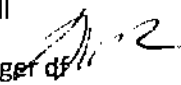


MEMORANDUM

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

FROM: Max Royle, City Manager 

DATE: June 25, 2020

SUBJECT: City Manager's Response to Vice Mayor Kostka's Demand That He Resign

INTRODUCTION

Fifty minutes before your regular meeting on June 1, 2020, Vice Mayor Kostka emailed to each of you and to me her demand that I resign immediately. (A copy of that email is attached as pages 1-3. Also, attached as pages 4-5 are the minutes of that part of your June 1st meeting when the email was discussed.) I had no advanced warning of the email and I am certain none of you did.

In it, she provided a number of reasons for her demand. Broadly, the reasons seem to be centered on three topics:

1. My failure to communicate with you and the public from when the effects of the pandemic first appeared in the state and the County.
2. My failure to attend COVID-19 briefings at the County's Emergency Operations Center
3. My failure to provide plans in response to the Governor's Executive Orders

Below is my response to each of these topics. I have added a fourth, which concerns certain comments the Vice Mayor made in her email about expectations.

1. Communication

Vice Mayor Kostka wrote in the first full paragraph on page 2 of her resignation demand: "There is an increased concern about the lack of effective communication with the Commission, other intergovernmental agencies, and the public, especially during the recent COVID pandemic our city and the entire nation experienced."

Response: Because effective communication is so essential, I am going to put my communications with the Commission, residents and other governmental agencies in the much larger context of the nearly 31 years that I have been employed by the City rather than just the two months that the Vice Mayor has focused on. You can then judge from the record whether a lack of effective communication in the past and the present has occurred or occurred often enough to form a pattern that has been detrimental to the City. You can also decide whether any action or lack of action by me prevented the Commission and the public from receiving information from the Governor, Emergency Operations Center, County Health Department, and so on as the pandemic affected the state and our County during those two months.

Here is the context by which to evaluate the Vice Mayor's allegation about my lack of effective communication.

- a. City newsletter. During the early 1990s, the Commission allowed me to start a quarterly City newsletter. I took the photos for it, wrote all the copy for it, and often with the then-Deputy City Clerk, Sharon Widdifield, prepared several thousand individual copies for mailing. The Record printed the newsletter, which featured City government events, developments, City employees, and other topics related to City matters that might be of interest to City residents. It was sent to every residential address in the City other than large condominium complexes and was published for 17 years. No resident or Commissioner ever complained that my communication in the newsletter was lacking.
- b. Monthly articles. Around 2009, a local monthly newspaper was purchased by Ms. Merriam Weeks. Because she asked me to provide written material for it, the City discontinued the quarterly newsletter. Each month for 11 years I wrote a main article and a City Hall Update report about the decisions the Commission had made at its meeting. The newspaper was later purchased by Mr. Cliff Logsdon and later by Mr. Michael Pounds. Because of his need for advertising space, Mr. Pounds used the material I submitted only intermittently. When the City began its monthly e-newsletter under Hala Laquidara, the former Events Coordinator, my Update Report and article were included in it. That has continued to the present.
- c. Agenda Items and Reports. Since July 24, 1989, when I started with the City, I have prepared thousands of pages of written material for agenda items and for reports to the Commission as well as the original Beautification Advisory Committee. I have attended from that date to the present every Commission regular, special and workshop meeting to communicate orally with the Commission. From all that written material and what I orally presented at the meetings, the Commission has made or changed policies, approved ordinances, resolutions, and conditional use permits, and on the basis of the material I wrote made other decisions. From July 24, 1989, to June 1, 2020, no Commissioner has ever stated on the public record or to me personally that there was a lack of effective communication from me. Could some reports have been improved? Absolutely. Did I sometimes make mistakes? Most certainly. Did the Commission sometimes want more information about a particular topic? Definitely, because I can't read five different minds and know in advance the questions individual Commissioners will ask and what additional information a Commissioner may want.

