

RESOLUTION 2020-06

RESOLUTION OF THE COLLIER METROPOLITAN PLANNING ORGANIZATION AUTHORIZING EMERGENCY APPROVALS AND PUBLIC INVOLVEMENT STRATEGIES UNDER A DECLARED STATE OF EMERGENCY TO ENSURE COMPLIANCE WITH FEDERAL AND STATE REQUIREMENTS FOR METROPOLITAN PLANNING ORGANIZATIONS

WHEREAS, Florida Statutes § 339.175; 23 U.S.C. § 134; and 49 U.S.C. § 5303 require that the urbanized area, as a condition to the receipt of federal capital or operating assistance, have a continuing, cooperative, and comprehensive transportation planning process that results in plans and programs consistent with the comprehensively planned development of the designated urbanized area; and

WHEREAS, pursuant to 23 U.S.C. § 134, 49 U.S.C. § 5303, 23 C.F.R. § 450.310, and Florida Statutes § 339.175, the Collier Metropolitan Planning Organization (the “Collier MPO”) is the duly designated and constituted body responsible for carrying out the urban transportation planning and programming process for Collier County, the City of Naples, City of Marco Island and City of Everglades City as defined by the Metropolitan Planning Area; and

WHEREAS, 23 U.S.C. § 134, 23 C.F.R. § 450, and Florida Statutes § 339.175, require the Collier MPO and the Florida Department of Transportation (“FDOT”) to enter into an agreement clearly identifying the responsibilities for cooperatively carrying out the Federal Highway Administration (the “FHWA”) and the Federal Transit Administration’s (the “FTA”) portion of the Metropolitan Planning Process and accomplishing the transportation planning requirements of State and federal law; and

WHEREAS, the Collier MPO is required to develop and amend as appropriate, the plans and programs required by 23 C.F.R. §§ 450.300 through 450.324, including but not limited to the Unified Planning Work Program (the “UPWP”); the Transportation Improvement Program (the “TIP”), a Public Participation Plan and a Long Range Transportation Plan (the “LRTP”); and

WHEREAS, the Novel Coronavirus Disease 2019 (“COVID-19”) is a severe acute respiratory illness that can spread among humans through respiratory transmission; and

WHEREAS, the Centers for Disease Control (the “CDC”) currently recommends mitigation measures for communities experiencing an outbreak including limiting face-to-face contact with others as much as possible; and

WHEREAS, the Governor of the State of Florida declared a formal State of Emergency (Executive Order 20-52) on March 9, 2020; and

WHEREAS, on March 20, 2020, the Governor of the State of Florida issued Executive Order Number 20-69 regarding COVID-19 specifically providing, in part, as follows:



Section 1: I hereby suspend any Florida Statute that requires a quorum to be present in person or requires a local government body to meet at a specific public place.

Section 2: Local government bodies may utilize communications media technology, such as telephonic and video conferencing, as provided in section 120.54(5)(b)2., Florida Statutes. . .

Section 3. This Executive Order does not waive any other requirement under the Florida Constitution and “Florida’s Government in the Sunshine Laws,” including Chapter 286, Florida Statutes.

Section 4. This Executive Order shall expire at the expiration of Executive Order 20-52, including any extension”; and

WHEREAS, on April 1, 2020, the Governor of the State of Florida issued Executive order Number 20-91 identifying Essential Services and Activities During COVID-19 Emergency, which includes government operations.

NOW, THEREFORE, BE IT RESOLVED by the Collier MPO that, while operating under a declared State of Emergency, the MPO Chair (or Vice-Chair in the absence of the Chair) is hereby authorized to, on the advice of the MPO Executive Director:

1. Amend a program document to maintain consistency with State or federal programs, amend program or project funding if the time constraint is such that action at the next scheduled meeting of the Collier MPO Governing Board would significantly delay progress on a project previously supported by the MPO.
2. Approve the revision and submission of the UPWP, TIP, PPP and LRTP and associated agreements, provided that the process for seeking approval of these actions shall follow all applicable procedures when the State of Emergency is suspended.
3. Submit information, reports, grant applications or documents on behalf of the Collier MPO that are deemed essential by the FHWA, FTA and/or the FDOT.
4. Follow the Emergency Provisions for Public Involvement identified in the PPP and attached hereto as Exhibit “A.”
5. Follow the Collier MPO Remote Public Meeting Procedures attached hereto as Exhibit “B.”


