

MEMORANDUM

TO: Mayor England
Vice Mayor Kostka
Commissioner George
Commissioner Samora
Commissioner Rumrell

FROM: Max Royle, City Manager 

DATE: March 23, 2020

SUBJECT: Presentations:

- A. Appointments to Code Enforcement Board: Mr. Ernesto Torres as Regular Member and Mr. Patrick Wilson as Alternate
- B. Proclamations:
 - a. To Declare April 2020 as Sexual Assault Awareness Month
 - b. To Declare April 2020 as Water Conservation Month

ITEM A. APPOINTMENTS

1) Re-appointment of Mr. Ernesto Torres

He is currently a regular member of the Code Enforcement Board. His three-year term expires in April 2020. His request to be re-appointed was brought to you at your March 2nd meeting along with a similar request from two other members of the Board whose terms were expiring. However, at that meeting you didn't re-appoint Mr. Torres because of a question of whether he when he would have to resign from the Board because of his candidacy for a seat on the City Commission this year. Commissioner Samora suggested "that the Commission could re-appoint Mr. Torres at the next meeting so it would give him time to get some clarity of the law on what he needs to do" (from the minutes of the March 2nd meeting).

Mr. Torres received that clarity from Mr. Wilson, the City Attorney at your March meeting. Attached as page 1 is a letter from Mr. Torres, stating his intent to resign from the Board mon January 1, 2021, in accordance with Mr. Wilson's advice.

Also, attached as pages 2-3 is Section 99.012, Florida Statutes, to which Mr. Torres refers. Please note Section 99.012(7)(b), which states that the restrictions of officers, elected or appointed, serving on a board while running for office does not apply to "persons serving without salary as members of an appointive board or authority." Members of Commission-appointed boards do not receive any pay.

Action Requested

In light of Mr. Wilson's advice to Mr. Torres and what is allowed by Section 99.012(7)(b), Florida Statutes, it is that you re-appoint Mr. Torres to the Code Enforcement Board to serve on it until the effective date of his letter of resignation.

2) Appointment of Mr. Patrick Wilson

On the Code Enforcement Board there is a vacancy for an alternate, Mr. Wilson has offered to serve. Attached as pages 5-7 is his application. He'll be at your meeting for the customary interview.

ITEM B. PROCLAMATIONS

They are attached (pages 8-9). The one for Sexual Assault Awareness Month has been requested by the Betty Griffin Center. Representatives from the Center may be at your meeting to speak about it. The one for Water Conservation Month has been requested by the St. Johns River Water Management District.



ERNESTO J. TORRES

1104 Laughing Gull Lane, St Augustine, FL 32080 | ernestojtorres@gmail.com

March 10, 2020

Mr. Royle
City Manager Max Royle
2200 A1A South
Saint Augustine, FL 32080

Dear Mr. Royle:

In pursuant to Florida Statutes 99.012, I, as an Officer of the Code Enforcement Board for the City of Saint Augustine Beach, FL resign with an effective date of January 1, 2021. I submit my resignation as requested and under advisement of City Counsel Mr. Wilson due to my intent to qualify for public office during the qualification period of June 8, 2020 – June 12, 2020.

Sincerely,



Ernesto J. Torres

The 2019 Florida Statutes

Title IX
ELECTORS AND ELECTIONS

Chapter 99
CANDIDATES

[View Entire Chapter](#)

99.012 Restrictions on individuals qualifying for public office.—

(1) As used in this section:

(a) “Officer” means a person, whether elected or appointed, who has the authority to exercise the sovereign power of the state pertaining to an office recognized under the State Constitution or laws of the state. With respect to a municipality, the term “officer” means a person, whether elected or appointed, who has the authority to exercise municipal power as provided by the State Constitution, state laws, or municipal charter.

(b) “Subordinate officer” means a person who has been delegated the authority to exercise the sovereign power of the state by an officer. With respect to a municipality, subordinate officer means a person who has been delegated the authority to exercise municipal power by an officer.

