



**CITY OF ST. AUGUSTINE CITY COMMISSION
REGULAR MEETING AGENDA
MONDAY, FEBRUARY 8, 2021 - 5:00 PM
AMENDED**

1. CALL TO ORDER

- ☐ Roll Call
- ☐ Invocation and Pledge of Allegiance

2. ADMINISTRATIVE ITEMS

- ☐ 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

6. APPEALS

7. GENERAL PUBLIC PRESENTATIONS, ITEMS OF GREAT PUBLIC IMPORTANCE, AND OTHER ITEMS REQUIRING PUBLIC HEARINGS

(PRESENTATIONS (MAXIMUM OF **10** MINUTES PER PRESENTATION)). PRESENTATIONS FOR COMMISSION MEETINGS MUST BE PRESENTED TO THE CITY MANAGER FOR APPROVAL NO LATER THAN TEN (10) WORKING DAYS PRIOR TO THE NEXT CITY COMMISSION MEETING. A PRESENTATION SUPPORT SERVICES REQUEST (AVAILABLE ON THE CITY'S WEBSITE) MUST ACCOMPANY ALL PRESENTATIONS.

7.A. General Public Presentations

7.A.1. Presentation by Eric Becher, PhD, representing the Epicentre Alliance regarding a concept plan for a Performing Arts Center. *(B. Blonder, Commissioner)*

7.B. Items of Great Public Importance

7.C. Other Items Requiring Public Hearing

8. ORDINANCES AND RESOLUTIONS - PUBLIC HEARING REQUIRED

8.A. Ordinances - Second Reading

8.A.1. Ordinance 2021-01: Amends the General Employees' Retirement System to comply with federal law changes to the mandatory distribution age and correct scrivener's errors. *(D. May, Assistant City Attorney)*

8.A.2. Ordinance 2021-02: Amends the St. Augustine Police Officers' Retirement System to comply with federal law changes to the mandatory distribution age and correct scrivener's errors. *(D. May, Assistant City Attorney)*

8.A.3. Ordinance 2021-03: Amends Article X of the City Charter to correct scrivener's errors and provide gender neutral language. *(I. Lopez, City Attorney)*

8.A.4. Ordinance 2020-17: Renames Bravo Street between Riberia Street and Sanford Street as *Carrie Johnson Way* honoring Ms. Johnson, a native resident who was known as "The Voice of Lincolnville". *(R. Franklin, Director Public Works)*

8.B. Ordinances - First Reading (only if required by law)

8.C. Resolutions - Public Hearing (only if required by law)

9. ORDINANCES AND RESOLUTIONS – NO PUBLIC HEARING REQUIRED

9.A. Ordinances - First Reading

9.B. Resolutions

10. STAFF REPORTS AND PRESENTATIONS

10.A. Discussion regarding legislative tracking priorities authorizing the Mayor to sign letters in support of or in opposition to the Commission's priority list. *(D. May, Assistant City Attorney)*

11. ITEMS BY CITY ATTORNEY

12. ITEMS BY CITY CLERK

13. ITEMS BY CITY MANAGER

13.A. Review and discussion of the addendum to the City's agreement with Lightner Museum. *(J. Regan, City Manager)*

14. ITEMS BY MAYOR AND COMMISSIONERS

15. 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.

CONSENT AGENDA - FEBRUARY 8, 2021

- CA.1.** Preview of upcoming Commission meetings.
- CA.2.** **THE FOLLOWING ORDINANCES ARE TENTATIVELY SCHEDULED FOR SECOND READING ON FEBRUARY 22,2021: NONE.**
- CA.3.** **Remainder of Upcoming Meetings:**
- February 8, 2021, 5pm, regular City Commission Meeting
 - February 22, 2021, 5pm, regular City Commission Meeting
 - March 8, 2021, 5pm, regular City Commission Meeting
- CA.4.** **APPROVAL OF MINUTES FROM PRIOR COMMISSION MEETINGS: NONE.**
- CA.5.** **RELEASES OF LIEN FOR UNIT CONNECTION FEE MORTGAGE(S):**
- 149 Palmer Street - Andrew Deming
- CA.6.** **PROPOSED PROCLAMATIONS, CERTIFICATES OF APPRECIATION/RECOGNITION. (COMMISSION APPROVAL REQUIRED). (TO BE READ AT A SUBSEQUENT MEETING). NONE.**
- CA.7.** **NOTIFICATION OF PROCLAMATIONS/CERTIFICATES OF RECOGNITION ISSUED: NONE.**
- CA.8.** Satisfaction of pre-application conditions in order for the City to apply to the Florida Department of Economic Opportunity (FDEO for a Small Cities Community Development Block Grant-Coronavirus (CDBG-CV) program. (C. Sakryd, Grant Administration Coordinator)

End of Consent Agenda



Presentation

to the St. Augustine City Council
Monday, February 8, 2021



Who We Are

A Classic Theatre (ACT)

EMMA Concert Series

First Coast Opera

Music & Arts By the Sea

Romanza – St. Augustine, Inc.

St. Augustine Beach Civic Assoc.

St. Augustine Chamber Singers

St. Augustine Community Chorus

St. Augustine Concert Band

St. Augustine Film Society

St. Augustine Music Festival

St. Augustine Orchestra



Who We Are

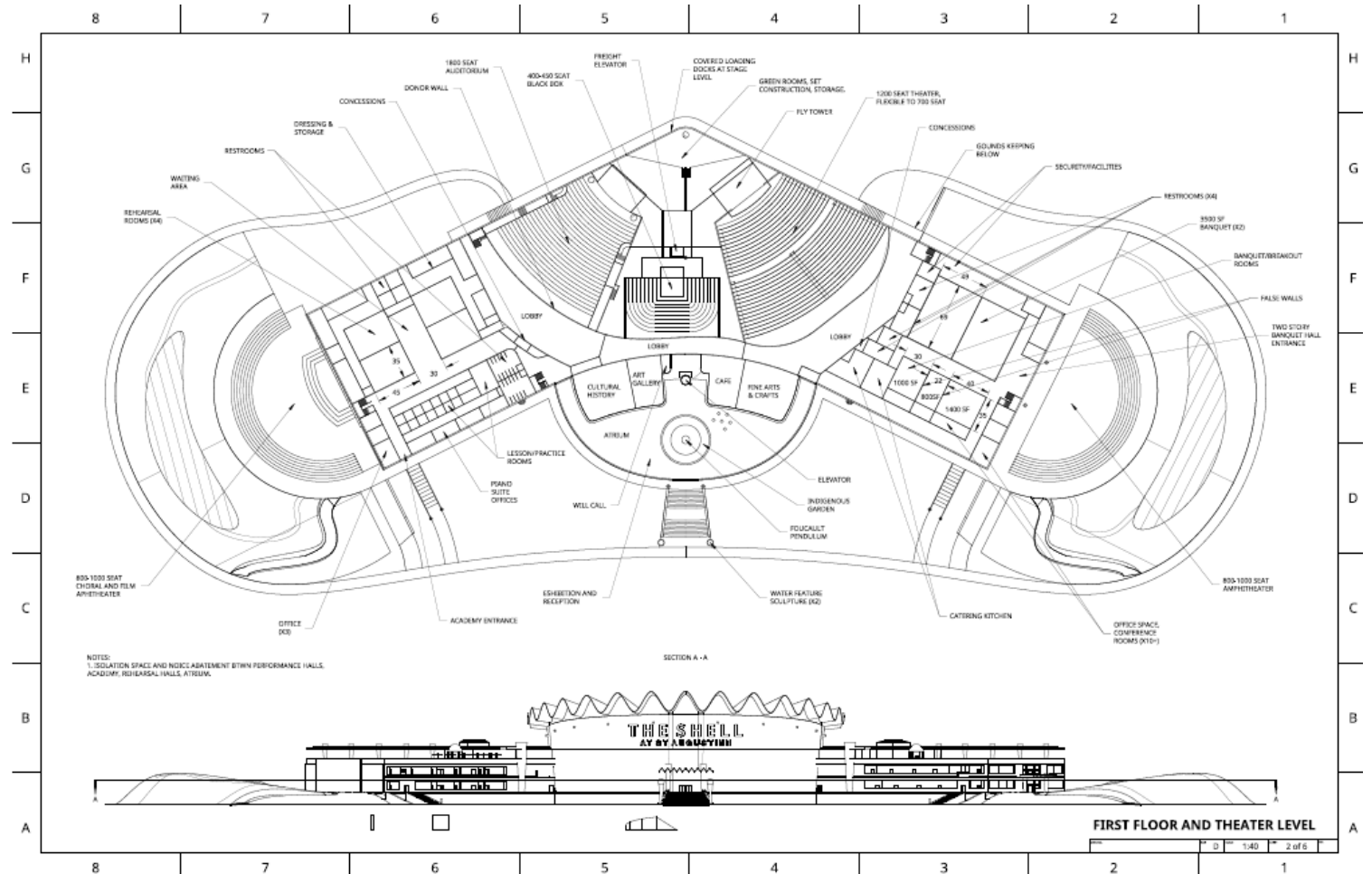




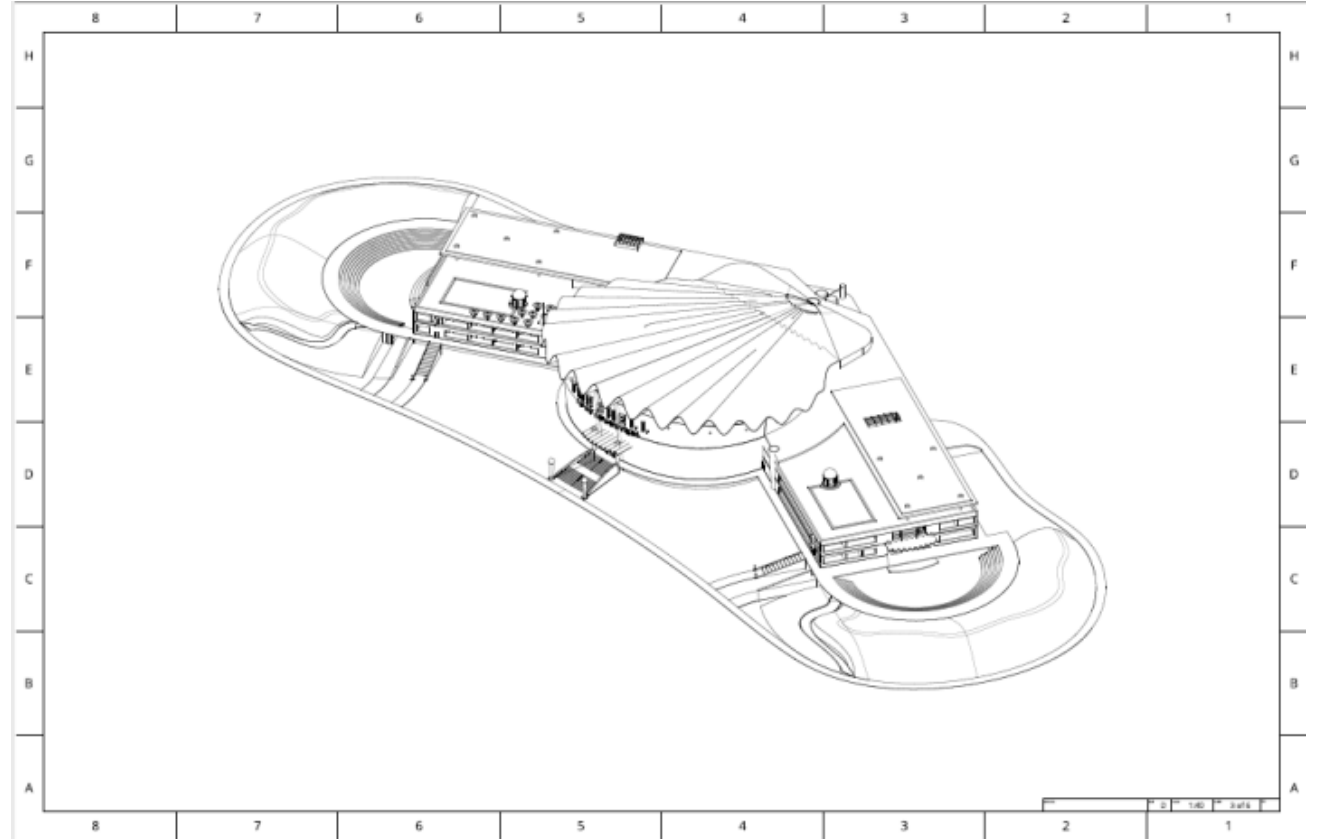
The Need

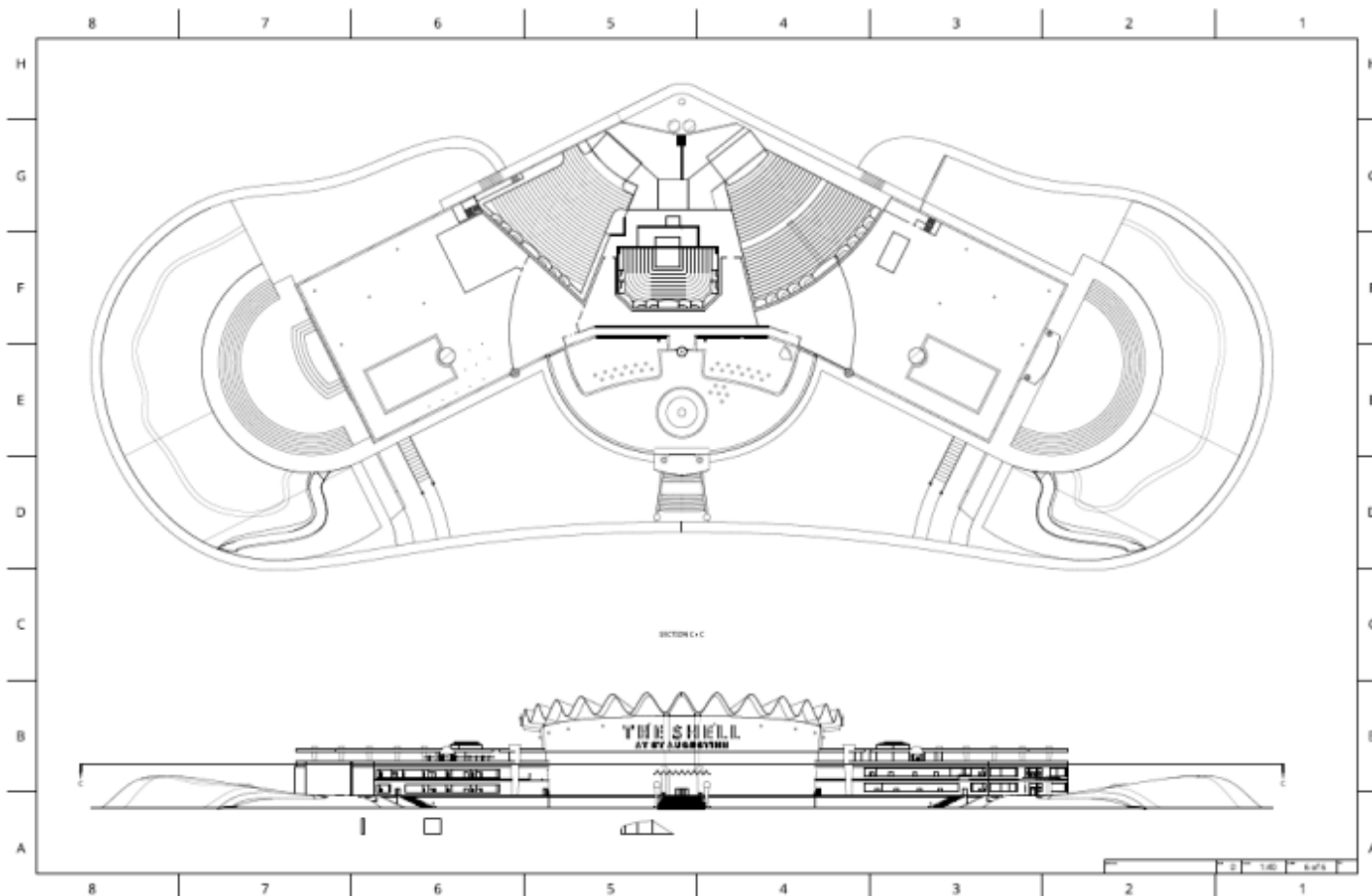


How – “The Process”



Creating a Public/Private Partnership Working Together





Questions

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: January 26, 2021

RE: **ORDINANCE 2021-01: UPDATES TO GENERAL EMPLOYEES' RETIREMENT SYSTEM**

Ordinance 2021-01 is an update to our General Employees' Retirement System incorporating recent changes in federal law and correcting scrivener's errors.