Also, I have provided the following information for many years: a) the report about City activities at the end of the agenda books for each Commission regular meeting; b) the Pending Report in the agenda books; c) the explanatory memo that I write to accompany the report on the City's budget that the Commission receives each month; and d) the budget message I have prepared for the Commission's first meeting on the budget for nearly three decades.

It needs to be noted here that all of the information in the agenda books has been available online for years, so the residents can easily review it and tell me if there has been a lack of effective communication.

- d. Communications with the media. From 1977 when I first held a city management position to the present, I have been responsive to the media. If a reporter calls me and I can answer the call immediately, I talk to him or her. If a phone message is left, I return the call. This has been a consistent pattern for over 40 years in public management as I believe my role with the media is to help reporters get information about City matters to the public. It should be noted that I have not been on TV much because I believe the Mayor should be the “face” for the City.
- e. Communications with residents. In addition to the articles I have written over many years to provide information to the residents, I have had other forms of communication with residents, which I have made as hassle-free as possible. Telephone calls, emails, regular letters are answered. Sometimes a resident wants to talk in person at the office. If I am not in a meeting, I see the resident. No appointment is needed. During my frequent walks and bicycle rides around the City, I say hello to people and am very approachable. Some people stop to talk, sometimes with questions about City matters. Also, I have on occasion been the guest speaker about City matters at Rotary Club and Civic Association meetings.
- f. Communications with other governmental agencies. Since 1992, I have been secretary/treasurer of the Northeast Florida League of Cities and have regularly talked with elected and appointed officials of other area cities at the organization’s monthly meetings about matters of mutual concern. During the 1990s, when the City was intensely involved in getting the beach restored, I communicated regularly with the U.S. Army Corps of Engineers, St. Johns County elected officials and staff, and on occasion with Tillie Fowler, the U.S. House Representative for St. Johns County. With Mayor Pacetti, I attended numerous meetings in Jacksonville at the Corps’ regional office. I have spoken on our City’s behalf to the Tourist Development Council, the St. Augustine Port, Waterway, and Beach Commission, and in Tallahassee to the Florida Communities Trust, when we were seeking grant funds for Hammock Dunes Park. I have accompanied previous Mayors or Commissioners to meetings with the persons who are the State Senator and State Representative for our district. I have attending meetings with County Administrators going back to Dan Castle in the early 1990s and then his successors: Nicholas Meisner, Ben Adams, Michael Wanchlick, and, earlier this year, Hunter Conrad; and I’ve communicated City needs, problems and projects with such County staff persons as past and current Public Works Directors, Parks and Recreation Directors, Utility Department Directors, the head of the County Land Planning Division and subordinate staff, the County Attorney, and those employees responsible for beach services and the habitat conservation plan. When there are matters of mutual concern, I have communicated with and met past St. Augustine City Managers, such as Joe Pomar and Bill Harris, and the present one, John Regan, and certain staff persons of that city.
- g. Communications during emergencies. In the second paragraph on page 2 of her resignation demand, Vice Mayor Kostka states: “It is also imperative the City Manager provide regular, up to date information and reports to the Commission and the public in a timely matter that addresses the seriousness of any issues surrounding an emergency, especially during this COVID-19 pandemic.” It is puzzling to find any reality underlying this criticism. I looked back in my email records and find that Chief Hardwick forwarded the first report about the pandemic from the

Emergency Operations Center on March 2, 2020. For the following six weeks, there are numerous, and I mean, literally dozens of reports and communiques from the EOC, the Florida Department of Health, the Florida League of Cities, the Florida Municipal Insurance Trust, the Chamber of Commerce, the Visitors and Convention Bureau, and other sources to the Commission and the public. Some Chief Hardwick forwarded to the Commission; some were sent by me to our Communications Coordinator for posting for the public on our webpage and social media site. This information was provided regularly and timely. Was all of it provided by me? No. As noted early, the EOC reports were forwarded by Chief Hardwick, who also provided reports to the Commission concerning hotel occupancy and actions taken by his department to notify businesses of the details of certain Executive Orders. (I will have more to say later about Chief Hardwick's and my respective roles concerning the pandemic.) Besides what I forwarded to the Communications Coordinator, information was forwarded to the Commission by other City employees, such as the City Clerk and the Deputy City Clerk. Therefore, I do not see any basis for Vice Mayor Kostka's criticism that up to date information and reports weren't submitted in a timely way to the Commission and the public. Was I to duplicate and send as information from myself the same information sent by Chief Hardwick, other City employees and all the other organizations and agencies? Of course not. That would be redundant and therefore unnecessary. Redundancy is also a topic I will have more to say about later.

