

**CITY OF ST. AUGUSTINE CITY COMMISSION  
SPECIAL MEETING  
MONDAY, DECEMBER 7, 2020  
7:30 P.M.  
ALCAZAR ROOM**

**A M E N D E D**

**A G E N D A**

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1. Call to Order  
Roll Call  
Invocation and Pledge of Allegiance
2. General Public Comment
3. Comments by current sitting Commission
4. Oaths of Office
  - A. Mayor Tracy Upchurch
  - B. Commissioner Roxanne Horvath
  - C. Commissioner Barbara Blonder
5. Election of Vice-Mayor
6. Commission Policies and Procedures
  - 6.A. Discussion and adoption of Resolution 2020-39, providing for the Operating Policies, Reorganization, Rules and Procedures of the City of St. Augustine City Commission.
  - 6.B. Resolution 2020-40: Urges Governor DeSantis to reinstate the provisions of EO-20-69 allowing the use of CMT to conduct meetings. (*R. Horvath, Commissioner*)

7. Closing comments by Mayor and City Commissioners
8. Adjourn

**NOTICES:** In accordance with Florida Statute 286.0105: "if a person decides to appeal any decision made by the board, agency, or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." \*\*\*In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the individual or agency sending notice not later than seven days prior to the proceeding at the address given on the notice. Telephone 904-825-1007; 1-800-955-8771 (TDB) or 1-800-955-8770 (V) via Florida Relay Services. \*\*\*The City of St. Augustine encourages anyone wishing to present the invocation at city commission meetings to contact the City Clerk's office, to be placed on the rotation list, and encourages people of all religious affiliations or of no religious affiliation to present a non-denominational invocation to inspire us in the work of the City Commission. The materials prepared and presented are part of the City's ongoing Florida Public Records and Government in the Sunshine compliance and are not intended to be relied upon or to reach investors or the trading markets.

**CITY OF ST. AUGUSTINE**

**MEMORANDUM**

TO: John P. Regan, City Manager

DATE: November 19, 2020

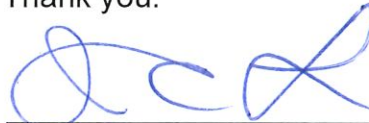
RE: **RESOLUTION 2020-39: REORGANIZATIONAL RESOLUTION**

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Every election year the City Commission adopts its rules and policies, known as the Reorganizational Resolution. In 2018, the resolution was structurally updated to incorporate exhibits categorized by topic. This year, the existing resolution was updated to include the ability for the City Manager to institute Reasonable Health, Safety, and Security Protocols as may be advisable due to local conditions such as declared states of emergency, public health emergency, local outbreak of disease, disruptive protests, or other such local conditions which may warrant heightened safety or security in the interest of the public health, safety, and welfare.

Please place Resolution 2020-39 on the agenda for adoption at the December 7<sup>th</sup> City Commission meeting.

Thank you.



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Isabelle C. Lopez  
City Attorney

/s/  
Attachment

xc: Meredith Breidenstein, Assistant City Manager  
Darlene Galambos, City Clerk

## **RESOLUTION NO. 2020-39**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA ADOPTING, CONFIRMING, AND RATIFYING THE SCHEDULE OF REGULAR MEETINGS, THE ORDER OF BUSINESS OF THE AGENDA, THE RULES OF DECORUM, THE RULES OF PROCEDURE, THE SPECIAL MEETING PROCEDURES, THE ADMINISTRATIVE POLICIES AND PROCEDURES, AND THE REASONABLE HEALTH, SAFETY AND SECURITY PROTOCOLS FOR PUBLIC MEETINGS OF THE ST. AUGUSTINE CITY COMMISSION; PROVIDING FOR THEIR USE BY OTHER CITY BOARDS AND COMMITTEES; PROVIDING FOR AMENDMENT, REPEAL OR SUSPENSION OF THESE RULES, PROCEDURES AND POLICIES BY MAJORITY VOTE OF THE CITY COMMISSION; AND PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS.**

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

**WHEREAS**, the City Charter provides that the City Commission may adopt a resolution to prescribe the rules, procedures and policies related to the conduct of its meetings; and

**WHEREAS**, the City Commission finds that adoption of the following rules, procedures and policies will further the public health, safety, and welfare, as well as, the good governance of the City.

**THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA, THAT THE FOLLOWING BE ADOPTED, CONFIRMED, AND RATIFIED:**

Section 1. Schedule of Regular Meetings. The regular meetings of the St. Augustine City Commission will be held in the Alcazar Room, City Hall, St. Augustine, Florida on the second and fourth Mondays of each month beginning at approximately 5:00 p.m., unless cancelled or rescheduled due to a holiday, closure of City offices, for public health and safety reasons, or as a result of insufficient official business to be heard at a given meeting as determined by the City Manager. The time and location of a meeting may be changed upon reasonable notice, consistent with the requirements of Florida law. The reorganizational meeting of the City Commission will be held at 7:30 p.m. on the first Monday in December following an election, consistent with Article V, Section 5.02 of the City Charter. Resolution 2019-21 provides that regular meetings will adjourn no later than four (4) hours after the call to order, unless extended by simple majority vote of the City

Commission. The City Commission may continue a hearing or reschedule any items to a future meeting date. Items that require specific noticing will be re-noticed in the event a meeting adjourns prior to hearing the scheduled item.