(2) No person may qualify as a candidate for more than one public office, whether federal, state, district, county, or municipal, if the terms or any part thereof run concurrently with each other.

(3)(a) No officer may qualify as a candidate for another state, district, county, or municipal public office if the terms or any part thereof run concurrently with each other without resigning from the office he or she presently holds.

(b) The resignation is irrevocable.

(c) The written resignation must be submitted at least 10 days prior to the first day of qualifying for the office he or she intends to seek.

(d) The resignation must be effective no later than the earlier of the following dates:

1. The date the officer would take office, if elected; or
2. The date the officer’s successor is required to take office.

(e)1. An elected district, county, or municipal officer must submit his or her resignation to the officer before whom he or she qualified for the office he or she holds, with a copy to the Governor and the Department of State.

2. An appointed district, county, or municipal officer must submit his or her resignation to the officer or authority which appointed him or her to the office he or she holds, with a copy to the Governor and the Department of State.

3. All other officers must submit their resignations to the Governor with a copy to the Department of State.

(f)1. With regard to an elective office, the resignation creates a vacancy in office to be filled by election. Persons may qualify as candidates for nomination and election as if the public officer’s term were otherwise scheduled to expire.

2. With regard to an elective charter county office or elective municipal office, the vacancy created by the officer’s resignation may be filled for that portion of the officer’s unexpired term in a manner

provided by the respective charter. The office is deemed vacant upon the effective date of the resignation submitted by the official in his or her letter of resignation.

(g) Any officer who submits his or her resignation, effective immediately or effective on a date prior to the date of his or her qualifying for office, may then qualify for office as a nonofficeholder, and the provisions of this subsection do not apply.

(4)(a) Any officer who qualifies for federal public office must resign from the office he or she presently holds if the terms, or any part thereof, run concurrently with each other.

(b) The resignation is irrevocable.

(c) The resignation must be submitted at least 10 days before the first day of qualifying for the office he or she intends to seek.

(d) The written resignation must be effective no later than the earlier of the following dates:

1. The date the officer would take office, if elected; or
2. The date the officer's successor is required to take office.

(e)1. An elected district, county, or municipal officer shall submit his or her resignation to the officer before whom he or she qualified for the office he or she holds, with a copy to the Governor and the Department of State.

2. An appointed district, county, or municipal officer shall submit his or her resignation to the officer or authority which appointed him or her to the office he or she holds, with a copy to the Governor and the Department of State.

3. All other officers shall submit their resignations to the Governor with a copy to the Department of State.

(f)1. The failure of an officer who qualifies for federal public office to submit a resignation pursuant to this subsection constitutes an automatic irrevocable resignation, effective immediately, from the office he or she presently holds.

2. The Department of State shall send a notice of the automatic resignation to the Governor, and in the case of a district, county, or municipal officer, a copy to:

- a. The officer before whom he or she qualified if the officer held an elective office; or
- b. The officer or authority who appointed him or her if the officer held an appointive office.

(g) Notwithstanding the provisions of any special act to the contrary, with regard to an elective office, the resignation creates a vacancy in office to be filled by election, thereby authorizing persons to qualify as candidates for nomination and election as if the officer's term were otherwise scheduled to expire. With regard to an elective charter county office or elective municipal office, the vacancy created by the officer's resignation may be filled for that portion of the officer's unexpired term in a manner provided by the respective charter. The office is deemed vacant upon the effective date of the resignation submitted by the official in his or her letter of resignation.

(5) A person who is a subordinate officer, deputy sheriff, or police officer must resign effective upon qualifying pursuant to this chapter if the person is seeking to qualify for a public office that is currently held by an officer who has authority to appoint, employ, promote, or otherwise supervise that person and who has qualified as a candidate for reelection to that office.

(6) If an order of a court that has become final determines that a person did not comply with this section, the person shall not be qualified as a candidate for election and his or her name may not appear on the ballot.

(7) This section does not apply to:

- (a) Political party offices.
- (b) Persons serving without salary as members of an appointive board or authority.