NOW, THEREFORE, BE IT RESOLVED BY THE COLLIER METROPOLITAN PLANNING ORGANIZATION THAT:

This Resolution was PASSED and DULY ADOPTED by the Collier Metropolitan Planning Organization Board on June 12, 2020.

Attest:

COLLIER COUNTY METROPOLITAN PLANNING ORGANIZATION

By: 
Anne McLaughlin
Collier MPO Executive Director

By: 
Councilwoman Elaine Middelstaedt
MPO Chair

Approved as to form and legality:

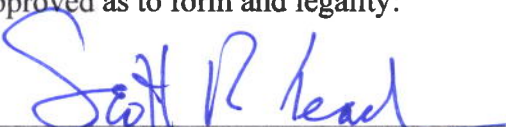

Scott R. Teach, Deputy County Attorney



EXHIBIT A: COLLIER MPO PUBLIC PARTICIPATION PLAN - EMERGENCY PROVISIONS FOR PUBLIC INVOLVEMENT

Public engagement is very important to the MPO, FDOT, FHWA and FTA. In an effort to protect public health and to comply with instructions, recommendations and Executive Orders issued during a pandemic or other threat to community health, the MPO will be proactive but flexible in meeting public participation plan requirements. MPOs are expected to continue to provide opportunities for public involvement throughout their planning activities. However, some public participation plan activities may be delayed or deferred and be replaced with other engagement strategies to ensure that all sectors of the population have an opportunity to participate. The MPO will document any outreach activities that were originally documented in the PPP or in a PIP for a specific project that require modifications and provide strategies, if needed, to ensure sufficient and appropriate outreach is maintained.

Immediate/Short Term Response

In the event of a manmade or natural emergency, including pandemic or other health emergencies (collectively, an “emergency”), that precludes holding regular public meetings, the MPO Board may provide staff direction on how to proceed by way of passing a motion. The motion may include authorizing the MPO Chair to act on behalf of the Board and empower the MPO Director to bring issues requiring immediate attention forward to the MPO Chair to act upon. The MPO Board will have the opportunity to ratify all emergency actions taken at a later date.

Intermediate Response

Once the scope of an emergency becomes better defined, the United States President, Congress, Governor of the State of Florida or Local Governing Boards and Councils may issue declarations of emergency and Executive Orders that MPOs must follow. In the event of a declaration of an emergency that precludes holding regular public meetings for a known or unknown period of time, the MPO Board will adopt a resolution to:

1. Recognize the emergency situation calling for alternative public involvement strategies; and
2. Stipulate that the emergency procedures for public involvement are temporary; and
3. Specify the alternative public involvement strategies to be used, including time periods for public comment and MPO responses to the comments; and
4. Ensure that public involvement strategies are inclusive as possible to the extent that they comply with emergency executive orders to protect public health, etc.; and
5. If public involvement strategies are not sufficiently inclusive due to public health concern or other limitations, the MPO may consider holding additional public involvement activities on the plans after adoption, and after the emergency is over, to ensure that the public is informed and has the ability to request reconsiderations/amendments to the MPO Board; and
6. Acknowledge that the resolution is provided as an interim measure and may be modified as new local, state or national technical assistance and/or guidance is issued.

Public involvement strategies include but are not limited to virtual meetings, on-line surveys, telephone conferencing, social media and interactive components of the MPO website. It is desirable, and may be feasible, to maintain the public participation plan's standard methodologies and timeframes for reporting and responding to public comments. However, if the time frame must be shortened or the methodologies are curtailed due to the nature of the emergency, the MPO may take whatever steps are necessary to meet deadlines. In the event of a public health emergency coinciding with a cyber-attack, public involvement activities may have to be suspended for a period of time.

Long Term Response

In the event that an emergency situation persists for several months or more and, in the absence of action taken by the federal government to extend the deadlines for delivery of core MPO planning products such as the LRTP, UPWP, TIP and PPP, the MPO may take whatever action is necessary to meet the federal deadlines.

After the emergency is over, the MPO will resume its regular meeting schedule and public involvement activities with the highest priority given to meeting immediate deadlines and the next level of priority given to providing opportunities for the public to review, comment on and request amendments to any plans that were adopted during the emergency.

