

**City Commission Special Meeting**

**June 16, 2023**

**8:00 a.m.**

**ELECTED OFFICIALS PRESENT:**

Adrian Petrilă, Mayor

Mark Grill, Vice Mayor, Commissioner, District 2

Ward Friszolowski, Commissioner, District 3

Chris Marone, Commissioner, District 4

**ELECTED OFFICIALS ABSENT:**

Chris Graus, Commissioner, District 1

**STAFF PRESENT:**

Alex Rey, City Manager

Andrew Dickman, City Attorney – via ZOOM

Matthew McConnell, Assistant City Attorney – via ZOOM

Amber LaRowe, City Clerk

Mayor Petrilă called the meeting to order at 9:00 a.m. followed by the Pledge of Allegiance.

**1. DISCUSSION:**

- a. **City Attorney to discuss the investigation of the City Manager as motioned by the City Commission on June 13, 2023**

Dan Bofinger, resident, expressed his opinions about the City Manager and his job performance.

Vice Mayor Grill and Mayor Petrilă mentioned some information they received about the work environment since the June 13<sup>th</sup> meeting and want to ensure that there is no retaliation or interference in this investigation.

**Mayor Petrilă motioned to remove the City Manager from his position in accordance with the City Charter and appoint Fire Chief Kilpatrick as interim City Manager as we go through the process as outlined in the Charter.**

Discussion ensued.

Vice Mayor Grill mentioned that the City Manager is an at-will employee and is hired via contract. He dissected the investigation process, noting how he would prefer to see it be conducted, and requested assurance that a toxic work environment and internal process controls would be considered.

City Manager Rey commented on the Wednesday director's meeting wherein staff shared their thoughts, comments, and concerns regarding the meeting on Tuesday.

Mayor Petrilă agreed that the Commission should hear from the City Attorney and then he requested some discussion on whether the City Manager should be suspended pending the outcome.

Attorney Andrew Dickman introduced Colleen Flynn with the firm of Johnson, Pope (present in Chambers) who has been the City's Labor and Employment Attorney for several years. He then discussed the strategy going forward. The term "toxic work environment" was mentioned throughout the discussion on Tuesday and that can be a very subjective term. Due to the subjectivity, Attorney Dickman did a little research on the phrase to provide some objectivity to the investigation. In his research, he found the following are some key characteristics of a toxic work environment:

- Not following established rules and procedures or following them inconsistently

- High turnover
- Bullying
- Cultural insensitivity, especially those who are protected classes under certain Federal and State laws
- Cliques or “us versus them” kind of separation into groups within the employment sector
- Gossiping
- Lack of a safe environment to express contrary views

The above would help form some of the questions that would be asked during the investigation of any witnesses

Attorney Flynn explained the process, going forward, to the City Commission. She stated that the focus will be on the following three things:

1. Employee workplace morale
  - a. She plans to meet with employees, especially those that have lodged complaints and former employees if they are willing.
2. Procurement processes
  - a. Initially she plans to obtain a copy of all contracts entered into over the last 24 months and interview the CFO, Finance Team, and Procurement.
3. Public records processes
  - a. Attorney Flynn will discuss the process with the City Clerk, her staff, and IT.

Attorney Dickman stated that, based on what was communicated by Attorney Flynn, he suspects a status update in 30 days with a target of 60 days for completion; due to the scale, this may take longer. He also stated that during this investigation, documents are not part of the public record due to Florida State Statute exemptions.

Attorney Dickman addressed the director’s meeting and the environment it created for some employees and instructed the City Manager to not be involved in or interfere with the investigation and be careful whom he speaks with outside of the organization so that there is no interference or perceived interference by a third party.

Discussion on the investigation was had between the Commission and the attorneys. Vice Mayor Grill would like every employee to be given the opportunity to speak about this. He also opined that a full operational audit should be conducted.

Mayor Petrila stated that if the City Manager is not suspended, then at the very least, he shall be instituted to not engage in any hiring, firing, or promoting during the investigation. He also suggested the City Manager’s ability to spend \$25,000 for the duration of the investigation.

Mayor Petrila restated the motion made earlier that is still pending on the floor.

**Mayor Petrila moved to suspend the manager with pay and put Chief Kilpatrick as Interim City Manager during the investigation.**

A discussion was had on the motion made.

Commissioner Marone requested the motion be reconsidered so that it says that the City Manager, going forward, is not permitted to make any procurement decisions under \$25,000 without City Commission approval and that if there is any evidence, direct evidence, or interference with this investigation by either the City Manager directly or through a surrogate [third parties to intimidate witnesses or interfere with the investigation], then the City Commission goes through with the motion made by the Mayor to remove the City Manager in accordance with the City Charter.

Mayor Petrila requested the inclusion of not allowing the City Manager to hire, fire, or promote during the investigation.

Vice Mayor Grill questioned the practicality of the \$25,000 limitation.

Motion on the floor died for lack of a second.

**Motion:** Commissioner Marone moved, Commissioner Friszolowski seconded, that any procurement under \$25,000 has to be approved by the City Commission and that, during this investigation, any hiring, firing, and decisions including but not limited to promotions and raises can't be performed by the City Manager unless there is approval by the City Commission and that if there is any interference by the City Manager directly or through any third party surrogate that there will be immediate termination that follows the City Charter process.

Resident Deborah Schechner opined that the City Manager should be suspended pending the outcome of the investigation.

**The motion on the floor carried 4-0.**

Mayor Petrila adjourned the meeting at 9:00 a.m.

**[A complete transcript was prepared by a court reporter and is made a part of the record].**

MINUTES APPROVED: JULY 25, 2023

  
AMBER LAROWE  
CITY CLERK

  
ADRIAN PETRILA  
MAYOR