Section 2. Order of Business. The format and order of the Agenda of the St. Augustine City Commission is hereby adopted and incorporated herein as Exhibit "A" *Order of Business*.

Section 3. Rules of Decorum. Resolution 2015-36 provides specific notice and guidance to the public regarding the applicable rules of decorum, and it is confirmed and incorporated herein as Exhibit "B" *Rules of Decorum*.

Section 4. Rules of Procedure. The rules of procedure during meetings of the St. Augustine City Commission are hereby adopted and incorporated herein as Exhibit "C" *Rules of Procedure*.

Section 5. Special and Emergency Meetings. Special meetings of the St. Augustine City Commission may be scheduled and conducted consistent with the procedures for special meetings hereby adopted and incorporated herein as Exhibit "D" *Special Meetings*. Emergency meetings may be called as allowed pursuant to local, state, and federal law.

Section 6. Administrative Policies and Procedures. The administrative procedures of the St. Augustine City Commission are hereby adopted and incorporated herein as Exhibit "E" *Administrative Policies and Procedures*.

Section 7. Reasonable Health, Safety, and Security Protocols. The reasonable health, safety, and security protocols are hereby adopted and incorporated herein as Exhibit "F" *Reasonable Health, Safety, and Security Protocols for City Commission, Appointed Boards and Committee Public Meetings*.

Section 8. Other City Boards and Committees. Meetings of the City's boards and committees may provide for variations to reflect the work of their board or committee, but should generally follow the format of the Order of Business, comply with the City's Rules of Decorum, Meeting Procedures, provisions for Special Meetings, and with the requirements of Florida's Government in the Sunshine Law.

Section 9. These rules, procedures, protocols, and policies may be amended, repealed, or suspended by a majority vote of the City Commission.

Section 10. It is the intent of the City Commission to adopt the rules, procedures, protocols, and policies found herein, to confirm the use of the Rules of Decorum as they may be amended from time to time, and to repeal any conflicting provisions in prior resolutions.

ADOPTED in Regular Session of the City Commission for the City of St. Augustine, Florida this \_\_\_\_ day of \_\_\_\_\_, 2020.

CITY OF ST. AUGUSTINE, FLORIDA

ATTEST:

\_\_\_\_\_  
Tracy Upchurch, Mayor-Commissioner

\_\_\_\_\_  
Darlene Galambos, City Clerk

(Seal)

**EXHIBIT “A”**

# ORDER OF BUSINESS

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## CITY OF ST. AUGUSTINE CITY COMMISSION REGULAR MEETING AGENDA

**[DATE]**, 5:00PM  
ALCAZAR ROOM

1. **CALL TO ORDER**
  - ❖ Roll Call
  - ❖ Invocation and Pledge of Allegiance
2. **ADMINISTRATIVE ITEMS**
  - A. Modification and Approval of **Regular Agenda**
3. **SPECIAL PRESENTATIONS, RECOGNITIONS AND PROCLAMATIONS**
4. **PUBLIC COMMENTS FOR GENERAL PUBLIC COMMENTS OR FOR AGENDA ITEMS NOT REQUIRING A SEPARATE PUBLIC HEARING**
  - ❖ 3 minutes per individual
5. **CONSENT AGENDA** – Modification(s); Motion to Approve
6. **APPEALS**
7. **GENERAL PUBLIC PRESENTATIONS, ITEMS OF GREAT PUBLIC IMPORTANCE, AND OTHER ITEMS REQUIRING PUBLIC HEARINGS**
  - A. General Public Presentations
  - B. Items of Great Public Importance
  - C. Other Items Requiring Public Hearing
8. **ORDINANCES AND RESOLUTIONS – PUBLIC HEARING REQUIRED**
  - A. Ordinances – Second Reading
  - B. Ordinances – First Reading (*only if required by law*)
  - C. Resolutions – Public Hearing (*only if required by law*)
9. **ORDINANCES AND RESOLUTIONS – NO PUBLIC HEARING REQUIRED**
  - A. Ordinances – First Reading
  - B. Resolutions
10. **STAFF REPORTS AND PRESENTATIONS**
11. **ITEMS BY CITY ATTORNEY** (*See Consent Agenda also*)
12. **ITEMS BY CITY CLERK** (*See Consent Agenda also*)
13. **ITEMS BY CITY MANAGER** (*See Consent Agenda also*)
14. **ITEMS BY MAYOR AND COMMISSIONERS**
15. **ADJOURN**

**EXHIBIT “B”**

## RULES OF DECORUM

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The speaker may present their viewpoint in this limited public forum without using terminology or gestures that cause a disruptive environment for public officials in the discharge of their duties or cause a disruptive environment hostile to the participation of other members of the public. Any person violating the rules of decorum as described in this section or otherwise displaying disruptive behavior, such as but not limited to, shouting, noisemaking, issuing threats, harassing or intimidating members of the public, interfering with the duties of elected or appointed officials and City staff during a public meeting, or otherwise interrupting or disrupting the proceedings may be removed from the public assembly pursuant to law.