EXHIBIT B: COLLIER MPO REMOTE PUBLIC MEETING PROTOCOLS

As recognized and authorized by Governor DeSantis' Executive Order No. 20-69, the COVID-19 pandemic has created the need to modify procedures for public meetings to enable official public business to be conducted. These procedures are applicable when a public meeting is conducted utilizing both in-person and remote participation (a "hybrid remote public meeting"). These procedures may be modified to permit various options for public participation during meetings and alternative technical solutions.

1. A remote public meeting may be conducted to facilitate the telephonic or remote participation of members of the MPO Board and advisory committees during the pendency of a declared emergency such as the COVID-19 pandemic.
2. Committee or Board members in a remote public meeting shall count toward a quorum requirement as if they were physically present, irrespective of whether any member agency's ordinance or resolution requires a physical quorum to be present.
3. A remote public meeting may be conducted for any MPO public meeting.
4. Opportunities for remote public comment will be provided. Information about how to register in-advance will be included in the public meeting notice and any public outreach information to include a deadline for registering. Those registering to speak will be provided call-in information and will be called upon individually during the appropriate public comment period. All comments must be civil and appropriate in a public context. Violators will be admonished to conduct themselves appropriately and may be subject to being muted, as if they were appearing at a regular in person meeting.
5. In addition, members of the public may submit comments by email to MPO staff at least 48 hours prior to the meeting. MPO staff will read the comments into the meeting record, within a time limit of 3 minutes per commenter.
6. As soon as possible prior to the desired meeting date, staff considering a hybrid remote public meeting will:
 - a. Contact the County Attorney who will review the proposed process to assure all legal requirements can be met.
 - b. Coordinate with the County IT Division to ensure that all technology components for public comment and remote meeting operations have been provided, as well as any other audio/video needs.
 - c. Staff will also coordinate with the MPO Chair and other members of the committee or board.
7. Staff will ensure that individuals who will be participating remotely will be given written instructions on how to participate remotely.
8. MPO staff will facilitate the meeting. To ensure that all individuals have been heard, the Chair of the meeting should repeatedly ask if there are any other comments/questions. The Chair may conduct a roll call vote and may want to conduct a roll call for comments to ensure everyone has the opportunity to speak without speaking over each other.

9. All individuals participating in remote public meetings must identify themselves each time they speak.
10. These procedures may be modified by the MPO Board, provided that such modifications are consistent with law, including the Governor's Executive Orders.

MPO RESOLUTION #2020-07
A RESOLUTION OF THE COLLIER METROPOLITAN PLANNING ORGANIZATION ENDORSING
THE FY 2020/21 – 2024/25 TRANSPORTATION IMPROVEMENT PROGRAM (TIP)

WHEREAS, the Collier Metropolitan Planning Organization is required to develop an annually updated Transportation Improvement Program pursuant to 23 U.S.C. 134(j), 23 C.F.R. 450.104, 23 C.F.R. 450.324(a), and F.S. 339.175(8)(c)(1); and

WHEREAS, the Collier Metropolitan Planning Organization has reviewed the proposed Transportation Improvement Program and determined that it is consistent with its adopted Plans and Program; and

WHEREAS, in accordance with the Florida Department of Transportation's MPO Administrative Manual, the Transportation Improvement Program must be accompanied by an endorsement indicating official MPO approval;

NOW, THEREFORE, BE IT RESOLVED by the Collier Metropolitan Planning Organization that:

1. The FY 2020/21 – 2024/25 Transportation Improvement Program and the projects programmed therein are hereby adopted.
2. The Collier Metropolitan Planning Organization's Chair is hereby authorized to execute this Resolution certifying the MPO Board's endorsement of the FY 2020/21 – 2024/25 Transportation Improvement Program and the projects programmed therein.

This Resolution PASSED and duly adopted by the Collier Metropolitan Planning Organization Board after majority vote on this 12th day of June 2020.

Attest: _____
COLLIER METROPOLITAN PLANNING ORGANIZATION

By: _____
Anne McLaughlin
MPO Executive Director
Councilwoman Elaine Middelstaedt
Collier MPO Chair

Approved as to form and legality:

Scott R. Teach, Deputy County Attorney

