

RESOLUTION NO. 2020-23

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA AMENDING RESOLUTION 2020-13, LIMITING PUBLIC COMMENT DURING EMERGENCY MEETINGS OF THE CITY COMMISSION.

WHEREAS, the City Charter provides for regular meetings, as well as special or emergency meetings of the City Commission; and

WHEREAS, Resolution 2019-21 was adopted by the City Commission on August 12, 2019 providing for rules, procedures and policies related to the conduct of the City Commission meetings; and

WHEREAS, Resolution 2019-21 provided for emergency meetings to comply with the requirements of federal, state, and local law; and

WHEREAS, Sec. 4.10 of the City Charter provides that the city manager shall take all reasonably necessary administrative action to preserve life, property, and the public welfare pursuant to a declared federal, state, or local state of emergency; and

WHEREAS, on March 1, 2020, Governor DeSantis declared a Public Health Emergency as a result of COVID-19; and, on March 9, 2020, Governor DeSantis issued Executive Order 20-52 (EO 20-52), declaring a State of Emergency as a result of COVID-19 and has subsequently extended and modified the terms of the State of Emergency through successive Executive Orders; and

WHEREAS, on March 11, 2020, the World Health Organization declared the spread of COVID-19 to be a global pandemic; and, on March 13, 2020, President Trump declared a national emergency concerning COVID-19; and

WHEREAS, in response to concerns raised by local government bodies, Governor DeSantis issued Executive Order Number 20-69 (EO 20-69), which suspended 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, and has extended this order through successive Executive Orders; and

WHEREAS, EO 20-69 allows a local government to utilize communications media technology (CMT) as provided in Section 120.54(5)(b)2, Florida Statutes; and

WHEREAS, the City Commission adopted Resolution 2020-13 providing for Communications Media Technology (CMT) Quasi-Judicial, Legislative, and Administrative hearing procedures; and

WHEREAS, the City Commission finds that due to the need for speed and flexibility in the decision-making process, Emergency Meetings of the City Commission may be needed to address specific emergency public safety issues that are time sensitive.

THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA:

Section 1. The Communications Media Technology (CMT) Quasi-Judicial, Legislative, and Administrative Hearing Procedures are hereby amended as follows:

Paragraph 12 is hereby amended as follows:

12. Public comment and participation will be conducted, and public commenters may be sworn, or may make unsworn comment consistent with Florida law. Members of the public physically present in chambers may make public comment consistent with adopted administrative rules.

Members of the public who wish to participate utilizing CMT will be requested to dial in to the announced phone bank number only when prompted for the specific item next on the agenda. The callers will be placed on hold and queued for each agenda item public comment period. In the alternative, members of the public may provide written comment to the City Clerk prior to the hearing, via drop box, U.S. Mail, or email. The City Clerk will read any received written comments into the record. All public comment will be limited to three (3) minutes. The City Clerk will receive and preserve all written comment consistent with Florida Public Records law but will only read into the record the equivalent of three (3) minutes or 400 words.

The Mayor, or Vice-Mayor in their absence, may limit public comment to less than three (3) minutes for Emergency Meetings. The Mayor or Vice-Mayor may instruct the City Clerk to summarize any written public comment received, as well as, limit the time allotted for individual in-person or telephonic public speakers. The time constraints may be announced at the beginning of the emergency meeting, or prior to any specific proposition to be heard, and may vary depending on the circumstances of the Emergency Meeting. At a minimum, members of the public will be allowed to state whether they support or oppose any proposition to be voted on by the City Commission and be given the opportunity to briefly state the reasons why.

Section 2. All other terms of Resolution 2020-13 shall apply to the extent they do not conflict or are not applicable.

ADOPTED in Emergency Session of the City Commission of the City of St. Augustine, Florida, this ____ day of _____, 2020.

Tracy Upchurch, Mayor-Commissioner

ATTEST

Darlene Galambos, City Clerk
(SEAL)

RESOLUTION NO. 2020-22

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA PROVIDING FOR MANDATORY INDOOR USE OF FACE COVERINGS IN RESPONSE TO CONTINUED SPREAD OF CORONAVIRUS DISEASE 2019.

WHEREAS, on March 13, 2020, President Donald J. Trump issued a Proclamation Declaring a National Emergency concerning Coronavirus Disease 2019 (“COVID-19”); and

WHEREAS, on March 1, 2020, Governor Ron DeSantis issued Executive Order Number 20-51 declaring a Public Health Emergency in the State of Florida due to the spread of COVID-19; and

WHEREAS, on March 9, 2020, Governor Ron DeSantis issued Executive Order Number 20-52, declaring a State of Emergency for the State of Florida, extending to all sixty-seven (67) counties, including St. Johns County and the City of St. Augustine due to COVID-19, which Executive Order Number 20-52 was extended for an additional sixty (60) days on May 8, 2020, by Executive Order Number 20-114; and

WHEREAS, between March 17, 2020 and the date hereof, Governor Ron DeSantis issued several Executive Orders placing numerous restrictions on individuals and businesses in response to the state-wide threat of the spread of COVID-19 virus; and

WHEREAS, on April 29, 2020, Governor Ron DeSantis issued Executive Order Number 20-112, as modified by Executive Order Number 20-120 on May 9, 2020, and Executive Order Number 20-123 on May 14, 2020, in response to the recommendations set forth in Phase 1 of the plan issued by the Task Force to Re-Open Florida, and adopted a phased approach to remove or decrease certain restrictions imposed pursuant to the Executive Order Number 20-91, Safer-At-Home Order; and

