

**Minutes of Special City Council Meeting
held Thursday, March 25, 2021, at 5:00 P.M.
in the Council Chambers, 11 North 3rd Street,
Jacksonville Beach, Florida**



CALL TO ORDER

Mayor Hoffman called the special meeting to order at 5:00 P.M.

ROLL CALL

Mayor: Christine Hoffman

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

Also present were City Manager Mike Staffopoulos, Deputy City Manager Karen Nelson, and City Clerk Laurie Scott.

STATEMENT OF THE MAYOR

Mayor Christine Hoffman made the following statement:

"First of all, I'd like to thank our staff leadership for their deft handling of the City's response yesterday. As we process the situation, the core values of the organization were never far from the surface. In particular, the commitment to communication, the "C" in EPIC Team, guided the City's statement being sent to all staff, Council, media, and being posted through our social media channels at the same time, ensuring a proactive and consistent message to all. I'm confident our staff will continue to be guided by those values as we move forward as a city. On a personal note, I want to say that I am shocked, stunned, and disgusted by the allegations that are facing Mr. Ambrosio. It is in the hands of the legal system now, and I trust that justice will be served. No matter the outcome, many lives will be forever changed, and I know none of us take lightly the role that we, as City Council, will have to play in the coming days, weeks, and months. Now it's up to us to chart our path forward, specifically with regards to Mr. Ambrosio's position, but also to ensure a continuity of legal services as we continue our ambitious program of work in service to our city and our citizens. I thank you all for your participation in this difficult conversation and for your service to the City of Jacksonville Beach."

PURPOSE OF MEETING

The purpose of the meeting was to discuss the following items:

1. City Attorney Employment Agreement
2. Engagement of Special Legal Counsel
3. Continuity of Legal Services

BACKGROUND

Mayor Hoffman read the following background information:

"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. It is unknown how these charges may preclude the City Attorney from providing contractual legal services to the City or whether ensuing legal proceedings will cloud his ability to perform."

The arrest of the City Attorney has several significant considerations and impacts. Most notably, formal actions will need to be taken by City Council on:

- Impact on the City Attorney's existing Employment Agreement

- Need for special Legal Counsel to provide guidance on this issue
- Continuity of legal services for the organization"

Action 1: Impact on Employment Agreement

City Manager Mike Staffopoulos stated Eric Holshouser, one of the City's labor attorneys, was in attendance to provide guidance on Action item 1. Mr. Staffopoulos explained Action 1 was regarding the Employment Agreement for the City Attorney [Chris Ambrosio]. He stated the City's Charter language [Section 34] required a 30-day notice period to be held regarding change of employment status for the City Attorney position.

Mr. Holshouser explained the two provisions in the City Attorney's Employment Agreement relative to termination under Section 5. Termination and Severance Pay. He stated the City Attorney is employed at will. A termination provision could be triggered as long as it is consistent with the Charter process if that was the direction the Council decided to go.

Mr. Holshouser stated the City Attorney was currently out on leave, and one of the Council's options was to keep Mr. Ambrosio on a leave status using his own leave bank.

Mr. Holshouser and Deputy City Manager Karen Nelson answered questions from the Council related to the total amount of leave Mr. Ambrosio had (8 hours Personal Leave, 60 hours Vacation, 102 hours Sick Leave), authorization from Council required to allow the use of sick leave, considerations for potential termination with cause, and financial risks to the City.

Mr. Holshouser explained the City Charter's 30-day notice is a procedural process which required a resolution to be passed by a majority of the Council outlining the reasons for termination, allowed a 30-day period to respond to the resolution, and a hearing for the Council to act on the resolution. The Charter stated during the 30-day period, the individual would be paid.

Discussion:

Council Member Golding read from Section C. of the City's Code of Ethics for Public Officials, which includes Appointed Officials, "The professional and personal conduct of public officials shall be above reproach and avoid even the appearance of impropriety." Ms. Golding asked Council members to consider the Code of Ethics as the City goes through this process.

An extended Council discussion ensued on the available options, what should be included in a motion, any financial and legal exposure to the City, and when the 30-day notice period would start. Ms. Nelson provided a copy of a financial analysis to the Council [on file].