Each speaker must comply with the following rules of decorum when addressing the commission, board or committee:

- ❖ THE SPEAKER MAY NOT ADDRESS THE COMMISSION, BOARD OR COMMITTEE FROM THE AUDIENCE.
- ❖ THE SPEAKER MAY ONLY APPROACH THE PODIUM TO SPEAK WHEN RECOGNIZED BY THE CHAIRPERSON.
- ❖ THE SPEAKER MAY NOT APPROACH THE DAIS WITHOUT THE CHAIRPERSON'S PERMISSION.
- ❖ THE SPEAKER MUST DIRECT QUESTIONS AND COMMENTS AT THE COMMISSION, BOARD OR COMMITTEE, THROUGH THE CHAIRPERSON.
- ❖ THE SPEAKER MUST OBSERVE THE TIME LIMITS SET FOR PUBLIC COMMENT.
- ❖ THE SPEAKER AT A PUBLIC HEARING MUST LIMIT HIS OR HER COMMENTS TO THE SUBJECT OF THE HEARING.
- ❖ THE SPEAKER MUST AVOID MAKING IRRELEVANT, REPETITIVE, PERSONAL, IMPERTINENT OR SLANDEROUS COMMENTS.

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***A speaker violating these rules of decorum or otherwise disrupting a meeting may be gaveled out of order by the chairperson, and if the speaker willfully refuses to abide by the lawful order of the chairperson to cede the floor and cease and desist all disruptive behavior, the speaker may be removed for disrupting a public assembly pursuant to Chapter 871.01, Florida Statutes.***

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**EXHIBIT “C”**

## MEETING PROCEDURES

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- A. **AUDIO AND VIDEO OF PUBLIC MEETINGS:** The City of St. Augustine may audio and video record and broadcast public meetings. Members of the public and the media may also record public meetings as allowed by law; however, placement of equipment may not interfere with the life, safety codes, and the orderly conduct of the meeting or with the ability of the audience to see and hear the proceedings.
- B. **CELL PHONES:** Cell phones must be muted. Any conversation on cell phones during the meeting must be made outside City Commission Chambers.
- C. **PUBLIC RECORDS:** All documents presented as part of the record of the proceedings shall be considered, received, and filed without the necessity of a motion.
- D. **ORDER OF SPEAKERS:** No members of the Commission shall speak more than twice on one question without first obtaining the leave of the Mayor, nor more than once until the other members have spoken, if they desire to speak, nor shall any member speak longer than ten minutes on one occasion, but the Mayor may extend the member's time for an additional five (5) minutes.
- E. **COURTESIES OF THE FLOOR:** The Mayor may extend the courtesies of the floor to any person he or she may see fit at any time during the deliberations of the City Commission unless there is an objection. It shall not be necessary for a member of the City Commission to move that the courtesies of the floor be extended. It shall be sufficient if the City Commissioner makes the request, and the Mayor shall grant such request unless there is an objection. Any person addressing the Commission shall do so from the lectern after stating their name and physical address for the record. Failure to state either their name or physical address for the record will not bar the person from making public comment but may affect the ability of that person to establish standing in further legal proceedings.
- F. **MANNER OF MOTIONS AND VOTES:** The Mayor will preside at all meetings of the Commission. In his or her absence, the Vice-Mayor will preside; and in his or her absence the Commissioner with most seniority will preside. In the conduct of the meeting, the Commission may employ Roberts Rules of Order except as otherwise provided by law or the rules of the Commission. Seconds to motions, however, shall be required, and the Mayor-Commissioner shall have voice vote and may make motions and seconds to motions. After establishing a quorum, all votes will be decided by majority vote of those present and legally able to vote on the measure. Tie votes shall operate as a technical denial on the measure. On quasi-judicial matters, Commissioners shall disclose ex parte communication consistent with Florida law.
- G. **MAYOR AND CITY COMMISSIONER COMMENT PERIOD:** Only matters requiring Commission action for approval, disapproval or for general information of the entire Commission shall be presented by the Mayor or the City Commissioners

at that portion of the meeting allotted to the Mayor and City Commissioners. Housekeeping details shall be reported to the City Manager by the individual Commissioners at times other than during regular meetings, all in accord with Chapters 119.011 and 286.011, Florida Statutes.

- H. **PUBLIC COMMENT**: Consistent with the laws of the State of Florida, members of the public shall be given a reasonable opportunity to be heard before the City Commission takes formal action on a proposition. Regular meetings of the City Commission and its boards and committees shall provide for a general public comment period. Agenda items requiring a separate public hearing shall provide an opportunity for public comment on that item. If a person or agent of a person wishes to address the City Commission during either the general public comment period or during a specific public hearing item listed on the agenda, the person desiring to speak should complete a Public Comment card available at the back of the meeting chamber. The speaker should indicate on the card the subject of the comment and submit the card to the City Clerk who will then forward it to the Mayor.

