MINUTES
City of Cocoa
Emergency Meeting of The City Council

April 2, 2020

An Emergency City Council Meeting was held on Wednesday, April 2, 2020, in Cocoa City Hall, in City Council Chambers, located at 65 Stone Street, in Cocoa, Florida, 32922, as publicly noticed.

I. Opening Matters:

Mayor Williams called the meeting to order at 4:05 p.m.

Chief Lamm provided the invocation and Deputy Mayor Goins led the assembly in the Pledge of Allegiance to the Flag of the United States of America.

The Assistant City Clerk took the roll.

PRESENT:	Jake Williams, Jr.	Mayor
	James Goins	Deputy Mayor
	Don Boisvert	Councilmember (via phone)
	Lorraine Koss	Councilmember
	Brenda Warner	Councilmember
	Anthony Garganese	City Attorney (via phone)
	Matt Fuhrer	Interim City Manager
	Carie Shealy	City Clerk

OTHER STAFF MEMBERS PRESENT:

Tammy Gemmati, Administrative Services Director; Jack Walsh, Utilities Director; Nancy Bunt, Community Services Director (via phone); Michael Cantaloupe, Chief of Police; Jonathan Lamm, Fire Chief; Bryant Smith, Public Works Director (via phone); Rebecca Bowman, Finance Director; Charlene Neuterman, Deputy Community Services Director (via phone); and Jason McCuen, Helpdesk Support Tech.

II. Meeting Topics:

Family First Coronavirus Response Act Policy Implementation

Interim City Manager Fuhrer provided a presentation[1] and advised that staff has been working hard to implement a law that has been brought forth by the federal government and was signed into law on March 18, 2020. The law is the "Family First Coronavirus Response Act". He noted that this requires certain employers to provide their employees with sick leave and expanded sick leave due to COVID-19. The law went into effect on April 1, 2020 and will run through December 31, 2020.

This law amended the Family Medical Leave Act and applies to employers and governments with five hundred or fewer employees. Therefore, the City has had to develop personnel policies in accordance with this law.

He spoke in detail about the two main sections of this law, which are 1) Paid Sick Leave and 2: Expanded Family Medical Leave.

This policy is being brought forward so that employees have the option to be home as well. Staff believes that it is the right thing to do.

Interim City Manager Fuhrer mentioned that they have identified all of the positions city-wide in which they would be claiming exemptions for the City.

Interim City Manager Fuhrer advised that they need Council's approval so that this policy can be sent out to employees tomorrow.

Councilmember Koss asked if these employees were aware that they are emergency responders at other times, such as for a hurricane. Interim City Manager Fuhrer explained this is a unique situation and explained why they may or may not be considered essential or non-essential at certain times.

* **MOTION by Councilmember Warner; Seconded by Deputy Mayor Goins, to approve the list of Emergency Responder positions for the City of Cocoa for the Family First Coronavirus Response Act.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

Interim City Manager Fuhrer thanked Council and advised that they would inform staff tomorrow and would speak to each department regarding operations.

[1] EXHIBIT A: Families First Coronavirus Response Act Presentation

Councilmember Warner asked if the collective bargaining units have been made aware. Interim City Manager Fuhrer responded in the affirmative but noted that with the exception of the police lieutenants.

Interim City Manager Fuhrer spoke about City operations and mentioned that they are going to follow the intent of this order and follow social distancing in order to decrease the spread amongst employees.

He spoke about essential and non-essential businesses and if there are any questions regarding if a business falls into these categories, the person(s) can be referred to the state level, as it is out of the City's hands at this point.

The issue of City parks was discussed and in the executive order it notates that a public gathering is that of ten or more. Interim City Manager Fuhrer pointed out that this is hard to enforce so he was seeking Council direction to limiting park usage to pedestrians passing through only. Gatherings would be prohibited. The second component would be the closing of parking areas and restrooms. Supplies are low and without proper sanitation in restrooms they need to be closed until more supplies are received.

