



AGENDA

EMERGENCY COMMISSION MEETING

FRIDAY, MARCH 20, 2020 AT 5:30 P.M.

CITY OF ST. AUGUSTINE BEACH, 2200 A1A South, St. Augustine Beach, FL 32080

NOTICE TO THE PUBLIC

THE CITY COMMISSION HAS ADOPTED THE FOLLOWING PROCEDURE: PERSONS WISHING TO SPEAK ABOUT TOPICS THAT ARE ON THE AGENDA MUST FILL OUT A SPEAKER CARD IN ADVANCE AND GIVE IT TO THE RECORDING SECRETARY. THE CARDS ARE AVAILABLE AT THE BACK OF THE MEETING ROOM. THIS PROCEDURE DOES NOT APPLY TO PERSONS WHO WANT TO SPEAK TO THE COMMISSION UNDER "PUBLIC COMMENTS."

RULES OF CIVILITY FOR PUBLIC PARTICIPATION

1. The goal of Commission meetings is to accomplish the public's business in an environment that encourages a fair discussion and exchange of ideas without fear of personal attacks.
2. Anger, rudeness, ridicule, impatience and lack of respect for others is unacceptable behavior. Demonstrations to support or oppose a speaker or idea, such as clapping, cheering, booing, hissing, or the use of intimidating body language are not permitted.
3. When persons refuse to abide by reasonable rules of civility and decorum, or ignore repeated requests by the Mayor to finish their remarks within the time limit adopted by the City Commission, and/or who make threats of physical violence shall be removed from the meeting room by law enforcement officers, either at the Mayor's request or by an affirmative vote of a majority of the sitting Commissioners.

"Politeness costs so little." – ABRAHAM LINCOLN

- I. CALL TO ORDER
- II. PLEDGE OF ALLEGIANCE
- III. ROLL CALL
- IV. SECTION 1-5 OF THE CITY CHARTER: VOTE TO DETERMINE THAT MEETING IS AN EMERGENCY (Super Majority Vote Required)
- V. DISCUSSION OF COMPLIANCE WITH GOVERNOR DESANTIS' EXECUTIVE ORDER
- VI. PUBLIC COMMENTS
- VII. ADJOURNMENT

NOTICES: In accordance with Florida Statute 286.0105: "If any person decides to appeal any decision made by the City Commission with respect to any matter considered at this scheduled meeting or hearing, the person will need a record of the proceedings, and for such purpose the person 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 City Manager's Office not later than seven days prior to the proceeding at the address provided, or telephone 904-471-2122, or email sabadmin@cityofsab.org.

MEMORANDUM

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

FROM: Max Royle, City Manager df

DATE: March 20, 2020

SUBJECT: Information for Your Emergency Meeting

Attached is the information as follows:

- a. Pages 1--3, the Executive Order, 20-68, that Governor DeSantis issued on March 17th.
- b. Pages 4-5, the County Commission's Emergency Proclamation approved on March 17th.
- c. Page 6, a summary of the County Commission's declaration of a local state of emergency.
- d. Page 7, an email from Chief Hardwick, in which he asks for guidance if the City is to cancel events, such as the Betty Griffin Center's Run for Peace on April 11th.
- e. Page 8, the procedures from City Attorney Lex Taylor for your emergency meeting.
- f. Pages 9-10, an email from the City Attorney explaining why the City at this time cannot use Zoom.

SUGGESTIONS FOR YOUR MEETING

After you have approved the holding of the emergency meeting, we suggest the following sequence of topics:

1. Mayor England opens the meeting

Because the doors to your meeting room will be locked so that the public can't enter, we suggest that the Mayor first have the City Attorney explain the procedures (page 8) about why the public cannot be in your meeting room, namely, in compliance with Section 2 of the Governor's Executive Order, the City is not allowing more than 10 persons in the room. Members of the public who want to make comments will be allowed one by one into the room to speak. Then the commenter will have to leave the room as the next speaker is admitted.

ON A RELATED MATTER: It concerns whether there's technology that the City can use to allow you to hold virtual meetings with each Commissioner and members of the City staff in his or her home. Please see pages 9-10 and the City Attorney's opinion. Commissioner Rumrell suggested the use of Zoom. As of the time when this memo was written, we don't know whether such technology can be used and still have the City in compliance with Florida's open meetings law. Procedures/policies would have to be developed so that the technology and how it's being used would be clear to you and the public. Also, there may be other technological tools for the holding of virtual meetings.

Concerning the use of Facebook Live: Procedures will first have to be developed with the City Attorney's guidance. Our concern is that the volume of questions and comments might be so large that your meetings would be consumed with responding to them. And it wouldn't be proper for the City staff to forward some questions/comments to you but not others.