Concerning communications during past emergencies, such as tropical storms and hurricanes: Before we had a Communications Coordinator, I forwarded information from the Emergency Operations Center and other sources to the Commission. When we hired the Coordinator, she forwarded the information that I sent to her by email to tell the public about conditions in the City, especially after an evacuation. This information was posted on the website and social media, as residents were very concerned about the conditions in the City. During every tropical storm and hurricane since I was hired, I have been at city hall to work with City staff and to answer telephone calls and provide information to anxious residents who have evacuated or remained in the City. During and after the storms I have inspected the City with either the Public Works Director or the Building Official to check for flooding and damage for damage assessment reports.

IN SUMMARY: The above record on communication from me shows:

- No pattern that there's been a lack of communication from me over the many years that I have worked for the City.
- No demonstrated, verifiable instances during the COVID-19 pandemic to date that any action or lack of action by myself resulted in information from authorities, such as the Governor's Office, the Emergency Operations Center, the Florida and County Health Department, Florida League of Cities, etc., not being provided in a timely manner to the Commission and through the Communications Coordinator and other City employees, such as the Police Chief, City Clerk, Deputy City Clerk and myself to the public. In fact, Vice Mayor Kostka herself from time to time sent information to me for posting. I appreciate her doing this. I forwarded that information to the Communications Coordinator for posting and often followed up with the Coordinator to make certain it was posted.

2. Emergency Operations Center

Vice Mayor Kostka wrote in the second paragraph on page 2 of her resignation demand: “Additionally, effective leadership is expected to provide decisive action as well as be able to participate in all/any joint policy making meetings with the other intergovernmental entities, especially the EOC policy committee.”

Response: Let’s begin with a pandemic from the past: the 2009 H1N1, or swine flu, pandemic. With the Police Chief at that time, Richard Hedges, I attended a meeting at the County Health Department to develop plans for a vaccination program. Yes, I learned about H1N1, but could I contribute to the discussion? No, because I had no expertise in medical matters and no knowledge about how to prepare a vaccination plan. I thought the plan was best developed and disseminated by health experts, i.e., persons with the technical knowledge and experience. The City would follow that plan and certainly not develop its own, which could have subjected the City to considerable liability if it were not based on the required expertise. Thus, the memory of how little I contributed at the 2009 H1N1 meeting was one of the reasons I thought there was no reason for me to attend the meetings at the Emergency Operations Center in early 2020 but to defer to persons who have the needed expertise and experience.

There are two other reasons: First, my presence would have been redundant. The City has a highly competent Police Chief, one of the best I’ve met, and I know something about the qualifications of police chiefs because in another Florida city where I previously worked, I hired four chiefs. In my judgment, Chief Hardwick would ably represent the City at the EOC briefings, because he knows the City as well as I do and because some of the topics were likely to be ones concerning public safety, which the Chief also knows a great deal about. While I might have contributed to discussion of, for example, the closing of the beach, it is questionable whether my contributions would have been as significant as Chief Hardwick’s because his officers regularly patrol the beach and know what’s possible concerning the enforcement of regulations on it. Why have the City’s two senior administrators at the EOC briefings when one, Chief Hardwick, was sufficient? Redundancy of effort is not a best practice, especially because a city as small as ours needs to use its personnel resources efficiently.

Which brings us to the second reason for my not attending: the limited administrative personnel on the non-law enforcement side of the City’s government. Since I was hired in 1989, one of my major and consistent goals has been to keep the bureaucracy lean so that the City could use its financial resources to provide services that directly benefit the residents, such as law enforcement, solid waste collection, building permitting, code enforcement, and streets/drainage facilities maintenance, i.e., for pay and equipment for the employees who work “in the field” directly serving the residents. This goal has meant that the City’s administrative support staff is few in number and those few wear many hats, such as the City Clerk who is also manages human resources and risk management, and the Finance Director who is also the City’s budget director and internal auditor.