At the appropriate portion of the meeting, under General Public Comment or at the time of the Public Hearing on agenda items requiring a public hearing, the Mayor will call the name of each person submitting a card and request that person to come forward. The Mayor will also make a general announcement for anyone unable to fill out a comment card, to come forward to provide their comments. After being recognized by the Mayor, the person should come to the podium and, for the public record, state his or her name, and physical address of their residence, business, or real property. Failure to state either their name or physical address for the record will not bar the person from making public comment but may affect the ability of that person to establish standing in further legal proceedings.

For agenda items, the speaker should state whether he or she favors or disfavours the item he or she wishes to address. For non-agenda items, the speaker should identify the subject of the public comment and make his or her statement. Agents shall identify themselves, identify their client by name and their address. The speaker should then proceed to state their position or present information.

Appearances on all items will be limited to three (3) minutes, and no person may speak for more than three (3) minutes during any General Public Comment or Public Hearing period unless the Mayor allows otherwise. A speaker may not donate speaking time to another speaker. Persons desiring to distribute handouts should provide a minimum of ten (10) copies to the City Clerk. Persons wishing to display an electronic presentation, drawing or rendering must contact the City Clerk a minimum of five (5) business days prior to the meeting and make arrangements for a copy for the record.

- I. **MEETING DECORUM**: City Commission meetings are formal governmental meetings conducted to transact public business. In conducting the public's business, the City commits to the principles of civility, honor and dignity. Individuals appearing before the City are requested to observe the same

principles when making comments on items and issues presented to the City for their consideration. The City Commission may request that individuals providing testimony and evidence in a quasi-judicial proceeding be sworn-in as witnesses. The City's Resolution 2015-36, as may be amended, providing for Rules of Decorum shall govern all meetings of the City Commission and its boards and committees.

- J. **SUBMISSIONS OF PETITIONS TO THE CITY:** When submitting petitions to the City Commission at a public meeting when the petition is not part of another agenda item, the person should present the petition during the General Public Comment period. The person presenting the petition to the City Commission should give it to the City Clerk at the beginning of the presentation and provide a brief overview of the reason behind the petition. The presentation must be limited to three (3) minutes. The City Commission may accept the petition for further review and determine whether and when to schedule the item for discussion.

There are occasions when petitions are submitted to the City through the mail or brought into the City Offices. When petitions are received by the City in this way, a copy of the petition will be presented to the City Manager who will determine whether to schedule the item for discussion with the City Commission.

Any City Commissioner may schedule as an agenda item or make a presentation during Mayor and City Commissioner Comments regarding a petition received by the City.

Petitions received in relation to a quasi-judicial matter shall be maintained as part of the record of that hearing but will not be used as evidence in the proceeding, unless consistent with Florida law.

- K. **EXHIBITS:** All exhibits presented at a Commission meeting shall be presented in a manner allowing viewing by the public, as reasonably possibly. The City Clerk will retain all exhibits in accordance with the Florida Public Records Act and make them available to the public. The City Clerk may release the exhibits to the individual submitting the exhibits provided no appeal or litigation has been filed relative to the matter concerning the exhibits; and provided that the individual reclaims the exhibits with a signature of release. In the event the original exhibit is released, the individual reclaiming the exhibit must provide a copy, photograph or recording fairly capturing the original for retention by the City Clerk in accordance with the State of Florida public records retention policy.

**CITY COMMISSION – APPEAL OF [BOARD NAME]  
[DENIAL] or [APPROVAL] OF  
[ORDER ON APPEAL] [APPLICATION NUMBER]  
[APPLICATION ADDRESS AND PROJECT NAME (if any)]**

**1. EX PARTE DISCLOSURE**

**2. CITY ATTORNEY PROCEDURAL REMINDER**

- ❖ No new evidence is to be presented; this is an appeal on the record of the \_\_\_\_\_ Board hearing based on the right to appeal the denial/approval of \_\_\_\_\_ to the City Commission pursuant to section 28-29 (g).
- ❖ Public comment will be allowed but will be unsworn as it is limited to argument of facts already in the record of the \_\_\_\_\_ hearing.

**A. Required findings by the City Commission:**

- ❖ City Code Section 28-29(g)(5) states that, “the city commission shall find whether in its opinion error was made and within the terms of this section affirm, reverse or modify the action appealed.”

- ❖ City Code Section 28-29(g):

- (4) An appeal hearing before the city commission shall be scheduled at the next reasonably available city commission meeting. **The hearing shall be based on the record below and no new evidence or testimony shall be considered unless the appellant requests a modification to the action under appeal.** If a modification is requested, the only new evidence and testimony allowed shall be limited to the modification.
- (5) **The city commission shall find whether in its opinion error was made** and within the terms of this section **affirm, reverse or modify the action appealed** as it deems just and equitable. If the applicant presents modifications to the action under appeal, the city commission may accept the modification and so modify the order, may remand the appeal back to the board for further review, or may deny the modification and affirm the action appealed.
- (6) **The decision of the city commission shall be the final administrative action** and appeals from the decision of the city commission shall be appealed to the circuit court.