On December 20, 2019, the Setting Every Community Up for Retirement Enhancement (SECURE) Act was signed into law. This federal Act amended the definition of "Required Beginning Date" under Section 401(a)(9) of the Internal Revenue Code. In order to comply with this law, both the General Employees' Retirement System and the Police Officers' Retirement System must be amended. Additionally, as the ordinances amend pension plan documents, an actuarial impact statement is required by State law. The actuarial impact statement is attached for City Commission review.

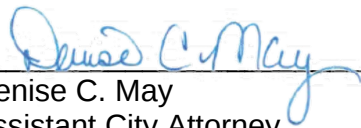
The only change in the plan is the required change of the age for required mandatory distributions from 70 ½ to 72, consistent with changes to the Internal Revenue Code as adopted in the SECURE Act.

The ordinance has been reviewed by the General Employees' Retirement System Board of Trustees. The Board of Trustees, at the November 18, 2020 public meeting, voted to approve the required changes.

The ordinance was presented for first reading at the City Commission's January 25, 2021 meeting and is being forwarded to the Florida Division of Retirement prior to the last public hearing, consistent with Chapter 112.63(3), Florida Statutes.

Please place Ordinance 2021-01 on the regular City Commission agenda for second reading on February 8, 2021.

Thank you.



Denise C. May
Assistant City Attorney

Attachment

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

Agenda Title:

Amends the General Employees' Retirement System to comply with federal law changes to the mandatory distribution age and correct scrivener's errors.

ORDINANCE NO. 2021-01

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING CHAPTER 20, PENSIONS AND RETIREMENT, ARTICLE IV, 1977 CITY EMPLOYEES' RETIREMENT SYSTEM OF THE CITY OF ST. AUGUSTINE; AMENDING SECTION 20-116 OF THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR COMPLIANCE WITH THE SECURE ACT OF 2019; CORRECTING SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, § 166.041, Florida Statutes, provides for procedures for the adoption of ordinances and resolutions by municipalities; and

WHEREAS, the Setting Every Community Up for Retirement Enhancement ("SECURE") Act, signed into law on December 20, 2019, amended the definition of "Required Beginning Date" under Section 401(a)(9) of the Internal Revenue Code; and

WHEREAS, amendments to the Plan are necessary to conform the General Employees' Retirement System to the requirements of the SECURE Act for Required Minimum Distributions; and

WHEREAS, the trustees of the City Employees' Retirement System of the City of St. Augustine recommend approval of the amendments provided herein as being in the best interests of the participants and beneficiaries; and

WHEREAS, the City Commission has received and reviewed an actuarial impact statement related to this change and attached as such; and

WHEREAS, multiple scrivener's errors for internal code section references exists which require correction; 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 amendments be adopted consistent with the requirements of Section 166.021(4), Florida Statutes.

BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Amendment to Chapter 20, Article IV, Section 20-116. Chapter 20, Article IV, Section 20-116 of the Code of the City of St. Augustine, Florida, is hereby amended to read as follows:

“Sec. 20-116. – Time of payment.

(a) The entire interest of each employee under this plan:

(4) If the designated beneficiary referred to in subsection (3) above is the surviving spouse of the employee, the date on which the distributions are required to begin to the beneficiary shall not be earlier than the date on which the employee would have attained age seventy and one-half (70½), age 72 for members who attain age 70½ on or after January 1, 2020, and if the surviving spouse dies before the distributions to such spouse begin, this subsection (4) shall be applied as if the surviving spouse were the employee. For purposes of this section, the term "required beginning date" and "designated beneficiary" shall have the meanings provided by Section 401(a)(9)(C) and (E) of the Internal Revenue Code of 1986.

...

(c) Distribution of a participant's benefit under this Plan must commence no later than April 1 of the calendar year following the later of the calendar year during which the participant attains one-half (70 ½), age 72 for members who attain age 70½ on or after January 1, 2020, or the calendar year in which the participant terminates employment with the Employer.”

Section 2. Amendment to Chapter 20, Article IV, Section 20-136. Chapter 20, Article IV, Section 20-136 of the Code of the City of St. Augustine, Florida, is hereby amended to read as follows:

“Sec. 20-136. - Limitation on benefits.

...

(e) *Other adjustments in limitations.*

...

(3) The reductions provided for in subsection (e)(1) above shall not be applicable to disability benefits pursuant to section ~~66-21820-114~~, or pre-retirement death benefits paid pursuant to section ~~66-21720-114~~.

...

(f) Less than ten (10) years of service. The maximum retirement benefits payable under this section to any member who has completed less than ten (10) years of credited service with the city shall be the amount determined under subsection (a) of this section multiplied by a fraction, the numerator of which is the number of the member's years of credited service and the denominator of which is ten (10). The reduction provided by this subsection cannot reduce the maximum benefit below ten (10) percent. The reduction provided for in this subsection shall not be applicable to disability benefits paid pursuant to section ~~66-21820-114~~, or pre-retirement death benefits paid pursuant to section ~~66-21720-115~~.

...

(j) Service credit purchase limits.

(1) Effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, if a member makes one or more contributions to purchase permissive service credit under the system, as allowed in sections ~~s 66-227 and 66-228~~20-104, then the requirements of this section will be treated as met only if:

- a. The requirements of Code Section 415(b) are met, determined by treating the accrued benefit derived from all such contributions as an annual benefit for purposes of Code Section 415(b); or
- b. The requirements of Code Section 415(c) are met, determined by treating all such contributions as annual additions for purposes of Code Section 415(c).
- c. For purposes of applying subparagraph (j)(1)a., the system will not fail to meet the reduced limit under Code Section 415(b)(2)(C) solely by reason of this subparagraph c., and for purposes of applying subparagraph (j)(1)b., the system will not fail to meet the percentage limitation under Section 415(c)(1)(B) of the Code solely by reason of this subparagraph c.

...

Section 3. Inclusion in Code. The City Commission intends that the provisions of this ordinance shall become and shall be made part of the Code of the City of St. Augustine, that the sections of this ordinance may be renumbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 4. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase, word, or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 6. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to Section 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2021.

ATTEST:

Tracy Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: January 26, 2021

RE: **ORDINANCE 2021-02: UPDATES TO ST. AUGUSTINE POLICE OFFICERS' RETIREMENT SYSTEM**

Ordinance 2021-02 is an update to the St. Augustine Police Officers' Retirement System incorporating recent changes in federal law and correcting scrivener's errors.

On December 20, 2019, the Setting Every Community Up for Retirement Enhancement (SECURE) Act was signed into law. This federal Act amended the definition of "Required Beginning Date" under Section 401(a)(9) of the Internal Revenue Code. In order to comply with this law, both the General Employees' Retirement System and the Police Officers' Retirement System must be amended. Additionally, as the ordinances amend pension plan documents, an actuarial impact statement is required by State law. The actuarial impact statement is attached for City Commission review.

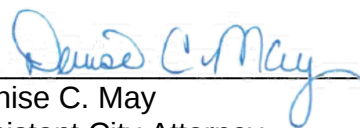
The only change in the plan is the required change of the age for required mandatory distributions from 70 ½ to 72, consistent with changes to the Internal Revenue Code as adopted in the SECURE Act.

The ordinance has been reviewed by the Police Officers' Retirement System Board of Trustees. The Board of Trustees, at the November 18, 2020 public meeting, voted to approve the required changes.

The ordinance was presented for first reading at the City Commission's January 25, 2021 meeting and is being forwarded to the Florida Division of Retirement prior to the last public hearing, consistent with Chapter 185.35(3), Florida Statutes.

Please place Ordinance 2021-02 on the regular City Commission agenda for second reading on February 8, 2021.

Thank you.



Denise C. May
Assistant City Attorney

Attachment

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

Agenda Title:

Amends the St. Augustine Police Officers' Retirement System to comply with federal law changes to the mandatory distribution age and correct scrivener's errors.

ORDINANCE NO. 2021-02

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING PART I, ARTICLE IX, POLICE OFFICERS RETIREMENT SYSTEM OF THE CHARTER OF THE CITY OF ST. AUGUSTINE; AMENDING SECTIONS 9.08 AND 9.11 PROVIDING FOR COMPLIANCE WITH THE SECURE ACT OF 2019; CORRECTING SCRIVENER'S ERRORS; PROVIDING FOR SEVERABILITY OF PROVISIONS; PROVIDING FOR CODIFICATION; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, § 166.041, Florida Statutes, provides for procedures for the adoption of ordinances and resolutions by municipalities; and

WHEREAS, the Setting Every Community Up for Retirement Enhancement ("SECURE") Act, signed into law on December 20, 2019, amended the definition of "Required Beginning Date" under Section 401(a)(9) of the Internal Revenue Code; and

WHEREAS, amendments to the Plan are necessary to conform the St. Augustine Police Officers' Retirement System to the requirements of the SECURE Act for Required Minimum Distributions; and

WHEREAS, the trustees of the St. Augustine Police Officers' Retirement System of the City of St. Augustine recommend approval of the amendments provided herein as being in the best interests of the participants and beneficiaries; and

WHEREAS, the City Commission has received and reviewed an actuarial impact statement related to this change and attached as such; and

WHEREAS, multiple scrivener's errors exist as to internal and external code section references which require correction; 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 amendments be adopted consistent with the requirements of Section 166.021(4), Florida Statutes.

BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Amendment to Part I, Article IX, Section 9.02. Part I, Article IX, Section 9.02 of the Charter of the City of St. Augustine, Florida, is hereby amended to read as follows:

"Sec. 9.02. - Definitions.

- (1) "Accrued benefit" shall mean the total monthly benefit which shall have been earned by each member for all years of creditable service of said member as follows:

...

- (b) A member who terminates city employment on or after March 1, 2000 with ten (10) or more years of creditable service may elect a benefit at the rate of two and one-half percent (2.5%) of the member's average final salary for each year of creditable service, subject to the early retirement provisions of Section ~~109~~.08(5).

- (c) A member who terminates city employment after October 1, 2005 with ten (10) or more years of creditable service shall earn a benefit at the rate of three percent (3%) of the member's average final salary for each year of creditable service earned after October 1, 2005. The three percent (3%) multiplier may apply to creditable service earned prior to October 1, 2005, subject to the provisions of Section ~~109~~.08 (7).

...

- (5) "Beneficiary" shall mean any person so designated by a member as provided in section 11 [~~109~~.11]. In the event no designation is made the beneficiary of said member shall be his estate.

...

- (8) "Creditable service" for the purpose of this Act shall mean the total number of years and fractional parts of years of service of any police officer as follows:

- (a) Periods of service as a police officer with the city prior to October 10, 1953, during which the police officer shall have contributed to this system or any predecessor retirement systems (other than the Federal Social Security System) for police officers of the City of St. Augustine. In determining the aggregate number of years of creditable service of any police officer, periods of absence for service in the Armed Forces after initial employment as a police officer, or any leaves of absence authorized by the city shall be added to the years of service as a police officer with the city, provided that credit for such military leave or authorized leave of absence shall not exceed five (5) years. Creditable service shall be granted to any member who is legally entitled to reemployment under the provisions of the Uniformed Services Employment and Reemployment Rights Act, without such member making the contributions required under Section ~~109~~.07(2). Otherwise, the aggregate number of years of creditable service shall mean the total number of years and fractional parts of years of service of any police officer, omitting intervening years and fractional parts of years when such police officer is not employed by the city.

- (b) For members who retire or terminate city employment on or after October 1, 2004, "creditable service" shall also include up to three (3) years of active duty in the U.S. armed forces or full-time employment as a law enforcement officer with another governmental entity prior to employment by the city, purchased by the member in accordance with this paragraph; provided the member has not received and will not receive a benefit from another retirement plan based on such prior employment as a police officer. Such purchased service may not

be used for vesting purposes. An eligible member may purchase creditable service under the system for such prior employment by paying into the fund the full actuarial cost of such creditable service, as determined by the plan actuary. Such payment must be made in full prior to entering the DROP or separation from city employment, whichever occurs earlier. In the event full payment is not made prior to such date, the member shall receive only the amount of creditable service, as determined by the actuary, for which the payment made, excluding interest, is the full actuarial cost. A member purchasing such additional creditable service must also pay the full cost of any actuarial calculations required. Payment for the purchase of creditable service pursuant to this paragraph may be made using any one or a combination of the following options:

1. Cash lump sum payment.
2. Installment payments, plus simple interest at the rate of four (4) percent per annum, deducted from the member's city salary over a period not to exceed five (5) years.
3. Direct transfer or rollover of an eligible rollover distribution from a qualified or eligible plan, in accordance with Section ~~109~~.14.

...

(9) "Contributions" shall mean the amounts deducted from the salary as a member as provided in section 7 [~~109~~.07].

(10) "Disability retirement" shall mean retirement upon the disability retirement rate as provided in section 10 [~~109~~.10].

...

(16) "Service retirement" shall mean retirement upon the normal service retirement date or delayed service retirement date, as provided in section 8 [~~109~~.08].

..."

Section 2. Amendment to Part I, Article IX, Section 9.03. Part I, Article IX, Section 9.03 of the Charter of the City of St. Augustine, Florida, is hereby amended to read as follows:

"Sec. 9.03. - Creation and maintenance of the fund.

The special fund created by this Act shall consist of moneys and assets derived from the following sources:

(1) From moneys and other assets of the "police officers retirement fund" held by the board of trustees of said fund on the effective date of Article ~~I~~X hereof, in pursuance of F.S. ch. 185. The board of trustees of said fund shall take such action as may be required, on the effective date of this Act, to transfer to the trustees of the fund under the system hereby created such moneys and assets.

...

(4) From the funds of the St. Augustine Police Benevolent Association. At such time as Article ~~I~~X hereof, shall become operative and from time to time thereafter, there shall be transferred from the funds of the St. Augustine Police Benevolent Association such amounts as shall be agreed upon by the officers of said association and the board.

...

- (8) The city shall contribute to the plan annually an amount which together with the contributions from police officers, the amount derived from the premium tax provided in F.S. § 185.08, and other income sources will be sufficient to meet the normal cost of the plan and to fund the actuarial deficiency over a period of not longer than forty (40) years. The city contributions shall be deposited on at least a quarterly basis. If the required city contributions for any plan year should exceed five (5) percent of the combined salaries of contributing plan members, the cost of living adjustment provided in Section ~~109~~.12(10) shall not be accrued until the required city contribution for a subsequent plan year equals five (5) percent or less.
- (9) The cost shall be determined by an actuarial valuation of the retirement plan which must be made at least every three (3) years commencing from the last actuarial report of the plan pursuant to F.S. § 185.35~~(1)(h)~~, as amended. Such valuation shall be prepared by an enrolled actuary.

..."

Section 3. Amendment to Part I, Article IX, Section 9.04. Part I, Article IX, Section 9.04 of the Charter of the City of St. Augustine, Florida, is hereby amended to read as follows:

"Sec. 9.04. - Board of trustees.

...

- (6) Three (3) trustees shall constitute a quorum at any meeting of the board. Each trustee shall be entitled to one vote in the meetings of the board. At least three (3) concurring votes shall be necessary for a decision by the board. The board shall have the right to dismiss any elected trustee if, after hearing before the members of the system, it is found that the said trustee has failed to comply with any of the stipulations of Article IX hereof, involving moral turpitude as defined by Florida Law.

..."

Section 4. Amendment to Part I, Article IX, Section 9.05. Part I, Article IX, Section 9.05 of the Charter of the City of St. Augustine, Florida, is hereby amended to read as follows:

"Sec. 9.05. - Management of the funds.

...

- (4) The board may issue drafts upon the city police officers' retirement trust fund pursuant to Article IX hereof, and rules and regulations prescribed by the board. All such drafts shall be consecutively numbered, be signed by the chairman and secretary and state upon their faces the purposes for which the drafts are drawn. The city director of financial services shall retain such drafts when paid, as permanent vouchers for disbursements made, and no other money shall otherwise be drawn from the fund.

..."

Section 5. Amendment to Part I, Article IX, Section 9.07. Part I, Article IX, Section 9.07 of the Charter of the City of St. Augustine, Florida, is hereby amended to read as follows:

"Sec. 9.07. - Contributions to the fund.