The lean staff also means that I must use my time efficiently because if I do not, then the workload of the staff in my office is increased. This was especially true during the first month of the pandemic in the County, when most of my staff worked from home and were fearful of being out in public. I could not in good conscience have any of them attend the EOC briefings in my absence when I had to be at city hall to do my work. Fortunately, Chief Hardwick has an assistant, Commander Ashlock, who could attend the EOC

briefings if the Chief had to be away, thus providing continuity for the discussion of the County's efforts to cope with the pandemic.

I should note here that Vice Mayor Kostka has mentioned she attended the EOC policy meetings. She is to be commended for doing so.

IN SUMMARY: My attending briefings at the Emergency Operations Center would have been redundant because Chief Hardwick and his staff could ably represent the City and because the Chief could in my judgment make contributions to the discussion concerning the issues related to the County's and St. Augustine Beach's response to the pandemic, and that whatever he decided on the City's behalf I would fully support and help implement because of my trust and confidence in his abilities.

I should note here that the Building Department responded to Chief Hardwick's request for help with the monitoring of vacation rentals. The providing of such help fulfilled another one of my enduring goals, which is to flatten the bureaucracy so the City's non-law enforcement departments can quickly work with each other and the Police Department without the delay of having to get prior approval from me to do so.

3. Plans

In her demand for my resignation, Vice Mayor Kostka referred to plans and faulted me for not preparing them. In particular, in the second full paragraph on page 2, she wrote: "Furthermore, when Executive Orders are created and passed down from the Governor's office, it is expected that a plan be created and implemented so that the order can be locally executed immediately as stated in every Executive Order, with an effective local plan communication to the Commission and the public."

I am not certain who, exactly, is expecting "that a plan be created and implemented." That matter of "expecting" is one I discuss below.

A review of the Executive Orders issued in connection with the pandemic shows that there were only two that applied to directly to counties outside of south Florida and none that applied to cities.

- a. Executive Order 20-123 asked for counties to submit a vacation rental re-opening safety plan, which St. Johns County has done, and for amusement parks to submit re-opening plans.
- b. Executive Order 20-139 allows casinos and betting facilities to re-open after the submission of a written request from the County Administrator or her/her equivalent to the Florida Department of Business and Professional Regulation.

If the Vice Mayor meant that the City should both prepare plans and enforce them, a review of the Executive Orders from the very beginning shows only one that required enforcement by local governments. That was Executive Order 20-86, noted below. Here are some examples of Executive Orders and who is to enforce them:

- Executive Order 20-52 declares a state of Emergency and names the Florida Division of Emergency Management as the coordinating agency, and among other provisions allows governmental agencies to close buildings.

- Executive Order 20-68 closes bars, pubs, nightclubs; restaurants limited to 50% capacity of its current building occupancy and 10 persons per six feet. Enforced by the Department of Business and Professional Regulation.
- Executive Order 20-71, suspends alcohol sales on premises, allows to-go alcohol in sealed containers, suspends inside dining with take-out only, closes gyms. Enforced by the Department of Business and Professional Regulation
- Executive Order 20-80 requires visitors from the New York area arriving by air to quarantine for 14 days. Enforced by the Florida Department of Health.
- Executive Order 20-82 requires visitors from the New York area to quarantine for 14 days. Enforced by the Florida Department of Health.
- Executive Order 20-86 requires visitors from New York and Louisiana to quarantine for 14 days; establishes checkpoints at entrances to Florida. Enforced by the Florida Departments of Health and Transportation and by local law enforcement officers.