WHEREAS, on June 3, 2020, Governor Ron DeSantis issued Executive Order Number 20-139, moving all counties in Florida, other than Miami-Dade, Broward and Palm Beach Counties, into Phase 2 of the plan issued by the Task Force to Re-Open Florida, which

Order supersedes Executive Order Number 20-91, the Safer at Home Order, and supersedes in part, and extends and modified other provisions of, Executive Order Number 20-112; and

WHEREAS, on March 17, 2020 the St. Johns County Board of County Commissioners issued Emergency Proclamation Number 2020-1 declaring a local state of emergency in response to a county-wide threat from COVID-19, which Proclamation has been extended numerous times, and most recently on June 23, 2020; and

WHEREAS, between March 12, 2020, and the date hereof, the City Manager has issued several Administrative Orders in response to the city-wide threat of the spread of COVID-19; and

WHEREAS, based on recent information and data from the Florida Department of Health, the number of confirmed cases of COVID-19 in St. Johns County and the City of St. Augustine has increased significantly since additional re-openings were authorized under Phase 2 of the Governor's Plan for Florida's Recovery, which increase may result in additional deaths; and

WHEREAS, in response to the dramatic increase in COVID-19 cases, the Florida Medical Association, the state's largest physician's organization, encourages all local officials to adopt regulations requiring individuals to wear face coverings in public places; and

WHEREAS, based on advice from medical professionals the number of confirmed cases of COVID-19 in St. Johns County and the City of St. Augustine will increase exponentially if additional measures to stop or slow the spread of COVID-19 are not instituted; and

WHEREAS, the United States Centers for Disease Control and Prevention ("CDC") has expressly found that: "COVID-19 spreads mainly from person to person through respiratory droplets produced when an infected person coughs, sneezes, or talks. These droplets can land in the mouths or noses of people who are nearby or possibly be inhaled into the lungs. Studies and evidence on infection control report that these droplets usually travel around 6 feet (about two arms lengths)"; and

WHEREAS, the CDC therefore specifically recommends that as businesses and communities reopen, and people resume their daily activities, people should wear face coverings to slow the spread of COVID-19, particularly “in public settings where other social distancing measures are difficult to maintain”; and

WHEREAS, consistent with Governor DeSantis’ Executive Order Number 20-51, as extended, modified or amended, Chapter 252.46, Florida Statutes, and Sec. 3.05 of the City Charter, the City Commission is authorized to make such orders and rules as are necessary to ensure the health, safety and welfare of the community during a state of emergency; and

WHEREAS, the City Commission for the City of St. Augustine finds that it is in the best interest of public health, safety, and general welfare that the following be adopted consistent with the requirements of Section 166.021(4), Florida Statutes.

THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA:

Section 1. Definitions.

Face Covering shall mean a uniform piece of material that securely covers a person’s nose and mouth and remains affixed in place without the use of one’s hands. Types of coverings include a face mask, homemade mask, or other covering, such as a scarf, bandana, handkerchief, or other similar cloth covering or shields.

Social Distancing shall mean keeping space between yourself and other people by staying at least six (6) feet (about 2 arms’ length) from other people.

Companion shall mean a person by whom you are accompanied.

Section 2. Face Coverings Required.

- a. Every person working, living, visiting, or doing business in the City of St. Augustine shall wear a face covering in any indoor location, other than their home or residence, when not maintaining social distancing from other person(s), excluding family members or companions.
- b. Nothing herein shall require or allow a person to wear a face covering so as to conceal the identity of the wearer in violation of Chapter 876, Florida Statutes.
- c. All businesses are encouraged to prohibit entry of any person who is not wearing a face covering with the exception of those below listed persons.

Section 3. Exceptions.

Nothing herein shall require the wearing of face coverings by the following people:

- a. Persons under the age of two years; and
- b. Persons observing social distancing in accordance with CDC guidelines; and
- c. Persons for whom a face covering would cause impairment due to an existing health condition; and
- d. Persons working in a business or profession who do not have interactions with other persons; and
- e. Persons working in a business or profession who maintain social distancing from another person; and
- f. Persons working in a business or profession where use of a face covering would prevent them from performing the duties of the business or profession; and
- g. Persons exercising, while maintaining social distancing; and
- h. Persons eating or drinking; and
- i. Public safety, fire and other life safety and health care personnel, as their personal protective equipment requirements will be governed by their respective agencies; and
- j. The requirement shall not apply when a person who is hearing impaired needs to see the mouth of someone wearing a face covering in order to communicate; and
- k. The requirement does not apply to any outdoor activity permitted under City, County, or State order, but face coverings should be readily available when coming within six (6) feet of an individual not part of a person's immediate family or cohabitating living unit.

Section 4. Enforcement.

Pursuant to Sec. 252.46, Florida Statutes, this Resolution shall have the full force and effect of law, and pursuant to Chapter 2, Article VI, of the Code of the City of St. Augustine, a violation of this Resolution shall be a non-criminal civil infraction, enforceable under Chapter 2, Article VI, Division 2, of the City Code, which carries a penalty of up to a \$500.00 fine.

Section 5. Effective Date; Expiration Date.

- a. This Resolution shall become effective on June 27, 2020, at 12:01 AM.
- b. This Resolution shall remain in effect in the City of St. Augustine for so long as a state of emergency is in effect or unless otherwise modified or repealed.

ADOPTED in Emergency Session of the City Commission of the City of St. Augustine,
Florida, this ____ day of _____, 2020.

ATTEST

Tracy Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)