2. Mayor England introduces the meeting's topic

She proposed that the topic be Discussion of Compliance with Governor DeSantis' Executive Order. She can describe what the City has done to comply with Sections 1, 2, and 3 of the Executive Order. These sections have directives concerning bars, pubs and nightclubs; the state's beaches; and restaurants. As Chief Hardwick and his department have been very much involved with matters concerning the beaches and the compliance of restaurants with the Governor's directives, he can bring you up-to-date on the department's latest actions concerning them. Section 1, concerning bars, pubs and nightclubs, doesn't apply to the City because we have no such businesses that operate independently of a restaurant.

3. Public Comment

Please see page 8 and comments above for the suggested procedures for public comment.

4. Before you conclude the meeting, Chief Hardwick has a question about special events (page 7). Also, are there any decisions you want to make concerning the City's compliance with the Governor's Executive Order?

STATE OF FLORIDA

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER NUMBER 20-68

(Emergency Management - COVID-19)

WHEREAS, Novel Coronavirus Disease 2019 (COVID-19) is a severe acute respiratory illness that can spread among humans through respiratory transmission and presents with symptoms similar to those of influenza; and

WHEREAS, on March 1, 2020, I issued Executive Order number 20-51 directing the Florida Department of Health to issue a Public Health Emergency; and

WHEREAS, on March 1, 2020, the State Surgeon General and State Health Officer declared a Public Health Emergency exists in the State of Florida as a result of COVID-19; and

WHEREAS, on March 9, 2020, I issued Executive Order 20-52 declaring a state of emergency for the entire State of Florida as a result of COVID-19; and

WHEREAS, on March 16, 2020, President Donald J. Trump and the Centers for Disease Control and Prevention ("CDC") issued the 15 Days to Slow the Spread guidance advising individuals to adopt far-reaching social distancing measures, such as working from home and avoiding gatherings of more than 10 people; and

WHEREAS, as Governor, I am responsible for meeting the dangers presented to this state and its people by this emergency.

NOW, THEREFORE, I, RON DESANTIS, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section (1)(a) of the Florida Constitution, Chapter 252, Florida Statutes, and all other applicable laws, promulgate the following Executive Order to take immediate effect:

Section 1. Bars, Pubs and Nightclubs

A. Pursuant to sections 252.36(5)(g)-(h), Florida Statutes, any licensee authorized to sell alcoholic beverages for consumption on premises that derive more than 50% of its gross revenue from the sale of alcoholic beverages shall suspend all sale of alcoholic beverages for thirty days from the date of this order, effective at 5 p.m. today, March 17, 2020.

B. The Department of Business and Professional Regulation shall utilize its authorities under Florida law to further implement and enforce the provisions of this Section and shall take additional measures with respect to bars, pubs and nightclubs as necessary to protect the public health, safety and welfare.

Section 2. Beaches

Pursuant to section 252.36(5)(k), Florida Statutes, I direct parties accessing public beaches in the State of Florida to follow the CDC guidance by limiting their gatherings to no more than 10 persons, distance themselves from other parties by 6 feet, and support beach closures at the discretion of local authorities.

Section 3. Restaurants

A. Pursuant to section 252.36(5)(g), Florida Statutes, a restaurant shall immediately limit its occupancy to 50% of its current building occupancy.

B. Pursuant to section 252.36(5)(g), Florida Statutes, a restaurant shall follow the CDC guidance by ensuring, at minimum, a 6-foot distance between any group of patrons and limiting parties to no more than 10 individuals.

C. The Department of Business and Professional Regulation shall ensure all restaurants implement employee screening and prohibit any employee from entering the restaurant premises if they meet any of the criteria listed below:

1) Any person infected with COVID-19 who has not had two consecutive negative test results separated by 24 hours;

2) Any person showing, presenting signs or symptoms of, or disclosing the presence of a respiratory infection, including cough, fever, shortness of breath or sore throat;

3) Any person who has been in contact with any person(s) known to be infected with COVID-19, who has not yet tested negative for COVID-19 within the past 14 days;

4) Any person who traveled through any airport within the past 14 days; or

5) Any person who traveled on a cruise ship within the past 14 days.

D. The Department of Business and Professional Regulation shall utilize its authorities under Florida law to further implement and enforce the provisions of this Section and shall take additional measures with respect to bars, pubs and nightclubs as necessary to protect the public health, safety and welfare.

For purposes of this section, "restaurant" shall include any Food Service Establishment, licensed under Chapter 500, Florida Statutes, and Public Food Service Establishment, licensed under Chapter 509, Florida Statutes.

Section 4. This Executive Order shall expire thirty days from this date unless extended.



ATTEST:

Laurel Dykce
SECRETARY OF STATE

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be fixed at Tallahassee, this 17th day of May, 2020.

RON DESANTIS, GOVERNOR

A stylized signature of Ron DeSantis in black ink.