The above list is just a sample. I do need to point out that under Executive Order 20-52, I closed the public meeting rooms and my office, and agreed with the Building Official's request to keep his department open on a limited basis. Also, I agreed with the Public Works Director to close Splash Park. No plan was needed for those simple steps, just as no plan was needed to remove nearly all the chairs from the Commission meeting room and to follow social distancing guidelines by positioning six feet apart a few chairs in the room and the public meeting room. Nor was a plan needed to arrange for Commissioners and others to attend meetings via Zoom.

Possibly, the Vice Mayor meant that the City should have its own plan for whatever Executive Orders could be interpreted as applying to it, such as a plan to enforce the state's mandate to close bars and vacation rentals, to allow restaurants to provide only take-out meals, and so forth. But should the City's plan be different from what the Governor promulgated? If so, by what authority did the City have to create such a plan and how were its requirements to be enforced by the City's limited staff?

Or, Vice Mayor Kostka may have meant that the City should have its own pandemic plan, though why and how such a plan would be different from, or superior to, whatever plan was prepared by the state or County is unclear. If the City had its own plan, which City department would be responsible for implementing it? And with its own plan, wouldn't the City incur liability if the plan were not correctly followed and persons became infected by the virus?

Perhaps most illustrative of the difference in how the Vice Mayor and I viewed the preparation of plans is when in early May she asked me to send her the City's COVID-19 Infrastructure Response Plan. I checked the guidelines for such a plan and learned that the Cybersecurity and Infrastructure Security Agency listed 16 critical infrastructure sectors: Chemical, Commercial Facilities, Communications, Critical Manufacturing, Dams, Defense Industrial Base, Emergency Services, Energy, Financial Services, Food and Agriculture, Government Facilities, Healthcare and Public Health, Information Technology, Nuclear Reactors, Materials and Waste, Transportation Systems, and Water and Wastewater Systems. The purpose of the plan was to prevent or slow the spread of the virus in the workplace.

I wrote to the Vice Mayor that our City did not have most if not all of the 16 critical infrastructure sectors. It has no chemical facilities, nuclear reactors, dams, transportation systems, critical manufacturing, water and wastewater systems, etc. She responded that it would not take long to make a plan for what the City did have: government facilities, and water/wastewater/dams. However, the City's facilities consist of a few buildings and it has no water and wastewater systems, and no dams.

I did not prepare an infrastructure response plan for the City's few buildings because a plan wasn't needed. Steps were taken by the department heads on the non-law enforcement side of the City government to prevent the spread of the virus in the workplace by limiting public access to city hall, closing my office, keeping closed the glass panels in the Building Department, having some employees work from home and others a flexible schedule, and sending home employees who felt sick with a fever. I'm sure Chief Hardwick took similar steps for his department.

IN SUMMARY: I did not prepare plans for the Executive Orders because a) the plans were not required by the Executive Orders or needed; the City has such a small work force that simple directives were best because they were simple to prepare and make known to the employees; and b) the City could follow the plans promulgated by the state and the County. It would be redundant for the City to have its own plan when the state's or County's would supersede it. Also, above all else I wanted to avoid any messaging that could confuse the public. I thought it better to follow a chain of plans: state to County EOC and Health Department, and then for our City to follow what was mandated by the Executive Orders and the County. At your June 2nd continuation meeting during the discussion about the Pledge for businesses to follow, Vice Mayor Kostka seemed to agree with this method, for she said that a consistent, unified approach in regard to the Pledge campaign was best. Substitute COVID-19 campaign for Pledge campaign, and the Vice Mayor and I would be in agreement.

4. Certain Comments

In four places in her resignation demand, Vice Mayor Kostka uses the word "expected":

- "Additionally, effective leadership is expected to provide decisive action as well as be able to participate in all/any joint policy making meetings with the other intergovernmental entities, especially the EOC policy committee."
- "Furthermore, when Executive Orders are created and passed down from the Governor's office, it is expected that a plan be created and implemented so that the order can be locally executed immediately as stated in every Executive order, with an effective local plan communicated to the Commission and the public."
- "It was expected by the City Commission and the public that the City Manager would address the issues and concerns as well as disseminate information in a timely matter."
- "It is expected by the Commission as well as the public that the City Manager would understand the urgency needed in responding to any crisis, especially the recent COVID-19 crisis."