**B. The standard of review for a quasi-judicial decision requires all of the following:**

- a) Procedural due process was afforded to the applicant;
- b) The \_\_\_\_\_ Board applied the correct law; and

- c) The decision was supported by competent, substantial evidence in the record.

### 3. STAFF PRESENTATION

- ❖ Overview presented by Planning & Building Director (*or other staff presentation*)
  - 20 minutes

### 4. PUBLIC COMMENT

- ★ *Can be before or after Appellant*
- ❖ Limited to argument on the record below; no new testimony or evidence.
  - 3 minutes per speaker

### 5. APPELLANT PRESENTATION

- ★ *If public comment is heard after Appellant, Appellant will be given an opportunity for rebuttal*
- ❖ Limited to argument on the record below; no new testimony or evidence.
  - 20 minutes
- ★ *If Appellant is not the Property Owner, the Property Owner will be given an opportunity to present a rebuttal)*
  - 20 minutes

### 6. CITY COMMISSION QUESTIONS

### 7. COMMISSIONER DELIBERATIONS AND VOTE

- ❖ Motion to approve the appeal, finding that the \_\_\_\_\_ Board committed an error, and the City Commission reverses the \_\_\_\_\_ order. (City Commission grants the \_\_\_\_\_).

*\*or\**

- ❖ If a modification is presented, City Commission may
  - a) Deny the modification, or
  - b) Approve the modification, or
  - c) Motion to remand back to \_\_\_\_\_ Board to have the Board review and consider the modification.

*\*or\**

- ❖ Motion to deny the appeal and confirm the \_\_\_\_\_ Board order (City Commission denies the \_\_\_\_\_).

***The City Commission, through the Chair/Mayor, may extend the courtesies of the floor and allow for more time for an issue specific presentation, as it deems necessary to ascertain the relevant facts in the record and law at issue consistent with due process.***

## EXHIBIT “D”

## **SPECIAL MEETINGS**

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### **1. WORKSHOPS:**

- A. PURPOSE AND INTENT: City Commission Workshops are public meetings scheduled for City Commissioners to discuss, with or without the presence or input of City boards, committees, consultants or staff, matters related to certain subjects requiring detailed study or clarification.
- B. SCHEDULING: The City Manager may suggest an item be set for a future Workshop, to be scheduled if approved by a majority vote or consensus of the City Commission. A Workshop may also be requested by any Commissioner during a City Commission meeting, to be scheduled if approved by majority vote or consensus of the City Commission.
- C. LOCATION: Workshops of the Commission may be held in City Commission Chambers or a designated Conference Room at City Hall, or other location within the boundaries of the City of St. Augustine consistent with Florida law.
- D. PUBLIC MEETING: Workshops of the Commission shall be noticed and open to the public. A workshop agenda and meeting minutes shall be made available to the public consistent with Florida law.

### **2. SPECIAL MEETINGS:**

- A. PURPOSE AND INTENT: The purpose of Special Meetings is to provide flexibility when a regular meeting needs to be supplemented or rescheduled. Special Meetings may be in addition to any regularly scheduled meetings of the City Commission. Special Meetings may also be scheduled as joint sessions with the City's boards and committees, or with outside agencies.
- B. SCHEDULING: The decision to hold a Special Meeting shall be determined by majority vote or consensus of the City Commission during a commission meeting.
- C. LOCATION: Special Meetings of the Commission may be held in City Commission Chambers or a designated Conference Room at City Hall, or other location within the boundaries of the City of St. Augustine consistent with Florida law. If the Special Meeting is located outside the boundaries of the City of St. Augustine, such as joint City-County meetings held at St. Johns County facilities, the City Commission shall comply with the requirements of Chapter 166.0213(2), Florida Statutes prior to holding the meeting.
- D. PUBLIC MEETING: Special Meetings of the Commission shall be noticed and open to the public. A Special Meeting agenda and meeting minutes shall be made available to the public consistent with Florida law.

### **3. PUBLIC COMMENT DURING WORKSHOPS AND SPECIAL MEETINGS:**

Members of the public will be given a reasonable opportunity to be heard on a proposition before the City Commission, however, the City Commission may

designate a Special Meeting or Workshop without public comment if a separate public meeting is made available for public comment prior to formal action by the City Commission, consistent with Chapter 286.0114, Florida Statutes. The public comment period will be scheduled at a meeting that is during the decision-making process and is within reasonable proximity in time before the meeting at which the City Commission takes the official action. The City Commission will make that determination at the beginning of the Workshop or Special Meeting, or at a prior regular meeting. A decision regarding the timing of public comment shall be approved by a majority vote or by a consensus of the City Commission.

**4. MODIFICATION:**

The City Commission will utilize the Order of Business, Rules of Decorum, Rules of Procedure, and Administrative Procedures as with regular meetings of the City Commission, unless modified for the purposes of the Special Meeting or Workshop.

**5. EMERGENCY MEETINGS:**

Emergency meetings shall comply with the requirements of federal, state, and local law.

