

City of

Jacksonville Beach

City Hall

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Jacksonville Beach

FL 32250

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NOTICE OF SPECIAL CITY COUNCIL MEETING

Wednesday, March 31, 2021, at 5:00 P.M.

CITY COUNCIL CHAMBER

The City Council will hold a Special Meeting on **Wednesday, March 31, 2021, at 5:00 P.M.** in the Council Chamber at City Hall to discuss the following item:

- Termination of the City Attorney's Employment Agreement via Resolution No. 2081-2021.

Council Members in attendance may include:

Mayor: Christine Hoffman

Council Members: Georgette Dumont Sandy Golding Dan Janson
Fernando Meza Cory Nichols Chet Stokes

Please note: Council members in attendance at this meeting may vary, according to their schedules.

NOTICE

In accordance with Section 286.0105, Florida Statutes, any person desirous of appealing any decision reached at this meeting may need a record of the proceedings. Such 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 and Section 286.26, Florida Statutes, persons with disabilities needing a special accommodation to participate in this meeting should contact the City Clerk's Office at (904) 247-6299 no later than one business day before the meeting.

You may use this website <http://www.jacksonvillebeach.org/publichearinginfo> to find information concerning the hearing process. This information is also available in the City Hall first floor display case.

SC 210331 Special Meeting





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CITY COUNCIL AGENDA ITEM	
TO:	Mayor and City Council
FROM:	Mike Staffopoulos, City Manager
DATE:	March 30, 2021
SUBJECT:	Resolution No. 2081-2021
	Termination of the City Attorney

BACKGROUND

The City Attorney is one of two contractually appointed positions reporting directly to the City Council. The City of Jacksonville Beach became aware of the arrest of the City Attorney on March 24, 2021. The arrest docket references one felony charge and one misdemeanor charge.

City Council held a special meeting on March 25, 2021 to discuss the future of the City Attorney's employment. City Council approved several actions at that meeting, to include:

- Placing the City Attorney on paid administrative leave beginning March 24, 2021, until further notice.
- Authorizing the Mayor to direct the City Attorney to refrain from accessing City properties or facilities, or from contacting City employees, until further notice.
- Directing City staff to prepare a Resolution for Termination of the City Attorney's Employment Agreement, in accordance with the provisions of the City Charter, *Chapter VI. – City Attorney, Section 34. – City Attorney; appointment by council; removal.*

Adopting Resolution No. 2081-2021 will have three impacts. First, it will start the process outlined in the City Charter for termination of the City Attorney. The City Attorney will have the right to reply in writing to such Resolution, and if so requested, the Council shall fix a time for a public hearing upon the question of his removal. Removal from the position of City Attorney will not occur until adoption of a final Resolution for Termination by a super majority vote, which shall not be adopted for at least thirty (30) days from the City Attorney's receipt of notice of the initial Resolution for Termination, and until such public hearing has been held, if requested.

Second, it will suspend the City Attorney from his official duties. During the period of suspension, the City Attorney shall continue to be paid until the effective date of termination, in accordance with Section 34 of the City Charter. His compensation for regularly scheduled hours will be paid using accrued personal, vacation, and sick leave. After all accrued leave is exhausted, the City will continue to pay his compensation until the effective date of termination, in accordance with the City Charter.



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Third, it will authorize the City Manager or his designee to take all steps necessary to effectuate the intent of the Resolution consistent with the Employment Agreement and the City Charter. The City Manager will prepare a notice to be sent to the City Attorney informing him of the actions taken by Council, affording him the opportunity to request a hearing, and advising him of the status of his compensation and benefits. The City Manager will schedule a hearing if so requested, and another special meeting for consideration of the final Resolution for Termination, when and if appropriate.

In addition to base pay, the City pays health insurance premiums for the City Attorney and the following additional pay: insurance supplement; automobile allowance; bar certification stipend, and pension opt-out supplement. Staff requests direction as to whether the health insurance benefits and additional pay should be terminated, and if so, when. Health insurance premiums are paid monthly; additional pay is disbursed evenly across each paycheck throughout the year. Staff recommends that health insurance benefits be terminated the last day of May, commensurate with the month of effective termination. Mr. Ambrosio will be notified of his rights for continuation of coverage under COBRA. Staff recommends that additional pay be terminated upon adoption of Resolution No. 2081-2021.

FINANCIAL IMPACT

The financial impacts of the above action can be discussed at the Special Council Meeting on March 31, 2021.

REQUESTED ACTIONS

Action 1: Adopt/Deny Resolution No. 2081-2021 to terminate the City Attorney under Section 5(B) of his Employment Agreement.

Action 2: Approve/Disapprove termination of the City Attorney's additional pay, effective April 1, 2021.

Action 3: Approve/Disapprove termination of the City Attorney's health, dental, vision, and life insurance benefits, effective June 1, 2021.