Discussion was held about the homeless and restrooms in the Village and the fact that the County was not closing boat ramps so they would be utilized.

Mr. Smith spoke in regards to this situation and pointed out that as soon as bathrooms downtown are restocked items are gone within an hour or so.

Deputy Mayor Goins knows that this was a complex problem but felt that the City needed to take a stand and show that this was being taken seriously. There are walkable areas at Bracco Pond, Cocoa Conservation Area, Anderson Park, and Junny Rios Park. An effort needs to be made as there are a lot of concerned people and numbers are rising.

Interim City Manager Fuhrer noted that it could come across as preferential treatment if some parks are closed and some are not.

Further discussion was held on the closure of parks.

Mayor Williams believed that the City needed to be consistent and proactive and if restrooms were closed then we need to shut the gates.

City Attorney Garganese spoke in regards to the Mayor's comment about being proactive and public gatherings. He spoke about the Governor's order and essential services and that under this order, they must be at the park to conduct essential services. One is allowed to participate in recreational activities that are consistent with the order's guidelines.

He further pointed out that a social gathering in a public space is not essential and because of this, the City has an obligation to ensure that there is no congregating in City parks.

Attorney Garganese advised that he was not saying to close the parks but there might be instances where the parks become so crowded that it goes against this order.

Interim City Manager Fuhrer stated that he would proceed forward and if there is a gate for parking it will be secured, along with restrooms. Chief Cantaloupe and officers can observe parks for large gatherings.

Mayor Williams has noticed a lot of piles of furniture on the roadside and was not sure of Waste Management's schedule. In response, Interim City Manager Fuhrer advised that a letter was received from Waste Management explaining the force measure with our contract under this event. They are currently not experiencing any operational impacts and if they do they will notify the City. Additionally, when there are piles accumulating, many times the City has utilized their staff to help with pick up.

It was requested that a message be sent out on social media regarding pickups of non-essential trash, such as yard waste.

Mayor Williams asked about the census and Ms. Senger noted that stickers were given out in lunches and to the Boys and Girls Club as well. Ms. Senger requested that all Council post about the census on their personal social media pages.

Councilmember Warner clarified that there have been no changes with Waste Management pick-ups to date but if there are changes it would be pushed out on social media. Staff responded in the affirmative.

Resolution No. 2020-13

Ms. Bowman explained that this situation is different than we have seen before and employees are still continuing to work. However, as the situation progresses there are situations where work will affect the eight-hour work day. Under regular emergency pay and the city is closed, there is the ability to pay those employees who are at home not working. In this situation, there may be times that employees cannot put in a full eight hours of work. This resolution authorizes the City to supplement the employees so that they are not hurting financially due to this.

She stressed that this resolution is not declaring a state of emergency but was requesting approval to pay employees.

* **MOTION by Councilmember Warner; Seconded by Councilmember Koss, to approve Resolution No. 2020-131.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

Interim City Manager Fuhrer noted that staff was in the process of completing the second quarter FYI and Ms. Senger worked up a rendering of the mailer that would be sent in place of it. It is a smaller version and a compilation of information relating to COVID-19.

Discussion was held on the wording and content of the document. Interim City Manager Fuhrer requested that comments be sent to Ms. Senger right away so that this could be sent to the printer.

Departmental Updates

Chief Cantaloupe mentioned that they are going to track and compare calls from 2019 to 2020 to see if calls for service have increased or decreased with this or order.

He pointed out that at the police department they are limiting the people inside the building. Those that can telework are doing that. Some will have to come into the office periodically, including himself. His goal is to keep all officers and

staff from catching the virus. Information is being sent out on social media as well.

Chief Lamm provided an overview of state statistics regarding the virus. They are still trying to push the message of social distancing and protecting the elderly. Brevard County has forty-eight cases with one confirmed in Cocoa. It is passing socially in Brevard County, so social distancing is imperative.

The Fire Department has shut down all outside events and all stations are closed to the public.

They are still working with others to try to acquire supplies and the state is working as hard as they can to get supplies to everyone.

