

RESOLUTION NO. 21-09-89

**A RESOLUTION OF THE VILLAGE COUNCIL OF ISLAMORADA,
VILLAGE OF ISLANDS, FLORIDA, EXPRESSING SUPPORT FOR
THE MONROE COUNTY SCHOOL BOARD INSTITUTING
PROCEDURES REQUIRING FACIAL COVERINGS AT ALL
MONROE COUNTY SCHOOL DISTRICT FACILITIES AND
PERMITTING 'OPT-OUT' FOR STUDENTS DUE TO MEDICAL
NECESSITY; AND PROVIDING FOR AN EFFECTIVE DATE**

WHEREAS, the School Board of Monroe County, Florida ('School Board'), is the governing body of the Monroe County School District, charged by Article IX, s. 4 of the Constitution of the State of Florida with operating, controlling, and supervising all free public schools within the Monroe County School District; and

WHEREAS, education of children is a fundamental value and constitutional right of the people of the State of Florida; and

WHEREAS, the School Board is vested in the duty to make adequate provisions for the continued education of all children residing within Monroe County; and

WHEREAS, the United States Centers for Disease Control and Prevention ('CDC') has found that due to the circulating and highly contagious COVID-19 delta variant, universal indoor masking is recommended for all students (age 2 and older), staff, teachers, and visitors to K-12 schools; and

WHEREAS, on or about June 29, 2021, HB 241, the Parent's Bill of Rights, was signed into law, thereby establishing the fundamental rights of parents to direct the upbringing, education, health care, or mental health of their children; and

WHEREAS, on or about July 30, 2021, Governor Ron DeSantis issued Executive Order No. 21-175, thereby directing the Florida Department of Health and Florida Department of

Education to take immediate action to ensure safety protocols for controlling the spread of COVID-19 in schools; and

WHEREAS, on or about August 6, 2021, the Florida Department of Health issued Rule 6DER21-12, outlining procedures for public schools in controlling the spread of COVID-19, including but not limited to wearing masks or facial coverings but allowing for a parent or legal guardian to opt-out the student from wearing a face covering or mask; and

WHEREAS, the School Board has determined that Monroe County students benefit greatly from in- person learning, making the continued operation of schools for in-person instruction paramount, and a chief priority for the 2021-22 school year; and

WHEREAS, the School Board has recognized that the spread of communicable disease such as COVID-19 is a significant threat to the health of Monroe County students and faculty, and therefore to the continued operation of schools for in-person instruction; and

WHEREAS, the School Board has found that protection of the fundamental rights of parents to choose continued in-person instruction for their child is a compelling state interest, and that adoption of narrowly tailored measures to mitigate the spread of COVID-19 is necessary to ensure continuous in-person instruction for students during the 2021-22 school year; and

WHEREAS, the School Board has affirmed that mitigation techniques, such as handwashing, social distancing, and wearing facial coverings while indoors remain the most effective methods of preventing the spread of communicable diseases such as COVID-19; and

WHEREAS, the School Board has determined that adopting formal procedures requiring K-12 students, faculty and members of the public to wear facial coverings while indoors at Monroe County School District facilities is necessary to mitigate the spread of COVID-19; and

WHEREAS, the children who are residents of Islamorada, Village of Islands (the "Village") and attend public schools within Monroe County are equally impacted by the effect of COVID-19; and

WHEREAS, the Village is a community that values our best aspirational values of liberty, tolerance and freedom, while prioritizing the health, safety and welfare of its children; and

WHEREAS, even though the conduct of public school policy is the responsibility of and under the authority of the School Board, the Village Council of Islamorada, Village of Islands (the "Village Council"), desires to express its support for the continued use of masks and facial coverings in schools for all students while encouraging the School Board to consider implementing an "out-out" policy only for medical necessity.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS, FLORIDA, AS FOLLOWS:

Section 1. Recitals. The above recitals are true and correct and incorporated into this Resolution by this reference.

Section 2. Expressing Support for Facial Coverings in Schools. The Village Council hereby expresses its support for the Monroe County School Board's policy of requiring facial coverings for all students while on school grounds and/or utilizing school transportation. The Village Council further expresses its support for the School Board implementing an "out-out" policy on facial coverings only for medical necessity and encourages the School Board to consider any additional policy actions which will help mitigate the spread of COVID-19 within schools.

Section 3. Authorization of Village Officials. The Village Manager is hereby authorized to transmit a copy of this Resolution to the School Board and to take all necessary and expedient action to effectuate the intent of this Resolution.

Section 4. Effective Date. This Resolution shall take effect immediately upon

adoption.

Motion to adopt by Councilman David Webb, second by Vice Mayor Pete Bacheler.

FINAL VOTE AT ADOPTION

VILLAGE COUNCIL OF ISLAMORADA, VILLAGE OF ISLANDS

Mayor Joseph B. Pinder III YES

Vice Mayor Pete Bacheler YES

Councilman Mark Gregg YES

Councilman Henry Rosenthal NO

Councilman David Webb YES

PASSED AND ADOPTED this 30th day of September, 2021.



JOSEPH B. PINDER III, MAYOR

ATTEST:



KELLY TOTH, VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY
FOR THE USE AND BENEFIT OF ISLAMORADA,
VILLAGE OF ISLANDS ONLY



ROGET V. BRYAN, VILLAGE ATTORNEY