Mr. Staffopoulos explained if the Council decided to proceed with termination with or without cause, it would start the process defined in the City Charter of a 30-day notice. A special meeting would be required where a resolution would be presented to the Council. The resolution would need to be adopted by a simple majority [4 of 7] vote of the Council to start the process of a 30-day wait period where Mr. Ambrosio would have the ability to appeal in a hearing in front of the Council. Mr. Holshouser stated the reasons for termination would need to be included in the resolution. After the 30-day period, there would be a final hearing on the resolution, at which point a supermajority [5 of 7] vote of the Council would be required to end the process.

The Council continued with the discussion and questions.

Motion: It was moved by Ms. Dumont and seconded by Mr. Meza to place Mr. [Chris] Ambrosio on Administrative Leave, and to be paid through accrued Personal Leave, Vacation, and Sick Leave; and while on Administrative Leave, that the Council move forward with termination with cause, and direct the City Manager to draft a resolution and schedule the meetings accordingly to finish the process.

Amended Motion: It was moved by Ms. Dumont and seconded by Ms. Golding to change the language from "accordingly to finish the process" to "to follow the process in the Charter."

Roll Call Vote: Ayes – Dumont, Golding, Janson, Meza, Nichols, Stokes, Mayor Hoffman
The amended motion passed unanimously.

Roll Call Vote: Ayes – Golding, Janson, Meza, Nichols, Stokes, Dumont, Mayor Hoffman
The motion passed unanimously, as amended.

Action 2: Need to restrict City Attorney's access

Mr. Staffopoulos explained this Action item was seeking action from the Council to treat Mr. Ambrosio like any other individual when there was an investigation or other issue where they are not allowed on City property, in the facilities, or to have contact with any employees until they are noticed by their supervisor to return to work, or some other disposition occurs.

Mayor Hoffman stated Mr. Ambrosio's computer, keys, and phone had already been retained by staff. Mr. Staffopoulos asked the Council to grant the Mayor authorization to send the appropriate notice to the City Attorney of these terms and conditions as the City goes through the process.

Motion: It was moved by Mr. Nichols and seconded by Ms. Golding to authorize the Mayor to issue a formal written directive to the City Attorney to refrain from accessing City property or facilities and contacting City employees until further notice from the Mayor.

Discussion:

There was no Council discussion.

Roll Call Vote: Ayes – Janson, Meza, Nichols, Stokes, Dumont, Golding, Mayor Hoffman
The motion passed unanimously.

Action 3: Need for Special Legal Counsel

Mr. Staffopoulos explained this item was looking for authorization from the City Council to enter into an additional legal agreement with either an individual or a firm to ensure the City had the proper legal representation to assist the City through this process.

Motion: It was moved by Mr. Nichols and seconded by Ms. Golding to authorize the City Manager to enter into an agreement with a qualified attorney or firm, for a limited

special engagement, to provide legal counsel to the City regarding matters related to the investigation and arrest of the City Attorney.

Discussion:

There was no Council discussion.

Roll Call Vote: Ayes –Meza, Nichols, Stokes, Dumont, Golding, Janson, Mayor Hoffman
The motion, as amended, passed unanimously.

Action 4: Continuity of Legal Services

Mr. Staffopoulos explained the City had existing legal agreements with different firms that can provide most of the legal services to keep the City moving, but one or more agreements may be needed to fill any gaps. This Action item was seeking Council authorization to procure additional legal services.

Motion: It was moved by Mr. Nichols and seconded by Ms. Golding to authorize the City Manager, as necessary, to enter into an agreement or agreements with qualified attorneys or firms, to provide legal counsel to the City regarding various ongoing City matters for a period of up to six (6) months.

Discussion:

A brief discussion ensued related to the timing and process for recruitment of the City Attorney position.

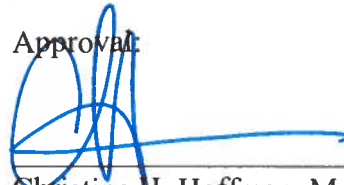
Roll Call Vote: Ayes – Nichols, Stokes, Dumont, Golding, Janson, Meza, Mayor Hoffman
The motion passed unanimously.

ADJOURNMENT:

There being no further business, the meeting adjourned at 6:06 P.M.

Submitted by: Laurie Scott
City Clerk

Approval:



Christine H. Hoffman, MAYOR

Date:

4/8/21

LS: sg