- (1) Effective October 1, 2005, each member shall contribute to the Fund for each pay period at the rate of five and one-half (5.5) percent of salary. The city shall deduct such contribution from the salary of each member for every payroll period and shall immediately pay said contribution to the board. Effective March 1, 2000, each member may be required to contribute to the fund an amount up to an additional three percent (3%) of salary (above the five and one-half (5.5) percent of salary amount specified ~~in subsection (1) above~~, for the period necessary to meet plan contribution requirements. However, before there is any increase in the member contribution rate, the prefunded future cost of living adjustment provided in Section ~~109~~.12(10) shall be reduced in whole or part for members who have not retired prior to the time additional contributions are otherwise required, for as long as necessary to meet the funding requirements of the plan. In the event the additional member contributions specified in this subsection ~~(2)~~ are not sufficient to meet the minimum contribution requirements for the plan, then future cost of living adjustments will be reduced in whole or part for those members who retire on or after March 1, 2000 and are retired at the time additional contributions are otherwise required, for as long as necessary to meet the funding requirements of the plan. Once the suspension of cost of living adjustments is no longer necessary to meet minimum plan funding requirements, such adjustments will be restored in reverse order of their suspension. No member shall have any entitlement to cost of living adjustments that are suspended pursuant to this agreement. In the event that shortfalls in funding still exist after the above contribution increases and benefit adjustments are implemented, additional future benefits will be reduced to meet plan funding requirements.

..."

Section 6. Amendment to Part I, Article IX, Section 9.08. Part I, Article IX, Section 9.08 of the Charter of the City of St. Augustine, Florida, is hereby amended to read as follows:

"Sec. 9.08. - Service retirement.

...

- (2) Each member who shall become eligible for service retirement as hereinabove provided shall receive a monthly pension which shall commence on his normal service retirement date or delayed service retirement date, and except as provided in section 9 ~~[109.09]~~, shall continue to be paid each month thereafter to the member or his beneficiary for ten (10) years and to the member for his remaining lifetime thereafter. The amount of such monthly pension shall be the accrued benefit as of his date of retirement.
- (3) From a contribution of four (4) percent of the salary of each member, which shall be deducted by the city from each salary payment to the member and paid over to the board. Effective October 1, 1993, the contributions made by each member to the fund, including installment payments deducted from a member's salary to purchase additional creditable service pursuant to Section ~~109~~.02~~(8)~~(b) and (c), shall be designated as city contributions in accordance with Section 414(h) of the Internal Revenue Code, and shall be excluded from the member's gross income for federal income tax purposes. For all other purposes of the system, such contributions shall be considered member contributions. In addition, the city shall

make a contribution of one (1) percent of the salary of each member which shall be paid over to the board. Effective March 1, 2000 the city shall make a total contribution of two and one-half (2.5) percent of the salary of each member which shall be paid over to the board.

...

- (8) Distribution of a member's benefit under this Plan must commence no later than April 1 of the calendar year following the later of the calendar year during which the member attains age seventy and one-half (70½), age 72 for members who attain age 70½ on or after January 1, 2020, or the calendar year in which the member terminates employment with the Employer.

..."

Section 7. Amendment to Part I, Article IX, Section 9.09. Part I, Article IX, Section 9.09 of the Charter of the City of St. Augustine, Florida, is hereby amended to read as follows:

"Sec. 9.09. - Optional modes of pension.

...

- (2) The election by a member of any one of the options stated in this section 9 ~~[109.09]~~ shall be null and void if the member dies prior to retirement; provided, however, that Option A and Option B above shall not be voided in event a member continues in employment subsequent to becoming eligible for service retirement and dies prior to actual retirement. The election by a member of Option B above shall be null and void if the person designated to receive last survivor benefits by the member dies before the member's actual retirement.
- (3) A member who has elected any one of the options stated in this section 9 ~~[109.09]~~ may, at any time within the period provided for such election, revoke any election by written notification to the board.
- (4) This subsection (4) applies to distributions made on or after January 1, 1993. Notwithstanding any provision to the contrary that would otherwise limit a distributee's election under this subsection, a distributee may elect, at the time and in the manner prescribed by the board, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

...

- (b) For a member or surviving spouse who receives a refund of accumulated contributions under section ~~109.11~~(4) hereof, an "eligible rollover contribution" is that portion of the accumulated contributions that represents the city contributions under Section 414(h) of the Internal Revenue Code.

..."

Section 8. Amendment to Part I, Article IX, Section 9.10. Part I, Article IX, Section 9.10 of the Charter of the City of St. Augustine, Florida, is hereby amended to read as follows:

"Sec. 9.10. - Disability retirement.

- (1) A police officer will be considered totally disabled if, in the opinion of the board of trustees, he is wholly prevented from rendering useful and efficient service as a police officer. A member may become eligible for disability retirement on his disability retirement date provided such eligibility is approved by resolution of the board. Such member may retire from the service of the city under the plan if he becomes totally and permanently disabled as defined in subsection-Florida Statutes, 185.18(2), by reason of any cause other than a cause set out in subsection-Florida Statutes, 185.18(3), on or after the effective date of the plan. Such retirement shall herein be referred to as disability retirement.

...

Section 9. Amendment to Part I, Article IX, Section 9.11. Part I, Article IX, Section 9.11 of the Charter of the City of St. Augustine, Florida, is hereby amended to read as follows:

"Sec. 9.11. - Benefits upon death or termination.

...

- (2) In event a member who has elected Option B under section 9 ~~[109.09]~~ dies subsequent to his normal service retirement date but while still employed as a police officer, in lieu of any other benefit payable hereunder by reason of death, there shall be payable to his beneficiary the same monthly pension that would otherwise have been payable under Option B if the member had retired on his normal service retirement date.

- (3) Should a member's death occur prior to his normal service retirement date, or after his normal service retirement date and before reaching his delayed service retirement death, unless such death occurs following disability retirement as provided in section 10 ~~[109.10]~~, there shall be paid to his beneficiary a monthly pension which shall commence on the first day of the calendar month next following the death of the member and shall continue to be paid each month thereafter for a period equal to the lesser of one hundred twenty (120) months or the life expectancy of the beneficiary. The amount of such monthly pension shall be the accrued benefit of the member as of the date of death. In the event of the member's death following disability retirement, the provisions of section 10 ~~[109.10]~~ shall be operative.

...

- (5) Any other provision of the Act notwithstanding any member who has completed ten (10) years of creditable service at such time as employment as a police officer is terminated shall be entitled to a monthly pension, provided such member shall not withdraw his accumulated contributions. Such monthly pension shall commence on the first day of any calendar month coinciding with or following the member's otherwise early or normal service retirement date and shall continue to be paid each month thereafter as though the member had retired under the provisions of section ~~109.08~~ of this Act. Benefits shall be distributed or shall commence to the member not later than April 1 of the calendar year following the later of the calendar year in which the member attains age seventy and one-half (70½), age 72 for members who attain age 70½ on or after January 1, 2020, or the calendar year in which the member terminates employment, and shall be paid:

- (a) Over the lifetime of the member or the lifetimes of the member and beneficiary;
or
- (b) Over a period not exceeding the joint life expectancy of the member and beneficiary.

...

Section 10. Amendment to Part I, Article IX, Section 9.12. Part I, Article IX, Section 9.12 of the Charter of the City of St. Augustine, Florida, is hereby amended to read as follows:

"Sec. 9.12. - Miscellaneous.

...

- (4) All provisions of any ordinance of the City inconsistent with the provisions of Article IX hereof, are hereby repealed to the extent of such inconsistencies.

...

- (10) The board of trustees is hereby authorized to grant periodic cost-of-living adjustments to benefits payable to all retired members, including members who are participating in the deferred retirement option program in accordance with section 109.13, during the continuation of benefits being payable under this plan; however, such adjustment shall not be made more frequently than on an annual basis. The conditions for granting such adjustments are as follows:

...

- (d) Prefunded adjustments shall be based upon the monthly benefit being paid to a retirant on the month preceding the adjustment date, but excluding any temporary supplemental retirement allowances paid according to section 109.08(5). The average cost-of-living index, as determined by the Bureau of Labor Statistics of the U.S. Department of Labor relative to the United States as a whole, shall be consideration for such adjustments. However, in no event shall the percentage for the prefunded component of the annual cost-of-living adjustment exceed two (2) percent for any annual adjustment date, nor shall any retiree's benefit be reduced below any benefit being received on March 1, 2000.
- (e) The ad hoc component of the cost-of-living adjustment may be granted only when surplus funds are available within the plan and only if all other provisions of this section are satisfied. This portion of the adjustment shall be based upon the monthly benefit being paid to a retirant on the month preceding the adjustment date but excluding any temporary supplemental and retirement allowances paid according to section 109.08(5). The sum of the prefunded and ad hoc portions of the adjustment shall not exceed either three (3) percent or the average cost-of-living index as determined by the Bureau of Labor Statistics of the U.S. Department of Labor, relative to the United States as a whole, whichever is the lesser amount.
- (f) Notwithstanding the foregoing provisions of Subsection (10), paragraphs (a) through (e), members who retire before March 1, 2000 shall receive an annual cost of living adjustment of up to three (3) percent. Up to two (2) percent of this cost of living adjustment will be part of the fixed benefit structure of the plan. The remaining amount (up to one percent annually) will be granted pursuant to the "ad hoc" adjustment provisions of this subsection. Members

who retire on or after March 1, 2000 will be eligible for a cost of living adjustment in accordance with the foregoing provisions of Subsection (10), paragraphs (a) through (e). Cost of living adjustments may be adjusted in accordance with Section ~~109~~.07(1).

...

(11) Maximum benefit limitation.

...

- (i) Adjustments described in subsections (b) and (d) of this section ~~109~~.12(11) shall not apply to (i) income received as a pension, annuity or similar allowance as a result of personal injuries or sickness or (ii) amounts received as a result of an employee's death by the employee's beneficiaries, survivors or estate.

..."

Section 11. Amendment to Part I, Article IX, Section 9.13. Part I, Article IX, Section 9.13 of the Charter of the City of St. Augustine, Florida, is hereby amended to read as follows:

"Sec. 9.13. - Deferred retirement option program for police officers (DROP)."

...

(3) DROP plan features:

...

- (f) Within thirty (30) days following a DROP participant's termination of city employment or death, the member's entire DROP account balance shall be distributed to the member [or in the event of the member's death, to the member's designated beneficiary or estate in accordance with paragraph (g) below] in a cash lump sum, unless the member elects to have all or any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the member in a direct rollover. Any such direct rollover will be accomplished in accordance with section ~~109~~.09 (4) of the pension plan.

..."

Section 12. Amendment to Part I, Article IX, Section 9.14. Part I, Article IX, Section 9.14 of the Charter of the City of St. Augustine, Florida, is hereby amended to read as follows:

"Sec. 9.14. - Rollovers or transfers into the fund."

Effective October 1, 2004, the fund will accept member rollover cash contributions and/or direct cash rollovers of distributions for the purchase of creditable service pursuant to Section ~~109~~.02(8), as follows:

- (a) Direct transfers or member rollover contributions from other plans. The plan will accept either a direct transfer or an eligible rollover distribution from a qualified plan described in section 401(a) of the Code, from an annuity contract described in section 403(b) of the Code, or from an eligible plan described in section 457(b) of the Code, which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state, as permitted under the Internal Revenue Code.

..."

Section 13. Amendment to Part I, Article IX, Section 9.15. Part I, Article IX, Section 9.15 of the Charter of the City of St. Augustine, Florida, is hereby amended to read as follows:

“ ...

(5) Other adjustments in limitations.

...

(b) In the event the member's benefit is based on at least fifteen (15) years of credited service as a full-time employee of the fire or police department of the City, the adjustments provided for in (5)(a) (e)(1) above shall not apply.

(c) The reductions provided for in (5)(a) (e)(1) above shall not be applicable to disability benefits pursuant to section 66-2189.10, or pre-retirement death benefits paid pursuant to section 66-2179.11.

...

(6) Less than ten (10) years of service. The maximum retirement benefits payable under this section to any member who has completed less than ten (10) years of credited service with the City shall be the amount determined under subsection (a)(1) of this section multiplied by a fraction, the numerator of which is the number of the member's years of credited service and the denominator of which is ten (10). The reduction provided by this subsection cannot reduce the maximum benefit below 10%. The reduction provided for in this subsection shall not be applicable to disability benefits paid pursuant to section 66-2189.10, or pre-retirement death benefits paid pursuant to section 66-2179.11.

...

(10) *Service credit purchase limits.*

(a) Effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, if a member makes one or more contributions to purchase permissive service credit under the system, ~~as allowed in sections 66-227 and 66-228,~~ if allowed by the system, then the requirements of this section will be treated as met only if:

...

3. For purposes of applying subparagraph (10)(a)1. (j)(1)a, the System will not fail to meet the reduced limit under Code Section 415(b)(2)(C) solely by reason of this subparagraph e-3, and for purposes of applying subparagraph (10)(a)2. (j)(1)b, the System will not fail to meet the percentage limitation under Section 415(c)(1)(B) of the Code solely by reason of this subparagraph e-3.

...

(b) For purposes of this subsection the term "permissive service credit" means service credit—

1. Recognized by the system for purposes of calculating a member's benefit under the plan.
2. Which such member has not received under the plan; and
3. Which such member may receive only by making a voluntary additional contribution, in an amount determined under the system, which does not

exceed the amount necessary to fund the benefit attributable to such service credit.

Effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, such term may, if otherwise provided by the system, include service credit for periods for which there is no performance of service, and, notwithstanding clause ~~(10)(b)2.(j)(2)b.~~, may include service credited in order to provide an increased benefit for service credit which a member is receiving under the system.

- (c) For purposes of applying the limits in this subsection ~~(10)(j)~~, only and for no other purpose, the definition of compensation where applicable will be compensation actually paid or made available during a calendar year, except as noted below and as permitted by Treasury Regulations Section 1.415(c)-2, or successor regulations. Unless another definition of compensation that is permitted by Treasury Regulations Section 1.415(c)-2, or successor regulation, is specified by the system, compensation will be defined as wages within the meaning of Code Section 3401(a) and all other payments of compensation to an employee by an employer for which the employer is required to furnish the employee a written statement under Code Sections 6041(d), 6051(a)(3) and 6052 and will be determined without regard to any rules under Code Section 3401(a) that limit the remuneration included in wages based on the nature or location of the employment or the services performed (such as the exception for agricultural labor in Code Section 3401(a)(2)).
- (d) Notwithstanding any other provision of law to the contrary, the board may modify a request by a member to make a contribution to the system if the amount of the contribution would exceed the limits provided in Code Section 415 by using the following methods:
 - 1. If the law requires a lump sum payment for the purchase of service credit, the board may establish a periodic payment deduction plan for the member to avoid a contribution in excess of the limits under Code Sections 415(c) or 415(n).
 - 2. If payment pursuant to subparagraph ~~(10)(d)1.(j)(4)a.~~ will not avoid a contribution in excess of the limits imposed by Code Section 415(c), the board may either reduce the member's contribution to an amount within the limits of that section or refuse the member's contribution

...

Section 14. Inclusion in Charter. The City Commission intends that the provisions of this ordinance shall become and shall be made part of the Charter of the City of St. Augustine, that the sections of this ordinance may be renumbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 15. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 16. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 17. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to Section 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this ____ day of _____, 2021.

ATTEST:

Tracy Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

DATE: January 26, 2021

RE: **ORDINANCE 2021-03: CIVIL SERVICE**

Ordinance 2021-03 updates Article X. Civil Service, to correct a number of scrivener's errors in cross-referenced sections and subsections, terminology errors referencing the original ordinance and chapter rather than the codified article and updates the use of the male gender exclusively to include both male and female form. None of the proposed changes have any substantive import and are merely to correct errors in usage and formatting.

Please place Ordinance 2021-03 on the regular City Commission agenda for second reading on February 8, 2021.

Thank you.



Isabelle C. Lopez
City Attorney

Attachment

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

Agenda Title:

Amends Article X of City Charter to correct scrivener's errors and provide gender neutral language.

ORDINANCE NO. 2021-03

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, AMENDING PART I, ARTICLE X OF THE CHARTER OF THE CITY OF ST. AUGUSTINE; CORRECTING SCRIVENER'S ERRORS; PROVIDING FOR GENDER NEUTRAL LANGUAGE THROUGHOUT; PROVIDING FOR INCLUSION IN THE CHARTER OF THE CITY OF ST. AUGUSTINE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, § 166.041, Florida Statutes, provides for procedures for the adoption of ordinances and resolutions by municipalities; and

WHEREAS, the Civil Service Board sections of the Charter of St. Augustine have not been thoroughly revised since the 1980s; and

WHEREAS, after review of Article X. Civil Service, a number of scrivener's errors were uncovered, including errors in cross-referenced sections and subsections, terminology errors referencing the original ordinance and chapter rather than the codified article, and the use of the male gender exclusively; and

WHEREAS, none of the proposed changes have any substantive import, and are merely to correct errors in usage and formatting; 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 amendments be adopted consistent with the requirements of Section 166.021(4), Florida Statutes.

BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST. AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Amendment to Part 1, Article X, Section 10.03. Part I, Article X, Section 10.03 of the Charter of the City of St. Augustine, Florida, is hereby amended as follows:

"Sec. 10.03. - Employment included in provisions of this ~~chapter~~article.