## **EXHIBIT “E”**

# ADMINISTRATIVE POLICIES AND PROCEDURES

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## 1. MEETING AND AGENDA PREPARATION:

- A. The City Manager will prepare each meeting agenda. Regular meeting agendas will be available to the public by noon of the Tuesday preceding the City Commission meeting. All items must be submitted before noon on the Thursday two weeks prior to the City Commission meeting. The City Manager may modify the regular Order of Business in order to group related ordinances, resolutions, and proposals into one comprehensive presentation for clarity, however individual items will be heard and voted on consistent with Florida law.
- B. Special meetings or workshops may deviate from these deadlines, as necessary due to their scheduling, however the City Manager will endeavor to make these agendas available as soon as practicable. Agenda deadlines may be modified due to holiday schedules, office closures, or other unforeseen circumstances, at the discretion of the City Manager, but at a minimum shall meet the requirements of the State of Florida's Government in the Sunshine Law. Emergency meetings shall comply with the requirements of federal, state, and local law.
- C. Any member of the public seeking placement on the regular agenda must contact the City Clerk's Office at City Hall by telephone at: (904) 825-1007, by email at: [cosa@citystaug.com](mailto:cosa@citystaug.com) or [dgalambos@citystaug.com](mailto:dgalambos@citystaug.com), or by fax at: (904) 825-1008, and must provide that person's name, business name (if applicable), a summary statement of the business to be presented to the Commission and a copy of all documents to be presented. If audio visual aids will be used, such as PowerPoint slides, projections or motion pictures, these must be reviewed and approved as to format by the City's technicians before noon of the Tuesday preceding the City Commission meeting. Placement of an agenda item before the Commission by a member of the public must have the sponsorship of a member of the City Commission.
- D. In accordance with the American With Disabilities Act, persons needing a reasonable accommodation to participate in this proceeding should contact the City Clerk at 75 King Street, 2nd Floor, St. Augustine, Florida, 32084, telephone (904) 825-1007, not later than seven (7) days prior to the proceeding. If you are hearing or voice impaired, please call the Florida Relay Service at 711 or toll free at 1-800-955-8771 (TTY).
- E. The Mayor or any Commissioner may sponsor a Proclamation to be placed on the Agenda. All Proclamations will be issued in the name of the City Commission and signed by the Mayor. Proclamations may be placed on the consent agenda for formal presentation at a future City Commission meeting, or they may be adopted and presented at the same meeting. Any adopted Proclamation that is not scheduled for formal presentation at a City Commission meeting will be so noted in the Agenda under Items by City Clerk.
- F. The Mayor or any Commissioner may request that an item be placed on the Agenda for exploratory City Commission discussion. Any matters that require drafting of a City ordinance or amendment of a City ordinance may be added to

an Agenda for presentation but must have the consensus of a majority of the Commission given at a Commission meeting prior to staff mobilizing to produce workshops, meetings, studies or draft documents. Resolutions and other matters that may involve substantial staff mobilization may also be added to an Agenda for presentation by the Mayor or any City Commissioner in order to obtain direction and Commission consensus.

- G. The City Manager may add to the Agenda for presentation any administrative matter prior to obtaining consensus of the City Commission if such matter is deemed necessary to the orderly administration of the City consistent with the powers and duties of the City Manager pursuant to the City Charter. The City Manager may instruct the employees under the City Manager's supervision and control to prepare an administrative matter for presentation. The City Manager may also retain consultants to assist in the duties prescribed for city managers.
- H. The City Attorney may add to the Agenda for presentation a resolution, ordinance, or other legal document prior to obtaining consensus of the City Commission, if the City Attorney deems it necessary to protect a legal interest of the City consistent with the powers and duties of the City Attorney pursuant to the City Charter. The City Attorney may instruct the employees under the City Attorney's supervision and control to prepare a legal matter for presentation. The City Attorney may also retain outside counsel to assist in the duties prescribed for city attorneys.

## **2. EXPENDITURE OF FUNDS:**

- A. The City Manager is instructed that persons or community or charitable organizations requesting public funds or contributions of goods or services be advised that the policy of the City Commission, in order not to discriminate among the many requests for such aid, is that no direct contributions of public funds or direct contributions of goods or services will be made by the City Commission to such community organizations or groups. The City Commission of its own motion may approve the expenditure of public funds, goods, or services if the City Commission finds that such expenditure is of a paramount public purpose and creates only an incidental private benefit. The City Commission may also create and fund various grants to be administered by the City Manager.
- B. The City Manager is instructed that requests for individual travel or other related expenditures of funds requested by a City Commissioner shall be granted up to a maximum of \$2,500.00 per fiscal year. Any request or item in excess of the annual allocation must be approved by the City Commission.

## **3. APPOINTMENT OF MEMBERS TO BOARDS AND COMMITTEES:**

### **A. POSITIONS PROVIDED FOR BY CITY ORDINANCE:**

- i. Sixty days prior to the expiration of a scheduled term, a notification of such expiration will be given to the City Commission in the Consent Agenda. A summary of the qualifications and duties applicable to the board in question and a list of current members will be included in the notification. This deadline may be modified due to extraordinary circumstances.