Key question: Expected by whom? Is it just the Vice Mayor or the entire Commission? You will note that twice the Vice Mayor uses the words "expected by the City Commission." However, neither Mayor England nor any of the other three Commissioners has told me they were expecting me to do any of the

particular tasks the Vice Mayor mentions, such as attending meetings at the EOC, creating a plan, addressing issues (in connection with the pandemic), understanding the urgency in responding to a crisis, etc.

There are two possible conclusions to be drawn from what Vice Mayor Kostka wrote concerning expectations: First, that she is the only member of the Commission who was expecting I do certain actions and she assumed for herself the role of directing me on behalf of the entire Commission; or, second, that she was in communication with other Commissioners and thus knew their expectations before she wrote the email, though such communication would have been a violation of the Sunshine Law. As I refuse to believe that any Commissioner has violated the Sunshine Law, I can only conclude that the Vice Mayor's expectations were solely hers and that for some reason she put in her email, which is a public record, language that could lead the public to assume her comments were written with the Commission's knowledge and concurrence. As she cannot speak for the entire Commission without the Commission's prior approval, she should have written: "I expect or expected that the City Manager would or should do...." Such wording would provide full transparency so that there would be no possibility of the public thinking the Commission had knowledge of and agreed in advance with Vice Mayor Kostka's conclusions and demand that I resign immediately at the Commission's June 1st meeting.

WILL I RESIGN?

No. Vice Mayor Kostka has provided no compelling reasons for me to resign. What she has provided is her judgment of what I did or did not do concerning my communication skills and other matters related to the pandemic. She certainly is entitled to her opinions. I disagree with them.

Much more important than a mere difference of opinions is for the Commission to consider is this: Should the City's senior most non-law enforcement administrator abruptly resign at a time when the City is facing several significant challenges: the 2020 Atlantic hurricane season, which weather experts have forecast to be busier than normal; the need to prepare the budget for the next fiscal year when the City may face a significant decline in revenues; a possible resurgence of the pandemic in the fall and the effect on City operations and personnel that will have; and, finally, when the Commission in a few months must make a crucial decision: deciding the process to select the person who will be the City's next Chief of Police when Chief Hardwick leaves the position.

Equally as important, a captain doesn't abandon his or her ship; a city manager who cares deeply about the city that employs him or her, its residents and the people, elected and staff, with whom he or she works, doesn't desert the city during a time of significant challenges. For me to resign now would be a repudiation of 43 years of practicing servant leadership in city management and would be an act against my most fundamental and strongest beliefs.

WHERE TO GO FROM HERE?

Vice Mayor Kostka has her opinions about what constitutes effective communication and leadership. I have mine. She and I have jostled long enough over those differences. It is time for the Commission to move both of us along to work as a team and help the City meet the challenges it is facing. I have and will

always welcome suggestions from the Vice Mayor as well as from the Mayor and other Commissioners as to how I can improve my work performance.

You have decided that your performance evaluation of me is to be done later this year. I suggest that that is the time for the Vice Mayor to bring up her concerns about my communication skills and leadership so that the entire Commission can collectively discuss those concerns as well as any that they may have. All five members of the Commission can then agree on positive, constructive guidance to help me better serve this beautiful City that we all care for.

In the meantime, if the pandemic resurges and if the Commission decides that I should attend the EOC briefings and I can safely do so, I will.

Max Royle

From: Comm Kostka
Sent: Monday, June 1, 2020 5:10 PM
To: Max Royle
Subject: Lack of Confidence

Mr. Royle,

This letter is to serve as my official notification to you, the St. Augustine Beach Commission and the citizens of St. Augustine Beach that I, Vice Mayor Maggie Kostka, have no confidence in your ability to serve St. Augustine Beach as City Manager for the reasons set forth below:

Our City of St. Augustine Beach is a Commission-Manager form of government. Pursuant to the Charter of St. Augustine Beach which states in "Sec. 1-4. – Elective officers: (f) All powers of the city shall be vested in the city commission except as otherwise provided by law and this Charter. The city commission shall be responsible for the reasonable exercise of those powers and shall be required to provide for the performance of all duties and obligations imposed on the city by law."