All persons regularly employed by the city as police officers, police corporals, police sergeants, police lieutenants, police chief, firefighters, fire lieutenants, fire captains, fire chief, and such other police or fire officer ranks that may, from time to time, be authorized by the governing authority, shall be construed to come within the provisions of this ~~chapter~~article, but this ~~chapter~~article shall not include parking enforcement specialists, or employees whose duties are exclusively clerical, communications operations and/or fire prevention and investigations, or any officer or person employed for temporary duty only.

Employees coming within the provisions of this ~~chapter~~article shall be employed and retained in employment and advanced to any higher grade on merit and fitness only, and the merit and fitness of any applicant for said departments, or for advancement therein, shall be determined by competitive examination, as hereinafter provided."

Section 2. Amendment to Part 1, Article X, Section 10.05. Part I, Article X, Section 10.05 of the Charter of the City of St. Augustine, Florida, is hereby amended as follows:

“Sec. 10.05. - Rules and regulations; investigations concerning enforcement; annual report.

The civil service board shall adopt, enact, and amend a code of rules and regulations. The code shall cover the regulations for the conduct and direction of the members of the police and fire departments and shall prescribe their discipline and control. Said code shall contain rules and regulations for the appointment, employment and discharge of all civil service employees construed to come within the provisions of this ~~chapter~~article, excluding parking enforcement specialists and employees whose duties are exclusively clerical, communications operations and/or fire prevention and investigations, in the police and fire departments of the city, based on merit, efficiency, character and industry. Said code shall have the force and effect of a law on employees of said police and fire departments. Said board shall make investigations concerning the enforcement and effect of this ~~chapter~~article and of its adopted code. It shall make annual reports to the city commission.”

Section 3. Amendment to Part 1, Article X, Section 10.07. Part I, Article X, Section 10.07 of the Charter of the City of St. Augustine, Florida, is hereby amended as follows:

“Sec. 10.07. - Suspension of examination and requirements for filling vacancy when competition is impracticable.

In case of a vacancy in a position in said police and fire departments where peculiar and exceptional qualifications of a scientific, managerial, professional or educational character are required, and upon satisfactory evidence that for specified reasons, competition in such special case is impracticable, and that the position can best be filled by a selection of some designated person of high qualities, the civil service board, on a vote of a majority of its members, and the written assent of the chief of police and chief of fire department, may suspend the provisions of the ~~chapter~~article requiring competition in such place, and all such cases of suspension of the examination shall be recorded by the board, with the reasons for said suspension and shall be open to the public. At the time of the appointment the rank of said appointee shall be fixed by the board. Such an appointee, being appointed to fill a vacancy, may not of necessity receive the same rank as the former incumbent.”

Section 4. Amendment to Part 1, Article X, Sections 10.09 through 10.13. Part I, Article X, Sections 10.09 through 10.13 of the Charter of the City of St. Augustine, Florida, are hereby amended as follows:

“Sec. 10.09. - City commission fixes pay and controls number of employees in each grade; seniority list.

The city commission shall fix the pay of all members of said police and fire departments, provided that the pay range of all members within a grade shall be the same and the beginning pay of a higher grade shall not be less than the beginning pay of the next lower grade.

The city commission shall fix the number of members in each particular grade and may increase or reduce the number of any grade, or may abolish that grade. In the event of a reduction in the number of members in any grade, the members shall be retained in that grade according to seniority, and those members thus being forced back to a lower grade or class, will thereafter receive the pay of said lower grade or class, and in the event the grade or class is again increased, shall be the first to succeed to said old grade or class according to seniority, provided he or she remains in said lower grade or class for a period not exceeding one year, without further examination or probationary period, and in the event a reduction in said force or any grade thereof causes a member of the lowest grade of said force to go into inactive duty, said member or members on inactive duty shall not receive any pay, but said inactive member shall not lose his or her seniority, provided he or she remains inactive for a period not exceeding one year, and enters on said active duty within ten (10) days after notice has been given him or her by the secretary of said civil service board that a position is open. After the formation of said board a seniority list shall be certified of all members of the police and fire departments and each member shall in writing assent or dissent to his or her seniority rating. In the event a member dissents, a hearing shall be held by said board and the seniority determined, and the finding of said board shall be final.

Sec. 10.10. - Discharge of permanent employee.

The discharge of a permanent employee other than during a probationary period shall not become effective until the chief of police or the chief of fire department, as the case may be, shall have first served upon such employee of the department a written notice of discharge which shall contain one or more reasons or grounds for the discharge, together with such specifications of facts as will enable said employee to make an explanation and place him or her fairly upon ~~his-their~~ defense, giving such employee an opportunity to make an explanation, and file it with the civil service board together with a copy of such notice of discharge and explanation, if any, made by the employee.

Sec. 10.11. - Hearing on appeal of discharged employee.

A discharged employee may appeal to the civil service board for a hearing within ten (10) calendar days from the time he or she was served with notice of discharge as shown by such notice. The board shall hear the appeal within twenty (20) days from the date that such appeal shall have been so filed with the board. Written notice shall be given to the person so removed and to the chief of the proper department of the time and place of hearing the appeal, which hearing shall be open to the public.

Sec. 10.12. - Proceedings of hearing.

The board shall hear the evidence upon the charges and specifications as filed with it by the chief of police or the chief of fire department. No material amendment of, or addition to, said charges or specifications will be considered by the board. The proceedings shall be as informal as is compatible with justice. The order of proof shall be as follows: The chief of police or chief of fire department shall present his evidence in support of the charges. The appellant shall then produce such evidence as he or she may wish to offer in ~~his-their~~ defense. The parties in interest may then offer rebuttal evidence. The board shall hear arguments. The admission of the evidence shall be governed by the rules applied by the court in civil cases. The board shall have the power to subpoena and require the attendance of witnesses and the production of

pertinent documents, and to administer oaths. The chief of police and chief of fire department may be represented by other counsel. The appellant may also be represented by counsel, and the board shall, after due consideration, render its judgment affirming, disaffirming or modifying the action of the said departments.

Sec. 10.13. - Failure to appear.

If the employee whose appeal is to be heard as set out in section ~~10.5.11~~10.11 shall fail to appear, for no good reason, at the time fixed for the hearing, the board shall hear the evidence and render judgment thereon. If the chief of the proper department shall fail to appear at the time fixed for the hearing, and if no evidence be offered in support of his or her charge or charges, the board may render judgment as by default or may hear evidence as offered by the removed employee and render judgment thereon, and the board shall forthwith notify the department chief and the removed employee of its judgment."

Section 5. Amendment to Part 1, Article X, Section 10.15. Part I, Article X, Section 10.15 of the Charter of the City of St. Augustine, Florida, is hereby amended as follows:

"Sec. 10.15. - Suspension of permanent employee; right to appeal.

Any chief of police or chief of fire department may suspend a permanent employee without fee for a reasonable period not to exceed thirty (30) days, for purposes of discipline, provided, however, that said employee shall not be required to work more than five (5) days of any suspension without pay. Successive suspensions shall not be allowed. In all cases of suspension, demotion, or lay off, the chief of police and chief of fire department shall furnish such employee with a copy of a notice thereof specifying his or her reasons for the same and give such employee a reasonable time in which to make and file an explanation. Any employee suspended or laid off shall have the right of appeal to the civil service board in the manner set forth in section ~~10.5.11~~10.11 with reference to an appeal in case of dismissal. Whenever the dismissal or suspension of any employee is disapproved by the board and a reinstatement ordered, the employee involved may, as determined by the board, receive the pay he or she lost because of such suspension, provided, however, that any employee charged with a felony or crime involving moral turpitude may be suspended by the chief of the department of which he or she is a member for the period during which any such charges are pending against such employee, anything contained herein notwithstanding."

Section 6. Amendment to Part 1, Article X, Section 10.17. Part I, Article X, Section 10.17 of the Charter of the City of St. Augustine, Florida, is hereby amended as follows:

"Sec. 10.17. - Rank, grade and seniority held at time of adoption of ~~ordinance~~ article retained.

Members of the police and fire department, respectively, shall retain the rank and grade and the seniority they hold at the time of the effective date of this ~~ordinance~~article. That is, it shall not be necessary for them to be reappointed to the grade they hold at that time, nor to go through any probationary period to hold that particular grade. In the event, however, that any member of the police or fire departments shall become eligible for a position of a higher grade, then this ~~chapter~~ article shall apply in all its terms and provisions. Nothing in this section shall prevent

the city commission from reducing the number of ~~men~~employees in any grade, as hereinbefore provided.”

Section 7. Inclusion in Charter. The City Commission intends that the provisions of this ordinance shall become and shall be made part of the Charter of the City of St. Augustine, that the sections of this ordinance may be re-numbered or re-lettered and that the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such intentions.

Section 8. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 9. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase, word, or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 10. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to Section 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____, 2021.

ATTEST:

Tracy Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk
(SEAL)

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E.
City Manager

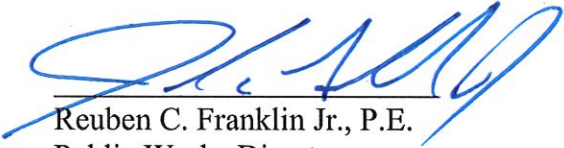
DATE: January 27, 2021

RE: Agenda Item for February 08, 2021 City Commission Meeting;
Ordinances – Second Reading; Ordinance 2020-17

The Second reading of Ordinance No. 2020-17 is an ordinance of the City of St. Augustine, Florida, creating Section 22-167 of the Code of the City of St. Augustine, to provide for the renaming of Bravo Street between Riberia Street and Sanford Street as “Carrie Johnson Way”; providing for inclusion in the Code of the City of St. Augustine; providing for repeal of conflicting ordinances; providing for severance of invalid provisions; and providing an effective date.

This ordinance honors Miss Carrie Johnson, a St. Augustine native resident who was known as “The Voice of Lincolnville;” among her many volunteer activities during her life, Ms. Carrie, organized an annual Christmas Caroling Galore beginning in 1995, established The Miss Carrie Foundation for Homeless Students, assisted with establishing the Lincolnville 150th anniversary celebration, and helped found the Anniversary to Commemorate the Civil Rights Demonstrations, or ACCORD organization and served as vice president of the Fort Mose Historical Society.

Please let me know if you have any questions or concerns regarding this agenda item.



Reuben C. Franklin Jr., P.E.
Public Works Director

cc: City Attorney & Department Heads

Attachment: Ordinance 2020-17

ORDINANCE NO. 2020-17

AN ORDINANCE OF THE CITY OF ST. AUGUSTINE, FLORIDA, CREATING SECTION 22-167 OF THE CODE OF THE CITY OF ST. AUGUSTINE, TO PROVIDE FOR THE RENAMING OF BRAVO STREET AS "CARRIE JOHNSON WAY;" PROVIDING FOR INCLUSION IN THE CODE OF THE CITY OF ST. AUGUSTINE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERANCE OF INVALID PROVISIONS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Miss Carrie Johnson was born in the historic neighborhood of Lincolntown, St. Augustine, Florida, on February 20, 1935. She attended Excelsior High School and Florida Normal College, and attended Edward Waters College in Jacksonville on a chorus scholarship; and

WHEREAS, after raising a family in Miami and traveling the Northeast, she returned to St. Augustine and made it her life's mission to let people know they are loved; and

WHEREAS, Miss Carrie Johnson was a St. Augustine native resident who was known as "The Voice of Lincolntown;" and

WHEREAS, among her many volunteer activities during her life, Ms. Carrie, organized an annual Christmas Caroling Galore beginning in 1995, established The Miss Carrie Foundation for Homeless Students, assisted with establishing the Lincolntown 150th anniversary celebration, and helped found the Anniversary to Commemorate the Civil Rights Demonstrations, or ACCORD organization and served as vice president of the Fort Mose Historical Society.; and

WHEREAS, the City of St. Augustine desires to recognize formally Bravo Street as Carrie Johnson Way;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION FOR THE CITY OF ST AUGUSTINE, FLORIDA, AS FOLLOWS:

Section 1. Creating City Code Section 22-167. Section 22-167 of the Code of the City of St. Augustine is hereby created, to read, in its entirety, as follows:

"Sec. 22-167. Bravo Street renamed Carrie Johnson Way.

Bravo Street, bounded on the west by Riberia Street and the east by Sanford Street, is hereby renamed Carrie Johnson Way

Section 2. Inclusion in Code. The provisions of this ordinance shall become and be made part of the Code of the City of St. Augustine and the sections of this ordinance may be renumbered or relettered and the word ordinance may be changed to section, article or other such appropriate word or phrase in order to accomplish such inclusion.

Section 3. Conflict with Other Ordinances. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. Severance of Invalid Provisions. If any section, subsection, sentence, clause, phrase, word or provision of this ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then said holding shall not be so

construed as to render invalid or unconstitutional the remaining provisions of this ordinance.

Section 5. Effective Date. This ordinance shall become effective ten (10) days after passage, pursuant to s. 166.041(4), Florida Statutes.

PASSED by the City Commission of the City of St. Augustine, Florida, this _____ day of _____ 2020.

ATTEST:

Tracy W. Upchurch, Mayor-Commissioner

Darlene Galambos, City Clerk

Coding: Words underlined are additions; words ~~stricken~~ are deletions.

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor, Vice Mayor, and City Commissioners

DATE: January 28, 2021

RE: **2021 LEGISLATIVE SESSION**

The 2021 legislative session has begun and our office is tracking several bills which may be of interest or impactful to the City or local governments in general. Attached for informational purposes is a listing of the current proposed bills within the Florida House and Senate which our office is tracking.

In order to be more nimble in our coordination with statewide allies and our legislative consultant, we suggest that each commissioner review the enclosed legislative tracking list prior to the February 8th City Commission meeting in order to be prepared to give us direction on which bills to prioritize. We also suggest that the Commission authorize the Mayor to sign letters in support or opposition to the Commission's priorities list, rather than delay a resolution until the next City Commission meeting.

Please place on this legislative session update on the agenda for the February 8, 2021 City Commission meeting for a brief staff presentation and direction on legislative priorities from the City Commission. As always, we are available to answer any questions that you may have.

Thank you,



Denise C. May
Assistant City Attorney

xc: John Regan, City Manager
Isabelle Lopez, City Attorney

2021 FLORIDA LEGISLATIVE SESSION BILL TRACKING

Information provided by
City Attorney's Office
1/29/2021 8:32 AM

BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	STATUS UPDATES
HB 7	Civil Liability for Damages Relating to COVID-19	McClure	Provides requirements for civil action based on COVID-19-related claim; provides that plaintiff has burden of proof in such action; provides statute of limitations; provides retroactive applicability.	Filed 01/06/21; Referred to Civil Justice and Property Rights Subcommittee, Pandemics and Public Emergencies Committee, Judiciary Committee, On Committee agenda-Civil Justice and Property Rights Subcommittee 01/13/21.	Favorable by Civil Justice and Property Rights Subcommittee; YEAS 11 NAYS 6. Now in Pandemics and Public Emergencies Committee. On Committee Agenda - Pandemics and Public Emergencies Committee, 2/3/21.
SB 72	Civil Liability for Damages Relating to COVID-19	Brandes	Provides requirements for civil action based on COVID-19-related claim; provides that plaintiff has burden of proof in such action; provides statute of limitations; provides retroactive applicability.	Filed 01/06/21; Referred to Judiciary, Commerce and Tourism; Rules.	On Committee Agenda - Judiciary - 1/25/21. Favorable by Judiciary; YEAS 7 NAYS 4. Now in Commerce and Tourism.
HB 15	Online Marketplace Sale Tax	Clemmons & LaMarca	Revises conditions for certain dealers subject to sales tax; deletes exemption for certain dealers from collecting local option surtaxes; provides certain marketplace providers are subject to registration, collection, & remittance requirements for sales taxes; requires marketplace providers to provide certification to marketplace sellers; specifies requirements for marketplace sellers; requires marketplace providers to allow DOR to audit books & records; provides that marketplace seller is liable for sales tax collection & remittance; authorizes marketplace providers & marketplace sellers to enter into agreements to recover certain taxes, interest, & penalties; grants DOR settlement & compromise authority for marketplace sales; removes authority of DOR to negotiate collection allowance with certain dealers.	Filed 11/30/20; Referred to Ways and Means Committee, Commerce Committee.	
SB 50	Online Marketplace Sale Tax	Gruners	Revises conditions for certain dealers subject to sales tax; deletes exemption for certain dealers from collecting local option surtaxes; provides certain marketplace providers are subject to registration, collection, & remittance requirements for sales taxes; requires marketplace providers to provide certification to marketplace sellers; specifies requirements for marketplace sellers; requires marketplace providers to allow DOR to audit books & records; provides that marketplace seller is liable for sales tax collection & remittance; authorizes marketplace providers & marketplace sellers to enter into agreements to recover certain taxes, interest, & penalties; grants DOR settlement & compromise authority for marketplace sales; removes authority of DOR to negotiate collection allowance with certain dealers.	Referred to Commerce and Tourism, Finance and Tax, and Appropriations 1/22/20.	On Committee Agenda - Commerce and Tourism 1/25/21. Favorable by Commerce and Tourism; YEAS 11 NAYS 0. Now in Finance and Tax.
HB 6003	Vaccinations During Public Health Emergencies	Sabatini & Smith	Removes authority of State Health Officer to order vaccinations upon declaration of public health emergency; revises requirement that DOH adopt certain rules.	11/30/20 Filed. Referred to Pandemics and Public Emergencies Committee; Professions and Public Health Subcommittee; Health and Human Services Committee.	
SB 44	Drones	Wright	Expanding the authorized uses of drones by law enforcement agencies, by a state agency or political subdivision, or by certified fire department personnel for specified purposes, etc.	Filed 12/28/20; Referred to Criminal Justice, Military and Veterans Affairs, Space, and Domestic Security; Rules	On Committee Agenda - Criminal Justice - 1/26/21. Committee Substitute by Criminal Justice; YEAS 8 NAYS 0. Pending reference review under Rule 4.7(2)

