensing legal advice to private citizens. Several citizens have demanded to see the law that the County Attorney's Office has used to advise the County Commissioners, and he assured the Board, his office has thoroughly researched the law regarding curfews during emergency situations. If residents have questions, they would need to hire their own lawyers. He explained that during an emergency local police powers can be enacted. The U.S. Constitution gives states the authority to act on behalf the health and welfare of the citizens. Nothing the County has implemented during the local State of Emergency is contrary to the U.S. Constitution.

 Discussion ensued regarding the emergency resolution does not include boat ramps, residents were concerned regarding law enforcement entering private property, the community is looking for help for the homeless, and why the Town of Longboat Key is exempt from the Resolution.

 Mr. Palmer noted that the Town of Longboat Key has decided to follow the guidelines set forth by Sarasota County during the COVID-19 event, rather than Manatee County.

 Ms. Coryea explained that Longboat Key also works with Sarasota County during Hurricane emergency events.

 Discussion continued that law enforcement has not issued citations, but has been stressing public safety measures.

 Sheriff Wells confirmed that checking on a family member/loved one is an essential activity.

 Discussion continued regarding access to information for the homeless.

Public Comment

 Betty Sales Rhodes expressed concern regarding the curfew and citizen's rights.

 Andra Griffin expressed concern regarding the curfew and her rights being violated.

 Kevin Wright discussed his civil rights.

 George Kruse spoke against the curfew and stated the Governor's order should be followed.

 Matt Bower questioned what the difference is between the Executive Order and the curfew and requested boat ramps be reopened.

 Dr. Scott Clulow supported the curfew and read a letter drafted by the Manatee County Medical Society citing statistics regarding COVID-19. He encouraged all citizens to wear masks when they are out in public.

 James Alderman requested the County reopen the boat ramps.

 Dr. Joseph Haider supported the curfew for the health and well-being of the residents of Manatee County, and stressed the importance of flattening the curve.

 Rodney Jones feels the curfew is racially biased.

 Ruth Lyerly requested the County reopen the boat ramps.

 Dr. Werther Marciales encouraged the Board to continue the curfew to prevent the spread of COVID-19.

 Dr. Silvio Tanev was not present but, wanted to reiterate the Medical Society's views regarding the curfew.

 Dr. Juliana Dale spoke about the sacrifices medical professionals are making, and stressed the importance of the curfew to stop the spread of COVID-19 and reduce the amount of cars on the road after 11:00 p.m.

**RECESS/RECONVENE:** 2:33 p.m. – 2:38 p.m. All Commissioners present via ZOOM.

Motion

A motion was made by Commissioner Trace and seconded by Commission Whitmore to adopt Resolution R-20-056, a supplemental resolution of the Board of County Commissioners of Manatee County, Florida, reaffirming a State of Local Emergency related to the Coronavirus Disease 2019 ("COVID-19"); amending a local curfew; prohibiting gatherings of ten or more

people; providing for enforcement on public property and in public spaces; providing guidelines when dealing with homeless persons; providing for penalties; and setting forth an effective date.

 Discussion ensued regarding the curfew has proven there are fewer people on the road and out of their homes, anticipated the number of positive cases would increase this week, hospitals have things under control, Sheriff will follow the Governor's order; therefore, there is no need to have a separate curfew, boat ramps should be reopened, thanked all the residents who spoke to the Board, procedures need to be in place for the public to speak during these meetings, interrupting the Constitution which charges government to protect citizens against domestic threats, civil rights are balanced with protecting the public safety, Governor's order is a baseline order for local governments to make decisions for their residents, doctors support the curfew, Policy Group was considering a safer-in-place order before the Governor issued his Executive Order, need residents to abide by the Governor's Order, curfew came from public safety officials, and staying in reduces the spread of COVID-19.

 Mr. Saur reiterated the curfew is used to minimize the chances of first responders coming into contact with the virus, and traffic crashes have reduced 70 percent.

 Sheriff Wells stated the curfew has brought attention to the Governors Order.

 Discussion ensued regarding there was a curfew during Hurricane Irma, and care givers should be informed as to which nursing homes have positive patients.

Motion - Carried

The motion carried 5-2, with Commissioners Baugh and Jonsson voting nay. BC20200410DOC002

2. EXECUTIVE ORDER 20-87/VACATION RENTAL CLOSURES

 Chairman Benac reviewed a request from the Policy Group regarding vacation rentals, and encouraging the Governor to extend the restrictions regarding vacation rentals to the end of April.