- ii. Following notification, a special advertisement will be placed in the St. Augustine Record requesting applicants for the proposed vacancy.
- iii. The individuals holding the expiring term will be notified of the scheduled expiration and requested to fill out an application to express continued interest in serving.
- iv. Applicants for any City board or committee having an application currently on file will receive notification of the scheduled term expiration and be requested to update or confirm their application.
- v. At the City Commission meeting held prior to the expiration of a term on a given board, the City Clerk's office will place on the agenda a request for an appointment. The request will include all applications. From the combined list of applicants, the Commission will either finalize the appointment or determine to shorten the list of applicants and invite certain prospects to attend a subsequent Commission meeting following notification of the vacancy. The Commission may vote on the applicant by any lawful manner, including but not limited to, by motion and majority vote in the same manner as any other action item.
- vi. In the event a vacancy occurs on any board or committee for any reason other than expiration of term, the City will follow the procedures described in this section except that notification of a vacancy will be given at the next Commission meeting following receipt of notification of the vacancy by the City.
- vii. Citizen boards which assist in the governing of the City of St. Augustine shall be composed of persons who reside in the City of St. Augustine, unless otherwise stated. The City Commission reserves the authority to make exceptions in the event of difficulty filling positions or for other good cause as allowed by law or local regulation. Citizen boards that require its members to be members of certain occupations or professions in order to be qualified to hold their public positions are not prohibited from practicing that occupation or profession, consistent with Chapter 112.313(7), Florida Statutes and CEO 84-63 and 04-1.

**B. POSITIONS NOT PROVIDED FOR BY CITY ORDINANCE:**

- i. All appointments of members of boards and committees not provided for by City Ordinance will terminate on January 31<sup>st</sup> of any year following a year in which the City holds an election of City Commissioners. Single purpose committees will be deemed terminated upon final presentation of their work or findings to the City Commission.
- ii. At the first regular City Commission meeting following the installation of newly elected City Commissioners, the City Manager or City Clerk by way of the Consent Agenda will notify the City Commission of all terminations of the subject boards and committees. The notification will include a list of the current members of each board or committee and the date of the meeting at which the

Commission will consider renewing terminated boards and committees or creating new boards and committees.

- iii. At the regular City Commission meeting following the meeting at which the City Manager provided notification of terminations, the City Clerk will place on the agenda for said meeting a request for renewal or creation of boards and committees and a request for appointments to these boards and committees. The Commission will proceed to vote on the renewal or creation of boards and committees.
- iv. The Commission will renew or create each board or committee by motion and voice vote. Membership appointments for each board and committee will be as determined by the City Commission.
- v. In the event a vacancy occurs on a board or committee for any reason other than expiration of term, the City Clerk will notify the Commission of a vacancy at the next Commission meeting following receipt of notification of the vacancy by the City. Vacancies will be appointed as determined by the City Commission, consistent with all applicable laws and regulations.
- vi. The City Commission may give preference to persons who reside or own property within the City for appointment to boards and committees not provided for by City Ordinance, but the Commission is not required to grant such preference, unless otherwise required by federal, state or local law.

#### **4. RESIGN TO SERVE REQUIREMENT:**

- A. A member of a City committee or board, shall resign from service on that committee or board prior to qualifying for any elected office of government, including the office of St. Augustine City Commissioner or Mayor. A currently serving member of an elected office of government may not apply for, or be nominated to, any committee or board of the City of St. Augustine, unless the member has resigned from that elected office.
- B. This prohibition shall not apply to the Mayor or City Commissioners acting in their official City capacity, either as a liaison or as an officer on another board or committee.
- C. These requirements are intended to address situations not already regulated pursuant to the State of Florida's resign to run or dual office holding regulations. Applicants to City of St. Augustine boards and committees who hold other appointed or elected office should familiarize themselves with State statutes to determine if their appointment would constitute dual office-holding or violate resign to run requirements, and whether their current agency prohibits the appointment, before applying for a City appointed position.
- D. The acceptance of an incompatible office by one already holding office operates as a resignation of the first. Holley v. Adams, 238 So. 2d 401 (Fla. 1970).

## **EXHIBIT “F”**

## **REASONABLE HEALTH, SAFETY, AND SECURITY PROTOCOLS FOR CITY COMMISSION, APPOINTED BOARDS AND COMMITTEE PUBLIC MEETINGS**