(8) Subsections (3) and (4) do not apply to persons holding any federal office. Subsection (4) does not apply to an elected officer if the term of the office that he or she presently holds is scheduled to expire and be filled by election in the same primary and general election period as the federal office he or she is seeking.

History.—s. 1, ch. 63-269; s. 2, ch. 65-378; s. 1, ch. 70-80; s. 10, ch. 71-373; s. 1, ch. 74-76; s. 3, ch. 75-196; s. 1, ch. 79-391; s. 47, ch. 81-259; s. 1, ch. 83-15; s. 28, ch. 84-302; s. 31, ch. 91-107; s. 534, ch. 95-147; s. 1, ch. 99-146; s. 1, ch. 2000-274; s. 14, ch. 2007-30; s. 14, ch. 2008-4; s. 9, ch. 2008-95; s. 12, ch. 2011-40; s. 1, ch. 2018-126.

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**ST. AUGUSTINE BEACH CITY COMMISSION
BOARD AND COMMITTEE APPLICATION**

FOR APPOINTMENTS TO COMMITTEES INVOLVED IN LAND USE

Date received by City 1.31.20.

Thank you for your expressed interest in being considered for appointment to committees, boards, commissions, or advisory groups appointed by the City Commission. The Commission appreciates your willingness to serve your fellow citizens in a volunteer capacity. Please complete this application to the best of your ability. (You may attach a resume and/or additional data. Please reference attachments in the appropriate section(s).)

Name: Patrick Wilson

Address: 904 Sandy Beach Circle

Phone #: 352-222-8079 E-Mail Address: Dubugue31@gmail.com

How long have you been a legal resident of the City of St. Augustine Beach? 5 YRS

I am a full-time ☒ part-time _____ resident.

I am ☒ am not _____ a registered voter in St. Johns County.

List all active professional licenses and certifications: Certified General Contractor
1521778, OSHA 30 hour Certified

Educational background: BA - University of Florida Business Administration

Past work experience: PM & Construction Superintendent for Single Family Home Builder

Please list all civic clubs, professional organizations, or public interest groups of which you are a member or in which you have been active: (attached additional sheet if necessary).

1. Police Athletic League (PAL)

2. Habitat for Humanity

3. Young life

4. Veritas Classical School - ^{Founding} ~~Family~~ ^{member}

Please list the location and size of all parcels of property in St. Augustine Beach of which you have ownership: 10909 Sandy Beach Circle 0.33 Acres

Please list any companies/industries doing business in St. Augustine Beach in which you have a financial interest (i.e., proprietary, partnership, stock holdings, etc.)

N/A

Please indicate by preference all City boards, committees, or councils in which you have an interest:

- | | |
|--|-------------------------------------|
| 1. Code Enforcement Board | <input type="checkbox"/> |
| 2. Comprehensive Planning & Zoning Board | <input checked="" type="checkbox"/> |
| 3. Other | <input type="checkbox"/> |

I am available for meetings

- | | |
|------------------------|-------------------------------------|
| a. During the day only | <input type="checkbox"/> |
| b. Evenings only | <input checked="" type="checkbox"/> |
| c. Anytime | <input type="checkbox"/> |

List three (3) personal or professional references:

- Robert Miller FAIA 321-663-8862 (Architect)
- David McDaniel 407-970-8383 (Land Broker)
- Dominic Scine 410-271-3547 (CPA)

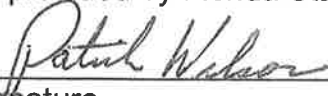
You may use this space for a brief biographical profile or to list certain skills you possess that may be relevant to the appointment you are seeking. Please indicate whether you have had experience with the reading of blueprints, technical drawings or diagrams. (Indicate below if you are attaching a resume.)