2020 MAY 17 PM 1:34

EMERGENCY PROCLAMATION NO. 2020- 1

**A PROCLAMATION DECLARING A STATE OF LOCAL
EMERGENCY AS PROVIDED BY PART I, CHAPTER 252,
FLORIDA STATUTES AND BY ST. JOHNS COUNTY, FLORIDA
ORDINANCE NO. 19-40**

WHEREAS, it is necessary to declare a Local Public Health Emergency pursuant to Chapter 252, Florida Statutes and St. Johns County Ordinance No. 19-40 because of the threat of the Coronavirus Disease 2019 (COVID-19) to spread among humans, which may pose a threat to public health and safety and cause a threat to the entire State of Florida, including St. Johns County; and

WHEREAS, the World Health Organization has declared a pandemic related to COVID-19; and

WHEREAS, the President of the United States has declared a State of Emergency for the country to address the public health threat to the United States of America as a result of COVID-19; and

WHEREAS, the Governor of the State of Florida has issued Executive Order No. 20-51 declaring a Public Health Emergency in the State of Florida; and

WHEREAS, the Governor has issued Executive Order No. 20-52 waiving procedures and formalities otherwise required by law for political subdivisions in accordance with the provisions of Section 252.38, Florida Statutes; and

WHEREAS, local government agencies in St. Johns County, including, but not limited to, St. Johns County, the City of St. Augustine, the City of St. Augustine Beach, the St. Johns County Sheriff's Office, and each of the other St. Johns County constitutional officers have begun as of March 1, 2020 implementing preparations to address the public health threat; and

WHEREAS, the emergency may become beyond the capability of St. Johns County to effectively respond under normal procedures; and

WHEREAS, certain additional specialized equipment, materials, and personnel may be required to assist in treatment and take protective action with regard to life and health; and

WHEREAS, St. Johns County may request assistance from the State and/or may implement its interlocal agreements with other local governments pertaining to emergencies; and

WHEREAS, in light of the potential substantial economic impact of the emergency, St. Johns County supports State and Federal programs that would protect

against or mitigate economic losses and may request assistance from the State and Federal governments in order to mitigate potential economic losses that may occur as a result of the emergency.

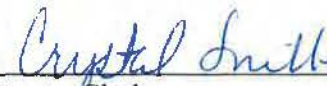
NOW THEREFORE, in accordance with the emergency power vested in the County pursuant to Chapter 252, Florida Statutes, and the authority vested in the County Administrator pursuant to Section 6 of St. Johns County Ordinance No. 19-40, it is hereby declared that: (1) the Board of County Commissioners adopts the above recitals as legislative findings of fact; (2) a state of local emergency exists and is affecting St. Johns County due to the threat of the Coronavirus Disease 2019 (COVID-19) to spread among humans, posing a threat to public health and safety, and (3) this emergency is imminent and requires immediate and expeditious action. The Board of County Commissioners hereby ratifies all emergency measures taken by the County Administrator and his designees under the authority of Executive Order 20-51 and/or Executive Order 20-52 in response to the threat of COVID-19 to the community. The County Administrator and his designees are hereby authorized to take the appropriate emergency measures authorized by Chapter 252, Florida Statutes, and St. Johns County Ordinance No. 19-40. The St. Johns County Comprehensive Emergency Management Plan (the Plan) is hereby activated and the St. Johns County Administrator shall have the power, authority and duty to take any and all action under the Plan necessary for the preservation of the health, welfare and safety of the people of St. Johns County.

DONE and ORDERED this 17th day of March, 2020.

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA

By: 
Jeb S. Smith, Chair

ATTEST: Brandon Patty, Clerk

By: 
Deputy Clerk





March 17, 2020

St. Johns County Declares Local State of Emergency, Activates Emergency Operations Center in Response to COVID-19

St. Johns County, FL – In response to the COVID-19 disease, the St. Johns County Board of County Commissioners declared a Local State of Emergency on March 17, 2020. The declaration allows the County to access the resources necessary to prepare for, and respond to, the potential impacts of COVID-19 disease within the community. In addition, St. Johns County elevated the Emergency Operations Center with a level two partial activation to assist in the response.

The Local State of Emergency declaration allows St. Johns County to take actions necessary to effectively respond to emergency conditions and mitigate disaster effects in an expedited manner through the acquisition of equipment, the securing of contracts, and qualification for FEMA reimbursement. The Board of County Commissioners, St. Johns County Administration, and Emergency Management Staff are responding to the development of COVID-19 within the United States, the state of Florida, and St. Johns County, following recommended CDC guidelines, and preparing accordingly.