Deputy Mayor Goins asked about church services. Chief Lamm spoke about the order and again stressed social distancing.

Mr. Smith advised that Public Works would be splitting into two shifts. They will be minimally staffed but services will be completed. They are not in the position to completely shut down.

Mr. Walsh stated that Utilities has a lot going on. Utilities will remain as critical and none of that would be changed. Temperature checks at the Dyal Water Treatment Plant would begin Monday which has been coordinated with Chief Lamm. The same will be for the Sellers Plant. There are three shifts at the plants and they will continue with minimal contact. Field operations will also have staggered shifts with no change in workload. Services will be continued and employees will be on-call. Most staff have begun to telework in administration and engineering. Some will come into the office as needed.

Ms. Bunt advised that Community Services has started a lot of picture permitting and facetiming, however, there are some inspections that have to be done physically. Those employees are practicing social distancing and all of them have masks and gloves. Almost all of the other staff are teleworking. They are accepting permits through emails and there have been some appointments. People can pick up and drop off, and those average once or twice per day.

Ms. Gemmati noted that Administrative Services has been busy implementing policy changes and there are daily changes so they are trying to ensure

consistency. She thanked IT for their help in getting equipment and accounts ready for teleworking.

Human Resources and City Clerk staff will be teleworking, and the Records Technician will be coming in to meter, scan, and deliver mail. Additionally, she will deliver Council agendas.

Councilmember Koss asked about the progress for the City Manager recruitment. In response, Ms. Gemmati advised that prior to this order from the Governor, staff was working on this, however, this new order has slowed the process a bit.

Deputy Mayor Goins knows that this is something that needs done, however, due the current situation it will be hard for people to travel at this time.

Councilmember Koss advised she was just asking for a status of the process.

Councilmember Warner mentioned that this takes a long time. Ms. Gemmati spoke about recommendations that she has received from different associations and it has been suggested to use a search firm because they know what to look for in backgrounds, etc.

Ms. Gemmati assured Council that this was being worked on.

Ms. Bowman thanked Council for approving the resolution and Finance has been working closely with Human Resources and all other departments as well. In Field Services and meter reading they are continuing with staff working normal schedules, routes, and continuing with meter reads. They are only doing what is necessary as far as turn on, turn offs, and misreads. They are trying to figure out reduced work schedules or shifts. Utility Accounting also has minimal staffing in the office. Three people are in who handle money. Most are teleworking and operating as usual. Additionally, Customer Service phones have been turned over and employees have their headsets and are answering phones from home. They are receiving around four hundred calls per day. In Budgeting, some are teleworking and some are doing alternate schedules.

Budget amendment forms are still being completed and most accounting staff can telework. Some might come in some days, some may alternate or do different duties. There is only one person that does payroll but they are utilizing an accountant to help assist with that. Finance is still under a deadline for the audit, budget, etc.

Interim City Manager Fuhrer thanked department directors and employees for continuing to provide services to citizens, as they are true examples of public servants.

He also mentioned that he just received notice from FPL and they are applying an annual rate decrease to May's bill for all of their customers.

Mayor Williams voiced his appreciation to all directors and staff during this time, as it was unexpected and we still do not know what to expect.

XI. Adjournment:

* **MOTION by Councilmember Warner; Seconded by Councilmember Boisvert, to adjourn the Emergency meeting of April 2, 2020.**

AYES: Williams, Goins, Boisvert, Koss, Warner

THE MOTION CARRIED UNANIMOUSLY (5-0)

The meeting adjourned at 6:01 p.m.

Jake Williams, Jr., Mayor

ATTEST:

Carie Shealy, MMC, City Clerk

CITY OF CORPORATE SEAL FLORIDA



Families First Coronavirus Response Act (FFCRA)

EXHIBIT A: FFCRA Presentation

HR6201 Passed by the Senate and signed by the President on March 18, 2020

Covered Employers

FFCRA requires certain employers to provide their employees with paid sick leave and expanded family and medical leave for specified reasons related to COVID-19 if unable to work, including **telework**. These provisions will apply from **April 1, 2020 through December 31, 2020.**

- Amends Family Medical Leave Act and applies to employers with 500 or fewer employees including **public employers regardless of size.**
- Employer of an employee who is a health care provider or an **emergency responder** *may elect to exclude* any such employee from receiving public health emergency leave.
- Tax credits applicable to private employers do not extend to public employers.