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1. The City Manager is designated and authorized to implement Reasonable Health, Safety, and Security Protocols deemed necessary or recommended pursuant to the authority granted by the City Charter, Article IV, Division 4.
2. The City Manager will make determinations based on local conditions indicating heightened health, safety, and security measures are warranted at the time of a scheduled public meeting.
3. Health, Safety, and Security Protocols will be posted online, with the City Clerk public notices, and on the door of the meeting room. Additionally, if possible within existing time limitations for published or mailed notice, the Health, Safety, and Security Protocols will be included with public meeting notices.
4. Health, Safety, and Security Protocols may include, but are not limited to:
  - a. Meeting chambers may be configured to maintain recommended social distancing radius as required.
  - b. Attendance inside a meeting chamber may be prioritized as required for reduced capacity in the meeting chamber.
  - c. Meeting chambers may be sanitized by wiping all flat surfaces and chairs prior to each meeting.
  - d. Members of the public, City Commission, staff, and appointed boards or committees may be required to wear masks.
  - e. Issuance of masks and hand sanitizer made available as needed prior to entry.
  - f. Staging areas for protestors or counter-protestors outside the meeting chamber to prevent interruption of the public meeting.
  - g. Additional security screening, and law enforcement or security personnel inside or outside the meeting chamber.
  - h. Overflow seating or waiting area for meetings reaching safe attendance capacity.
5. In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in public meetings should contact the City not later than seven days prior to the meeting.
6. Participants requesting accommodation due to a disability which prevents the use of face masks may use alternative face coverings. Alternative face coverings include scarves, other loose face covering, or full-face shield.

**CITY OF ST. AUGUSTINE**

**MEMORANDUM**

TO: John P. Regan, City Manager

DATE: November 23, 2020

RE: **RESOLUTION 2020-40: URGING GOVERNOR DeSANTIS TO ALLOW CMT MEETINGS**

As the number of COVID-19 cases is once again on the rise, the CDC is urging all individuals to stay at home as much as possible in order to slow the spread. As a result, the State Surgeon General, Scott A. Rivkees, M.D., extended Florida's declared Public Health Emergency through December 22, 2020. In addition, Governor DeSantis issued Executive Order 20-276 (EO 20-276), extending the declared State of Emergency through January 2, 2021. However, Executive Order 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 instead allowed local governments to utilize Communications Media Technology (CMT) to conduct meetings expired on November 1, 2020.

The City of St. Augustine conducts its public meetings in a historic building with limited space and an older infrastructure. The use of CMT provided a safer alternative for the City to continue to carry out necessary business during the coronavirus pandemic, while also allowing the opportunity for more citizens to participate, given the limited physical space during traditional meetings.

Therefore, due to the ongoing declared Public Health Emergency and State of Emergency, as well as the rising number of coronavirus cases, please find enclosed Resolution 2020-40 urging Governor DeSantis to reinstate the provisions of EO 20-69 and allow local governments to once again utilize CMT to safely conduct meetings.

Please place Resolution 2020-40 on the regular City Commission agenda for adoption on December 14, 2020.

Thank you.



Isabelle C. Lopez  
City Attorney

Attachment

xc: Meredith Breidenstein, Assistant City Manager  
Darlene Galambos, City Clerk (*with original*)

**Agenda Title:**

Resolution 2020-40: Urging Governor DeSantis to reinstate the provisions of EO 20-69 allowing the use of CMT to conduct meetings.

## RESOLUTION NO. 2020-40

**A RESOLUTION OF THE CITY OF ST. AUGUSTINE, FLORIDA, URGING GOVERNOR DESANTIS TO REINSTATE THE PROVISIONS OF EXECUTIVE ORDER 20-69, SUSPENDING 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 ALLOW LOCAL GOVERNMENT TO UTILIZE COMMUNICATIONS MEDIA TECHNOLOGY TO CONDUCT MEETINGS DUE TO THE CONTINUING DECLARED STATE OF EMERGENCY AND PUBLIC HEALTH EMERGENCY AS A RESULT OF COVID-19.**

**WHEREAS**, on March 1, 2020, State Surgeon General, Scott A. Rivkees, M.D., at the direction of 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

**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**, on March 20, 2020, 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 instead allowed local governments to utilize communications media technology (CMT) as provided in Section 120.54(5)(b)2, Florida Statutes; and

**WHEREAS**, Governor DeSantis periodically extended EO 20-69 through additional Executive Orders before it ultimately expired on November 1, 2020; and

**WHEREAS**, on October 23, 2020, State Surgeon General, Scott A. Rivkees, M.D., extended the declared Public Health Emergency through December 22, 2020; and

**WHEREAS**, on November 3, 2020, Governor DeSantis issued Executive Order 20-276 (EO 20-276), extending the declared State of Emergency through January 2, 2021.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:**

Section 1. The City of St. Augustine conducts its public meetings in a historic building with limited space and an older infrastructure. As the number of COVID-19 cases is once again on the rise, the CDC is urging all individuals to stay at home as much as possible in order to slow the spread. The use of CMT to conduct meetings provides a safer way for the City to carry out necessary business, while also allowing more citizens to participate, given the limited physical space during traditional meetings.

Section 1. As a result of the continuing declared State of Emergency and Public Health Emergency, the City Commission urges Governor DeSantis to reinstate the provisions of EO 20-69 to run concurrent with the declared State of Emergency and Public Health Emergency, and to 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 and instead allowed local governments to continue utilizing CMT to conduct meetings.

**ADOPTED** in Regular Session of the City Commission for the City of St. Augustine, Florida, this \_\_\_\_\_ day of December, 2020.

\_\_\_\_\_  
Tracy Upchurch, Mayor-Commissioner

ATTEST:

\_\_\_\_\_  
Darlene Galambos, City Clerk  
(SEAL)