Additionally, "Sec. 1-8. - City manager: The city manager shall be the chief executive officer of the city, responsible to the city commission for the management of all city affairs placed in the manager's charge by or under the charter. The city manager shall: (5) See that all laws, provisions of this Charter, and acts of the city commission, subject to enforcement by the city manager or by officers subject to the manager's direction and supervision, are faithfully executed; (8) Make reports as the city Commission may require concerning operations, (9) Keep the city Commission fully advised as to the financial condition and future needs of the city, (12) Make recommendations to the city commission concerning the affairs of the city and facilitate the work of the city commission in developing policy; (13) Provide staff support services for the mayor and commissioners; (14) Assist the commission to develop long term goals for the city and strategies to implement these goals; (15) Encourage and provide staff support for regional and intergovernmental cooperation; (16) Promote partnerships among the commission, staff, and citizens in developing public policy and building a sense of community; and (17) Perform such other duties as are specified in this Charter or may be required by the city commission."

The Preamble to our City Charter clearly states "We The people of the City of St. Augustine Beach, Florida, under the constitution and laws of the United States of America and the State of Florida, in order to provide the benefits of local government responsive to the will and values of our citizens, do hereby adopt this Charter to define the powers and structure of our government. **By this action, we secure the benefits of home rule and affirm the values of representative democracy, professional management, strong political leadership, citizen participation,**

and regional cooperation. We believe in an open, responsive government that abides by the highest ethical standards, operates as a careful steward of the human, fiscal, and natural resources of our city; that allows for fair and equitable participation of all persons in the affairs of the city; that provides for transparency, accountability, and ethics in governance; that fosters fiscal responsibility; and that meets the needs of a healthy, progressive city.”

To effectively serve as a City Manager, excellent communication and leadership skills are necessary. There is an increased concern about the lack of effective communication with the Commission, other intergovernmental agencies, and the public, especially during the recent COVID pandemic our city and entire nation experienced.

During any emergency or crisis, citizens look toward leadership for continued assurances, answers, and guidance to help navigate through the issue. It is an opportunity to put our best efforts forward and lead our community. It is also imperative the City Manager provide regular, up to date information and reports to the Commission and the public in a timely manner that addresses the seriousness of the issues surrounding any emergency, especially during this COVID-19 pandemic. Additionally, effective leadership is expected to provide decisive action as well as be able to participate in all/any joint policy making meetings with the other intergovernmental entities, especially the EOC policy committee. These meetings were held at minimum, weekly, which you chose not to attend even one of these important meetings. Furthermore, when Executive Orders are created and passed down from the Governor's office, it is expected that a plan be created and implemented so the order can be locally executed immediately as stated in every Executive Order, with an effective local plan communicated to the Commission and public.

Many in our community have been seriously concerned about the pandemic since the Presidential declaration of a National State of Emergency on March 17th. It was expected by the Commission and the public that the City Manager would address the issues and concerns as well as disseminate information in a timely manner. Messaging by you Mr. Royle, to the Commission and to the public has been poor at best, and your actions in response to Governor DeSantis' Executive Orders slow. It is expected by the Commission as well as the public that the City Manager would understand the urgency needed in responding to any crisis, especially the recent COVID-19 crisis. It was only due to the daily communication and actions taken by our chief of police that the commission was made aware of important information, ongoing actions, and planned direction during the crisis. He was also instrumental in taking action to comply with the Executive Orders with an immediate response and plan. Your absence at EOC policy meetings is inexcusable as the purpose of these meetings is to establish consistent communication and create policies between both cities and the county. It is your obligation to provide important information and insight to the committee during decision making and then back to the Commission and the public.

You have not demonstrated the leadership or communication skills necessary to effectively serve as city manager. I therefore, respectfully request your immediate resignation.

Respectfully,

Maggie Kostka
Vice Mayor
City of St. Augustine Beach

It is with great reluctance that I present the letter above, however, the seriousness of this past crisis combined with the important current and future critical issues facing our city and county, warrants this action.