Paid Sick Leave (PSL)

Full-time employees would be eligible to receive 80 hours (2 weeks) of PSL (Part-time employees prorated amount)

Compensation for PSL

- 100% of employee's regular rate of pay for reasons 1-3
- 2/3 of employee's rate of pay for reasons 4-6
- Up to 12 weeks of paid sick leave and expanded family and medical leave paid at 2/3 for qualifying reason #5 below for up to $200 daily and $12,000 total.

1. Is subject to a Federal, State, or local quarantine or isolation order related to COVID-19.	4. Is caring for an individual subject to an order described in (1) or self-quarantine as described in (2).
2. Has been advised by a health care provider to self-quarantine related to COVID-19.	5. Is caring for his or her child whose school or place of care is closed (or child care provider is unavailable) due to COVID-19 related reasons.
3. Is experiencing COVID-19 symptoms and is seeking a medical diagnosis.	6. Is experiencing any other substantially-similar condition specified by the U.S. Department of Health and Human Services.

COCOA FLORIDA

Expanded Family Medical Leave (EFML)

Expanded Family Medical Leave (EFML)

- Must have worked 30+ days to be eligible
- Allows employee to take FMLA for a qualifying need related to a public health emergency where the employee is unable to work (or telework) because of need to care for minor children due to closures of school or place of care, care provider is unavailable, due to a public health emergency.
- **Up to 12 weeks** of public health emergency leave
    - Two week waiting period, of which can be paid using PSL or other leave
    - After 10 days, employees can receive up to 10 weeks of PFML at 2/3 their regular rate of pay (capped at $200/day/$10,000 aggregate)

Emergency Responders Excluded

Department of Labor: Who is an Emergency Responder?

"an employee who is necessary for the provision of transport, care, health care, comfort, and nutrition of such patients, or whose services are otherwise needed to limit the spread of COVID-19. This includes but is not limited to military or national guard, **law enforcement officers**, correctional institution personnel, **fire fighters, emergency medical services personnel**, physicians, nurses, public health personnel, **emergency medical technicians, paramedics,** emergency management personnel, **911 operators, public works personnel**, and persons with skills or training in operating specialized equipment or other skills needed to provide aid in a declared emergency as well as individuals who work for such facilities employing these individuals and whose work is necessary to maintain the operation of the facility."

- Core municipal services- Police, Fire, Utilities are exempt under the law.

- At the conclusion of the event City staff will evaluate impacts and work to provide some level of equity for those "emergency responders."

City of Cocoa Emergency Responder Positions

- Heavy Equipment Operator
- Industrial Electrician I
- Industrial Electrician II
- Maintenance Worker I
- Maintenance Worker II
- Mechanic I
- Mechanic II
- Sludge Equipment Operator
- Utility Line Locator
- Utility Mechanic I
- Utility Mechanic II
- Valve Operator
- Apprentice Operator
- Backflow Technician
- Certified Operator "C"
- Certified Operator "B"
- Certified Operator "A"
- Customer Service Field Representative
- Meter Readers
- Crew Leader In Utilities; Public Works On Call
- Custodial Worker/Janitorial Attendant Public Works
- Electrician I
- Electrician II
- Environmental Analyst I
- Environmental Analyst II
- All Sworn Police Positions
- Communications Dispatcher
- All Certified Fire personnel
- All Department Directors and City Manager

Next Steps

- Adoption of the policy and implementation
- While under the Governor's "Safer at Home" order, provisions of the Family's First Coronavirus Act maybe underutilized.
- The Law is effective April 1st until December 31st 2020.