2021 FLORIDA LEGISLATIVE SESSION BILL TRACKING

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BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	STATUS UPDATES
HB 433	Drones	Andrade	Expands authorized uses of drones by government agencies & other specified entities for disaster damage assessment.	1/26/21 Filed.	
SB 518	Drones	Diaz	Expanding the authorized uses of drones by a state agency or political subdivision to include the assessment of damage due to natural disasters, etc.	Filed 01/11/21. Referred to Military and Veterans Affairs, Space, and Domestic Security; Community Affairs; Rules.	
SB 60	County and Municipal Code Enforcement	Bradley	Prohibiting code inspectors designated by boards of county commissioners from initiating investigations of potential violations of codes and ordinances by way of anonymous complaints; prohibiting code inspectors from initiating enforcement proceedings for potential violations of codes and ordinances by way of anonymous complaints; prohibiting code enforcement officers from initiating investigations of potential violations of codes and ordinances by way of anonymous complaints; prohibiting code inspectors designated by governing bodies of municipalities from initiating investigations of potential violations of codes and ordinances by way of anonymous complaints; requiring persons who report potential violations of codes and ordinances to provide specified information to the governing body before an investigation occurs, etc.	Filed 01/05/21. Referred to Community Affairs, Governmental Oversight and Accountability; Rules.	On Committee Agenda - Community Affairs, 2/2/21.
SB 154	Local Government Fiscal Transparency	Diaz	Expanding the scope of a Legislative Auditing Committee review to include compliance with local government fiscal transparency requirements; providing procedures for the Auditor General and local governments to comply with the local government fiscal transparency requirements; revising reporting requirements for certain local government economic development incentives; creating the "Local Government Fiscal Transparency Act"; requiring local governments to post certain voting record information on their websites, etc.	Filed 12/04/20. Referred to Community Affairs; Finance and Tax; Appropriations.	
SB 456	Municipal Law Enforcement Agencies	Bracy	Specifying that discussions between the chief executive officer of a municipality or a representative thereof and the municipality's governing body regarding disciplinary measures for municipal law enforcement officers which are proposed for inclusion in a collective bargaining agreement are subject to public meetings requirements; requiring the governing body of a municipality to solicit comments and input from the general public and relevant advocacy or special interest groups in the review and development of officer disciplinary procedures in collective bargaining agreements, etc.	Filed 01/06/21. Referred to Judiciary; Criminal Justice; Rules.	
SB 64	Reclaimed Water	Albritton	Requiring certain domestic wastewater utilities to submit to the Department of Environmental Protection by a specified date a plan for eliminating nonbeneficial surface water discharge within a specified timeframe; requiring domestic wastewater utilities applying for permits for new or expanded surface water discharges to prepare a specified plan for eliminating nonbeneficial discharges as part of its permit application; providing that potable reuse is an alternative water supply and that projects relating to such reuse are eligible for alternative water supply funding; requiring counties, municipalities, and special districts to authorize graywater technologies under certain circumstances and to provide incentives for the implementation of such technologies, etc.	1/17/2021 Filed. Referred to Environment and Natural Resources; Community Affairs; Appropriations.	On Committee Agenda - Environment and Natural Resources, 2/1/21.

2021 FLORIDA LEGISLATIVE SESSION BILL TRACKING

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BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	STATUS UPDATES
HB 263	Reclaimed Water	Maggard	Requires certain wastewater utilities to submit, implement, & update plans eliminating nonbeneficial surface water discharge; directs DEP to approve plans & make related determinations & submit reports to Legislature; provides administrative & civil penalties; authorizes DEP to convene technical advisory groups; provides that potable reuse is alternative water supply & eligible for expedited permitting & priority funding; directs DEP & water management districts to develop coordinated permit review; requires local governmental entities to authorize use of & provide incentives for graywater technologies; provides that residential graywater systems meet certain water conservation requirements.	1/14/2021 Filed.	
HB 1	Combating Public Disorder	Fernandez-Barquin	Authorizes residents of municipality to file an appeal to Administration Commission if municipality makes reduction to budget of municipal law enforcement agency; revises provisions prohibiting obstructing traffic; provides for cause of action against municipality for failing to provide law enforcement protection during riot; revises penalty for assault or battery committed in furtherance of riot or aggravated riot; revises minimum term of imprisonment for battery on law enforcement officer in furtherance of riot; revises prohibition on damaging memorial; revises penalties for burglary or theft during riot & facilitated by riot; revises prohibition on fighting in public place; prohibits specified assemblies from engaging in disorderly & violent conduct; prohibits inciting or encouraging riot; creates affirmative defense to civil action where plaintiff participated in riot or unlawful assembly.	1/6/2021 Filed. Referred to Criminal Justice and Public Safety Subcommittee; Justice Appropriations Subcommittee; Judiciary Committee.	On Committee Agenda - Criminal Justice and Public Safety Subcommittee - 1/27/2021. Favorable by Criminal Justice, YEAS 11 NAYS 6. Now in Justice Appropriations Subcommittee.
SB 484	Combating Public Disorder	Burgess	Authorizing a resident of a municipality to file an appeal to the Administration Commission if the governing body of the municipality makes a specified reduction to the operating budget of a municipal law enforcement agency; creating a cause of action against a municipality for obstructing or interfering with reasonable law enforcement protection during a riot or an unlawful assembly; increasing the offense severity ranking of an aggravated assault for the purposes of the Criminal Punishment Code if committed in furtherance of a riot or an aggravated riot; prohibiting defacing, injuring, or damaging a memorial; prohibiting cyberintimidation by publication, etc.	1/6/2021 Filed. Referred to Criminal Justice; Appropriations Subcommittee on Criminal and Civil Justice; Appropriations.	
SB 586	Preemption of Tree Pruning, Trimming, and Removal	Stewart	Repealing a provision relating to tree pruning, trimming, or removal on residential property, etc.	1/13/2021 Filed.	
HB 6023	Preemption of Tree Pruning, Trimming, and Removal	Eskamani	Repeals provisions relating to tree pruning, trimming, & removal on residential property.	1/12/2021 Filed. Referred to Local Administration and Veterans Affairs Subcommittee; Commerce Committee; State Affairs Committee.	
SB 304	Wage and Employment Benefits Requirements	Taddeo	Repealing provisions relating to restrictions on the establishment of minimum wage and employment benefits requirements by political subdivisions, etc.	1/21/8/2020 Filed. Referred to Commerce and Tourism; Community Affairs, Rules	

2021 FLORIDA LEGISLATIVE SESSION BILL TRACKING

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BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	STATUS UPDATES
HB 6031	Wage and Employment Benefits Requirements	Smith, C.	Repeals provisions relating to prohibitions on the establishment of minimum wage and employment benefits requirements by political subdivisions.	1/13/2021 Filed. Referred to Regulatory Reform Subcommittee; Local Administration and Veterans Affairs Subcommittee; Commerce Committee.	
HB 219	Vacation Rentals	Fischer	Preempts regulation of vacation rentals to state; prohibits local law, ordinance, or regulation from allowing or requiring inspections or licensing of public lodging establishments, including vacation rentals, or public food service establishments; requires licenses issued by Division of Hotels & Restaurants of DBPR to be displayed conspicuously to public inside licensed establishment.	1/12/2021 Filed. Referred to Regulatory Reform Subcommittee; Ways and Means Committee; Commerce Committee.	
SB 522	Vacation Rentals	Diaz	Preempting the regulation of vacation rentals to the state; prohibiting a local law, ordinance, or regulation from allowing or requiring inspections or licensing of public lodging establishments, including vacation rentals, or public food service establishments; requiring licenses issued by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation to be displayed conspicuously to the public inside the licensed establishment; requiring advertising platforms to require that persons placing advertisements for vacation rentals include certain information in the advertisements, etc.	1/11/2021 Filed. Referred to Regulated Industries, Commerce and Tourism; Rules.	
SB 546	Well Stimulation ("Stop Fracking Act")	Farmer	Creating the "Stop Fracking Act", prohibiting persons from engaging in extreme well stimulation; prohibiting the Department of Environmental Protection from issuing permits that authorize extreme well stimulation; prohibiting the department from authorizing certain permit holders to engage in extreme well stimulation on or after a specified date; imposing a specified fine for violations, etc.	1/12/2021 Filed. Referred to Environment and Natural Resources; Appropriations Subcommittee on Agriculture, Environment, and General Government; Appropriations.	
SB 594	Preemption of Recyclable and Polystyrene Materials	Stewart/Polisky	Deleting preemptions of local law relating to the regulation of auxiliary containers, wrappings, or disposable plastic bags; repealing the preemption of local laws regarding the use or sale of polystyrene products to the Department of Agriculture and Consumer Services, etc.	1/12/2021 Filed. Referred to Environment and Natural Resources; Community Affairs; Rules.	
HB 6027	Preemption of Recyclable and Polystyrene Materials	Grieco	Removes prohibition of local laws relating to regulation of auxiliary containers, wrappings, & disposable plastic bags; repeals preemption of local laws relating to use or sale of polystyrene products to DACS.	1/12/2021 Filed. Referred to Regulatory Reform Subcommittee; Local Administration and Veterans Affairs Subcommittee; Commerce Committee.	
SB 672	Preemption of Firearms and Ammunition Regulation	Taddeo	Repealing a provision relating to the preemption of the field of regulation of firearms and ammunition to the Legislature, to the exclusion of local jurisdictions, etc.	1/14/2021 Filed.	
HB 6033	Preemption of Firearms and Ammunition Regulation	Daley	Repeals provisions preempting the field of regulation of firearms & ammunition to Legislature, to exclusion of local jurisdictions.	1/14/2021 Filed.	

2021 FLORIDA LEGISLATIVE SESSION BILL TRACKING

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BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	STATUS UPDATES
SB 284	Building Design	Perry	Prohibiting certain regulations relating to building design elements from being applied to certain structures; providing exceptions; defining the term "building design elements", etc.	12/17/2020 Filed. Referred to Community Affairs; Regulated Industries; Rules.	
HB 55	Building Design	Overdorf	Provides that regulations relating to building design elements may not be applied to certain structures.	12/10/2020 Filed. Referred to Regulatory Reform Subcommittee; Local Administration and Veterans Affairs Subcommittee; Commerce Committee.	
HB 329	Beverage Law	Tomkow	Authorizes food service establishments to sell or deliver alcoholic beverages for off-premises consumption if requirements are met; revises provisions that authorize restaurant to allow patrons to remove partially consumed bottles of wine from restaurant for off-premises consumption; revises requirements for sale of alcoholic beverages by certain vendors.	1/19/2021 Filed.	
SB 134	Beverage Law	Brandes	Authorizing certain food service establishments to sell or deliver alcoholic beverages for off-premises consumption if specified requirements are met; revising provisions that authorize a restaurant to allow patrons to remove partially consumed bottles of wine from a restaurant for off-premises consumption; revising requirements for the sale of alcoholic beverages by certain vendors, etc.	12/4/2020 Filed. Referred to Regulated Industries; Commerce and Tourism; Rules.	
SB 148	Beverage Law	Bradley	Authorizing certain food service establishments to sell or deliver alcoholic beverages for off-premises consumption if specified requirements are met, etc.	12/4/2020 Filed. Referred to Regulated Industries; Commerce and Tourism; Rules.	
SB 142	Craft Distilleries	Brandes	Repealing provisions relating to limitations on the size of individual wine containers and the size of individual cider containers; revising provisions that authorize a restaurant to allow patrons to remove partially consumed bottles of wine from the restaurant for off-premises consumption; revising the requirements for the sale of branded products by a licensed distillery or craft distillery to consumers; revising requirements relating to the shipping of distilled spirits to consumers by a craft distillery, etc.	12/4/2020 Filed. Referred to Regulated Industries; Commerce and Tourism; Rules.	
SB 46	Craft Distilleries	Hutson	Authorizing craft distilleries to be licensed as specified vendors under certain circumstances; requiring certain alcoholic beverages to be obtained through a licensed distributor that meets specified criteria; prohibiting a distillery from operating as a craft distillery until certain requirements are met; authorizing persons to have common ownership in craft distilleries under certain circumstances; requiring a minimum percentage of a craft distillery's total finished branded products to be distilled in this state and contain one or more Florida agricultural products, etc.	12/18/2020 Filed. Referred to Regulated Industries; Commerce and Tourism; Rules.	On Committee Agenda - Regulated Industries - 1/26/21. Committee Substitute by Regulated Industries; YEAS 9 NAYS 0. Pending reference review under Rule 4.7(2).

2021 FLORIDA LEGISLATIVE SESSION BILL TRACKING

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BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	STATUS UPDATES
SB 266	Home-based Businesses	Perry	Providing legislative findings and intent; specifying conditions under which a business is considered a home-based business; authorizing a home-based business to operate in a residential zone under certain circumstances; preempting to the state the ability to regulate or license home-based businesses; prohibiting a local government from certain actions relating to the licensure and regulation of home-based businesses, etc.	12/14/2020 Filed. Referred to Community Affairs, Commerce and Tourism, Rules.	
HB 403	Home-based Businesses	Giallonbardo	Specifies conditions under which business is considered home-based business; authorizes home-based business to operate in residential zone; prohibits local government from certain actions relating to licensure & regulation of home-based business; authorizes specified business owners to challenge certain local government actions; authorizes prevailing party to recover specified attorney fees & costs.	1/25/2021 Filed.	
SB 496	Growth Management	Perry	Specifying requirements for certain comprehensive plans effective, rather than adopted, after a specified date and for associated land development regulations; requiring local governments to include a property rights element in their comprehensive plans; prohibiting a local government's property rights element from conflicting with the statement of rights contained in the act; providing that the consent of certain property owners is not required for development agreement changes under certain circumstances; requiring the Department of Transportation to afford a right of first refusal to certain individuals under specified circumstances, etc.	1/17/2021 Filed. Referred to Community Affairs, Judiciary, Rules.	
HB 59	Growth Management	McClain/Sabatini	Requires local governments to include property rights element in their comprehensive plans; provides statement of rights that local government may use; requires local government to adopt property rights element by specified date; prohibits local government's property rights element from conflicting with statutorily provided statement of rights; provides that certain property owners are not required to consent to development agreement changes; prohibits municipality from annexing specified areas; requires DOT to afford right of first refusal to certain individuals; provides requirements & procedures for right of first refusal; authorizes certain developments of regional impact agreements to be amended.	12/10/2020 Filed. Referred to Local Administration and Veterans Affairs Subcommittee, Civil Justice and Property Rights Subcommittee, State Affairs Committee.	
SB 480	Statewide Police Misconduct Registry	Bracy	Requiring the Department of Law Enforcement to establish by a certain date and maintain a statewide police misconduct registry; specifying information that the registry must contain on all state and local law enforcement officers; requiring the head of each state and local law enforcement agency to periodically submit specified information to the department beginning on a specified date, etc.	1/6/2021 Filed. Referred to Judiciary, Criminal Justice, Appropriations.	
HB 277	Statewide Police Misconduct Registry	Thompson	Requires FDLE to establish & maintain statewide police misconduct registry; specifies information that registry must contain; requires head of each state & local law enforcement agency to periodically submit specified information; requires FSLE to publish information on its website.	1/15/2021 Filed.	