A motion was made by Commissioner Jonsson, seconded by Commissioner Servia, and carried 7-0, to authorize the Chairman to execute a letter to Governor Ron DeSantis supporting the extension of Executive Order 20-87 regarding vacation rental closures. BC20200410DOC003

BOAT RAMPS

 William Clague, Chief Assistant County Attorney, summarized the legal frame work regarding the Governor's Executive Order which ceased all non-essential activity. There was an amendment after the order was issued, and the Miami-Dade exhibit was part of Order 20-97. The Governor's order directs State agencies to publish a list of essential services and activities, which is available on line with the Florida Division of Emergency Management. The first page, last sentence of the last amendment to the to a local Miami-Dade order, which is referenced in the Governor's Order, reads that all marinas, boat launches, docking, fueling and marine supply and other marina services in the incorporated and unincorporated areas of Miami-Dade shall close effective immediately. The next page lists exceptions for licensed, salt water, commercial fishing, law enforcement and rescue, live a-boards, and ferry's. There is no exception in the order for recreational boating or fishing, although recreation and fishing are listed as essential.

 Under the Emergency Management Act, law enforcement is the enforcer of emergency orders. The County has the legal authority to close their own boat ramps. Boat ramps can be reopened, but then law enforcement would have to make the decision to close the ramps if there are violations. The Board should head the Policy Group's decisions, as the members closely monitor what is happening on the front lines.

 Mr. Saur clarified the boat ramp closure was effective on March 26, after the Center for Disease Control (CDC) guidelines were issued by the Governor's office and large groups of people congregated around Jewfish Key and Beer Can Island. The Policy Group stands by the closure of the boat ramps and the beaches.

 Discussion ensued regarding why the Governor's office has not clarified this, Mr. Clague has consulted with law enforcement attorneys who concur, Policy Group made the recommendation, but there was no motion by the Board to close the boat ramps, Executive Order gives law enforcement the ability to close boat ramps, enforcement by the Florida Fish and Wildlife Conservation Commission (FWC) on the water, and posting signs at Beer Can Island which is owned by the County.

 Sheriff Wells explained the Sheriff's office is working to enforce the CDC guidelines, but issues still exist at Jewfish Key, Beer Can Island and Passage Key.

 Ms. Coryea confirmed that under the State of Local Emergency, Mr. Saur, as the Public Safety Director, has the discretion to close the boat ramps and the beaches.

 Mr. Clague stated FWC runs the Marine Patrol and regulates boating activity on the water.

 Discussion continued that the Coquina South and the Palmetto Riverside boat ramps are manned to allow commercial fisherman to utilize the ramps if they have their credentials, Island officials are in support of the boat ramp closures, and the Board did not have a chance to vote on closing the beaches and boat ramps.

#### Motion

A motion was made by Commissioner Trace and seconded by Commissioner Servia to reopen the boat ramps.

 Ms. Coryea read a list of the cities and counties that currently have boat ramp closures.

 Discussion continued that the public officials on the Island support closing the boat ramps, no street parking in Holmes Beach starting today, and it would be difficult to enforce if boat ramps were only open to Manatee County residents.

#### Motion – Call the Question

 A motion to call the question was made by Commissioner Jonsson, seconded by Commissioner Trace, and carried 6-1, with Commissioner Servia voting nay.

 Mr. Palmer clarified the motion only includes the County boat ramps, and Commissioners Trace and Servia as motioner and seconder agreed.

Motion Carried

The motion carried 4-3, with Chairman Benac and Commissioners Jonsson and Whitmore voting nay.



It was decided the boat ramps would reopen by 3:00 p.m., Monday, April 13.



Discussion continued regarding health care givers knowing which assisted living facilities have COVID-19 patients, so they know what protective gear they should wear, and the Island Mayors are not pleased with reopening the boat ramps.



Ms. Coryea, clarified the Coquina South Boat Ramp would only be available to commercial fisherman until Monday, and she will work with the City of Palmetto regarding their boat ramps.



Mr. Palmer referenced a letter from the American Civil Liberties Union (ACLU), addressing their concerns regarding the curfew. A follow up email from Michael Barfield, ACLU of Florida President, expressed satisfaction with Resolution R-20-056.

BC20200410DOC004

Chairman Benac clarified the Board took action regarding reopening County boat ramps, but the action did not affect private marinas.



Mr. Clague stated he read what the Miami-Dade order states, and it is up to law enforcement to close a marina if there is a violation.



Ms. Coryea confirmed a meeting will be held Friday, April 17, at 1:00 p.m.

ADJOURN

There being no further business, Chairman Benac adjourned the meeting at 4:28 p.m.

Minutes Approved: \_\_\_\_\_