In addition, the County is actively communicating and coordinating with all key partners including the Florida Department of Health as the lead agency, Flagler Health+, the St. Johns County School District, St. Johns County Emergency Management, Emergency Medical Services, the City of St. Augustine, and the City of St. Augustine Beach. St. Johns County has a comprehensive emergency management plan in place and is confident in local first responders and the medical community's ability to respond to the virus. It is recommended that all residents and visitors follow CDC infection prevention guidelines including social distancing, washing hands often, avoiding contact with sick people, cleaning high-touch surfaces, and staying home when sick.

For more information, please visit www.floridahealth.gov, call 1.866.779.6121, or email emergency@stjohnscountyfla.com. In addition, the St. Johns County Emergency Operations Center can be contacted between 8:00 a.m. and 6:00 p.m. at 904.824.5550

Max Royle

From: Robert Hardwick
Sent: Wednesday, March 18, 2020 3:54 PM
To: Max Royle
Cc: Comm England; Comm Kostka; Comm George; Comm Samora; Comm Rumrell; Thomas Ashlock; Kathi Harrell; Daniel Carswell; Natalie Gillespie
Subject: Run for Peace 5k on April 11th

Max,

For our emergency Commission Meeting, can we add on if we are going to cancel events, such as the Betty Griffin House Run for Peace 5k on April 11th? My suggestion is we stay on course using the April 15th date that the State has been using for a re-evaluation guideline after the initial 30 days. In other words, all events within the 30 days are cancelled. Thank you

Robert A. Hardwick

Chief of Police
St. Augustine Beach Police Department
2300 A1A South
St. Augustine Beach, FL 32080
Main (904)471-3600
Fax (904)471-0737
FBINA #247



LEGAL NOTIFICATION: Florida Sunshine Statutes entail very broad public records requirements (F. S. 119). As required by law, all e-mails to and from the St. Augustine Beach Police Department are subject to public record. Your e-mail communications, including your e-mail address may be disclosed to the public and media at any time. If you have received this communication in error, do not distribute it. Please notify the sender immediately by electronic mail and delete.

PROCEDURES FOR EMERGENCY COMMISSION MEETING

Due to the Executive Order from Governor DeSantis, no more than ten (10) people can congregate together. The City of Saint Augustine Beach is attempting to comply with the spirit of all laws and allow meaningful public participation in its meetings and at the same time protect the public, commission and staff from exposure. We encourage the public to live stream the meeting on Youtube at:

https://www.youtube.com/embed/live_stream?channel=UCNzeny-WlgQIAP-W6ljZ-7w .

Public comments will be allowed, but we want to urge the public to use email or the phone to contact the Commissioners if necessary, so that no one is unnecessarily exposed.

Members of the public who choose to attend the commission meeting will be asked to remain outside, except when making a public comment. The meeting will be broadcast over the public loudspeakers in the parking lot. At all times, the public will be asked to maintain reasonable distances between each other as recommended by the Governor's Executive Order and the CDC.

During the Public Comments section, one person at a time can come in to ask question(s) of the Commission for three (3) minutes and then leave the room. The Commission will answer their question(s) after the public speaker leaves the room. Police officers will be at the meeting and enforcing these rules.

Max Royle

From: Lex Taylor <lex@dhclawyers.com>
Sent: Thursday, March 19, 2020 3:59 PM
To: Max Royle; Linda Campbell; Charlie Douglas; Tammy Vining
Cc: Beverly Raddatz
Subject: RE: Using ZOOM

Max,

At this time, we cannot only use Zoom or Facebook live. Unless we have a clarification by the Governor or Attorney General as was officially requested by the League of Cities letter we should follow the existing procedures we set up.

So long as we have quorum of Commissioners in the building we can have commissioners join the meeting remotely via phone or ZOOM.

We can have Facebook live on while we have the Emergency Meeting under the procedures we talked about today. If we do that I suggest creating a procedure in writing prior to beginning Facebook Live to pick which questions are read and in what order they are read and for how long you will take questions so that it does not get unwieldy.

Let me know if I can clarify anything.

Yours truly,

Lex Morton Taylor III

Lex Morton Taylor III
Florida Bar Number: 0123365

[Douglas Law Firm](#)

Offices: Palatka, Saint Augustine, Jacksonville, and Orange Park
Phone: 1-800-705-5457

DOUGLAS
— LAW FIRM —

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From: Max Royle <mroyle@cityofsab.org>

Sent: Thursday, March 19, 2020 3:35 PM

To: Lex Taylor <lex@dhclawyers.com>; Linda Campbell <Linda@dhclawyers.com>; Charlie Douglas <charlie@dhclawyers.com>; Tammy Vining <tammy@dhclawyers.com>

Cc: Beverly Raddatz <braddatz@cityofsab.org>

Subject: Using ZOOM

Lex,

Question from a Commissioner: Can the City Commission use ZOOM for its meetings? If so, how is a public record of it made and how are public comments made on ZOOM?

Also, can the City use Facebook Live to receive comments/questions from the public at a Commission meeting?

Max