2021 FLORIDA LEGISLATIVE SESSION BILL TRACKING

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BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	STATUS UPDATES
SB 692	Medical Marijuana Public Employee Protection	Polsky	Prohibiting an employer from taking adverse personnel action against an employee or a job applicant who is a qualified patient using medical marijuana; providing exceptions; requiring an employer to provide written notice of an employee or job applicant's right to explain a positive marijuana test result within a specified timeframe; providing procedures when an employee or job applicant tests positive for marijuana, etc.	1/21/2021 Filed.	
HB 335	Medical Marijuana Public Employee Protection	Duran	Prohibits employers from taking adverse personnel action against employees or applicants who are qualified patients using medical marijuana; requires employers to provide written notice of employee or applicant's right to explain positive test result for marijuana; provides procedures for if employee or applicant tests positive for marijuana; provides cause of action & damages.	1/19/2021 Filed.	
HB 337	Impact Fees	Dicegille	Specifies instances when local government or special district may collect impact fee; requires local governments & special districts to credit against collection of impact fee any contribution related to public facilities; provides annual limitations on impact fee increases; requires school districts to report specified items regarding impact fees; requires specified entities to file affidavit attesting that impact fees were appropriately collected & expended.	1/19/2021 Filed.	
SB 750	Impact Fees	Grueters	Specifying instances when a local government or special district may collect an impact fee; requiring local governments and special districts to credit against the collection of impact fees any contribution related to public facilities; providing annual limitations on impact fee rate increases; requiring school districts to report specified items regarding impact fees, etc.	1/25/2021	
SB 514	Resiliency	Rodrigues	Establishing the Statewide Office of Resiliency within the Executive Office of the Governor; creating the Statewide Sea-Level Rise Task Force adjunct to the office; authorizing the Department of Environmental Protection to contract for specified services; upon request of the task force; requiring the Environmental Regulation Commission to take certain action on the task force's recommendations, etc.	1/8/2021 Filed. Referred to Environment and Natural Resources Appropriations Subcommittee on Agriculture, Environment, and General Government Appropriations.	
HB 315	Resiliency	LaMarca	Establishes Statewide Office of Resiliency within EOG; provides for appointment of Chief Resilience Officer by Governor; creates Statewide Sea-Level Rise Task Force adjunct to office; authorizes DEP to contract for specified services upon request of task force; authorizes task force to designate technical advisory groups; requires Environmental Regulation Commission to take certain action on task force recommendations; provides appropriation.	1/19/2021 Filed.	
HB 215	Prohibition of Public Funds for Lobbying by Local Governments	Sabatini	Prohibits local governments from using public funds to retain lobbyists; provides exceptions; provides sanctions for violations; authorizes people to file complaints with the Commission on Ethics; requires commission to provide a report to specified entities; specifies procedures for disciplining violators.	1/11/2021 Filed. Referred to Public Integrity and Elections Committee; Local Administration and Veterans Affairs Subcommittee; State Affairs Committee.	

2021 FLORIDA LEGISLATIVE SESSION BILL TRACKING

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BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	STATUS UPDATES
SB 268	Preemption of Local Occupational Licensing	Perry	Preempting licensing of occupations to the state; prohibiting local governments from imposing additional licensing requirements or modifying licensing unless specified conditions are met; specifying that certain specialty contractors are not required to register with the Construction Industry Licensing Board; authorizing counties and municipalities to issue certain journeyman licenses, etc.	12/14/2020 Filed. Referred to Regulated Industries; Community Affairs; Rules.	
HB 115	Local Licensing	Fabricio	Authorizes individuals who hold valid, active local licenses to work within scope of such licenses in any local government jurisdiction without needing to meet additional licensing requirements; provides local governments have disciplinary jurisdiction over licensees; requires local governments to forward any disciplinary orders to licensee's original licensing jurisdiction for further action; requires DBPR to create & maintain local licensing information system.	12/23/2020 Filed. Referred to Regulatory Reform Subcommittee; Local Administration and Veterans Affairs Subcommittee; State Administration and Technology Appropriations Subcommittee; Commerce Committee.	
SB 62	Regional Planning Councils	Bradley	Revising a requirement for the Executive Office of the Governor to review and consider certain reports, data, and analyses relating to the revision of the state comprehensive plan; eliminating the advisory role of regional planning councils in state comprehensive plan preparation and revision; repealing provisions relating to the Florida Regional Planning Council Act; authorizing local governments to recommend areas of critical state concern to the state land planning agency, etc.	01/05/2021 Filed. Referred to Community Affairs; Judiciary; Rules 01/11/2021.	On Committee Agenda - Community Affairs, 01/26/21. Committee Substitute by Community Affairs. YEAS 6 NAYS 3. Pending reference review under 4.7(2).
SB 400	Public Records	Rodriguez	Prohibiting an agency that receives a request to inspect or copy a record from responding to such request by filing an action for declaratory relief against the requester, etc.	12/20/2020 Filed. Referred to Governmental Oversight and Accountability; Judiciary; Rules.	On Committee Agenda - Governmental Oversight and Accountability, 1/27/21. YEAS 6 NAYS 0. Pending reference review under 4.7(2).
HB 35	Legal Notices	Grieco	Provides for website publication of legal notices; provides criteria for such publication; authorizes fiscally constrained county to use publicly accessible website to publish legally required advertisements & public notices; requires government agency to provide specified notice to residents concerning alternative methods of receiving legal notices.	12/27/2020 Filed. Referred to Civil Justice and Property Rights Subcommittee; Judiciary Committee.	On Committee Agenda - Civil Justice and Property Rights Subcommittee, 2/3/21.
SB 402	Legal Notices	Rodriguez	Authorizing legal notifications in certain cases to be published on a website established by the Supreme Court, in lieu of newspaper publication; specifying that website publication constitutes proof of publication, unless otherwise determined by a court; authorizing a county to publish such legal notifications in a newspaper, subject to certain limitations, etc.	12/29/2020 Filed. Referred to Judiciary; Appropriations Subcommittee on Criminal and Civil Justice; Appropriations.	On Committee Agenda - Judiciary, 1/25/21 - Temporarily Postponed.
SB 334	Regulation of Smoking in Public Places	Gruters/Hutson/Perry	Revising a short title; authorizing counties and municipalities to further restrict smoking within the boundaries of public beaches and public parks under certain circumstances; prohibiting smoking within the boundaries of a state park, etc.	12/18/2020 Filed. Referred to Community Affairs; Environment and Natural Resources; Rules.	On Committee Agenda - Community Affairs, 1/26/21. Favorable by Community Affairs; YEAS 8 NAYS 1. Now in Environment and Natural Resources.

2021 FLORIDA LEGISLATIVE SESSION BILL TRACKING

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BILL NUMBER	TITLE	SPONSOR	SUBJECT	STATUS UPDATES	STATUS UPDATES
HB 229	Regulation of Smoking in Public Places	Altman	Authorizes counties & municipalities to further restrict smoking within boundaries of public beaches & public parks under certain circumstances.	1/13/2021 Filed. Referred to Professions and Public Health Subcommittee; Environment, Agriculture and Flooding Subcommittee; Health and Human Services Committee.	
SB 810	Prohibited Governmental Transactions Involving Certain Companies and Products	Gutters	Prohibiting a state agency or a local governmental entity from purchasing any products that were produced, or that contain a specified percentage of parts that were produced, in China; providing that a contract for the purchase of products by a state agency or a local governmental entity must include a provision authorizing the termination of such contract in certain circumstances; prohibiting a state agency or a local governmental entity from purchasing any product made or sold or service provided by certain technology companies, etc.	1/26/2021 Filed.	
HB 439	Prohibited Governmental Transactions Involving Certain Companies and Products	Fine	Prohibits agency or local governmental entity from purchasing any good made, or that contains specified percentage of parts that were produced, in China; prohibits agency or local governmental entity from purchasing any good or service made, sold, or provided by certain technology companies; provides that contract for purchase or provision of goods or services by agency or local governmental entity must include provision authorizing termination of such contract in certain circumstances.	1/26/2021 Filed.	
SB 856	State Preemption of Energy Infrastructure Regulations	Hutson	Defining the term "energy infrastructure"; preempting to the state the regulation of the construction of energy infrastructure, etc.	01/27/2021 Filed.	
SB 816	County Court Judges	Hutson	Increasing the number of county court judges authorized for St. Johns County, etc.	1/26/2021 Filed.	
HB 417	County Court Judges	Stevenson	Increases the number of county court judges authorized for St. Johns County.	1/25/2021 Filed.	

** Yellow indicates a priority per the City Commission.

** Bills with no counterpart in Senate or House have minimal chance of passage.

AGREEMENT

This Agreement, made and entered into in duplicate this 9th day of December, 2019, by and between the **BOARD OF TRUSTEES OF THE LIGHTNER MUSEUM OF HOBBIES, INC.**, hereinafter called "TRUSTEES" and the **CITY OF ST. AUGUSTINE, FLORIDA** a municipal corporation, organized and existing by virtue of the laws of the State of Florida, hereinafter called "CITY";

WHEREAS, the CITY and TRUSTEES are both bound by the terms of that certain INDENTURE regarding the PREMISES, and;

WHEREAS, the parties wish to further confirm their mutual agreement and understanding, and clarify their respective rights and obligations, pursuant to the INDENTURE, in order to facilitate cooperation in the operations and maintenance of the PREMISES;

WITNESSETH: That in consideration of the covenants herein contained and consideration given, TRUSTEES and CITY agree as follows:

1. DEFINITIONS:

CITY: means the City of St. Augustine, a Florida municipal corporation.

FINANCIAL SERVICES BUILDING: means the structure located on the southern boundary of the PREMISES, and generally identified as being located at 50 Bridge Street, St. Augustine, St. Johns County, Florida, and its driving aisle and parking area.

INDENTURE: means that July 5, 1947 indenture from O.C. Lightner to the City of St. Augustine, Florida, as trustee of a perpetual trust of the buildings and collection of the trust property to be held, used, managed, and administered by the city in the public interest, for the use, operation, and maintained as housing and exhibiting of museums and other exhibits, with absolute management and control vested in a board of trustees of the Lightner Museum of Hobbies, with neither the city nor the board of trustees having authority to mortgage, sell, or dispose of the trust property, the terms of which are more fully described and recorded in the public records of St. Johns County at OR Book 167, Page 565.

LIGHTNER BUILDING: means the exterior elements of the structure located on the PREMISES, and generally identified as 75 King Street, including exterior roofs, walls, doors, windows, staircases, ramps, loggias, courtyard, pond, bridge, fountains, gardens, fencing, gates, landscaping, outdoor statuary and decorative building ornamentation, parking lots and driving aisles. This term also includes the structural interior elements, such as, structural walls, beams and trusses, the unfinished floor and ceiling substructure, as well as, the centralized fire suppression system. Areas identified as being part of the LIGHTNER MUSEUM are excluded from this definition.

LIGHTNER MUSEUM: means that area consisting of approximately 4,526 interior square feet on the first floor parlor area immediately adjacent to and south of the internal courtyard, and 85,394 interior square feet on all floors of the southern wing (located south of the parlor area), and the exterior elevated promenade at the second floor southern wing entry, along with the exterior and interior area below the promenade, the adjacent southerly outdoor garden consisting of an exterior staircase, fountain, fencing, wall, gates, landscaping, outdoor statuary and decorative building ornamentation. All interiors located in the LIGHTNER MUSEUM, including but not limited to, elevators, HVAC systems, utilities,

electrical, plumbing, telecommunication wiring and equipment, interior staircases, doors, walls, fixtures, finishes, ceilings, and flooring, along with its collections and personal property are included in this definition.

PREMISES: means that real property located in St. Augustine, St. Johns County, Florida, more fully described as follows:

COMMENCE AT THE INTERSECTION OF THE SOUTHERLY LINE OF KING STREET WITH THE WESTERLY LINE OF CORDOVA STREET; THENCE SOUTHWESTERLY ALONG SOUTHERLY LINE OF KING STREET TO THE EASTERLY LINE OF GRANADA STREET; THENCE SOUTHEASTERLY ALONG THE EASTERLY LINE OF GRANADA STREET TO THE NORTHERLY LINE OF BRIDGE STREET; THENCE NORTHEASTERLY ALONG THE NORTHERLY LINE OF BRIDGE STREET TO THE WESTERLY LINE OF CORDOVA STREET; THENCE NORTHWESTERLY ALONG THE WESTERLY LINE OF CORDOVA STREET TO POINT OF COMMENCEMENT. BEING THE SAME LAND BEING DESIGNATED AS BLOCK 36-A IN THE CURRENT TAX AND OTHER RECORDS OF THE CITY OF ST. AUGUSTINE.

TRUSTEES: means the Board of Trustees of the Lightner Museum of Hobbies, Inc. that owns and operates the LIGHTNER MUSEUM, and its successors, and assigns.

2. TERM OF AGREEMENT:

This Agreement will be for a term of fifty (50) years from the 9th day, of December, 2019.

3. RENTAL: for the use and occupancy of the PREMISES by CITY, except for the area set aside as mutually agreed to by the parties for the LIGHTNER MUSEUM, it is agreed as follows:

CITY Responsibility:

- (a) Keep and maintain the LIGHTNER BUILDING and the FINANCIAL SERVICES BUILDING in good, sound condition, order and repair.
- (b) Insure, or self-insure, for liability, flood, loss, or damage, the LIGHTNER BUILDING and the FINANCIAL SERVICES BUILDING. CITY may independently seek funds, grants, or other reimbursements from private persons or organizations, as well as, local, state, and federal agencies for the repair and maintenance of the LIGHTNER BUILDING and the FINANCIAL SERVICES BUILDING. In the event such funds, grants, or other reimbursements are obtained, CITY is and shall be solely responsible for all legal requirements of compliance with their terms. Insurance for the perils of damage to the LIGHTNER BUILDING will include the entire building including the physical building areas of the LIGHTNER MUSEUM. Flood insurance will be a shared fifty-fifty (50%-50%) cost between the CITY and TRUSTEES.
- (c) Not cause or suffer any lien to be filed against the PREMISES by reason of any repairs, restoration, reconstruction, alteration or change made to the LIGHTNER BUILDING and the FINANCIAL SERVICES BUILDING by the CITY. A lien which is filed as a result of any action of CITY and which is not removed within ninety (90) days after being filed, or as expeditiously as legally possible, shall constitute a default by CITY hereunder. CITY shall save TRUSTEES harmless from all legal cost and fees, including attorney's fees, reasonably incurred in and about the defense and/or prosecution of any suit or proceeding in discharging the said PREMISES, or any part thereof, from any lien caused by CITY.

TRUSTEES Responsibility:

- (a) Keep and maintain the LIGHTNER MUSEUM, in good, sound condition, order and repair.
 - (b) Insure, or self-insure for liability, in addition to, insure for loss or damage to the collection or personal property of the LIGHTNER MUSEUM. Flood insurance will be a shared fifty-fifty (50%-50%) cost between the CITY and TRUSTEES.
 - (c) TRUSTEES may independently seek funds, grants, or other reimbursements from private persons or organizations, as well as, local, state, and federal agencies for the repair and maintenance of the LIGHTNER MUSEUM. In the event such funds, grants, or other reimbursements are obtained, TRUSTEES are and shall be solely responsible for all legal requirements of compliance with their terms.
 - (d) Not cause or suffer any lien to be filed against the PREMISES by reason of any repairs, restoration, reconstruction, alteration or change made to the LIGHTNER MUSEUM by the TRUSTEES. A lien which is filed as a result of any action of TRUSTEES and which is not removed within ninety (90) days after being filed, or as expeditiously as legally possible, shall constitute a default by TRUSTEES hereunder. TRUSTEE shall save CITY harmless from all legal cost and fees, including attorney's fees, reasonably incurred in and about the defense and/or prosecution of any suit or proceeding in discharging the said PREMISES, or any part thereof, from any lien caused by TRUSTEES.
4. USE OF PREMISES: CITY will use the LIGHTNER BUILDING and the FINANCIAL SERVICES BUILDING as its City Hall, offices, and departments of the municipal government, as well as, any sublet tenant uses. TRUSTEES will use the LIGHTNER MUSEUM consistent with its mission as a museum.
5. ASSIGNING AND SUBLETTING: CITY may sublet any part or portion of the PREMISES not occupied by the CITY or the LIGHTNER MUSEUM, upon whatever terms, conditions and rentals the CITY deems reasonable and proper. CITY will submit a notice for TRUSTEES' review and comment for any new CITY tenants in units on the ground floor area adjacent to the interior courtyard. TRUSTEES will have fifteen (15) days to provide comments in writing to the City Manager regarding reasonable concerns with the compatibility of uses of these proposed CITY tenants. If CITY does not receive any written comments within the review period, TRUSTEES will be deemed to have concurred with the proposed CITY tenants. Both parties will endeavor in good faith to resolve any concerns or conflicts regarding proposed CITY tenants. Should the City Manager and TRUSTEES not reach an agreement regarding the proposed CITY tenants within thirty (30) days from the CITY's notice to TRUSTEES, TRUSTEES may seek a resolution of the issue from the City Commission. The City Commission's decision regarding CITY tenants shall be final and binding. Both parties understand and agree that current CITY tenants are deemed to be compatible, and CITY may approve, renew, or modify current CITY tenants' leases for units on the ground floor area adjacent to the interior courtyard. All other CITY tenants on the PREMISES are at the discretion of CITY, and not subject to TRUSTEES' review.