VIII. COMMISSIONER COMMENTS

Mayor England opened Commissioner Comments.

Commissioner George attended a Tourist Development Council (TDC) meeting and advised that the tourist development tax revenues have declined by 36.2% on top of the 12% projected increase. The projection of revenues is now \$7.5 million, which is a huge impact due to the COVID-19 crisis for St. Johns County. She explained that TDC is not expecting revenues to normalized until 2021.

Commissioner Rumrell had no update at this time.

Vice Mayor Kostka gave an update on the Economic Recovery Task Force. The Small Business Emergency Assistance Grant has finished and received 66 applications and out of those 33 were awarded. The ones that were not awarded were because they did not meet the criteria. She explained that those were not awarded were directed to apply for the CDBG Back to Business Grant, which was opened on May 26th and ended today. She commented that more than 186 applications were received and explained that this grant was established by St. Johns County. She explained that this grant was ranked according to needs. It is an important step to get our economy back and she thanked the County Commission for establishing this grant. She remarked that Richard Goldman was instrumental in helping the committee and putting forth ideas to get back to business.

Commissioner Samora attended the VCB meeting and commented that they received \$2 million for the County to do local advertising for those tourists that can drive to St. Augustine Beach. Richard Goldman did a lot of work on the communications plan for the County to accommodate all the COVID-19 concerns. He advised that he would share the monthly hotel statistics with the Commission.

Mayor England advised that the Communications and Event Coordinator has written two articles on the City's program of Mask Up St. Augustine Beach. She explained that residents have been making masks and they are available at Ace Hardware and Love You Mean It. She encouraged residents to use a mask when they are in public.

City Manager Royle advised Melinda Conlon does a lot of outreach to stay in contact with the other Public Information Officers at the County level. He advised that she has forwarded a lot of information from the Health Department and County Emergency Operations Center regarding COVID-19 efforts. She and he are highlighting for profit and nonprofit businesses in our community. He explained that he is generating publicity by the City's newsletter and Facebook. There will be a tree giveaway by driving up to receive a tree instead of the Arbor Day event due to COVID-19.

Commissioner George advised that she received an email from Vice Mayor Kostka regarding City Manager Royle and asked if Vice Mayor Kostka would be bringing it up.

Vice Mayor Kostka read into the record (Exhibit 2) an email she sent regarding her lack of confidence in City Manager Royle.

Mayor England asked City Attorney Douglas whether it was proper to bring this item up at now. She explained that she did not see the email that was sent.

City Attorney Douglas agreed it was proper to read the information but need to have an analysis about the City Manager's contract, etc. before a vote. He explained that he has not seen the email.

Mayor England asked what Vice Mayor Kostka would like the Commission to do at this point. She asked if Vice Mayor Kostka would allow City Manager Royle to respond later to the Commission.

Discussion ensued regarding placing this item on the next agenda; having the City Manager and Police Chief who has been at the Emergency Operations Center a chance to respond; the performance evaluation reviews have been difficult because it is in a public form; and difficult conversation to have with the City Manager in public.

Mayor England advised that this will be brought up at the next Commission meeting and allow the City Manager to respond to all of Vice Mayor Kostka's points. She advised that the City Manager has discussed with her all the Governor's Executive Orders and advised that the City Manager has directed staff on these matters. She commented that it might have seen like a lot of things were not done, but they were done.

Vice Mayor Kostka commented not to put personalities into the conversation. She remarked that she thinks the City Manager was a wonderful person, but the job performance needs to be discussed and what the Commission expects of a City Manager.

Commissioner George explained to City Attorney Douglas that the City Charter does outline the hiring or firing of the City Manager. She explained that the City Manager does not have a contract and serves at the pleasure of the Commission.

City Attorney Douglas advised that he would be prepared at the next meeting.

Mayor England advised that this matter would be discussed in July at a Special Commission or Regular Commission meeting. She asked City Manager Royle if he had any comments.

City Manager Royle advised not at this time.

Commissioner Samora and Commissioner Rumrell had no comments.