Certified General Contractor CGC1521778
Recently work for a Multi-Family CGC. My Daily Responsibilities Requires involvement
With Government inspectors, Plan Review & technical Reading, Contract Negotiations
and Owner meeting.
Versed in Microsoft Project, excel, Word & Blue Beam

NOTE: All information provided will become a matter of public record and will be open to the public. If you require special accommodations because of a disability to participate in the application/selection process, you must notify the City Commission in advance. This application will be kept for one (1) year, at which time you must notify the

City Commission of your intent to remain an active applicant and update your application accordingly or it will be removed from the active file.

I hereby authorize the City of St. Augustine Beach or its representatives to verify all information provided, and I further authorize the release of any information by those in possession of such information which may be requested by the City. I certify that all information provided herein is true and accurate to the best of my knowledge. I understand that a volunteer position provides for no compensation except that as may be provided by Florida Statutes or other enabling legislation.



Signature

1/29/2020

Date

Please return completed application to:

The City of St. Augustine Beach
2200 A1A South
St. Augustine Beach, FL 32080
Phone (904) 471-2122
FAX (904) 471-4108

Thank you for your interest!

PROCLAMATION

WHEREAS, Sexual Assault Awareness Month (SAAM) calls attention to the fact that sexual violence is widespread and impacts every person in this community and the goal of SAAM is to raise public awareness about sexual violence and educate communities on how to prevent it; and

WHEREAS, rape, sexual assault, and sexual harassment harms our community, and that statistics show one in five women and one in 67 men will be raped at some point in their lives (Smith et al., 2017); and

WHEREAS, child sexual abuse prevention must be a priority to confront the reality that one in six boys and one in four girls will experience sexual assault before age 18 (Dube et al., 2005); and

WHEREAS, on campus, one in five women and one in 16 men are sexually assaulted during their time in college (Krebs, Lindquist, Warner, Fisher, & Martin, 2007); and

WHEREAS, Sexual Assault Awareness Month is about embracing your voice and how to inform individuals on how they can use their words to stop sexual violence before it happens by promoting safety, respect, and equality and whether you speak out against locker room talk, or help someone better understand these issues, or ask for consent, your voice is powerful and necessary in this conversation, and

WHEREAS, individuals can embrace their voices to show their support for survivors, stand up to victim blaming, shut down rape jokes, correct harmful misconceptions, promote everyday consent, and practice healthy communication with kids; and

WHEREAS, the City of St. Augustine Beach joined advocates and communities across the country in taking action to prevent sexual violence.

NOW, THEREFORE, BE IT PROCLAIMED, the City of St. Augustine Beach does hereby designate the month of April 2020 as **Sexual Assault Awareness Month** in the City of St. Augustine Beach and remember that each day of the year is an opportunity to create change for the future.

PASSED AND ADOPTED in regular session this 6th day of April 2020.

ATTEST:

City Manager



Margaret England, Mayor

Proclamation

City of St. Augustine Beach St. Augustine Beach, FL

WHEREAS, water is a basic and essential need of every living creature; and

WHEREAS, the State of Florida, Water Management Districts and the City of St. Augustine Beach are working together to increase awareness about the importance of water conservation; and

WHEREAS, the City of St. Augustine Beach and the State of Florida has designated April, typically a dry month when water demands are most acute, Florida's Water Conservation Month, to educate citizens about how they can help save Florida's precious water resources; and

WHEREAS, the City of St. Augustine Beach has always encouraged and supported water conservation, through various educational programs and special events; and

WHEREAS, every business, industry, school and citizen can make a difference when it comes to conserving water; and

WHEREAS, every business, industry, school and citizen can help by saving water and thus promote a healthy economy and community; and

NOW, THEREFORE, BE IT PROCLAIMED by the City Commission of the City of St. Augustine Beach, Florida that the month of April 2020 is hereby officially designated as:

Water Conservation Month

St. Augustine Beach, Florida is calling upon each citizen and business to help protect our precious resource by practicing water saving measures and becoming more aware of the need to save water.

PASSED AND ADOPTED by the City Commission of the City of St. Augustine Beach, St. Johns County, Florida this 6th day of April 2020.

ATTEST

City Manager Max Royle



Mayor Margaret England