6. ALTERATIONS AND REPAIRS: TRUSTEES grant CITY the right to make repairs to the PREMISES in accordance with CITY's obligations under this Agreement, providing, however, that CITY shall not make structural or substantial changes to the LIGHTNER BUILDING without prior consent of TRUSTEES, which consent shall not be unreasonably withheld. Any changes, additions, alterations, improvements or repairs to the LIGHTNER BUILDING or to the FINANCIAL SERVICES BUILDING made by the CITY shall be at the sole cost of the CITY and shall immediately become a part of the realty and the property held in trust pursuant to the terms of the INDENTURE. Any changes, additions, alterations, improvements or repairs to the LIGHTNER MUSEUM made by the TRUSTEES shall be at the sole cost of the TRUSTEES and shall immediately become a part of the realty and the property held in trust pursuant to the terms of the INDENTURE.
7. CITY REGULATIONS: the parties acknowledge and agree that the CITY has home rule authority under Florida law, and pursuant to duly enacted ordinances and resolutions, it may regulate and govern the activities allowed on the PREMISES.
8. PRIOR AGREEMENT SUPERSEDED: The parties acknowledge and agree that the terms of this Agreement are intended to completely supersede that prior agreement, by and between them, entered into on February 13th, 1967.
9. COOPERATION OF PARTIES: Without waiving any legal right that each party may have, CITY and TRUSTEES agree to cooperate in good faith in carrying out the terms and intent of this agreement.
10. ENTIRE AGREEMENT: This constitutes the entire and complete agreement between the parties hereto and all the terms and conditions agreed upon.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date written above.

Signed, sealed and delivered in
the presence of:

Shanna Lee
Witness

Print: Shanna Lee

Era C. Fountain
Witness

Print: Era C. Fountain

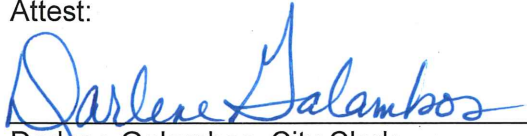
**BOARD OF TRUSTEES OF THE
LIGHTNER MUSEUM OF HOBBIES, INC.**

Teresa A. Radzinski

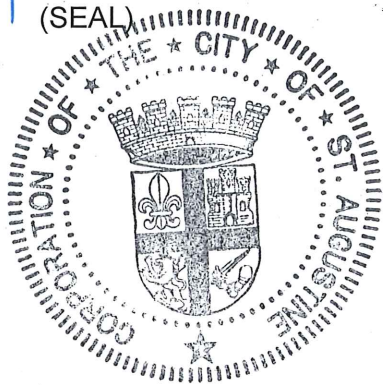
Title: its Chairperson

Print: Teresa Radzinski

Attest:



Darlene Galambos, City Clerk
(SEAL)



CITY OF ST. AUGUSTINE, LESSOR



John P. Regan, City Manager

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:



Isabelle Lopez, City Attorney

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: Mayor, Vice-Mayor and Commissioners

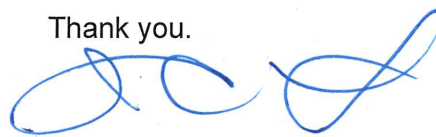
DATE: November 26, 2019

RE: CITY AND LIGHTNER MUSEUM AGREEMENT

Please find enclosed an agreement setting out the key responsibilities for building and grounds maintenance and insurance for the Lightner Building and Financial Services Building property. The terms of the agreement are consistent with the original 1947 indenture and trust, and clarify and update mutual rights and responsibilities for the maintenance, rental, and management of the property between the Lightner Museum Board of Trustees and the City.

Please place the Agreement on the consent agenda for the December 9th, 2019 City Commission meeting.

Thank you.



Isabelle C. Lopez
City Attorney

Attachments

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

Agenda Title:

Consent Agenda: City and Lightner Museum agreement updating the 1967 agreement consistent with the terms of the 1947 Trust setting out the mutual responsibilities for management and maintenance of the property.

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John Regan, P.E., City Manager

DATE: February 2, 2021

RE: City and Lightner Museum Agreement Addendum

The Board of Trustees of the Lightner Museum of Hobbies, Inc. (Trustees) has requested an amendment to the agreement that was signed on December 9, 2019. The current agreement sets out the key responsibilities for building and ground maintenance and insurance for the Lightner Building and Financial Services Building property. The terms of this current agreement are consistent with the original 1947 indenture and trust and clarified and updated mutual rights and responsibilities for the maintenance, rental, and management of the property between the Trustees and the City.

The Trustees' requested amendment will move the two parking spaces adjacent to the statuary from the City's responsibility to the responsibility of the Trustees. These parking spaces will be incorporated into the landscape design of the southerly outdoor garden but will not impede the use of the parking spaces adjacent to the area. The amendment also clarifies that all electrical, irrigation and other utility lines in the southerly garden are the Trustees' responsibility and that any doors and/or gates that provide access to the Trustees' area will be managed by the Trustees. Finally, the Trustees agree to cooperate with the City in its efforts to promote the authenticity and vitality of St. Augustine's unique arts and culture community in exchange for these spaces.

If approved, please place on the February 8, 2021 City Commission agenda under Items by City Manager.

Please feel free to reach out to me if you have any questions or concerns.



Meredith Breidenstein
Assistant City Manager

Xc: Isabelle Lopez, City Attorney
Darlene Galambos, City Clerk

ADDENDUM TO LEASE AGREEMENT

THIS ADDENDUM ("ADDENDUM") is executed by and between the **CITY OF ST. AUGUSTINE, FLORIDA**, a municipal corporation organized and existing under and by virtue of the laws of the State of Florida, hereinafter referred to as the "CITY", and the **BOARD OF TRUSTEES OF THE LIGHTNER MUSEUM OF HOBBIES, INC.**, hereinafter called "TRUSTEES", with respect to the Lease Agreement ("AGREEMENT") executed between the parties dated December 9, 2019.

RECITALS

WHEREAS, TRUSTEES wish to expand the southerly outdoor garden of the Lightner Museum property to include two (2) flanking parking spaces and to bring the Faith Tiberio sculpture out of the parking lot and into the newly renovated garden space.

WHEREAS, TRUSTEES believe this expansion will benefit the accessibility, resiliency, and landscape architectural quality of the Lightner Museum's south gathering area; and

WHEREAS, the CITY agrees that the additional consideration described in Section 2 of this Addendum is a public benefit and provides a public purpose commensurate to the value of the parking spaces; and

WHEREAS, TRUSTEES wish to continue with the terms of the 2019 AGREEMENT and agree to the terms and conditions of said AGREEMENT; and

NOW, THEREFORE, the CITY and TRUSTEES, in consideration of the mutual covenants and promises contained in this ADDENDUM, the adequacy and receipt of which are hereby acknowledged, hereby agree as follows:

1. **Recitals.** The above recitals are true and correct and incorporated herein.

2. **Amendment.**

(a) The CITY agrees to amend the definition of the Lightner Museum found in the 2019 AGREEMENT to include the Faith Tiberio sculpture in the southerly outdoor garden, the two parking spaces flanking the sculpture, and all exterior walls, fencing, gates, and landscaping in or adjacent to the southerly outdoor garden. The design of any wall, fencing, gate, or landscaping must not impede the use of the parking spaces adjacent to this area. This area shall thereafter be incorporated into the Lightner Museum property, to be maintained and controlled by the TRUSTEES. Any doors or gates providing access to the Lightner Museum area will be managed by the TRUSTEES and open to the public as determined by the TRUSTEES.

(b) The TRUSTEES agree to be responsible for the construction, repair, maintenance, and insurance of the amended Lightner Museum property included in paragraph (a), and for any costs associated with the repair or relocation of electrical connections and fixtures, hose bibs, faucets, potable water irrigation lines, sewer and/or artesian well irrigation lines, or any other utility lines, in the southerly outdoor

garden. The CITY finds that this privately funded improvement supports the CITY's Historic Preservation Master Plan and Vision Plan by encouraging preservation as an economic driver, preserving historic landscapes, and incentivizing economic revitalization of historic properties.

(c) Consistent with the CITY's Vision Plan, the TRUSTEES agree to cooperate with the CITY in its efforts to promote the authenticity and vitality of St. Augustine's unique arts and culture community.

3. **Remaining Terms Continue in Full Force and Effect.** All remaining terms of the 2019 AGREEMENT not in conflict with the terms of this ADDENDUM shall remain in full force and effect.

*** * * SIGNATURES APPEAR ON THE FOLLOWING PAGE * * ***

IN WITNESS WHEREOF, the CITY has caused this ADDENDUM to be executed in its name by its duly authorized officers, and its corporate seal to be hereunto fixed, and TRUSTEES has hereunto set its hand and seal, this _____ day of _____, 2021.

ATTEST:

Darlene Galambos, City Clerk
(SEAL)

"CITY"

**CITY OF ST. AUGUSTINE, FLORIDA,
a municipal corporation**

By: _____
John P. Regan, City Manager

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY:

CITY ATTORNEY

Signed, sealed, and delivered
in the presence of:

"TRUSTEES"

**BOARD OF TRUSTEES OF THE
LIGHTNER MUSEUM OF HOBBIES, INC**

Witness

Print: _____

By: _____
Teresa Radzinski, Chairperson

Witness

Print: _____



PHOTOREALISTIC | VIEW FACING NORTH

RECEIVED

DEC 18 2024

Planning/Bldg. Dept.



Marquis Latimer & Halback
LANDSCAPE ARCHITECTURE · PLANNING



ML+H

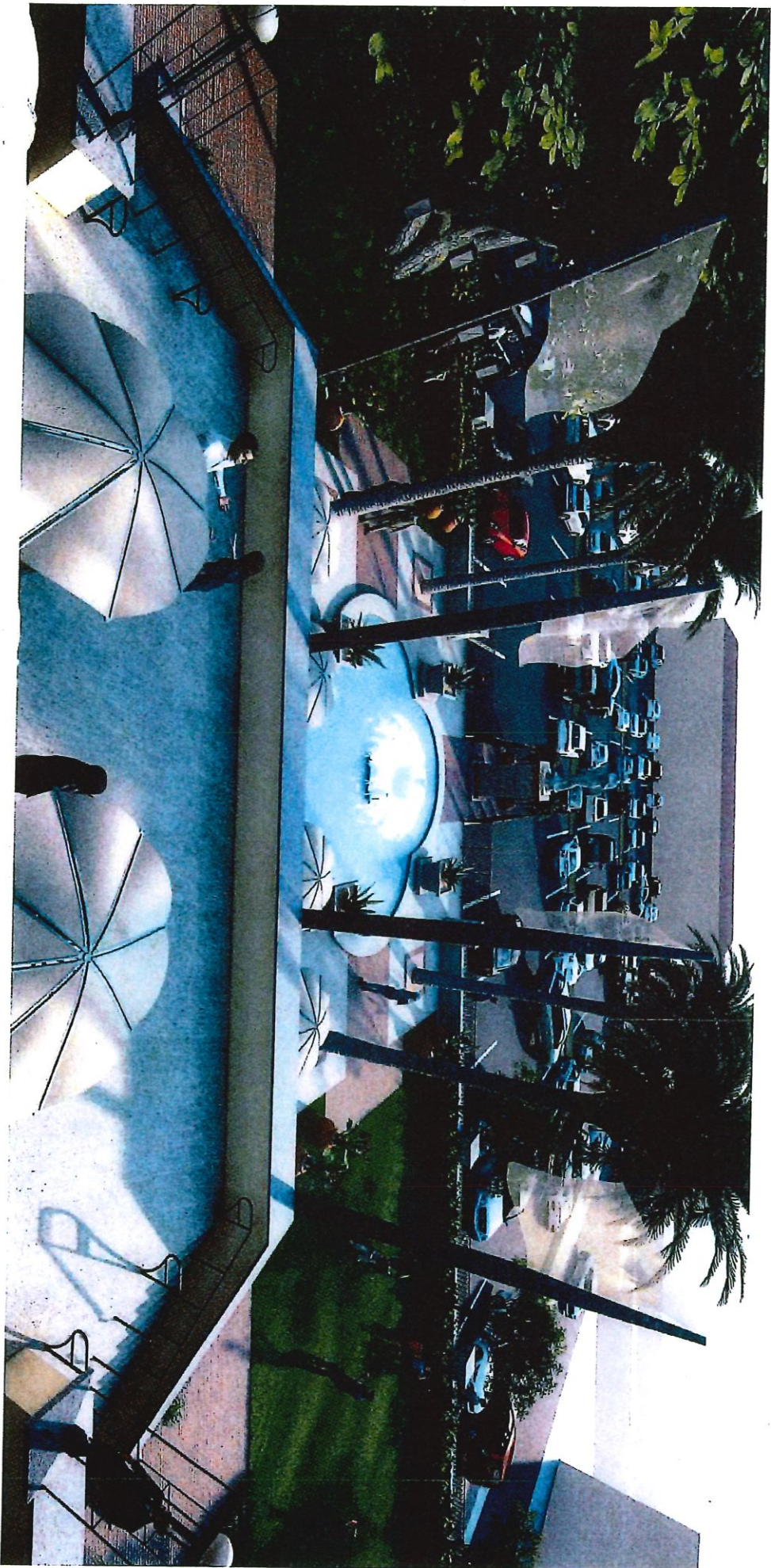
Marquis Latimer & Halback, Inc. | St. Augustine, Florida | www.halback.com



PHOTOREALISTIC | VIEW FACING NORTH - UPDATED



Marquis Latimer + Halback, Inc. | St. Augustine, Florida | www.halback.com



PHOTOREALISTIC | VIEW FACING SOUTH FROM TERRACE

RECEIVED

DEC 18 2020

Planning/Building Dept.

 ML+H

Marquis Lattimer + Halback, Inc. | St. Augustine, Florida | www.halback.com



PHOTOREALISTIC | VIEW FACING SOUTH FROM TERRACE - UPDATED

 ML+H

Marquis Latimer + Halback, Inc. | St. Augustine, Florida | www.halback.com

RECEIVED
DEC 18 2020
Planning/Building Dept.



PHOTOREALISTIC | GATHERING + SCULPTURE LAWN



Marquis Latimer + Halback
LANDSCAPE ARCHITECTURE · PLANNING

RECEIVED
Marquis Latimer + Halback, Inc. | St. Augustine, Florida | www.halback.com
DEC 18 2020

Planning/Building Dept.



RECEIVED
DEC 18 2020
Planning/Building Dept.

PHOTOREALISTIC | GATHERING + SCULPTURE LAWN - UPDATED



Marquis Latimer + Malback, Inc. | St. Augustine, Florida | www.lalback.com

CITY OF ST. AUGUSTINE

MEMORANDUM

TO: John P. Regan, City Manager

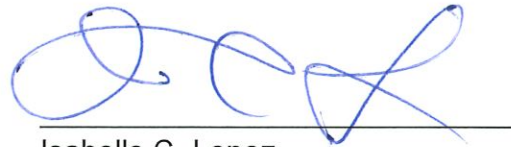
DATE: January 25, 2021

RE: **SATISFACTION AND RELEASE OF UTILITY MORTGAGE – 149 PALMER STREET**

Enclosed is a Satisfaction and Release of Mortgage for 149 Palmer Street, regarding the Unit Connection Fee Mortgage and Promissory Note executed between the City of St. Augustine and Andrew Deming. The mortgage was recorded in the Public Records of St. Johns County on June 10, 2020. Copies of the Unit Connection Fee Mortgage and Promissory Note are enclosed as well for reference.

Please place this Release and Satisfaction of Mortgage on the consent agenda for consideration and execution at the February 8, 2021 City Commission meeting.

Please contact me if you have any questions or comments. Thank you.