REQUESTED DIRECTION

- Should staff contact the City Attorney to determine if there is an alternative resolution to ending his employment that may be amenable to both parties?

ATTACHMENTS

- Resolution No. 2081-2021

Introduced by: _____
Adopted: _____

RESOLUTION NO. 2081-2021

**A RESOLUTION OF THE CITY OF JACKSONVILLE
BEACH, FLORIDA, TO TERMINATE THE CITY
ATTORNEY UNDER SECTION 5(B) OF HIS
EMPLOYMENT AGREEMENT; PROVIDING FOR
ADOPTION OF RECITALS, REPEAL OF PRIOR
INCONSISTENT RESOLUTIONS AND COUNCIL
DECISIONS, SEVERABILITY, AND AN EFFECTIVE DATE.**

WHEREAS, the City of Jacksonville Beach (“City”) desires to terminate its Employment Agreement with Christopher Ambrosio as City Attorney; and

WHEREAS, this action is being taken as a result of Mr. Ambrosio’s arrest on March 24, 2021 and the resulting charges of (1) Lewd/Lascivious Molestation on a victim between 12 and 16 years of age, and (2) Contributing to the Delinquency or Dependency of a Child; and

WHEREAS, while Mr. Ambrosio has not yet entered a plea in the case, the City and public have been provided a copy of the arrest report in the case; and

WHEREAS, the arrest report appears to contain certain admissions by Mr. Ambrosio which would constitute “deliberate violation or disregard of the standards of behavior to which the City has a right to expect of the City Attorney” under Section 5(B) of the Employment Agreement between Mr. Ambrosio and the City; and

WHEREAS, among those apparent admissions are the following:

- Mr. Ambrosio admits inviting the female victim, a minor between the ages of 12 and 16, to spend the night in his house on February 19, 2021.
- He admits to planning a trip to Disney with the victim for a later date which can be viewed as classic grooming behavior.
- He admits to yelling at the victim to come pick up wet clothes and towels she had allegedly left in his bathroom and then immediately getting undressed and getting in the shower in the same bathroom where he had just asked her to come clean up “the mess.”
- He admits the shower curtain in that bathroom is “broken” and that the victim “may have seen him naked inside the shower” when he asked her to come in and clean up “the mess” which he says was cleaned up when he got out of the shower, indicating that the victim had been in there while he was naked in the shower.
- He confirmed that the victim had a “White Claw” alcoholic beverage at his house and that he had offered her a “White Claw.”
- He admits to believing the victim is both manipulative and “has a crush on him” and “has fantasies about him” but says he “never thought it was inappropriate that he continued to invite her to do things with him and to spend the night at his home alone with him.”

WHEREAS, this deliberate conduct by Mr. Ambrosio, if accurately portrayed in the arrest report, falls well below the standards of behavior to which the City has a right to expect of the City Attorney; and

WHEREAS, upon termination of the Employment Agreement for any of the reasons articulated in Section 5(B) and more specifically set forth herein, the City Attorney is only entitled to compensation for hours actually worked up to the termination date and compensation for accrued leave; and

WHEREAS, the City reserves the right to amend this resolution to set forth additional grounds for termination of Mr. Ambrosio for cause under Section 5(B) of the Employment Agreement or to amend to termination without cause as information becomes available.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF JACKSONVILLE BEACH, FLORIDA, THAT:

SECTION 1. Adoption of Recitals. The foregoing recitals are deemed true and material parts of this resolution and are fully incorporated herein by reference.

SECTION 2. Suspension of City Attorney. For the reasons set forth in the recitals hereto and consistent with the City Charter, the City Council hereby suspends Christopher Ambrosio as City Attorney with pay, effective immediately upon adoption of this resolution.

SECTION 3. Termination of Employment Agreement. For the reasons set forth in the recitals hereto, the City Council terminates the Employment Agreement with Christopher Ambrosio as City Attorney pursuant to Section 5(B) of the Employment Agreement, effective thirty (30) days from the date a copy of this adopted resolution is provided to Mr. Ambrosio unless the date of termination is extended by an amendment hereto adopted by a supermajority of City Council.

SECTION 4. City Manager to Effectuate Termination. The City Manager or his designee shall take all steps necessary to effectuate the intent of this resolution consistent with the Employment Agreement and the City Charter.

SECTION 5. Repeal of Prior Inconsistent Resolutions and Council Decisions. All prior resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 6. Severability. If any section, sentence, clause, or phrase of this resolution should be held invalid, unlawful, or unconstitutional, said determination shall not be held to invalidate or impair the validity, force, or effect of any other section, sentence, phrase, or portion of this resolution not otherwise determined to be invalid, unlawful, or unconstitutional.

SECTION 7. Effective Date. This resolution shall become effective immediately upon passage and adoption by City Council.

AUTHENTICATED this ____ day of _____, 2021.

Christine H. Hoffman, Mayor

Laurie Scott, City Clerk