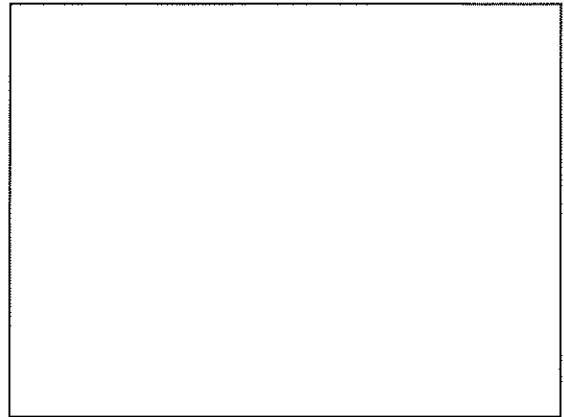


Isabelle C. Lopez
City Attorney

/sl
Attachment

xc: Darlene Galambos, City Clerk (with original)

This instrument was prepared under the supervision and direction of Isabelle C. Lopez, City Attorney, P.O. Box 210, St. Augustine, Florida 32085



**SATISFACTION AND
RELEASE OF MORTGAGE**

KNOW ALL MEN BY THESE PRESENTS:

THE CITY OF ST. AUGUSTINE, a municipal corporation organized and existing under the laws of the State of Florida, whose mailing address is P.O. Box 210, St. Augustine, Florida, 32085-0210 (hereinafter referred to as "Mortgagee"), in consideration of the covenants and agreements set forth hereinafter, hereby releases **ANDREW DEMING**, whose address is 149 Palmer Street, St. Augustine, Florida 32084, his heirs, assigns or successors in title (hereinafter referred to as "Mortgagor"), from the Mortgage entitled, "Unit Connection Fee Mortgage," executed between the parties and dated May 26, 2020, recorded at Official Records Book 4961, Page 1630, of the Public Records of St. Johns County, Florida, and relating to that certain lot, parcel or piece of land situated in the City of St. Augustine, St. Johns County, Florida, described in **Exhibit "A"** attached hereto and incorporated herein.

Mortgagee hereby releases said Mortgagors from any obligations created by or existing by virtue of said Mortgage and the Promissory Note relating thereto recorded at Official Record Book 4961, Page 1630, of the Public Records of St. Johns County, Florida, and such obligations related to said documents have been fully performed and are therefore satisfied.

IN WITNESS WHEREOF, this Satisfaction and Release of Mortgage has been duly signed and executed by the Mortgagee, this _____ day of _____, 2021.

ATTEST:

CITY OF ST. AUGUSTINE, FLORIDA,
a municipal corporation

Darlene Galambos, City Clerk
(S E A L)

By: _____
Tracy Upchurch, Mayor-Commissioner

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, by means of ☐ physical presence or ☐ online notarization, **Tracy Upchurch**, who is personally known to me, who is the person who executed the foregoing instrument and who acknowledged before me that he executed the same for the uses and purposes therein expressed.

WITNESS my hand and official seal, this _____ day of _____, 2021.

Notary Public, State of Florida

(S E A L)

EXHIBIT "A"

LEGAL DESCRIPTION: LOT 113 AND THE SOUTH 17.00' LOT 115, BLOCK G, ALSO DESCRIBED AS BLOCK 60-G ACCORDING TO OFFICIAL MAP OF NEW AUGUSTINE, WHITNEY'S SUBDIVISION OF PART OF RAVENSWOOD, FILED IN PLAT BOOK 1, PAGE 116, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

PARCEL ID NUMBER: 110250-0000

LOCATION ADDRESS: 149 PALMER STREET, ST. AUGUSTINE, FLORIDA 32084

Public Records of St. Johns County, FL
Clerk number: 2020045191
BK: 4961 PG: 1630
6/10/2020 4:09 PM
Recording \$61.00
Doc M: \$16.80
Int. Tax \$9.41

**UNIT CONNECTION FEE
MORTGAGE**

THIS MORTGAGE, by and between **Andrew Deming** whose address is 149 Palmer Street, St. Augustine, Florida 32084 (hereinafter called "Mortgagor") and **CITY OF ST. AUGUSTINE, FLORIDA**, a municipal corporation organized under the laws of the State of Florida, whose address is P.O. Box 210, Attention Financial Services Dept., St. Augustine, Florida, 32085 (hereinafter called "Mortgagee").

WITNESSETH that for good and valuable consideration, and also in consideration of the Mortgagee's deferment of certain water and/or sewer unit connection fees owed by the Mortgagor to the Mortgagee as evidenced by the Unit Connection Fee Promissory Note hereinafter described, the said Mortgagor does hereby grant, bargain, sell, alien, remise, release, convey and confirm unto the said Mortgagee all that certain piece, parcel or tract of land of which the said Mortgagor is now seized and possessed and in actual possession, situate in the county of St. Johns and state of Florida, described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

Together with all structures and improvements now and hereafter on said land, and the fixtures attached thereto.

To have and to hold the same, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and also all the estate, right, title, interest, homestead, separate estate, possession, claim and demand whatsoever, as well in law as in equity, of the said Mortgagor in and to the same, and every part thereof, unto the said Mortgagee, in fee simple.

And the Mortgagor hereby covenants with the Mortgagee that it is indefeasibly seized of said land in fee simple; that it has full power and lawful right to convey the same in fee simple as aforesaid; and that said Mortgagor will make such further assurances to prove the fee simple title to said land to said Mortgagee as may be reasonably required.

Provided always, and these presents are executed and delivered upon the following conditions, to-wit:

The Mortgagor agrees to timely pay the Mortgagee, or order, the payments described in the copy of the Unit Connection Fee Promissory Note attached hereto as Exhibit "B" in the manner and at the times described therein.

And shall duly, promptly and fully perform, discharge, execute, effect, complete and comply with and abide by each and every of the stipulations, agreements, conditions, and covenants of said Promissory Note and of this mortgage, then this mortgage and the estate hereby created shall cease and be null and void.

And the Mortgagor further covenants as follows:

1. That it will pay all and singular the costs, charges and expenses, including reasonable attorney's fees, and costs of abstracts of title, incurred or paid at any time by the Mortgagee because of the failure on the part of the Mortgagor promptly and fully to perform the agreements and covenants of said Promissory Note and this mortgage, and said costs, charges and expenses shall be immediately due and payable and shall be secured by the lien of this mortgage.

2. That (a) in the event of any breach of this mortgage or any mortgage superior or junior hereto or default on the part of the Mortgagor under this or any other mortgage encumbering the property mortgaged hereby, or (b) in the event that any of said sums of money herein referred to be not promptly and fully paid without demand or notice, or (c) in the event that each and every of the stipulations, agreements, conditions and covenants of said note and this mortgage are not promptly and fully performed, then in either or any such event, the said aggregate sum mentioned in said note then remaining unpaid, with interest accrued to that time, and all moneys secured hereby, shall become due and payable forthwith, or thereafter, at the option of said Mortgagee, as fully and completely as if all of the said sums of money were originally stipulated to be paid on such day, anything in said note or in this mortgage to the contrary notwithstanding; and thereupon or thereafter, at the option of said Mortgagee, without notice or demand, suit at law or in equity May be prosecuted as if all moneys secured hereby had matured prior to its institution. The Mortgagee May foreclose this mortgage, as to the amount so declared due and payable, and the said premises shall be sold to satisfy and pay the same, together with costs, expenses and allowances.

3. That the Mortgagee will make monthly payments in the amount of \$47.54 for 120 months, with the first payment due 06/15/2020.

IN WITNESS WHEREOF, the Mortgagor has hereunto set its hand and seal, this

May 26, 2020

Signed, sealed and delivered in the presence of:

Amanda Anderson

Witness

Printed Name: Amanda Anderson

Joanne Paolini

Witness

Printed Name: Joanne Paolini

BY:

Andrew Deming
(Name) Andrew Deming
(Address) 149 Palmer Street
St. Augustine, Florida 32084
(Telephone) (321) 698-4091

*** NOTARY CERTIFICATION APPEARS ON THE FOLLOWING PAGE ***

FOR AN INDIVIDUAL ACTING IN HIS OR HER OWN RIGHT:

STATE OF Florida
COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, **Andrew Deming**, by means of ☒ physical presence or ☐ online notarization, who is personally known to me or who has produced DL# D552-001-87-468-0 as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this May 26, 2020.



Amanda Anderson
Notary Public, State of Florida

Exhibit "A"

LEGAL DESCRIPTION

Parcel ID Number: 110250-0000

Lot 113 and the south 17.00' Lot 115, Block G, also described as Block 60-G according to Official Map of New Augustine, Whitney's Subdivision of Part of Ravenswood, filed in Plat Book 1, Page 116, of the Public Records of St. Johns County, Florida.

**UNIT CONNECTION FEE
PROMISSORY NOTE**

APPLICANT(S) NAME: Andrew Deming
ADDRESS: 149 Palmer Street
St. Augustine, FL. 32084

\$4,707.00

St. Augustine, Florida

FOR VALUE RECEIVED, and as payment for certain unit connection fees on premises located at 149 Palmer Street, St. Augustine, FL 32084, the undersigned, jointly and severally, promises to pay to the order of **CITY OF ST. AUGUSTINE, P.O. Box 210, St. Augustine, Florida, 32085**, or elsewhere as the holder hereof may from time to time require; the principal sum of **4,707.00 Dollars**, together with interest on so much of said principal sum as remains from time to time outstanding and unpaid, at the rate of **3.95 percent** per annum from the date hereof until paid. Said principal and interest shall be paid in equal consecutive monthly installments of **47.54 Dollars**, commencing on **June 15, 2020** and continuing on the same date each and every month thereafter until paid in full, said installments to be applied first to interest and the balance to principal.

The maker(s) hereof waives presentment for payment and demand. Time is of the essence hereof. It is expressly agreed that if this Note or any part or installment thereof be not paid within ten (10) days after the same becomes due and payable, anything herein to the contrary notwithstanding, the maker(s) hereof understands that all unpaid sums shall immediately be due and payable at once, without notice or demand, together with all costs of collection, including reasonable attorney's fees, whether suit be filed or not.

The maker(s) hereof may prepay any part of the principal sum hereof in any amount at any time, but any such prepayment shall not relieve the maker(s) hereof from making payment of the installment then due nor any subsequent installment provided hereby, unless at the time of such prepayment the maker(s) hereof pays all sums hereon.

Any waiver of the right to exercise any option by the holder hereof shall not constitute a waiver of the right to exercise said option at any future time.

All notices, demand, presentment, dishonor and requirements under any law of Florida are hereby expressly waived.

Note: Fl. Stat. 159.17 – Lien of services charges – any municipality issuing revenue bonds hereunder shall have a lien on all lands or premises served by any water system, sewer system or gas system for all service charges for such facilities until paid, which liens shall be prior to all other liens on such lands or premises except the lien of state, county and municipal taxes and shall be on a parity with the lien of such state, county and municipal taxes. Such liens, when delinquent for more than 30 days, may be foreclosed by such municipality in the manner provided by the laws of Florida for the foreclosure of mortgages on real property.

Exhibit "B"

This Note is secured by and subject to the terms of a mortgage (or a letter of credit) of even date herewith.

Signed, sealed and delivered **dated as of** May 26, 2020, in the presence of:

Amanda Anderson

Witness

Printed Name: Amanda Anderson

BY:

Andrew Deming

(Name) Andrew Deming

(Address) 149 Palmer Street

St. Augustine, Florida 32084

(Telephone) (321) 698-4091

Joanne Paolini

Witness

Printed Name: Joanne Paolini

FOR AN INDIVIDUAL ACTING IN HIS OR HER OWN RIGHT:

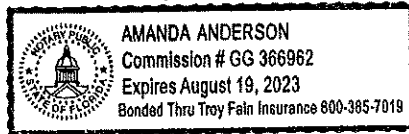
STATE OF Florida

COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, **Andrew Deming**, personally appeared before me, an officer duly authorized to administer oaths and take acknowledgments, by means of ☒ physical presence or ☐ online notarization, who is personally known to me or who has produced DL #D52 D552 -001-87-408-0 as identification and is the person described in and who executed the foregoing instrument, and acknowledged before me that he executed the same for the uses and purposes therein expressed.

Witness my hand and official seal, this

May 26, 2020



Amanda Anderson
Notary Public, State of Florida

CITY OF ST. AUGUSTINE

M E M O R A N D U M

TO: John P. Regan, P.E.
City Manager

DATE: February 2, 2021

RE: City Commission Meeting Consent Agenda Item

As you're aware, The City is eligible to apply to the Florida Department of Economic Opportunity (FDEO), under a special funding cycle, for a Small Cities Community Development Block Grant-Coronavirus (CDBG-CV) program.

This program contains a new FDEO prerequisite that includes the adoption of the attached Four-Factor Analysis and Language Access Plan for limited English Proficiency (LEP) persons. The document mirrors the City's LEP policy and must be completed prior to proceeding with any CDBG-CV program application step. This FDEO program stipulation ensures language access services are available to City population of persons with LEP.

Placing this item on the Commission's Consent Agenda and adoption satisfies pre-application conditions. If you concur, please place this item for the next City Commission meeting, scheduled for February 8, 2021, for their consideration.

As always, please do not hesitate to contact me if you have any questions. Thank you for your assistance.



Corey L. Sakryd
Grant Administration Coordinator

CLS

Encl: CDBG Four Factor Analysis and Language Access Plan

xc: Meredith Briedenstein, Assistant City Manager
Darlene Galambos, City Clerk
Jim Piggott, Director, General Services
file

**FOUR-FACTOR ANALYSIS
and
LANGUAGE ACCESS PLAN
FOR LIMITED ENGLISH PROFICIENCY
PERSONS**

**COMMUNITY DEVELOPMENT
BLOCK GRANT PROGRAM**

CITY OF SAINT AUGUSTINE

Purpose: In compliance with Executive Order 13166, the City of St. Augustine has developed the following Language Access Plan for Limited English Proficiency (LEP) persons.

History: Title VI of the Civil Rights Act of 1964 is the federal law that protects individuals from discrimination on the basis of their race, color, or national origin in programs that receive federal financial assistance. In certain situations, failure to ensure that persons who have limited English proficiency can effectively participate in, or benefit from, federally assisted programs may violate Title VI's prohibition against national origin discrimination.

Persons who, as a result of national origin, do not speak English as their primary language and who have limited ability to speak, read, write, or understand English may be entitled to language assistance under Title VI in order to receive a particular service, benefit, or encounter.

The City of St. Augustine Four-Factor Analysis: The following Four-Factor Analysis will serve as the guide for determining which language assistance measures the City of St. Augustine will undertake to guarantee access to the City of St. Augustine Community Development Block Grant (CDBG) programs by LEP persons.

1. Number or proportion of LEP persons served or encountered in the eligible service population (served or encountered includes those persons who would be served by the recipient if the person received education and outreach and the recipient provided sufficient language services).

The City of St. Augustine utilized the American Community Survey data Table #S1601. Based on this data, The City of St. Augustine does meet the 1,000 or 5% LEP persons threshold for the residents speaking the Spanish Language.

2. The frequency with which the LEP persons come into contact with the program.

The proposed project does provide expanded housing for the homeless. Therefore, residents are likely to have considerable direct contact with the program and its staff.

3. The nature and importance of the program, activity, or service provided by the program.

The proposed project does provide direct assistance to project area beneficiaries related to housing for the homeless; therefore, the nature of the activity or service is of significant importance to the proposed project area residents.

4. The resources available and costs to the recipient.

Currently, there are free websites that can be utilized to translate some written materials. Additionally, local volunteers have been identified to provide oral translation services at public meetings and during conversations with LEP residents during the implementation of the proposed project. Furthermore, many of the common forms used in the implementation of a CDBG project are available in multiple languages on the HUD and DOL websites. Spanish language copies of all CDBG Public Notices will be posted on a bulletin board in City Hall and in public places throughout the proposed project area(s). Additionally, copies of all CDBG Public Notices will be placed on the City of St. Augustine Web Site. In addition, translation activities are an eligible CDBG administrative expense. Therefore, limited LAP measures are reasonable given the resources available to the City of St. Augustine.

**City of St. Augustine
Language Access Plan**

As a result of the attached Four-Factor Analysis, The City of St. Augustine has identified the following types of language assistance to be provided on an as needed basis by the City of St. Augustine throughout the implementation of the CDBG program:

- All CDBG citizen participation documents, project-related resolutions, public notices, and amendments will be published in Spanish on bulletin boards at the City Hall and in public places throughout the proposed project area(s) and/or the community.
- All CDBG citizen participation documents, project-related resolutions, public notices, and amendments will be published in Spanish on the City of St. Augustine Website.
- Additionally, all published citizen participation notices will include a statement in Spanish indicating the citizen participation notices as well as other program materials are published on the City of St. Augustine Web Site and are available in Spanish upon request.
- All citizen participation notices will include a statement that translators will be available at public meetings upon prior request.
- If needed, a translator may be retained to provide oral translation in the field during the implementation of the project activities.
- If other populations of LEP persons are identified in the future, the City of St. Augustine will consider additional measures to serve the language access needs of those persons.

Adopted:

February 8, 2021
Date Adopted

Attest

Tracy Upchurch, Mayor